Misunderstood youth?
A psychosocial study
of young men leaving custody

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Abstract

With nearly three-quarters of young people leaving custody re-offending within a year, it is clear that despite a decade of wide-ranging reforms and substantial investment, the youth justice system is still no closer to finding an adequate solution to the problem of young custody-leavers' high levels of re-offending. This thesis argues that at least part of the reason for this lies in the conceptions of subjectivity constructed by the dominant discourses in contemporary youth justice policy. In much official discourse, young offenders are constructed as either rationally-acting thrill-seekers needing responsibilisation, or incorrigibly dangerous 'alien others' needing incarceration. However, does constructing young people in this way help us to better understand the underlying causes of their behaviour as they leave custody, both offending and otherwise? By drawing inspiration from David Gadd and Tony Jefferson's psychoanalytically informed psychosocial conception of subjectivity, and applying it to the life narratives of a small group of young men as they leave custody, this thesis endeavours to shed new light on some of the key issues in contemporary youth justice. These include: the resettlement needs of young people leaving custody; the wider consequences of the discourses of crime control evident in contemporary youth justice policy; young people's desistance from crime; the reliance on risk assessment tools to accurately identify need; and, the impact of increasingly tough enforcement of post-release supervision conditions. By drawing upon an approach that is sensitive to the possibility of unconscious motivations, this thesis aims to contribute to a better understanding of the behaviour of young men as they leave custody, and by doing so, counter some of the misunderstandings and misconceptions of young offenders' behaviour evident in much contemporary youth justice discourse.

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CHAPTER 1:

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 level. Nationally, the Youth Justice Board (YJB) was created to 'impose order from the centre' (Newburn 2002: 456): to monitor the operation of the youth justice system and the provision of youth justice services; to 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' (Morgan & Newburn 2007: 1033), containing representatives of both criminal justice and welfare agencies. In addition to these significant changes in infrastructure, the *1998 Act* also placed on statute a raft of new legislation. 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.

With this year marking the 10th anniversary of the *1998 Act* it is arguably a fitting time to reflect on the impact of these sweeping reforms (see Solomon & Garside 2008). The Audit

Commission's *Review of the Reformed Youth Justice System* in 2004 (Audit Commission 2004) concluded that the new system was a considerable improvement on the old system that it had so criticised in *Misspent Youth* (Audit Commission 1996). 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-1998 (Newburn 2002: 460). Nevertheless, despite annual total spending on the youth justice system increasing by nearly 50 per cent in the last six years to over £600 million (Youth Justice Board 2007a), a recent independent audit (Solomon & Garside 2008) found that the evidence to support Jack Straw's recent claims that the 'radical overhaul' of the youth justice system was having a 'positive impact both in terms of delivering justice and stopping the spiral into crime before it starts' (Straw 2007) is 'far more mixed and ambiguous than the government often claims' (Solomon & Garside 2008: 17). Indeed, the authors of the audit 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' (ibid.: 65). When one considers that alongside the fact that young people's self-reported offending has remained fairly static since Labour came into power (Phillips & Chamberlain 2006), the number of young people entering the youth justice system for the first time has 'significantly increased' in recent years (Home Office 2008b: 3), it is perhaps unsurprising that a government briefing in May this year claimed that 'Labour's 10-year strategy for tackling youth crime has failed' (*Observer*, 1 June 2008).

For some (e.g. Solomon & Garside 2008), the apparent failure of Labour's youth justice reforms to have any significant impact on the number of young people entering the youth justice system has raised the wider question as to whether more effective solutions to the

problem of youth crime can be found outside the confines of the youth justice system. The government's recent £100 million *Youth Crime Action Plan* (Home Office 2008a: 28) appears to be moving in this direction by giving Children's Trusts (partnerships between local authorities, all the key public agencies and third sector organisations) the 'strategic lead' in preventing and tackling youth crime. Yet notwithstanding this shift, the fact remains that with the *Action Plan's* continued emphasis on the central role of custody - for those deemed 'dangerous', those who 'offend persistently', and those who 'have not responded to community penalties' (ibid.: 49) - 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 Orders (Youth Justice Board 2007b), the question of how to improve the resettlement outcomes of young offenders leaving custody is certain to remain pertinent in the years ahead.

When one considers that currently nearly three-quarters of young people leaving custody re-offend within a year (Medhurst & Cunliffe 2007), it is clear that despite a decade of wide-ranging reforms and substantial investment, the government is still no closer to finding an adequate solution to the problem of young custody-leavers' high levels of re-offending. Arguably, at least part of the reason for this lies in the conceptions of subjectivity constructed by the dominant discourses evident in contemporary youth justice policy. In much official discourse 'young offenders are constructed simultaneously as just "boys being boys" and "little monsters", as "growing out of crime" and being "persistent offenders" but always as (ir)responsible offenders against society' (Worrall & Hoy 2005: 162). Yet, does constructing young offenders as rationally-acting thrill-seekers simply needing responsibilisation, or incorrigibly dangerous 'alien others' needing incarceration,

help us to better understand the underlying causes of their behaviour as they leave custody, both offending and otherwise? Does it, for example, help to elucidate why it is that some offenders with a low predicted likelihood of re-offending and social circumstances conducive to desistance still re-offend? Or why so many young offenders fail to comply with their post-release supervision conditions, knowing full well that it will likely result in a recall to custody? By drawing inspiration from David Gadd and Tony Jefferson's psychoanalytically informed psychosocial conception of subjectivity (Gadd & Jefferson 2007a), this thesis endeavours to provide more satisfactory answers to these questions than those currently available, and by doing so, counter some of the misunderstandings and misconceptions of young offenders' behaviour expressed in so much contemporary youth justice discourse.

Psychosocial criminology

In the introduction to their recent book, *Psychosocial Criminology*, Gadd and Jefferson argue that 'the individual offender has long since ceased to be of much interest to criminologists' (Gadd & Jefferson 2007a: 1). Instead, for them, the subject presupposed in existing theories of crime is 'woefully inadequate' and 'unrecognisable' as the 'complex and contradictory' human subject that we know ourselves to be.

> In place of messily complex human subjects, ... we are offered depleted caricatures: individuals shorn of their social context … who act purely on the basis of reason or 'choice' … or … individuals who are nothing but the products of their social circumstances.

> (ibid.)

Although the term psychosocial is often used in a criminological context to describe an 'atheoretical combination of psychological and social measures' (ibid.: 3), such as in Harvey's (2007: 1) recent study of the 'psychosocial experience' of young men adapting to life in prison, this is not Gadd and Jefferson's conception of the term. Instead, they emphasise the need to understand human subjects as 'simultaneously, the products of their own unique psychic worlds and a shared social world' but crucially 'without collapsing … one into the other' - the 'complexities of both the inner world and the outer world' need to be taken seriously (Gadd & Jefferson 2007a: 4). For them, taking the 'outer world' seriously means thinking about questions to do with structure, power and discourse in such a way that the 'socially constructed subject can be theorised as more … than the social conditions' that give rise to it (Frosh 2003: 1552). Whilst taking the 'inner world' seriously means engaging with contemporary psychoanalytic theories because, as they argue, 'only there … are unconscious as well as conscious processes, and the resulting conflicts and contradictions among reason, anxiety and desire, subjected to any sustained, critical attention' (Gadd & Jefferson 2007a: 4).

Despite the recent 'revival of attention to the ... inner, sometimes unconscious, experiences' of people who offend (D. Smith 2006: 361), Maruna and Matravers (2007: 429) are arguably correct when they note that many contemporary criminologists may find 'talk of unconscious motivations hard going and unfamiliar'. Nevertheless, one should not forget that it was less than 100 years ago that 'clinically-based psychiatric studies' (Garland 2002: 35) constituted the criminological mainstream in Britain, and Hamblin Smith - 'Britain's first authorised teacher of "criminology", and ... the first individual to use the title of "criminologist"' (p.33) - was writing the heavily psychoanalytic *Psychology of the Criminal* in the 1920s. However, with the rise to dominance of the 'governmental

project' (ibid.: 38) in the second half of the twentieth century, this early interest in the criminal subject and psychoanalytic ideas soon disappeared from the mainstream. Consequently, since the likes of Bowlby's *Forty-Four Juvenile Thieves* (1946) with its focus on the link between prolonged separation from maternal figures during infancy and later delinquency, 'little practice or research on delinquency has retained a psychoanalytical focus on early experience' (Brown 2003: 421-22). This thesis attempts to redress this by drawing upon Gadd and Jefferson's psychoanalytically informed psychosocial approach, and applying it to the life narratives of a small group of young men as they leave custody and attempt to settle themselves into their communities.

To date, Gadd and Jefferson's psychosocial approach has been applied to a wide range of criminological topics, such as: fear of crime (Hollway & Jefferson 2000a); domestic violence (Gadd 2000); desistance from crime (Gadd & Farrall 2004; Gadd 2006); racist violence (Gadd & Jefferson 2007a: 105-123); date rape (Gadd & Jefferson 2007a: 69-84); serial murder (Gadd & Jefferson 2007a: 85-104); and 'jack-rolling' (Gadd & Jefferson 2007b). However, as yet, their approach has not been applied specifically to young offenders and their experiences of the 'new youth justice system' that Goldson (2000) talks of. Whilst some recent studies have taken a more psychodynamic approach to the topic of young men leaving custody - for example, Bereswill's (2004) study on autonomy and the difficulties young men face in achieving social integration after imprisonment - these studies have been few in number, and importantly, none has adopted Gadd and Jefferson's particular conception of subjectivity. By drawing upon an approach that is sensitive to the possibility of unconscious motivations, this thesis aims to shed new light on some of the key issues in contemporary youth justice, and by doing so, contribute to a better understanding of the behaviour of young men as they leave custody. These issues include:

the resettlement needs of young offenders leaving custody; the wider consequences of the discourses of crime control evident in contemporary youth justice; young people's desistance from crime; the reliance on risk assessment tools to accurately identify need; and, the impact of increasingly tough enforcement of post-release supervision conditions.

Overview of the thesis

Chapter 2 starts with a brief history of the young offender institution where the young men in this study were incarcerated: HMYOI Werrington in Staffordshire, England. There then follows an in-depth profile of the 20 young men selected to be involved in the research and a brief outline of what happened to them in the six months after they had been released from custody to serve out the remainder of their sentences in the community. The decision to adopt a biographical approach to interviewing the young men - namely, Hollway and Jefferson's (2000a) Free Association Narrative Interview (FANI) method - is then discussed, followed by a detailed description of exactly what the method entailed. The chapter finishes by discussing the rationale for using case studies in the majority of the chapters in this thesis. Chapter 3 moves on to describe in much more depth the many and varied issues that the 20 young men faced as they attempted to settle themselves into their local communities. The young men's narratives highlight how, in the months following their release, the majority were confronted with a wide range of complex and often inter-related social problems and needs. Added to this, post-release supervision from youth justice agencies was perceived by many of the young men as often being too short, infrequent, tedious, irrelevant and repetitive. Within six months of being released, over two fifths of the young men had re-offended and been returned to custody. However, in contrast to much recent research on the needs of young offenders leaving custody - such as

Farrant's (2006) study for the *Howard League* - the in-depth narrative material elicited using the FANI method also highlights the emotional dimension of many of the problems with which young men leaving custody are faced. The chapter concludes by arguing that a greater awareness and understanding of how young offenders actually grapple with these emotions could usefully inform contemporary youth justice resettlement policy and practice.

Chapter 4 builds on this notion of an underlying emotional dimension to many young people's offending behaviour. It argues that the various models of the subject constructed by the dominant discourses evident in contemporary youth justice policy in the last decade - namely, managerialisation, responsibilisation and punitiveness - are invariably unable to do justice to the complexity of many young people's offending behaviour. Using a single case study, the chapter demonstrates that when an alternative conception of subjectivity - sensitive to the possibility of unconscious motivations - is adopted, the young man's behaviour (both offending and otherwise) starts to become more comprehensible. Chapter 5 develops this further by applying Gadd and Jefferson's (2007a) psychoanalytically informed psychosocial conception of subjectivity to the complex process of desistance from crime. It argues that the socio-cognitive conception of subjectivity employed in much recent desistance research - in particular, the work of Laub and Sampson (2003), Giordano and her colleagues (2002), and Maruna (2001) - leaves the interface between agency and structure under-theorised. As such, it struggles to adequately account for the often contradictory rationalisations that young offenders themselves offer for their desistance, and the fact that many are able to desist from crime, despite social circumstances conducive to further offending. Using the case of a young man, who six months after being released from custody appeared to be desisting from crime, this chapter

highlights the crucial role that intersubjective dynamics played in his desistance. The implications of this for contemporary youth justice resettlement practice are then discussed.

Chapters 6 and 7 then revisit two particular aspects of the managerial and punitive discourses first discussed in Chapter 4: namely, the utility of the Youth Justice Board's ASSET common assessment profile (Youth Justice Board 2006c) as an assessment tool; and, the move towards tough enforcement of post-release supervision conditions. Chapter 6 starts by charting how ASSET became such an integral part of the current day youth justice system. It argues that the system's relaince on ASSET to help youth justice workers to accurately 'assess the needs of young people ... and then match intervention programmes to their assessed need' (Youth Justice Board 2000b) is problematic. Using a single case study, the chapter posits that, because of the socially-constructed rationally-acting conception of subjectivity that it invokes, ASSET is limited in its capacity to accurately identify the needs of young offenders - i.e. what it was that motivated them to offend in the first place, and crucially, what will be required to help them desist. As a result, it will inevitably find it difficult to match young offenders to the most appropriate intervention for their individual needs. The consequences of this are discussed. Following this, Chapter 7 investigates the fact that, whilst the number of young offenders being recalled to custody for breaching their post-release supervision conditions has increased in the last few years, for the vast majority, it was technical violations of their licence conditions (primarily not attending supervision appointments) rather than re-offending that resulted in them being breached and recalled. Whilst much research suggests that absences are deliberate attempts by young offenders to avoid supervision, this chapter uses three very different case studies to show that absences are often the result of circumstances

beyond the direct control of the young person. The chapter concludes by highlighting the importance of better understanding why it is that particular individuals absent themselves, before discussing the impact on young offenders themselves of a continued emphasis on the tough enforcement of post-release conditions. The final chapter in the thesis, Chapter 8, brings together the conclusions from the five preceding chapters, before discussing the wider implications of what a psychosocially-informed understanding of young offenders' behaviour can offer to contemporary youth justice policy and practice.

CHAPTER 2:

Methodology and a description of the study site and sample

Introduction

This chapter starts with a brief history of the young offender institution where this research project was carried out: HMYOI Werrington in Staffordshire. In particular, this historical section focuses on the substantial changes that HMYOI Werrington underwent following the damning inspection by Her Majesty's Inspectorate of Prisons (HMIP) in the summer of 1998 (HMIP 1998), and the work that has subsequently gone on there to improve the resettlement outcomes of its inmates. The chapter then provides an in-depth profile of the 20 young men who were selected to be involved in this research, and a brief summary of their resettlement outcomes six months after they had been released from custody to serve out the remainder of their sentences in the community. There then follows a discussion on the reasons why this study elected to use biographical research methods - namely, Hollway and Jefferson's (2000a) Free Association Narrative Interview (FANI) method - and what this particular method entailed in terms of the interviewing process. Bearing in mind the in-depth narrative material elicited by the FANI method, and the relatively small number of young offenders sampled, this research naturally lends itself to the use of case studies. As such, the chapter finishes with a brief discussion of the rationale for using case studies in all but one of the chapters in this thesis.

A brief history of HMYOI Werrington

HMYOI Werrington started life in 1895 as an industrial school. It was subsequently purchased by the Prison Commissioners in 1955, and two years later it opened as a Senior Detention Centre. Following the implementation of the *Criminal Justice Act 1982*, it was converted into a Youth Custody Centre in 1985, and then in 1988 it finally became the young offender institution (YOI) which it remains to this day. HMYOI Werrington is now responsible for providing custodial places to (as of August 2007) 160 young men between the ages of 15 and 18.

HMYOI Werrington first achieved notoriety when it was subject to an unannounced inspection by HMIP in June 1998. At the time, the inspection team was interested in examining how far HMYOI Werrington was progressing in terms of implementing the changes in the treatment of juvenile prisoners outlined in the thematic review, *Young Prisoners*, published by Her Majesty's Chief Inspector of Prisons (HMCIP) in October 1997. However, what they found was an establishment in some degree of difficulty, leading David Ramsbotham, the Chief Inspector of Prisons at the time, to later write: 'confinement at Werrington in 1998 … was of the worst order … recreating the chaotic and dysfunctional existence from which so many [of its inmates] came' (Ramsbotham 2005: 180).

In the years prior to the unannounced inspection in June 1998, HMYOI Werrington not only housed its inmates in dormitories, but they also ate their meals and took association in a large communal dining hall. In early 1997, however, two new accommodation units were built that comprised two storeys of cells leading to an upper gallery overlooking the

ground floor where association took place. As Ramsbotham (2005: 177) recalled, '[whereas] the old main building had until a year earlier held 90, … [it was] replaced with two … buildings each designed to hold 60 prisoners in … 54 small single cells and three doubles, … all equipped with a lavatory and washbasin'. As the 1998 inspection report noted (HMIP 1998) though, despite these seemingly positive developments, problems started to arise at the end of 1997 when, following the re-housing of all the inmates from the dormitories to the new buildings, the population at HMYOI Werrington was doubled from 90 young men to nearly 190. As the Chief Inspector of Prisons at the time later recalled:

[Although] Werrington was now able to hold 120 … it had been ordered to hold up to 190…with a number of cells designed for one having to house two boys. … [Werrington, however] only had education, work and physical training facilities for 90 boys … [which meant that] more than half [of its inmates] … were unemployed and locked up in their small cells all day.

(Ramsbotham 2005: 178)

Despite the fact that the newly appointed governor at the time had succeeded in obtaining extra finances to secure an increase in purposeful activity and education programmes, the inspection report (HMIP 1998: 5) concluded that the main problem faced by the governor was that 'the numbers of young prisoners being held in the establishment … were [simply] far too high to ensure a proper service'. Indeed, according to Ramsbotham (2005: 187), the team of inspectors were so concerned with what they had found at HMYOI Werrington that he, in his role as the Chief Inspector of Prisons, immediately contacted both ministers and the Director General to voice his 'amazement at the disgraceful treatment of and

conditions for children' that the inspectors had witnessed. As Ramsbotham (ibid.) recalled:

> The result was immediate and electric [and] embarrassed senior managers went at once to see for themselves what [we] had reported. [As a result] the managers at once promised additional financial resources and the provision of more activity places. More importantly [though], they reduced the numbers at Werrington to the 120 that the new buildings were designed to hold.

In November the following year, HMYOI Werrington was again subject to an unannounced inspection by HMIP to follow-up the recommendations made in the previous report. In contrast to the damning findings of the 1998 inspection (HMIP 1998), the 1999 inspection was able to confirm that the recommendations from the previous report had been fully taken on board and considerable positive development had taken place (HMIP 1999). Indeed, in his introduction to the 1999 report, the Chief Inspector of Prisons felt able to write that 'nothing gives [the Inspectorate] greater pleasure… than to revisit an establishment on which we have reported unfavourably and find it transformed and performing well' (HMIP 1999: 3). As the report went on to note, 'the former population of over 180 has been reduced to 106. All the young offenders now have an opportunity to attend education or skill training, and the establishment has very nearly converted itself into an education centre' (ibid.: 4). Importantly though, the inspection team attributed this change, not only to the reduced population, but also to the efforts of the Governors and staff, combined with increased financial resources. Gratifyingly, the improvements proved not to be short-lived. When HMYOI Werrington was subject to an (announced) inspection by HMIP in March 2002, Anne Owers, the newly appointed Chief Inspector of Prisons,

noted in her introduction to the inspection report (HMIP 2002: 3) that there was a 'strong child-centred ethos ... evident throughout the establishment', and that HMYOI Werrington had 'some of the best relationships between staff and young people' that HMIP had seen anywhere in the juvenile estate. This led her to conclude that HMYOI Werrington ought to be 'congratulated on creating an environment which provides an extremely good base for future development' (ibid.: 4).

When it comes to this issue of positive future development (i.e. integrating young people into the community and preventing them re-offending), HMIP believe the role of an establishment's resettlement strategy to be crucial. Indeed, as every HMIP inspection report states: 'resettlement underpins the work of the whole establishment'. With this in mind, it was with some satisfaction that the 2002 inspection of HMYOI Werrington (HMIP 2002: 17) was able to report that there were 'excellent facilities and a … broad range of vocational workshops [and] education classes' available to inmates. However, notwithstanding this positive assessment of its resettlement programme, the report also highlighted a number of areas that HMYOI Werrington still needed to address. For example, the report noted that, although all inmates were automatically considered for Release on Temporary Licence (ROTL), this was 'dominated by the provision of opportunities ... to participate in outward bound and supervised community activities and projects' (ibid.: 20) rather than any opportunities for 'working out unsupervised by Werrington staff' (ibid.: 23). In addition, the report highlighted the need for 'training plans, education and resettlement … to be improved and developed to meet the needs of individual young people' (ibid.: 3). Indeed, a follow-up HMIP inspection undertaken in July 2004 concluded that, although 'very good progress' had continued to be made in

many areas in relation to education and training since the previous inspection, 'consolidation was still required' (HMIP 2004: 9).

The most recent inspection of Werrington took place in August 2005 - incidentally whilst the fieldwork phase for this piece of research was underway. As with the previous three HMIP inspection reports, this latest report (HMIP 2005a) continued to praise what it saw as the largely positive steps forward that HMYOI Werrington had taken with regard to its resettlement strategy. Indeed, the fact that the provision of education and vocational training had again 'improved' (ibid.: 57) since the previous inspection led the report to conclude that, at the time, the resettlement activities available to HMYOI Werrington's inmates were 'among the best in quality, quantity and range that [the HMIP] had seen in a young offender institution' (ibid.: 64). However, despite this rather glowing assessment of HMYOI Werrington's resettlement programme, as with the previous inspections, there remained a number of areas that the report felt still needed to be addressed. Firstly, the report noted that at the time of the 2005 inspection, HMYOI Werrington held 140 young people but was only able to provide 127 education and vocational training places (ibid.: 14), resulting in some young people spending 'too long locked up in their cells' (ibid.: 5). Secondly, in terms of providing practical resettlement assistance, the inspection found that there was 'an absence of expert support for employment and accommodation [and]… no specialist advice on housing … available in the establishment' (ibid.: 80). Thirdly, the task-based pre-release course (e.g. helping the inmates to learn to cook and clean) did not always have 'sufficient capacity to accommodate everyone' (ibid.: 80). Fourthly, as in the previous two reports, the inspection found that 'very few' (ibid.: 16) of the inmates assessed as suitable for ROTL had been given the opportunity to work unsupervised in the community before their release. And finally, 'although a few young people had been on

work or college placements earlier in 2005, there were no such placements at the time of the inspection' in August 2005 (ibid.: 78).

Notwithstanding these criticisms of certain aspects of HMYOI Werrington's resettlement programme, the overall message that has come out of the HMIP inspections since that fateful unannounced inspection in June 1998 is a largely positive one. Not only has the continued year-on-year improvement and development of its vocational workshops and education classes resulted in the resettlement provision offered by HMYOI Werrington being 'among the best in quality, quantity and range that [the HMIP] had seen in a young offender institution' (HMIP 2005a: 64), but importantly, HMYOI Werrington also had 'some of the best relationships between staff and young people' that HMIP had seen anywhere in the juvenile estate (HMIP 2002: 3). It was within this context of HMYOI Werrington being one of the leading YOIs in England and Wales - at least in terms of resettlement provision - that this research into the lives of young offenders leaving custody took place.

Profile of the sample

Between October 2004 and October 2006, a sample of 20 young men (out of a total population at the time of 140) were selected to be involved in this piece of research. To reflect the heterogeneity of HMYOI Werrington's population of inmates, a suitably broad range of offenders was chosen. In terms of sentences served: four of the 20 were serving Detention and Training Orders (DTOs) that were under a year in length; half of the sample were serving DTOs of between one and two years; and the remaining six were all serving longer Section 91 sentences of over two years. The sample contained first time offenders

with no previous convictions through to more persistent offenders with over five previous convictions. Of the nine who had previously served a custodial sentence, four had served two or more (*see Table 1 for a summary*). The offences that the young men in the sample had been sentenced for on this occasion included: actual bodily harm (ABH), arson, assault, attempted armed robbery, breach of anti-social behaviour order (ASBO), breach of supervision order, burglary, carrying an offensive weapon, criminal damage, dangerous driving, driving whilst disqualified, grievous bodily harm (GBH), handling stolen goods, possession of a firearm, robbery, supplying Class A drugs, theft, taking a vehicle without the owner's consent (TWOC), and witness intimidation. Indeed, the only offences listed in the Youth Justice Board's (2006a, 2007b) *Annual Statistics* not included in the sample were fraud and forgery, racially aggravated offences, and sexual offences, which themselves account for less than two per cent of all recorded offences.

In addition to their offending histories, over a quarter of the sample had spent a portion of their lives in care. Although this was a lower percentage than that found in a Youth Justice Board (2005a) study of persistent young offenders - where nearly two fifths had been in care at some time - it was the same proportion reported in the *Howard League's* (Farrant 2004, 2005, 2006) recent study of young offenders. Similarly, where the *Howard League* found that three quarters of their sample had stopped attending, or been excluded from, school before the official school leaving age, 16 of the young men in this HMYOI Werrington study had stopped attending school by the time they were fifteen. Indeed, only three out of the 20 young men in this study had been accessing any form of education, training or employment (ETE) when they were sentenced (*see Table 1 for a summary*). To reflect the ethnic profile of young offenders serving custodial sentences in England and Wales, two of the sample (10 per cent) were classed as 'black or black British' and one of

Table 1: Profile of the sample[1]

	Any history of care	Accessing any form of ETE at time of sentence	Age when stopped attending school	Number of official previous convictions	Number of official previous offences	Number of previous custodial sentences	Current sentence length (months)
Nick	No	No	14	4	15	0	48
Mark	Yes	No	14	0	0	0	48
Adam	No	Yes	-	0	0	0	24
Steve	No	Yes	-	4	5	1	12
Kevin	No	No	13	6	11	0	48
Liam	No	Yes	-	4	9	1	42
Nigel	Yes	No	15	1	6	0	18
Ben	No	No	15	4	8	1	39
Dave	No	No	15	3	9	0	18
Tim	Yes	No	13	9	10	0	42
Ed	No	No	14	2	2	0	12
Rob	No	No	11	9	32	4	12
Ian	No	No	14	5	10	1	8
Gary	No	No	15	4	10	0	18
Joe	No	No	13	17	38	2	6
Simon	Yes	No	11	11	40	5	11
Gareth	Yes	No	12	11	19	0	6
John	No	No	16	6	13	1	18
Chris	No	No	13	6	13	1	18
Paul	Yes	No	11	13	22	2	20

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[1] To ensure anonymity, all the young men's names have been changed.

the sample (five per cent) as 'mixed. This broadly matches the Youth Justice Board's (2006a, 2007b) *Annual Statistics* where around 10 per cent of all young offenders in custody are classed as 'black or black British' and just under five per cent as 'mixed'. In terms of the geographical spread of the sample: seven were from the Stoke-on-Trent area where HMYOI Werrington is situated; nine were from the Nottingham and Mansfield area; and the remainder were from other areas in the Midlands and North West. Finally, with the permission of HMYOI Werrington and the young men themselves, notes were taken from all the official information that the YOI had on file for the 20 young men (e.g. official offending histories, ASSET forms and pre-sentence reports etc.).

In addition to being interviewed whilst serving their custodial sentences in HMYOI Werrington, 17 out of the original sample of 20 young men were followed-up and re-interviewed in a series of follow-up interviews. These follow-up interviews took place six months after each of the young men had been released from HMYOI Werrington to serve the community element of their sentences. Depending on the length of the original sentence, six months after release, the young men were either still being supervised by criminal justice agencies - i.e. Youth Offending Teams (YOTs) or the Probation service - or were unsupervised in the community. This, however, was not the case for all 17 of the young men. As can be seen in Table 2, at the time of the six-month follow-up interviews, seven of the young men that were re-interviewed had either been given another custodial sentence for re-offending, and/or been recalled to custody for breaching the conditions of their community supervision period. Consequently, their follow-up interviews took place in a number of different YOIs in the region, including: HMYOI Werrington, HMYOI Brinsford, HMYOI Stoke Heath, HMYOI Glen Parva, and HMYOI Wetherby.

Table 2: ASSET scores and post-release details

	ASSET score when sentenced (out of 48)	Follow-up interview	Re-convicted	Breached post-release conditions	Recalled or re-sentenced to custody	In custody at time of follow-up	Un-detected self-reported offending
Nick	28	Yes	No	Yes	Yes	No	No
Mark	8	Yes	No	No	No	N/A	No
Adam	Missing	Yes	No	No	No	N/A	No
Steve	8	Yes	No	No	No	N/A	No
Kevin	23	Yes	No	Yes	Yes	Yes	No
Liam	23	Yes	No	No	No	N/A	Yes
Nigel	25	Yes	No	Yes	Re-tagged	No	Yes
Ben	-	N/A	-	-	-	-	-
Dave	24	Yes	No	Yes	Yes	No	No
Tim	39	Yes	No	Yes	Yes	No	No
Ed	33	Yes	No	No	No	N/A	No
Rob	29	Yes	Yes	Yes	Yes	Yes	No
Ian	21	Yes	Charged	Yes	Remanded	Yes	Yes
Gary	21	Yes	Charged	No	Bailed	No	Yes
Joe	37	Yes	Yes	No	Yes	Yes	Yes
Simon	20	Yes	Yes	Yes	Yes	Yes	Yes
Gareth	23	Yes	Yes	Yes	Yes	Yes	No
John	-	N/A	-	-	-	-	-
Chris	-	N/A	-	-	-	-	-
Paul	24	Yes	Yes	Yes	Yes	Yes	Yes

As shown in Table 2, three of the young men (Ben, John and Chris) were not re-interviewed. The reason for this was that they were still serving the custodial elements of

their sentences in HMYOI Werrington at the time when all the follow-up interviews were being undertaken. However, the rationale for including them in the original sample of 20 was the fact that, prior to their current sentences, they had all previously served custodial sentences in HMYOI Werrington, and as such, were able to comment on their experiences of release from custody and the issues they faced in their initial interviews.

Biographical methods and the Free Association Narrative Interview method

All the interviews (both initial and follow-up) for this research were undertaken using biographical narrative methods. As Wengraf (2001: 114) notes, in the last two decades or so, there has been 'an upsurge in the interest in biographical narration as a source of material relevant to a variety of social research purposes'. Indeed, Chamberlayne *et al.*'s (2000a) edited collection, *The Turn to Biographical Methods in Social Science*, highlights the wide range of settings and topics to which biographical methods are now being applied. The particular method adopted for this research was the Free Association Narrative Interview or FANI method (see Hollway & Jefferson 2000a). This method is based largely on the Biographical Narrative Interpretive Method (see Wengraf 2001; Wengraf & Chamberlayne 2006), which itself is essentially a refined and developed version of the Biographical Interpretive Method used in Germany in the early 1990s (e.g. see Schutze 1992).

The Biographical Interpretive Method (BIM) was developed by German sociologists interested in producing accounts of the lives of holocaust survivors and Nazi soldiers. The rationale was that, given the painful subject matter, a methodology needed to be developed that would uncover what Schutze (1992: 347) describes as the 'faded-out memories and

delayed recollections of emotionally or morally disturbing war experiences'. The underlying theoretical principle of the BIM, and indeed the later Biographical *Narrative* Interpretive Method or BNIM, is the idea that there is a *gestalt* - a whole which is greater than the sum of its parts, a meaning-frame, a hidden agenda, a structuring principle - informing each person's story, and this 'whole' needs to be grasped before sense can be made of the parts. The job of the biographer is to elicit this *gestalt* without disrupting it. *Gestalt* psychologists believe that it is only through the observation of 'free behaviour' (i.e. behaviour free from external constraint) that a person's *gestalt* can be revealed. As Wengraf (2001: 68) notes, in interviewing terms, this means adopting an interview strategy that minimises the researcher's influence, thus allowing the 'fullest possible expression of the concerns, the systems of value and significance, the life-world, of the interviewee'.

The BNIM does just this by restricting (until later stages at least) the researcher's interventions to a single initial question asking for a narrative. Indeed, as Wengraf (ibid.: 113) notes, 'after posing of the initial narrative-seeking question, interventions by the interviewer are effectively limited to facilitative noises and non-verbal support'. As can be seen, this contrasts sharply with the more traditional heavily structured interview, where the researcher sets the agenda and in principle remains in control of what information is produced. With biographical methods like the BNIM, it is the interviewees' meaning-frame - their *gestalt* - which structures the interview, not the researcher's agenda. In this way, the agenda is open to development and change, depending on the interviewee's disclosures. Indeed, 'the researcher's responsibility is to be a good listener and the interviewee is a story-teller rather than a respondent' (Hollway & Jefferson 2000a: 31).

Nevertheless, it is exactly this story-telling characteristic of narrative that makes

biographical methods such an appropriate tool for gaining insights into a person's *gestalt*. As Wengraf (2001: 118) notes, narratologists argue that narrative is 'peculiarly difficult for the speaker to control completely, and therefore it provides less capacity for conscious … manipulation by the speaker'. Furthermore, the very nature of a narrative can make any (conscious or unconscious) attempts by the speaker to evade certain aspects - 'sometimes by a simple refusal to narrate, sometimes by inadequate detailing or … sometimes by interrupting the story-telling by digressions into other sorts of speech-activity' (ibid.: 117) - more obvious, and can thus often provide the researcher with many more clues to the speaker's *gestalt* than the explicit narrative content. Indeed, 'the particular story told, the manner and detail of its telling, the points emphasised, the morals drawn, all represent choices made by the story-teller. Such choices are revealing, often more so than the teller suspects' (Hollway & Jefferson 2000a: 35).

However, whereas the BNIM elicits narratives in an attempt to uncover a person's *gestalt*, the FANI method developed by Hollway and Jefferson (2000a) is specifically designed to help researchers probe their interviewee's unconscious defence mechanisms. As they argue:

> Probably the most ubiquitous theoretical assumption about the subject in biographical research … is that research subjects are knowledgeable agents, willing and able to 'tell it like it is'; subjects who are always somehow closer to the truth of their self-hood than the researcher can ever be.
>
> (Hollway & Jefferson 2000b: 169)

For Hollway and Jefferson (2000a: 3) 'neither selves nor accounts are transparent'. For them, to treat people's own accounts as 'unproblematic flies in the face of what is known about people's less clear-cut, more confused and contradictory relationship to knowing and telling about themselves' (ibid.). In contrast to this self-knowledgeable and potentially transparent self, they argue for a psychoanalytically informed model of subjectivity. Their argument is based on the psychoanalytic proposition that 'anxiety is inherent in the human condition and that people's actions, lives and relations with others are centrally influenced by the unconscious defences which we all deploy to cope with anxiety' (Hollway & Jefferson 2000b: 168). This notion of a 'defended subject' in turn presupposes the existence of an inner world or unconscious mind which 'is not transparent to individuals, [but] whose structures and processes can be illuminated … by psychoanalysis' (Rustin 2000: 43). Indeed it was the similarity between the psychoanalytic method of free association - where the therapist's client is encouraged to say whatever comes to mind - and the notion of a method that respected the narrator's *gestalt* that initially drew Hollway and Jefferson's attention to the BNIM. In much the same way as free association, the 'initial question designed to elicit a narrative' asks an interviewee to say whatever comes to mind. However, rather than providing an insight into a person's *gestalt*, Hollway and Jefferson argue that this kind of narrative material can help to uncover a person's unconscious defence mechanisms. Indeed, their model of subjectivity presupposes that 'subjects are motivated *not* to know certain aspects of themselves and that they *produce* biographical accounts which avoid such knowledge' (Hollway & Jefferson 2000b: 169 emphasis in the original). As Gadd and Jefferson (2007a: 61) note:

This unconscious defensive activity [not only] affects what and how anything is remembered, ... it also affects how such memories are communicated to any

interviewer. ... At both stages, the act of remembering and the act of communication, meaning is rarely straightforward - and never wholly transparent.

Hollway and Jefferson (2000a: 37) argue that by eliciting a narrative structured according to the principles of free association - i.e. 'not structured according to conscious logic, but according to unconscious logic; that is, the associations follow pathways defined by emotional motivations, rather than rational intentions' - the FANI method can get beyond a person's unconscious defences and thus provide access to concerns and anxieties which would probably not be visible using a more traditional method (such as a structured or semi-structured interview schedule). With all the young men in this study serving custodial sentences, it was expected that many of them would be defensively invested in forms of masculine street toughness and bravado. However, by getting the young men to freely associate about their life experiences, it was hoped that the FANI method would be able to get behind these tough personas better than a traditional method, and thus elicit narratives that would hopefully provide access to the complex emotional worlds of many of the men.

The interview process

The 20 young men in this study were all engaged with staff from HMYOI Werrington's YOT when I approached them to ask whether they wanted to be involved in the research. If the young person did not decline my initial advance (which, incidentally, none of those who were approached did), I informed them of all aspects of the research - for example, the fact that there was a follow-up element that would involve them being interviewed six months after their release from custody - and assured them of both their right to withdraw

at any stage of the process and the confidential nature of anything they may later disclose (of course with the exception of them disclosing information that suggested themselves or another person were in real danger of serious harm). If, following this, the young person was still agreeable to being involved (which, again, all of those who were approached were), they had to sign a consent form acknowledging that what the research entailed had been clearly explained to them, and that they were willing to be involved in the study. For those young men who were under the age of 16 at the time of their initial interviews, this informed consent was also sought from the YOT manager. Once this initial process had been undertaken, the young person was then interviewed.

Importantly, a FANI method interview is actually comprised of two separate interviews. In the first interview, the interviewer asks a single initial question designed to elicit a narrative. In the case of this study, my opening question to the young men was:

Can you tell me the story of your life. Start as far back as you want to, talk about whatever is important to you, take as long as you like, and while you're talking I'll just be making a few notes so I can come back to some of the things you mention.

The FANI method dictates that following this initial question 'the interviewee should always be given the space ... to decide when and how to start the story, and what initial descriptive background or prologue (if any) they feel is needed' (Wengraf 2001: 122). As can be seen from the examples below, many of the young men launched straight into a narrative, often starting as far back as they could remember.

Well I used to live with my Mum and me Dad and me sister till I was about four, five. Then me Mum and Dad split up and err my Mum got a new boyfriend ... [*narrative continues*]

(Gary)

Well, just at a young age, I can't remember how old I'd have been but I'd have been very young, about [2][2] say about five when I moved to [town name]. When I moved there, that's when things started to change really ... [*narrative continues*]

(Kevin)

Well I'll start from junior school cos that's as far back as I can remember ... [*narrative continues*]

(Liam)

In contrast, however, a number of the young men appeared puzzled by my opening invitation. As highlighted in the two examples below, instead of launching straight into a narrative, statements such as "What do you mean?" or "So you want to know why I offended?" were not uncommon. It was only once I had (re)assured these young men that they could indeed talk about whatever was important to them, that they responded with opening narratives that lasted from a few minutes to sometimes over quarter of an hour.

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[2] Time in seconds.

What like the crime that I'm in for? [*Anything. If you could just tell me the story of your life.*] Can't really remember that much. Didn't really do now't. When I left school at 15 I was working ... [*narrative continues*]

(Dave)

What sort of stuff like? I don't know what to say really. It'd be better if you asked me questions. [*You can talk about anything. The things that you think are important.*] What, like good things, or good and bad? [*Either.*] There isn't many good things. [*OK, well what about just the things that you think are important.*] Well, when I was younger I used to do boxing, used to like boxing. Me Dad, me Dad used to box on the telly when he was younger ... [*narrative continues*]

(Rob)

It soon became apparent that, for a number of the young men, this invitation to talk freely and at length about whatever topics *they* wanted to contrasted sharply with the question-and-answer interview format that so many had experienced in their dealings with the various youth justice agencies with whom they had come into contact, both before and during their time in custody. Furthermore, the initial reluctance of some of the young men to tell stories and their preference for the more traditional question-and-answer format, could be viewed as their largely unconscious defences working to keep them in the relatively 'safe' - i.e. non-threatening or anxiety-invoking - territory of comfortable well-rehearsed generalisations. Added to this, as the example below highlights, 'eliciting stories from people is not always a simple matter, especially from those who feel their lives lack sufficient interest or worth to justify a story' (Hollway & Jefferson 2000a: 35).

Mmm, where shall I start? [5] Probably from when I went into care, which were when I were about three of four years old. Went into care, cos me Mum were drinking heavily, and err, I went into care, well I'm still officially in care I think, so I've been in care like ever since I were about four [3] and I've been to various different homes and that, well foster parents and that, about four or five different foster parents and that. [4] What else is there to say? [5] I'm not very good at doing these kind of things me. [*You're doing fine, just take your time.*] Mmm, well when I were about eleven I think, I ran away from foster care and went back to me step-Dad and Mum's house, and ever since then I've been staying there ... [*narrative continues*]

(Mark)

Following the opening narrative, the FANI method requires the interviewer to 'think on their feet' and proceed straight into the process of eliciting more narratives about the topics raised in the opening response. Importantly, though, as demonstrated in the examples below, in asking for more stories about the topics that were raised, the researcher should follow the order in which the topics were raised, and 'use the words (the language, the key words and phrases, the terms of the discourse) of the interviewee in respect of those topics' (Wengraf 2001: 120).

[*You said there that you were living with your sister when you were sentenced. What's the story of living with your sister rather than anyone else?*] Just went there on tag. It's like stable, like the house is. Like my Mum's house is a wreck. [*A wreck...*] Just a mess. There's only one room what she's done up, the front room, the living area. [*What's the story of that, about your sister's being stable?*]

It's a stable house, it's somewhere where I feel cosy, somewhere where I could live, and my niece is there as well ... [*narrative continues*]

(Rob)

[*You said there that after your older brother died, your Dad tried to kill himself. Can you tell me more about that.*] Tried to hang himself over the stairs, you know what I mean. Me and my brother had to try and pick him up, had to try and hold my Dad up while my Mum cut the rope at the top of the stairs, you know what I mean, mad. [*Mad...*] I was only nine. [*And what impact did it have on you?*] I don't know man. Never really thought about it. Never really tried to think about it [*Never...*] No.

(Paul)

This process of eliciting more narratives was invariably a lengthy procedure, and the majority of these first interviews lasted well over an hour. Whilst apparently simple, as acknowledged by Hollway and Jefferson (2000a: 36) themselves, using the FANI method required both extensive guidance from David Gadd and practice to transform myself from the more traditional 'highly visible asker of ... questions' to the 'almost invisible, facilitating catalyst' to the young men's stories. Added to this, bearing in mind that the FANI method allows 'silences and other awkwardness that may be difficult in a research - or indeed a conversation - context' (Squire 2008: 48), it took considerable discipline and practice to avoid constraining 'such open processes' with verbal responses at 'conventionally appropriate points' (ibid.). As demonstrated by the examples below, this was particularly the case during the short periods of silence that characterised many of the

young men's narrative accounts, and even more so when a number of the young men became distressed at particular points in their narratives.

[*You said there that when you started drinking, it was on your own. Can you tell me the story of drinking on your own*]. I don't know whether it was just there was no one to drink with me or [2] I just felt like going by myself for a bit. [4] Things get to me sometimes, just think my head's a bit messed up. [6] [*Things get to you...*] [2] Loads of things. [4] Everything. If I can get a chance to let some anger out, I'll take it. ... [*narrative continues*]

(Rob)

About five years ago, I brought one of my mates round and he started chatting to my Mum and getting all like, just basically they was sat there chatting and that. I've never really been able to do that, just sit down and talk with my Mum. So, it was awkward and I thought "fuck that, I'm not bringing you round again". [23][3] Awkward thing was ... he was just sat there just chatting away, and it was just mad because I've never been able to do that.

(Tim)

Bearing in mind my previous research experience interviewing young offenders - who I had found to be largely uncommunicative research subjects, often giving one word answers or very short explanations (that appeared to be either well-rehearsed and/or over-simplistic justifications and rationalisations for their behaviour) to any questions that I had posed to them - the length of the narratives delivered by the young men in this study, the nature of

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[3] During this long pause in one of his interviews, Tim started crying.

the topics that were divulged, and the depth to which the young men went (as clearly evidenced in the following chapters) was extremely rewarding. Even the interviews with those individuals who, just prior to the first interview, had been identified by the YOT workers as being particularly uncommunicative - for example, with comments such as "he's very quiet", "he doesn't open up much", or "I don't think you'll get much out of him" - often lasted over an hour. It appeared that the vast majority of the young men greatly appreciated the opportunity to talk to someone at length about what was important to them, and more importantly, to have someone listen to, and be interested in what they had to say. Indeed, the very nature of the FANI method lends itself very nicely to this purpose by requiring the interviewer to, not only pay very close attention to the varying topics the interviewee talks about, but also to use the key words and phrases of the interviewee in respect of the topics raised. Similar to Hollway and Jefferson's (2000a: 44) experience, my overall impression of using the FANI method with the young men was that they 'warmed to the whole event ... because they had an experience of being paid attention to and taken seriously through their own, self-styled account'.

The second interview usually took place a week or so after the first interview. This time was to allow a preliminary analysis of the narrative material garnered from the first interview to be undertaken. In between the first and second interviews, myself and David Gadd listened to each of the first interviews together. This process was typically characterised by many pauses in the playback to allow the significance of a part of the narrative to be discussed, as we attempted to get a reading of the person which was sensitive to all the details offered. From notes taken during this process, a series of 'narrative-pointed asking for story questions' (Wengraf 2001: 120) were constructed for the second interview. In sharp contrast to the first interviews, rather than being structured

by the young men and their narratives, the second interviews were completely structured by my 'emergent hunches and provisional hypotheses' (Hollway & Jefferson 2000a: 43). Indeed, the whole purpose of the second interview is to 'probe some of those areas where the interviewee previously seemed most defensive, incoherent, allusive or contradictory' (Gadd 2004: 12). As such, it was here that questions were asked about topics and issues that the young men, for whatever reason, did not mention in the first interview. As shown in the examples below, this could involve asking the young person to elaborate on a relationship with a parent, or even a particular phrase that they may have used in their first interview when describing a specific incident.

[*You mentioned last week that you were living with your Mum, but you didn't really tell me anything about your relationship with her. Can you tell me the story of your relationship with your Mum from your earliest memories?*] Mmm, when I was younger my Mum used to be pretty violent and that mmm. [3] When my Mum and Dad split up I had to go and live with my Mum because my Mum took me there, and then she was like really mad all the time. Err, she used to hit me and my brother with the belt and that. After a while I got sick of it. Like my brother ran away and went to live with my Dad, but I stayed on with my Mum, and it was alright after a while when she met someone else, she started calming down and that. ... [*narrative continues*]

(Adam)

[*You said last week that when your Dad found out you had slept with his girlfriend you were heartbroken...*] I was [*... what was it that broke your heart?*]. He just walked off, hit her, and just looked at me and walked off. Didn't speak to

me, and I didn't know what was going on. [2] I wanted him to lay into me. I wanted him to give me a beating. [*You wanted him to...*] I deserved a beating. Cos it was wrong what I did ... [*narrative continues*]

(Rob)

In a development of the FANI method, this piece of research also introduced the concept of biographical follow-up interviews. As mentioned earlier, 17 out of the 20 young men that were interviewed in HMYOI Werrington, were interviewed again six months after they have been released from custody back into the community. The methodology adopted in these single follow-up interviews was essentially a combination of both the first and second interviews that had been previously undertaken. For example, to elicit narratives of each of the young men's lives since they have been released from custody, the 'first half' of the follow-up interview started with a single narrative question. On this occasion, however, this initial question was time-limited to the period following their release from custody. For example:

Can you tell me the story of your life since you've been released. Talk about whatever is important to you, take as long as you like, and while you're talking I'll just be making a few notes so I can come back to some of the things you mention.

As in the original FANI method, this was then followed immediately by questions asking for more stories about the topics that were raised, crucially following the order in which the topics were raised and using the words of the interviewee in respect of those topics. Then, instead of attempting to carry out a second follow-up interview a week later, the

'second half' of the follow-up interview was used to ask questions about topics that were not mentioned in the 'first half' and, bearing in mind the purposes of the research, questions on topics such as: support received from official and unofficial sources; resettlement issues that were not addressed; self-reported offending; experiences of HMYOI Werrington; and, the wider impact of imprisonment. Further evidence of the how much the young men 'warmed' to the FANI method can be found in the fact that *all* 17 of the young men that were due to be followed-up and re-interviewed six months after their release were indeed interviewed. To not have some level of attrition in a follow-up study (particularly with a chaotic group such as young offenders) is rare, and this 100 per cent follow-up rate must be partly attributable to the FANI method itself. Indeed, when a number of the young men forgot about their appointments with me and failed to arrive at the agreed location for their follow-up interview - which, anyone with experience of interviewing chaotic groups will know is not uncommon - I was able to call the young person and they would make the effort to come and speak to me. As an experienced researcher, I found this experience pleasantly surprising.

With many of the topics that the young men talked about in their interviews relating to traumatic or upsetting events, it was clear that by agreeing to be part of this study, the young men all potentially faced some risk of psychological distress. As Hyden (2008: 123) warns, simply talking about a 'traumatic experience ... has the potential to re-traumatise'. Despite the fact that none of the young men appeared to be visibly distressed at the end their interviews, immediately after both the first and second interviews, the emotional well-being of the young men was checked by a member of the YOT before they were allowed to leave the YOT premises. However, whilst the criterion of avoiding harm is a basic ethical principle, should it be assumed that talking about distressing experiences

is harmful? For Hyden (ibid.), 'such talk can just as well have the potential to heal' as distress, and as Hollway and Jefferson (2000a: 87) put forward, 'it can be reassuring and therapeutic to talk about an upsetting event in a safe context'. For Hollway and Jefferson, the FANI method can afford such a context. As they go on to argue, the nature of the FANI method provides the interviewee with an interviewer who is: 'capable of listening well (especially paying attention to emotional significances)'; is not 'competing for attention'; who can 'reflect back' in questions and comments an 'emotionally appropriate' recognition of the interviewee's experiences; and, by whom the interviewee should 'not feel judged' (ibid.). What Hollway and Jefferson contend are exactly the 'characteristics of a good counselling relationship' (ibid.). Like Hollway and Jefferson (ibid.: 44), my overall impression was that the young men 'liked telling stories - even about discomforting events - once they felt reasonably trusting of the framework and relationship' within which the stories were being received. And as Hollway and Jefferson (ibid.: 89) argue, if, for any reason, the young men did feel that positive about the developing relationship between themselves and myself, this would presumably have served to limit the nature of what they divulged about themselves anyway, with potentially distressing topics remaining undisclosed.

Interpreting the data

Through this process a total of 57 in-depth face-to-face narrative interviews were undertaken (this total does not include the three young men that were not followed-up). With the permission of the young men, all of these interviews were recorded and fully transcribed (generating over 400,000 words and 950 pages of text). Hollway and Jefferson (2000a: 3) argue that 'if we wish to do justice to the complexity of our subjects an

interpretive approach is unavoidable'. As such, after a complete transcription had been made of each interview, the first step in the interpretive process was the writing of concise 'pen portraits'. The aim of a pen portrait is to make the interviewee 'come alive for a reader' (ibid.: 70). Although largely descriptive, pen portraits need to provide enough information to enable any subsequent interpretations to be assessed. Indeed a pen portrait should serve as a substitute 'whole' for a reader who will not necessarily have access to the raw narrative data but who needs to have 'a grasp of the person who figures in a case study if anything said about him or her is going to be meaningful' (ibid.). Crucially, however, consistent with their notion of a defended subject, Hollway and Jefferson emphasise the need for pen portraits 'not to iron out inconsistencies, contradictions and puzzles' (ibid.). Once pen portraits had been written for each of the 20 young men in this study, the process of trying to 'make sense' of each interviewee began.

As Plummer (2001: 152) warns, whilst 'getting the story can be fun, ... making sense of it takes much longer and requires a lot of work'. This study was no different. The process of offering insightful interpretations of each of the young men was both long and arduous, and entailed long periods reflecting and pondering upon the data until an interpretation started to make itself apparent. As Frosh and Saville-Young (2008: 114) note, this is one of the problems that arises from the FANI method: the question of how to interpret the 'richly subjective' text that derives from such a 'free and evocative' interviewing procedure. Given that meaning is not fixed but is 'constructed in specific situations and usually through particular intersubjective encounters, then alternative interpretations of any text are likely to be viable and may even be equally persuasive' (ibid.: 115). Indeed, as Squire (2008: 50) notes, there are likely to be 'multiple valid interpretations'. With this in mind, how confident can a researcher be in the accuracy of a particular interpretation? In

addressing this point, this thesis adopted Hollway and Jefferson's (2000a) notion of the recognisability of ones interpretations. As they argue, the 'reliability' of a particular interpretation can be 'checked (though never guaranteed)' if, when it is studied by others, the interpretation is, as they term it, 'recognised' (ibid.: 80). In other words, the sense that they made out of the data 'can be shared through the subjectivity of others' (ibid.) - something which I would hope readers of this thesis will be able to do with the interpretations contained within the following chapters.

Some have argued (e.g. Stopford 2004: 18) that it is ethically important that researchers give the chance to respondents to be a part of the interpretive process, because 'whether or not they are cognisant of psychoanalysis ... [they] may offer important challenges or additions to our interpretations'. In response to this, Hollway and Jefferson (2000a: 91) question whether it is 'meaningful, or in a single participant's interest' to show them an interpretation of themselves. Bearing in mind their theoretical notion of a defended subject, they argue that if an interpretation is 'psychologically close to the mark', then one would expect the respondent's 'defences to work against them accepting' the proffered 'version of their worlds' (ibid.: 92). In other words, disagreements over the interpretation are to be expected. With this point in mind, similar to the approach adopted by Hollway and Jefferson (2000a) in their study, it was decided that the young men involved in this study would not given the opportunity to comment on the interpretations of themselves.

Before moving on to look at the theoretical justifications for using case studies in this thesis, it is worth touching briefly on one final point - the ethical issue of confidentiality. As Hollway and Jefferson (2000a: 90) neatly put it, 'if information is treated and used in such a way as ... to ensure the anonymity of participants, the ethical responsibility usually

ends there'. However, whilst all the young men who agreed to be involved in this study were assured that what they disclosed would be confidential and anonymous, 'the more detailed the case study, ... the harder it is to protect a person's anonymity in publicly available work' (ibid.). Indeed as Squire (2008: 51) states, with biographical material in general, the 'presentation of the data can be problematic'. One way to preclude this problem is to 'omit or change more specific data, guaranteeing confidentiality at the expense of some of the data's richness' (ibid.) - an approach that was used with the case studies in this thesis. However, whilst this process would mean that the vast majority of people could not recognise the young men in this study, as Hollway and Jefferson (2000a: 90) note, 'the person themselves could hardly fail to do so, no matter how many superficial details were changed'. Although it is unlikely that any of the young men involved in this study will ever come across their interpretations in this thesis, whether it would be empowering or distressing for them to read them in more widely available work (such as journal articles) is a separate question that would need to be dealt with on a case-by-case basis before any decision on wider publication could be made.

The use of case studies

Bearing in mind that the 'object of study being illuminated by biographical research' is typically the individual (Chamberlayne *et al*. 2000b: 20), and the depth of the qualitative data that the FANI method elicited, it can clearly be seen that this research lent itself to a case study approach. Hammersley and Gomm (2000: 2) argue, 'in one sense all research is case study: there is always some unit, or set of units, in relation to which data are collected and/or analysed'. Whilst this may be true, as they go on to note, the term 'case study' is usually employed to identify a specific form of enquiry. It refers to research that

investigates 'a few cases, often just one, in considerable depth' and often involves the collection of 'unstructured data' (ibid.: 3). Notwithstanding these issues of small sample size and the heterogeneity of the data collected, as Stake (1978: 24) argues, it is these defining characteristics of case study research that result in 'more [data] to pay attention to rather than less'. Indeed as he sees it, case study research 'proliferates rather than narrows' (ibid.).

As Hammersley *et al.* (2000) note, however, a common charge that is often levelled against case study research is that its findings are not representative and consequently not generalisable. Indeed, the 'crucial question upon which there is much misgiving is ... the extent to which the analyst is justified in making generalisations from ... [a] particular case to all instances of that type' (Mitchell 1983: 174). For Plummer (2001: 153), this 'completely misunderstands' the nature of case study research. Rather than addressing issues of representativeness (i.e. typicality) and generalisability, case study research is arguably 'designed to produce theories' (Hammersley *et al.* 2000: 234). Indeed, Gadd and Jefferson (2007a) see case studies as essential for theory-building. For them, it is only by working through the entirety and complexity of individual cases that any meaningful 'how?' and 'why?' statements can be made. Stake (1978: 22) concurs, arguing that 'to know particulars fleetingly ... is to know next to nothing. What becomes useful [for] understanding is a full and thorough knowledge of the particular'. This particular aspect of case studies is reflected in a recent special issue of *Theoretical Criminology* dedicated to psychosocial re-interpretations of Shaw's classic study of '*The Jack-Roller*'. In the introduction, Maruna and Matravers (2007: 437) argue that 'the deep exploration into the life narrative(s) of a single individual can generate at least as much insight into offending as getting to know a little bit about 200 or 2000 human beings in a large-scale survey'.

However, notwithstanding the crucial role of case studies in theory-building, adopting a case study approach does not have to mean a total disregard for the issues of representativeness. For example, in the case of Shaw's jack-roller, Stanley, we can see how he was 'firmly located as being both typical and not typical of juvenile delinquency' (Plummer 2001: 153). In other words, despite his unique biography, many of the issues that characterised Stanley were evident in the wider delinquent population at the time: for example, he 'grew up in a delinquency area', 'lived in a broken home', 'began his delinquent career even before he started school', and 'had institutional experiences in rapid succession' (Shaw 1966: 184-85, cited Plummer 2001: 153). For Plummer, this sense of Stanley's representativeness adds to his story, rather than detracting from it: indeed, Plummer views it as a 'bonus' (ibid.). Gomm *et al.* (2000) adopt a similar stance, arguing that the 'quality' of any theoretical generalisations made by case study researchers can be significantly improved by taking into account the extent to which the cases selected are representative of the population to which any generalisations are intended. They go on to outline two complementary approaches for doing this. The first involves thinking about how the cases being studied might be typical or atypical in relevant respects, and to 'use what is actually known about the cases and the wider population to get a fix on where the former fits in terms of the diversity likely to be present in the latter' (ibid.: 104). The second approach involves the 'systematic selection' of cases, where cases are selected because they cover the 'extremes of expected relevant heterogeneity within the population' (ibid.: 107). Both of these approaches were adopted in this study. For example, not only was the available relevant information about the young offender population in England and Wales at the time taken into account when selecting the 20 young men for this study, but the young men selected also represented the full range of the target population - at least in

terms of number of previous convictions, number of previous offences, number of previous

custodial sentences, offence type and sentence length.

CHAPTER 3:

The resettlement needs of young men leaving custody

Introduction

Previous research (see Farrant 2006) has shown that young offenders leaving custody are often confronted with a wide range of problems, that can include: unstable accommodation; poor family relationships; and, a lack of suitable employment opportunities. In addition, many are returning to significantly disadvantaged communities where offending is endemic. With this in mind, it is no surprise that the Youth Justice Board (2005b: 5) note that the successful resettlement of young people leaving custody is a 'significant challenge'. However, despite the widely acknowledged fact that resettling young offenders requires 'multiple solutions' (Harding 2006: 391), the question still remains as to why, in this age of multi-agency partnership working and cross-cutting resettlement frameworks (see Youth Justice Board 2005b), do nearly three-quarters of young offenders re-offend within 12 months of being released from custody (Medhurst & Cunliffe 2007)?

In an attempt to answer this question, this chapter analyses the narratives of 20 young men as they attempted to settle themselves back into their local communities. Notwithstanding the argument that abstracting factors from individual biographies can 'denude the factors of any real meaning since such factors only operate in the way that they do in the context of a particular life' (Gadd & Jefferson 2007a: 5), this chapter adopts a broad 'cross-case' approach to highlight the full range and extent of the problems that young men face in the

months following release from custody. In line with other research (e.g. Social Exclusion Unit 2002; Farrant 2006), the majority of the young men in this study were confronted with a wide range of complex and often inter-related problems. However, in addition to these findings, the in-depth narrative material elicited also highlighted an emotional dimension to many of the problems that young men leaving custody face. By doing so, it raises the question of how young offenders actually grapple with the emotions that these problems engender. The chapter concludes by arguing that when it comes to better understanding the high re-offending levels of young offenders leaving custody, the importance of a greater awareness of what actually motivates young people to re-offend cannot be overstated.

Levels of re-offending

Research has shown that levels of re-offending following release from custody are higher for young people than for adults, with over 70 per cent of young people re-offending within 12 months of release (Youth Justice Board 2005b; Medhurst & Cunliffe 2007) and over 80 per cent within two years (Social Exclusion Unit 2002; Hagell 2004). Out of the 17 young men re-interviewed in this study, nine had re-offended in the six months following their release from custody. For two - Liam and Nigel - this offending was solely self-reported (i.e. undetected by the police) and was limited to fights with individuals that were victimising them.

> There was a bad one not long back. … One lad come grabbing hold of me, … give me some fist. So I turned round and gave him a few shots back.
>
> (Liam)

I've had a few fights. … Just people coming to me really. … They think they can target me … cos of the colour of my skin. … They just think that they're being hard.

(Nigel)

Of the remaining seven young men, however, five had been reconvicted and returned to custody and two had been charged with new offences and (at the time of their follow-up interviews) were awaiting sentence. The five reconvicted young men included: Rob, sentenced to seven months for robbery; Joe, sentenced to 12 months for burglary and robbery; Simon, sentenced to 18 months for vehicle theft; Gareth, sentenced to eight months for vehicle theft; and Paul, sentenced to 30 months for burglary. The two still awaiting sentence were Ian, who had been charged with assaulting a police officer and remanded to custody, and Gary who had been charged with using threatening behaviour towards a police officer and granted bail. Interestingly, five of these seven young men also breached their post-release supervision conditions. For example, whilst Rob and Paul breached their curfews, Ian, Gareth and Simon all missed various supervision appointments. Consequently, although five of the men had been returned to custody for re-offending, four of them (not including Ian who was simply fined) would have ultimately been recalled to custody anyway for breaching their post-release conditions.

In addition to 'officially' re-offending, five of the seven also self-reported offending for which they had not been charged. For example, Paul had re-started drug dealing and Gary and his friends had been 'getting in loads of fights' with rival gangs - 'sometimes there was up to 30 lads'. Similarly, as Ian noted: 'I've had a few fights, … gangs of us fighting with other people'. In addition to fighting, however, Gary also 'used to go out at night taking

cars'. Although Gary was unable to explain why he did it - 'it wasn't for money, I just wanted to go for a drive' - for almost two months after his release from custody he was going out and stealing cars 'every other night'. Unlike Gary, who was unable to say why he had been stealing cars so persistently, Simon started stealing cars because he could 'sell them straight away'. In fact Simon committed a crime 'the first day' after he was released. As he noted: 'I weren't even looking like to do anything … I just like seen the opportunity and took it. … I had £20 in my pocket [and] I ain't going to live on £20 for that week'. Like Simon, Joe's offending was also financially driven. However, in contrast to Simon's opportunistic offending, Joe needed money to fund his heroin addiction.

> I was out for about a week and then I got a [heroin] habit again, and then I was out every day … robbing cars, car stereos, things from shops, everything really, just to make some money … [for] drugs.

In contrast to those who had re-offended, eight of the young men reported no offending of any kind during the six months following their release from custody. For example, although Adam had been 'tempted to fight back' because he was being victimised, he 'restrained' himself and stayed out of trouble. Similarly Ed told his mates to 'leave it out' when they were 'going to go round' to a rival gang member's house to 'leather him'. Kevin did not 'dare' to go back to the drug dealing he was doing before he came to custody - 'I couldn't jump straight back into them shoes, I'd have got myself hurt' - and Nick resisted when his friends tried to get him back into drug dealing.

> I've had people ask me to start drug dealing [again] … but I've watched too many
> of my mates go down for drugs and it's not a nice sentence. … I'd rather sit back
> on my arse with no money than start pushing drugs.

Steve, who had previously served a custodial sentence for dangerous driving, was 'tempted' to drive a car his friend had stolen. As he recalled:

> Me mate … kept saying "come on, come on". … I were tempted … cos driving is
> a big buzz … but I've been done for it before and I don't want to get done for it
> again. … I just thought "nah, it's not worth it".

As can be seen, although some of the young men (like Simon) re-offended for purely financial reasons and others (like Joe) re-offended to fund a drug habit, there were those (like Gary) who were simply unable to explain why they had re-offended. Similarly, whilst some (like Nick and Kevin) were deterred from re-offending by the threat of a lengthy custodial sentence or the threat of victimisation, others (like Adam, Steve and Ed) were simply able to avoid re-offending. Furthermore, when the re-offending outcomes for the 17 young men who were followed-up are compared with an official measure of the likelihood of them re-offending - in this instance the Youth Justice Board's ASSET common assessment form (Youth Justice Board 2006c) - some striking anomalies start to emerge.

Briefly, the aim of the ASSET form is to identify the risk factors associated with a young person's offending behaviour. Indeed, one of the Youth Justice Board's fourteen performance indicators to assess the performance of Youth Offending Teams (YOTs) is to

ensure that ASSET is completed for all young people they work with (Youth Justice Board 2006a). There are 13 sections within the ASSET form dealing with factors such as 'family and personal relationships', 'lifestyle' and 'substance abuse'. A score from zero to four (where zero is 'not associated' with the risk of further offending and four is 'strongly associated') is assigned to each of the sections, before the scores are combined to provide a total score (out of a maximum of 48 because two sections are combined). As Baker *et al*. (2003) note in their evaluation of ASSET for the Youth Justice Board, a high ASSET score should not only indicate a higher probability of reconviction but also a likelihood of more frequent offending and possibly of more serious offences. As expected from this, all those who re-offended (both officially and self-reportedly) in this study had reasonably high ASSET scores - they all had scores of 20 or higher. Similarly, those young men with the lowest scores, such as Mark and Steve who were both scored eight, did not re-offend (either officially or self-reportedly). However, five of the young men who had some of the highest ASSET scores in the sample - for example, Ed and Tim who were both given scores of over 30 - all managed to avoid re-offending (both officially and self-reportedly). This raises the important question of how it is that some young offenders, despite a high predicted likelihood of it and social circumstances conducive to it, can avoid re-offending while others in a similar situation cannot.

Incidents of victimisation

Previous research has highlighted the fact that many offenders are themselves victims of crime (see Muncie 2004: 21-25 for an overview). As already mentioned in relation to Nigel and Liam, some of the young men in this study had themselves been victims of crime since their release. This victimisation had varying impacts, ranging from losing

work to having to leave home. For example, Gary 'got a shoulder injury … in a fight', and because it was 'bad for a long time' and he 'couldn't do anything with it … for ages', he had to stop working. For Joe, however, his injuries were purely a result of being caught in the process of a burglary - an offence he was committing to fund his heroin habit. As he recalled:

> Three big fat bastards … kicked the fuck out of me man. If I weren't have been drugged, it would have hurt.

For some, not retaliating and therefore not breaching their post-release conditions was the main difficulty.   As Adam noted:

> Lads have thought cos I've been inside I've come out thinking I'll be harder. … Lads have … kicked off on me to try to get me to start back [but because I'm still on licence] I haven't hit any of them back. … [Instead I've just] took a good hiding.

Similarly, Kevin was unwilling to retaliate when he was seriously assaulted by a gang of drug dealers with whom he had been in direct competition prior to being sentenced. However, not retaliating and thus not breaching his post-release conditions was only one of Kevin's concerns. His more pressing concern was the continued threat to his own personal safety that followed the assault - a threat that was sufficient enough for him to leave home and consequently be breached for absconding and recalled to custody. As he noted:

They [rival drug dealers] don't want you coming out [of custody] and trying to regain your spot, where you were before. … They … [attacked me with] a hammer … and … split my cheek bone straight open. I couldn't hit back, … they knew I was on parole, they just wanted to get me back. … That's what pissed me off … I couldn't deal with it. I weren't ringing the police … so there was nothing I could do about it. … I went to live with this friend … for a couple of days, … [then] went back home and it was just worse. … People were still looking for me, … knocking off people's doors … saying they was going to kill me. … I didn't want … my family involved in it … so I just … left again.

Post-release supervision conditions

Of the original 20 young men interviewed in this study, 14 had been sentenced to Detention and Training Orders (DTOs) - i.e. sentences of between four months and two years, where the first half of the sentence is spent in custody and the second half is spent in the community under the supervision of the local YOT. Due to the gravity of their offences, the remaining six were serving longer Section 91 sentences - i.e. sentences of over two years. However, as all six of these young men were sentenced to less than four years, they were eligible to leave custody at the halfway point of their sentence and then be supervised on licence until the three-quarters point. Crucially for the young men in this study, both DTOs and Section 91 sentences can have additional conditions attached to the community period of the sentence. These can include, for example, the young person being electronically tagged and subject to a curfew order, and/or where deemed necessary, subject to an Intensive Supervision and Surveillance Programme (ISSP). An ISSP normally lasts six months, with the most intensive supervision period (25 hours a week)

lasting for the first three months, followed by supervision at a reduced intensity (a minimum of five hours a week, and weekend support) for the remaining three months.

Following their release from custody, ten of the young men in this study had additional conditions attached to the community elements of their sentences. Interestingly, of these ten, five had no difficulty meeting their conditions: in this case, a curfew time. For example, Paul 'used to go in at seven and get a nice long shower' and Gary found his ten o'clock curfew 'easy'. As he noted: 'it was late and my mates used to come round anyway'. Others found the fact that they were not living at home made things easier. Liam found that being released to his grandmother's made him 'stick by it [his curfew] more'. As he noted: 'if I'd have been somewhere like at my [Mum's] house, where's there's a lot of things happening all the time, … mates knocking round, … there might have been a chance of me breaking it'. Gareth, who was living in shared accommodation, took a more proactive approach.

I didn't let my mates come to my house … because if they had … I knew for a fact that I would end up getting in trouble. … It was hard but I managed to do it.

In contrast, three of the young men did find it difficult to meet their curfew time. This was primarily due to their friends not being subject to any such restrictions. For example, Nigel found it 'hard' because he 'wanted to go out … cos all' his 'mates were out', and Ian found that if all his mates were 'staying out, it was hard to go in'. However, despite these temptations, both Nigel and Ian made it through their supervision period without breaching their curfews, as did Ed, who noted:

When everyone's staying out … and you've got to go home for seven o'clock, you're missing out on all the fun aren't you. … [But] I never breached it once. I thought about it a lot, [but] thought "it's not worth it".

One of the ten young men subject to these additional conditions felt that he had a legitimate argument for having his curfew time changed. Dave - who was eventually breached and recalled to custody for missing his curfew time - felt that because he was working in other cities, and consequently could not get back for his seven o'clock curfew, it should have been moved to later in the evening. As he argued: 'they should have put my tag time to … like nine o'clock. I asked them and they said they "can't do it". … [But] they knew I was working, they knew that'. In contrast, Joe, who was not subjected to any additional conditions following his release, did not understand why he had not been electronically tagged. As he noted:

I was out late at night, doing all-nighters, … robbing car stereos. … [I had] just normal licence, one day a week of YOT, … basically nothing. … I was just free. … [A curfew] would have helped cos if I stay out all night … I end up getting off my head … and start nicking cars.

In addition to being electronically tagged and subject to a curfew order, five of the young men were also subject to an ISSP. Only one of the young men, Liam, found attending the ISSP relatively easy, and this was because he had managed to find employment. As he noted: 'because I was working … it covers 15 [out of the 25] hours. … [So] it's easier if you've got a job'. The others, like the vast majority of those in the Youth Justice Board's

evaluation of ISSP (see Gray *et al*. 2005; Moore *et al*. 2006), found the sheer volume of sessions, combined with their timing throughout the day difficult.

> There was too many sessions. … I had to go in the morning … and then I had to go at half two the same day, and then I had to go back home and come back again half three … every day. It's too hard.
>
> (Gareth)

> You have to go every day, and … one day on the weekend. … You have to do 25 hours a week. … I'm going there some days 1.30 till 3.30, and I've got another session at 4.30 till 6.00 the same day.
>
> (Ian)

For some who had been subject to an ISSP before, the repetition of the work covered was also an issue. For example, Ian noted that he had 'done it all before last time' and Nigel found the ISSP 'boring'. As he noted: 'cos I've been here before, you're just going over all the same stuff, over and over. … Worksheets and that on … motivation to change. Pretty crap things'.

Breaches and recalls to custody

The Youth Justice Board's evaluation of the DTO (Hazell *et al*. 2002) found that half of their sample failed to comply with all the aspects of their post-release supervision conditions. However, most of those who failed to comply did so, not by re-offending, but by failing to comply with 'technical' aspects of the conditions such as missing a

supervision session. In this study, ten of the young men re-interviewed were subsequently breached for failing to abide by their post-release supervision conditions. Only two of them received non-custodial penalties as a consequence. Nigel, who was breached for missing supervision appointments - 'just forgot about them' - was tagged for a further two months, whilst Ian was fined for missing a number of his ISSP sessions. Bearing in mind the length of time that many of these young men have spent disengaged from any form of education, training or employment, the difficulties that many experienced in meeting their supervision requirements starts to become more understandable. As Ian pointed out:

At the ISSP you have to do 25 hours a week … [and] about nine hours … a weekend. … They were putting me into education as well, going to college, … [but] cos I'd been out [of education] that long, it was hard for me to get back into it. So I didn't used to go there [college], and that's why they breached me.

A large body of recent research (e.g. Fletcher 2003; Hedderman & Hough 2004; Maruna 2004; Moore *et al*. 2006; Padfield & Maruna 2006; Richards & Jones 2004; Solomon 2005) has commented on what Harding (2006: 393) calls the 'staggering explosion of prisoners recalled to prison'. A Prison Inspectorate review (HMIP 2005b) published in 2005 showed that in the preceding five years the number of prisoners recalled to custody had more than trebled. Alongside this, a *Prison Reform Trust* (2005) study noted how the majority of offenders were being recalled for technical breaches rather than for further offending. In this study, eight of the ten young men breached for failing to abide by their post-release conditions were recalled to custody. Of these, five were breached for missing their curfew time. Although Paul was breached for being 'twenty minutes' late, others were breached for being much later. For example, Tim was breached because he was

'stopping out … coming back at like one, two in the morning, … five, six hours' after his curfew. Similarly, Rob 'ended up going out on the slash … and just didn't end up going home' for his curfew. Dave, however, who had managed to secure full-time employment following his release, was late returning to home on a number of occasions as a direct result of his work and was consequently breached for missing his curfew time. As he noted:

> I was working … when I first got out of prison … plastering [with] my brother. … I was … doing a lot of travelling. … But cos I kept being late they says to me "keep being late and we're breaching you". So it was either I stop working or they breach me. … So I breached.

Those three that were breached for other reasons included: Nick, who 'got recalled for breach of ASBO' because he was caught in an area he was banned from; Gareth who missed a number of ISSP sessions because 'there were too many' to attend; and Kevin, who breached his licence conditions by absconding. As mentioned earlier, due to the very real threat of victimisation from 'enemies' he had made prior to his sentence, Kevin went on the run and was subsequently recalled. As he argued:

> I never hurt anyone, I never did nothing, … I didn't even commit a crime when I was out. That's what pisses me off the most.

As already mentioned, four of the young men that were recalled to custody for breaching their post-release conditions were also reconvicted for new offences they had committed in the six months following their release. To briefly re-iterate, these included; Paul, who was

sentenced to 30 months for burglary as well as breaching his curfew; Gareth, who was sentenced to eight months for vehicle theft as well as breaching his ISSP; Simon, who was sentenced to 18 months for driving offences - 'driving whilst disqualified, dangerous driving, shit like that' - as well as breaching his supervision conditions; and Rob, who was sentenced to seven months for robbery and breaching his curfew. However, somewhat ironically for Rob, it was the fact that he knew he was going to be breached that directly resulted in him committing a new offence. As he noted:

> When I breached my tag … just thought "I'm going back so I might as well do something", which was daft really cos I would have only been coming back for a month now, not seven. … Started getting more drunk, and I just ended up beating two lads up and robbing them, so I got done for street robbery [as well].

A number of the above issues were also mentioned by two of the three young men that were not re-interviewed. For example, similar to Kevin, Chris went on the run and was re-sentenced for breaching his supervision conditions. However, for Chris, the reason was drug debts rather than the threat of victimisation. Chris was still subject to supervision conditions from a previous custodial sentence when a warrant for his arrest was issued for selling Class A drugs - for which he later received an 18-month sentence. Because Chris knew that if he attended his supervision appointments he would be arrested and remanded, he decided to breach his conditions and go on the run. As Chris reasoned:

> I owed someone some money for drugs. … If I'd come to jail [instead of going on the run] I'd still owe him the money [now], and when I get out I'd have to sell

drugs again to give him the money. … I just wanted to pay him the money [first] so everything's cleared [for when I get out].

One of the other young men who was not re-interviewed, John, found himself in a similar situation to Rob, and committed a new offence because he knew that he was going to be breached and recalled anyway. Following his release from a previous custodial sentence for selling drugs, John was subject to an ISSP. However, he was breached because he was involved in a fight at the YOT with another young offender. As he noted:

That's why I started selling drugs again. … Thought if I've got to come back to jail [anyway because I had been breached], … I would just sell drugs … for quick money … before I went to jail. … I saw this guy that I used to sell drugs for and he said "do you want to sell some drugs for me again", so I just sold some. … [However, then] I got caught selling drugs again [as well as being breached].

As can be seen, some of the young men (like Ian and Gareth) clearly had difficulties coping with the heavy supervision schedule that they were subjected to following their release and this was the primary factor in them being breached. Others (like Tim and Rob) simply missed their curfews by remaining out all night, whilst some (like Rob and John) dealt with the fact that they had been breached by re-offending. This raises a number of important questions. Firstly, how it is that some young offenders are able to meet all their post-release supervision conditions whilst others in similar situations cannot? And secondly, how does being breached for a technical violation rather than a further offence affect, not only young offenders' motivation and commitment to going straight, but also their view of the legitimacy of the youth justice system as a whole?

Relationships with friends

Research (e.g. Hazell *et al*. 2002) has found that one of the most frequent and pressing concerns for young people serving the community period of their DTO is the influence of their friends, because most of the young people they associate with in the community are offenders. Consequently, it came as no surprise that one strategy some of the young men in this study pursued in their bids to stay out of trouble was cutting themselves off from criminally-involved peers. Nick, for example, made a conscious decision to distance himself from his co-defendant.

> I've seen him [my co-defendant] a few times … [but] we don't … hang about together. … He's going back down the same old path, … out burgling and stuff like that, so I don't want to have anything to do with him cos he'll only try and bring me down, and I don't want that.

Similarly, when Kevin was serving his custodial sentence, he decided that when he was released he would cut himself off from his old friends in an attempt to avoid re-offending. Unfortunately for Kevin, this meant that when he began to be seriously victimised on his release by enemies he had made prior to his custodial sentence, his old friends were not there to help him.

> When I was in prison … I said [to myself] I was going to change when I got out, so I didn't write to none of them [my old mates], I didn't ring none of them. … I dissed them basically. So when I came out and I got this trouble and I'm trying to say "I got trouble" they don't want to know me. … That's how it is … they

weren't helping me, they weren't going to do shit for me … cos I dissed them

before.

Another strategy that some of the young men employed was to make new friends that were not criminally-involved. For example, Adam made 'new mates' in the block of flats that he had moved into following his release, mates that just wanted to 'get settled down' and not 'get into trouble'. Similarly Ed's new friends were 'all grown up … in their 20s and early 30s'. As he noted:

[My new mates are] quieter and just enjoy having a drink and having a good time. … My other [old] mates … [are still] just prancing about looking for trouble all the time.

Although this raises the interesting question of how it is that some of the young men, despite the inevitable loss of support and companionship, were able to distance themselves from offending peers, not everyone was able to do so. As Gary recalled:

The day I got out … I was home for about two hours and one of my mates rang me up … and asked me if I wanted to go to the pub. … We walked up to the pub, met up with about four or five [other friends. After that I] used to stay at my mate's houses, drinking most days, smoking weed every day, … just messing about, hanging out, all the lads. … Causing trouble … getting in fights.

Family relationships

For some of the young men who returned home following their release from custody, their relationships with their parents had improved compared to how they had been prior to their sentence. For example, Nick claimed that his relationship with his parents was now 'brilliant', and Ed claimed his relationship with his parents was 'better' now that he had 'grown up' and could 'talk to them'. For Ian, the improvement in his relationship with his mother was a direct result of him moving in with her following his release. Although their relationship had been 'good before', Ian felt it was 'better now' that he was living with her rather than his father. Whilst for Steve, the improvement in his relationship with his parents had resulted directly from a change in his father's behaviour towards him.

> My main worry [when I was released] was … falling out with my Dad [again]. … Because it used to be … when he was pissed off he'd take it out on me … [and because] I'd be pissed off, … I'd think "fuck this, I'll go and do something", and it was always breaking the law one way or another. … But [since I've been released] … I think my Dad's … realised that … it has a knock-on effect on me. … I think he's realised to … not take it out on me.

In addition to these improvements, some of the young men who had parents that were separated, started to develop positive relationships with the parent with whom they were not living. For example, Ian, who was living with his mother following his release, had managed to build-up a 'good' relationship with his father. Similarly Gary would 'get the train down' to his father's and 'stay for a couple of days, … go to the pub … [and] end up having a laugh'.

These improvements in family relationships, however, were by no means universal for the young men in this study. Research has found that a history of poor family relationships is prevalent among persistent young offenders (Social Exclusion Unit 2002; Youth Justice Board 2005a), and that problematic family relationships often add to the difficulties that many young people face in the community period of the DTO (Hazell *et* al. 2002). This study was no different. As Liam noted, although he felt he 'had a very good relationship' with his mother, their relationship was far from ideal.

> We clash a lot. … We argue more than anyone else in the family. … She's got …
> a fiery temper and that's the same as me, and it's just [we argue] over stupid
> things, anything really.

Similarly, Joe's relationship with his mother was also problematic. However, unlike Liam, for Joe it was his return to heroin addiction rather then any personality clashes that had caused the problems with his mother. Despite her best efforts to help him and provide a stable home for him following his release, he had started using heroin again.

> Mum tries to help, … tries to get me to stay in. … She even gave me a mobile and
> she rings me to tell me to get in but I just turn it off and stay out all night. … She
> always cooks my tea but I never go in and eat it, and that's what I feel bad about
> cos she still cooks it even though I'm not going home for it, [but] just in case I do.
> … She's fucking trying to help me isn't she.

Since moving away from home and into supported accommodation, Mark's relationship with his mother had also deteriorated sharply. He had not seen her 'two or three month'

and his only contact with her was when she would 'occasionally' ring him. Others reported similar situations.

> I just see her [my Mum] once every so often … [and] I've had to go up there [to her house] all the time to go see her. … She saw me more in [custody] than she does now I've got me own place … [which is] kind of wrong really … [because] you need more support outside when you've got your own flat than you do inside. … I would rather her come see me more in my flat, but obviously she hasn't.
>
> (Adam)

> I ain't seen him [my Dad] in four, five months. I've not heard from him [since I was reconvicted] and … I'll not hear from him at all through my prison sentence. … It pisses me off. … It's hard isn't it, but you just have to deal with it don't you.
>
> (Kevin)

> I haven't spoke to her [my Mum] since the second time I got locked up. … I went back [into custody] and I haven't spoken to her since then.
>
> (Tim)

Two of the young men had not even made any contact with one of their parents since their release from HMYOI Werrington. For example, Simon had not attempted to make contact with his father - 'I'm not even trying yet, he's been off my mind, I ain't even really thought about him'. Similarly Tim noted: 'I don't speak to him [my Dad]. … It don't bother me, he ain't been there so it's no loss to me'. However, in some cases, non-contact with one parent was preferable when resuming contact meant having to contend with a step-parent

who was difficult to get on with. For example, Adam, who was living in his own flat, had not seen his step-father at all since his release.

> When I've asked to go up me Mum's … me Mum says I can't go up cos she's busy. But I know he [my step-Dad] was there and obviously she didn't want me coming, in case he said something and I ended up hitting him.

These excerpts raise the important question of what emotional impact these poor and/or deteriorating family relationships had on those concerned. For example, what impact did Adam's mother's behaviour have on him? And although Kevin claimed to be able to 'deal with' his father ostracising him, it begs the question of how he did this. Similarly, can Tim's claim of 'not been bothered' by his father not being there for him be taken at face value?

When it comes to the issue of support, some, but by no means all, of the young men were fortunate enough to receive some form of support from family members. This support included, not only financial assistance, but also help in abiding by licence conditions. For example, whenever Gareth's mother came to visit him in his shared accommodation she would give him '£40 or something' so he would 'always have money in the week'. Similarly, as Ian noted, it was the financial support he received from his mother that helped to reduce his offending.

> I haven't nicked anything for a while cos … now I live with my Mum I get money [from her] most of the time … so I just don't need to nick no more.

For Paul, the support he received from his family was that they 'made sure' he was in from 'seven till seven' and so did not breach his curfew. Like Paul, Ian recalled:

> There's been a few times when I've nearly breached it [my curfew] but my Granddad's come round in the car looking for me, in front of all my mates, not showing me up, but you know … "you should be in". … So I just end up getting in the car with him. … If he hadn't have come I would have stayed out.

Interestingly, despite the support that Gareth, Ian and Paul received from family members, by the time of their six-month follow-up interviews, all three of them had been re-sentenced to custody for new offences committed since their release. This raises the question of how it is that some of the young men (like Adam and Tim), who were faced with poor family relationships and little to no support from family members, were able to avoid re-offending, whilst those mentioned above were not.

For others, the support they received from their family was less tangible than that mentioned above.   For Ed, Nick and Steve, this support included, not only feeling that their families were 'cheering them on', but that they were there to offer help and advice. For all three, the level of support they received post-release was greater than that prior to custody, and interestingly, none of them had re-offended (either officially or unofficially) in the six months following their release.

> I've had loads of support off my family. … Just general little things to support me. … It's all positive innit.

> (Ed)

65

All my family … is cheering me on, saying "keep going, keep going, don't go back to jail". … [My family] like to keep a close eye on me. … They all say "have you had a good day?", they all talk to me, like little things, … my eldest brother will ask if I want a cup of tea or something.

<div align="right">(Nick)</div>

My Mum and Dad are good support. … They're always there, someone to talk to, … they're just there to help me out. … [In the past] they wouldn't have been there. … They'd just say "if you're going to do it, get on with it". They just wouldn't bother.

<div align="right">(Steve)</div>

Relationships with partners

Two of the young men had simply continued their relationships with the girlfriends they had been seeing prior to their custodial sentences. However, for both of them, their relationships had markedly changed post-release. For Nick, the difference was that his long-term girlfriend of 'nearly five years' was now 'three months pregnant', whilst for Steve, his long-term girlfriend had become more understanding. As Steve noted:

She listens more now. She seems to understand me more, … understand why things get under my skin, … wants to hear more about me … which makes me feel better.

Others had started new relationships since their release. Liam had started a relationship with an older women. As he pointed out:

> She's a very … wise women, … not a stupid girl, … and just being round her … is helping [me] out in a way cos if I weren't with her I could have been doing other things what could land you in trouble.

Similar to Nick, the girl Mark had started seeing soon after his release was now pregnant. However, perhaps inevitably, fatherhood was not something that all the young men, with few prospects and bad experiences with their own parents, necessarily welcomed or felt confident about. As Mark noted: '[she's] unfortunately ... three months [pregnant], and we've only been going out, like five'.

Accommodation issues

Accommodation was an issue for five of the young men following their release from custody as they struggled to find an address permanent enough to satisfy the conditions of their release. Tim, whose mother 'kicked' him out shortly after his release, had no fixed address to be tagged to and was subsequently recalled to custody - 'they had nowhere to put my tag, so they had to put me in [custody]' - where he remained for three weeks until some supported accommodation could be found in a neighbouring town. Although he was not recalled to custody, Adam recounted a similar story.

> They didn't have me own flat sorted [for] when I was going to come out [of custody] so my Dad said that he'd let me stay … until they got it sorted. … But

then … me Dad ended up telling me I'd got to go [so] Social Services [had to] put me into a … hotel for about a month … until it [my own flat] got sorted.

For others, like Gareth who was found shared accommodation by HMYOI Werrington's resettlement team, their difficulties started when they moved back home from the accommodation they had been released to. After living on his own for a short time, Gareth's mother, who 'used to visit every week, … noticed that there wasn't that good an atmosphere in the [shared] house' and asked Gareth to return to live with her. Unfortunately, as Gareth noted, 'about a month' after he had given up his place in the shared accommodation and moved back home:

> My Mum said there was too many of us in the house … [and] she couldn't cope. … There was six of us in all [staying at my Mum's]. … It was only a two bedroom house and I was sleeping downstairs on a camp-bed. … [Anyway] me Mum knackered it for me cos I had to move back out and go to live with my mate. ... [And] not being with my Mum and that, not being with my family, not being in my house, I just felt like "fuck it, I'm on one, let's TWOC a car".

Similarly for Nigel, after leaving HMYOI Werrington he went to a children's home for a 'couple of months'. He then returned to a foster carer he had lived with prior to custody but was 'kicked out' after 'two months' for not paying his board - instead he 'just spent it'. It was only then that Nigel returned to live with his father, an experience he found 'stressful'. As he recalled:

He was always stressing at me … about getting a job. … [I] couldn't be doing with it. … He said that I couldn't stop there until I got a job, but I'll get a job when I'm ready to get a job, so I had to go basically.

In contrast, Simon's accommodation problems started as soon as he was released. His YOT worker placed him in a local hostel. However, because Simon found the hostel 'trampy' and did not like 'staying around … drug users', he went to live at a friend's flat. When the YOT found out:

They said to me "your stuff's not there [in the hostel], what are you playing at, where are you"? Told them I was my mate's flat, and … it went wrong from there.

As can be seen, for many of those with accommodation problems, the source of the problem was often a parent. For example, Tim's mother, knowing full well that her son would be recalled to custody 'kicked' him out. Similarly, as a result of his father telling Adam he had 'got to go', Adam had to live in a hotel for a month, and Gareth had to go and live with a friend when his mother 'couldn't cope' with him being in the house. These examples raise the question of the emotional impact that these situations must surely have on the young men concerned. How did they deal with the feelings of rejection, disappointment and betrayal that these situations must have engendered?

Alcohol and drug use

Since their release, three of the young men said they were now drinking less than they had done prior to being sentenced. For example, Liam had 'not really been out drinking' since

his release, and Ed's drinking was 'less than what it were, … only drink twice a week now'. Although Nigel still drank, it was now 'not a lot' and 'just on Friday and Saturday night'. In contrast, however, and in line with research highlighting the problems of drug and/or alcohol misuse that many young men leaving custody face (e.g. Social Exclusion Unit 2002), four of the young men said they were now drinking every day. Two of them (Gary and Ian) blamed their excessive drinking habits on the fact that they were bored and had nothing else to do with their time post-release. For example, Gary put the fact that he was 'drinking a lot' down to 'boredom' and 'not doing anything every day', and Ian claimed he was 'drinking every day' because there was 'nothing to do but just drink beer … down the park'. For the other two (Tim and Rob), although their excessive drinking had initially been to celebrate coming out of custody, it had continued long after their release.

> I was that excited to be out, I didn't know what to do with myself. I just thought "fuck it, I like drink" and just basically got smashed. … It's just basically celebrating being out of prison, so 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.
>
> (Tim)

> [The drinking] was just meant to be one night, that's all, celebrate getting out, but then it went onto the next day and the next day, and then it just carried on.
>
> (Rob)

For three of the young men, their drug use re-started as soon as they were released from custody. In addition to his excessive drinking, the day Gary was released he 'bought … an

eighth of skunk, and … got back into it straight away'. As he noted: 'for about two weeks I was buying an eighth of skunk every single day'. Similarly, the day Paul was released a friend gave him 'a quarter of solid and an eighth of skunk weed' as a 'getting out present', and before long Paul was dealing cannabis as well as using it himself. As he recalled:

> I passed it [the cannabis] to my cousin and my cousin started selling it for me. … [Because he] was selling it for me, I was sorting him out for a profit. … I weren't getting my hands dirty. I'd get it, pass it to him and … he'd sell it. I'd just get the money in from it.

In contrast to Gary and Paul's cannabis use, Joe quickly resumed his heroin use. Prior to his custodial sentence, Joe's drug use had been so serious - 'I was fucking bad. I was on 40ml of methadone and heroin … smoking crack every day' - that he had 'wanted to come to jail' to 'sort' himself out. However, as Joe recalled, on the first night back home after his release:

> [My cousin came round and] he was off his head on drugs. I didn't really want to go out with him but he was saying "come on, we'll just get pissed". … Cos I had nothing else to do … I ended up getting pissed with him [and] taking loads of drugs. … I just lost me head basically [and] started taking heroin again.

Education, training and employment

Only three of the young men had been accessing any form of education when they had been sentenced. At the time of their six-month follow-up interviews, two of these three

(Steve and Adam) had returned to college, whilst the third (Liam) was unemployed. Steve, who had started a media course at his local college, felt it was 'the best thing' he had 'ever done'. As he noted: 'I'm filming a documentary and it's just amazing. I love it'. Adam was similarly positive about the sports science course he had started - 'I really enjoy it'. However Adam, who was living on his own in a council flat, found 'fitting everything in around college' - in terms of the chores that needed to be done to live independently - to be 'quite difficult'. In addition to Steve and Adam, Tim - who had not accessed any form of education since being permanently excluded from school at the age of thirteen - had started attending his local college 'two days and two half days' to do courses on 'plumbing, plastering and bricklaying, basic skills and job-seeking'.

Only three of the other young men had become involved with training providers in the six months following their release. Ed's local training provider had authorised him to work in his friend's barber shop. As he noted:

I get paid off them [the training provider] instead of my mate … but every so often my mate will give me a bit on the side. … [I work] five days a week … half-eight to half-five.

Unfortunately for the other two, their time with local training providers had been short-lived. To Nigel's annoyance he was kicked off his training course after only a 'couple of weeks' for fighting with other trainees, and Joe was arrested the day before he was due to start.

I don't get on with a few people there … had a fight and I got kicked off. … [I was] wounded cos I wanted to do something.

(Nigel)

I went for an interview … they thought I was alright … and they said I could start … the next day, but I ended up getting locked up.

(Joe)

Similar findings are reported by Hazell *et al*. (2002), who found that around only forty per cent of young people serving DTOs were involved in any form of education or training during the community period of their sentence. However, whereas less than a fifth of the young offenders in Hazell *et al*.'s study were involved in work or work experience, seven (i.e. two fifths) of those re-interviewed in this study had either been in some form of employment since their release, or were still employed. For some, like Gary, an employment opportunity had come through a family acquaintance. As he recalled:

My Mum knew this guy, a self-employed plasterer, and he'd said that he needed someone, … a labourer, … to help him out … making mixes, carrying bags. … She said that I'd just got out [of prison] and … I was interested, so I started.

For others, the employment opportunities came directly from family members. For example: Kevin's father got him a job in his construction company 'building roads'; Mark 'started working on markets' with his step-father; Dave managed to get a 'plastering' job in his brother's company; and, Nick's father had been 'teaching' him the building trade.

I've learnt how to do guttering, soffits and fascias, block paving, patios all in the time that I've come out.

(Nick)

Although some of the young men were fortunate enough to be offered employment by a family member as soon as they were released, not all of them were still working in the same jobs. For example, Liam, who had a job offered to him 'on a plate' working at his uncle's shop, gave purely financial reasons for changing jobs - 'I wanted a job that was going to pay a bit more money'. As a result he left the steady employment at his uncle's for some temporary agency work emptying refuse bins.

[Whereas] I was [only] getting about between £90 and £130 at my uncle's shop, I were getting probably £190 on the bins.

Paul on the other hand was sacked from his father's scrap yard for being 'lazy … going in late, … not working, [and] smoking draw all day'. For Paul, it was the type of employment offered to him more then anything else that led him to 'getting stoned' all day. As he reasoned:

I was bored … 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".

Impact of custody

Nearly half of the 17 young men that were re-interviewed had negative comments to make regarding their time in HMYOI Werrington. These ranged from the harmful nature of the custodial setting, to the consequences of associating with other fellow young offenders. In relation to the former, research has found that violence is endemic within YOIs with young men often reporting that they feel unsafe, that they have been victims of violence and bullying, and that they feel isolated and alone (e.g. Farrant 2004; Harvey 2007). In this study, two of the young men spoke of the bullying that they were subjected to. Adam had fellow inmates 'hot water' him, and Steve recalled how:

> A lot of bullying went off when I was in Werrington, a lot of bullying, which really put my self-confidence down a lot.

Another of the young men, Gareth, found that simply being in a custodial setting had a negative impact on his mental health. The very nature of imprisonment gave him time to think about the negative things that had happened in his life - in his case, finding his step-father dead on the sofa when he was 11 years old, and discovering his friend's father hung in a boarded-up house a year later. As he noted:

> Prison does it for you doesn't it … You're doing nothing, enjoying nothing, you're in a cell and there's nothing else to do but think about things … [Although] I was trying my best to forget about it … I was … stressed … [and] I was on [prescribed sleeping] tablets … [to] make me forget about it and … help me sleep.

Two of the young men felt that associating with fellow young offenders had been a negative consequence of their sentence. Ed argued that this aspect of custody had done him 'more harm than good' because he had 'got to know' other offenders and 'associate[d] with them'. Similarly, as Simon noted:

> You mix with people that's done worse things [than you] and they influence you. … All it needs is … someone to say "you could do this, make this much". That's all it takes and it's in your head. You go out and do it.

In terms of future employment prospects, Dave felt that being in prison had made it harder for him to get a job on his release. As he argued: 'When you go for a job interview, they look at your records … [and it] tells them you've been to prison … so it's [going to be] harder to get a job'.

In addition to these negative comments, six of the young men also felt their custodial sentence had had no impact on them whatsoever. For example: Liam argued that prison 'doesn't change' people; Gary said he was 'not bothered about going back' to prison; Tim claimed to be 'that used to it now' that the threat of coming back to prison again did not 'bother' him; and, Gareth concluded that his time in custody 'didn't do nothing' for him. Others simply viewed their time in custody as a temporary lull in their criminal careers. For example, Gary felt that his prison sentence had stopped him 'from getting in trouble … for that time' but it 'didn't really put' him off. Similarly, as both Kevin and Simon noted:

Prison ain't nothing is it. … It's not going to make me think not to commit crime again. Prison's just where I'm going to be for the next two years.

(Kevin)

Nowadays prison don't seem to have any impact on me at all … When they say "we're going to give you three years" it don't phase me. ... I'm just thinking "I'm coming out on such and such a date". … It don't effect me in the slightest, it don't put me off crime.

(Simon)

Some of the young men felt that the regime offered within HMYOI Werrington was not strict enough for a young offender institution, and certainly not strict enough to deter young offenders from re-offending.

It's not even really a … jail is it. … It's not punishment. Everyone comes back when they've come here [before] don't they? It's nothing. … It should be … stricter.

(Joe)

Look how easy you've got it [here]. … Someone comes here [and] they're not going to be bothered about coming back are they.

(Liam)

A number of the young offenders who had spent time in other YOIs commented on the harsher regime they had experienced elsewhere. As Simon noted: 'It's just like different

sides of the spectrum. In here it's too easy, but there … it's more of a shock … cos you get fuck all'. As Ben argued:

> You think there'd be youth club and car club and soft-toy club and all these jobs for juveniles [there]. Nah mate. There you do education and gym, and then you're banged-up for the rest of the day.

Nick was one of the young men who felt that the harsher regime offered by one of the other YOIs he had been in was 'a lot better' than that offered by HMYOI Werrington. As he noted:

> Everything's all timed [there], you ain't got no dickheads that lag around after dinner because if you do it's just straight down the block, which is how a young offenders [YOI] should be. I think it's bang on [there].

Similarly John argued that he would rather have been sentenced to the YOI he was remanded to rather than HMYOI Werrington because the harsher regime at the former would have acted as a greater deterrent in terms of stopping him re-offending. As he noted:

> I thought it [HMYOI Werrington] was a bit of a jail …. [but then] I went there and got to know what a jail was. … If you've done a year in there, you don't want to go back.

Whether these calls for tougher regimes in YOIs should be taken at face value is open to question. Arguably, the young men's claims to have had 'it easy' in custody can only be understood by way of a contrast. All of the young men in this sample had endured depressingly difficult early life experiences which, to differing degrees, they had come to accept as the norm. With lives characterised by exclusion, abuse and neglect, some of these young men had clearly been protected from themselves and others whilst in custody, irrespective of whether or not the regime there better equipped them to deal with life post-release.

Support received from official agencies and organisations

Seven out of the 17 young men re-interviewed received some form of positive support from their YOT workers and/or other agencies and organisations. For Ed, his YOT worker got him involved with a training agency 'straight away' which Ed felt gave him 'structure' and consequently 'less chance of offending'. For Liam, his worker 'helped' him 'get on the council list for a flat', as well as signing him up at the local gym. However, in addition to practical support, a number of the young men valued the opportunity they had to simply talk to their worker. Kevin used to see his YOT worker 'three nights a week' and they would talk 'about everything'. Similarly as Steve noted about his YOT worker: 'he's quite good support … talking to me … about everything. … Helps me quite a bit'. Gareth found his worker useful for keeping his confidence up.

> Used to come to my house … and talk about things. … Talk about things to
> prevent me getting in trouble … like trying to tell me not to hang around with my

friends, trying to tell me to think confident all the time, be positive all the time. …
It was helpful.

For Joe, it was the support he received from his drugs worker that was helpful, particularly in terms of enrolling him on a drugs day programme.

Known him for … a couple of years now. … He just helps with everything, …
getting jobs and stuff. He got me on the day programme.

Some, like Adam, were even fortunate enough to receive full multi-agency support following their release. As he noted:

YOT have helped out with getting to college, … sorting me bus pass out. … The
Connexions worker's helped me out as well, … sorting out my career to go into
the army. I've had support from the support worker at the flats, he's helped me
out with me budgeting and everything, and Social Services have helped me out …
while I was waiting for my flat.

Notwithstanding these positive comments, however, a number of the young men viewed the support they had received from the YOT as anything but helpful. For example, as Ian noted about his YOT worker:

He used to get on at me all the time, … saying … "I just want you to keep out of
trouble and get an education and get a good job". … Got on my nerves, him going

on at me like that. It's as if they think you're not listening to them. They're telling you the same [stuff] every time, over and over again.

For Gary, because all the YOT workers he had come into contact with had 'treated [him] like a little kid', he would 'never really speak' to them and refused to 'tell them any problems' that he was experiencing. Simon, on the other hand, felt that when he was required to attend court for breaching his post-release conditions, his worker had 'stitched' him up.

She tried stitching me up and I didn't like that. … She said I didn't show up for like 18 appointments [but] I was only out a week. … It pissed me off. I wouldn't have minded if she'd said everything I did do wrong, cos I reckon I did do enough [crimes] to come back, … [but] at that point they [the courts] didn't even know about the crimes.

Others viewed their appointments with their workers as too short to be of any positive value - a finding highlighted by Hazell *et al*.'s (2002) evaluation of the DTO. Their evaluation found that the length and content of formal supervision varied enormously, with some supervision meetings lasting only five minutes. They also found that some young men interpreted these short sessions as evidence of a lack of interest in themselves. The findings from this study were no different. For example, Joe recalled how his supervision meetings only lasted 'like ten minutes', and Mark noted: 'I just come in once a week … and she [my worker] just says "Are you alright? Your next appointment is next week". That's about it'. For Paul, however, the problem was not that his appointment was too

short, it was that his YOT worker was simply never there to speak to him when he attended his appointments.

> [She] weren't never there. … I tell you, I didn't see my worker once when I got out. … I went down and asked [for her] and they said "she's not in today, she's in court". I went down again and they said "she's not in today, but [it's alright because] you've signed in anyway".

Conclusion

As Farrant (2006) found in her study for the *Howard League*, young offenders leaving custody face a wide range of difficulties that include: substance misuse; homelessness; problems with family relationships; and, unemployment. In addition, many of her sample came from significantly disadvantaged communities where offending is endemic. The 20 young men in this study were no different. As this chapter has shown, upon release, the majority of the young men were faced with a wide range of complex and inter-related problems. For many, their lives were characterised by: chronic drug and alcohol abuse; unstable accommodation; poor and/or sharply deteriorating relationships with family members; a lack of secure, satisfying employment opportunities; and, offending peers and family members. In addition, post-release supervision was often: too short to enable any meaningful work with the young person to be undertaken; perceived as tedious, irrelevant and repetitive by the young person; and cut short when breach proceedings - usually for technical violations of post-release conditions rather than re-offending - resulted in a return to custody. With this in mind, it is no surprise that the Youth Justice Board (2005b: 5) note that the successful resettlement of young people leaving custody is a 'significant challenge'.

It is now commonly accepted that the effective resettlement of young offenders - 'among the most challenging people to reintegrate' (Hagell 2004: 4) - requires 'multiple solutions' (Harding 2006: 391), 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 of a national *Youth Resettlement Framework* (Youth Justice Board 2005b), 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 - 'case management and transitions' - intended to improve 'partnership-working and the management of the transition from custody to the community' (ibid.: 4). Furthermore, the government's new *Youth Crime Action Plan* (Home Office 2008a: 60) 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. Whilst these developments have no doubt benefited, and will continue to benefit, young offenders as they attempt to lead law-abiding lives following release from custody, the question still remains as to why over four fifths of young offenders re-offend within two years of release from custody?

The analysis presented here suggests that at least part of the answer has to do with the importance of understanding just what it is that motivates particular young people to re-offend in the first place. In much contemporary resettlement policy and practice - focusing as it does on tackling more immediate 'practical' issues and deficits in human capital - the potential emotional impact of the problems that young people are confronted with as they

leave custody is largely overlooked. However, by highlighting the emotional dimension of many of the problems faced by young men leaving custody, the narrative material in this chapter raises the important question of how young people actually grapple (emotionally) with the difficult situations with which they are confronted. For example, how does a young person deal with poor and/or deteriorating family relationships? With a parent, that despite the young person's hopes and expectations, clearly wants to have no contact with them whatsoever. Or a parent that would 'kick them out', knowing full well that it will result in a recall to custody. Judging by the problematic behaviour (both offending and otherwise) of the young men in this study, 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 asserted. As such, when it comes to the question of how to better address young offenders' 'notoriously high' (Hagell 2004: 4) levels of re-offending, the need for a greater awareness and understanding of the potential role of emotions as a source of action cannot be overstated. Unless youth resettlement policy and practice starts to take this into account, it is likely that the problem of young custody-leavers' high re-offending rates will continue to remain unsatisfactorily addressed.

CHAPTER 4:

Youth justice in the 21st century: exploring the consequences of the turn to managerialisation, responsibilisation and punitiveness

Introduction

> Youth justice in the twenty-first century has evolved into a particularly complex state of affairs … It is at one and the same time about crime prevention and retribution … It targets those believed to be at risk as well as the convicted … Discourses of protection, restoration, punishment, responsibility, rehabilitation, welfare, retribution, diversion … exist alongside each other in some perpetually uneasy and contradictory manner.
>
> (Muncie 2004: 248)

This chapter investigates how youth justice became the complex and contradictory state of affairs Muncie depicts. It starts by looking at how the formation of the notion of a 'global risk society' has affected the development of criminal justice policies in the last few decades. In *The Culture of Control*, Garland (2001) argues that the normality of high crime rates combined with the state's limitations in relation to crime control has created a 'policy predicament' for government. For him, the state's response to this predicament has been to adopt a range of adaptive and non-adaptive strategies of crime control. These strategies can be broadly grouped into the discourses of managerialisation, responsibilisation and punitiveness. In the last decade, arguably all three of these

discourses have been evident in New Labour's youth justice policy, with contemporary policy characterised by: a more managerial focus, primarily concerned with assessing the risk of offending; a plethora of policies concerned with responsibilisation; and, a tough, largely politically driven, punitive agenda. However, by using the case study of a single young offender named Mark, this chapter demonstrates that the model of the subject constructed by each of these discourses is invariably unable to do justice to the complexity of many young people's criminal behaviour. Often an alternative conception of subjectivity - sensitive to the possibility of unconscious motivations - is needed to make the seemingly irrational or excessive behaviour of troubled youth more comprehensible. The consequences of this for the youth justice system - particularly in terms of how young offenders view their 'treatment' by the justice system - is discussed. Following this, the chapter then engages with Matravers and Maruna's (2004) psychoanalytic reading of the penal landscape described by Garland (2001) in *The Culture of Control*. By treating the state as a person and applying psychoanalytic concepts to the collective 'mind' of the state, Matravers and Maruna examine the role of the unconscious in the state's response to the 'policy predicament' that Garland identifies. By developing their argument that the punitive element of contemporary criminal justice policy is actually evidence of the state's unconscious denial of the 'policy predicament' that it faces, this chapter highlights the potentially detrimental impact of the state's aggressive and punitive projections on young offenders themselves.

Recent developments in crime control

Social theorists have identified risk as a defining characteristic of late modernity. Many of the changes wrought by globalisation and technological advances have created new risk

situations, which Beck (1992) sees as contributing to the formation of a 'global risk society'- a society in which risk-based routines and practices of government pervade most areas of our lives - and where, according to Giddens (2001), many of our everyday decisions have become infused with risk calculations. Over the past decade or so, governmental research has been primarily concerned with understanding risk as a 'complex category made up of many ways of governing problems' (O'Malley 2004: 7). By investigating how the adoption of risk as a framework of governance has created new techniques for self-regulation and for the control of others, governmental research has started to explore the 'details' of government that 'fall beneath the … universal theories of [a] risk society' (ibid: 9). Nowhere is this more the case than in the field of crime and criminal justice. In countries like Britain and the United States, crime is now a normal social fact - a 'routine part of modern consciousness, an everyday risk to be assessed and managed … a taken for granted element of late modernity' (Garland 1996: 446).

For Garland (2001: 106), the normality of high crime rates combined with the state's acknowledged limitations in relation to crime control has created a 'policy predicament' for government. He argues that the state's response to this predicament has been to devise a range of adaptive and non-adaptive strategies to control crime. The adaptive strategies can be divided into two broad discourses - managerialisation and responsibilisation. The former is rooted in a genre of criminological discourse termed the 'new criminologies of everyday life'. These new criminologies all begin from the premise that crime is a commonplace aspect of modern society which requires no special motivation, disposition, or pathology. As O'Malley (2004) notes, the biographical individual is simply replaced with an abstract and universal rational choice actor. For example, the strategies associated with situational crime prevention that arose in the 1980s assumed that crime was simply

opportunistic and that crime rates could be effectively reduced through environmental design and target hardening. Garland argues that these new criminologies have been increasingly adopted by the state to reorient governmental action and to create new techniques for acting upon the problem of crime. The state appears to have rejected the quest to *eliminate* crime in favour of more modest, managerial objectives - a shift also identified by Feeley and Simon (1992, 1994) in their 'new penology' thesis. For them, the new penology is primarily actuarial, concerned as it is with identifying, classifying and managing groups purely in terms of their dangerous status as threats to others.

Alongside this shift towards managerialism, the state has also adopted strategies based on the notion of responsibilisation, whereby central government tackles crime, not directly through state agencies, but indirectly by devolving responsibility for crime prevention onto non-state agencies, organisations and individuals. Although this approach means that the state and its agencies are no longer 'the primary or proximate actors in the business of crime control', crucially responsibilisation does not entail the 'off-loading of state functions' (Garland 1996: 451). Instead, it can be viewed as 'governance-at-a-distance' whereby, in addition to retaining all its more traditional functions, the state 'takes on a new set of co-ordinating and activating roles … leaving the centralised state machine more powerful than before, with an extended capacity for action and influence' (ibid: 454).

As Garland (2001: 131) notes, however, these adaptive strategies form only one aspect of a 'deeply contradictory response' to the normality of high crime rates. He argues that at the same time the administrative machine of the state has been devising these new adaptive strategies, its political arm has displayed a 'recurring tendency towards … denial' (Garland 1996: 449). In denial about the effectiveness of its own measures to control crime, the

state has adopted an authoritarian stance, seeking to reassert its 'power to govern by force of command' (ibid.: 460). Harsh punishments and the forceful rhetoric of law and order are deployed by the state as a 'commanding gesture of lordship and popular reassurance' (Garland 2000: 350), and to repress any acknowledgement of its inability to successfully tackle high crime rates: indeed 'a willingness to deliver harsh punishments to convicted offenders magically compensates for a failure to deliver security to the population at large' (Garland 2001: 134).

New Labour and youth justice

Since New Labour came into office in 1997, all three of Garland's strategies of crime control have been in evidence. There has been: a move towards a more managerial youth justice system, primarily concerned with assessing risk of offending; a plethora of policies concerned with responsibilisation; and, a tough, largely politically driven, punitive agenda.

In the early 1990s, the process of public sector managerialisation that sought to redefine economic and social issues as problems to be 'managed' rather than necessarily resolved, opened up the criminal justice system to a series of investigations from bodies such as the Audit Commission, whose reports have been highly influential in the development of youth justice policy in England and Wales. One of the most influential reports - *Misspent Youth* (Audit Commission 1996) - noted that because around £1 billion a year was being spent by public services on processing and dealing with young offenders, it would be more cost-effective to prevent young people offending in the first place. Sentiments that were echoed in the Audit Commission's *Review of the Youth Justice System* in 2004 which concluded that the provision of early intervention to just a tenth of the young offenders it

predicted would end up in custody could save over £100 million a year (Audit Commission 2004).

Arguably, much of the evidence-base for New Labour's resulting 'obsession' (Muncie & Goldson 2006: 39) with identifying those who might present a future risk came in the form of Farrington's Cambridge Study in Delinquent Development. This longitudinal study identified a number of 'well established and highly replicable … predictors of delinquency' (Farrington 2002: 659), including: impulsivity, attention problems, low school attainment, poor parental supervision, parental conflict, an anti-social parent, a young mother, large family size, low family income, and coming from a broken family. Since the Cambridge Study first identified the risk factors that were most likely to predict future criminality, the link between them and future criminality has become the 'credo of New Labour's youth governance' to the point where the link is now 'uncritically accepted by most official agencies' (Muncie & Goldson 2006: 40).

Muncie (2004) argues that this shift towards identifying predictive risk factors and assessing those who might present a future risk, has resulted in a youth justice service primarily concerned with the kind of 'actuarial' techniques of risk assessment and resource management. Indeed, the fact that 'discourses of best value … and cost-benefit proliferate within performance targets … suggests that the focus of youth justice has simply become one of delivering a cost-effective product' (ibid.: 275). Likewise, for Newburn (2002: 456), the embodiment of New Labour's managerialism has been the creation of the Youth Justice Board (YJB) with its remit of 'monitoring national standards and establishing appropriate performance measures'. The YJB's subsequent introduction of the ASSET common assessment form - 'to identify the risk factors associated with offending

behaviour' (Youth Justice Board 2004) - is a further example of how a basic model of risk assessment has become a core element underpinning all aspects of work with young offenders (R. Smith 2006).

However, alongside this shift towards a youth justice system more concerned with identifying those at risk of future offending, is evidence of both the responsibilising and punitive strategies identified by Garland (1996, 2001). For example, elements of responsibilisation - where the primary concern is to devolve responsibility for crime prevention - can be found in the *1998 Crime and Disorder Act*, which placed a statutory duty on local authorities, the police, health authorities and probation services to form Crime and Disorder Reduction Partnerships and work together to reduce crime and disorder. Indeed, Section 17 of the Act made it a statutory duty for these agencies to consider the impact of *all* aspects of their day-to-day work on reducing crime and disorder. Furthermore, the devolution of responsibility was not limited to non-state agencies. The White Paper *No More Excuses* (Home Office 1997) talked of 'harnessing the efforts of communities to reduce crime and disorder', and making young offenders 'face up to their offending behaviour' and 'take more responsibility for their actions'. As a result, it was no surprise when the *1998 Act* also introduced Reparation Orders and Action Plan Orders: the former requiring young offenders to make specific reparation to the individual victim or the community, and the latter being short intensive programmes of community-based intervention combining punishment, rehabilitation and reparation. In addition to this, the *1999 Youth Justice and Criminal Evidence Act* introduced the Referral Order whereby panels, made up of volunteer representatives of the community and a Youth Offending Team member, agree a 'contract' with the young offender. These contracts include reparation to the victim or the wider community and are governed by the principles

'underlying the concept of restorative justice': defined as 'restoration, reintegration and responsibility' (Home Office 1997: 31-2). And more recently, the government's new *Youth Crime Action Plan* (Home Office 2008a: 1) reiterates this devolution of responsibility by conceding that 'the government alone cannot tackle youth crime effectively', before urging 'parents, citizens and communities' to 'play their part'.

In tandem with this form of responsibilisation, youth justice policies have also become more punitive. In the early 1990s, prison populations in England and Wales started to rise, driven by the increasingly tough legislation and 'prison works' speeches of the then Conservative Home Secretary, Michael Howard. With the strategy becoming one of punishing all offenders, and the search for the individual or social causes of crime being abandoned and replaced by a rhetoric of punishment and retribution, the criminal justice system took a 'decisively retributive turn' (Muncie & Goldson 2006: 36). Indeed in the run-up to the 1997 general election, Labour's 'new-found embrace of tough penal policies' (Downes & Morgan 2002: 87) - summed up by their 'tough on crime, tough on the causes of crime' slogan - meant that 'for the first time … an effective bi-partisanship in toughness … prevailed in the contest for leadership' (ibid.). With both parties locked into a position of defining undue leniency as the prime cause of high crime rates, the politics of law and order became inherently and increasingly punitive. Nowhere has this punitiveness been more evidently expressed than in the increased use of imprisonment (Hudson 2001; Bottoms *et al*. 2004b). The prison population has risen from around 45,000 in 1993 (Home Office 2002) to around 76,000 in 2005 (Home Office 2005) and is forecasted to continue rising (Home Office 2006). In tandem, England and Wales now lock up more young people than any other country in western Europe (Aedi & Delgrande 2007). Between 1992 and 2002, the number of under-18s in custody doubled (Social Exclusion Unit 2002), as

did the average sentence length for 15-17 year olds (Muncie 2004). In October 2006, the numbers of under-18s in custody reached a (then) 'record high' of 3,350 (Youth Justice Board 2006b).

The consequences of contemporary youth justice policies

With these three strategies of crime control - managerialisation, responsibilisation and punitiveness - existing 'alongside each other in some … uneasy and contradictory manner', it is easy to see how youth justice evolved into the complex state of affairs described by Muncie (2004: 248). A prime example of this complexity can be found in one of New Labour's most high profile pieces of legislation - the Anti-Social Behaviour Order (or ASBO as they are better known). Anti-social behaviour was defined in the *1998 Crime and Disorder Act* as behaviour that is 'likely to cause harassment, alarm or distress', with a national census of anti-social behaviour in 2003 identifying an array of behaviours ranging from 'prostitution and vandalism to littering, swearing, begging and street drinking' (Muncie & Goldson 2006: 38). An ASBO can be imposed by the police and local authority on anyone over the age of ten and the order remains in force for at least two years. Crucially, breaching an ASBO is a criminal offence which can attract up to five years imprisonment, even when the original offence was *non*-imprisonable.

Rather than being based on any one of the strategies of crime control discussed earlier, the ASBO contains elements of all three. The primary aim of the ASBO is to prevent young people offending in the first place - by identifying those at risk of future offending early; when their behaviour is still 'disorderly' rather than 'criminal'; intervening before the young person becomes embroiled in the costly criminal justice system proper. Once an

ASBO has been imposed, an assessment identifies any predictive risk factors that the young person exhibits, and these are then addressed to - in theory - reduce the risk of any potential future offending. This purportedly preventative work is delivered using a multi-agency approach, with Youth Offending Teams (YOTs) and other non-state agencies and organisations combining with the community to help the person 'face up to their … behaviour and take responsibility for it' (Home Office 1997). However, if the young person remains insufficiently 'responsibilised' and breaches the conditions of their ASBO, then the punitive element of the ASBO comes into force and the young person can be imprisoned for what was originally a non-imprisonable offence. This is a worrying development, especially when one considers that nearly half of all ASBOs are breached, and almost half of the breaches result in a custodial sentence (Muncie & Goldson 2006).

Consequently, New Labour's 'tough on crime' approach has largely meant being tough on the criminal (Downes & Morgan 2002), with the focus shifting from being tough on the causes of crime, to being tough on the caus*ers* of crime (Ramsbotham 2005). But what is the lived-reality of being a young offender in the current youth justice climate? What impact do the varying discourses of managerialisation, responsibilisation and punitiveness have on young offenders? The early-interventionist strategy of risk and managerialisation views the young offender as simply a socially-constructed rationally-acting subject, who is solely of interest to the criminal justice system because they exhibit risk factors that may indicate the potential for future offending. However, is all offending behaviour rational? Is a young person's behaviour simply the 'sum' of the risk factors they exhibit? In contrast, responsibilisation portrays the young offender in some way as inadequate or morally deficient, but able to learn how to mend their ways. But can young offenders be made to take responsibility in this way? Finally, the punitive strategy invokes what Garland (1996)

termed the 'criminology of the alien other' that demonises the young offender and portrays them as incorrigibly dangerous and threatening individuals who need to be punished. But does a harsh punishment deter a young person from further offending? By using the case study of a single young offender named Mark, this chapter aims to illustrate the inescapable complexity involved in making meaningful sense of young people's offending behaviour, before discussing the limitations and consequences of a youth justice system so heavily influenced by these strategies of governance.

Mark: the 'official' view

Mark was 16 when he was arrested for assaulting a shopkeeper. Mark had gone to buy some cigarettes from a local shop and upon realising that he did not have enough money to buy them, Mark pulled out a replica firearm and demanded that the shopkeeper hand over the contents of the shop's till. On refusing, the shopkeeper leapt over the counter and attempted to wrestle the firearm from Mark. During the struggle the shopkeeper was beaten in the face with the firearm. Meanwhile, the shopkeeper's sister called the police who arrested Mark on their arrival. Mark received a four-year custodial sentence for attempted robbery, possession of a firearm with intent, and grievous bodily harm.

As dictated by the managerial discourse, it was Mark's risk of further offending that was of paramount concern to the court when deciding upon his sentence. All pre-sentence reports are required to contain a statement of the report writer's professional judgement of the risk of re-offending. To assist Mark's YOT worker in making a judgment on Mark's risk of re-offending, Mark was assessed using the ASSET common assessment form (Youth Justice Board 2006c). The aim of the ASSET form is to 'identify the risk factors associated with

[a person's] offending behaviour' (Youth Justice Board 2004). The ASSET form contains 13 categories for assessment, and a YOT worker is required to rate from zero to four (where zero is 'not associated' and four is 'strongly associated') the extent to which each of these categories is associated with the risk of further offending. These scores are then combined to provide a total score that is, in (managerialist) theory at least, supposed to indicate that person's risk of re-offending. Mark's overall risk of re-offending was assessed as low - he scored only eight out of a maximum score of 48. However, in addition to the ASSET assessment, Mark's 'risk of serious harm' was also assessed. Although there was 'harm-related behaviour' in his offence - his offence was assigned a gravity score of seven out of a maximum eight - it was viewed as a 'totally uncharacteristic' isolated incident and it was the YOT worker's opinion that there was a 'low risk' of Mark engaging in any harmful behaviour in the future.

As a result of Mark's risk of re-offending being assessed as low, Mark's YOT worker concluded in his pre-sentence report that a responsibilising community sentence would be most appropriate for Mark. The proposed sentence included Mark being electronically tagged and subject to both a Curfew Order and a Supervision Order, with an Intensive Supervision and Surveillance Programme (ISSP) attached to the Supervision Order. The ISSP contained a number of elements aimed at helping Mark to take responsibility of his behaviour, including: a victim awareness programme; unpaid reparation work in the community; attending an offending behaviour programme; and, the allocation of an ISSP mentor to encourage Mark to use his time constructively. However, despite the fact Mark was assessed as too low risk (in terms of re-offending) to warrant a custodial sentence, and the YOT worker's suggestion that a community sentence would be most appropriate, the court invoked the punitive discourse and Mark was given a four-year custodial sentence.

Mark: his own account

How do these official assessments of Mark square with his own account of what he had done, and his life more generally? Perhaps inevitably, Mark's own narrative account of his attempted armed robbery and his life leading up to it revealed a much more complex individual. For instance, the day before Mark committed his offence he had been arrested for shoplifting and given a formal reprimand by the police. Although Mark had been shoplifting for many years - he shoplifted when he was truanting from school - this was the first time he had ever been caught and arrested. When Mark's mother found out that he had been arrested she 'wasn't very pleased and grounded' him. However, instead of staying in, Mark spent the night 'away' from his mother 'roaming the streets'. The next morning when Mark returned to his mother and step-father's home, his mother was apparently 'even more pissed off' with him which led to Mark becoming 'really pissed off with her'. Mark took his step-father's replica gun that fired blanks, intending to go to a field behind his house where he occasionally used to 'fire it off'. It was on the way to this field that Mark committed the offence for which he was later imprisoned. Although Mark said he did not 'really know why' he had attempted to commit the robbery - 'it's not something planned' - he said it was because he 'was pissed off' with his mother and thought he would 'let his anger out on someone'.

This, however, was not the first time that Mark had been angry with his mother. Mark would get 'angry' with his mother because she was always drinking 'a lot' and then having 'sleeping tablets on top'. This made her 'really faint and dizzy' which 'pissed-off' Mark. Not only would she ignore Mark when he told her to 'to leave it', but she also ignored the advice of her doctor. As Mark recalled: 'the doctor even tells her not to take them on top

cos it could cause bad side effects but she does it anyway'. In fact it was his mother's drinking behaviour that had led to Social Services initially placing Mark and his brother and sister in care when Mark was just four years old. Mark's mother 'didn't cope well' when his father 'walked out' and it was this separation that caused her to start 'drinking heavily': something she was still doing 12 years later when Mark committed his offence.

Asked to tell the story of growing up in care, Mark replied: 'that's just the way it was for me. That's my life, moving into different care homes'. Whilst in care, Mark and his siblings visited their father and mother separately on alternate Saturdays. Although Mark 'missed' his parents and felt like he 'want[ed] to see them more', he 'couldn't do now't about it': he claimed he 'just dealt with it'. Mark was not sure how many sets of foster parents he and his siblings had lived with during their time in care, only that there were many. He could, however, remember that the last set of carers were 'the worst ones … bastards really', who would lock them out all day when they had 'done now't wrong'. Mark could not recall much else from his time in care, nor the schools he went to. He could not remember 'any teachers' or even 'any mates'. When Mark was 12 years old, he and his older brother 'ran away' from their foster carers back to their mother's house. As Mark recalled: 'I were glad to be back with me Mum'. Social Services allowed Mark and his brother to stay with their mother and two months later Mark's sister was also allowed to return back home. It was only then that Mark's younger sister revealed that the male foster carer had 'sexually abused her', a crime for which the carer was subsequently convicted.

Similar to his time in care, Mark had little to say about his time in custody. He 'did art in the morning and education in the afternoons … five days a week', and 'press-ups … every

night, two or three hours a night' just for 'something to do'. Six months after his release from custody Mark had not re-offended and was only seeing his YOT worker once a week - 'just come in once a week … [my worker] says "are you alright?", that's about it'. Although Mark had gone to live with his mother and step-father when he was released, after a couple of months his YOT worker found him some supported housing to live in. As Mark noted: 'been down on the [housing list] list since I came out of jail … [because] I'd been wanting to get my own place'. In addition, Mark had been trying to get a job - 'anything, not bothered, a job is all I want' - but had not 'had any luck' and was consequently claiming Jobseeker's Allowance. Mark had not seen his mother for over three months. As Mark recalled: 'because she were getting drunk all the time … [my step-father] kicked her out'. Mark's mother subsequently moved away to a nearby city and the only contact Mark now had with her was when she rang him 'occasionally'. The 'biggest thing' that had happened to Mark since his release was that his new girlfriend was 'unfortunately pregnant'. As Mark noted, 'she's three months [pregnant] and we've only been [going] out like five'. Just a few weeks before he was interviewed Mark had attempted to commit suicide by taking an overdose. As he recalled: 'weren't planning on killing myself … I don't know why I did it really … Think I just did it for a laugh'.

Mark: reading between the lines

As can be seen from Mark's own narrative account, there was clearly more to him than the official picture of a rationally acting 'at risk' first time offender needing responsibilisation or harsh punishment. Mark did not 'really know why' he had attempted to commit the armed robbery - 'I still don't know why I did it … it's not something I planned' - and could only suggest that he was angry with his mother and wanted to 'let his anger out on

someone'. Wright and Decker (1997) argue that armed robbery can be seen as a means of meeting an immediate, primarily financial, need. However, although Mark had demanded the contents of the shop's till, was the motivation for his offence purely financial as Wright and Decker imply? Does their explanation help to explain what Mark did? Why he did not choose to scrounge a cigarette on the day of his offence or just go without? Why he felt the need to point a gun at a shopkeeper with whom he had no grievance? Katz's (1988, 1991) research into criminal motivation offers a much more in-depth explanation than that put forward by Wright and Decker.

Something causally essential happens in the very moments in which a crime is committed. The assailant … become[s] propelled to commit the crime.

(Katz 1988: 4)

For Katz (1991: 300), the particular appeal of armed robbery is that it gives the perpetrator the opportunity to exert 'ruthless control' over their surroundings, thus enabling them to 'get over the omnipresent … chaos' that characterises their personal life. However, whilst Katz's explanation clearly resonates with aspects of Mark's narrative more so than Wright and Decker's, it still does not offer a satisfactory account for the inexplicable anger that characterised his behaviour and why Mark became so angry with his mother. This is due to the fact that, although Katz's research combines situational analysis with biographical research, he does not take account of any 'causal forces … buried in psychic locations' (ibid.: 302): he sees 'no need … to get into the mind of the offender' (ibid.: 303). In contrast, the argument made here is that it is only by adopting an approach that is sensitive to the possibility of unconscious motivations that Mark's offence, and his behaviour both before and after it, begins to become more comprehensible. For example, Gilligan (2000),

argues that 'all behaviour … is psychologically meaningful' (p.9), and that one way violent offenders 'conceal the vulnerability of the wish to be loved by others is to reveal only the seemingly opposite wish, the wish to be invulnerable to others, by expressing only active hate and rage' (p. 118).

As can be seen, it is only through applying both Katz's and Gilligan's explanations - the need to feel in control *and* the need to feel loved - to Mark's narrative account that sense can start to be made of the control and seemingly inexplicable anger which so characterised his offence. Tellingly, although this was the first time Mark had committed a violent offence, it was not the first time Mark had felt out of control and neglected. Evidence of Mark feeling powerless and emotionally neglected can be found throughout his account of his life leading up to the offence. For example, Mark had felt powerless when he was in care: when he was punished by his foster carers for doing 'now't wrong'; when he 'couldn't do now't about' seeing his parents more often; and, when he could not prevent his sister being sexually abused. He had felt powerless when he returned to live with his mother and found he was unable to stop her drinking, the very behaviour that had resulted in he and his siblings being taken into care in the first place: she repeatedly ignored him when he told her to 'to leave it'.

Similarly there is evidence of a history of emotional neglect. It is clear from Mark's narrative that foster care defined a major part of his life: 'that's my life, moving into different care homes'. However, despite his history of institutionalised care, Mark had few memories of his time in care, in terms of actual foster carers lived with, friends made, or schools attended. It is likely that this was because few of the people Mark met whilst in care held any emotional significance for him - either positive or negative. Only the

'bastards' were remembered. After a childhood seemingly devoid of any positive emotional attachments, Mark was understandably 'glad to be back' living with his mother again. He clearly hoped that his mother would provide him with the love and care that had so far been missing from his life. Her response however, was quite different. Mark ended up looking after his mother, rather than she him. When he found her drunk it was he who had to tell her to 'go to bed'. Instead of his mother taking on the role that Mark had hoped she would and showing him that he was wanted and needed, he received only hostile attention from her: Mark claimed she was always 'pissed off' with his behaviour. Conversely, a glimpse of the kind of attention Mark wanted can be found in a story he recalled where he once went to see a girlfriend and 'ended up talking' to her mother. She took the time to listen to him, made him feel understood and gave him 'advice' - exactly the type of caring response that Mark rarely, if ever, received from either his foster carers, his mother, or the criminal justice system.

Following his arrest for shoplifting, Mark's mother 'wasn't very pleased' and grounded him. However, instead of staying in, Mark spent the night 'away' from his mother 'roaming the streets'. When Mark returned home, rather than being supportive and attempting to find out why he had felt the need to roam the streets all night, Mark's mother was simply 'more pissed off' with him. To conceal the vulnerability that arose from his wish to be loved, Mark chose to 'reveal only the … opposite wish, the wish to be invulnerable' (Gilligan 2000: 118). As he had done on previous occasions, Mark took his step-father's gun to 'fire it off' in a field near where he lived. It was on the way to do this that Mark found himself in a situation where he was again powerless - he could not afford the cigarettes he wanted. However, rather than having to 'deal with it' - i.e. bury his feeling of powerlessness - as he had done so many times in the past, on this occasion Mark

had the means to turn the situation around and a strong desire to do so. Pointing the gun into the shopkeeper's face and demanding he empty the till gave Mark the opportunity to express his 'active hate and rage' (ibid.: 118) and feel temporarily both invulnerable and in total control for once.

Unfortunately, whatever the rationale offered by the youth justice system for his sentence, Mark's time in custody simply brought home his feelings of powerlessness and neglect once again. As Harvey (2007) found in his study of young men in HMYOI Feltham, for many, prison simply 'confirmed their feelings of powerlessness and helplessness', leading to them feeling 'uncertain, ... out of control' (p.34), 'unsupported' and 'isolated' (p.156). Mark dealt with these painful feelings in his usual way - through avoidance - this time exercising compulsively, doing press-ups for 'two or three hours … every night'. Upon release, Mark was clearly no better equipped to deal with life's exigencies than he had been prior to his sentence. These included: a girlfriend of five months that he could not believe was pregnant; being unable to find the job he wanted so badly; and a mother who was still drinking heavily and with whom he had even less contact then before. Given these pressures - big enough for many, let alone an eighteen year old from a deprived and neglected background - it was not surprising that Mark dealt with these crises by turning his aggression inwards, self-destructively on himself, and attempted to commit suicide (Minsky 1998: 155). Indeed, as Inch *et al*. (1995: 168) concluded from their study of self-harm amongst young male offenders, 'the common thread linking almost all the acts of self-harm ... was a desperate desire to escape from a situation which had become intolerable and which had overwhelmed the coping mechanisms of the individual concerned'.

Conclusion

By using a case study to illustrate the inescapable complexity involved in making meaningful sense of a young person's offending behaviour, this chapter has attempted to highlight the limitations of a youth justice system so heavily influenced by the discourses of managerialisation, responsibilisation and punitiveness. As shown, whilst all three of these discourses came into play in the youth justice system's treatment of Mark, the model of the subject constructed by each could not do justice to the complexity of his lived experience. Indeed, it was only by adopting an approach that was sensitive to the possibility of unconscious motivations, that both Mark's attempted robbery and suicide started to become more comprehensible. As such, the argument made here is that a youth justice system characterised by these discourses of crime control, with their assumption of rationality at one extreme and pathology at the other, is deeply problematic. To assume that all criminal behaviour is rational 'can only blind us to the reality' (Gilligan 2000: 95) that many young offenders engaging in criminal behaviour are not able to state consciously the meaning of their actions. Alongside this, in their day-to-day work, youth justice workers are constantly confronting needs which are a direct consequence of abuse and neglect, and the fact remains that many young offenders do 'suffer disproportionately from acute and deep-rooted social *and* psychological problems' (Pitts 2003: 5, emphasis added). However, it appears that in much contemporary youth justice policy, understanding why a young person behaves in a particular way has become irrelevant (Silver & Miller 2002), and instead, it is their potential for further offending that has become the focus rather than any underlying conflicts they may have (Robinson 2002). Unfortunately, this not only sends out the message to young people that understanding their behaviour - in all its

complexity - is unimportant, but it also means that their needs can remain justifiably neglected.

Furthermore, there is the wider question of what impact these discourses actually have on young people themselves: in particular the punitive discourse. By treating the state as a person and applying psychoanalytic concepts to the collective 'mind' of the state, Matravers and Maruna (2004) examine the role of the unconscious in the state's response to the 'policy predicament' that Garland (2001) describes. They argue that the state's punitive gestures against young offenders can be understood as the 'state-as-ego' becoming defensive, denying its limited capacity to crime control, and satisfying the aggressive desire of the 'state-as-id' by reasserting its power to govern through expressive punishments. For them, it is the very ability of young offenders to evoke fears and anxieties based on their perceived 'otherness' that enables them to be constructed as 'alien others', and so a valid target for the punitive projections of the state-as-ego. However, taking Matravers and Maruna's argument one step further raises the crucial question of what impact these projections might have on young offenders themselves? Arguably, by making young offenders the target of its punitive projections, the state runs the risk that they will start to introject and identify with the model of the subject constructed by the 'alien other' discourse. If we return to the case of Mark, for example, his perceived status (in the eyes of the state that is) as an 'alien other' had already made him a valid target for the state-as-ego's punitive projections. However, bearing in mind that Mark, like so many young offenders, was already emotionally ill-equipped to deal with life's exigencies, what would have been the impact of him introjecting the state-as-ego's 'othering' projections? As we saw, following his release from custody, it appeared that Mark came to see himself as an excluded and worthless young man. If Mark had introjected the state-as-ego's

projections, this would have simply exacerbated this view of himself. By compounding the acute feelings of powerlessness and neglect that Mark was already experiencing at the time, it could be argued that the state-as-ego's projections played a part in his suicide attempt.

CHAPTER 5:

The role of intersubjective dynamics in the desistance process: implications for the resettlement of young offenders

Introduction

By developing the notion of unconscious motivations broached in the two preceding chapters, this chapter offers a psychosocial explanation for the desistance process of a single young offender named Steve. The chapter starts by discussing the role of both human agency and exogenous structural factors in the desistance process, before outlining what is arguably the main sociological or structural theory of desistance (Sampson & Laub 1993; Laub & Sampson 2003), and two more recent theories that emphasise the role of cognitive adaptation (Maruna 2001; Giordano *et al*. 2002). After arguing that the socio-cognitive conception of subjectivity assumed in all these theories of desistance is somewhat under-theorised, the chapter then discusses the psychosocial approach of Gadd and Jefferson (2007a); an approach that highlights the fundamental role of anxiety-avoidance in people's discursive investments. With both structural and cognitive explanations for Steve's desistance leaving many aspects of his behaviour unsatisfactorily addressed, the chapter then adopts an interpretive approach and offers an alternative psychosocial explanation for his desistance. The chapter concludes by arguing that a psychosocial conception of subjectivity, sensitive to the possibility of unconscious motivations, can help us to understand the process of desistance from crime better than the socio-cognitive conceptions of subjectivity adopted in so much desistance research. The implications of this for the resettlement of young offenders are discussed.

The interaction of structure and agency

By the end of the 1990s desistance research could be 'broadly divided into two groups' (Farrall & Bowling 1999: 258). On the one hand, there were sociological researchers such as Sampson and Laub (1993) who emphasised the role of exogenous structural factors in the desistance process. On the other hand, there were more psychological researchers such as Maruna (2001) and Giordano *et al*. (2002) who were starting to emphasise the more subjective dimension of the desistance process and cognitive transformations engaged in by desisters.

Critics of structural theories of desistance argue that due to their 'emphasis upon structural influences … beyond the control' of the individual (Farrall & Bowling 1999: 258), individuals are viewed as 'passively obeying the dictate of larger social forces' (p.260). Indeed, they present human subjects as 'passive objects on which social forces prevail' with individual agency playing no part in any decisions about relationships, work and education (McNeill 2003: 148). Conversely, critics of agentic theories argue that the main problem with studies that focus on agency is that, whilst individuals do make decisions, the circumstances in which they do so may or may not enable them to live up to these decisions. For example, even Giordano *et al*. (2002: 1026) themselves acknowledge that, on a continuum of advantage to disadvantage, the 'real play of agency is in the middle'. For an actor faced with a relatively advantaged set of circumstances, the cognitive transformations and agentic moves outlined by their theory are hardly necessary. However, under conditions of 'sufficiently extreme disadvantage, they are unlikely to be nearly enough' (ibid.: 1026). Similarly, Burnett and Maruna (2004) found that when faced with a large number of exogenous problems, a person's positive attitudes and internal motivation

to desist from crime can become overwhelmed by the harsh reality of the situation they find themselves in.

As such, Maruna and Farrall (2003: 177) argue that 'desistance theories need to take account … of both agency and structure'. Although they develop Lemert's (1951, cited Maruna & Farrall 2003) distinction between primary and secondary deviance and argue that the focus of desistance research should be on secondary desistance - the 'movement from the behaviour of non-offending to the assumption of a role or identity of a non-offender or changed person' (Maruna & Farrall 2003: 174) - for them, the *embedding* of agency within the wider social context is crucial for the understanding of desistance. Although in 'almost every qualitative study of desistance' (ibid.: 179) desisters attribute their abstinence from crime to their own personal effort, it is generally accepted that 'agency alone is not enough' (ibid.: 180), with external structural factors influencing the desistance process. Indeed, it has since been argued that although 'agency is as important as, if not more important than, structure in promoting or inhibiting desistance, … the most important and most widely agreed insight' is that future offending is influenced by offender's circumstances as well as their thinking (Maguire & Raynor 2006: 24).

This acknowledgement of the role of both agency *and* structure in the desistance process has led some, like Bottoms *et al*. (2004a), to advocate an approach that gives 'proper weight to both structure and agency, in continuous *interaction*' (p.372, emphasis added). Indeed, Bottoms *et al*. (2004a) argue that it is this interaction between structure - what they term 'social context' - and agency that is the key to understanding the desistance process. For them, 'desistance cannot be considered outside the social context in which it occurs' (ibid.: 377). Similarly, Farrall and Bowling (1999) argue that Giddens' structuration

theory better explains desistance. In Giddens' theory (cited Farrall & Bowling 1999), the agent and the structure never exist independently of one another. The 'creation, and continual re-creation, of both agents and structures occurs at the same moment via the same mechanisms. Both are bound up on the very reproduction of each other' (ibid.: 255). Farrall and Bowling (1999) thus concluded that the desistance process is 'produced through an *interplay* between individual choices, and a range of wider social forces, institutional and societal practices which are beyond the control of the individual' (p.261, emphasis in the original). Similarly, Farrall (2002b: 213) found that it is both individual motivation and changes in social circumstances that are the main factors in whether or not probationers avoid re-offending - 'good motivation, gaining employment, mending damaged relationships, starting new relationships, moving home and so on were key influences on the success or otherwise of many of the attempts to overcome obstacles'.

Before moving on to discuss in more depth the conception of subjectivity invoked by these authors and its potential limitations in adequately explaining the desistance process, for the purposes of the later analysis it is necessary to briefly outline arguably three of the more influential theories of desistance from the last decade or so: the work of Sampson and Laub (1993, 2003) and their age-graded theory of informal social control, and two of the main proponents of the shift towards addressing the subjective/cognitive side of the desistance process: namely Giordano *et al*. (2002) and Maruna (2001).

Sampson and Laub's age-graded theory of informal social control

Between the 1930s and 1960s, the Gluecks were among the few criminologists who were interested in desistance from crime - most other criminologists at the time being otherwise

engaged in trying to account for the onset of offending, rather than its termination (Farrall & Calverley 2006). In their longitudinal study of juvenile delinquency and adult crime, the Gluecks (1950, 1968, cited Laub & Sampson 2001) developed the idea of 'maturation' as the key factor in explaining desistance from crime. For them, desistance over time was 'normative and expected', unless an offender had 'serious biological and environmental deficits' (ibid.: 38). Although the Gluecks stressed that age and maturation were not one and the same - in other words, age alone was not enough to explain maturation - the basic premise of their thesis was that desistance was the result of offenders growing out of crime. Importantly though, a fundamental aspect of the Gluecks' thesis was that desistance was not attributable to any external environmental transformations.

It was not until the early 1990s that the first major sociological theory of desistance was proposed by Sampson and Laub. In contrast to the Gluecks, Sampson and Laub argue that social or structural factors are the key to explaining the desistance process. In their book, *Crime in the Making* (Sampson & Laub 1993), they reconstructed, augmented and re-analysed the Gluecks' original data and came to a radically different conclusion. Instead of simple maturation, Sampson and Laub propose an age-graded theory of informal social control as a means of understanding both the onset of, and desistance from, criminal behaviour over the life-course. Central to the life-course perspective are the concepts of trajectory and transition. As Sampson and Laub (1993) note, a trajectory is a line of development over the life course (e.g. an employment career or a criminal career). Trajectories refer to long-term patterns of behaviour and are marked by a sequence of transitions. Transitions are marked by life events (e.g. first job or first marriage) that are embedded in trajectories and evolve over shorter time spans. As such, the argument is that 'the interlocking nature of trajectories and transitions may generate turning points or a

change in the life course' (ibid.: 8). Sampson and Laub's (1993) fundamental argument is that variations in informal social control throughout the life-course, rather than simply age or maturation, explain changes in criminal behaviour.

Importantly, Sampson and Laub (1993) wanted to develop a theory that they felt could explain the considerable heterogeneity in criminal behaviour over the life-course that had been identified in earlier studies. For example, Robins (1978, cited Sampson & Laub 1993) found that although adult criminality is nearly always preceded by juvenile criminality, most juvenile offenders do not go on to become criminal adults. Similarly Cline (1980, cited Sampson & Laub 1993) found that many juvenile offenders do not go on to become career offenders, and Loeber and LeBlanc (1990: 390, cited Sampson & Laub 1993) found 'large within-individual changes in offending'. To explain both stability *and* change in criminal behaviour over the life-course, Sampson and Laub (1993) propose that; firstly, structural context mediated by informal social controls (such as family and school) explains delinquency in childhood and adolescence; secondly, there is continuity in antisocial or criminal behaviour from childhood to adulthood; and thirdly, informal social bonds in adulthood (such as to family and employment) explain changes in criminality over the life-course. In other words, experiences in adulthood can redirect criminal careers in a more positive manner.

By adopting a more general conceptualisation of Durkheim's social control theory - that crime and deviance result when an individual's bond to society is weak or broken - Sampson and Laub (1993: 18) view social control as the 'capacity of a social group to regulate itself according to desired principles and values, and hence to make norms and rules effective'. In addition, they also emphasise the role of informal social controls that

'emerge from the role reciprocities and structure of interpersonal bonds linking members of society to one another and to wider social institutions such as work, family and school' (ibid.). Although Sampson and Laub (1993) contend that pathways to both crime and conformity are mediated by a person's social ties to these institutions of social control, they also emphasise the importance of the quality or strength of these social ties. By adopting Coleman's (1988) concept of social capital - 'social capital is productive, making possible the achievements of certain ends that in its absence would not be possible' (p.98) - they stress that it is the social capital that can potentially be gained from the institutional relationship that dictates the salience of informal social control at the individual level. For example, marriage *per se* does not facilitate change, but a strong attachment to a spouse does.

Sampson and Laub (1993) tested their theory using the original data from the Gluecks' study of 500 delinquents and 500 non-delinquent controls. They found that despite early childhood experiences and differences, the stronger the adult ties to the social institutions of work and family, the less crime and deviance among both the delinquent and non-delinquent groups. In other words, 'pathways to both crime and conformity were modified by key institutions of [informal] social control in the transition to adulthood' (Laub & Sampson 2001: 19).

Despite this conclusion, however, in a follow-up book - *Shared Beginnings, Divergent Lives* - Laub and Sampson (2003: 53) conclude that their age-graded theory of informal social control needs to be 'modified in some significant ways' - primarily with the inclusion of human agency. They view their earlier focus (Sampson & Laub 1993) on purely institutional or structural turning points as 'incomplete' because such events are

always 'mediated by ... human decision making' (Sampson & Laub 2005: 26). What they found striking in the narratives they collected from some of the Gluecks' original sample of young men as they reached the age of 70, was the role of human agency in the desistance process - the men were 'active participants in the decision to give up crime' (Laub & Sampson 2003: 146). For Laub and Sampson's desisters, desistance was not necessarily a 'conscious or deliberate process' with many making a 'commitment to go straight without even realising it' (ibid.: 278). Indeed, Laub and Sampson use the term 'desistance by default' to best describe the desistance process that they found. Before many of their desisters knew it, they had 'invested so much in a marriage or a job that they did not want to risk losing their investment' (ibid.: 279). As such, Laub and Sampson now conclude that desistance is the result of a 'combination of individual actions in conjunction with situational contexts and structural influences linked to important [social] institutions' (ibid.: 145).

Giordano et al.'s theory of cognitive transformation

In contrast to Laub and Sampson's thesis, Giordano *et al*. (2002) argue that sustained desistance from crime requires a change in self-identity. The basic underlying premise of their four-part theory of cognitive transformation is that there is an essential link between cognitive and behavioural changes, such that cognitive shifts are fundamental to the desistance process. They not only distinguish four types of cognitive transformation necessary for desistance, they also suggest a hypothetical sequence in which these transformations may or may not occur. For them, the first and most fundamental of these transformations is a shift in the actor's basic openness to change. Indeed, an initial openness to change appeared to be a 'minimal starting point in the move toward a more

conforming way of life' (ibid.: 1032). The second type of cognitive transformation relates to the actor's exposure to potentially prosocial features of the environment - what they term 'hooks for change' (ibid.: 1000). This second type of cognitive transformation is central to Giordano *et al*.'s (2002: 1001) theory because it focuses attention on the 'reciprocal relationship between actor and environment'. As they argue, whilst a general openness to change is necessary, by itself it is often insufficient. For them, it is crucially 'both exposure to a hook and one's attitude toward it [that] are important' (ibid.: 1001). Although Giordano *et al*. (2002: 1027) do emphasise the 'individual variation in receptivity' to particular hooks, as well as variations in the 'transformative potential of the hooks themselves', for them, what ultimately matters is the degree to which a hook enables the actor to craft a 'satisfying replacement self'. This leads us onto the third type of cognitive transformation whereby the actor is able to envision, and importantly begin to fashion, a conventional 'replacement self' that can supplant the marginal one left behind - 'one that is seen as incompatible with continued criminal behaviour' (ibid.). The fourth and final step in the transformation process involves a transformation in the way the actor views deviant behaviour. For Giordano *et al*. (2002: 1002), the desistance process is only complete when the actor no longer sees deviant behaviour as 'positive, viable or … personally relevant'. As already mentioned, the fundamental premise of Giordano *et al*.'s theory is that these four cognitive transformations 'inspire and direct behaviour'. For them, it is both the cognitive shifts *and* the actions that result from them - what they term 'agentic moves' - that are necessary for any sustained behavioural change.

Maruna's concept of 'Making Good'

Similar to Giordano *et al.* (2002), in *Making Good*, Maruna (2001: 17) argues that to successfully desist from crime requires a 'fundamental and intentional shift in a person's sense of self'. By comparing the self-narratives of desisting ex-offenders with those of a matched sample of active offenders, Maruna hoped to identify any 'cognitive adaptations' that would help ex-offenders to desist from crime (ibid.: 38). In total, 65 men and women were interviewed for the study (originally the Liverpool Desistance Study). Of these, 30 were classed as 'desisting' and 20 were considered to be 'persisting' (the offence histories of the remaining 15 did not match the criteria for either group and as such were not included in the analysis). The life-story narratives elicited by the interviews were content-analysed.

Maruna (2001) found that there were indeed significant commonalities in the subjective orientations of both the active offenders and those who had managed to desist from crime. The active offenders: saw no real hope for change in their lives; had generally accepted the fate that had been handed to them; and, had learned to accept that they would never succeed in life outside of criminal pursuits. Maruna found that many of the active offenders mentioned wanting to win the lottery as one of their personal objectives in life - a 'far-fetched ambition that makes perfect sense with a mindset that views the future as essentially a matter of luck with no connection to one's own agentic efforts' (Maruna *et al.* 2004a: 225). In contrast to the 'condemned' self-narratives of the active offenders, the narratives of the ex-offenders in Maruna's study were characterised by an 'exaggerated sense of control over the future and an inflated, almost missionary, sense of purpose in life' (Maruna 2001: 9). However, although the narratives of the ex-offenders were 'highly

positive', they 'bore almost no resemblance to the ugly realities' of their lives (ibid.). It was this 'process of wilful, cognitive distortion' that Maruna termed 'making good' (ibid.).

To 'make sense' of their criminal pasts, Maruna's desisters recasted their shameful pasts as the 'necessary prelude to a productive and worthy life' (ibid.: 87). Importantly, by connecting their criminal pasts to the present in this way, Maruna's desisters were able to maintain their 'sense of self or … personal identity', rather than having to reject their 'old self' and become a new person (ibid.). In other words, although they admitted to their criminal past, crucially, the person who had committed the offences was not the 'real me who is essentially good' (Maruna *et al*. 2004a: 225). Consequently, Maruna's desisters were able to use their narratives - or as he termed them 'redemption scripts' - as an opportunity to re-establish their conventional 'true self' or 'real me'. Indeed, Maruna (2001: 89) found that the desisters emphasised their essentially good nature throughout their narratives, highlighting that even when they were 'at their worst … deep down they were good people'. By searching their pasts in this way - even the criminal acts themselves - for positive qualities, the desisters were thus able to maintain their sense of self by re-establishing their 'real' selves to help them desist from crime. In addition, the redemption scripts were also characterised by a strong desire to assume a 'generative' role, with the 'impulse toward volunteerism and mentoring … found in almost every narrative' (ibid.: 103). For the desisters, a 'lifetime … deemed a waste or a shame' could be put to use by 'saving one - even just one - other life from repeating the same mistakes' (Maruna *et al*. 2004a: 226). Importantly, although the catalyst for this process of 'self-discovery' was frequently described as an outside source - 'someone who believed in the ex-offender' (Maruna 2001: 87) - Maruna found that desistance almost always seemed to come from within, with the desisters describing how they had gained 'personal power' (ibid.: 96): a

process that Maruna described as a 'looking-glass recovery', where an individual with no belief in themselves is made to realise that they do indeed have personal value by someone else, such as a partner or organisation.

The under-theorised conception of subjectivity

As can be seen, both the theories that highlight the role of structure and agency (Laub & Sampson 2003) and those that emphasise the role of agency (Giordano *et al.* 2002; Maruna 2001), all invoke a socio-cognitive conception of subjectivity: that is they assume all aspects of the agentic behaviour are conscious and ultimately socially or externally driven. For example, despite Laub and Sampson's (2003: 279) recent emphasis on agency, their conclusion that many of their interviewees 'desisted from crime largely because they were able to capitalise on key structural and situational circumstances' implies that any agentic behaviour is still ultimately externally mediated. Similarly, it was the presence of pro-social hooks for change in the environment that enabled Giordano *et al.*'s (2002) desisters to create replacement selves, and it was with the help of an outside person or agency that Maruna's (2001) desisters were able to actively re-narrate their life stories. However, can this inherently rationalistic conception of subjectivity adequately explain the complex process of desistance? Can it explain the 'contradictory and conflicting rationalisations' that so many ex-offenders themselves offer for their desistance (Gadd & Farrall 2004: 125)? As this chapter goes on to argue, the reason that a socio-cognitive conception of subjectivity struggles to adequately explain the complex process of desistance from crime is because it leaves the question of subjectivity under-theorised. For example, Maruna and Farrall (2003) argue that the 'embedding' of agency within the wider social context is crucial for the understanding of desistance, and much recent desistance research has

emphasised the 'interplay' (Farrall & Bowling 1999) and 'interaction' (Bottoms *et al.* 2004a) of agentic/cognitive factors and exogenous structural/social factors in the desistance process. However, perhaps with the exception of Farrall and Bowling's (1999) application of Giddens' structuration theory, much contemporary desistance research does not theorise in any real depth the question of how agency is actually embedded in structure: of how agency and structure interplay and interact. For example: Laub and Sampson (2003: 145) do not elaborate further on how agency works in 'conjunction' with structural factors to foster desistance from crime; Maruna (2001: 9) does not address the potential emotional function served by the 'process of wilful, cognitive distortion' exhibited by the ex-offenders in his study as they 'made good'; and, when Giordano *et al.* (2002) talk of desistance requiring the creation of a 'satisfying replacement self', they presume that what is 'satisfying' for conventional society (in terms of non-offending) will be equally satisfying (emotionally) for the person themselves. This chapter argues that it is only by theorising in more depth the relationship between structure and agency that questions such as why it is some offenders can desist from crime despite social circumstances conducive to further offending, can be satisfactorily answered.

Psychosocial criminology

Two criminologists who have attempted to theorise the question of subjectivity in more depth are Gadd and Jefferson. As briefly outlined in Chapter 1, they emphasise the need to understand human subjects as 'simultaneously, the products of their own unique psychic worlds and a shared social world' but crucially 'without collapsing … one into the other' - the 'complexities of both the inner world and the outer world' need to taken seriously (Gadd & Jefferson 2007a: 4). For them, taking the 'outer world' seriously means thinking

about questions to do with structure, power and discourse in such a way that the 'socially constructed subject can be theorised as more … than the social conditions' that give rise to it (Frosh 2003: 1552). Whilst taking the 'inner world' seriously means engaging with contemporary psychoanalytic theories because, as they argue, 'only there … are unconscious as well as conscious processes, and the resulting conflicts and contradictions among reason, anxiety and desire, subjected to any sustained, critical attention' (Gadd & Jefferson 2007a: 4). Crucial for psychosocial criminology is the proposition that what links the inner and outer world is a set of discursive investments - the adoption of certain subject positions in particular discourses because they provide some kind of psychic satisfaction or protection. In theorising the nature and role of these investments, Gadd and Jefferson draw heavily on Hollway's development of Foucault's discursive conception of subjectivity, and Klein's work on how the self is forged out of unconscious defences against anxiety. It is to these two authors that we now turn.

Hollway's development of Foucault's discursive subject

The term discourse is traditionally used as a linguistic concept to refer to passages of connected writing or speech. Foucault, however, gave it a different meaning. For him, discourse meant a 'group of statements which provide a language for talking about - a way of representing the knowledge about - a particular topic at a particular historical moment. … [As such] discourse is about the production of knowledge through language' (Hall 1992: 291, cited Hall 2001). Foucault also argued, however, that you can only have knowledge of something if it has meaning. Although things can have a real, material existence in the world, Foucault argued that they only take on meaning within discourse. As such, Foucault's focus was on the production of both knowledge and meaning through

discourse. Importantly, Foucault's focus was not just linguistic. It was about 'language *and* practice' (Hall 2001: 72, emphasis in the original). As Hall (1992: 291, cited Hall 2001) argues, 'since all social practices entail meaning, and meanings shape and influence what we do - our conduct - all practices have a discursive aspect'.

A discourse [not only] 'rules in' certain ways of talking about a topic, defining an acceptable and intelligent way to talk, write or conduct oneself, … it [also] 'rules out', limits and restricts other ways of talking, of conducting ourselves in relation to the topic or constructing knowledge about it.

(Hall 2001: 72)

Of most relevance to the question of subjectivity is the fact that discourse, not only produces subjects - 'figures who personify the particular forms of knowledge which the discourse produces' - but it also produces a 'place for the subject from which its particular knowledge and meaning make most sense' (Hall 2001: 80). Indeed, 'all discourses … construct subject-positions from which they alone make sense' (ibid.). However, by positioning themselves in a particular discourse in this way, individuals must become 'subjects' of it, 'subjecting' themselves to its 'meanings, power and regulation' (ibid.). The key question that remains, however, is: 'why do particular subject positions make sense to some … but not to others?' (Gadd & Jefferson 2007a: 43). In other words, what is it that governs a person's discursive choices? For example, why did Maruna's (2001) desisters invest so heavily in redemptive or generative discourses? What function did their investments serve?

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One of the first to address this question of discursive choice was Hollway (1989, 2001). In her work on the intersubjective dynamics that take place within heterosexual relationships, she delineated three discourses of sexuality: the 'male sex-drive' discourse; the 'have/hold' discourse; and the 'permissive' discourse. Notwithstanding the gender-differentiated nature of the subject positions available within these three discourses, Hollway was primarily interested in trying to understand why particular subject positions make sense to some individuals, but not to others. For example, why do some men position themselves in the have/hold discourse rather than the male sex-drive discourse? Why do some women position themselves in the permissive discourse rather than the have/hold discourse? Hollway developed Foucault's conception of discourse by arguing that people's discursive investments have a unique biographical origin. Indeed, for her, the question of why individuals identify with, or invest in, some discourses but not others can only be answered by paying 'attention … to the histories of the individuals' themselves (Hollway 2001: 278). Her fundamental argument is that individuals take up certain subject positions within particular discourses because it affords them 'some satisfaction, … pay-off or reward' (ibid.). Crucially, though, this positioning is 'not necessarily conscious or rational' (ibid.). Hollway argues that individuals invest - often unconsciously - in particular discourses to retain a feeling of power, or to avoid feeling vulnerable or powerless. Simultaneously, they suppress those subject positions that threaten to make them feel powerless, defensively projecting these suppressed feelings onto others. It is Hollway's incorporation of a psychological dimension into the concept of discourse, that enables a 'psychosocial, not merely discursive, subjectivity to be posed' (Gadd & Jefferson 2007a: 45).

Klein and defences against anxiety

A fundamental proposition of psychoanalysis is that threats to the self create anxiety which in turn precipitates defences that operate at a largely unconscious level (Hollway & Jefferson 2000a). Indeed, the 'shared starting point of all the different schools of psychoanalytic thought is this idea of a dynamic unconscious which defends against anxiety and significantly influences people's actions, lives and relations' (ibid.: 19). For Gadd and Jefferson (2007a), the only way to fully understand a person's particular discursive investments requires exploring the role of unconscious defences - designed to protect oneself from feeling vulnerable or powerless - in that person's discursive choices. To do this, they draw heavily on the work of Klein. Klein is widely regarded as the founder of the strand of psychoanalysis that came to be known as object-relations theory. She was primarily interested in what she perceived as the baby's internal/mental struggle to relate to other people - what she called 'objects'. In particular, Klein was interested in the baby's earliest relationship with its mother. She argued that the anxiety that arises out of the baby's 'instinctive emotional ambivalence towards the mother … is the major problem' with which the small baby has to contend (Minsky 1998: 33). By proposing that defences against anxiety are intersubjective - that is, they come into play in relations between people - Klein 'radically' departed from the assumption of the self as a 'single unit, with unproblematic boundaries separating it from the external world' (Hollway & Jefferson 2000a: 20).

Klein identified two psychic 'positions' available to the baby: the 'paranoid-schizoid position' and the 'depressive position'. She referred to them as positions rather than developmental stages because both are available throughout life. However, although

adults often find themselves operating within one or other position at any time, in terms of the baby's developing self, the paranoid-schizoid position is viewed as more primitive than the depressive position. In the paranoid-schizoid position, objects which are threatening or anxiety-invoking are split into 'good' and 'bad'. The 'bad' is then projected into someone or something else where it can be safely attacked or controlled (Clarke 2003). In the process of splitting, however, objects are often given 'unrealistically good and bad characteristics' (Hollway & Jefferson 2000a: 19). Indeed, 'idealisation is bound up with the splitting of the object' with the good aspects of the object often being 'exaggerated' (Klein 1946: 134). For Klein, as the baby's self 'gains in strength through the fluctuations of the paranoid-schizoid position, … and through the effects of good, or at least non-damaging, parenting, … it is able to reintegrate more and more of its projections … into itself' (Craib 2001: 73). Once the baby can relate to whole objects, with both 'good' and 'bad' qualities, it has reached the depressive position. Even though the baby may still experience high levels of anxiety, reaching the depressive position indicates a 'greater capacity to face reality and tolerate uncomfortable feelings' (Jefferson 1998: 93). As Klein (1946: 139) noted, the depressive position 'makes for an increased understanding of psychic reality and better perception of the external world'.

As Hollway and Jefferson (2000a) argue, these early processes of self-development are highly relevant for an understanding of someone's biography because they establish that person's patterns of coping with anxiety-invoking situations in later life. Even though both the paranoid-schizoid and the depressive positions are available to us as adults, 'different people will be characterised by a predominance of one or the other … as their typical response' to anxiety-invoking situations (ibid.: 21). For example, although we may all revert to the paranoid-schizoid position in self-threatening situations, Klein's work

suggests because of a lack of emotional containment as infants, some people are 'especially prone to resort to the defence of splitting/projection' (Jefferson 1998: 93).

> When love is withheld, withdrawn, abused or somehow distorted, the resulting threats to the self can be so severe as to frustrate the level of security necessary for the achievement of integration (bringing together of, or not splitting, the good and the bad). In such situations, primitive defences may become characteristic.
>
> (ibid.: 94)

A psychosocial approach to desistance

More recently, a psychoanalytically informed psychosocial approach has started to be applied to the field of desistance. For example, in his review of Maruna's (2001) *Making Good*, Gadd (2003: 320) questions whether the socio-cognitive conception of subjectivity adopted by Maruna is able to 'get to grips with the subtle psychosocial differences between offenders and non-offenders'. Indeed, he goes on to argue that those who can successfully desist from crime, despite social conditions conducive to further offending, make a 'compelling case for a psychosocial criminology, capable of capturing the tensions and contradictions between psychological and sociological processes' (ibid.). As Gadd (ibid.) notes, by paying more attention to the latent, as much as the manifest meanings of his sample's narratives, Maruna could have produced answers to the questions that 'content analysis rides roughshod over; particularly the issue of the biographical uniqueness of ex-offenders' motives, anxieties, and desires'. As such, Gadd laments the fact that Maruna did not provide an 'in-depth deconstruction of the subjectivity of any one of the ex-offenders he interviewed' (ibid.).

Gadd and Farrall (2004) do just this by taking an in-depth interpretive approach to the life-stories of two men who, at the time when they were interviewed, appeared to be desisting from crime. The underlying premise of their paper is that theoretically simple explanations for desistance (in this case, a life-course perspective) do not adequately explain the 'contradictory and conflicting rationalisations' that so many ex-offenders themselves offer for their desistance (ibid.: 125). Instead, they argue that a more interpretive psychosocial approach 'sensitive to the possibility of unconscious motivations better explains … the contradictions evident in desisters' life-stories' (ibid.: 123). Like Gadd (2003), they argue that getting at the 'psychological interface, where structure and agency intersect, is not necessarily best achieved using [the] content analysis' (Gadd & Farrall 2004: 131) method employed by the likes of Maruna (2001). Instead, they endorse Hollway and Jefferson's (2000a) argument that getting at this psychological interface can only be achieved by in-depth interpretive work, sensitive to the latent or unconscious meanings embedded in offenders' narratives - meanings that are 'as important as the actual words, narratives or discourses used' (Gadd & Farrall 2004: 148).

Gadd and Farrall (2004) found that both of the men they interviewed invested heavily in the masculine discourses of 'local hard man', 'protecting and providing family man', and 'firm disciplinarian'. Indeed, it was the men's 'movement' between these discourses that allowed them to 'accommodate changes in … offending behaviour (for better or worse) without undergoing any radical transformation of self'. (ibid.: 142). However, it was only by adopting an interpretive psychosocial approach, that the emotional function served by the men's discursive investments was identified: their investments enabled them to unconsciously defend against 'considerable feelings of emotional dependency and humiliation that could not be readily admitted' (ibid.: 143).

As can be seen, Gadd and Jefferson's (2007a) psychosocial conception of subjectivity can be, and has been, usefully applied to the to the field of desistance. However, before applying their conception of subjectivity to the analysis of a young offender, it is worth re-iterating the key elements of their psychosocial approach. Firstly, getting at the interface between structure and agency is best achieved by interpretive work, sensitive to the latent or unconscious meanings embedded in offenders' narratives. And secondly, by enabling offenders to (unconsciously) defend against feelings of anxiety, offenders' discursive investments often serve an emotional function - they provide some kind of psychic satisfaction or protection. It is with two points in mind that we now turn to the story of Steve.

The story of Steve

Steve was 16 when he received a 12-month Detention and Training Order (DTO) for assault and possession of an offensive weapon. Prior to this custodial sentence, Steve had previously received two community sentences and a four-month DTO for dangerous driving and driving without a licence or insurance. Six months after being released from his 12-month sentence, Steve was still living with his family, was still with his long-term girlfriend and had returned to college full-time. He had not re-offended and appeared to be desisting from crime.

Steve's family life

Six months after his release from custody, Steve was living at home with his mother, father and three sisters. Steve's relationship with his mother has 'always been good'. Because

Steve is the 'only lad in the family', he has always been his mother's 'little boy' - his three sisters being 'daddy's girls'. However, as Steve noted:

> Cos I'm her only son, she looks at me like I'm her little baby still. … She gets very emotional when it comes to me, … telling me how much she loves me all the time. [But] she wants the loving back. She wants kisses and hugs all the time. … Wants me to tell her how much I love her all the time. … It gets annoying.

His mother has not 'liked it' when Steve has told her that he is 'growing up' and that he's 'not a little boy' anymore. Despite his relationship with his mother Steve does not class himself as a 'mummy's boy' - 'I class myself as closer to my Dad than anyone in the world'. When it comes to his father, Steve noted:

> Ever since I can remember I've always idolised my Dad. … I've always wanted to be like my Dad. … He's a joiner by trade, … a great handyman with tools. … He can do everything, anything, … even if he's never done it before in his life. … He's so brainy, … fantastic at maths, … brilliant at computers. … He's excellent, … he's a great Dad. … My mates even idolise him, think he's great. … They all say "I wish my Dad were your Dad. Your Dad's mint". … He used to play poker with us, … have a game on the Playstation, … come camping with us, … take us out in his car, … help us fix motorbikes on the back garden. … He's just great.

However, Steve's father has had a cancerous tumour in his arm - the result of being hit in the arm by a golf ball - for as long as Steve can remember. Due to the cancer, Steve's father had to leave his job as the deputy manager of a construction company, which had a

'drastic' impact on Steve and his family. As Steve noted: 'he feels gutted, … he cries about it, that he can't bring in [money] for his family. … I want him to work, to come and play pool with me, play snooker, come paint-balling … but he can't cos he's in too much pain'. Steve only 'started to realise how much pain' his father was actually in when he started to see him 'physically crying, screaming and balling his eyes out'. However, on these occasions Steve has to 'walk out the room' because he 'can't face him like that'. As Steve noted: 'it really affects me. It really gets me down'. Because Steve's father is in 'twenty-four hour pain' and 'feels ashamed of himself' for not been able to support his family or be the father he once was, he gets 'angry with himself'. As Steve noted: 'when he's angry he takes it out on me a lot of the time … cos I'm the only lad in the house and he knows I'm strong enough to take it. Not that he hits me, but he shouts and says things that hurts me'. Despite this, Steve doesn't 'blame' his father and still loves him 'more that anything in the world'.

Steve's oldest sister is the 'angel of the family. Never put a foot wrong. Got good grades in school'. As Steve noted: 'me and my older sister have got the best relationship a brother and sister could have. … She's great, she's got a heart of gold'. Steve's relationship with his youngest sister, who is eight years his junior, is similarly positive: 'she's a little darling, a little dream'. However, when it comes to the sister who is four years younger than him, Steve noted:

> I love her more than anything, if anyone were to do anything to her I'd do them, but I hate her in so many ways. … She's a little slag. She's 14 years old and she's already had three pregnancy scares. … She's started smoking draw. … She's nasty to my little sister. … It pisses me off cos my Dad doesn't do nothing about

it, cos she's my Dad's little girl. He tries to deal with it without shouting at her …
but she still does it and I hate her for it.

Steve's offending behaviour

Steve felt that things 'went wrong' for him when he turned 13. Up until then he had been a 'really good lad at school, a top student'.   However, as he noted: 'up to 13 years old … you're a little kid still. Come 13, no matter if you want to or not, you've got to change, to adapt. … If you sit there and be a goody-goody, … you're going to get bullied. … You just can't be good at school and be the popular person'. Steve 'got in with a bunch of lads' at school and because he was the one who 'joined their crew' he felt that he 'needed to prove' himself. He started planning 'big fights' between his school and other local schools and committing 'petty crime'. As he recalled: 'I was trying to impress people, and look the big man … because I wanted people to like me. … Girls like the bad boy image, like people who commit crime, lads think they're big, … you get friends'. On one occasion, Steve and his friends broke into an abandoned building. As he remembered: 'we took some girls with us … [but when] the police turned up, all the lads ran off. There were six girls and I couldn't leave them. … I couldn't let a girl get arrested for me. … I got morals. So I decided to stay, … got arrested … [and] got a Referral Order for trespassing'.

This was the first time Steve had been arrested and it 'it really messed' him up. As he recalled: 'I felt so much guilt that I had let my Mum and Dad down, they was devastated. … I hurt them so much. … I couldn't take it'. In the two weeks following his arrest, Steve 'tried committing suicide twice'; once by trying to cut his wrists and once by taking an overdose of tablets. Shortly afterwards, Steve 'ended up telling' his Youth Offending

Team (YOT) worker about the suicide attempts which only 'made it worse' because people started to think he 'had a problem'. For Steve, however, his attempted suicides 'were a cry for help'. As he noted: 'I wanted someone to talk to, to understand me. … [But] I couldn't ask for help cos you seem a coward if you do'. Instead, as he recalled:

My Mum used to make me go to these anger management classes and to this psychiatrist, … [but] I didn't get nothing from it, it just made me worse … and pushed me away from my Mum cos she was saying "it's good for you". … No matter how much they [the professionals] tried, … I never felt, they understood what I was trying to say. … I couldn't even understand myself really. … Mum and Dad … didn't understand why I tried committing suicide, they didn't understand that I felt alone, that I had nobody. … They've never understood me.

As a result of nobody really understanding what he was experiencing, Steve went from feeling 'so low and upset' to feeling 'so angry'. As he noted:

Everything turned to anger for me then. … From depression it went to anger, and then the anger I took out on everyone else. … I used to bottle it, I could take so much, I could take loads .. and then [2] bang. When I let go I frightened people, I really did. I really used to frighten my Mum and my sisters. It always used to happen when my Dad was out.

The first time Steve 'let go' was after one of the times his father had gone 'absolutely mad at him'. As Steve recalled:

He went out and I can't remember what she said, but one of my sisters said something. I was really mad … I swung my fist straight through a door, bust all my knuckles, my hand were bleeding. I smashed the mirror next to me, smashed the table, smashed the fuck out of the back door. I remember stamping all over my sister's bike… It may not sound a lot but that were the first big explosion.

Interestingly, Steve and his father have 'never ever, ever, ever, ever, come to blows' themselves. On the one occasion that Steve 'pushed' his father into a door during an argument, the fact that his father hit his cancerous arm on the door made Steve feel 'so guilty'.

Shortly after his first arrest for trespassing, Steve was arrested again for theft (he and a friend broke into a shop one night) and received a second community sentence. Importantly for the purposes of this chapter, it was around this time that Steve started going out with his current girlfriend. As he recalled from when they first started going out: 'it was something about the way she was with me. … She made me feel like I were wanted and I never really felt that in my life'. Although Steve's mother was always 'cuddling' him, Steve felt that the difference between his mother and his girlfriend was that his mother had 'got to be like that', had 'got to love him' because she was his mother. However, with his girlfriend, Steve noted: 'she didn't have to love me, she didn't have to like me, [but] she did'. However, now that he had a girlfriend, whenever Steve 'ended up falling out' with his father he would 'take it out' on his girlfriend. As he noted: 'I never touched her or anything, but I was so angry to her all the time, were really nasty to her'. Following this second arrest, Steve decided to buy a car with one of his friends. One night Steve 'forced' his girlfriend to get into the car, saying to her: 'get in the car or there's not

going to be any you and me'. As Steve noted: 'she's too sensible. She knew I didn't have a licence, … wasn't qualified to drive. … But I used the feelings she had for me against her and made her get in the car'. After his girlfriend and her best friend had got into the car, Steve started 'racing around' a local estate. As he recalled: 'I remember going so fast … and then there was a point where I had gone so far I couldn't take my foot off the accelerator … [and] I lost control'. Steve crashed 'into two parked cars, a lamppost and took out a fence'. Although Steve said he 'didn't want to be a hero', he claimed he turned the car so his side of the car would take the impact rather than his girlfriend's side. As he explained: 'I took the brunt of the crash … cos I wanted to save them'. All three were taken to hospital, and although Steve and his girlfriend's injuries were relatively minor - he had bad whiplash and she had a cut from the seatbelt - his girlfriend's friend had 'serious' pelvic injuries which have left her with life-long problems. As Steve noted: 'I believe that day that I had a guardian angel. There's no other explanation for it. … The car were demolished. … We should have been dead. … How I didn't kill her [my girlfriend] was nothing less than a miracle'. Although Steve was still in school at the time, he was given a four-month custodial sentence.

Steve 'really believed' that this first custodial sentence had 'changed' him. As he noted: 'I believed it had turned my life around and I was so happy when I come out'. Steve got himself a job 'earning £40 a day', and he started 'college full-time doing media studies and psychology'. His relationship with his girlfriend 'blossomed massively'. As Steve noted:

> The only person I had in the world was my girlfriend, the only person who kept me strong. … She's been there when I've screamed, shouted, punched walls, gone

absolutely crazy, and she's been there when I've been sat there crying my eyes out for hours.

One evening, however, Steve's girlfriend said to him: 'I've got something to tell you, but I don't want you to do nothing, I just want you to talk to this lad for me. Today this lad put me in a corner of the classroom and shoved his hands down my trousers'. Steve recalled:

> I said "OK, I'll talk to him" but I didn't want to talk to him, I wanted to kill him. I kept calm … I left her that night. … Next day … I got a knife, put it down my trousers and … I went to [her] school. I've seen this lad and … I beat him up basically. … I had him up against the wall by his throat and I had the knife in my hand and I told him "I'm going to kill you". … Then someone … grabbed my arm and took the knife off me and that fucked it … cos I knew I were going to jail again. … I didn't mean for it to happen the way it did , but if someone touches your girlfriend … your anger.

Steve received a 12- month custodial sentence for the assault. Whilst he was in custody for the second time, Steve viewed his girlfriend as his 'life-line'. As he noted:

> If it weren't for her … I would have committed suicide by now. … No matter how I've treated her, how I've been nasty to her, she's always been there for me. … If I didn't have her I wouldn't be able to go on. That's why I'm so scared of losing her. … I love her more than anything in this world. … That's why I did what I did to that lad, because … she was upset for what he did to her. Someone upsets my girlfriend, they've got no right to do that and I'm here to stop that happening.

In contrast to the anger management counsellors and psychiatrists that Steve had seen following his suicide attempts who 'didn't actually seem as if they was interested' in him, during his second custodial sentence Steve developed a good relationship with the prison's psychology team. As he noted: 'I can't explain it, but … they've actually seen me for the person I am … inside my heart, … and not that I've just come here as a criminal'. Steve became a 'peer mentor' for the psychology team because he 'wanted to help' fellow prisoners. As Steve noted: 'you need someone who has actually been there [because] they'll be able to understand them [the prisoners] better. … I'm that communication line between the prisoners and the psychology team and I feel great for it'. Steve also worked with the substance misuse team to develop a project that could potentially be run in schools - 'I've called it The Bigger Picture. I want to help lads and girls about drugs, alcohol, peer pressure and crime'. As Steve insisted: 'no one's ever helped me. That's why I'm determined I want to help other people. … I'm not going to let any other lad … come the way I've come'.

Steve's life after custody

Following his release from custody Steve found himself 'getting bored' because he had 'now't to do'. As he recalled: 'I had nothing to fill my time. … My girlfriend was in school, … I was doing now't, … it were just crap'. However, although he found it 'hard' because he was 'bored all the time', Steve managed to 'keep out of trouble'. In the six months following his release, the only occasion Steve was 'tempted' to re-offend was when a friend wanted him to go joy-riding in a stolen car. As Steve recalled: 'I were tempted … cos driving is a big buzz … but I just thought "it's not worth it" … [and] I let

him get on with it'. A couple of months after his release, Steve returned to college to start a media course. As he noted:

> It's the best thing I've ever done. … They basically teach you how to film, how to be a director, an editor, a producer, everything. At the minute I'm filming a documentary … called Speed Kills because … about seven weeks ago two of my friends died in a car accident. … It got to me … and cos they were speeding … I wanted to make a documentary to show people what speed can do.

Although Steve would only get a first-year National Diploma in Moving Images when he completed the course he felt confident that he could 'get a job in the BBC now'. As he noted: 'I know I can. … At the end of this year people can't turn me away. I've got a qualification, I know how to do everything there is. … I don't care what anyone says, … ten, twenty years from now I will be a producer or director. … I'm going to make it. I know I am'.

When Steve was released, his 'main worry' was 'falling out' with his father and 'it all happening again'. However, since his release Steve had only fallen out with his father 'probably twice', and only over 'daft things' like Steve not cleaning-up after himself. As Steve reasoned: 'I think my Dad [now] knows … when he does something it has a knock-on effect on me, and that knock-on effect usually lasts longer when it goes to prison. … I think he's realised it and doesn't want it to happen. … He's realised to back off a bit and not take it out on me'. Shortly after Steve was released his father had another operation (this time a bone graft) to try and cure the cancer in his arm. As Steve noted: 'it's not changed a thing … its not got any better. … It just hurts him even more now'. The fact

that the operation was unsuccessful 'really upset' Steve because his father was 'put …

through a whole world of pain again' for nothing. Following the unsuccessful operation,

Steve asked his father to consider having the arm amputated: 'I said "Dad, just cut it off

cos it's [further treatment] not going to work, you know it's not"'. Steve's father finally

agreed and is now 'waiting for them [the doctors] to say "right, we'll chop it off" cos it's

not got any better'. In addition to the improved relationship with his father, Steve thinks

that his mother has 'finally realised' that her continuous need for love and affection from

Steve had become a 'bit too much', and since his release they have become 'more

communicative'. In sharp contrast to before he was sentenced, both Steve's mother and

father have been a 'good support' to him since he was released. As Steve reasoned:

'usually they wouldn't have been there, … they just wouldn't have bothered, … they

weren't very interested'. However, since his release, both Steve's parents have 'been

there' for him. As he noted: 'they're always there [now], someone to talk to'.

Although Steve had been due to start an anger management course with his local YOT as

soon as he was released from custody, he only started the course after he had been released

for over five months. However, Steve felt the delayed start on the course was 'probably

better in a way' because, as he reasoned: 'it's given me the chance to face all of my

problems and see if I can control it [my anger] on my own, and I have done'. An example

Steve gave of this was when he and his friends were having a drink at the bar where

Steve's girlfriend works. One of the lads who works with her 'started rubbing her arse and

everything'. As Steve recalled: 'She looked at him and said "get off me" and he kept

doing it. … To me that warrants punching in the face'. Although Steve was 'really close'

to 'beating the shit out of the lad', instead he 'just sat there and chilled out'. As Steve

noted, 'I thought she works here, have respect for her. … But that's the closest I've been

since I've been out'. Although their relationship used to have its 'ups and downs', since Steve's release from custody, their relationship has been 'absolutely perfect'. As he concluded; 'I think I've become a lot more relaxed [and] just not bothered about anything. … She [my girlfriend] seems to understand me more [now], … understands why things get under my skin. … She just seems to be there to look after me in a kind of way … which makes me feel better'.

Structural and cognitive explanations for Steve's desistance

Elements of Sampson and Laub's (1993) age-graded theory of informal social control can certainly be found in Steve's account. For example, the quality of (or social capital available from) his relationships with both his family and his girlfriend arguably improved following his release from custody. However, to assume that the turning point towards desistance in Steve's criminal career can be attributed solely to these exogenous factors does not do justice to the complexity of his story. Even Laub and Sampson's (2003: 278) notion of 'desistance by default' still falls along way short of adequately explaining aspects of Steve's behaviour. Likewise, Giordano *et al.*'s (2002) theory of cognitive transformation cannot fully account for the changes in Steve's behaviour. Although Steve exhibited a general 'openness to change' and was exposed to prosocial 'hooks for change' during his sentence and upon release, there is limited evidence of Steve actually formulating the 'replacement self … incompatible with continued criminal behaviour' that is so crucial to their theory (ibid.: 1027).

Of the three theories of desistance discussed earlier, it is Maruna's (2001) concept of desisters 're-discovering' their 'true selves' that appears to have the most resonance with

Steve's narrative account and his desistance from crime following his second custodial sentence. Indeed, many of the characteristics of desisters' narratives identified by Maruna (2001) can be found in Steve's account.

- Firstly, unlike Giordano *et al.*'s (2002) theory, for Maruna (2001), desistance does not necessitate the rejection of an 'old self' and the creation of a 'replacement self'. Instead, his desisters were able to maintain their 'sense of self or … personal identity' (ibid.: 87) by simply 're-discovering' or 're-establishing' their conventional 'true self' or 'real me' - with the catalyst for the process of 'self-discovery' often described as an outside source. A further element in this process of re-establishing a conventional self is where desisters search their past, even the criminal acts themselves, for evidence of their underlying positive qualities. In Steve's case, his 'looking-glass recovery' was attributed to the prison's psychology team who saw the 'real' conventional Steve rather than Steve as 'just a criminal'. And even when he was recounting his offences, Steve identified the positive qualities of this 'real Steve': for example, when he was first arrested because his 'morals' stopped him from abandoning the girls he was with, or when he was the reluctant 'hero' who 'took the brunt of the [car] crash' because he 'wanted to save' his passengers.

- Secondly, and importantly for the maintenance of a 'sense of self', Maruna's desisters recast their criminal pasts as the 'necessary prelude to a productive and worthy life' (ibid.). In his narrative, Steve asserted that only someone who had 'actually been there' (i.e. offended and been in prison) could offer the right kind of help and advice to other young people.

- Thirdly, the narratives of Maruna's desisters were characterised by 'an exaggerated sense of control over the future' (ibid.: 9). Steve was insistent that a first-year

National Diploma in Moving Images would guarantee him a 'job in the BBC', and he was certain that within twenty years he would 'be a producer or director'.

- Finally, the narratives of Maruna's desisters were characterised by a desire to assume a 'generative' role, where a criminal past could be put to use by saving others from repeating the same mistakes. This 'impulse toward volunteerism and mentoring' that Maruna found in 'almost every' (ibid.: 103) desisting narrative can be found throughout Steve's account. Whether it be: his role as a peer mentor whilst in custody; his Speed Kills documentary; his Bigger Picture project; or, his desire to 'help other people' and 'not … let any other lad … come the way' he had come.

A psychosocial interpretation of Steve

Although Maruna's theory can be seen to explain what Steve said about his desistance from crime, it leaves some of the most troubling aspects of Steve's behaviour unaddressed. For example: why he tried to commit suicide after he was first arrested; why he 'forced' his girlfriend into a car that he then crashed at high speed, because he 'couldn't' take his foot off the accelerator; and, why he felt so protective towards her that he felt he had to 'kill' the boy who molested her? Similarly, it fails to address the potential emotional impact of Steve's problematic family relationships. For example: the impact of his mother, not only smothering him with affection, but requiring that he return the affection; of his father being unable to provide for his family or do so many of the things that Steve wanted him to do; and, of his father always taking out his anger and frustration on Steve? The argument made here is that it is only by adopting an interpretive psychosocial approach to Steve's narrative that answers to these questions can start to be found.

The anxiety-invoking situations in Steve's life

Before becoming a teenager, Steve claimed to have been 'good at school', a 'goody-goody'. However, the realisation that this meant he would not be a 'popular person' in school seems to have caused Steve some anxiety: anxiety that became more understandable when Steve's home life - where he 'felt alone', where he had 'nobody' - is taken into account. Noticing that 'girls like … people who commit crime, lads think they're big' and 'you get friends', he began to invest heavily in a masculine 'streetwise' discourse and started fighting at school and committing crime. However, with Steve invested so heavily in such a masculine discourse, it is no surprise that when Steve claimed to have 'always idolised' and 'wanted to be like' his father, it was the particularly masculine elements of his father that Steve identified with. His father had worked in the 'construction' industry; was a 'joiner by trade'; a 'great handyman'; someone who could 'play poker'; 'come camping'; and 'fix motorbikes'. However, as a result of the cancer in his arm, Steve's father had not been unable to work for many years, and could no longer partake in the typically masculine father-son activities that Steve talked about. Bearing in mind Steve's discursive investment, one can easily imagine how his father's (un-masculine) inability to provide for his family, combined with his inability to do the (masculine) father-son activities that meant so much to Steve, caused Steve a high level of anxiety. As Steve noted: 'I *want* him to work, to come and play pool with me, … come paint-balling … but he can't'. In addition to this source of anxiety, Steve also had to deal with the anxiety that arose from witnessing his father's (again un-masculine) vulnerability: to see him 'physically crying, screaming and balling his eyes out'. As Steve noted: 'it really affects me, it really gets me down'. And finally, on top of these anxieties, Steve had to deal with his father's treatment of him. Because his father felt 'ashamed of himself' for no longer

being able to support his family or be the father he once was, he would often get 'angry with himself'. As Steve noted: 'when he's angry he takes it out on me … cos I'm the only lad in the house and he knows I'm strong enough to take it'. Steve, however, was not always 'strong enough' to cope with his father's anger. Although his father's behaviour may not have caused Steve any physical pain, it certainly had an emotional impact: 'he … says things that hurt me'. With Steve's father clearly being the source of so much anxiety for Steve, the question that needs to be addressed is how Steve dealt with the anxieties with which he was faced? To fully answer this question we need to turn to Klein's concept of the paranoid-schizoid position and her notion of 'splitting' and 'projection'.

Steve's return to Klein's paranoid-schizoid position

To briefly re-iterate, in the paranoid-schizoid position, objects which are anxiety-invoking are split into 'good' and 'bad'. Whilst the 'good' aspects of the object are then exaggerated, the 'bad' aspects are projected into someone or something else where they can be safely attacked or controlled. Due to his father's anxiety-invoking status, Steve appears to have 'split' his father (the object) into 'good' and 'bad'. Whilst evidence of Steve exaggerating the 'good' aspects of his father are obvious in his narrative (e.g. 'he can do everything, anything'; 'he's so brainy'; 'he's excellent), not so obvious - but arguably of more relevance to better understanding Steve's behaviour - is the question of where he defensively projected the 'bad' anxiety-invoking aspects of his father. Who, or what, became the target/s of Steve's projections?

Before addressing this question, it is worth briefly discussing the work of Bion, one of the major exponents of the development of Klein's concept of projective identification

(Hinshelwood 1989). Bion saw the mother's role as, above all, a psychical 'container' for the developing child's initially chaotic and frightening internal experience (Minsky 1998). In his theory, the child's psyche is not developed enough to contain powerful feelings of any kind. As such, it is absolutely dependent on the availability of some object (usually the mother in the first instance) into whom it can rid itself of these feelings. For Bion, the response of a 'containing' mother is to acknowledge her child's anxiety and do whatever is necessary to relieve the child's distress. By responding in this way, the child is not only made more comfortable by having his needs met, but he is also able to 'take inside himself the experience of his mother having a space in her mind for him. … He feels understood' (Emanuel 2000: 51). However, Bion also identified what he termed 'uncontaining' mothers. For him, one of the characteristics of an uncontaining mother is that she presents herself as 'demanding of attention to her own needs' (Minsky 1998: 165). As a result, the child has to 'endure [both] the confused emotions and demands of its mother as well as its own' (ibid.). With no one to perform the function of containment and thus make its potentially overwhelming anxieties tolerable, the child - to ensure its continued psychical survival - has to evacuate them. In adults, this evacuation of anxieties can take the form of either self-destructive behaviour such as depression, or destructive behaviour such as violence (ibid.).

If we return to the case of Steve, we can see that, despite his mother giving him love and affection and telling him how much she loved him 'all the time', it appears that he did not view her as 'containing'. With her constantly demanding attention to her own needs (e.g. 'she wants kisses and hugs all the time'; 'wants me to tell her how much I love her all the time') it is unlikely that Steve would have been able to 'take inside himself the experience of his mother having a space in her mind for him' (Emanuel 2000: 51). Indeed, Steve felt

that his mother had 'never understood' him. In returning to the question of who or what became the target/s of Steve's projections, the lack - at least in Steve's eyes - of a mother able to 'contain' his anxieties is crucial to helping his behaviour (both offending and otherwise) become more comprehensible.

Steve was aware that his conviction for trespassing had 'devastated' his parents and 'hurt them so much'. However, with no-one in his life to contain, not only the anxieties caused by his father, but also the additional anxieties that his arrest invoked, Steve (to ensure his psychic survival) appears to have evacuated them. In line with Minsky's (1998) warning that the evacuation of anxieties can often express itself in self-destructive behaviour such as depression, Steve started to feel 'so low and upset'. Unfortunately, with no let-up in these two sources of anxiety (i.e. his father and the effect of his arrest on his parents), Steve's depression reached a point where he 'couldn't take it' anymore and he engaged in the ultimate form of self-destructive behaviour: he attempted to commit suicide. However, the growing realisation of the ineffectiveness of his self-destructive behaviour to actually alleviate his anxieties, appears to have led Steve to start evacuating his anxieties in more destructive and violent ways. Arguably, it was at this point that Steve started to project his anxieties outwards onto those around him, rather than turn them inwards as he had done in the past. As he noted: 'everything turned to anger for me then, … [which] I took out on everyone else. … When I let go … I really used to frighten my Mum and my sisters'.

The fact that Steve's first 'big explosion' of destructive behaviour was aimed at one of his sisters is particularly revealing. As Steve noted, despite being 14 at the time, their father dealt with his sister's sexual promiscuity and claimed drug use 'without shouting at her'. The reason Steve gave for this was the fact that his sister was his 'Dad's little girl'. The

argument made here is that despite Steve's claim to love his father 'more than anything in the world', his father had never treated Steve in the way that he treated Steve's sister. In stark contrast to his sister who (in Steve's eyes) deserved shouting at for her delinquent behaviour, it was Steve who was always the target of his father's verbal attacks, even when he had done nothing wrong. Steve was targeted simply because he was 'the only lad in the house'. Arguably, it was the fact that his sister did not change her delinquent behaviour, despite the more loving response from their father, that made Steve 'hate her'. She was abusing and ultimately rejecting the love from their father, love that Steve himself wanted but never seemed to receive. As such, her becoming the first target of Steve's hostile projections starts to become more understandable.

Importantly for this interpretive reading of Steve's narrative, it was around this time in his life that Steve started going out with his current girlfriend. With her coming into his life, Steve was suddenly provided with another potential target for his projections, other than his close family members. As Steve admitted, whenever he subsequently had a 'falling out' with his father he would 'take it out' on his girlfriend instead of his family. Although this 'taking out' primarily took the form of Steve being 'angry' with his girlfriend, or being 'really nasty' to her, on one occasion it reached a highly destructive level. On the occasion in question, Steve 'practically forced' his girlfriend into a car that he then crashed at high speed because he found he 'couldn't take his foot off the accelerator'. Whereas in the past, Steve's highly destructive behaviour had been directed inwards (i.e. when he had attempted to kill himself), on this occasion it appeared to be directed primarily at his girlfriend: he was attempting to kill her. Following the accident (for which Steve received his first custodial sentence) he could not believe that he had not killed his girlfriend. Indeed, he viewed her survival as 'a miracle'. Arguably it was his girlfriend's miraculous

survival, her ability to withstand Steve's most destructive projections, that led to Steve starting to view his girlfriend as a suitable 'container' for his anxieties.

In line with this argument, following his first custodial sentence, Steve's relationship with his girlfriend 'blossomed massively'. Rather than taking things out on her as he had done so often in the past, Steve appeared to start using her as the emotional container Bion described. A role that she seemed (at least to Steve) more than capable of providing: 'she's been there when I've screamed, shouted, punched walls, gone absolutely crazy, and she's been there when I've been sat there crying my eyes out for hours'. However, by becoming the sole container for all Steve's projected anxieties - something that had arguably been missing from his life up until that point - his girlfriend consequently became integral to his continued psychic survival. Bearing in mind the drastic consequences that had resulted from Steve's previous inability to deal with his anxieties, the importance of her adopting this containing role (for both Steve and those around him) cannot be overstated. As Steve noted: 'the only person I had in the world was my girlfriend, the only person who kept me strong. … If it weren't for her … I would have committed suicide [again]'. By viewing his girlfriend in this light, Steve's somewhat extreme reaction towards the young man who molested her at school starts to become more understandable. Steve was so psychologically dependent on his girlfriend that the thought of anything happening to her - the sole container of his anxieties - was so (psychologically) threatening to Steve that he would do anything in his powers to protect her. As he reasoned: 'that's why I did what I did to that lad. … She was upset for what he did to her … and I'm here to stop that happening'.

Steve's return to Klein's depressive position

By drawing on the work of Klein and Bion, this interpretation has thus far concentrated on attempting to make more meaningful sense of Steve's behaviour (both offending and otherwise) leading up to his second custodial sentence. However, when it comes to the question of explaining Steve's apparent desistance from crime following his release from this second sentence, the argument made here is that is was primarily changes in the intersubjective dynamics between Steve and his mother and father - and crucially how these changes subsequently reduced the anxieties that Steve had to deal with - that were fundamental to the desistance process.

Firstly, Steve noted that whilst he was serving his second custodial sentence his mother 'finally realised' that her continuous need for love and affection from him had become a 'bit too much'. Arguably, with Steve serving this second much longer custodial sentence, his mother had no-one to meet her demands for attention: a role hitherto taken by Steve. However, the fact that she had no-one to meet her emotional needs appears to have led her to identify with Steve and his emotional needs: the needs of a young man alone in custody, away from his family and girlfriend. Through identifying with Steve in this way, his mother appears to have recognised the effect that her own unconscious projections may have had on him. As a result, Steve found that upon his release he no longer had to 'endure the confused emotions and demands' of his mother (Minsky 1998: 165). In addition, his mother appeared to have finally taken on the 'containing' role that Bion described. For example, she changed from not being 'bothered' or 'interested' in Steve (as she had been prior to his sentence) to 'always [being] there' for him, 'someone to talk to'. Indeed, following his release, Steve and his mother had become much 'more

communicative'. As a result of making Steve feel as though she finally had 'space in her mind for him' (Emanuel 2000: 51), his mother made him feel that he was properly understood at last

However, the change in family dynamics was not limited to Steve's mother. The second change that occurred was that Steve's father finally 'realised' that when he did 'something' to Steve it had a 'knock-on effect' - that Steve was actually not 'strong enough' to take his hostility. In a similar situation to the one with his mother, Steve's longer second custodial sentence appears to have led to his father identifying with his son's vulnerability. Arguably it was this identification with Steve's vulnerability that resulted in Steve's father finally re-engaging with his own vulnerability and anxieties, and so start to come to terms with the fact that the cancer in his arm could potentially be incurable and that the only solution left to him would be to have the arm amputated. As a result of Steve's father finally recognising and coming to terms with his illness and the consequences of it, his father subsequently had much less anger and frustration (at not being able to be the typically masculine family man that he once was) to project onto Steve. This in turn meant that one of the major causes of anxiety in Steve's life had become bearable. As Steve noted, in sharp contrast to before his sentence where his father would take his anger out on Steve 'a lot of the time', since his release, he and his father had only argued on a couple of occasions.

Importantly, however - and indicative of the truly intersubjective nature of the dynamics at work in Steve's family following his release - alongside his father's recognition of his own vulnerability, was Steve's own acceptance of his father's vulnerability. Up until this point in time (and as a result of Steve's investment in a heavily masculine discourse) Steve had

idealised the particularly masculine elements of his father. As such, his father's inability to be the family provider or do the typically masculine father-son activities that he had done in the past caused Steve considerable anxiety. When this was coupled with his father's obvious vulnerability and his behaviour towards Steve, the anxieties that his father invoked reached such a point that Steve's only option for psychic survival was to 'split' his father (in the Kleinian sense) and project his anxieties elsewhere. However, the change in Steve's father's behaviour towards him following his release meant that one of the major sources of anxiety in Steve's life prior to his sentence was no longer there. This decrease in Steve's level of anxiety following his release meant that Steve no longer needed to resort to the psychic defence of splitting and projection, characteristic of Klein's paranoid-schizoid position.

As a result of moving from Klein's paranoid-schizoid position to her depressive position, Steve was able to start viewing his father as a 'whole object' containing both the 'good' aspects that Steve had talked of, and the 'bad' aspects that Steve had previously 'split off' and projected elsewhere. However, although in Klein's depressive position the whole object is now able be loved in spite of its 'bad' parts, unfortunately what happens in the depressive position is that the 'internal good object' becomes lost (Hinshelwood 1989). As such, Steve could no longer view his father as the solely 'good' object that he had done when he had 'split' him (i.e. a father able to do everything that Steve wanted him to do). Instead, he was forced to view his father as both a typically masculine figure and vulnerable man with a serious cancer. When his father's final operation to cure his cancer was unsuccessful, Steve claimed he was 'really upset' because his father was put through 'a whole world of pain' for nothing. In contrast, the argument made here is that what upset Steve was the loss of his 'internal good object' (a father containing only 'good' aspects).

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Indeed, Hinshelwood (1989) notes how the confluence of both 'good' and 'bad' in the same object (in this case, Steve's father) can give rise to sadness as the loss of the 'internal good object' is mourned.

However, as Klein argued, once an object starts to be viewed from a more 'realistic' depressive position, the fact that the object may now seem to be 'contaminated with badness' (i.e. what had previously been split off in the paranoid-schizoid position) can result in the 'intense feelings of responsibility' (Hinshelwood 1989: 141) and a genuine 'fear for the survival of the loved object' (p.145). It is this that leads to what Klein termed 'depressive anxiety'. For Klein, however, one of the main ways to get over depressive anxiety is through what she termed 'reparation': a concern to 'protect and repair' the loved object (ibid.: 142). Once Steve was able to view his father as a whole object, his father's vulnerability (i.e. his contamination with the 'bad' that Steve had previously projected elsewhere) and Steve's concern over his father's cancer that the operation had failed to cure, caused Steve depressive anxiety. To deal with this anxiety, Steve appears to have tried to 'protect and repair' his father. Once Steve realised that his father's operation had been unsuccessful he begged his father to have the arm amputated. The amputation would not only potentially 'protect' his father from the cancer ever returning, but it would also 'repair' his father by ensuring that he would no longer be in 'twenty-four hour pain', and thus able to do more of the father-son activities with Steve that he so wanted him to.

Arguably it was these changes in the intersubjective dynamics between Steve and his parents that appear to have been so crucial to his desistance from crime following his release from custody. Without the discussed changes - driven as they were by the intersubjective process of identification - it is likely that Steve's desistance from crime

would have been less successful. If he had returned to the same anxiety-invoking situations that he had left when he went into custody, it is only too easy to speculate how differently things may have turned out. For example, if Steve had still been viewing his girlfriend as the sole container for all his anxieties (as he had been doing prior to his second sentence), the incident in her workplace, where Steve witnessed one of her colleagues 'rubbing her arse' even after she had asked the colleague not to, could have gone very differently. Bearing in mind Steve's previous reaction to the last person who had touched and upset his girlfriend in this way - Steve had attacked him with a knife, wanting to 'kill him' - it would have been no surprise if Steve had done what he claimed he was tempted to do to her work colleague: 'beat the shit out of the lad'. However, as a result of Steve being 'a lot more relaxed' and no longer 'bothered about' these kind of incidents with his girlfriend (i.e. because they were no longer psychologically threatening to him), the behaviour of his girlfriend's work colleague, whilst still anxiety-inducing, invoked no reaction from Steve.

Conclusion

As this chapter has demonstrated, Gadd and Jefferson's (2007a) psychosocial conception of subjectivity was better able to explain Steve's desistance from crime than the socio-cognitive conceptions adopted in some of the leading contemporary desistance theories. Whilst elements of the three theories discussed earlier - Laub and Sampson (2003), Maruna (2001), and Giordano *et al.* (2002) - were identifiable in Steve's narrative, it was not until a psychosocial approach was taken that the emotional complexity underlying his desistance became more apparent. For example, despite Steve's own 'agentic' explanation for his desistance resonating with many aspects of Maruna's (2001) theory, on its own, Maruna's

notion of ex-offenders re-narrating their lives could not fully account for the changes in Steve's behaviour following his release from custody. If, for example, Steve had returned to the same anxiety-invoking home situation that he had faced prior to his second custodial sentence, would his investment in a redemptive/generative discourse have changed how he dealt with the distressing situations he would have been confronted with? Arguably not. However, this is not to say that Steve's desistance was simply attributable to the improvements in his social circumstances. As discussed, his desistance was a fully psychosocial achievement. It was how the improvements in his relationships with the significant others in his life subsequently reduced the anxieties that he had to deal with that were so crucial to his desistance. By enabling Steve to move to Klein's less destructive depressive position, the improvements thus diminished the need for him to resort to the defensive splitting and projection (characteristic of Klein's paranoid-schizoid position) that had been so evident in the account of his life leading up to his second custodial sentence.

With much desistance literature now being applied to the field of offender resettlement - see, for example, the special issues of the *Howard Journal of Criminal Justice* (2004) and *Criminology and Criminal Justice* (2006), as well as Maruna and Immarigeon's (2004b) edited collection *After Crime and Punishment* - this chapter raises the question of how a psychosocially informed explanation of desistance can usefully inform resettlement work with young offenders? In Steve's case, it appeared to be changes in the intersubjective dynamics within his family, rather than any resettlement work undertaken with him by criminal justice agencies, that appeared to be central to his desistance from crime. Whilst this is not to say that 'nothing works' in terms of current resettlement practice, and that young offenders should be simply left to resolve their own problems, it raises the question of how youth justice workers can best support and facilitate young offenders' own

desistance efforts. Clearly, the first step in this process necessitates workers gaining a better understanding of what motivates the individuals they supervise to offend in the first place, because it is only by doing this that workers will achieve a better insight into what might be required to help particular individuals desist. Unfortunately, as the case of Steve demonstrates, such an individual-level approach necessitates in-depth interpretive work with individuals; something that is arguably incompatible with a youth justice system characterised by 'increasingly centralised services pursuing managerialist agendas' (McNeill 2004: 428) on the one hand, and 'intolerance and punitiveness' (Goldson 2006: 151) on the other. Nevertheless, the kind of in-depth work advocated here does require youth justice workers to develop closer relationships with the young people they supervise. As Burnett (2004a: 169) notes, close one-to-one relationships can provide the ideal opportunity and means for workers to 'tune into' their client's 'underlying motivations'. Unless this can be one, how else will youth justice workers be able to gain an insight into the 'inner worlds' of the young people they supervise?

CHAPTER 6:

Is ASSET really an asset? The limitations of using ASSET to identify the needs of young offenders

Introduction

> All children and young people entering the youth justice system should benefit from a structured needs assessment ... to identify the risk factors associated with offending behaviour and to inform effective intervention programmes. The Youth Justice Board has developed the ASSET common assessment profile for this purpose.
>
> (Youth Justice Board 2004)

This chapter addresses in much more depth one particular aspect of the managerial discourse discussed in Chapter 4: namely, the Youth Justice Board's ASSET common assessment profile (Youth Justice Board 2006c). It starts by charting how ASSET became such an integral part of the current day youth justice system. It discusses the rise of public sector managerialisation under the Conservative administrations of the 1980s and early 1990s, and the resulting impact this had upon the criminal justice system during this period. Of particular relevance here are the Audit Commission's investigations into the economy, efficiency and effectiveness of the youth justice system in the mid-1990s. With New Labour embracing the recommendations made by *Misspent Youth* (Audit Commission 1996), by the late 1990s the key processes of managerialisation had become 'institutionalised and normalised' into youth justice policy and practice (McLaughlin *et al.*

2001: 313).   Following the creation of a central Youth Justice Board (YJB) and the establishment of multi-agency Youth Offending Teams (YOTs), in April 2000 the ASSET common assessment profile was introduced.   Since then, ASSET has gone on to become the 'primary assessment and decision-making tool for all young people identified as offenders at whatever stage of the youth justice system' (R. Smith 2006: 97).

Advocates of ASSET talk of it promoting 'consistency of practice' within the multi-agency YOTs (Baker *et al*. 2003: 9).   Bearing in mind the varying philosophies and different levels of experience and knowledge of YOT workers, the introduction of a more structured approach to the assessment process with the aim of creating a 'more comprehensive and consistent assessment practice' seems entirely sensible (ibid.: 10).   However, as this chapter argues, the difficulties arise when ASSET is relied upon to 'inform effective intervention programmes' (Youth Justice Board 2004).   Can ASSET really help YOTs to accurately 'assess the needs of young people ... and then match intervention programmes to their assessed need' (Youth Justice Board 2000b)?   Is ASSET, 'more than any other aspect of the reformed [youth justice] system, … capable of preventing further offending' (Youth Justice Board 2002)?   This chapter uses the case study of a single young offender named Tim to highlight the difficulty ASSET has in accurately identifying the needs of young offenders - i.e. what it was that motivated them to offend in the first place, and consequently, what will be required to help them desist.   The argument follows that, because of this, ASSET will always struggle to accurately match young offenders to the most appropriate intervention for their individual needs.

Brief history of managerialisation within the criminal justice system

When the Conservatives came to power in 1979, management was identified as the key means through which the public sector could be rid of its 'bureaucratic structures and entrenched professional interests' and transformed into a dynamic series of organisations able to deliver 'value for money' (Muncie 2004: 272). The drive was to impose the 'three Es' - economy, efficiency and effectiveness - on all aspects of public provision. This post-bureaucratic 'new public managerialism' (McLaughlin *et al*. 2001: 302) was characterised by: an increased emphasis on achieving results rather than administering processes; the setting of explicit targets and performance indicators to enable the auditing of efficiency and effectiveness; and, the costing and market testing of all activities to ensure value for money. Although Pratt (1989), commentating on the criminal justice system at the end of the 1980s, identified a new form of penological discourse that he termed 'corporatism' (where the focus was simply the efficient and cost-effective 'management' of the offending population), by the start of the 1990s, his corporatist model had been quickly subsumed within the much broader process of public sector managerialisation that was sweeping the rest of the public sector.

With the criminal justice system becoming increasingly characterised by managerialist mentalities (see Pitts 1992), it was only a matter of time before it came under investigation from bodies such as the Audit Commission. Set up in 1982 under the Local Government Finance Act, the role of the Audit Commission is to secure economy, efficiency and effectiveness in the use of public resources. Since then, almost every aspect of local government activity has come under its scrutiny (Jones 2001). Despite considerable resistance from criminal justice professionals who argued that the criminal justice system

could not, and should not, be treated like a business (McLaughlin *et al*. 2001), during the course of the 1990s the Audit Commission's reports started to become increasingly influential in the field of criminal justice. Although it was initially the police service, crime prevention and the probation service that came under scrutiny (Jones 2001), by the mid-1990s the Commission began to turn its attention to the youth justice system. Although not realised at the time, the Audit Commission's 1996 report *Misspent Youth* would prove to be highly influential in the development of youth justice policy in England and Wales in the years to follow.

Misspent Youth had little of a positive nature to say about the youth justice system. Its view was that the system in England and Wales was 'uneconomic, inefficient, and ineffective' (Morgan & Newburn 2007: 1031). The report noted that public services were spending around £1 billion a year processing and dealing with young offenders. As such, the main thrust of the report was the need to shift resources from punitive to preventative measures. Indeed the report argued that the diversion of just a fifth of young offenders away from the justice system altogether could potentially save around £40 million annually. However, whilst the report's emphasis on diversion was largely on the grounds of 'value for money', it was also partly because of the lack of effectiveness of formal procedures (Muncie 2004). For example, in relation to the youth courts, the report noted that not only was it costing £2,500 for each young person processed, but the process of prosecution was taking an average of four months, and half of the proceedings were ultimately being discontinued, dismissed or discharged. In addition to these concerns regarding economy and effectiveness, the report also argued that the youth justice system had no agreed national strategy and a total 'absence of coordinated working' within the system (Morgan & Newburn 2007: 1031). As the report noted: 'the agencies dealing with young offenders

have different views about what they are trying to achieve. … These different approaches need to be reconciled if agencies are to work together and fulfil their different responsibilities' (Audit Commission 1996: para.21). With the Commission's managerialist remit, it was not surprising that the report advocated both the development of inter-agency cooperation as well as the necessity for an overall strategic plan.

New Labour's own brand of managerialisation

Although *Misspent Youth* was not welcomed by the then Conservative government and was given little attention by them, the Labour opposition saw it as a useful weapon with which to berate the Tories (Jones 2001). Despite the relative success of the Conservative's diversionary and decarcerative approach during the 1980s - both in terms of numbers of young people being prosecuted and numbers given custodial sentences - New Labour promised to 'break with past failures and to open up a new era in youth justice' (Muncie 2004: 271). Although New Labour had made considerable political capital out of its opposition to the Conservative's marketisation of public services, as McLaughlin *et al*. (2001) argue, there were several reasons why managerialisation played such a central role in New Labour's unfolding political project. Firstly, various pre-election policy papers emphasised that the defining attribute of a New Labour government would be 'pragmatism and eclecticism rather than ideology and dogma' (ibid.: 305). Secondly, New Labour acknowledged that central features of the Conservatives' managerial reform process of the late 1980s and early 1990s were 'necessary acts of modernisation that improved productivity, delivered better value for money and enhanced quality of service' (ibid.: 306). However, whilst clearly descended from the Conservative project, New Labour's managerial agenda was also 'radically different' from it (Newburn 2002: 460). Indeed, as

McLaughlin *et al.* (2001: 306) stress, New Labour's managerial project went 'wider and deeper' than the Conservative's ever had done by emphasising the need to: 'build policy coherence across government; institutionalise continuous improvement and innovation in policy making and service delivery; eradicate inefficiencies; and design out obsolete structures and practices'. And thirdly, there was New Labour's acceptance of the 'audit culture', most clearly represented in their 'enthusiastic embrace' (ibid.) of *Misspent Youth*. Indeed, the parallels between New Labour's pre-election consultation document, *Tackling Youth Crime: Reforming Youth Justice* (Labour Party 1996) and *Misspent Youth* were striking, in terms of both issues covered and the proposals contained (Morgan & Newburn 2007). As such, when New Labour came into power, not only were the key processes of managerialisation 'enthusiastically embraced' (Muncie & Hughes 2002: 5), but under the banner of modernisation, they soon became 'institutionalised and normalised' (McLaughlin *et al*. 2001: 313).

For Newburn (2002: 454), the *1998 Crime and Disorder Act* was 'without doubt the key element' in New Labour's youth justice reforms during its first term, making as it did a series of far-reaching changes to both the organisation and the operation of youth justice in England and Wales. Further evidence of New Labour's commitment to managerialisation was reflected in the fact that many of the recommendations made in *Misspent Youth* (Audit Commission 1996) were subsequently found in the *1998 Act*. Arguably the two most explicit examples of this were the creation of the Youth Justice Board (YJB) and the establishment of Youth Offending Teams (YOTs). The YJB's principal function is: to 'impose order from the centre' (Newburn 2002: 456); to monitor the operation of the youth justice system and the provision of youth justice services; to promote good practice; set national standards (see Youth Justice Board 2000a, 2004); and, establish appropriate

performance measures. 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 and for liaising with other criminal justice and treatment agencies in connection with that work. Stimulated by 'concerns with efficiency and consistency on the one hand, and a pragmatic belief in multi-agency work on the other' YOTs soon became the very embodiment of partnership working (Morgan & Newburn 2007:1034). Unlike the Youth Justice Teams that had been made up of mainly social workers, YOTs include representatives of both criminal justice and welfare agencies. These include social services, the police, probation, education, and health. Furthermore, the role of YOTs is to formulate and implement youth justice plans that set out how youth justice services are to be provided, monitored and funded in their particular local authority. In addition to making local agencies accountable for any 'successes' or 'failures' in their area, youth justice plans also have to be submitted to the YJB where they are 'scrutinised through budgetary planning and auditing for cost and effectiveness' (Muncie 2004: 275).

A further example of New Labour's commitment to managerialisation (and *Misspent Youth* for that matter) can be found in *1998 Crime and Disorder Act* giving the youth justice system the overarching aim of preventing offending by children and young persons. However, by doing so, New Labour found themselves in the position of needing to build a youth justice system around assessing those who might present a future risk of offending (Muncie & Goldson 2006). As such, New Labour's youth justice project became 'heavily influenced' by longitudinal criminological research that had identified the possible factors associated with the aetiology of delinquency (Morgan & Newburn 2007: 1032). As Smith (2007: 166) notes, 'Farrington's work in this context is ... seminal'. Farrington's longitudinal study of delinquent development, conducted at the Cambridge Institute of

Criminology since the 1960s, has identified a number of replicable predictors of delinquency that each predict offending independently of each other. These include: 'impulsivity, attention problems, low school attainment, poor parental supervision, parental conflict, an anti-social parent, a young mother, large family size, low family income, and coming from a broken family' (Farrington 2002: 659). The simple premise of the risk-factor prevention paradigm is thus straightforward: implement measures designed to counteract these key risk factors and potential future offending can be reduced (see Communities that Care 2001). Although Farrington (2002: 664) himself acknowledges that it is difficult to 'decide if any given risk factor is an indicator (symptom) or a possible cause of offending', as Muncie (2004: 278) argues, the biggest appeal of the risk-factor paradigm of prevention lies not in its 'scientific rigour' but in its 'fit with prevailing' political ideology. Not only does the risk-factor prevention paradigm have the advantage of being 'easy to understand and to communicate' to the general public (Farrington 2000: 7), but any approach that can promise to provide a pragmatic solution to the problematic issue of crime is, as Pitts (2001: 10) rightly describes, 'a political godsend'.

The ASSET Common Assessment Profile

For many criminologists (e.g. see Newburn 2002; Muncie 2004; Smith 2007), the emergence of a risk-factor prevention paradigm within contemporary youth justice in England and Wales is evidence of actuarial justice, where the primary concern is simply 'identifying, classifying and managing groups ... by levels of dangerousness' (Feeley & Simon 1994: 173). Indeed for some (e.g. R. Smith 2006), the introduction of the ASSET common assessment profile represents a particularly clear-cut application of actuarial principles.

In terms of risk assessment tools more generally, ASSET can be classified as a 'third generation' instrument. As Bonta (1996, cited Merrington 2004) describes, whereas 'first generation tools' describe the traditional interview and assessment process and are based on professional and subjective judgement, and 'second generation tools' (such as the UK's Offender Group Reconviction Scale or OGRS) use actuarial models to predict risk of re-offending based purely on 'static' (unchangeable) factors such as age and criminal history, 'third generation tools' combine both 'static' and 'dynamic' risk factors (i.e. factors that have the potential to change over time) into a single integrated instrument. Although the argument in favour of third generation tools is that, because they contain both dynamic *and* static risk factors they must be more effective at predicting reconviction than second generation tools (e.g. see Sutton & Davies 1997, cited Merrington 2004), research has found that third generation tools (in this case, the LSI-R and ACE) are often no better at predicting reconviction than a robust second generation tool sush as OGRS (see Raynor *et al*. 2000). Nonetheless, arguably what third generation tools add is not their predictive power but how they enable 'risk' to be theorised. As Maurutto and Hannah-Moffat (2006: 443) argue, combining both static and dynamic risk factors allows a 'fluid, malleable understanding of risk'. For them, second generation tools produce a 'fixed level of risk' or a 'fixed risk subject', which though useful in informing supervisory decisions, denies the possibility of change in the offender and thus threatens to delegitimise the idea of rehabilitation or treatment. In contrast, by merging static and dynamic factors into a single instrument, the concept of a 'transformative risk subject' is created: a subject that is amendable to change if his or her dynamic factors are targeted with an 'effective' treatment or intervention. As such, by conceptualising risk as a 'fluid concept' that can be 'adjusted, treated and manipulated' (ibid.: 443), third generation tools such as ASSET 'reassert the

archetypal assumption of correctional treatment - that offenders can change and that positive changes in behaviour will reduce the risk of recidivism' (ibid.: 442).

ASSET was designed by the Centre for Criminological Research, University of Oxford, and since its introduction in April 2000 it has gone on to become the 'primary assessment and decision-making tool for all young people identified as offenders at whatever stage of the youth justice system' (R. Smith 2006: 97). Crucially, though, in addition to its role in assessing the needs of young people and the degree of risk they pose, ASSET was also introduced to 'promote consistency of practice' within the newly established multi-disciplinary YOTs (Baker *et al*. 2003: 9). In the past, the method of assessment traditionally used by Youth Justice Teams relied on the professional judgement of each worker. However, as Baker *et al*. (ibid.) correctly argue, this left the assessment process open to the possibility that practitioners would omit consideration of relevant issues, and a likelihood of inconsistent practice both within and between different YOTs. As Kempf-Leonard and Peterson (2000: 78) highlight, 'historically, risk assessment and classification have been informal, highly discretionary procedures carried out by individuals who have varying philosophies, different levels of experience and knowledge and who use dissimilar criteria in the assessment process'. Clear and Cadora (2001: 57) agree, noting how 'human decision-makers tend to consider a very limited (and often somewhat idiosyncratic) range of information in making a decision. ... Many ills follow idiosyncratic risk calculations, and the most obvious of them is inconsistency'. It was partly to counter these arguments that the YJB decided to introduce ASSET. By introducing a more structured approach to the assessment process, it was hoped that the end result would be a 'more comprehensive and consistent assessment practice' (Baker *et al*. 2003: 10), where 'variables, known to be correlated with risk' would be 'assessed in every case' (Clear & Cadora 2001: 57).

Contained within the ASSET common assessment profile is what is known as the 'Core Profile'. This contains 12 sections of dynamic factors including: living arrangements; family and personal arrangements; education, training and employment; neighbourhood; lifestyle; substance use; physical health; emotional and mental health; perception of self and others; thinking and behaviour; attitudes to offending; and, motivation to change (Youth Justice Board 2006c). Each of the sections contains a number of questions requiring a 'yes', 'no' or 'don't know' response and an 'evidence box' for providing descriptive details of any problems or issues identified. Practitioners are then asked to rate (using a 0-4 scale) the extent to which each of these sections is related to the likelihood of further offending by the young person, where 0 is 'not associated' and 4 is 'very strongly associated'. At the end of the Core Profile, there is a 'summary of dynamic risk factors' section where the scores from each of the previous 12 sections are summed to provide a total score out of 48. Arguably, 'a high ASSET score should not only indicate a higher probability of reconviction but also a likelihood of more frequent offending and, possibly, of more serious offences' (Baker *et al*. 2003: 54). In addition to the Core Profile, and to reflect the growing literature on 'protective factors' (see e.g. Farrington 2000, 2002; Communities that Care 2001), ASSET also includes several sections which do not require a numerical rating (Youth Justice Board 2006c). There is a section on 'positive factors' that aims to encourage practitioners to identify aspects of a young person's life (broken down into individual, family and community factors) which could potentially then be addressed. In addition, there are specific sections focusing on 'indicators of vulnerability' and 'indicators of risk of serious harm to others' that are intended to identify cases which require a more detailed assessment. Finally, there is a 'What do you think' self-assessment form designed to provide an opportunity for a young person themselves to record their views on their current life situation and the reasons for their offending.

Perhaps rather predictaby, the YJB itself views ASSET in a very positive way. For example, a YJB review paper claimed that 'more than any other aspect of the reformed [youth justice] system, this tool, properly used is capable of preventing further offending' (Youth Justice Board 2002). Similarly, the evaluation of ASSET had largely positive things to say about the tool (see Roberts *et al*. 2001; Baker *et al*. 2003; Baker *et al*. 2005). Arguably the primary focus of the evaluation of ASSET was on its predictive validity i.e. the ability of ASSET to predict re-offending (where reconviction was used as a proxy measure for re-offending). Using the 'percent correctly predicted' method advocated by Raynor *et al*. (2000), the ASSET scores for a sample of 2,233 cases were split into 'high' and 'low' at a point corresponding to the proportions actually reconvicted at least once during a 24-month follow-up period. All high scores were then treated as predicting reconviction and all low scores were treated as predicting non-reconviction. Reconvicted high scorers and non-reconvicted low-scorers were counted as correct, the rest being incorrect. The accuracy rate was found to be 69.4 per cent (Baker *et al*. 2005). In addition, it was found that higher scores were also indicative of a risk of repeat conviction and also gave some indication of the likelihood of more serious re-offending as indicated by the use of custody (Baker *et al*. 2003). With the predictive accuracy of ASSET already comparable to that achieved by assessment tools used with adult offenders in the UK (see Raynor *et al*. 2000), the evaluation concluded that the core ASSET profile did 'not require major change' (Baker *et al*. 2003: 97). Indeed, the evaluation also concluded that with the 'demonstrated link' between ASSET scores and reconviction (Baker *et al*. 2005: 67), scores should not only be used as a 'guide to the level and intesity of intervention required to address offending behaviour' (ibid.: 65), but bearing in mind the time lag involved in accessing official reconviction data, the use of ASSET scores as a 'proxy measure for

reconviction' should be considered by the YJB for use in research and evaluation purposes (ibid.: 67).

The case of Tim

Notwithstanding ASSET's claims in regard to its predictive validity, this chapter argues that a more fundamental problem with ASSET lies in the assumption that it can be used as an accurate 'guide to the level and intensity of intervention required to address offending behaviour' (Baker *et al*. 2005: 65). Can ASSET really help YOTs to accurately 'assess the needs of young people ... and then match intervention programmes to their assessed need' (Youth Justice Board 2000b)? To date, no research has attempted to address this question. Instead, research (e.g. Baker *et al*. 2003) has focused on ways to increase the predictive power of ASSET. For example, the evaluation of ASSET found that its predictive accuracy could be incrementally improved by including 'static criminal history data and the weighting of items found to be most strongly associated with reconviction' (ibid.: 97)

What follows is the case study of a young man named Tim. Tim was 16 years old when he received his first custodial sentence - a 42-month Detention and Training Order (DTO) - for robbery and ABH (assault occasioning actual bodily harm). Interestingly, Tim had the highest ASSET score out of all of the 20 young men in this study: a score of 39 out of a maximum 48. As can be seen in Table 3, at the time he was sentenced, Tim's YOT worker assessed all but one of the 12 dynamic risk factors in the ASSET Core Profile as being 'strongly', or 'very strongly', associated with Tim's likelihood of re-offending. Bearing in mind that ASSET's design was apparently informed by 'a review of the literature on risk

Table 3: Summary of Tim's ASSET Core Profile

	Rating*
1. Living arrangements	**4**
*Evidence: Currently homeless. SSD** funding B&B. Mum doesn't want him back home.*	
2. Family and personal relationships	**4**
Evidence: Poor parenting - Mum reinforces very negative behaviour. Very volatile relationship with Mum.	
3. Education, training and employment	**4**
Evidence: Behaviour causes education placement breakdown. Tim has partially completed a dyslexia test. Recent [training] placement broke down after one week because of violence and aggression towards staff and others. Tim requires 1-2-1 work.	
4. Neighbourhood	**3**
Evidence: Nottingham city centre. Known crack houses in area. B&B in middle of red light area.	
5. Lifestyle	**3**
Evidence: Tim's only allowance is weekly allowance via SSD. Appears a loner at times but gravitates towards other offending peers. Lots of hostels in the area housing vulnerable and chaotic young people.	
6. Substance use	**3**
Evidence: Tim constantly demanding money to pay off drug debts.	
7. Physical health	**2**
Evidence: Tim has an hereditary kidney disorder. If Tim suffering from pain, hospital to be notified. Drug use not helping condition.	
8. Emotional and mental health	**3**
Evidence: Presents as a very angry and frustrated young person that expresses his feelings via threatening violence and aggression. "Picks cuts on hands until they bleed"	

| **9. Perception of self and others** | **3** |

> *Evidence: Tim will not take responsibility for his actions - he blames Mum,*
>
> *SSD, YOT, everyone.*

| **10. Thinking and behaviour** | **3** |

> *Evidence: Offences show poor control of temper and impulsiveness leading to*
>
> *physical damage and harm being done. Only thinks of himself and how badly*
>
> *he is being treated.*

| **11. Attitudes to offending** | **3** |

> *Evidence: Tim shows no victim awareness – says he's not bothered what he has*
>
> *done, and would do it all again if he had to.*

| **12. Motivation to change** | **4** |

> *Evidence: Has co-operated with SSD although the incentive there is getting his*
>
> *allowance. Poor co-operation with YOT, thus breach for threatening staff.*

| **Summary of 12 dynamic risk factors (out of a maximum 48)** | **39** |

Positive factors

> *Evidence: Currently has semi-stable accommodation in B&B.*

Indicators of vulnerability

> *Evidence: Doesn't cope well with change, especially changes beyond his control.*

Indicators of serious harm to others / risk of serious harm full assessment

> *Evidence: Angry with the 'care' system that at times hasn't followed through promises.*
>
> *Offences of assault against residential care staff - often verbally aggressive towards staff*
>
> *when his demands (often for money for drugs) aren't met. Once said he would stab anyone*
>
> *who winds him up. Once started hitting walls to make his fists bleed when he got angry.*

'What do you think?' questionnaire

> Not completed.

* Where 0 = 'not associated' and 4 = 'very strongly associated' with likelihood of further offending

** Social Services Department

factors for offending by young people' (Baker *et al.* 2003: 10), it is unsurprising that Tim's Core Profile displays evidence of all those risk factors that criminal careers research has shown to be so strongly related to delinquent development and subsequent offending. For example, at the time he was sentenced Tim was: homeless and living in a bed and breakfast in a very deprived area, courtesy of Social Services; had a poor, and very volatile, relationship with his mother; was not involved in any form of education, training or employment; had offending peers; was abusing both alcohol and drugs; took no responsibility for his actions; showed no victim awareness; had a poorly controlled temper; was often impulsive; and, expressed his feelings through violent and aggressive behaviour. However, does this portrayal of Tim as a typical 'high risk' young offender - i.e. a young man with multiple problems that have all been assessed as being related to his likelihood of re-offending - actually help us to better understand his needs, both in terms of what it was that motivated him to offend in the first place and crucially what will be required to help him to desist from further offending? Only minimally.

As this chapter will argue, the reason for this lies in the model of the subject that ASSET (and indeed the wider risk-factor prevention paradigm itself) invokes: that of a socially-constructed rationally-acting subject. A model of the subject that assumes that the mere presence of a dynamic risk factor in a person's assessment is evidence that the factor in question is a contributing cause of that person's offending behaviour, and following on from this, that subsequently addressing of any of these 'associated' risk factors will lead to a decrease in that person's risk of re-offending. The argument made here is that both these assumptions cannot do justice to the complexity of many young people's offending behaviour. For example, just because all 12 of the dynamic risk factors in Tim's ASSET Core Profile were assessed as being associated with his likelihood of re-offending, can it

simply be assumed that each and every one of them were responsible for causing his offending behaviour? Even Farrington (2002: 661) himself warns that a 'major problem of risk-focused prevention is to establish which risk factors are causes and which are merely markers or correlated with causes'. And if Tim's ASSET Core Profile cannot accurately identify what it was that was actually responsible for causing his offending behaviour in the first place, how can it help his YOT worker to know what the most appropriate intervention will be in terms of addressing his offending? As Farrington (ibid.) states, 'ideally, interventions should be targeted on risk factors that are causes; interventions targeted on risk factors that are markers will not necessarily lead to any decrease in offending'. Unfortunately though, in the case of 'high risk' young offenders like Tim, it appears that the youth justice system either adopts a 'blunderbuss approach' (ibid.) - where the young person is subject to multiple interventions that 'try to tackle all their difficulties, regardless of how salient they are to the risk of re-offending' (Stephenson *et al*. 2007: 244) - or they are subject to interventions that target just one or two of the 'associated' risk factors in isolation, irrespective of whether not any of the targeted factors are ultimately responsible for causing their offending behaviour.

The argument made here is that the reason ASSET will always struggle to accurately identify the needs of young offenders (i.e. what they need to help them desist from crime) is because the model of the subject it constructs does not attach enough significance to the role that emotions play in many young people's offending behaviour. For example, the evaluation of ASSET (see Baker *et al*. 2003) found that around a third of the sample were assessed by practitioners as being significantly affected in their everyday lives by 'problems coming to terms with a significant past event/s' (e.g. feelings of anger, sadness, grief, bitterness) or 'current circumstances' (e.g. feelings of frustration, stress, sadness,

worry/anxiety). This is a striking finding when one bears in mind that the YJB guidance states that these two statements should only be ticked 'yes' if these past events or current circumstances have resulted in 'thoughts and feelings that have a *persistent and powerful impact on the young person's everyday life*' (Youth Justice Board 2006d: 14, emphasis added). Furthermore, if one compares completed ASSET Core Profiles with responses given by young people on the 'What do you think' (WDYT) self-assessment form (Youth Justice Board 2006e), it can be seen that practitioners identify many *fewer* problems in the area of emotional and mental health than young people themselves. For example, whereas Baker *et al*. (2003) found that 11 per cent of cases had sometimes 'thought of killing themselves' and 10 per cent had 'deliberately hurt themselves' on the ASSET Core Profile, the percentage of cases with 'yes' in WDYT was 60 per cent for 'deliberately hurting themselves' and 55% for 'think about killing themselves'.

Despite Tim not completing a WDYT questionnaire - not that surprising when one bears in mind that a recent inspection of Youth Offending Teams (HM Inspectorate of Probation 2007) found that only 56 per cent of WDYTs were completed - even a cursory glance at the comments made by his YOT worker on his ASSET Core Profile (see Table 3) hint at a troubled inner emotional world. For example, from his expression of feelings through 'threatening violence and aggression', through to his self-harming behaviour (e.g. 'picks cuts on hands till they bleed' and hits 'walls to make his fists bleed') and 'poor control of temper'. Unfortunately, however, rather than being used as a starting point for a more in-depth exploration of the meaning of this troubling behaviour, these observations were subject to no further investigation or interpretation: they were simply used by Tim's YOT worker to help assign Tim a 'risk score'.

Tim's narrative account

In contrast to his ASSET Core Profile, Tim's own narrative starts to reveal in a little more depth why he was such an emotionally troubled young man. In particular, Tim's account of: his life growing up in care; his relationship with both his mother and father; his offending behaviour; and, his chronic abuse of drugs and alcohol.

Tim's life in care

When Tim was eight years old he was taken into care because his mother was 'seriously ill' with kidney disease and apparently 'couldn't cope' with bringing him up. As Tim noted:

> With the average Mum, single parent ... you'd be going places, going out at weekends, ... to town and stuff like that. But my Mum couldn't do all that because she [was ill and] had to be at appointments at all sorts of places [and] she'd have to take different drugs at different times of the day and stuff like that. Because it was that kind of life, ... I thought I would be treated better [in care]. I thought "I'll have that", and basically that [going into care] is the life that I chose.

However, it was only when Tim actually went into care that he realised it was 'totally different' to what he had expected. As Tim recounted:

> Basically you're just treated worse. ... In kids' homes, it's not just you, it's like eight or nine of you, and you see so many different people [workers] in a day, you

don't know whether you are coming or going. ... [And] seeing all these different people has an impact. Like cos you don't know them, you go dead quiet, ... you lose confidence and then you're not sure of yourself. ... I first started feeling insecure ... when I started going from kid's home to kid's home, like different areas every couple of weeks and always thinking "where will I be next week?". ... [Because each home has] different people, you don't speak to them for like a few days and then you just start getting to know them and then it's straight off to a different place.

In addition to the impact of seeing so many different workers, Tim recalled: 'I was always getting my room broken into and stuff took off me. ... I can always remember people punching me, bullying me and that, and getting beat up for my pocket money by bigger kids'. Tim also found the rules and regulations of living in children's homes hard to take: the fact that there were 'set dinner times, set this, set that' and he had to 'do this' and 'do that'. When asked to give an example of this, Tim talked of the difficulties he had trying to get his weekly pocket money early. As he described:

I'd ask them "can I have two quid of my pocket money cos I'm going to court and I want some fags". And they were like "no, you can't have it". I'm like "why? I don't want it all today. Can't you just take it out and give me whatever's left on Friday or Saturday". I've asked, used manners, the lot and they're still like "no, tough shit". They don't care. So I'd think "fuck you, you're having it" and I'd just go outside, pick up a brick and launch it through the staff room window. ... I did it quite a few times.

Whilst Tim was in care, Social Services were always 'pushing it on' his mother to take him back home. However, as Tim noted: '[although] Social Services wanted me back with my Mum, my Mum was telling them "I can't cope, I can't do this, and I can't do that. Keep him"'. Notwithstanding his mother's protestations, Tim did occasionally return home, although never for very long. As he noted: 'since I was about ten, the longest amount of time I've spent [living] with my Mum is about … four, five months'. Although things would invariably be 'quiet for a month or so' after Tim returned home, once his friends found out that he was back 'they'd all started coming round'. As Tim recalled:

I'd go out and then I'd forget about the time and knock on the door the next morning and she [my Mum] would have a go at me, ... and basically that's how it happened, because then we started arguing. Then my Mum would ring up Social Services saying "Look I told you it would happen. It's starting to happen again. Get him out of my house".

Tim said it was when he turned 14 that he felt things really started to 'go downhill'. Following one of the occasions where his mother kicked him out, Social Services placed Tim in a children's home 'up north', 'forty, fifty miles' from home. As Tim recalled: 'I didn't know no-one, so I just basically kept dead quiet, kept myself to myself. Then my stuff started getting pinched and all sorts [so] I told them "move me closer to like where I'm from"'. Although Tim was moved 'twenty, thirty miles' closer to home, the situation did not change for the better. As he noted: 'I still didn't know no-one and kept myself to myself in my bedroom all the time. I learnt where to buy cannabis from and ... I just started smoking it in my room'. It was to fund his drug use that Tim started 'pinching cars,

pinching stuff off of people's back gardens and that'. When Tim was 15 the children's home 'kicked' him out and he returned to live with his mother again. As he recalled:

> Cos like I'd been arrested from this kid's home a good thirty times for beating up the staff, burglaries, all sorts like that, they turned around and said "we don't want you here no more". That was it, they kicked me out and Social Services said "we've got nowhere else for you to go, go back to your Mum's".

Living back with his mother went 'alright' for the first few weeks, until Tim 'started falling into the same old routines'. As he noted: 'I was back on the pills, the cannabis, hard and that was it, just the same thing over and over again. ... Robberies and burglaries and all sorts. ... Then my Mum says "I don't want you here no more, fuck off"'. Because Social Services were unable to find Tim a placement in a children's home, he was put into a bed and breakfast in Nottingham city centre. As Tim noted, however: 'It was a money problem. ... I was a growing lad ... and they [Social Services] was giving me about £8 a day to live on. Getting like dinner and a packet of fags, drinks throughout the day and snacks and that, basically it weren't working'. Tim found that by committing a robbery just 'once, twice a week' he was able to earn 'like £300, £400' which was more than enough to, as he put it: 'get out of my face all the time'. However, it wasn't long before Tim found himself getting 'money hungry' and 'it went from one, two, three robberies a week to ... like three, four a day'. Two weeks after Tim turned 16 he was arrested and given his custodial sentence for robbery and ABH.

Tim's relationship with his mother and her illness

Tim remembered finding out that his mother had kidney failure when he was 'six or seven' because he had to help her 'set up the dialysis machine that she had to go on at night'. As he recalled:

> [I started] giving her extra help ... with all sorts of things and [2] just basically taking everyday as it comes. [But] like some days she would catch an infection and she couldn't leave the house, couldn't do nothing. That's when it put a strain on you [5] because like one day you'd be there like talking, and like the next day your Mum could be ill, in hospital and everything.

In addition to this 'strain', the doctors were concerned that his mother's kidney disease could be hereditary. As Tim noted: 'they took me for a scan and they found out that I'd got it as well'. Although Tim claimed that finding out he had the hereditary kidney disease 'didn't bother' or 'faze' him at the time, he now finds himself 'thinking about it'. As he noted: 'It would hurt me if I ended up like my Mum. I don't want to end up like that because my Mum can hardly walk and her arms are all like sticks. She's got to go [to hospital] three, four times a week to have ... chemo-dialysis, so I don't want to end up like that'. As well the potential effect on himself, Tim was equally hurt by seeing his mother unwell. As he noted:

> Seeing my Mum ill and that, hurts me, it hurts me. I can't deal with it. Seeing her in that much pain. It's like, I don't know, you've just got to like deal with it, and like dealing with it, it's hard, if you know what I mean. … I deal with it in my

own way. ... That's why I smoked drugs and took drugs and that. Basically that's my own way of dealing with it.

As well as drugs, Tim also started abusing alcohol to 'block things out'. As he recalled: 'I started drinking large amounts of alcohol until I'd pass out somewhere. ... Basically it was just like anything to block it out'. In addition to the impact of her illness, when Tim's mother would repeatedly call Social Services and ask them to take him back into care, Tim 'sometimes felt like "my Mum didn't want me, that she's never wanted me"'. Despite this, Tim argued:

> My Mum's not a wicked Mum. She always treated me with respect even though I didn't treat her with respect. She was always reasonable. Like when she knew I was getting out of hand, she would tell me to "fuck off out of the house" and stuff like that. I know I have treated my Mum badly but she's always been there for me.

Notwithstanding this, when Tim would bring friends to his house and they would get on well with his mother, Tim would start 'hating on' them. When asked to give an example of this, Tim recalled:

> About five years ago, I brought one of my mates round and he started chatting to my Mum and getting all like, just basically they was sat there chatting and that. I've never really been able to do that, just sit down and talk with my Mum. So, it was awkward and I thought "fuck that, I'm not bringing you round again" [23][4].

---

[4] During this long pause in one of his interviews, Tim started crying.

Awkward thing was ... he was just sat there just chatting away, and it was just

mad because I've never been able to do that.

Tim's relationship with his father

Tim was told by his mother that his father 'fucked off' when he was 'only a couple of

months old'. As Tim noted: 'it's just kind of fucked up because I've been told that he's

always down the pub, that he's never took any interest in me'. Despite this, when Tim was

'about eleven' and he was 'having heated arguments' with his mother, he 'started asking'

his mother what his father was like. As Tim recalled: 'I was there asking "what's he

like" ... [cos] I'd never even met him, I didn't even know where he lived. ... [But] it was

kind of like awkward because she was like "he's a knob". ... But he's my Dad so I thought,

right "give him a try" and I got in touch with him'. Unfortunately for Tim, when he did

meet up with his father his father 'acted' like Tim was 'just someone he'd just met'. As

Tim recalled:

> It was just the way he acted around me. ... I thought he'd show like more
>
> appreciation that I'd gone to all the trouble to come and see him ... [but] he was
>
> just like "well, I don't care". So I just treated him like another person that I'd just
>
> seen. I don't care for him. He's just one of them guys ... who's like never really
>
> like there or anything. It pisses me off. ... I met him and he like didn't even notice
>
> that I was actually there or anything. So basically I just thought "well he don't
>
> care, so fuck him".

Although his father still only lives on the 'next estate' from his mother, since that first meeting, Tim has not contacted his father again. As Tim rationalised: 'he's a knob. I don't like him at all. ... I don't speak to him. ... It don't bother me, he ain't been there, so it's no loss to me'.

Tim's offending behaviour and drug and alcohol abuse

Tim and his friends often used to rob people by taking their bank cards and withdrawing money from their accounts. However, following an occasion when the person they were robbing gave them a false PIN number, they started keeping people 'hostage' while one of them went to verify the PIN number they had been given. When it came to holding people hostage, Tim described:

> It was just like to keep them on edge, keep them thinking something was going to happen to them. Like if they started getting cheeky and that, you had to hit them ... to show them you were in control. ... The first time I did it was about two years ago now. ... [The person we were robbing] was starting to get cheeky so I just hit him and he didn't move after that. It felt good to me. I thought, "yeah I'm in control", I'm happy. ... It's like a power rage. ... [You] just get the power and you think "yeah I want more of this".

Tim also claimed that his abuse of drugs and alcohol were equally to blame for his offending. As he noted: 'It's the alcohol and drugs. I know they don't mix. Everyone else knows they don't mix, but I just used to mix them … to get absolutely smashed out of my face, and [then I would] just go on some mad rampage'. As Tim went on to explain:

I don't know what comes over me. It's like something switches off in my brain, like something to do with my head inside messes up and I turn into some nasty person. ... It's like I get paranoid and that. Like on a normal night, if someone started calling me a "knob" and that, I'd leave it. [But] if I was pissed, all pilled up, I'd fucking grab something and whack it round his head.

Indeed, on the night when Tim committed the offence for which he received his custodial sentence, both he and his co-defendant had consumed large amounts of both alcohol and drugs. As Tim recounted:

We walked up to a bloke, … my co-d flicked out a knife and said "I want everything that's in your pockets". He started running off, … [so] we ran after him. My co-d picked up this bar that was on the floor, so I took the knife off him [my co-d] and went for him [the person we were robbing]. I swung at him and nearly stabbed him and then my co-d swung the metal bar at him and nearly knocked his head off. … He still managed to get up [though, so] I lamped him and knocked him out and we left him for dead on the floor. That was it, we just walked off.

An interpretive analysis of Tim

As can be seen, Tim's own narrative account paints a much more complex picture of him than his ASSET Core Profile ever could. Indeed, when one starts to bear in mind the disruptive nature of his childhood, the troubling observations made by his YOT worker on his ASSET Core Profile start to become a little less surprising. However, notwithstanding

this, Tim's own narrative still leaves some of the most troubling aspects of his behaviour unsatisfactorily explained. For example: why he started hating his friends if they got on too well with his mother; and why, when he was committing his offences, being in control of his victims made him feel so happy. In addition, his own narrative also leaves some of the observations made by his YOT worker similarly unexplained, such as his predilection for 'threatening violence and aggression' and his self-harming behaviour (e.g. 'picks cuts on hands till they bleed' and hits 'walls to make his fists bleed'). The argument made here is that adopting Gadd and Jefferson's (2007a) psychosocial conception of subjectivity can help all these aspects of Tim's behaviour to become more comprehensible. As outlined in the preceding chapter, their psychoanalytically informed psychosocial approach draws heavily on the work of Klein and the psychic defence of splitting and projection characteristic of her paranoid-schizoid position.

Tim's early life before care and his relationship with his mother

As can be seen from his narrative account, Tim found his mother's kidney disease to be extremely distressing. He talked of: the 'strain' it put on him whenever she had to go into hospital; of how it 'hurt' him to see his mother in 'that much pain'; and, how he found it all 'hard' to 'deal with'. Also, on top of this already anxiety-invoking situation, Tim had been diagnosed with having the same kidney disease as his mother. Although Tim noted how it would 'hurt' him *if* he 'ended up' like his mother - because she could 'hardly walk' and had to go to hospital 'three, four times a week' for chemo-dialysis - he must have been aware, but perhaps not completely consciously, that with the same terminal illness as her he *would* most likely 'end up' like her one day. Bearing in mind how young Tim was when he found this out, one can imagine how unsettling this scenario must have been for

him and how badly he must have needed someone to be there for him, to help him deal with how he was feeling. Unfortunately for Tim, his relationship with his mother was quite the opposite. Tim talked of 'never being able' to 'sit down and talk' to his mother, to tell her how he was feeling. And on the odd occasion that one of his friends would talk to his mother like he so wanted to, he would find the situation so 'awkward' that he would start 'hating' the friend and thinking: 'fuck that, I'm not bringing you round again'.

Arguably, it was the inability of his mother - or anyone else in his life for that matter - to take on anything close to the emotionally 'containing' role that Bion talks of that proves to be so central to this interpretative reading of Tim. As outlined in the preceding chapter, Bion saw the mother's role as a psychical 'container' for the developing child's initially chaotic and frightening internal experience (Minsky 1998). With the child's psyche not developed enough to contain powerful feelings of any kind, it is absolutely dependent on the availability of some object (usually the mother) into whom it can rid itself of these feelings. For Bion, the response of a 'containing' mother is to acknowledge her child's anxiety and do whatever is necessary to relieve the child's distress. By responding in this way, the child is not only made more comfortable by having his needs met, but he is also able to 'take inside himself the experience of his mother having a space in her mind for him. … He feels understood' (Emanuel 2000: 51). However, Bion also identified what he termed 'uncontaining' mothers. For him, one of the characteristics of an uncontaining mother is that she presents herself as 'demanding of attention to her own needs' (Minsky 1998: 165). As a result, the child has to 'endure [both] the confused emotions and demands of its mother as well as its own' (ibid.).

It appears from his narrative that Tim's mother was not willing or able to contain the acute anxieties that he felt. Instead, his mother simply compounded them, as Tim also had to deal with the more practical demands that resulted from her ill health. For example, Tim recalled that when he was 'six or seven' he had to help her 'set up the dialysis machine that she had to go on at night' and give her 'extra help ... with all sorts of things' around the house. Similarly, through no fault of her own, his mother's illness meant that she: 'had to be at appointments at all sorts of places'; had 'to take different drugs at different times of the day'; had to go to hospital for chemo-dialysis 'three, four times a week'; sometimes 'couldn't leave the house'; and, could unexpectedly 'be ill' and 'in hospital' for indefinite periods of time. Whilst Tim claimed that the result of this was that he felt that his mother was not like the 'average Mum' - who would take their children 'out at weekends, ... to town and stuff like that' - arguably what Tim really missed was not simply the opportunity to do things with his mother, but the chance to build an emotionally enriching relationship with his mother that these activities would have engendered. As such, with Tim 'never being able' to 'sit down and talk' to his mother, it seems likely that he would have felt, at least unconsciously, that she did not have a 'space in her mind for him' (Emanuel 2000: 51).

Tim's time in care

It is no wonder then that eight year old Tim fantasised that he might be 'treated better' in care. Maybe he hoped that he would meet somebody in care who could take on the emotionally supportive and containing role that he clearly needed. However, when Tim went into care the reality was quite the opposite and he found he was 'treated worse'. Not only was his experience in care far from pleasant - 'I was always getting my room broken

into and stuff took off me. ... I can always remember people punching me, bullying me and that, and getting beat up for my pocket money by bigger kids' - but he found himself seeing 'so many different people [workers] in a day' that he did not know whether he was 'coming or going'. And just when he would start to get to know a worker well enough to feel that he could 'speak to them' and perhaps start to build a relationship with them, he would be moved to a different care home and the process would start all over again. In addition to this, despite the miserable time that Tim was having in care and Social Services 'always pushing it on' his mother to keep Tim at home, on the few occasions when he did return to live with his mother, it would only be a matter of months before she would call Social Services and demand that they take Tim back into care: repeatedly telling Social Services to 'keep him'. It was this vicious cycle of his mother condemning him to back care each time he returned home that ultimately led to Tim feeling that his mother 'didn't want' him, indeed had 'never wanted' him. As Tim sadly noted: 'since I was about ten, the longest amount of time I've spent [living] with my Mum is about … four, five months'.

Evidence of Tim's continued need for someone to help support him emotionally and make him feel loved and wanted can be found in Tim - on one of the first occasions that he returned home from care - deciding to initiate contact with his father for the first time. With the notable absence of other containing adults in his life, Tim's decision when he turned 11 to initiate contact with a father he had never known - to 'give him a try' as Tim called it - reveals the desire and desperation he felt: he hoped that his father would be able to provide him with the love, support and understanding that had so far been missing from his life. However, when Tim and his father did eventually meet, his father's behaviour was not as Tim had hoped. As Tim noted: 'I thought he'd show like more appreciation that I'd gone to all the trouble to come and see him ... [but] he was just like "well, I don't care". ...

It pisses me off. ... I met him and he like didn't even notice that I was actually there or anything'. Like so many of the other potential sources of emotional support and containment in his life, Tim's father became just another 'one of them guys' who had 'never really' been 'there' for Tim. Following this first meeting, and despite him only leaving on a neighbouring estate, Tim had not attempted to make any further contact with his father. As such, rather than providing a means of alleviating his anxieties as Tim had hoped, his father's behaviour only served to heighten his anxieties further.

With the notable absence of anybody to take on a containing role for Tim, we now come to the crucial question of how it was that he attempted to deal with the ever increasing anxieties in his life. Tim himself claimed that he started abusing drugs when he was in care as simply a means of 'dealing' with the anxieties that resulted from his mother's illness: he claimed it helped him to 'block things out'. However, the argument made here is that his drug abuse was as much about blocking out the emotional pain of his own feelings of vulnerability, powerlessness and worthlessness, as it was about his mother's illness. Hyatt Williams (1998: 250) argues that drugs are often abused because they can provide 'relief of psychic pain'; they enable the abuser to go into a 'kind of emotional limbo' where his or her anxieties are no longer so distressing. Indeed a measure of the acute nature of Tim's anxieties can be seen in him, knowing full well that drugs and alcohol 'don't mix', repeatedly mixing them to get 'absolutely smashed out of ... [his] face'. However, with his drug abuse only ever going to be able to provide short-term relief, it appears that Tim - to ensure his continued psychical survival - resorted to the psychic defence of splitting and projection characteristic of Klein's paranoid-schizoid position. As Minsky (1998) notes, in this position, split-off anxieties may be projected either inwards, self-destructively, against the self, or outwards onto others in the external world. Indeed

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for Klein, all violent destructive behaviour, be it against the self or others, can be viewed as 'a defensive form of psychical survival' (ibid.: 164). This explanation not only accounts for the self-harming behaviour that Tim's YOT worker noted on his ASSET Core Profile, but it also goes some way to explaining the threatening violence and aggression he directed towards the staff of the various children's homes in which he stayed. However, whilst it may shed light on how projection became such a fundamental characteristic of Tim's personality during his time in care, this explanation does not adequately address how Tim progressed from a threatening teenager to the violent young man capable of extremely violent armed robberies.

When things started 'going downhill' for Tim

Tim claimed that it was when he turned 14 that things really started to 'go downhill', when both his drug abuse and offending reached new heights. Armed as we are now with a conceptual grasp of Tim's inner world, unsurprisingly, this period of his life coincided with him being placed in a children's home further away from his mother than he had ever been placed before, where he claimed he 'didn't know no one'. With this move simply confirming his worst fears, it was not surprising that Tim's seeking out of the 'relief of psychic pain' (Hyatt Williams 1998: 250) afforded by drugs become so frequent that he had to start 'pinching cars, pinching stuff off of people's back gardens' and committing 'burglaries, all sorts like that' just to simply fund his habit. In addition, with his projections becoming ever more powerful, it was also the time when his *threats* of violence became *actual* violence and he was arrested on a number of occasions for 'beating up the staff'. After being arrested 'a good 30 times', Tim was eventually kicked out of the children's home and returned to live with his mother. As had happened so many times

before, though, within a few weeks of returning home, Tim's mother kicked him out. The crucial difference for the purposes of this interpretation, however, was that on this occasion, rather than being returned to a children's home (as had always previously been the case), Social Services were only able to find Tim accommodation in a city-centre bed and breakfast. It was here that Tim, aged 15, found himself: living on his own; with no one to support him or make him feel wanted; with just £8 a day to live on; and, in one of the most deprived areas of town.

Bearing in mind that Tim's bed and breakfast was 'in the middle of a red light area' and surrounded by 'known crack houses' and hostels housing similarly 'vulnerable and chaotic young people' - whom Tim (according to his YOT worker) 'gravitated towards' - advocates of the risk-factor paradigm would simply point to the increase in the numerous 'risk' factors to which Tim was exposed to account for his escalating offending and drug use. In contrast, this psychosocial explanation argues that Tim's worsening behaviour was the result of him grappling with his ever increasing inner world issues: as he found himself more alone than he had ever been and still with no one to provide him with the kind of emotional support he so badly needed. The difference was, though, on this occasion, not only did Tim have a strong predisposition for drug abuse and violence, but he found himself in a situation where the opportunities for both were rife. Indeed, prior to the robbery that resulted in his custodial sentence, Tim and his new acquaintances were committing three or four robberies a day, money from which Tim would fund his escalating drug and alcohol use - to 'get out of my face all the time' as he put it.

Not only does this psychosocial explanation arguably offer a more satisfactory account for the worsening in Tim's behaviour than a risk-based explanation ever possibly could, but it

can also be used to better understand both the distinct lack of victim empathy that characterised Tim's robberies, and the fact that a weapon of some sort was usually involved in his offences: two aspects of Tim's behaviour that a risk-based approach would struggle to make sense of. The argument made here is that Tim's inability to identify with his victims' vulnerability - why he was able to leave the victim of his most serious robbery 'for dead on the floor' - is because it would have required him to identify with those parts of himself that he had split-off and projected, exactly because they were too painful for him to consciously comprehend. And it is for the same reason that Tim being 'in control' of his victims, why making them feel vulnerable and powerless, made him feel so 'happy': it afforded him the opportunity to exert control over the split-off parts of himself. Indeed, as Minsky (1998: 164) notes, individuals who seek 'powerful positions where they can control and bully others' are often trying to 'compensate for split-off feelings of worthlessness'.

Conclusion

As can be seen then, it is only when one applies a psychoanalytically informed psychosocial approach to Tim's narrative that the full extent of his behaviour (both offending and otherwise) starts to become more comprehensible. As such, if we return to the question of identifying Tim's needs and assessing what the most appropriate intervention might be for him in terms of preventing him re-offending, any intervention that does not take into account the powerful role that largely unconscious motivations played in his behaviour will ultimately have only a limited impact on preventing him re-offending. The Youth Justice Board (2000b) claim that ASSET can help YOTs to accurately 'assess the needs of young people ... and then match intervention programmes to

their assessed need'. In the case of Tim, with his ASSET Core Profile assessing his 'living arrangements', 'family relationships', 'education, training and employment', and 'motivation to change' as all being 'very strongly associated' with his likelihood of re-offending, it would not have been unexpected for Tim to be matched to an intervention that addressed any one of these areas. However, armed as we are with this interpretation of Tim, would an intervention that addressed his accommodation problems or his shortage of human capital have been as effective (in terms of reducing his chances of re-offending) as an intervention that provided him with someone with whom he could develop an emotionally containing relationship, someone who could make him feel loved and wanted?

Many criticisms have been levelled at ASSET. For example, it has been criticised for: deskilling staff; restricting the use of professional judgement; and, leading to ways of working that involve 'repetitious completion of tasks within a rigid practice framework' (Baker 2004: 81). Indeed, for Smith (2007: 144), the very introduction of a structured tool like ASSET has 'fundamentally challenged' the 'core beliefs of those who see a central place for individual discretion and imaginative decision-making in working with young offenders'. In addition, ASSET has faced criticism from practitioners, not only over the subjective nature of the scoring system and the differences in scoring practice between YOTs and the different professional groups within YOTs (see Roberts *et al.* 2001), but also on the negative consequences of finding out more about a young person which invariably leads to a higher ASSET score. Notwithstanding these (arguably valid) criticisms, however, this chapter has attempted to demonstrate that a more fundamental problem with ASSET lies in the socially-constructed rationally-acting model of the subject that it invokes: a conception of subjectivity that fails to take into account the powerful role that unconscious motivations play in so many young people's offending behaviour. The

argument made here is that, as a result of this, ASSET will always struggle to accurately identify the needs of young offenders, and consequently what the most appropriate intervention might be in terms of helping them to desist from further crime. With this in mind, the YJB's (Youth Justice Board 2002) claim that ASSET, 'more than any other aspect of the reformed [youth justice] system, … [is] capable of preventing further offending' needs to be viewed with scepticism.

For some, however, the discussed failings of ASSET are merely a symptom of the wider introduction of managerial and actuarial justice mentalities into youth justice in England and Wales over the last decade or so. For example, Muncie (2004: 275) argues that the presence of these mentalities within contemporary youth justice suggests a 'wholesale dehumanisation of the youth crime issue', with the move towards focusing on identifying those 'at risk' of offending enabling the question of the causes of offending to be side-stepped altogether. Horsefield (2003) agrees, arguing that a focus on identifying young offenders' risk of offending often ignores the origins of the behaviour which led to a person being defined as dangerous in the first place. However, despite the pejorative way in which managerialisation is presented, Newburn (2002: 460) argues that there is 'much that is positive in such developments'. For him, New Labour's embrace of managerialisation in relation to youth justice has resulted in a system that is 'organisationally more creative and coherent, ... significantly better funded, and therefore potentially better placed to deliver necessary services' (ibid.). Whilst this may indeed be true, if the YJB continues to rely so heavily on ASSET as a tool to identify young offenders' needs, it arguably runs the risk that these 'better funded' services will simply fail to address the underlying causes of many young people's offending behaviour. This is particularly worrying when one bears in mind the fact that ASSET's claims to be a

reasonably accurate predictive tool (see Baker *et al*. 2003; Baker *et al*. 2005) have prompted the development of the ONSET form (Youth Justice Board 2003): the assessment tool for use by Youth Inclusion and Support Panels with 8 to 13 year olds judged to be 'at risk' of involvement in offending and anti-social behaviour. With its similar structure, content, and scoring mechanisms to ASSET, ONSET will arguably have similar difficulties to ASSET in accurately identifying the needs of the young people it has been designed to assess. As such, despite New Labour's committment to the managerial aim of early prevention of offending, the result of the youth justice system's reliance on needs assessment tools such as ONSET and ASSET may simply be the progression of many young people from 'at risk' young children to offenders proper, as their true needs remain unidentified and consequently unaddressed.

CHAPTER 7:

Stopping the 'revolving door': addressing the rise in young offenders being recalled to custody

Introduction

> The subject area of criminology has been characterised historically by controversy and debate. However, over the past few years debate seems to have given way to a loose-knit consensus. One of the main points of consensus is the belief that we are witnessing a surge in punitiveness. In fact the claim that recent crime control policy is dominated by punitive mentalities seems to be overwhelmingly accepted by academic criminologists.
>
> (Matthews 2005: 175-176)

This chapter revisits just one aspect of the punitive discourse first discussed in Chapter 4: namely, the tough enforcement of post-release supervision conditions. It starts by charting how contemporary youth justice policy in England and Wales has become characterised by 'intolerance and punitiveness' (Goldson 2006: 151), before discussing the impact of this punitive turn on the enforcement of supervision conditions. The *National Standards for Youth Justice* currently state that breach proceedings must be undertaken with all young offenders following only two warnings for non-compliance with *any* aspect of their conditions (Youth Justice Board 2004: 8.8, emphasis added). However, research has found that over half of those sentenced to a Detention and Training Order (Hazell *et al.* 2002), and three-fifths of those subject to an Intensive Supervision and Surveillance Programme

(Gray *et al.* 2005), fail to comply with all of the aspects of their supervision conditions. When one bears in mind that the secure juvenile estate is now reaching capacity (Youth Justice Board 2006b), the question of how to address the increasing numbers of young offenders being breached for non-compliance and recalled to custody, is one that needs to be addressed.

By using the case studies of three young men who were all breached and recalled to custody - crucially for technical violations of their supervision conditions rather than for re-offending - this chapter highlights the reasons why young offenders have such difficulty complying with their supervision conditions. Whilst the argument in favour of tough enforcement is a deterrent one, this chapter argues that the assumption that deterrence theory makes about the model of the subject (see Davies *et al.* 2005) is deeply problematic. In contrast to research that emphasises the rationality of much young offenders' non-compliant behaviour (e.g. Hedderman & Hough 2004; Hearnden & Millie 2004), the cases in this chapter illustrate how many young offenders' behaviour is often governed by circumstances and situations outside of their direct control. The chapter concludes by discussing potential solutions to this, as well as the detrimental effect that a continued emphasis on tough enforcement may have on young offenders' motivation and their commitment to desist from crime.

Youth justice policy in the 1980s

At the start of the 1980s, a 'punitive shift in the specific area of youth justice' (Smith 2007: 3) seemed to be on the horizon. The *Conservative Manifesto* of 1979 - referred to by some as the most avowedly 'law and order' manifesto in British political history (e.g. Newburn

1997; Downes & Morgan 2002) - promised to make the streets safe, give new powers to the police to fight crime, and among many other measures, strengthen sentencing powers with respect to juveniles and young adults. The Conservatives would restore the 'rule of law' that the Labour government had undermined (Downes & Morgan 2002). However, despite the tough rhetoric, the juvenile justice policies and legislation of the time contained countervailing tendencies (Morgan & Newburn 2007). For example, the *1982 Criminal Justice Act*, included: restrictions on the courts' powers to make custodial disposals; a shortening of the detention centre sentence; the end of borstals and indeterminate sentences; and, a range of non-custodial penalties. In 1983 the Department of Health and Social Security launched its intensive Intermediate Treatment Initiative and financed the establishment of 110 intensive schemes in 62 local authority areas explicitly to provide alternatives to custody (Muncie 2004). Alongside this decarcerative approach was also an emphasis on diversion from the justice system in general. A Home Office Circular on cautioning in 1985 (Home Office 1985) promoted the increased use of disposals short of prosecution (i.e. cautions and informal action by the police) in non-serious cases. In the same year, the *1985 Prosecution of Offences Act* established the Crown Prosecution Service and specified, in the Code for Crown Prosecutors, that young people should be prosecuted only as a 'last resort' and when it was clearly in the public interest (Goldson 2002). Following this, both the *1988 Criminal Justice Act* and the *1991 Criminal Justice Act* tightened the criteria for custody still further, and the *1989 Children Act* imposed the duty on local authorities to make arrangements for the diversion from prosecution of young offenders.

The combined effect of the Conservative's commitment to a decarcerative and diversionary approach was not insignificant. The 1980s saw a decline in the number of

known offenders, the use of prosecutions, and the use of custody (Home Office 1992a). With fewer young people being subject to formal interventions by the police and a much greater proportion of those being cautioned, substantially fewer young people were being prosecuted. By 1990, 70 per cent of boys and 86 per cent of girls aged between 14 and 16 who were caught for an offence were being cautioned and thus diverted from prosecution (Goldson 2002). In addition, with more community-based court disposals being administered, the number of custodial sentences imposed on young people fell from 7,900 in 1981 to 1,700 in 1990 (ibid.). As such, the apparently well founded fear that a Conservative government would produce a sharp rise in the number of young offenders being imprisoned was never realised. Instead, developments in law and policy during the 1980s had quite the opposite effect. With its emphasis on diversion from the justice system in general, and on custody in particular, the Conservative's youth justice policy in the 1980s arguably provided an 'effective and durable underpinning for contemporary … youth justice practice' (Smith 2007: 23). Unfortunately, however, this was not to be the case and from the early 1990s there was a much more definite punitive shift in youth justice policy and practice.

The rise of a punitive agenda in the 1990s

The *1991 Criminal Justice Act* had barely become law before it ran into a barrage a intense criticism (Smith 2007). It was arguably the coming together of a number of discrete events in the early 1990s that caused the Conservative government's U-turn away from a youth justice system characterised by diversion and decarceration towards one characterised by punitiveness. Firstly, in the late 1980s and early 1990s, Britain experienced a major economic recession. When the pre-election consumer boom engineered by the then

Chancellor, Nigel Lawson, to ensure the Conservative's 1987 election victory turned to bust after the election, inflation and unemployment soared. Furthermore, alongside this, between 1989 and 1992, the crime rate rose by around 50 per cent (Downes & Morgan 2002). Opinion polls started to signal that public confidence in the Conservatives (both in general and on crime in particular) was abating and they were finally looking vulnerable (Goldson 2006). Whereas in the 1980s the size of the Conservative's parliamentary majority had meant that the party had felt able to relax its traditional attachment to a punitive 'law and order' agenda to enable it to 'bankroll tax cuts and finance its commitment to economic libertarianism' (Goldson 2002: 389), with their popularity waning, the Conservatives rapidly cast their previous penal policy to the winds and sought to reoccupy lost terrain (Downes & Morgan 2002). They replaced Margaret Thatcher as Prime Minister with John Major, and he, along with the new Home Secretary David Waddington, set about restoring the party's traditional 'law and order' mantle.

Secondly, in 1991, there were the much-publicised urban disturbances in Oxford, Cardiff and Tyneside. As Newburn (1997: 646) notes, what these public disturbances did was to allow 'long-standing concerns about young offenders to be dusted down, distorted, sometimes exaggerated, and then served up in symbolic form via the mass media'. It was certainly the case that in much of the media coverage of these events it was increasingly suggested that the 'greatest scourge of inner-city life was the young criminal who was so prolific in his activities that he, almost alone, was terrorising local communities' (ibid.). Furthermore, it was then claimed, first by the police but then by politicians, that the police were powerless to deal with such offenders. The courts were coming to resent the limits placed on their sentencing powers by the *1991 Act*, with the requirement to focus almost solely on the current offence limiting their ability to escalate sentences for persistent

offenders (Smith 2007). This issue was touched on in a speech to the federated ranks of the Metropolitan Police in October 1992 by Waddington's successor as Home Secretary, Kenneth Clarke. It was following Clarke's claim that a small number of young people were committing a large number of crimes, that stories of 'persistent young offenders' first started to appear in the media on a regular basis (Newburn 1997).

With the media drawing attention to car crime, youth disorder, young people offending whilst on court bail, and 'persistent young offenders' with increasing regularity and force, at the start of 1993 juvenile crime was at the forefront of public consciousness (Goldson 2006). Indeed, every troublesome young person was portrayed as 'out of control' and a 'menace to society' (ibid.: 142). Any lingering doubts to the contrary were arguably extinguished by the murder of James Bulger in February 1993 by two 10-year old boys. The reaction to this traumatic event from a Conservative government intent on re-establishing its traditional 'law and order' credentials was predictable. The *1993 Criminal Justice Act*, among other measures, reinstated the power for the court to take account of offenders' previous offences. Following this, the new Home Secretary Michael Howard used his speech at the Conservative party conference to reaffirm the central position of custody in Conservative criminal justice policy, and a year later the *1994 Criminal Justice and Public Order Act* was passed. The *1994 Act*: doubled the maximum sentence length for 15-17 year olds in Young Offender Institutions to 24 months; created a new custodial sentence - the Secure Training Order - for 12-14 year olds; and, lowered the age threshold for the imposition of indeterminate sentences (14 years or more) for those convicted of 'grave crimes' in the Crown Court from 14 to 10. In the same year, a revised Home Office Circular on cautioning (Home Office 1994), not only put a stop to repeat cautioning, but

also sought to ensure that the nature of the offence would be taken into account, and that serious offences would automatically result in prosecution.

Meanwhile, having detected the political vulnerability of the Conservatives, the Labour party began to exploit it. Although the Conservative Party had traditionally been viewed as the party of 'law and order', routinely caricaturing Labour as being 'soft on crime' (Goldson 2002), in 1993 the new Shadow Home Secretary Tony Blair began to change the grounds of opposition to the Conservative's policies on crime. Although Blair summarised Labour's 'law and order' policy with the now infamous phrase 'tough on crime, tough on the causes of crime', he avoided dissonance with past Labour policy by making the subject of the toughness 'crime' rather than 'the criminal'. At the same time, by introducing the very notion of the 'causes of crime' (e.g. poverty, inequality, unemployment), Blair implicitly condemned the Conservatives for having failed to make those connections over the past decade and a half in government (Downes & Morgan 2002). With Labour's 'new-found embrace of tough penal policies' (ibid.: 86), the punitive measures contained within the Conservative's *1994 Criminal Justice and Public Order Act* met with little opposition (Morgan & Newburn 2007), and Labour even beat the Conservatives to the punch with, for example, with their open admiration for 'zero tolerance' policing (Downes & Morgan 2002). With the two main political parties vying for electoral support in this way, it was clear that the politics of law and order had become 'inherently and increasingly punitive' (ibid.: 86).

'No more excuses' from New Labour

Although a 'creeping punitivity' had been evident in the law and order policy documents that Labour had published throughout the period 1993-97 (Goldson 2006: 142), it was not until the election of the Labour Government in 1997 that the full weight of Labour's new-found embrace of tough penal policies was felt. The newly elected government quickly produced a raft of consultative documentation in relation to youth justice, culminating in the White Paper *No More Excuses: A New Approach to Tackling Youth Crime in England and Wales* (Home Office 1997). Following the publication of *No More Excuses*, the government moved to quickly translate its proposals - more or less unchanged - into the *1998 Crime and Disorder Act*.

The *1998 Act* made a series of far-reaching changes to both the organisation and the operation of youth justice in England and Wales. It completely restructured the youth justice system by establishing a new national (with the Youth Justice Board) and local (with Youth Offending Teams) infrastructure, and for the first time the youth justice system was given an overarching aim: 'to prevent offending by children and young persons'. In addition to abolishing the long-established principle of *doli incapax* that provided legal safeguards in respect of children aged 10-13 years, the *1998 Act* placed on statute a range of new orders, including: the Reparation Order; the Parenting Order; the Action Plan Order; the Supervision Order; and, the Detention and Training Order. It also radically overhauled the cautioning system by replacing cautions (both informal and formal) with Reprimands and Final Warnings. However, arguably the most significant change in Labour's criminal justice policy was the shift away from a focus solely on crime towards a focus on crime and antisocial behaviour, or 'crime and disorder'. Indeed, the

1998 Act also contained a further range of orders where there is no necessity for either the prosecution or the commission of a criminal offence: the Child Safety Order; the Anti-Social Behaviour Order; and, the Local Child Curfew. On top of this raft of new orders, the *1999 Youth Justice and Criminal Evidence Act* then introduced the Referral Order for all young people appearing in court on a first conviction. By effectively making the Referral Order a mandatory sentence, Labour thus signalled its commitment to early, often quite intensive, modes of criminalising intervention (Goldson & Muncie 2006).

Since 1998 there has been a steady intensification in the level and nature of interventions at all levels of the youth justice system (Smith 2007). Indeed, young offenders today are more likely to be criminalised and subject to a greater level of intervention than pre-1998 (Morgan & Newburn 2007). However, by intensifying the processes of criminalisation and punitive action against young people in this way, Labour's youth justice reforms have not only increased the 'amount' of intervention directed at young people, they have increased the total 'number' of young people becoming involved in the criminal justice system (Cohen 1979). As such, it is not surprising that in October 2006 the Youth Justice Board (2006b) pronounced:

> A crisis is facing … young people in custody as the number of under 18s held in secure accommodation … reaches a record high. … Action is urgently needed to stop custody for young people going into meltdown.

Tough enforcement of supervision conditions and the rise in recalls to custody

In the last few years there has been a 'staggering explosion' in the numbers of offenders being recalled to custody (Harding 2006: 393). Indeed, the number of offenders being released and then recalled back to custody - a process Padfield and Maruna (2006) refer to as the 'revolving door' - has more than trebled in the last five years (HMI Prisons 2005). Nonetheless, although the number of offenders recalled to custody may be soaring, the fact remains that the majority are not recalled for committing further offences but for failing to comply with some aspect/s of their post-release supervision conditions (Solomon 2005). As such, it has been argued that the huge rise in the number of recalls is a direct result of the shift in recent criminal justice policy towards tougher enforcement of post-release conditions (Fletcher 2003) rather than any 'worsening of ex-prisoner's actual behaviour' (Padfield & Maruna 2006: 338).

Whilst it would be easy to attribute this move towards tougher enforcement of post-release conditions solely to Labour and their 'tough on crime' stance, it is important to note that (like the rise of a punitive agenda) an emphasis on tough enforcement can be traced back to the preceding Conservative administration. For example, although the Conservative's criminal justice policies in the 1980s and early 1990s may have reduced the numbers of those given custodial sentences, the Conservative's emphasis on broadening and strengthening non-custodial provisions ultimately meant that more emphasis was placed on community penalties. With community penalties becoming viewed as appropriate alternatives to custody, the government (primarily to increase public confidence in community penalties) had to re-shape the role of the probation service into that of providers of punishment in the community. In contrast to the emphasis on discretion that

had characterised the work of the probation service thus far - the *1949 Probation Rules* 'positively encouraged' supervisors to use their discretion and only resort to formal breach proceedings as a 'last resort' (Hedderman & Hough 2004: 147) - supervisors were now being encouraged to police compliance more rigorously. Indeed, any failure to breach for non-compliance would be taken as a 'sign that supervisors were siding with offenders rather than working in the broader public interest' (ibid.: 150). With the introduction of *National Standards* in 1992 and 1995 (Home Office 1992b; 1995) that specified how regularly an offender was to be seen during supervision and how non-compliance should be treated, supervisors' discretion about when to breach and how to respond to failures to comply was curtailed even further. Despite this strict enforcement agenda being ultimately 'counterproductive' in terms of keeping custodial numbers down (Canton & Eadie 2005: 144), Labour's 'tough on crime' stance meant that the emphasis on enforcement continued post-1997, such that there are now 'very few circumstances' where non-compliance with post-release conditions may be regarded as acceptable (Hedderman & Hough 2004: 152).

In this climate of curtailed discretion, tough enforcement and low tolerance of non-compliance, when it comes to explaining the record number of *young* offenders currently in custody, there can be no ignoring the 'revolving door' that Maruna and Padfield (2006) talk of. Arguably, one of the key contributory factors to the issue of young offenders being recalled to custody is the very nature of the Detention and Training Order (DTO). Created by the *1998 Crime and Disorder Act*, the DTO - for all young people aged 10 to 17 who are given a custodial sentence - brought about a major change in the nature of custody for young offenders: custodial sentences would now be served half in secure institutions and half in the community. However, although half of a DTO is served in the community, the community portion of the sentence is viewed as being no less intense, in terms of

supervision. Indeed, the minimum level of contact specified in the *National Standards for Youth Justice Services* is intensive: contact between supervisor and young person must occur at least twice weekly for the first three months and then once every ten working days for the duration of the sentence (Youth Justice Board 2004: 11.20). Combined with this, the *National Standards* specify that a formal warning must be issued on failure to comply without acceptable reason, and breach proceedings undertaken following two such warnings (ibid.: 8.8).

Bearing in mind the combination of a heavy supervision schedule and an emphasis on enforcement, it is no surprise that the current situation the secure juvenile estate finds itself in as it reaches capacity can be partly attributed to the high numbers of young offenders being recalled to custody for breaching aspects of their DTO supervision conditions. Indeed the Youth Justice Board's evaluation of the DTO (Hazell *et al*. 2002) found that half of those sentenced to a DTO failed to comply with all the conditions of their supervision period. However, although 'failure to comply' in this instance meant 'engaging in any activity that is against the conditions of the supervision part of the DTO sentence, including not turning up for supervision or getting into trouble with the police' (ibid.: 88), the majority of those who failed to comply did so not by re-offending (only 18 per cent of all those who failed to comply), but by failing to comply with other aspects of their supervision conditions. For example, over three quarters of those who failed to comply missed a supervision appointment during the initial heavy schedule of supervision sessions.

Similarly high levels of breach and recall to custody were also found in the Youth Justice Board's evaluation of the Intensive Supervision and Surveillance Programme or ISSP

(Gray *et al*. 2005; Moore *et al*. 2006). Introduced by the Youth Justice Board in 2001, ISSP is currently defined as the 'most robust … community based [supervision] programme available for persistent … young offenders, … involving a highly structured programme … and *strict enforcement*' (Gray *et al*. 2005: 10, emphasis added). Moore *et al*. (2006) found that failures to comply by the young people subject to an ISSP (although their evaluation did include Bail ISSP and ISSP as well as DTO ISSP) were high, with around three fifths not fully complying with the conditions of their supervision. This was particularly so in the first couple of months of the programme. The evaluation found that the overall breach rate was similarly high with nearly three in five of the young people being breached at some stage (Gray *et al*. 2005). Although the evaluation concluded that the high breach rate was partly a result of the profile of those subject to ISSP, it also attributed it to the Youth Justice Board's promotion of strict enforcement as laid out in the *National Standards*. As the authors noted:

It is clear that more rigorous monitoring of compliance … is likely to lead to … breach and a custodial sentence for a significant proportion of the target group.

(Moore *et al*. 2006: 135)

With the number of young people in custody in England and Wales reaching a 'record high' (Youth Justice Board 2006b) and significant proportions of those sentenced to a DTO or subject to an ISSP being breached for failing to comply with all the aspects of their supervision conditions, surely the questions that need to be addressed are: why do so many young people fail to comply with their supervision conditions, and what can be done to remedy the situation?

Deterrence theory and non-compliance

As Hedderman and Hough (2004) point out, the argument in favour of tough enforcement is clearly a deterrent one. Indeed, Bottoms (2001: 98), sees the move towards tough enforcement as evidence of the government adopting a 'clearly ... deterrent-based strategy' to ensure compliance. Whilst deterrence in a broad criminal justice context is the avoidance of a potential criminal act through fear of the consequences, in the specific case of non-compliance with post-release conditions, the argument is that if offenders are in no doubt that their non-compliance will result in swift and certain punishment - which for many serving DTOs would mean a recall to custody - then they will make sure that they take their supervision seriously. Whilst at a commonsense level this argument may have considerable appeal (see Bottoms 2004), at a theoretical level it makes a problematic assumption (Davies *et al.* 2005). It assumes that non-compliance occurs as a result of individuals exercising free will and acting out of choice. Indeed, for Bottoms (2001: 90), one of the principal mechanisms underpinning compliant behaviour is what he terms 'instrumental/prudential compliance', where an offender's decision on whether or not to comply is 'based on self-interested calculation'.

Notwithstanding this problematic assumption, when Hedderman and Hough (2004) found that strictness of enforcement (in terms of rate of breach) appeared to have little impact on offenders' behaviour, they concluded that the reason offenders either disregard or are oblivious to strict enforcement strategies is because they typically have a long history of insensitivity to deterrent threat: a conclusion that was echoed by Hearnden and Millie (2004). As such, the introduction of a graduated response with a hierarchy of action against non-compliance has been advocated by a number of researchers to help encourage

compliance (e.g. Hedderman & Hough 2004; Solomon 2005; Moore *et al.* 2006). This includes reminding offenders of the terms of their order, followed by initial and final warnings, and with a custodial sentence reserved for those who have shown themselves to be unwilling to comply despite efforts made to encourage them to do so. It has also been argued (e.g. Hearnden & Millie 2004; Hedderman & Hough 2004) that the best strategies for securing compliance are more likely to be reward-based rather than punishment-based, with compliance being rewarded with, for example, a reduced supervision period. Others, like Harding (2006), have called for a distinction to be made between a recall for technical violations and recall for re-offending, where technical violators only receive a slap on the wrist or a strictly limited period in custody to remind them of the importance of adhering to the terms and conditions of licence agreements.

Whilst, as will be discussed later, some of these suggestions may be usefully applied to tackling the issue of non-compliance, they are all based on the assumption on which deterrence theory is grounded: that of a rationally-acting subject who simply weighs up the 'costs and benefits attached to alternative courses of action' (Wilson 1975: 307). However, can it be assumed that all young offenders rationally choose not to comply with their supervision requirements? Are all those young offenders who fail to comply with their supervision conditions simply insensitive to the threat of punishment? Are young offenders' decisions whether or not to comply unconstrained by other factors? The argument made here is that the only way to satisfactorily answer these questions is to investigate in more depth why it is that so many young offenders are unable to comply with all their supervision conditions. As Farrall (2002a: 275) rightly argues, until more is known about why offenders fail to comply with their supervision conditions, and the

'extent to which it is of their own volition or the results of circumstances beyond their influence', little can be done to address the problem.

Case studies

What follows are the case studies of three young offenders. All three were fairly persistent offenders with numerous previous criminal convictions and over 50 offences between them. Their sentences ranged from a 12-month DTO to a four-year Section 91 sentence. Due to the length of their sentences, at the time of their six-month follow-up interviews all three of the young men were still subject to a range of post-release supervision conditions. By the time of their follow-up interviews, however, all three of the young men had been breached - crucially for failing to comply with technical elements of their supervision conditions rather than for re-offending - and recalled to custody. Whilst from a deterrence standpoint it would be argued that the young men (who all received warnings for non-compliance before they were eventually breached) simply rationally chose not to comply with their supervision conditions, as their narrative accounts highlight, the reasons for them failing to comply were not so straightforward. Indeed, it is only when their narratives are studied in more depth that their non-compliant behaviour starts to become more comprehensible.

Rational behaviour? Returning to alcohol and drug abuse

The first night after 17 year old Rob was released from his fifth custodial sentence (a 12-month DTO for theft and witness intimidation) he 'started drinking'. As he recalled: 'it was just meant to be one night, that's all, celebrate getting out, but then it went onto the next day and the next day, and then it just carried on'. Despite the fact that he was

drinking heavily, Rob still appeared committed to avoid re-offending (he self-reported no offences in the months following his release) and complying with his supervision conditions. Although Rob had received two previous warnings for non-compliance (in relation to missed supervision appointments) and was aware that any further non-compliance would result in him being breached, five months after his release from custody Rob 'ended up going out drinking' one afternoon and 'just didn't end up going home' for his curfew. As a result he was breached and recalled to custody. Although Rob claimed that his return to drinking had been to celebrate his release from custody, he was unable to explain why it had continued so long after his release, or why he had got drunk and missed his curfew when he knew that it would result in him being breached and recalled. Indeed, prior to his release Rob had stated: 'I always say I'm not going to drink [when I leave custody] but I always end up drinking [again]. I don't know why'.

Some clues as to why Rob behaved in this way can be found in the story of his childhood. When Rob's parents split up, he 'went to live' with his mother. As Rob recalled: 'it was good [when I first went to live with her]. … She did my bedroom up, … she got me some goldfish, she felt like a proper Mum'. However, when Rob was 11 he 'found out' his mother was addicted to heroin. Up until then, his mother had been 'hiding' her drug use. But when she suddenly 'stopped hiding it' and the 'whole family knew' that she was addicted to heroin, she 'changed, her looks changed, everything changed [3] just horrible. … She stopped going out [and] she just closed herself off from everyone. … It's all about her and her drugs now'. As Rob remembered: 'when I first smelt it [heroin in the house] I didn't know what I was smelling, but when I knew what it was, … I wasn't happy about it, … I didn't like it'. It was at this time in his life that Rob started to drink. As he recalled: '[when I] used to wake up every morning and smell that heroin in the house, I used to just

go out drinking. … I used to just go sit in a doorway somewhere … [and] get drunk'. Indeed, on a number of occasions Rob's drinking was so excessive that he had to be rushed to hospital to have his stomach pumped.

Rob claimed it was the smell of heroin in the house that he 'wasn't happy about', that he 'didn't like'. However, the argument made here is that it was not simply the smell of heroin *per se* that made Rob unhappy: it was what the smell symbolised in terms of the change in his mother. Before his mother had become addicted to heroin Rob claimed that she had 'felt like a proper Mum'. However, once she had become addicted to heroin she 'changed' so much that Rob could no longer refer to her in this way. As he explained: 'she isn't [a proper Mum] anymore. … I don't want a Mum that's going in jail, shoplifting and fucking shit like that. It's just embarrassing. … She's barred from every shop on the estate. … I don't like that. She's a Mum, she's supposed to be allowed in the shops'. In addition, Rob found the fact that 'she just closed herself' from him to the point that the only important thing in her life was 'her and her drugs' 'just horrible'. Indeed an indication of the kind of relationship that Rob would have liked to have with his mother can be found in the fact that when Rob was released from custody he chose to stay with his sister instead of his mother because he viewed his sister's home as a 'stable house', somewhere he felt 'cosy, somewhere [he] could live'. In addition, he noted: 'I've always had support from my sister. If I ever need anything, she'll do her best to sort me out': clearly the kind of maternal role that Rob's mother had been unable to provide in any shape or form in the years following her addiction to heroin.

The argument made here is that Rob's mother's drug use - and crucially the loss of love it symbolised - was the source of much anxiety for Rob. With his mother clearly incapable

of providing him with emotional support, and with his older sister living elsewhere, Rob had nobody in his life to help him deal with his anxieties. As such, although the 'first few times' Rob smelt heroin in the house he was able to claim 'I'd keep it to myself', once it was 'happening every day' Rob found himself unable to tolerate the 'psychic pain' (Hyatt Williams 1998: 250) that the change in his mother (manifested in the smell of heroin) evoked any longer, and he resorted to drinking. As Hyatt Williams (ibid.) notes, alcohol is often abused because it can provide 'relief of psychic pain'; it enables the user to go into a 'kind of emotional limbo'. However, Rob's abuse of alcohol was not the only way that he attempted to deal with the anxieties or psychic pain that his mother evoked. As Minsky (1998: 165) warns, when anxieties reach a high enough level, a person - to ensure their 'psychical survival' - will evacuate them. Whilst the evacuation of anxieties in these situations can take the form of self-destructive behaviour (as evidenced by Rob's drinking on those occasions where he had to be rushed to hospital), more often then not, it takes the form of destructive behaviour such as violence: the violent behaviour is a 'defensive form of psychical survival' (ibid.: 164). Arguably it was the inability of Rob's drinking to actually alleviate his anxieties (in anything other than the very short-term) that led to Rob starting to project his anxieties outwards: 'smashing' his bedroom up, 'hitting walls … chucking things about the house'. Rob's violent behaviour, however, was not just restricted to his mother's house. When Rob was drinking on the streets he would often 'start smashing windows and smashing things up'. As he noted: 'I've got a lot of criminal damage on me record'. In addition to criminal damage, Rob had also been involved in numerous fights. Indeed, he received his first conviction at the age of 13 for affray. As Rob claimed: 'when I have a drink it all comes out. … If I can get a chance to let some anger out, I'll take it. If anyone says anything to me, or speaks to me funny, I just always take the chance [to] let it out'. As Hyatt Williams (1998: 105) warns, 'during

intoxification, violence tends to be conducted without … controls or limits. … There is usually a paranoid element, but this tends to be spread out in a diffuse, often indiscriminate way'.

Armed with this interpretation of how Rob had previously attempted to deal with the anxieties that the 'horrible' change in his mother evoked - through alcohol abuse and violent behaviour - we can now turn to the situation Rob was confronted with when he was released from custody.   Bearing in mind Rob's claim that his drinking and violent behaviour was the result of the smell of heroin in his mother's house, Rob's decision to be released to his sister's address rather than his mother's would appear to have been a sensible one for a young man hoping to desist from continued alcohol abuse and violence. However, the problem with Rob's decision was that whilst he was in custody he had been hopeful that his mother would have started to address her heroin addiction and he would be able to move back in with her at some point.   For example, whilst in custody Rob had commented: 'I want her to sort herself out, that'll be good.   If she did that … I'd move [back] in with her'.   Indeed, Rob had even been doing a 'painting and decorating course' whilst he was in custody in the hope that if he moved back in with his mother he would be able to 'decorate her house' so she would have a 'a nice house' again: no doubt the kind of 'stable', 'cosy' environment that Rob was able to experience at his sister's.

As such, despite Rob himself claiming that his return to alcohol abuse following his release could not have been due to the smell of heroin (as he had previously claimed) because he was now living with his sister - 'it [the drinking] can't be [due to the smell of heroin] cos I never stopped [stayed] at my Mum's house' - the argument made here is that bearing in mind the fantasy that Rob had constructed whilst in custody, his discovery upon release

that his mother was 'still on drugs' would have caused him considerable anxiety irrespective of whether or not he was actually living with her. The painful reality was that she was no closer to becoming the 'proper Mum' that Rob had fantasised about, and as he had done so many times in the past, Rob attempted to deal with the pain of this revelation by drinking: hence the reason why his supposedly 'celebratory drinking' continued so long after his release. Interestingly though, whilst his mother's behaviour was still the source of considerable anxiety for Rob, the fact that he was now living with his sister - who was able to provide him with the kind of emotional support that had so far been missing from his life - appears to have helped Rob deal with some of his anxieties in a less destructive fashion. For example, even though Rob still appeared to be seeking out the 'emotional limbo' of intoxification that Hyatt Williams (1998: 250) talks of, he no longer felt the need to express his anxieties in the destructive behaviour (criminal damage and violent crime) that had so characterised his life prior to his most recent custodial sentence.

With this interpretation in mind, to assume that Rob rationally chose to not comply with his supervision conditions - by getting drunk and missing his curfew - cannot do justice to the complexity of his inner world. Rob was clearly making a conscious effort to avoid returning to custody. Despite being a very persistent young offender - a young man with nine previous convictions for over 30 offences, five custodial sentences, and who had not been out of custody for longer than two months since the age of 15 - Rob had, not only managed to avoid re-offending for over five months following his release from custody, but he had only missed a couple of supervision appointments during the initial heavy supervision period. As such, to simply adopt the deterrence standpoint and argue that Rob rationally weighed up the 'costs and benefits' of non-compliance before missing his curfew is deeply problematic. Indeed, Rob himself was unable to explain why he had got drunk

and missed his curfew despite knowing full well that it would result in him being breached and recalled to custody. It is only when one understands that Rob's drinking functioned to block out the continuing anxieties evoked by his mother's drug use (and the lack of love this symbolised), that his non-compliance starts to become more comprehensible.

Difficult choices? The role of discursive investments

In contrast to Rob - and indeed many young men leaving custody - when 18-year old Dave was released from his first custodial sentence (an 18-month DTO for theft from a motor vehicle and possession of an imitation firearm) he was able to find immediate full-time employment with his older brother who had recently started his own plastering business. However, because Dave had been given two months 'early release' from custody he was subject to a curfew for those two months. Unfortunately, the nature of Dave's job meant that he ended up 'working in Birmingham and that, doing a lot of travelling', and consequently often returned to Nottingham (where he was living with his mother) after his curfew time. As he noted: 'cos I kept being late they [the YOT] says … "keep being late and we're breaching you". So it was either I stop working or they breach me. So I carried on working'. As a result, Dave was breached and recalled to custody. As he argued: 'It weren't right that they sent me back [to custody]. … They [the YOT] shouldn't have given me a seven o'clock curfew. … They should have put my [curfew] time to … like nine o'clock … [but] they said "we can't do it". … But they knew I was working, they knew that. … I was sent back for no reason'. As can be seen, Dave was faced with the choice of either complying with his supervision conditions (i.e. his curfew) or continuing to work and risk being breached and recalled to custody: Dave chose the latter. Although Dave appeared to rationally weigh up both these choices, the question that needs to be addressed

is why he decided to keep working, knowing full well that it would result in him being breached and recalled to custody. It is only by studying Dave's narrative account in more depth that the answer to what would initially appear (at least to Dave's YOT workers) to be an 'irrational' decision starts to become apparent.

When Dave left college he managed to get a job at the plastering company where his older brother worked. As Dave happily recalled: 'I was on the books, … getting paid with a cheque in the bank'. However, when the company went bust, everyone, including Dave and his brother, was made redundant. Whilst Dave's brother 'went to another firm', Dave 'couldn't get a job working with him', and although he wanted to work - 'I like working' - he was unable to find any other employment. As he recalled: 'I tried the Job Centre, all sorts, Connexions, [but I] couldn't get a job'. It was this inability to find any form of employment that Dave blamed for his subsequent turn to alcohol abuse and offending. As he noted: 'I couldn't get a job … so there wasn't nothing for me to do. … I used to sit on the street corners with everyone else … [and] because there was now't to do … everyone got drunk. … That's what it basically all boils down to, being bored. … That's the only reason you drink'. When Dave was 17 he received his first conviction for drink-driving, dangerous driving, and driving without a licence or insurance. However, once Dave had spent 'all the money' that he had 'saved up' from when he had been working, he soon started committing acquisitive crime to 'make money for more alcohol'. As he recalled: 'used to rob factories and that for laptops and computers and sell them. … When you've got money you can have an alright time, [but] when you've got no money it's just boring, [there's] now't to do'.

Whilst Dave's rather deterministic account of his turn to alcohol abuse and offending would explain both his desire to work following his release, and his reluctance to voluntarily give up his job - as he noted whilst he was in custody: 'if I get out and [can] get a job, [then] there's not a chance of me coming back [to custody]' - it leaves the following question unanswered: why did Dave simply not postpone his job with his brother until his two month curfew was over? Bearing in mind that fact that his older brother appeared to be looking out for Dave's best interests by offering him the job in the first place, it is almost certain that his brother would have been more than happy to oblige Dave by keeping the job available to him until his curfew period was over. Indeed, his brother had already kept a position open for Dave throughout the time he had been in custody. As such, the question that needs to be addressed is why Dave's investment in employment was so strong that he was willing to face (almost certain) custody rather then put his employment on hold. The argument made here is that it is only by taking into account the difficulties that Dave experienced in statutory education that the strength of his investment in employment, and the function that it served, can start to be grasped.

When asked to talk about his time in school, Dave recalled: 'when I went infants [junior school] it was alright. ... [But] when I went from infants to senior [secondary school], that's when I just didn't like school'. The reason for this was because Dave found the school work 'too hard'. As he noted: 'I tried, but I just couldn't do it'. Dave's difficulties stemmed from the fact that he was 'not good at writing or reading' - 'it's not my kind of thing'. Because Dave 'couldn't do the work', he would resort to 'messing about all the time' in class, 'ripping things up, throwing things about'. Indeed on a number of occasions Dave simply 'walked out of the classroom'. Although Dave 'didn't get excluded or nothing' from school, his school did arrange for him to go to college to do a mechanics

course. As Dave recalled: 'they [the school] said "what do you want to do?" I said "mechanics" because I used to like mechanics. I used to like fixing cars up and that'. However, unfortunately for Dave, despite enrolling on what he perhaps expected to be a more practical mechanics course, there was still a large amount of classroom-based work. As he noted: 'There was loads of written work and that, and I'm not good at writing. I said [to them] "its not my kind of thing" and stopped going'. Despite leaving school and college with no qualifications, Dave claimed: 'I weren't bothered. I'm still not bothered now'. As he argued: 'you can get a job without any qualifications, you don't need them. There are loads of jobs out there, like labouring [and] plastering. … In the building trade you don't need no qualifications. ... You don't need to read and write to get a job'.

Central to this psychoanalytically informed reading of Dave is the argument that, contrary to his bold and repeated assertions, his school failure (i.e. his inability to read and write, combined with his lack of qualifications) *did* actually bother him and cause him considerable anxiety and shame. Indeed, bearing in mind his narrative account of his time in formal education, it is only too easy to imagine how frustrating and distressing the six or so years he had to endure at school and college must have been for him. Evidenced, for example: on the occasions that he would 'rip things up' or 'throw things about' in class; or when the situation simply became so upsetting that he had to 'walk out' the classroom; or when he had to 'stop going' to the mechanics course that he had originally wanted to do so much. It appears that Dave dealt with his anxieties by investing heavily in a masculine 'working man' discourse: a discourse where it did not matter if reading and writing were not your 'kind of thing', where school failure would be no barrier to finding employment. However, despite being lucky enough to get a job on leaving college, once he was made redundant, the harsh reality of Dave's situation would have hit home. Whatever his

previously held beliefs about there being 'loads of jobs out there' in the trade that did not require any qualifications or ability to read or write, his experiences of trying to find employment following his redundancy would have most certainly caused his original anxieties about his school failure to resurface. As such, whilst Dave claimed his turn to alcohol abuse was the result of having 'now't to do', it arguably served a number of functions. Not only did it help time pass more quickly when he was 'sat on street corners', but more importantly, it also functioned to help keep his anxieties at bay. Indeed, as Dave himself noted, drinking helped him to 'chill out'.

Whilst serving his custodial sentence Dave acknowledged that his criminal record would 'make it harder to get a job'. As he noted: 'when you go for a job interview [and] they look at your records [and it] tells them you've been to prison and that, it's [going to be] harder'. When the stigma of a having criminal record (and the fact that Dave felt this would make it *even harder* for him to get a job) is combined with Dave's original anxieties, his claim that getting a job with his brother upon his release was the 'biggest thing' that could have happened to him becomes more understandable. However, whilst Dave saw his job as primarily serving the practical function of occupying his time and providing him with legitimately earned money - he would no longer be 'walking round doing crime' - the argument made here is that it also served the more important emotional function of keeping the anxiety and stigma he felt (about being a school failure with a criminal record) at bay. As such, although Dave appeared to rationally decide to continue working and risk being recalled rather than voluntarily give up his job, his decision was influenced in part by the unconscious function that working served for him. Whilst Dave had hoped that the YOT would take into account the fact that he was working (rather than simply 'sitting on street corners with everyone else') and move his curfew to a later time as he had requested, the

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YOTs lack of awareness of the emotional function that having a job served for Dave meant that they saw no legitimate reason to do as he asked. In line with deterrence theory, the YOT simply assumed that the threat of punishment (i.e. breach and recall) would have been sufficient to make Dave comply with his curfew. However, armed as we are with this interpretative reading of Dave, it is arguable that any deterrent threat the YOT could have made would have been unlikely to make him voluntarily stop working and so risk exposing himself to his anxieties all over again.

Unconstrained decisions? The difficulties of leaving the past behind

Like Dave, when 17-year old Kevin was released from his first custodial sentence (a four-year Section 91 sentence for robbery) he was similarly fortunate enough to find immediate full-time employment. Furthermore, he also appeared to be committed to desisting from crime. Although Kevin and his friends had been involved in drug dealing - 'pushing heroin, crack, [and] coke' - and organised violence - 'if anyone ever ripped us off, said "I'm not paying you", I would go round and end up taking stuff off them with force' - his long custodial sentence appeared to have caused him to re-evaluate his life. Whilst in custody he decided: 'I'm leaving all this behind me. … I'm not going to go back into the same [drug dealing] environment because I don't want to be back in jail'. To this end, during his time in custody Kevin had made a concerted effort to distance himself from his offending peers - 'I didn't write to none of them. I didn't ring none of them. Barely had contact with them. I dissed [disrespected] them basically'. In addition to his own efforts to avoid re-offending upon release, Kevin's parents had moved house whilst he was in custody because, as Kevin explained: 'there's a lot of trouble where I last lived … [and] they didn't want me coming back to prison'. Kevin's father had also managed to find

Kevin full-time employment in the construction company where he worked to, not only occupy Kevin's time and provide him with work experience, but also to provide him with a legitimate income.

At first 'everything went alright': Kevin was complying with all his post-release conditions, and due to both his and his parents' efforts, he had managed to avoid re-offending. However, two months after his release, Kevin ran into what had once been a rival gang of drug dealers. As Kevin recounted:

> '[Before I went into custody] I did a lot of bad things [and] people don't forget that. … I didn't think I'd see them [the rival gang] cos we'd moved [to another area], but the world's a small place. … I was on my own … [and] they pulled out [a hammer] … and … split my cheek bone straight open. … They just wanted to get me back'.

Although Kevin's parents wanted him to report the assault to the police, Kevin argued: 'I weren't ringing the police … cos of something they [the rival gang] might do [in retaliation]'. Fear of retaliation, however, was not Kevin's primary reaction to the assault. His own thoughts were of 'nothing but payback' (i.e. violent retaliation). Unfortunately for Kevin, as a result of breaking contact with his offending peers, none of them were willing to help him exact revenge. As he acknowledged: 'when I came out and I got this trouble [the assault]… they [my friends] weren't helping me, they weren't going to do shit for me … cos I'd dissed them'. Kevin was thus left in the position of trying to retaliate on his own. Unfortunately for him, as he noted: 'they [the rival gang members] never leave

each other's side, and if they do … they [the other members] are not far [away], just a phone call. … I had nothing … [so] there was nothing I could about it on my own'.

Unable to retaliate in the way he wanted, Kevin decided the best course of action was to go and live with a friend for 'a couple of days' until things had calmed down. Unfortunately, when Kevin returned home the situation was 'worse' than before. As he noted: 'I couldn't … face it. Nothing had changed … people were still looking for me … knocking off people's doors with machetes and guns [looking] for me … saying they was going to kill me'. Despite his concerted efforts to both avoid re-offending and comply with his post-release conditions, Kevin decided to risk being breached by absconding from the address he had been released to: he was subsequently caught, breached and recalled to custody. Although Kevin's decision to abscond could be simply explained by him (understandably) wishing to escape further victimisation, this explanation leaves two important questions unanswered. Namely: why, given his stated desire to leave crime behind, could Kevin not surmount his desire for 'payback'; and, why did the fact that he was unable to retaliate in the way he wanted bother him 'more than anything' else? The argument made here is that it is only by looking at Kevin's narrative in more depth that his predilection for violence and need for retaliation start to become apparent.

Kevin remembered 'struggling' at school. His writing was 'terrible' and whilst 'everybody [else] used to get 15 out of 15 in spelling tests, Kevin 'always got like one out of 15. As a result, the school arranged for Kevin to have extra one-to-one lessons once a week after school. However, in addition to having what he termed 'difficulties learning', Kevin (who was of mixed-race parentage) also suffered 'pretty bad' racist abuse from 'year 1 … all the way to about year 4'. As he recalled: 'I lived in a not very cultural place where there was

not many mixed-race people. … I had quite an afro … and a bit of colour … [and] I didn't really fit in [at school]'. Kevin remembered that: he 'didn't have many friends'; 'people didn't want to sit near' him; 'no-one would stand next' to him in the dinner queue; 'not many people talked' to him; and, whenever he 'argued with people' they would say 'you black this, you black that'. Despite his on-going abuse, Kevin 'never told the teachers' and 'never even thought' about speaking to his parents about it. As he recalled: 'I don't know why, I didn't even think of [doing] that. I just did it the way I thought was best'. When it came to doing what he thought was best, at first Kevin would simply 'go and sit on the park after school and just think about loads of mad stuff every day'. However, when Kevin got to year 5 he started 'started doing things about it [the abuse]'. From that point on, if anyone gave him any abuse he simply 'battered them'. Indeed, Kevin was permanently excluded from school for fighting when he reached year 6.

When it comes to explaining Kevin's decision to resort to violence to address his racist abuse it is necessary to look at the function that his violent behaviour served. For Gilligan (2000: 110), it is the 'emotion of shame' and the anxiety that it invokes that is the 'primary or ultimate cause of all violence'. As Gilligan goes on to note, 'the purpose of violence is to diminish the intensity of shame and replace it ... with its opposite, … thus preventing the individual from being overwhelmed by the feeling of shame' (ibid.). It is clear from Kevin's narrative that this statement can be applied to him. Bearing in mind how young he was at the time, one can imagine how his school failure, extra one-to-one lessons, unpopularity and racist abuse must have made him feel. By resorting to violence, however, Kevin was not only able to stop the abuse itself - 'people didn't dare say it no more' - but crucially, he was able to replace his feelings of shame, vulnerability, powerlessness and disrespect, with their opposites. As he recounted: 'one of the first things I noticed [when I

started fighting] was you got more respect. ... Probably it's through fear, but people respect you more, they show you more love'. In addition, Kevin also became popular: 'everyone wanted to know me. … Before I knew it I had loads of friends … who just wanted to be around me because of what I did'. The 'reputation' and 'respect' that Kevin subsequently gained from being 'a fighter' - combined with both the physical and psychical function that his violent behaviour served - thus ensured that violence would come to play a central role in his life, and arguably make him particularly well suited to the violent drug dealing lifestyle that he came to 'love' so much.

Whilst this interpretation has thus far offered an explanation for Kevin's predilection for violence, it has not adequately answered the question of why he 'just couldn't handle' the fact that he was unable to retaliate violently to his assault. It is only by looking at Kevin's account of an earlier assault where he was 'stabbed in the neck' that his desire for retaliation becomes more comprehensible. When Kevin was 14 years old, he and a friend were attacked at a local fair. Although Kevin was 'nearly killed' in the attack, whilst he was in intensive care he claimed to have thought of 'nothing else but payback'. As he noted: 'that was all I thought. I just thought "I'll get you back". ... It made me angry. ... When I thought about it, it pissed me off. ... They could have paralysed me, they could have killed me. ... And the fact that they had the cheek to do that, that's what, the principle, that's what did it'. As can be seen, although the fact that he could have been paralysed or killed made Kevin 'angry', it was more the insult or 'cheek' of the assault, the disrespect of it, that appeared to bother him more than anything else. As he had done so often in the past, he dealt with these uncomfortable feelings by resorting to violence. Kevin claimed that 'as soon as' he was well enough, he called up members of his own gang and set about

enacting his revenge. Whenever he and his friends subsequently saw any of the other rival gang members on their own 'they had it'.

With Kevin unable to enact violent retribution on the rival gang in the same way following his assault with the hammer, he had no other means to alleviate the painful feelings that the second assault invoked. Arguably it was for this reason, more so than the threat of being victimised again, that Kevin decided to abscond: absconding enabled him to escape the feelings that were threatening to overwhelm him in the same way that they had done when he had been at school. Whilst this is in no way intending to belittle the very real threat of victimisation that Kevin was experiencing at the time (remember that the same gang had already stabbed him in the neck and attacked him with a hammer), the argument made here is that his feelings of vulnerability and powerlessness would have simply served to enhance the threat of imminent victimisation - thus making the idea of absconding seem, not only more appealing, but ultimately more necessary.

Conclusion

So why is it that so many young people fail to comply with their supervision conditions? As discussed, the argument in favour of tough enforcement is clearly a deterrent one whereby the threat of punishment for non-compliance is supposed to ensure that offenders take their supervision conditions seriously. However, as the three very different cases in this chapter illustrate, both the assumption of rationality made by deterrence theory, and the argument that tough enforcement has little impact because offenders are insensitive to deterrent threat, are problematic. To assume that all non-compliant behaviour is rational 'can only blind us to the reality' (Gilligan 2000: 95) that many young offenders are not

able to fully grasp the meaning of their actions. This can be true of those taking their supervision conditions seriously, and those who are well aware that non-compliance will result in being breached and recalled to custody. As such, to assume that all those young offenders who fail to comply do so because they are insensitive to the threat of punishment cannot adequately explain why it is that so many young offenders do fail to comply with their supervision conditions. The argument made here is that young offenders' decisions about whether or not to comply are often constrained by the circumstances and situations with which they are confronted following their release from custody, and crucially how it is that they attempt to deal - emotionally that is - with them. As the cases in this chapter have shown, when it comes to adequately explaining young offenders' high levels of non-compliance, there can be no ignoring the conflicted feelings behind their non-compliant behaviour. Arguably, it is only with an increased awareness of this fact that the seemingly irrational non-compliance of so many young offenders can hope to become more comprehensible.

Bearing in mind the complexity underlying the non-compliance of the three young men in this chapter, surely a short-term solution to the problem of young offenders' non-compliance could be a more tolerant stance on behalf of the government towards the enforcement of post-release supervision conditions. With the majority of young offenders being recalled for technical violations of their supervision conditions rather than for re-offending, would a less stringent approach towards enforcement be too much to ask for? Whilst not endorsing the assumptions on which the earlier suggestions for addressing non-compliance are grounded (e.g. Harding 2006; Hearnden & Millie 2004; Hedderman & Hough 2004; Moore *et al*. 2006; Solomon 2005), Harding's (2006) suggestion of a 'slap on the wrist' for a technical violation would have certainly meant that all of the young men in

this chapter would not have been breached and recalled to custody. Although support for a less stringent approach towards enforcement has recently come from bodies such as the Audit Commission (2004) with their *Review of the Youth Justice Service 2004,* unfortunately the root of the problem lies in the fact that 'expectations and requirements about enforcement have become, largely for political and presentational reasons, considerably more rigid and demanding' (Maguire & Raynor 2006: 33). Although Maguire *et al*. (1996) argued over a decade ago (and incidentally before the introduction of Labour's sweeping youth justice reforms) that the emergence of more rigid and prescriptive approaches to enforcement of post-release conditions would make it difficult for supervisors to adapt their practice to the often chaotic lifestyles and circumstances of many offenders, the adoption of a tough approach to the enforcement of post-release conditions has since become politically necessary to increase public confidence in the criminal justice system as a whole. Nevertheless, with effective support arguably coming to be viewed as secondary to tough enforcement (Hagell 2004), contemporary youth justice policy is 'enforcing a punitive straightjacket on [both] those who deliver *and* those who experience youth justice interventions' (Smith 2007: 106, emphasis added).

This final point brings us to the question of what impact tough enforcement - and particularly being breached and recalled to custody for a technical violation rather than a further offence - has on the motivation and commitment of those young offenders who are trying to desist from crime. All three of the young men discussed in this chapter were fairly persistent offenders from areas of high socio-economic deprivation. As such, to manage to avoid re-offending, and/or to find employment, and/or make a break from desisting peers was no mean feat. However, when, despite their best efforts to avoid re-offending and returning to custody, the young men were all recalled for technical

violations of their supervision conditions, their motivation and commitment to desist was bound to be tested. For example, Dave felt it 'weren't right' that he was recalled for 'no reason', and Kevin was 'pissed off' that he was recalled for 'nothing'. As such, Smith (2007) is clearly correct when he argues that the tough enforcement of supervision conditions almost certainly compromises young offenders' motivation and commitment to going straight. This in turn raises the wider question of how young offenders themselves will come to view the legitimacy of the youth justice system. As Braithwaite (2003, cited McNeill & Robinson 2007) argues, tough or oppressive enforcement can critically damage the legitimacy of the authority responsible for it. Indeed, sanctions that are perceived to be unfair or unreasonable - in this case, a recall to custody for a technical violation rather than further offending - are likely to lead to subsequent active resistance toward authority and even a reduced likelihood of compliance in the future (see Bottoms 2001; McNeill & Robinson 2007).

This discussion of the impact of tough enforcement of supervision conditions brings to mind the work of the 'convict criminologists' (criminologists who were formerly prisoners). Convict criminology's central argument is that offenders leaving custody 'are never allowed a fair opportunity to return home and start a new life. Instead, these persons are processed through correctional stages where they are structured to fail, return to prison and, over time, become institutionalised' (Richards & Jones 2004: 201). In their study of released offenders in the United States, Richards and Jones found that the majority were 'subject to a plethora of bewildering restrictions upon release from prison … predicated on the requirements of … supervision and not on the needs of the released prisoners' (ibid.: 219). With nearly three-quarters of offenders violating their post-release conditions and being recalled to prison, Richards and Jones concluded that many prisoners now 'fear

parole supervision as they do not expect to be able to comply with the rules and restrictions' (ibid.: 226). Whilst the situation in the United States may be much more extreme than that currently evident in the England and Wales, it is not unrealistic to expect that if the current trend towards tougher and tougher enforcement of supervision conditions continues, we may end up with a situation where supervised licences simply become a 'trapdoor [back] to prison' (Harding 2006: 393).

CHAPTER 8:

Discussion and conclusion

Misunderstood youth?

This thesis has endeavoured to contribute to a better understanding of the behaviour of young men as they leave custody, and through this process, counter some of the misunderstandings and misconceptions about young offenders' behaviour expressed in much contemporary youth justice discourse. Here, young offenders are often constructed as 'just "boys being boys" and "little monsters", as "growing out of crime" and being "persistent offenders" but always as (ir)responsible offenders against society' (Worrall & Hoy 2005: 162). Yet, does constructing young offenders in these ways help us to better understand the underlying causes of their behaviour as they leave custody, both offending and otherwise? Unfortunately, much of the criminological critique of Labour's unfolding youth justice project (see Goldson 2000; Goldson & Muncie 2006) has tended to merely expose these normalising/simplistic and demonising discourses for what they are, without necessarily offering alternative explanations as to why, for example, many young offenders fail to comply with their post-release supervision conditions, knowing full well that it will result in a recall to custody? Or why some young offenders with a high predicted likelihood of re-offending and social circumstances conducive to it manage to desist from crime? In response, this thesis has attempted to demonstrate how an alternative conception of subjectivity (sensitive to the possibility of unconscious motivations) can provide more satisfactory answers to these questions than those currently offered in much contemporary youth justice discourse, where young offenders are commonly constructed (often

simultaneously) as: rationally-acting thrill-seekers, simply needing responsibilisation; passive victims of their (adverse) social circumstances; and, incorrigibly dangerous 'alien others' needing incarceration.

For example, the limitations of constructing young offenders as simply rational actors was evidenced in Chapter 7. This chapter engaged with the government's 'deterrent-based strategy' (Bottoms 2001: 98) of increasingly tough enforcement to ensure compliance with post-release supervision conditions; a strategy grounded on the notion that if offenders are in no doubt that their non-compliance will result in swift and certain punishment (which for many young people serving DTOs would mean a recall to custody) then they will make sure that they take their supervision conditions seriously. Whilst at a commonsense level this argument may have considerable appeal (see Bottoms 2004), at a theoretical level it makes the assumption that non-compliance occurs as a result of rationally-acting individuals weighing up the 'costs and benefits attached to alternative courses of action' (Wilson 1975: 307). As was argued in Chapter 7, this assumption is problematic. The case studies of Rob, Dave and Kevin showed how their non-compliance was neither a fully rational decision, nor a result of them being insensitive to the threat of punishment as some have argued (see Hedderman & Hough 2004; Hearnden & Millie 2004). For them, like many young people leaving custody, their decisions about whether or not to comply were constrained by the difficult situations and circumstances they found themselves in following release, and crucially, how they attempted to deal (often unconsciously) with the feelings and emotions that these situations engendered.

Similarly, the limitations of constructing young offenders as merely passive victims of their social circumstances was highlighted in Chapters 3 and 6. It has been argued

elsewhere that the 'implicit criminology' underlying much traditional resettlement policy and practice is generally deterministic in character (see Raynor 2004; Maguire & Raynor 2006). In other words, offenders are viewed as largely the 'victims of social circumstances and problems beyond their control' (Maguire & Raynor 2006: 27). This contains the corresponding assumption that helping those offenders leaving custody to 'get back on their feet' in purely practical terms will consequently reduce their chances of re-offending (ibid.). Whilst the *Reducing Re-offending National Action Plan* (Home Office 2004) for adult offenders appears to be moving away from this rather deterministic view towards a more multi-causal explanation of re-offending with the inclusion of a 'pathway' addressing 'attitudes and thinking', this has yet to be mirrored in any youth justice resettlement policy. As highlighted in Chapter 3, despite the apparent difficulty that many young people have in dealing (emotionally) with the situations and circumstances they find themselves in following their release from custody, the government's commitment to the 'implicit criminology' that Raynor (2004) talks of can be found in both the national *Youth Resettlement Framework* (Youth Justice Board 2005b) and the more recent *Youth Crime Action Plan* (Home Office 2008a) continuing to focus on solely addressing the largely practical/social problems facing many young people leaving custody, such as: accommodation; substance misuse; debt; and, education, training and employment.

This commitment to a rather deterministic view of young offenders is further evidenced by the Youth Justice Board's continued reliance on ASSET as the 'primary assessment and decision-making tool for all young people identified as offenders at whatever stage of the youth justice system' (R. Smith 2006: 97). Chapter 6 investigated the Youth Justice Board's claim (2000b) that ASSET can help YOTs to accurately 'assess the needs of young people ... and then match intervention programmes to their assessed need'. Using

the case of Tim, the chapter demonstrated the limitations of ASSET as a tool for understanding why young offenders do the criminal things they do, and hence, what might help them to avoid doing them again. The chapter went on to argue that the reason for this lies in the conception of subjectivity that ASSET (and indeed the wider risk-factor prevention paradigm itself) invokes. In short, ASSET assumes that the mere presence of a (more often than not, social) risk factor in a young person's assessment is in itself evidence that the factor in question is a contributory cause of that person's offending behaviour, and following on from this, that addressing it will ultimately lead to a decrease in that person's likelihood of re-offending. As a leading advocate of the risk-focussed approach argues, however, a 'major problem' with risk-focused prevention is establishing which of the identified risk factors (if any) are the causes of a person's offending behaviour and which are merely correlated with causes (Farrington 2002: 661). And, as demonstrated by the case of Tim, if ASSET cannot be relied upon to identify the underlying cause/s of a young person's offending behaviour, how can it help a YOT worker to know what the most appropriate intervention might be for that young person in terms of reducing his or her chances of (re-) offending? Unfortunately, in much resettlement work (particularly with 'high risk' young offenders like Tim) the risk focussed approach has lent legitimacy to both a 'blunderbuss approach' to intervention (ibid.) - where the young person is subject to multiple interventions that 'try to tackle all their difficulties, regardless of how salient they are to the risk of re-offending' (Stephenson *et al.* 2007: 244) - as well as the more resigned approach of subjecting young people to interventions that target just one or two of the 'associated' risk factors in isolation, irrespective of whether not any of the targeted factors may be ultimately responsible for that person's offending behaviour.

Whilst the chapters discussed above have highlighted the limitations of viewing young offenders as either simply rational actors or victims of social circumstance, Chapter 4 also demonstrated the shortcomings of constructing them as incorrigibly dangerous 'alien others'. As shown by the case of Mark, his behaviour was not the result of him being pathologically or incorrigibly dangerous but rather his attempts to deal (largely unconsciously) with the complex emotions and feelings that the situations and circumstances he found himself in (both before, and after his time in custody) engendered; his violent offending behaviour and his self-harming could be read as him unconsciously defending against acute feelings of anxiety. Similarly, with the case of Steve in Chapter 5, much of the extremely violent and self-destructive behaviour he exhibited prior to his second custodial sentence was not a result of him simply being incorrigibly dangerous. His behaviour - like the destructive behaviour of Mark and a number of the other young men featured as case studies in this thesis - was actually the result of defensive splitting and projection (characteristic of Klein's paranoid-schizoid position). As such, when it came to explaining Steve's desistance from crime following his release from custody, it could not be attributed solely to him consciously re-narrating his past (see Maruna 2001), nor the positive changes in his home situation. Instead, it was a fully psychosocial achievement; it was dependent on how the improvements in his social circumstances reduced the anxieties in his life, and by doing so, thus enabled him to move into a less persecutory mindset.

As can be seen then, the chapters in this thesis underscore two main points. Firstly, the need for a greater awareness and understanding of just what it is that lies behind many young offender's troubling behaviour as they leave custody - be it re-offending, non-compliance, substance misuse, or self-harming. And secondly, the value of Gadd and

Jefferson's (2007a) psychoanalytically informed psychosocial approach in helping to achieve this greater level of understanding. With both these points in mind, this conclusion will now turn to the question of how a psychosocial approach can usefully inform contemporary youth justice policy and practice in England and Wales. Firstly, in relation to the role of those youth justice workers whose day-to-day responsibility it is to help young offenders lead law-abiding lives following their release from custody, and secondly, in relation to broader youth justice policy.

Why relationships do matter

When it comes to the question of how to better get at the underlying, often unconscious, motivations behind many young peoples' offending behaviour, David Smith (2006) argues that youth justice workers would do well to: attend closely to what offenders say, how they say it, and what they do not say; be aware of the emotional as well as the rational, cognitive element of communication; have respect for the complexity and ambiguity of the offender's emotions; and, remain aware that emotions, which may be unconscious or unacknowledged, can be as important in shaping action as conscious, rational thinking. Whilst taking on board these recommendations would certainly provide youth justice workers with a greater insight into the behaviour of the young people with whom they come into contact, arguably of more importance - from a psychosocial point of view at least - is the actual *quality* of the relationship between the worker and the young person.

Much recent resettlement research has focused on what Robinson and Raynor (2006: 336) term the 'relational' aspects of the rehabilitative process. For them, this implies that 'successful rehabilitation occurs in the context of relationships and interactions with

significant others', including 'families, other supporters, and also members of the wider community' (ibid.). In recent years, two broad models of resettlement and rehabilitation have adopted this relational focus. The first of these is symbolic reintegration whereby significant others assist offenders in re-casting or re-qualifying themselves as law-abiding members of the wider community (see Maruna 2001). The second is referred to as the building of 'social capital' (see Farrall 2002b, 2004), whereby attempts are made to involve offenders in networks of pro-social opportunities and relationships with family members, friends and the wider community; the aim being to facilitate social integration, and consequently a non-offending lifestyle. Being as they are, heavily informed by recent desistance literature, these two models of rehabilitation have shifted the focus of resettlement research away from the perennial question of 'what works', and onto the arguably more productive (in resettlement terms that is) question of 'what helps people go straight?' (Ward & Maruna 2007: 12). In other words, how might a non-offending lifestyle be 'best prompted and supported' (McNeill 2006: 56)?

The effect of this shift, however, has not only been to (re-)emphasise the crucial role that appropriate help can play in the successful rehabilitation of offenders, but it has also brought the 'building or re-building of relationships clearly into the purview of rehabilitative work' (Robinson & Raynor 2006: 336). In particular, the issue of what characterises an effective working relationship between an offender and their criminal justice worker (see Batchelor & McNeill 2005). There is now an emerging sense from much recent probation research (e.g. Rex 1999) that the quality of the immediate relationship between worker and offender may be the crucial factor in determining whether or not that person desists from further crime. This is certainly nothing new. Until relatively recently, the essence of much youth justice work was to 'provide a supportive

relationship, based on the assumption that this relationship would be influential and would facilitate change' (Burnett 2004b: 181). Something which, as David Smith (2006) points out, is supported by much older psychotherapeutic research which found that the kind of person the worker is (or at least comes across as being) seemed to be more important for therapeutic success or failure than the particular methods of intervention employed. However, it is the particular characteristics of a 'successful' therapeutic relationship - i.e. 'accurate empathy, respect, warmth and genuineness' (ibid.: 371) - that brings us onto the question of what a psychoanalytically informed psychosocial understanding of young offenders' behaviour can contribute to contemporary youth justice resettlement practice.

The argument made here is that, in addition to facilitating and engendering positive change, the development of a close, mutually respectful and trusting relationship between youth justice worker and young offender can provide the young person with someone to take on the important 'containing' role that psychoanalytic literature tells us is so crucial for emotional well-being. Bearing in mind that, like the young men featured in the case studies in this thesis, many young offenders have a history of few, if any, close or trusting relationships in their personal lives, the important role that the worker can play by becoming what Burnett (2004b: 183) terms a 'significant other' in that young person's life cannot be overstated. Indeed, as Minsky (1998: 180) notes, psychoanalytic approaches suggest that the provision of opportunities to develop containing relationships is 'likely to be among the most effective ways of tackling some of the causes of crime and helping those driven to violent, abusive behaviour'. An example of this can be found in Gadd and Jefferson's (2007b) recent psychosocial reading of '*The Jack-Roller*'. They hypothesise that the crucial factor mediating Stanley's response to the situations with which he was confronted - in terms of whether he re-offended or not - was the degree to which his

recurrent feelings of inadequacy and inferiority could be successfully contained by others. For example, when Stanley was young, Shaw apparently 'never once' made him 'feel inferior', but instead was 'consistently concerned and available' (ibid.: 455). By being able to 'consistently ... hold and detoxify Stanley's bad feelings about himself' (ibid.), Shaw thus reduced Stanley's need to defensively split off and project his bad, unwanted feelings onto others, which in turn reduced his offending behaviour.

Managerialism and the 'criminology of the alien other'

Notwithstanding the evidence to suggest the positive effect that a helpful and supportive relationship with a youth justice worker can have on a young offender, in much contemporary youth justice policy this fact is often overlooked. For instance, the reality of multi-agency YOTs - 'widely heralded as a progressive response to dealing with the problems confronting troubled young people' (Gadd & Jefferson 2007a: 187) - is that they tend to 'divide up' the job of working with young offenders between the various agencies contained within the team. Whilst advocates of YOTs would argue that this means young offenders are more likely to have their many, and often varying needs better met, as Gadd and Jefferson (ibid.) rightly note, the end result of this process is that ultimately no one youth justice worker has the opportunity, or arguably the motivation, to properly get to know any single young offender to the kind of depth advocated here. In addition to this, there can be no getting away from the fact that developing close supportive relationships with young offenders - many of whom have either, not been fortunate enough to have experienced such relationships in their lives, or been damaged by previous relationships - requires a considerable investment of time and resources. Something which is arguably 'incompatible' with a youth justice system characterised by a managerialist agenda

(McNeill 2004: 428). Indeed, as Batchelor and McNeill (2005: 171) argue, the 'complexities and uncertainties' of the approach advocated here are likely to seem unattractive to policy makers when set beside the latest 'alluring kite-marked programme'.

Similarly, at a time when policy makers are facing criticism from politicians and the media over high levels of violent crime, the priority for government is unlikely to be the question of what constitutes a 'helpful and supportive supervisory relationship' (D. Smith 2006: 372). For example, following the murder of Garry Newlove in August 2007 by a gang of three young men who, after a 'seven-hour drinking binge' (Dodd 2008), beat him to death outside his home, the focus was not on attempting to better understand why the young men had behaved as they did but simply on why the leader of the gang, Adam Swellings - a young man who had earlier in the day been released on bail despite 'having admitted to carrying out seven separate offences in the year leading up to the murder' (ibid.) - had not been remanded into custody. Notwithstanding the fact that none of the offences Swellings admitted to were of a serious enough nature to warrant either a custodial sentence or a remand to custody, following the incident, Newlove's local MP immediately wrote to the attorney general demanding an inquiry into why Swellings had been granted bail, and media headlines at the time read: 'Teenage killer on bail after committing seven offences' (ibid.). Similarly, following the spate of fatal stabbings in the months leading up to June 2008, and headlines proclaiming that 'knife crime is out of control' (*Guardian*, 27 May 2008), the prime minister called a 'Downing Street knife crime summit' (*Guardian*, 5 June 2008) to see what could be done to address the problem. However, rather than attempting to discover the underlying causes of knife crime - or even more generally why some young people feel the need to carry knives - the outcome of the summit was simply tough new legislation. As outlined in the recent *Youth Crime Action Plan* (Home Office 2008a: 6),

'for the first time, everyone over the age of 16 who is found carrying a knife can [now] expect to be prosecuted'.   Indeed, the *Action Plan* also goes on to proclaim that anyone caught carrying a knife is now 'three times more likely' to receive a custodial sentence than ten years ago (ibid.: 13).

Whilst these examples demonstrate the political machinations and media frenzies that seem to surround tragic incidents such as this, they also highlight the potential role that a psychosocial approach can play in informing contemporary youth justice policy. As Gadd and Jefferson (2007a: 2) argue, a more thorough understanding of the underlying reasons as to why some young offenders behave as they do, should 'humanize' the offender and 'rescue him or her from the uncomprehending condescension of pathologising discourses and the exclusionary practices these tend to promote'. As they also observe, 'those we do not understand we can more readily demonise', and it is exactly this mentality that enables 'moral panics to continue to figure prominently in the contemporary politics of law and order' (ibid.).   Although the pathologising and demonising discourses captured by Garland's (2001) punitive 'criminology of the alien other' may make some people feel better and serve a valuable political function as parties vie for the electorate, in moving away from a better understanding of those whom they scapegoat, these discourses ultimately 'make the world a more fearful place than it is already' (Gadd & Jefferson 2007a: 3).   In addition to this, not only can these discourses further exclude and marginalise those often already socially excluded young people, but they can also serve to exacerbate many people's feelings of frustration and helplessness. Something which most psychotherapists working in the clinical field would argue only compounds destructive and self-destructive behaviour (Minsky 1998).   At a time when the UK Children's Commissioner's report to the UN has just condemned Britain's 'punitive youth justice

system' (Bennett 2008), and with the new Youth Rehabilitation Order contained within the *Criminal Justice and Immigration Act* set to 'exacerbate' the 'criminalisation and incarceration of children' (Morgan 2008), the potential positive contribution that a psychosocial understanding of young offenders' behaviour could make to contemporary youth justice policy should not be underestimated.

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