

Ex-Offender Incorporation in Rehabilitation: Innovative practice or new members of the penal state?

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Dennis Gough PhD, Director of Community Justice Learning



University of Portsmouth delivers education to 60% of all trainee Probation Officers in England and Wales



Ex-offender incorporation in probation and rehabilitation: Structure for today

- Briefly outline the policy backdrop to research in England and Wales- Transforming Rehabilitation (2013)
- Outline some of my research into the 'Penal Voluntary Sector' and England and Wales government strategy to 'incorporate ex offenders 'into rehabilitative work.
- Highlight the peer mentor as a governmental strategy i.e. shaping conduct of offenders in innovative or traditional ways.
- Analyse the operationalisation of mentoring and why the government incorporated volunteer ex-offender peer mentors into its' Transforming Rehabilitation probation reforms

Policy context to study: Transforming Rehabilitation (2013) and marketization of probation in England and Wales

- A process of rapid and fundamental structural and cultural change in probation field in England and Wales.
 - create a probation/community justice market for a diverse range of providers into 21 private Community Rehabilitation companies
 - Incentivise to innovate through payment by results mechanisms to reduce high recidivism rates
 - Extend statutory rehabilitation/supervision to extra 45,000 short sentenced prisoners (volunteer peer mentor work?)
 - Her Majesties Prison and Probation Service to supervise 'high risk' offenders
- My concern here is government strategy to incorporate the private and voluntary sectors to compete for what previously was a function of the state.

MOJ (2013) Transforming Rehabilitation: Public/Private Probation split

HMPPS (30 % caseload)

- Advising the court on appropriate sentence via Pre-Sentence Report
- Initial assessment of risk of recidivism and risk of serious harm
- Supervision of all high risk of harm offenders in custody and community
- Enforcing all community orders and prison licences

Community Rehabilitation Companies (70% caseload)

- Supervision of all low and medium risk of harm and recidivism offenders in community
- Supervision of all prison licences greater than one day - less than 12 months
- Refer breaches of orders to HMPPS to take to court.
- Review low and medium offenders and refer back to HMPPS if risk is high

TR (2013) and the forefronting of ex-offender Peer Mentoring: Speech by Lord Chancellor and Secretary of State for Justice Chris Grayling MP on Transforming Rehabilitation.

- *“When someone leaves prison, I want them already to have a **mentor** in place to help them get their lives back together. I want them to be met at the prison gate, to have a place to live sorted out, and above all **someone who know where they are, what they are doing**, and can be a **wise friend** to prevent them from reoffending.*
- *And also to have training or rehab lined up, because this government is determined to do more to address the root causes of offending: to get drug and alcohol users into recovery, and to address mental health needs.*
- *Often it will be the **former offender gone straight** who **is best placed to steer the young prisoner back onto the straight and narrow**, the former gang member **best placed to prevent younger members** from rushing straight back to rejoin the gang on the streets. There are some really good examples out there of organisations making good use of the **old lags in stopping the new ones**. **We need more of that for the future.**”*

THE PHD RESEARCH STUDY : ST GILES TRUST AND PEER MENTOR INTERVENTIONS

Research study: The penal voluntary sector and peer mentor intervention

- A key Voluntary sector organisation in criminal justice in England and Wales
 - Third sector research centre scoped size of third sector n= 18,380
- St Giles Trust (£5million income)
 - Brief intervention housing project
 - SOS Gangs project
 - WIRE women's resettlement service
 - Through the gates resettlement advice for prisoners
 - Peterborough One Service– World's first social impact bond to reduce recidivism
- Case study Approach
 - Analysis of government and charity documents
 - 18 month Field work
 - 48 semi structured interviews , volunteers, paid staff, managers and service users.
 - Focus groups with service users
 - Observations of practice with mentees and peer mentors, team meetings, observations of and participation in staff conferences

St Giles Trust and Transforming Rehabilitation

- St Giles Trust were important and influential in lobbying government to marketise probation. They were successful in the bid.
- Community Rehabilitation Company -**The Reducing Reoffending Partnership successful in competition and running private probation services from Feb 1 2015**
- 1) Staffordshire & West Midlands , 2) Derbyshire, Leicestershire, Nottinghamshire & Rutland
- The Reducing Reoffending Partnership (RRP – an Equity Joint Venture) brings together the experience, capabilities and values of 3 leading mission driven organisations which are:
 - Ingeus UK, a private organisation;
 - St Giles Trust, originally a homelessness Charity; and
 - Change Grow Live (CGL) a substance misuse charity.

St Giles Trust, voluntary sector organisation in England and Wales

“Only offenders need to apply!” - Volunteer ex-offender peer mentor delivery model

Prisoners trained in *advice and guidance* during prison sentence

Volunteer with St Giles Trust upon release and work with others leaving prison and resettling into the community.

- ***Breaking the cycle of prison, crime and disadvantage and create safer communities by supporting people to change their lives. Our services put reformed ex offenders at the heart of the solution, training them to use their skills and first hand experience to help others through peer –led support’***
- ***The primacy of experience - ‘Somewhere to live, something to work for, positive relationships, support from someone who has been there***
- *Originally addressed homelessness in Camberwell South London and founded in 1962*

Academic constructions of mentoring

- coaching, buddying, befriending, counselling, tutoring, teaching, life-styling and role-modelling (Philip, 1999; Clutterbuck, 2002).
- Peer mentoring - closeness to resources and to the mentee , shared characteristics
- Mike Nellis (2002) defines mentoring as entailing *“someone more experienced guiding, coaching or encouraging someone less experienced in the performance of a task or role.. It is more formal than befriending and less formal than supervision and more purposeful than volunteering”*
- *“Mentoring is a voluntary relationship of engagement, encouragement and trust. Its immediate priority is to offer support, guidance and practical assistance to offenders in the vulnerable period around their release. Its longer term purpose is to help them find a stable lifestyle in which accommodation, employment, ties with family and a friends and a growing two way relationship with the mentor all play their part in preventing a return to reoffending” (Centre for Social Justice 2014:11)*

Non problematic ex-offender peer mentoring – “*an imaginary of what we think they are doing*” (Armstrong 2002)

- Peer mentoring enlists time and efforts of ex-offenders and ex-prisoners to mentor and support existing prisoners or those soon to be released.
 - Fiscal benefits, builds connections to community, reaches the marginalised
- Part of the *relational revolution*? (Porporino 2017)
- Peer mentoring has specific *legitimacy* with offenders based on dynamic and intensive relationship
 - Deemed to be a multiplier effect in that benefits accrued by mentee and mentor in terms of moving on from crime and developing supportive, positive relationships.
 - The approach attempts to maximise ‘agency’ of both groups
- A *legitimisation* of the creativity, resources and skills of ex-offender group
 - ‘*someone who has walked in their shoes*’
- Main tenets of peer mentoring are care, problem solving and active listening (Buck 2017)

EX-OFFENDER INCORPORATION THROUGH THE 'PEER MENTOR' – INNOVATIVE PRACTICE AND GENERATIVITY



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Centre for Crime and Justice(2014)

Meaningful Mentoring

- “Many people in prison come from what are termed ‘chaotic backgrounds’. What this really means is fractured childhoods, addictions, a lack of discipline, poor educational achievements, exposure to violence – and, at its very heart, an absence of affection or caring that loving parents and concerned role models provide for the vast majority of us.
- *Mentors have an important role in unpicking this. A mentor at the prison gate can take the edge off that very first, frightening day when the ex-offender leaves and takes their first steps away from a life of crime. They can give an ex-offender a fair chance of staying on the straight and narrow by being that wise friend, supporting them in finding somewhere to stay, getting a job and reconnecting with their children.*
- For this reason, I believe mentoring is crucial to turning around the lives of ex-offenders and preventing them from reoffending.”
- Right Honourable Chris Grayling MP Lord Chancellor and Secretary of State for Justice

Governmental constructions of peer mentors- innovative and idiosyncratic

- ‘Old lags’ -
- ‘Wise friends’
- ‘Gold dust’ – something magical but not able to pinpoint quite what.
- ‘Secret weapon’ – some level of subterfuge
- “The zeal of the convert”

RESEARCH - EX OFFENDER INCORPORATION THROUGH THE 'PEER MENTOR' ROLE: INNOVATIVE AND MUTUAL CARING OR REPRODUCING AND DEVOLVING TRADITIONAL PROBATION PRACTICE

A warning! “ transferring mentoring into the coercive and punitive environment of the criminal justice system results in a departure from the very principles and values which are the basis of its usefulness elsewhere” (Hucklesby and Wincup 2015)

Operationalising the peer mentor Tension 1 : Blending diversity and innovation with proscription and evidence

- **Centre for Social Justice (2014) Meaningful Mentoring**
- *It cannot be too strongly emphasised that a **mentoring relationship is intensely personal**. One size is never going to fit all. **Flexibility is an essential ingredient** in the process. We have heard during the course of this research that the mentors who get the best out of their mentees are **often warm characterful individuals who follow unorthodox paths in helping offenders on their journey to a rehabilitated life**. **Mentoring is not a box-ticking exercise. It is a human engagement of trust, encouragement, guidance and hope.***
- *The mentor is on the side of the offender who gradually becomes a client, a partner, a companion and a friend. If the relationship takes the form of mandatory reporting to a supervisory figure who might 'grass' the offender for non-compliance or boss the offender around, then it is based on a wrong premise and will not work.*

Incorporation of the ex offender peer mentor

– Proscription and evidence based

- *Yet for all the humanity and unorthodoxy that can help to build a good mentoring relationship, the process also requires dedication and discipline. High standards are important. It is a matter of concern that there is too little agreement as to what those standards should be. Up until now, mentoring organisations have tended to be cottage industries doing their own thing in their own way. **This needs to change.** Without imposing the tyranny of unanimity, mentoring can only become meaningful when there are agreed guidelines and established signposts toward best practice.*
- *we believe it is possible to identify examples and themes which constitute best practice. Once these are understood and implemented in the new TR strategy, we believe that the present free-for-all could be replaced by a coherent plan for more effective mentoring in all the geographical areas administrated by the new CRCs. Centre for Social Justice (2014)*
Meaningful Mentoring

Operationalising the peer mentor: Tension 2

Peer mentoring and punishment

- “Peer mentoring is *not compulsory*. The relationship will only succeed if the offender *voluntarily enters into engagement* with his or her mentor. Without such willingness mentoring will be a pointless exercise equivalent to trying to clap hands with one hand.”
- “Mentoring is not supervision. If the relationship takes the form of *mandatory reporting to a supervisory figure* who might ‘grass’ the offender for non-compliance or boss the offender around, then it is based on a wrong premise and will not work”. **Centre for Social Justice (2014) Meaningful Mentoring**

RESEARCH FINDINGS: PEER MENTOR INTERVENTIONS CARE AND CONTROL?

Devolving the carceral state by reproducing existing correctional care and control



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Peer mentor practices – Generative Practices and pastoral power

- **Highly personalised generative practices of help, care, mutual practical and emotional support, finding their way and increasing social capital and connectiveness. The rescue of ‘lost sheep’ and showing them a pathway from crime**
 - *We access **two nights bed and breakfast for them on their day of release** and, hopefully, sometimes we don’t even have to go through that route, **we can access housing for them** on their day of release, taking them to the Homeless Department and making referrals, prior to them coming out, to housing projects and trying to get them through that way and, basically, **just being somebody they can lean on, kind of, like, their problems are shared with somebody else, because we have that attitude that don’t you worry, let us worry.***
 - *“I think we were quite clear that when we employed peer advisors we employed them because they deliver particular roles really, really well. And so we’re not in the business of perverting that into something else, it’s not punishment. I think we’re very clear about what we’re about as a charity. So yeah, no I think that’s possibly become more of a grey area for other agencies but not for us...” (Manager St Giles Trust)*

Ex-offender, peer mentor practices - disciplinary power

- Disciplinary power seeks to reform or normalise to improve them to return to normality. Relationships become conditional.
- Acts of assessment, change, monitoring, and finding (when disengaged)
 - Basically showing them why they behave in that way and showing them *the correct path*.
 - *Me personally I'm not there to wait for you to score (heroin), so if you want to fool someone, go and fool someone that aint bothered "But I'm here generally, volunteering to help you, I'm not paid so if you want to do all that rubbish, see you later, I've got other people who do really want to gain help and respect what we're doing for you. So if you want to score and come back a week later and tell me how regretful you are for not being there, yes I'll give you a second chance this is what it's about but I'm not going to keep doing the same pattern.*
 - *Because I've got extensive experience of being an ex-offender myself and dealing with them in their cells as a listener, as a neighbour, I know the sort of tricks and I know the angles, there's not many things they can say to really deter me from knowing what exactly their intentions are.*

Peer mentor practices: Surveillant and 'Detective' work

- And then we have to **try and trace them and find them** because they **don't turn up** for appointments. It's a kind of hard show, I mean I've got a couple of clients at the moment and they're making me do my work
- if we have to sort of make sure that we've got aftercare for a year for these guys then I think I should use my **detective skills** of what I'm capable of doing to make sure that I can tempt them back into actually engaging with us. So I'll go through the doctors, the local soup centres, because they have given me a confidentiality clause so I extend it and tend to use it for their personal benefit. So I will go to the doctor that are dealing with giving their scripts, I'll deal with the receptionist girls, girls at the front that knows the **ins and outs**, I'll go to the chemist where they pick their script up, I will contact certain soup kitchens, if the weather is really bad then they're not going to be on the streets, they're more likely to book into a night shelter.
- **Yes because you are sort of following a trail aren't you and at the end of it hopefully there is the offender.**

TECHNIQUES OF EX-OFFENDER INCORPORATION

Ex-Offender Incorporation: The *ex-offender* peer mentor becomes a professional ‘*ex*’pert

- Government and ex-offenders themselves construct the peer mentor as embodying “*experiential expertise*” not from training or education but “*having been there*”
 - new knowledge on leaving crime behind from the professional “*ex*”
- Emphasis on a genuine relationship, legitimate practice from those who really *care* (generative) and really *know how to leave crime behind and have achieved self mastery*.
- Rather than “knifing off or shedding the deviant, criminal past”, peer mentors reconfigure and re-evaluate past deviancy as *useful, knowledgeable and skilful* to assist others to go straight
 - Then again it comes down to peer’s experience again because you have to draw boundaries. *Because I’ve got extensive experience of being an ex-offender myself and dealing with them in their cells as a listener, as a neighbour, I know the sort of tricks and I know the angles, there’s not many things they can say to really deter me from knowing what exactly their intentions are. (peer mentor’s words)*

Ex-Offender Incorporation: The ex-offender peer mentor becomes a 'weapon in a war'

- Peer mentoring as a programme of government in community justice has also been positioned using the metaphors of war and conflict used against the potential recidivist.
- *I believe that if the government wants to reduce reoffending, then the employment of ex-offenders is the **secret weapon**. Go to any drugs treatment centre and you will find it mostly staffed by ex-drug users. It is crucial for those recovering from addiction that they learn to support others who are doing the same” (Mark Johnson*
Unlock<https://www.theguardian.com/society/2010/dec/14/ex-offenders-ken-clark-prison-reform>)
- *You know, and this is why you have to strategically place **your soldiers** to be most effective. (St Giles Trust interview 31_05_12_04 volunteer)*
- *, “Mentoring stands at a crossroads of opportunity. It is paradoxically the most hopeful and the most neglected **weapon in the arsenal of rehabilitation**” (Centre for Social Justice 2014:44)*

Challenges to the professional correctional role in England and Wales

Statutory Professional

- Bureaucratic
- Resistant to change
- Old expertise based on professional certificated knowledge,
- Needing to be taught and trained in 'empathy and relationship skills
- Probation's Crisis of legitimacy with politicians, public *and service user*

Peer mentor

- Entrepreneurial
- Imbued with innovative characteristics - community 'gold dust'
- New expertise based on experiential knowledge of '*having been there or walked in their shoes*'
- Genuine human connection, intrinsic empathy and relationship skills

WHY THE TURN TO THE EX OFFENDER PEER MENTOR? INNOVATION OR DEVOLVING THE CARCERAL STATE?

All part of the Neo liberal reforms in the Probation or community Justice field,

Why the turn to the peer mentor? 'peer mentors' as a neo-liberal governmental technology

- Subjects of government have changed; neo liberal ethos of choice, personal responsibility, control over one's fate, self promotion and self government' are all embodied in peer mentor role
- *"The human being who were to be governed – men and women, rich and poor, - were now conceived (in social sphere) as individuals who are to be **active** in their own government"* (Rose 1996:331)
- Individuals inextricably linked and have allegiances to building of responsible communities of law abiding citizens.
- The peer mentor subject is an *active and personally responsible* agent in securing rehabilitation for themselves and others rather than constructed as risk laden and dependant on the state
- The offender is to become entrepreneurial in own rehabilitation 'personalisation agendas involving (limited) choice'-

The ex offender peer mentor as active and 'self-correcting'

- Prisoners and offenders reimagined as service users, customers, partners, collaborators.
- Rehabilitation is training to be self reliant.
 - Centrality of the moral 'choice' and agency to make the '*right decisions and take the 'right actions' to go straight*
 - Rehabilitation takes form of private actions and decisions to become responsible citizens – peer mentoring is an exemplar of this for the marginalised.
- Importance of being entrepreneurial and creating solutions for yourself.
 - *Well you can't really teach anybody about the experience of leaving crime behind, I do through myself and others that work here that have been through the criminal justice system themselves and a lot of the time it's about **making opportunities for yourself** to try and move forward with your life and they're not always available for ex-offenders (22 03 12 04 PM)*

‘Making up’ ex-offender peer mentors in recent criminal justice policy

Offender/prisoner

- Risk laden
- Criminogenic needs
- Dependent upon or requiring on rehabilitative interventions, control
- Prisoner – school of crime
- Criminogenic ‘peer group pressure’

Ex- offender Peer mentor

- Socially useful in the rehabilitative field
- Entrepreneurial and active in own move away from crime, uses freedom and choice
- Prisoner – school of desistence
- Wise friend, gold dust, mentor, advisor

Ex-offender peer mentors and a shadow penal state

- Peer mentors can become responsibilised and intertwined with penal aims of the state (Garland 2001)
- Gerry McNally stated probation founded on “**relationships for a purpose**” - a key question is what is the purpose of the relationship? Is it to help and care or extend control and punishment?
- A responsibilisation strategy is where the state seeks to mobilise non state actors in an attempt to extend the reach of the state's interests
 - *‘Is an enhanced network of more or less directed, more or less informal crime control, complementing and extending the formal controls of the criminal justice state? Instead of imagining they can monopolize crime control, or exercising their sovereign powers...state agencies now adopt a strategic relation to other forces of social control. They seek to build broader alliances, enlisting the ‘governmental’ powers of private actors and shaping them to the ends of crime control’ (Garland 2001: 124)*
- Peer mentor/mentee relationships reconstructed from characteristics of voluntarism and idiosyncratic and have become incorporated as essential elements of a healthy prison, becoming commodified by contributing to payment by results targets for reductions in recidivism, use language of risk and enforcement, work to reduce recidivism rather than client need, replace probation officer in duties.

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Thank you for listening
dennis.gough@port.ac.uk
www.port.ac.uk/icjs/staff