

The purpose of this briefing is to bring Sacro staff up to date with developments in the criminal justice field since the briefing issued in July of this year.

> Legislation

The Management of Offenders etc. (Scotland) Act 2005

The Bill has completed its passage through the Parliament and received Royal Assent on 8 December. The parts of the Act that introduce the new Community Justice Authorities are likely to come into force in April 2006. 2006-2007 will be a shadow or transitional year for the new arrangements with April 2007 as the time for full implementation. Other provisions of the Act include home detention curfews and requirements for interagency collaboration on risk assessment and risk management.

A late addition to this legislation is Section 15. This requires **sex offenders (those in the categories required to register) sentenced to from 6 months up to 4 years imprisonment to be subject to statutory supervision on release**. Up till now these offenders would not have been on supervision unless the Court had made an Extended Sentence Supervision order. This provision takes effect from 1 February 2006 and is retrospective – that is, it will apply to sex offenders in prison on that date as well as people sentenced from that date onwards.

Sacro is represented on a short life working group overseeing implementation. This should help to ensure the interests of the voluntary sector are taken into account.

Link to read the Act: <http://www.opsi.gov.uk/legislation/scotland/acts2005/20050014.htm>

Police, Public Order and Criminal Justice (Scotland) Bill

This Bill contains a variety of measures relating to the police, knife crime, football banning orders and the introduction of **mandatory drug testing and referral for arrested persons**. Sacro, in its written evidence to the Parliament's Justice 2 Committee, has opposed the last of these proposals. We did this because our experience of operating arrest referral schemes leads us to believe that one of their great strengths is that the services are provided on a genuinely voluntary basis.

It would appear that the new proposals would require people who have not been convicted of an offence to participate in testing and assessment. We take the view that any participation at this stage in the criminal justice process should be voluntary.

The proposal involves a sanction that in fact could, and probably would, create more offenders out of arrestees with drug problems. To refuse a test would be an offence with a punishment of up to £2,500 or three months imprisonment. Such a proposal runs counter to any attempts on the part of the Scottish Executive to reduce the number of people being sent to prison for short periods. Creating a new imprisonable offence is inconsistent with that policy objective. We believe that criminal justice legislation should meet two criteria. Any new measures should limit state intervention to the minimum necessary and there should be proportionality between the act and the penalty. We believe this proposal fails both these tests.

> Responses to Consultations

The Early Release of Offenders

As reported in our July briefing, The Sentencing Commission issued a consultation document on this topic. This document is likely to influence the Scottish Executive's future policy which, in turn, will have a huge impact on the prison population and what happens to people on release.

Sacro's Youth Justice, Criminal Justice and Social Policy Committee was convened to examine the implications and the result was a substantial paper with some radical suggestions. Among the points we made were:

- The issues surrounding early release should be looked at in the light of a consideration of the purposes of sentencing and custodial sentencing in particular. These purposes are often assumed or implicit, hence the frequent lack of clarity and transparency
- Arrangements for early release and post release supervision must be seen as part and parcel of the sentence as a whole. What a sentence means for the offender, the victim and the community as whole must include its duration and the nature of its implementation, be it inside or outside a prison.
- It would make sense, in determining these key issues, to have a common understanding of the purposes and principles that underpin the process of sentencing. Only if that exists is it possible to have a rational debate about the best way of achieving agreed goals. This, we would argue, is also true of the other matters which the Commission has been asked to address – fines, effectiveness and consistency.
- We think that a framework for sentencing and determining how much of a sentence should be served in prison and how much out of prison (conditions or no conditions) needs to explicitly acknowledge the different purposes outlined above. A court, for example, should be able explain the minimum custodial element and the reasons for that and also make clear expectations of the offender during any post custodial period of the sentence and the consequences of breaching them.
- We suggest that the Commission takes this opportunity to review the existing terminology and definition of what constitutes short and long. The current four-year cut-off point does not relate to discussions about what can be achieved in terms of addressing offending behaviour when a sentence of six months is often used as a reference point. It is accepted that there will be a need for cut-off points for administrative reasons but these should be reviewed in the light of a discussion of the purposes of sentences. It might make sense to distinguish between short, medium and long-term sentences. We provided an example of such an arrangement would work.

Bail and Remand

The Bail Functional Group has examined the Executive's Action Plan for Bail and Remand which flowed from a Sentencing Commission report. We have made a number of specific recommendations to the Executive based on our extensive experience of bail supervision.

Community Justice Authorities

We have taken part in recent Scottish Executive seminars about the above. Again, we want to ensure that the future arrangements for the National Advisory Board and the CJAs give voluntary sector providers appropriate opportunities to influence policy and planning as well as to deliver effective services. We will have further opportunities to give our views in the coming months, during the build up to the formation of the new Authorities.

> Effective Interventions

In early November, Sue Matheson and Donald Dickie attended an international conference in Edinburgh organised by the ICPA (International Corrections and Prisons Association). The conference focussed on community interventions as well as prison issues and was attended by representatives from around the world, including many from the developing countries.

A particularly interesting contribution came from Professor Tony Ward of Wellington, New Zealand. He talked about the *Good Lives Model* which introduces thinking that goes beyond the risk – needs approach of the cognitive behavioural model of working that we are familiar with. It seems to have a lot of relevance to what Sacro does so a copy a summary of the presentation is attached to this briefing for your interest.

> Sacro Operational Policy Developments

Work has been progressing to develop policies and guidance notes that will help Sacro to achieve consistent best practice in its criminal justice work.

Case File Management and Recording Practice has been approved by the Board and is now available on the Policies CD-ROM.

Policies and Guidance in relation to Admission and Discharge from Supported Accommodation; Assessment, Care Planning and Review; and User Participation are due for completion by March 2006.

> Throughcare and Veterans

The Ministry of Defence has initiated a project for in-reach to prisoners who are former members of the armed services – veterans. Sacro has provided consultancy on this development in Scotland. Details of services that might assist some of our clients are in a separate briefing circulated to criminal justice services earlier this month.

> Appendix – Tony Ward on Effective Interventions

See pages 4 and 5.

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14 December 2005

> Appendix: Risk Management and Goods Promotion

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Introduction

Professor Tony Ward is Director of the Forensic Psychology Programme at the University of Melbourne. His research interests include the offence process in offenders, cognitive distortions and rehabilitation issues.

Today's plenary will be based around the Good Lives Model as developed by the speaker outlining the detail, application and outcome of the model.

Report

Over the last few years the attempts to reduce the reoffending figures have come from the Risk Need Model. There have been many criticisms made of this model and many laudable comments as well. The aspect which is most visibly missing from the model is the humanistic aspect as the RN model is value driven. Professor Ward argued that the humanistic aspect to any treatment intervention should be considered in order the prisoner's life needs can be accounted for. Attention must be made of the journey an offenders takes when trying to turn their lives around. Links should be made between who they were and who they now are. It is not effective to demolish all links with the past person as this leaves the prisoner nowhere to go.

The core argument was that if we want to rehabilitate offenders we need to give them the skills and competencies they need to meet their criminogenic and non criminogenic need. This will include reducing their levels of impulsivity, anger, violence, sexual offending etc. However, they also need to be encouraged to cultivate the other aspects of life that will aid them to build capacities and skills which relate to building 'good lives'. It is argued that the Good Lives Model (GLM) will be beneficial in that it motivates people and is related to personal well being.

The Risk Needs Model (RNM) was first advocated by Andrews and Bonta (1998) when there was a shift from punishment to rehabilitation paradigm. This model was based on the assumption that crime was related to psychological processes and that in targeting these, we could reduce crime. Additionally people varied along these characteristics, so that on one hand we could be dealing with minor offenders and on the other hand, psychopaths. As such, the treatments offered had to be tailored to target the related individual's clusters of needs and characteristics. This model of rehabilitation has been further developed by those such as Hollin, McGuire and Genereau and was based on careful systematic thinking and statistical analysis. It operates on the three main principles of Risk, Need, and Responsivity. With the need relating solely to criminogenic need.

The Good Lives Model (GLM) relates to non criminogenic need and such concepts as self esteem, personal well being and distress. Whereas the RNM argued that rehabilitation was a science

and was value free, the GLM advocates that this should not be the case and that values cannot be taken out of the equation. Authors such as Shaad Maruna argued that there needs to be a differentiation between the agency and personal identity. Offenders are more than checklists, he argued, and their continued treatment as 'offenders' as opposed to 'people' often gives them a sense of disconnection.

The RNM approach is argued to be a negative goal approach by those advocating GLM. For example, paedophiles are viewed in the RNM as requiring treatment to diminish their interest in children whereas the humanistic, GLM, approach encourages the therapist to look beyond that and determine why they chose to offend against children. They argue it may found that such offenders finds it easier to relate to children and are fearful of other adults, it is a perpetuation of their own inadequacies. Rapists may perceive themselves as being ineffective in everyday life and in their offending the redress this 'imbalance'. Others within the theoretical field argue that such understandings of offenders can lead to a greater uptake and involvement in therapy. An example given was when Ruth Mann conducted a study into why certain inmates did not take up the sex offender programmes. Offenders frequently told her this was because they only spoke of their offences in these sessions and they had other dimensions to them and wanted to be free to discuss them. For example family, work and interests. Many sex offender interventions require full offence disclosure. If this is not given, therapists often feel this relates to denial. However those such as Maruna and McMurrin, who advocate the GLM, would argue this level of disclosure is not necessary in the therapeutic process and the main focus should be on developing meaningful aspects of relationships, good health and the like.

The GLM is based on a twin focus of Good Goals and Risk. The good goals approach encourages the promotion of positive goals which will benefit the offender and that will feed into the risk management through the promotion of avoidance goals. This model demands attention on both aspects and results in the development of positive goals replacing the negative ones thus reducing offending behaviours. It gives offenders positive 'things' to aim for. Projects such as the Multi Systemic Therapy (MST) Henggeler, Schoenwald, Borduin, Rowland and Cunningham (1998) have had very promising results with juveniles. As has the current sex offender programme to be introduced in the Canadian Service of Corrections by Bill Marshall.

The GLM comprises three components:

- Several Principles and Assumptions
- Etiology
- Practice Implication

An in depth discussion and description of the GLM can be attained from Professor Ward upon Request and is detailed in all of his recent publications.

Summary

In summary, the RNM is a very good and practical model but leaves a few issues in its wake. These relate to the environment and the lack of elaboration of the need to incorporate the good promotion of goals and hence risk management. In essence we have been so busy over the last few years trying to negate the factors and characteristics which lead to offending that we have neglected the fact that the prisoner has needs and the desire to change in many cases and currently we do not universally address this. It is proposed that if we embrace this aspect of treatment the offenders' likelihood of reoffending is greatly reduced.