

THE CONSTRUCTION AND INTERPRETATION OF RISK MANAGEMENT TECHNOLOGIES IN CONTEMPORARY PROBATION PRACTICE

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This paper examines the governance of risk in probation practice in England and Wales. It is concerned with the construction of risk assessments and the subsequent management of those offenders determined to be 'risky'. It is concerned especially with how notions of rehabilitation, regulation and punishment interact in contemporary risk management practice. The paper comprises, first, an examination of evidence regarding the nature and operation of risk management in probation practice. Second, it describes the findings of an empirical examination of the operation of contemporary practices. Lastly, it discusses implications for how risk management practice is understood.

Keywords: risk, probation, governance, punishment, rehabilitation

Probation Practice and Risk Management

Risk management has come to dominate contemporary probation practice and is a 'key organising principle of correctional practice and offender management' (Maurutto and Hannah-Moffat 2006: 438). Whilst the ascendancy of risk is clear in many areas of criminal justice practice (see Kemshall 2003), the probation service in England and Wales has been deeply implicated in a purported shift towards a new penal framework with risk management rather than 'normalization' of offenders at its centre (Robinson 2002: 5). The drivers of this shift can be found in the broader changes that have shaped probation practice over time, which have been widely discussed (see Vanstone 2004).

The point of departure for discussion of risk management practice in correctional settings remains the highly influential work of Feeley and Simon. They argued that the language of penal practice has evolved over time. The discourse of treating and rehabilitating individual offenders has, they contend, been displaced by a discourse focused on the rational and efficient management of the criminal justice system itself (Feeley and Simon 1992). In pursuing efficiency, they argue, the system seeks to classify offenders by level of assessed dangerousness using actuarial prediction tools and techniques. In doing so, 'individualized diagnosis and response is displaced by aggregate classification systems for purposes of surveillance, confinement, and control' (Feeley and Simon 1992: 452).

However, debate has raged about the characteristics of risk management regimes and the implications for probation practice. Debates have focused around the extent to which standardized 'actuarial' risk assessments have displaced 'clinical' or 'moral' ones; whether the aim of rehabilitation of individuals has indeed been replaced with low-cost containment and regulation of risky offenders; and whether correctional practice has become managerial rather than transformative. Certainly, despite broad changes, the extent to which such features have come to define contemporary probation practice remains a matter of debate. As Kemshall (2003: 24) put it, 'crime and risk have formed a partnership in the risk society, although the extent to which this is a totally new and transformative partnership is contested'. Accordingly, the following sections examine empirical evidence regarding the operation of risk management practices in the UK probation context in more detail. I return to some implications in the conclusion.

The Contours of Risk Management in Probation Practice

In evolving a risk management approach, the probation service in England and Wales has been shaped by the influential so-called ‘what works’ literature (described shortly) and the language and practices of new public management.

As noted above, many commentators have described how the aims and practice of the probation service have been swayed over time by broad social and political changes. Merrington and Stanley (2007), for example, describe thematically the changing emphasis of probation policy and associated practice shifts. They note how following periods of practice based on the ideal of treatment and rehabilitation of offenders since the 1980s onwards, probation practice has been shaped by notions of public protection, ‘what works’ and the move towards performance management and greater control of practitioners. Morgan (2007) points to the robust challenges to probation practice that stemmed from Thatcher’s commitment to tighter control of public expenditure coupled with dedication to a public protection agenda—which stood in contrast to the probation services’ traditional rehabilitative approach. As Morgan (2007: 92) notes, the probation service became ‘a prime managerial target and has remained so ever since’. Accordingly, the government has prescribed, in ever greater detail, what the probation service should do, laid down standards and established inspection regimes (Morgan 2007).

This has interacted with a drive to ensure that probation practice is evidence-based, the principles of which can be found in the highly influential work of Canadian psychologists (see, e.g. Andrews et al. 1990). Over time, these principles (the ‘what works’ principles) gained currency within the probation service at the level of both practice and policy. Home Office guidance has called for those at the highest risk of reoffending to be allocated the most intensive supervision and interventions (the risk principle) to implement interventions that target criminogenic need (the need principle) and that engage offenders (the responsivity principle) (Chapman and Hough 1998). The result in practice is that standardized assessment tools have become omnipresent—officially to promote consistency of assessments and deliver interventions according to the risk principle and interventions have sought to address the factors shown statistically to be associated with reoffending (see later sections). A raft of guidance and advice has sought to set standards for supervision and to ensure that practice centres on what works principles (e.g. Home Office 1998; 2000). There has been a more recent central drive to implement structured and standardized case management with offenders (National Offender Management Service 2006).

Accordingly, certain features of contemporary risk management practice can be discerned—a concern with assessing risk in a standard manner, using those assessments to determine the nature of interventions with offenders; delivering consistent standards of practice; and the central control and monitoring of professional practice. The following sections elaborate.

Risk Practice (1): The Nature of Risk Assessments

Risk assessment has long been a feature of probation practice (see, e.g. Bonta and Wormith 2007) but the proliferation and widespread use of standardized assessment tools are more recent developments (Burnett et al. 2007). A number of risk assessment tools have been used in UK probation practice, such as ‘ACE’ (Assessment Case management and Evaluation) and the Canadian tool ‘LSI-R’ (Level of Service Inventory-Revised).¹ However, commissioned in 1998, ‘OASys’ (the

¹See Raynor et al. (2000) and Raynor (2007) for a discussion of the development and use of ACE and LSI-R in England and Wales along with an assessment of their reliability. 2

Offender Assessment System) is now the primary tool; with this in mind, the following sections examine OASys in some detail.

The official aim of OASys is to identify the likelihood ('risk') of an individual reoffending, to identify offending-related needs and hence appropriately target supervision and interventions. Through generating numerical scores, OASys appears to promote standardized assessments in which practitioner judgment is downplayed. It is, however, far from the case that the OASys generates actuarially derived, value-free and accurate assessments.

OASys is not simply an actuarial tool. As noted, it has been argued that actuarial assessments have displaced clinical or moral judgments of offenders' risks and needs in correctional practice. Clinical assessments rely upon professionals interviewing offenders and reviewing documentation to make individualized assessments of their risk to others. Actuarial assessments, in contrast, generate a probability of an offender being reconvicted through comparing his or her characteristics with those of a large sample of convicted offenders who have been reconvicted. Actuarial assessments have downplayed offenders' social and economic circumstances and needs and emphasized 'static' aspects of their criminal histories in constructing risk scores. Howard et al. (2006: 5) describe actuarial approaches as follows:

As with many areas of human behaviour, past behaviour has been found to be most predictive of future behaviour. For this reason, the scales mainly contain items relating to the offender's criminal history, such as the number of custodial sentences, number of previous convictions, age at first conviction and current offence type.

An official report describing the development and piloting of OASys (Howard et al. 2006) makes clear that actuarial assessments have certain drawbacks for practice. To paraphrase Howard et al. (2006), they cannot account for exceptional circumstances or individual characteristics; they are not especially good at predicting rare events; they are less predictive for juvenile/young offenders (as less historic information is available upon which to base calculations); and, as they are based on historical information, they do not allow for positive (or negative) change following any input from the correctional services. OASys is thus concerned with documenting offenders' historical information and 'static' characteristics, but it also incorporates assessments of offenders' 'dynamic' (i.e. changeable) social and economic needs to help probation officers identify areas for intervention and monitor change. The main body of OASys is concerned with documenting an offender's criminal history along with his or her economic and social characteristics (e.g. accommodation, education, training and employment, lifestyles and associates, relationships, drug and alcohol misuse) along with 'personal' factors (e.g. thinking and behaviour, attitudes towards offending and supervision, emotional issues such as anxiety or depression). Thus, OASys blends risk and need and, in this sense, may continue to have a 'reformist' agenda—contrary to descriptions of risk assessments as necessarily divisive and penalizing.

However, 'needs' are constructed in a particular way by OASys. They are defined as 'criminogenic needs', which represent 'a subset of risk factors. They are dynamic attributes of offenders and their circumstances that, when changed, are associated with changes in the chances of recidivism' (Andrews et al. 1990: 31). This approach to determining offenders' needs (which characterizes a number of risk assessments internationally) is not without criticisms. In discussing LSI-R, Hannah-

²Smith is actually referring to 'Asset', which is the tool used for young offenders by youth offending teams in England and Wales. However, evaluations of Asset and OASys have shown the predictive accuracy to be almost the same (see Baker et al. 2005). 3

Moffat (2005: 38) notes ‘consequently, needs are constructed within narrowly defined parameters. The definition of a need is not necessarily linked to an offender’s perception of what the individual requires but rather in terms of risk reduction’. Unlike LSI-R, OASys does allow probation officers to ask offenders about their needs. The National Offender Management Service (2006: 39) justify this as follows: ‘. . . correctional work is at its most effective when offenders are involved in their own assessment, engaged as “active collaborators” in deciding and implementing their own plan, and come to see themselves as being able to control their own futures, rather than being the victim of circumstance’. That said, official research has shown that in practice, these sections are often not completed (Moore 2007), meaning the offender’s voice generally continues to be missing from OASys risk assessments.

Whilst generating numerical scores, and so giving an appearance of being consistent and value-free, professional judgment is embedded in the risk scores generated by contemporary risk assessments. Again, in discussing LSI-R, Maurutto and Hannah-Moffat (2006: 444) note ‘importantly, the statistical calculations that make up the LSI risk scores obscure a range of subjective and moral judgments. A number of academics have identified how probability scores and, in particular, risk assessments are not inherently objective; they obscure a range of subjective and arbitrary decisions’. Indeed, arguably, OASys is best conceived as a structured clinical assessment, as it is clear that practitioners continue to have to make the sorts of subjective decisions noted by Maurutto and Hannah-Moffat (2006). OASys uses a yes/no system in which a ‘definitive’ answer can be given and in areas in which practitioners need to make some judgment regarding the degree of the problem, a 0/1/2 (no/some/significant problem) scale is used (Howard et al. 2006: 9). It is quite obvious that determining where an offender fits on these scales relies on a probation officer’s judgment, the determinants of which will be unclear from the numerical score. As Hannah-Moffat (2005: 38) notes, ‘[t]he scientific claims of objective assessment mask the inherently moralistic /normative elements of this penal exercise’. Further, practitioners need to use their judgment to determine and understand the significance of behaviour, attitudes and needs displayed by offenders and to build the rapport to enable meaningful exchange of information with a client (Fitzgibbon 2008). This calls into question the consistency of OASys scoring. Indeed, inter-rater reliability has been shown by official research to be only ‘moderate’ (Morton 2009: 2), the implication being that offenders may be assessed differently by different assessors and consequently receive different interventions.

Lastly, there are limits to the capacity of OASys to predict reoffending. Certain critics have argued that OASys adds nothing to probation officer decision making. Horsefield (2003) suggests that the point of standardized risk assessments is to promote the credibility of the organizations that use them and to monitor staff rather than to enhance predictive power of offender assessments. Smith (2006) points to the symbolism of actuarial approaches that appear to generate consistent and accurate assessment but at around 70 per cent accuracy, notes ‘bearing in mind that 50% accuracy would be the equivalent of tossing a coin, this suggests very high rates of both false positives and false negatives’ (Smith 2006: 102).² Indeed, official reports do identify limitations to the predictive power of OASys. Howard (2009: 1) noted that ‘previous research showed that the current OASys score only predicts re-offending moderately well’. Research has further demonstrated that OASys is not always used correctly. It is not completed for all the offenders it should be (and it is completed for some it should not be) and is not always completed in full (Moore 2007; 2009; Morton 2009). These practice issues may reflect time constraints on probation officers

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(Mair et al. 2006) along with their levels of skills, knowledge and values together with training, managerial support and monitoring (Crawford 2007).

Risk Practice (2): Rehabilitation, Punishment and Control

As previously discussed, the risk assessment should be used as the basis for decision making about the appropriate level of supervision that an offender requires along with the nature of interventions. Concerns have been raised that risk management practice seeks to regulate rather than respond to offending. However, contemporary probation practice retains a concern with transforming risky subjects and the aim of rehabilitation of offenders retains a presence in official policy, albeit a qualified one:

Reform and rehabilitation of offenders is arguably the priority objective ... Reform and rehabilitation must be pursued within the framework created by the punitive requirements and is often secondary, especially in that minority of cases where there is a pressing public protection issue. (National Offender Management Service 2006: 15)

Contemporary rehabilitation is thus constructed in a particular manner. The purpose of rehabilitating offenders is seen in ‘utilitarian’ terms (Robinson 2008), namely couched in public protection terms. Lewis (2005: 129) noted ‘the prime concern is that the system efficiently and effectively reduces crime whilst being cost-effective’. The National Offender Management Service (2006: 17) put it like this: ‘... if it [the rehabilitation of offenders] can be achieved, further punishment or reparation is not required, crime is reduced below what it would have been and the public is thereby protected.’ Hence, reflecting the official discourse of the probation service, rehabilitation is couched firmly within the public protection and risk management framework and is not conceived as a legitimate end in itself (Robinson 2008).

The practice of rehabilitation is concerned with ‘correcting’ the individual ‘failings’ that are assumed to underpin criminality. In operationalizing the ‘what works’ agenda, cognitive-behavioural programmes designed to address offending have become central to practice—at the time of writing, the National Offender Management Service points to 40—some of which address generic offending and some specialist issues such as sex offending, alcohol abuse and domestic violence. Such interventions are concerned with ‘motivating’ the offender, providing training in pro-social, problem-solving and life skills that are assumed to enable him or her to make choices that will facilitate desistance from crime, thus:

The key stages in the change process involve creating a change climate, including motivating the offender to change, training in new cognitive, social and life skills, and consolidating that new learning into ‘routine’ behaviours in the offender’s social, family and community milieu. (National Offender Management Service 2006: 17)

As others have pointed out, this is certainly a new form of rehabilitation strongly embedded in notions of ‘responsibilization’. Placing the techniques in wider political shifts, Kemshall (2002: 52) put it as follows: ‘... [a]s “the social” and its attendant notions of social justice and social processes have retreated, the space subsequently left has been filled by “individualisation” with the attendant notions of the “rational and prudential citizen” and notions of individual responsibility and blame.’ Such forms of rehabilitation, it has been argued, require offenders to self-regulate or risk

punitive interventions. Kemshall (2007: 7) noted that correctional practice may have become characterized by a 'bifurcation in the management of risk' where those who are considered to be amendable to change receive rehabilitative interventions and those who are not are subject to exclusionary interventions. Practice may be different, as we will see.

Risk Management in Practice

Much has been made of the practice shifts described in the previous sections both within probation practice and more widely. However, these debates tend to be conducted at a high level of abstraction with less attention paid to the operation of risk management in practice (Kemshall and Maguire 2001) and claims regarding the 'ubiquitous' nature of risk have been hard to demonstrate empirically (Kemshall 2007: 7). With this in mind, the remainder of this paper is concerned with an empirical examination of the operation of risk management in the probation context and specifically with the operation of two regimes aimed at managing the risk posed by male perpetrators of domestic violence. Two community-based programmes operate in England and Wales at the time of writing: the Integrated Domestic Abuse Programme (IDAP) and the Community Domestic Violence Programme (CDVP). Significant numbers of men (in the order of 3,000 in the ten probation areas examined for this study) have completed these programmes.

The aims of IDAP/CDVP are clearly framed in the aforementioned utilitarian terms. Thus, they seek to ensure 'the safety of women and children' through promoting 'effective risk management'. They further comprise features of risk management regimes described earlier: an assessment of risk (the basis of which should determine who is eligible for the programmes and who is not); a series of cognitive-behavioural sessions delivered by specially trained probation officers; and a system for monitoring the offending and wider progress of men (including generating information from their partners and ex-partners). They are also characterized by strict monitoring and control of practitioners themselves in terms of (1) the delivery of the sessions, (2) the amount of monitoring and supervision that probation officers should give participants and (3) the administration of the overall programme (including arrangements for supervision of staff).

The paper draws on evidence that was generated from interviews with staff working on IDAP/CDVP in ten probation areas in England and Wales that were collected as part of a wider study conducted for the Ministry of Justice (see Bullock et al. 2010). The ten areas reflect a regional spread and an urban/rural mix. In all, some 50 interviews were conducted and the sample incorporated all roles (programme managers, treatment managers, programme tutors, women's safety workers and 'offender managers'/probation officers). Some 20 men who participated on the programmes were also interviewed. All fieldwork was conducted in early 2008. (See Bullock et al. 2010 for more details on the methodology employed.) The subsequent sections examine how risky subjects are constructed for the purposes of IDAP/CDVP, how risk is managed and the interplay between rehabilitation and punishment and control in probation practice.

Constructing the Risky Subject: Assessment and Sorting

Decisions regarding suitability for IDAP/CDVP are made at the pre-sentence report stage by probation officers. A potential participant should be assessed as being at 'moderate to high risk' of committing violence against his partner assessed using both OASys and an associated tool Spousal Assault Risk Assessment ('SARA'). This

research certainly suggested that only those men with such scores would be referred to the programme. Hence, at the very least, it appears that the risk score is used to sift offenders in a manner following the above-mentioned principle that resources should follow risk.

As we have seen, there are wider questions about the meaning of OASys assessments. Such issues aside, it is clear that a high or medium risk of harm assessment does not guarantee eligibility for IDAP/CDVP. Potential participants need additionally to conform to a range of specific regulations. As well as being male and over the age of 18, programme guidelines require that men should not be suffering from mental illness or be misusing drugs or alcohol; they should be able to work in a group work setting (literacy and learning difficulties must be considered and it follows that the potential participant should have a command of English); and participants need to acknowledge the offence, take responsibility for it and demonstrate 'motivation' to complete the programme. Eligibility for IDAP/CDVP is thus not merely determined by risk scores, but also by a series of programme rules that seek to identify which offenders are most likely to respond to the group work. Kemshall (2002), too, notes that the efficacy of the risk approach in probation practice is reliant not just on identifying those at highest risk of offending, but also on those who can respond to the programmes and those who cannot. She goes on to suggest that those who cannot be 're-moralised and socially included' may consequently be excluded (Kemshall 2002: 46). This study did not generate information regarding the fate of those not considered suitable. However, it did generate insight about how decisions regarding suitability are made. It is clear that determining who is and who is not suitable for IDAP/CDVP is not straightforward and a range of implications arise.

It is not always clear who is and who is not capable of being 're-moralized' by IDAP/CDVP. As noted above, a range of factors are considered in determining suitability, but the most important (and most problematic) judgment that probation officers have to make is the extent to which an offender is motivated to complete. Founded, as we have seen, in notions of 'responsibilization', programme rules state that offenders who are 'very resistant' to IDAP/CDVP should be screened out and that motivation should be considered 'carefully'. This is hard to gauge at the pre-sentence report stage, however. Interviewees (both programme staff and participants) noted that original motivation to be considered for IDAP/CDVP is strongly shaped by eagerness to avoid a prison sentence. This group tutor, who was asked what he thought influenced men's motivation to start IDAP/CDVP, stated 'prison. Some of them literally turn up because they don't want to go to prison'.

This 'motivation' may well decline following sentence, especially when the requirements of IDAP/CDVP become apparent to the offender. This creates a number of problems for the subsequent operation of the group work. These include drop-out (a particular problem in the early stages). No doubt, lack of motivation subsequently influences the extent to which IDAP/CDVP can meet its stated aims, though the role IDAP/CDVP plays in desistance from crime was not an issue examined as part of this study. At this stage of the operation of IDAP/CDVP, however, perhaps most important is whether the requirement to demonstrate sufficient motivation excludes some groups of people. This study generated no systematic evidence of this. However, anecdotally, concerns are being raised that black and other minority ethnic groups are more resistant to the idea of the group work. This certainly seems to be the case for sex offender treatment programmes (Cowburn et al. 2008). This has implications for who gets recommended for the programmes and who is 'excluded' and the issue

needs attention. A further issue related to potential exclusion based on ethnicity was identified. In principle, participants can be drawn from all ethnicities but this may not be achievable in practice. English-language requirements will exclude some. Officially, group work sessions should not comprise a single participant from a minority ethnic group. This requirement, assuming it is adhered to, may limit participation in areas with small ethnic minority populations.

It would also seem that probation officers give offenders the benefit of any doubt in making decisions about suitability. To illustrate, literacy is a significant issue for both eligibility for and the subsequent operation of IDAP/CDVP. Both involve substantial written components and require that participants have a good command of written English. A low level of literacy amongst this group of offenders was identified as a problem by the programme staff interviewed. However, it may be that, individually, offenders are given the benefit of any doubt when making a decision about suitability. Indeed, programme tutors raised concerns that men who start the sessions do not have the literacy levels required to successfully complete the programmes. Many group tutors stated that they made significant efforts to help them complete the written components (as did some participants who were grateful for their efforts).

Lastly, capacity further shapes whether an offender is recommended for IDAP/CDVP. More men meet the eligibility criteria than there are places available. To manage this, the programme staff accept men with high and medium risk of harm scores when the flows of referrals are low and only high-risk scores when flows of men are higher. Studies have previously identified that in determining an offender's risk level, consideration is given to whether there are resources to deal with an offender defined as high-risk (e.g. Kemshall and Maguire 2001). There was no suggestion that this was systematically occurring here (though bearing in mind the judgments that need to be made when completing OASys, it is quite possible that capacity is borne in mind as scores are applied). However, the eligibility criteria for referral itself varied, depending on capacity. Where the numbers of referrals were high, the criteria were tightened and where they were lower, they were relaxed in order to regulate the flow of participants. This practice chimes with Robinson (2002), who, in a study of attempts to implement a risk-based approach towards offender supervision in two probation services, found that practitioners altered the threshold for acceptance onto programmes to ensure that suitable numbers of offenders were referred. As Robinson noted, the consequence is that practitioners are working to different thresholds and, inevitably, clinical judgment plays a role in decision making.

IDAP/CDVP do not seek just to classify and sort offenders; they seek to govern risk. The following sections examine how the new rehabilitation interacts with mechanisms for holding offenders to account.

Governing Risk: The Interaction of Rehabilitation and Control

As previously noted, the 'treatment' orientation of IDAP/CDVP is cognitive behavioural. The underlying assumption is that violence can be prevented by changing the 'maladaptive' thinking of perpetrators, and through promoting a range of 'pro-social' thinking skills. Reflecting the wider trends discussed earlier, rehabilitation in CDVP and IDAP is thus firmly grounded in attempts to 'responsibilize' participants. Indeed, the programme rhetoric, targets and curriculum are littered with references to encouraging participants to 'accept responsibility' for their abusive behaviour, to become 'active participants' in changing it, and to increase their 'awareness' of 'unhealthy' (abusive) attitudes and behaviour towards partners

and children. The role of the individual offender taking responsibility to manage his own behaviour is emphasized and a feature of IDAP/CDVP is to hold offenders to account if they fail to regulate their own behaviour.

Probation officers are responsible for enforcing the order or license in terms of national standards and the programme rules. Probation officers should hold regular meetings with participants to discuss and review progress, to motivate and reinforce learning. Officially, a certain number of 'catch-up' sessions are allowed during the course of the group work programme for men who may have missed them for legitimate reasons but participants can be excluded and returned to court for not demonstrating progress and/or inappropriate absences. On the face of it, this seems fairly clear-cut: if a participant continues to be abusive or fails to engage with the programme sufficiently, then he will be returned to the court to be re-sentenced. In this way, '[w]here the individual fails to self-regulate, or where self-disclosure reveals inability or lack of motivation to do so, enforced compliance can quickly follow' (Kemshall 2002: 50). However, practice is not this clear-cut, partly because of organizational constraints and partly because of the ways that practitioners interpret and apply the rules.

Despite the appearance of a tightly controlled and monitored regime, the framework of control that IDAP/CDVP operates within is not applied as it officially should be in many cases. The operation of the mechanisms aimed at holding offenders to account is shaped in part by the organizational context of the probation service. Practice is influenced by the availability of information regarding a participant's behaviour. The IDAP/CDVP manuals go into detail regarding the arrangements for monitoring the behaviour of programme participants. For example, information should be collated from the police, participants' ex/partners and records of participants' behaviour and attitudes displayed in the group work sessions. In certain cases, information is also generated from wider inter-agency risk management frameworks. Probation officers do not, however, have access to perfect information on which to base decisions about whether offenders are continuing to be abusive.

Information from the police service and from the ex/partners (if available at all) is not shared with the probation service in a straightforward manner. Information is not always generated from participants' ex/partners, who may not wish to engage with the probation service (and who do not have to). This inevitably limits the extent to which participants' claims about their behaviour in the group work sessions can be compared to their ex/partners' experiences:

The number of comments you get about the man will present in a certain way on the group and it's not until you have the woman's perspective added into that that you actually realise to what extent he's been minimising his behaviour and the fact that actually he hasn't made changes and he's sat there and said he has and she's saying 'not one thing has changed in practice'. So I think that, for me, is the main value in the women's safety work, it's about allowing the tutors to make that comparison really. (Woman's safety worker)

Routine collation of police service call-out data also varies across probation services. This is the result of individual working relationships, which, in turn, appear to be related to the arrangements any particular police force have for dealing with domestic violence. A participant may then appear to be engaging with the content of IDAP/CDVP but, again, this is not always cross-referenced to other information about his actual behaviour in the community. Lastly, a suite of 'evaluation measures' (which

take the form of various attitude and self-report questionnaires) should be collected from participants at set intervals to measure individual progress and to identify further treatment needs. Despite central monitoring and financial incentives to ensure that they do, these are rarely completed in full. Bullock et al. (2010) reported that only 1.5 per cent of all almost 3,000 cases had a complete set of evaluation measures, reportedly the result of a combination of the time it took to complete them and a concern that they were not systematically used for anything.

Along with organizational issues, practitioner interpretation and application of the rules further shape IDAP/CDVP risk management practice and, in particular, moderate their punitive potential. Failure to 'engage' with the group work is a ground for exclusion. It is clear that participants do not always engage with the content of IDAP/CDVP in a straightforward manner. We have already seen that men may not be well motivated over and above their eagerness to avoid a prison sentence. From all accounts, participants can be highly resistant to the content of the sessions. Considerable efforts go into motivating men and techniques for doing so are embedded in the entire programme structure from the assessments at pre-sentence report stage, the introductory sessions, the content and delivery of the sessions and the post-programme reinforcement work. Nevertheless, practitioners raised concerns that the men are still not sufficiently motivated to change their behaviour and participants continued to question the foundation and techniques of IDAP and CDVP:

. . . they came up with this time out thing, you know, doing that and I just thought it was utterly ridiculous. When I spoke to my girlfriend about it when I got back, I mean she actually said to me 'did you ask them about the naughty step?' because it was so demeaning and it's unrealistic . . . in real life it doesn't happen but I think that sort of put me off from day one really. (Participant)

Thus, there is complexity here. A participant's motivation to complete IDAP/CDVP is difficult to assess, motivation wavers and some men are nevertheless highly resistant to the content of IDAP and CDVP. However, the group work tutors have a great deal of discretion to determine whether a man is sufficiently engaged and making progress. Practitioners are reluctant to breach and reported going to considerable efforts to avoid sending participants back to court. It is not uncommon for men to start and re-start and significant efforts are made to motivate and re-motivate men:

We had one man who had actually completed 46 sessions of the 26 session programme he had started so many times. He did eventually finish it and I don't necessarily think that is a bad thing for some men. (Group tutor)

There would seem to be a number of interrelated reasons to explain reluctance to breach participants on the basis of programme regulations. It may reflect a view amongst group tutors that participants should be given a chance to prove themselves. The issue of offenders' motivation to change their behaviour is certainly a complex one. It is widely recognized (both in the academic and practice literature and reflected, to some extent, in the IDAP/CDVP manuals) that the process of change is not linear and is better conceived as an ongoing progression rather than a one-off event (see, Prochaska and DiClemente 1983; Prochaska et al. 1992). Though the programme manuals make references to this, the concept sits uneasily within the statutory framework of control in which the programmes operate. Practitioners have recognized

that any progress may be slow and the consequences of breaching participants could be severe:

The manual lays down how many misses someone can have . . . occasionally I've had to remove someone because they're clearly causing difficulties . . . but I wouldn't use the manual in a mechanical way . . . If we're taking someone off the programme then, by definition, we could be putting someone else at risk, so we should try and get the person through the programme. (Treatment manager)

I think you have to make a very calculated and thorough decision, because there is a lot riding on it for the man to be suspended from a group—they will have to go back to court, so a person's liberty is on the line. So it is not a decision that you will take lightly, and I think we will do everything we can to motivate someone rather than booting them out. (Group tutor)

There may be additional practical considerations that contribute to practitioners' decisions to give participants the benefit of any doubt. By the time a participant becomes established on IDAP/CDVP, significant investments of time—in terms of the pre programme assessments and motivational sessions as well as the group work sessions and work with the victim—have already been made.

Accountability

We have seen that a concern of contemporary risk management has been monitoring practitioners themselves, the aim being to standardize practice and minimize deviation from programme regulations. As Vanstone (2004: 155) put it, 'the world of the practitioner has become increasingly prescribed and rule bound'. Reflecting this, IDAP/CDVP comprise extremely detailed instructions that should shape practice. These final sections briefly examine practice in relation to the regulations (and see Bullock et al. 2010).

There are regulations regarding the levels of monitoring and supervision that participants should receive from the probation service, over and above the group work, which are not always adhered to. There is variable practice regarding whether the probation officers meet the programme participants at the regular intervals that the manuals state that they should do. This variation reflects practitioner case load and the extent to which a probation officer believes the man to be a risk. It also reflects their personal views about the usefulness of IDAP/CDVP along with their level of awareness of the programmes and whether they have received appropriate training.

A second set of regulations concerns the administrative arrangements for the group work. These regulations are concerned with the suitability of venue, the group size and composition, and the availability of group facilitators. These detailed instructions are challenging to adhere to. Efforts are certainly made to adhere to these regulations but practical and resource constraints mean that they are not met in the way that the guidelines suggest they should be in many probation areas. To illustrate, in principle, group size should be around eight participants, but, in practice, this reportedly fluctuates between extremes of two and 15 participants. Groups should be facilitated by the a consistent gender-balanced pair of tutors, but this can be difficult to maintain because of staffing constraints, especially if the pool of group tutors is not gender-balanced.

A final set of regulations is concerned with monitoring the practice of group tutors through video monitoring, supervisory reviews and training. IDAP/CDVP

manuals require that group sessions should be recorded and monitored by management and the results used in staff development, review and training. It was clear, however, that the extent to which this happens varies considerably between probation areas. Some interviewees reported little or no monitoring and development of their role through these mechanisms. This was the result of both poor-quality equipment and time pressures on management. Other interviewees reported levels that reflected that called for in the programme manuals.

Discussion

Drawing on existing evidence regarding the operation of risk management in UK probation practice and empirical evidence of risk management in practice, I have sought to draw together and add to the debates about the nature of contemporary risk management practice in the probation context using the example of IDAP/CDVP. It is clear that IDAP/CDVP include many of the features identified as characteristic of contemporary risk management in probation practice—the generation of standardized risk assessments scores, attempts to responsabilize offenders, mechanisms to regulate and hold offenders to account and to punish them if they fail to do so. They also comprise attempts to standardize probation officer practice and closely monitor their activities.

Contrary to concerns that correctional practice is becoming dominated by actuarial decision making, the process of becoming accepted as suitable for IDAP/CDVP is far from a neutral, actuarial one. Suitability rests first on the offender having the appropriate risk score measured by OASys. This assessment may be best conceptualized as a structured clinical one, as it is far from value-free. Even so, suitability rests on fine judgments made by practitioners as they apply the programme rules and practitioners may give potential participants the benefit of any doubt. Organizational constraints further influence who is and who is not considered suitable, as the risk score threshold is altered to accommodate variations in the flow of referrals over time.

Far from seeking solely to contain and regulate, IDAP/CDVP retain a concern with reform. This is evident in both official documentation and in practice. Rehabilitation in IDAP/CDVP is constructed in a specific way, of course, being concerned with responsabilization rather than normalization. Nevertheless, IDAP/CDVP are ultimately concerned with transforming the individual rather than merely regulating risky groups. Indeed, whilst the ideal of reform has been under assault, some of the pessimism that pervades the literature on risk is misplaced (O'Malley 2008) and 'correctional and reformist tendencies have been revalorised and revitalized' (Hutchinson 2006: 450). Reform is, however, interacting with the systems set up to control participants' behaviour. It is misleading to conceive the rehabilitative practice of IDAP/CDVP as distinct from wider risk management aims—they are closely integrated in terms of both official aims and instructions and guidance for practitioners. Hence, IDAP/CDVP incorporate mechanisms to monitor and regulate the offender's behaviour. As O'Malley (2008) (drawing on Ewald 1991) notes, risk technologies can take a diversity of forms shaped by the social and political environments in which they operate, the assumptions on which they are based and the purposes to which they are put. Operating under a set of theoretical assumptions about the mechanisms through which offenders change and framed by a particular social and political landscape, IDAP/CDVP incorporate multiple aims and objectives. Some are transformative, or aim to be. Others are more punitive, or seem to be.

Even so, despite the appearance of a tightly controlled regime, failure to responsabilize does not necessarily result in participants' exclusion from rehabilitative practice and, consequently, punitive or exclusionary interventions. The operation of IDAP/CDVP is shaped by organizational and administrative constraints, practitioner interpretation of rules and procedures and perhaps most strikingly by practitioners' professional values. Practitioners, and especially group tutors, have reformist and inclusive attitudes. Indeed, although the role of probation officers in regulating and punishing offenders may be increasingly emphasized, there is an 'apparent persistence of the traditional humanistic values of the probation service' (Annison et al. 2008: 263) (see also Deering 2010). These reformist attitudes are embedded in practitioners' day-to-day routines and practices and this helps to mitigate the more punitive potential of IDAP/CDVP.

It is not all together surprising that practitioner interpretation of IDAP/CDVP shapes their operation in practice and that practice deviates from the official approach. Indeed, Kemshall (2002) reminds us that crime control measures are always mediated by practitioners who act as firewalls to advanced liberal crime control. However, she goes on to argue that centrally imposed monitoring and fiscal control within risk management regimes may not leave a lot of room for practitioners to manoeuvre. As we have seen, IDAP/CDVP incorporate wide-ranging rules and regulations and mechanisms to hold practitioners to account and to minimize deviation from stated programme practice. Practitioners may have more room to manoeuvre than they appear to from the official documentation. In this sense, in interpreting risk management (or any correctional practice), it is not enough to consider only stated aims and/or official discourse. Practitioners are not controlled by government officials, 'experts' and managers and in applying guidelines (which inevitably have to be interpreted), their views and preferences shape practice in ways that may not have been intended. As Hutchinson (2006: 459) put it, '[e]xperts and professionals have helped shape the nature and focus of new and innovative projects, and continue to play a role in the development of interventionist strategies'. One consequence is that risk management practice continues to be moulded in terms of practitioner values and preferences.

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