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Title	The Police as Formal Agents of Change: Assisting Desistance in Individuals Convicted of Sexual Offences
Type	Article
URL	https://clock.uclan.ac.uk/id/eprint/48183/
DOI	10.35502/jcswb.332
Date	2023
Citation	Pemberton, Sarah, Kewley, Stephanie and Mydlowski, Leona (2023) The Police as Formal Agents of Change: Assisting Desistance in Individuals Convicted of Sexual Offences. Journal of Community Safety and Well-Being, 8 (4). pp. 191-196.
Creators	Pemberton, Sarah, Kewley, Stephanie and Mydlowski, Leona

It is advisable to refer to the publisher's version if you intend to cite from the work.
10.35502/jcswb.332

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The police as formal agents of change: Assisting desistance in individuals convicted of sexual offences

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This article is related directly to the First European Conference on Law Enforcement and Public Health (LEPH) held in Umea, Sweden in May 2023.

ABSTRACT

Comprehensive and multi-disciplinary public health approaches are necessary to prevent sexual re-offending. However, criminal justice solutions continue to dominate and the arrangement in England and Wales is no exception. The introduction of the Multi-Agency Public Protection Arrangements (MAPPA) in 2003 brought together the work of the police, prison and probation services in order to manage violent and sexual offenders. This paper focuses specifically on the work of the specialist police officers who are tasked under MAPPA with the Management of Sexual or Violent Offenders (MOSOVO) and whether or not they can assist desistance in those who have been convicted of a sexual offence. We argue that the risk-based, highly politicized model of public protection that MOSOVO staff operate within creates tensions more likely to hinder than facilitate desistance. As indicated by findings in an independent review of the police's management of registered sex offenders (2023), successful desistance journeys are found in people who are supported by formal agents who actively promote hope and optimism and convey a belief that the person attempting desistance can change. In conclusion, we recommend that MOSOVO staff be willing and resourced to help individuals with sexual convictions develop a non-offending lifestyle and identity and support them in achieving this goal, which requires the provision of comprehensive support beyond risk management.

Key Words Management of sexual or violent offenders (MOSOVO); multi-agency public protection arrangements (MAPPA); assisted desistance; people who have sexually offended.

Understanding how to prevent sexual re-offending requires comprehensive and multi-disciplinary public health approaches (Kewley et al., 2021), yet criminal justice solutions continue to dominate (McCartan & Richards, 2021). Across England and Wales, the *Criminal Justice Act* 2003 saw the establishment of Multi-Agency Public Protection Arrangements (MAPPA) that bring together the work of the police, prison, and probation services. Statutory agencies (and, when required, health, education, housing, and so forth) work jointly to protect the public from serious sexual and violent harm. Official data appears to demonstrate success in achieving this aim, with sexual recidivism rates notoriously low. Indeed, the large majority of those convicted of a sexual crime will, within 10 to 15 years of living in the community offence-free, be no

more at risk of sexually offending than people who have never been convicted of a sexual offence (Hanson et al., 2018). However, caution is needed when interpreting official data, as not all sexual assaults (including re-offences) are reported or result in a conviction. As such, official data is likely to not represent the true scale of sexual recidivism. Thus, sustained efforts to improve and strengthen approaches (including criminal justice ones) to prevent sexual re-offending must continue.

Management of Sexual or Violent Offenders (MOSOVO)

We turn to a group of specialist police officers tasked under MAPPA with the *management of sexual or violent offenders* (MOSOVO). These staff members carry caseloads of people

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To cite: Pemberton, S., Kewley, S., & Mydlowski, L. (2023). The police as formal agents of change: Assisting desistance in individuals convicted of sexual offences. *Journal of Community Safety and Well-Being*, 8(4), 191–196. <https://doi.org/10.35502/jcswb.332>

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convicted of sexual and violent offences and are responsible for the risk assessment and management of MAPPA cases while living in the community. Little empirical analysis of these specialist police teams exists with attention centring on the development of risk tools (Kewley & Blandford, 2017), the quality of risk assessment and management plans (Kewley et al., 2020), the effectiveness of police training (Mydlowski & Turner-Moore, 2023), the experiences of men subject to such management (Mann et al., 2019) and the experience of practitioners during a climate of austerity (Mann et al., 2018).

MOSOVO staff are required to adopt risk assessment and management strategies that blend both control approaches, which serve to punish, and rehabilitative strategies, which aim to reintegrate (Kemshall & Hilder, 2020; Maruna & Mann, 2019). Given that they operate in a risk-based and highly politicized model of public protection (McCartan & Gotch, 2020), the capacity for MOSOVO staff to engage in authentic reintegrative practice requires closer examination (Kewley, 2017). Public protection offender managers' primary goal is to monitor and administer sanctions that are believed to protect the public by deterring future re-offending. Central to this monitoring are the requirements set out in *Sexual Offences Act 1997* (amended by *Sexual Offences Act 2003*), whereby people convicted of a sexual offence are required to register certain details (often known as the sex offenders register) and notify the authorities of personal information, such as name, address, date of birth, and national insurance number. Until recently, there was little to no evidence in the literature to support the impact of sanctions such as notification and registration requirements on deterrence. This lack of literature has been highlighted in the Home Office's recently published independent review of police-led sex offender management by Mike Creedon (2023), in which one of the recommendations is to review current notification requirements and consider whether such requirements are fit for purpose. Instead, what is known are the unintended consequences experienced by both the person with the conviction and their non-offending family, such as unstable housing (Suiter & Andersen, 2022), high rates of unemployment (Wooldridge & Bailey, 2023), limited access to basic health care, including for those who are elderly and disabled (Tolentino, 2023) and those who need access to mental health and substance use treatment (Huebner et al., 2021). Thus, the ability for MOSOVO offender managers to promote desistance appears somewhat compromised.

This is of concern because to effectively help people desist from sexual offending, MOSOVO policy and practice must respond to individual risk and need while appreciating intersections between the individual/agentive, social/structural, and situational (Weaver, 2019) factors related to sexual re-offending. To prevent sexual re-offending, MOSOVO offender managers need to work within a contextual framework that allows for the implementation of comprehensive risk management strategies. These strategies should promote individual-level change and reintegration, facilitate the development of healthy social relationships and networks, and foster a supportive community and society that enables meaningful contributions from all members. Supporting MOSOVO offender managers in controlling known risks while at the same time promoting protective factors in people convicted of sexual offences could achieve outcomes beyond

public protection, including a) the prevention of further harm to future victims, b) reduced social and economic costs to society, and c) the safe reintegration of people into society.

Yet the current and dominant paradigm of public protection remains risk-based, meaning significant tensions exist between MOSOVO policy and practice and the delivery of effective desistance practice. We briefly discuss here the unique nature of MOSOVO staff, who, despite having access to a range of legislative and control tools, can still act as formal agents of change and use integrative strategies to facilitate the process of assisted desistance among individuals convicted of sexual offences (Cresswell, 2020; Villeneuve et al., 2021).

Assisting Desistance

Desistance is a process by which people cease criminal behaviour; although it is not a distinct one-off linear event, as people zigzag into desistance (Maruna, 2001), with periods of intermittency, indecisiveness, ambivalence, lapse, and even relapse (Ouellet, 2019; Piquero et al., 2013). With at least two distinguishable phases to successful desistance, a blend of internal and social shifts is required (LeBel et al., 2008). The initial primary phase sees crime cease; this is purely behavioural and so requires a secondary cognitive phase in which the person shifts their identity from one of "offender" to "non-offender." This phase requires both an internal psychological transformation in which the person disassociates with the "offender" label and external validation from others (Farrall et al., 2010; Giordano et al., 2002; Maruna, 2001). Both internal and external validation help with the process of de-labelling, as both the desister and those interacting with them no longer perceive them as an "offender," and the person thus re-gains a sense of belonging to the community (McNeill, 2016). Therefore, in order for people to "go straight," cognitive and behavioural changes made at the individual level are only fortified and realized by and within the social structures and networks in which they exist (Bronfenbrenner, 1977; Weaver, 2016).

An authentic sense of agency and self-determination (coupled with external opportunities) provides the bedrock on which identity transformation, behaviour change, and ultimately desistance can be realized (Giordano et al., 2008; King, 2014). This can sometimes be achieved *in spite* of external controls and sanctions. However, pervasive criminal justice controls (McNeill, 2019), punitive legal restrictions (Thomas & Marshall, 2021), and hostile attitudes towards people who have committed sexual offences (McCartan et al., 2015) will likely hinder this process and reinforce feelings of shame and stigma (Bailey & Klein, 2018). Of particular concern is that any interaction that reinforces stigma has the potential to undermine positive working relationships and prevent people from seeking help, making it harder to help them desist from crime (Grady et al., 2019). When shame is stigmatized, that is, the person is degraded, labelled (in this case "sex offender" or "deviant"), and excluded, cognitive transformation becomes more difficult. On the other hand, when shame is reintegrative, meaning feelings of remorse and guilt are still felt, but the person's sense of worth is preserved and not labelled, desistance is more likely (Braithwaite, 1989). True desistance is experienced when the new non-offending identity is both internalized and fully accepted and recognized by others (either informally or formally) (Buchanan & Krohn, 2020).

Interactions with formal agents are powerful as they can both reduce and reinforce stigma. Reports of the nature of formal interactions between MOSOVO staff and people with sexual convictions across England and Wales are inconsistent. Many MOSOVO staff perceive the provision of welfare and support as a detraction from their core proactive policing duties (Christensen et al., 2022; Nash, 2019). Some view people with sexual convictions as monsters (Nash, 2016), who should be managed closely because they are dangerous, untrustworthy, and manipulative (Kewley, 2017). Some MOSOVO staff assume that, if given the opportunity, the risk of people reoffending would escalate (Mann et al., 2018). Such stigmatized attitudes are likely to permeate interactions between the MOSOVO staff and the people they supervise and therefore do little to promote agency or identity transformation. This practice is incongruous with the factors needed to promote the desistance process (Mann et al., 2019), and, indeed, where this occurs, people with sexual convictions report feelings of prejudice, not feeling trusted, feeling judged (Kras, 2019), experiencing hostile supervisory tactics that create resistance, and fearing their crimes repeat staff (Farmer et al., 2015).

However, non-stigmatizing practice can also be experienced, even by people with sexual convictions. Many report feeling supported by their offender manager (Mann et al., 2018), who they state expressed care and concern for them and had a personal interest in them (Farmer et al., 2015), believing they could change (Blagden et al., 2016). This meant the person felt safe to discuss sensitive matters without feeling judged (Winder et al., 2020). These instances demonstrate the potential for positive relationships in which formal agents can promote the desistance process and help to reduce stigma.

Desistance is best fostered when formal agents actively promote hope and optimism and convey a belief that the person attempting to desist can change (McAlinden et al., 2017). This is problematic for MOSOVO staff who tend to perceive this group in an unfavourable light, resulting in the design of risk management plans dominated by strategies of control (Kewley et al., 2020). We recognize this is because MOSOVO staff work within a framework of public protection that enforces court-ordered conditions and uses surveillance and risk-management techniques that require proactive policing (Mann & Lundrigan, 2021). When carrying out home visits, the College of Policing advises MOSOVO staff to “always adopt an investigative approach and be aware that offenders could potentially make convincing attempts to befriend and manipulate those who are responsible for managing them” (College of Policing, 2020a). Indeed, as enforcers of *prospective* sentences (sentences to prevent and control future behaviours) (Padfield, 2017), MOSOVO staff are understandably risk averse and their practice is fundamentally framed around the notion that people with sexual convictions are a danger (Nash, 2019). Such distrust or “respectful scepticism” will without doubt help ensure compliance, monitor and manage risk, and gather intelligence, but it is unlikely to create a safe space in which the welfare of people is considered, and thus new identities fostered, developed, and tested.

Kemshall’s “4 Pillars of Risk Management” (HMPPS, 2022) require MOSOVO staff to develop risk management plans that include rehabilitative strategies that help people successfully desist from future offending. However, MOSOVO staff report having little desire and insufficient resources to

work in a rehabilitative way (Kewley, 2017; Nash, 2016). This is unsurprising given that, to help a person develop a positive future self, through, for example, seeking employment, moving house, starting new relationships, arguably requires a “welfare” rather than a “control-orientated” role (Blagden et al., 2016). A genuine tension therefore exists for MOSOVO staff who, despite efforts, are caught between correctional policy that dictates a moral code to protect the public (prevent and manage risk) and professional norms and values that endorse the belief that people have the autonomy to change (Ward et al., 2021). Without some shift, the aim to protect the public may be compromised as “interventions designed solely to control and manage behaviours should be avoided, as they do not support motivation to change” (Villeneuve et al., 2021, p. 92). Thus, while MOSOVO staff focus solely on surveillance and risk management, relapse and persistence are likely (Ricciardelli, 2018). While MOSOVO staff can, and many do, work with people convicted of sexual offences in a respectful non-stigmatizing manner, the insistence on punitive and pervasive restrictions and requirements is likely to impede the development of trusting relationships and severely interrupt the desistance process (Willis, 2018).

MOSOVO staff are, however, well positioned to assist desistance by helping people manoeuvre this complex transition (Villeneuve et al., 2021) as they spend time with people in their homes during home visits, while monitoring court-ordered conditions and developing and implementing risk management plans. Indeed, adopting a risk-management approach that considers both risk and strengths is supported across most criminal justice agencies. For example, *The HMPPS Approach to the Management and Rehabilitation of People Convicted of Sexual Offending* (HMPPS, 2021) outlines a strengths-based approach that helps formal agents overcome and reduce risk as well as develop and promote a person’s strengths. It draws on the bio-psycho-social model of behaviour (Carter & Mann, 2016), which involves building biological capability (e.g., understanding neurological differences in people, teaching new skills); strengthening psychological capability (e.g., challenging offence-related thinking, exposing people with convictions to new ways of thinking, teaching problem solving or emotional coping skills); and strengthening people’s social capability (e.g., teaching intimacy or relationship skills, helping to develop new relationships, helping find meaningful employment).

The selection and implementation of appropriate interventions relies on a structured risk management tool known as the Active Risk Management System (ARMS) (Kewley & Blandford, 2017). This tool requires MOSOVO staff to consider and evaluate both risk and protective factors so that risk management plans help to prevent further offending by drawing on both restrictive and constructive interventions (College of Policing, 2020b). MOSOVO staff face challenges here, though, as there is a plethora of restrictive interventions and controls to draw upon, such as residing at approved premises; home visits; restrictions on associations, residence, movement, activities; curfew checks; tagging; satellite tracking; covert surveillance; and use of Automatic Number Plate Recognition (College of Policing, 2020b). The options available for strategies that support change are fewer, less specific, and sometimes not available or not suitable. Interventions deemed constructive include attending accredited programs (only

available for people subject to licence or community order conditions), sharing information with appropriate agents/agencies, providing diversion activities such as employment, psychological or psychiatric input, and using support groups in the community (College of Policing, 2020b). It is therefore unsurprising that, in a recent examination of the quality of ARMS assessments, inconsistencies were found between risk and protective factors and subsequent risk management plans, as well as a failure by assessors to provide meaningful actions to support the risks identified (Kewley et al., 2020).

MOSOVO staff are tasked with both managing risk and promoting desistance, yet as offender managers, they face structural and role barriers preventing them from promoting protective factors, building individual strengths, and reinforcing pro-social bonds. In this context, assisted desistance is difficult, as stigmatized interactions in which offending identities are reinforced, together with a focus on managing risk and monitoring compliance, are likely to stimulate a Pygmalion effect that only reinforces “offender” labels (Mann et al., 2019; Stout, 2018). The process of desistance, like all public health approaches, must be multi-level and collaborative; while individual and internal changes from within the person desisting are needed, so too are social and structural changes. Successful desistance journeys are found in people who are supported by formal agents who work collaboratively across all socioecological levels; they are responsive to the unique and diverse needs of people and the communities they live in. Thus, to assist desistance, MOSOVO staff themselves must be supported and willing to not only help people with sexual convictions develop an alternative (non-offending) lifestyle and identity, but to detail *how* this could be achieved (King, 2013). They must provide safe, non-stigmatizing, and stable interactions that explore a future possible self while setting goals and considering appropriate “hooks for change” (Giordano, 2016) in conjunction with community integration strategies (McCartan & Richards, 2021).

CONFLICT OF INTEREST DISCLOSURES

The authors have no conflicts of interest to declare.

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