

The resettlement needs of young offenders leaving custody: an emotional dimension

Dr Paul Gray

Research Manager, ARCS (UK) Ltd.

Introduction

When Labour came into power just over 10 years ago, one of the first things it did was to make a series of far-reaching reforms to both the organisation and operation of the youth justice system in England and Wales. Their *1998 Crime and Disorder Act* completely re-structured the youth justice system at both a national and local level¹, and placed on statute a raft of new legislation². With last year marking the 10th anniversary of the *1998 Act* it is a fitting time to reflect on the impact of these sweeping reforms. The Audit Commission's *Review of the Reformed Youth Justice System* in 2004³ concluded that the new system was a considerable improvement on the old system that it had so criticised in *Misspent Youth*⁴. Indeed, some have argued that the reformed system is 'organisationally more creative and coherent, ... significantly better funded, and ... better placed to deliver necessary services' than the one that existed pre-1998⁵. Nevertheless, despite annual total spending on the youth justice system increasing by nearly 50 per cent since 2000 to over £600 million⁶, a recent independent audit⁷ concluded that 'the principal aim of the youth justice system set out in the *1998 Crime and Disorder Act*, to prevent offending by children and young persons, has yet to be achieved in any significant sense'⁸.

When one considers that currently nearly three-quarters of young people leaving custody re-offend within a year⁹ and over four-fifths within two years¹⁰, it is clear that despite a decade of wide-ranging reforms and substantial investment, the government

¹ Nationally, the Youth Justice Board (YJB) was created to: monitor the operation of the youth justice system and the provision of youth justice services; promote good practice; and, set national standards and performance measures. And locally, Youth Offending Teams (YOTs) were established to supersede Youth Justice Teams that, prior to 1998, had been solely responsible for working with offenders subject to non-custodial penalties. Whereas Youth Justice Teams had been largely staffed by social workers, YOTs were to become the embodiment of partnership working, containing representatives of both criminal justice and welfare agencies.

² Among other things, it replaced cautions with Reprimands and Final Warnings, and created a wide range of non-custodial penalties aimed at addressing both crime and more importantly 'disorder'. These included: Reparation Orders; Parenting Orders; Action Plan Orders; Supervision Orders; Child Safety Orders; and, Anti-Social Behaviour Orders.

³ Audit Commission (2004) *Youth Justice 2004: A Review of the Reformed Youth Justice System*. Abingdon: Audit Commission.

⁴ Audit Commission (1996) *Misspent Youth: Young People and Crime*. Abingdon: Audit Commission.

⁵ Newburn, T. (2002) 'The contemporary politics of youth crime prevention', in J. Muncie, G. Hughes and E. McLaughlin (eds), *Youth Justice: Critical Readings*. London: Sage, p.460.

⁶ Youth Justice Board (2007a) *Annual Report and Accounts 2006/07*. London: Youth Justice Board.

⁷ Solomon, E. and Garside, R. (2008) *Ten Years of Labour's Youth Justice Reforms: An Independent Audit*. London: Centre for Crime and Justice Studies.

⁸ Ibid, p.65.

⁹ Medhurst, C. and Cunliffe, J. (2007) 'Re-offending of juveniles: results from the 2005 cohort study', *Ministry of Justice Statistical Bulletin*. London: Home Office; Youth Justice Board (2005) *Youth Resettlement: a Framework for Action*. London: Youth Justice Board.

¹⁰ Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*. London: Cabinet Office; Hagell, A. (2004) *Key elements of effective practice - resettlement*. London: Youth Justice Board.

is still no closer to finding an adequate solution to the problem of young custody leavers high levels of re-offending. Indeed, a briefing document drawn up by the Ministry of Justice and the Department for Children, Schools and Families in May last year acknowledged that re-offending rates are 'very high and have not significantly changed since 1997' (*Observer*, 1 June 2008). Why such a high proportion of young people are still re-offending following release from custody, and what can be done to improve the resettlement outcomes of young custody leavers, is the focus of this article.

Biographical narrative methods

The study upon which this article is based¹¹ was funded by the Economic and Social Research Council and the Youth Justice Board¹² and investigated, among other things, the issues facing young men as they attempt to settle themselves back into their local communities following a custodial sentence. As part of this study, a broad sample of 20 young male offenders¹³ were interviewed¹⁴ using a biographical narrative method known as the Free Association Narrative Interview (FANI) method¹⁵. In contrast to the more traditional semi-structured or structured interview, the FANI method starts with a single question: in this instance, the young men were asked to tell the story of their lives following their release from custody, taking as long as they wanted, and talking about whatever was important to them. This method was felt to be particularly appropriate for this piece of research because, with all the young men in this study having just served custodial sentences, it was perhaps not surprising that many of them were heavily invested in forms of masculine toughness and bravado. However, by getting the young men to talk freely about their life experiences post-release, the method was often able to get behind these tough personas and elicit stories that highlighted the complex emotional worlds of many of the young men. By doing so, it thus provided access to concerns and anxieties which would probably not have been visible had a more traditional interview method been used.

The problems facing young men leaving custody

In line with other research¹⁶, this study found that, upon release, the majority of the young men were confronted with a wide range of complex and interrelated problems.

¹¹ Gray, P. (2008) *Misunderstood youth? A psychosocial study of young men leaving custody*, Unpublished PhD thesis, Keele University.

¹² CASE studentship award PTA-033200400001.

¹³ The sentences for which the young men had been sentenced ranged from six-month Detention and Training Orders (DTOs) to four-year Section 91 sentences. The sample contained first time offenders with no previous convictions through to more persistent offenders with over five previous convictions who had served numerous custodial sentences. The offences that the young men in the sample had been sentenced for on this occasion covered all the offences in the YJB's *Annual Statistics* save for sexual offences and fraud/forgery (which themselves account for less than 2% of all recorded offences).

¹⁴ Each young offender was interviewed twice whilst serving the custodial element of their sentence, and re-interviewed six months after they had been released from custody to serve the community element of their sentence.

¹⁵ Hollway, W. and Jefferson, T. (2000) *Doing qualitative research differently. Free association, narrative and the interview method*. London: Sage.

¹⁶ See, for example, Farrant, F. (2006) *Out for good: the resettlement needs of young men in prison*. London: Howard League; Hazel, N., Hagell, A., Liddle, M., Archer, D., Grimshaw, R. and King, J. (2002) *Assessment of the Detention and Training Order and its impact on the secure estate across England and Wales*. London: Youth Justice Board.

As the following quotes highlight, these included: chronic drug and/or alcohol use; unstable accommodation; poor and/or sharply deteriorating family relationships; offending peers; and a lack of secure, satisfying employment opportunities.

I didn't know what to do with myself. I just ... basically got smashed. ... You do it the first day you're out, and you do it the next day, and the next day, and then you get smashed every day.

[I went to] a children's home, ... two months tag there. Then I went to my foster parents house for about ... two months [but] I didn't pay my board so I got kicked out.

I ain't seen him [my Dad] in four, five months. I've not heard from him [since I was released].

[After I was released I] used to stay at my mates' houses, drinking most days, smoking weed every day, ... just messing about, hanging out, all the lads, ... causing trouble ... getting in fights.

I was sacked for being lazy ... [but] I was bored, you would be. ... Walking round a yard all day, ... putting metal in one skip, wood in another, other stuff in another. ... You sit there and think "what can I do now? Let's go behind here and have a spliff".

Coupled with these problems, few of the 20 young men identified anything positive which they could take away from their time in the criminal justice system. Although some benefited from the support provided to them post-release, more commonly, this support was perceived by the young men themselves as inadequate. As highlighted by the following quotes, often it was viewed as: too short to enable any meaningful work to be undertaken; tedious, irrelevant and repetitive; and, for over half of the young men, cut short when breach proceedings (often for technical violations rather than re-offending) resulted in a return to custody.

I just come in once a week ... and she [my YOT worker] just says "Are you alright? Your next appointment is next week". That's about it.

Cos I've been here [the YOT] before, you're just going over all the same stuff, over and over. ... Worksheets and that on ... motivation to change. Pretty crap things.

They put me into education as well ... [but] cos I'd been out of it [education] that long, it was hard for me to get back into it. So I didn't used to go to there [college] and that's why they breached me.

An emphasis on reducing re-offending

Set against all these hurdles, it is no surprise that the Youth Justice Board note that the successful resettlement of young people leaving custody is a 'significant challenge'¹⁷. However, with the government's recent £100 million *Youth Crime Action Plan*¹⁸ continuing to emphasise the central role of custody - for those deemed 'dangerous',

¹⁷ Youth Justice Board (2005), op cit, p.5.

¹⁸ Home Office (2008) *Youth Crime Action Plan 2008*. London: Home Office.

those who ‘offend persistently’, and those who ‘have not responded to community penalties’¹⁹ - there is arguably unlikely to be any foreseeable marked decrease in the number of young people being given custodial sentences. And with the vast majority of these sentences being short-term Detention and Training Orders²⁰, the question of how to reduce the re-offending rates of young offenders leaving custody is certain to remain pertinent in the years ahead. Indeed this was emphasised in an article last year by Frances Done, chair of the YJB²¹. In it she stated:

Reoffending rates ... are stubbornly high, and this is our great challenge over the next 10 years. ... The biggest challenge faced by YOTs and the secure estate is to ensure that robust resettlement plans are in place ... for every young person leaving custody.

It is now commonly accepted that the effective resettlement of young offenders - ‘among the most challenging people to reintegrate’²² - requires ‘multiple solutions’²³, with many things needing to come together in order to create the best opportunities for success. The Youth Justice Board appear to be moving in this direction with the development a national *Youth Resettlement Framework*²⁴, addressing as it does seven areas or ‘pathways’, including: accommodation; education, training and employment; health; substance misuse; families; and, finance, benefits and debt. There is also an overarching pathway intended to improve ‘partnership-working and the management of the transition from custody to the community’²⁵. Added to this, the government’s new *Youth Crime Action Plan*²⁶ aims to ‘expand existing resettlement provision’ for young people by: placing a new duty on local authorities to fund and commission the education and training of young offenders in custody; and, developing a more comprehensive package of support for young people leaving custody, that includes ensuring access to suitable accommodation and health services for all as they leave custody. While these developments will no doubt benefit young offenders as they attempt to lead law-abiding lives following release from custody, the question still remains as to why, in this age of cross-cutting resettlement frameworks and multi-agency partnership-working, do over four-fifths of young offenders leaving custody re-offend within two years of release?

Refactoring in an emotional dimension

The narrative material collected in this study suggests that at least part of the answer has to do with the importance of understanding just what it is that actually motivates a particular young person to re-offend in the first place. While much contemporary resettlement policy and practice focuses on tackling more immediate ‘practical’ issues and deficits in human capital, the in-depth narrative material elicited in this study raises the important question: how do young people actually grapple - emotionally - with the difficult situations and circumstances with which they are confronted upon release? For example, how does a young person deal with poor and/or deteriorating

¹⁹ Ibid, p.49.

²⁰ Youth Justice Board (2007b) *Youth Justice Annual Statistics 2005/06*. London: Youth Justice Board.

²¹ Done, F. (2008) ‘Looking back, looking forward’, *YJ magazine*, July/August 2008, p.14.

²² Hagell, A. (2004), op cit, p.4.

²³ Harding, J. (2006) ‘Some reflections on risk assessment, parole and recall’, *Probation Journal*, 53(4): 389-396, p.391.

²⁴ Youth Justice Board (2005), op cit.

²⁵ Ibid, p.4.

²⁶ Home Office (2008), op cit, p.60.

family relationships? With a parent, that despite the young person's hopes and expectations, clearly wants to have no contact with them whatsoever?

I haven't spoke to her [my Mum] since I got locked up. ... Makes me angry ... [but] wounded as well.

I ain't seen him [my Dad] in four, five months. I've not heard from him [since I was released]. ... It pisses me off ... [but] you have to just deal with it don't you.

I thought he [my Dad] would show more appreciation that I'd gone to all the trouble to come and see him [after my release] ... [but] he was just like "I don't care". ... It pisses me off. I met him and he like didn't even seem to notice that I was actually there or anything. So I don't speak to him now. It doesn't bother me.

Judging by the problematic behaviour of the 20 young men in this study following their release, it would appear that, despite their claims to the contrary, many of them were 'bothered' by the situations they found themselves in, and did not 'deal with' them as well as they may have asserted²⁷. With this in mind, when it comes to better understanding young custody leavers 'notoriously high'²⁸ levels of re-offending, the need for a greater awareness of the potential role of emotions cannot be overstated. Consequently, if we return to the question of how to best resettle young offenders leaving custody, there is arguably no escaping the need for more in-depth work with individuals, sensitive to the 'importance of emotion as [a] source of action'²⁹. For it is only with a greater insight into what it is that actually motivates a particular young person to re-offend in the first place, that their individual resettlement needs - i.e. what is required to help that particular person to desist from further offending - can hope to be adequately addressed.

²⁷ Within 6 months of release, 7 of the young men had re-offended and been resentenced to custody, and a further 5 had been recalled to custody for failing to comply with their post-release supervision conditions. Of the 7 that were reconvicted, 5 had been abusing drugs and/or alcohol on a daily basis since their release.

²⁸ Hagell, A. (2004), op cit, p.4.

²⁹ Smith, D. (2006) 'Making sense of psychoanalysis in criminological theory and probation practice', *Probation Journal*, 53(4): 361-376, p.361.