

**The Risk Factor – An Exploratory Study into the Assessment of
Risk within Criminal Justice Practice**

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Abstract

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This thesis explores how knowledge and the construction of risk are developed within criminal justice and how meanings of risk are different or similar to an individual offender's perspective within their everyday context. By drawing together macro sociological notions of risk, with the lived experiences of how individual offenders experience their world in a micro context, the thesis explores the ways in which expert-led contemporary notions of risk are designed to serve the purpose and practice of criminal justice at the expense of creative ways of thinking about risk. By deconstructing current ways of thinking about risk, this study examines how modern scientific ways of thinking about risk, and how expert discourses of risk assessment have come to hold such importance within criminal justice. Using an investigative case study approach, the thesis maps the conditions within which risk discourses are produced, sustained and reproduced, and identifies the truth claims which are made within the context of criminal justice risk assessment and management practices. This constitutes an important comparative backdrop to understanding offenders' emotive and experiential perspectives on offending in the context of their everyday. Insights derived from discourse theory are utilised in order to analyse selected cases of the phenomenon of risk as mobilised within 'real-life' experiential contexts; this enhances contemporary understandings of this relatively under-researched dimension of the risk assessment process. The study is offered as a contribution to a criminological body of scholarship that has been largely neglected an area of risk that draws attention to young people's voices and their everyday experiences of offending.

Dedication

In loving memory of my grandparents,

Claudius Campbell (1928-2010)

and

Thelma Campbell (1935-2011)

You are forever in our loving hearts and our fondest memories.

May you rest eternally in God's loving arms.

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Abbreviations

ACMD	Advisory Council for the Misuse of Drugs
ASBO	Anti Social Behaviour Order
CJA	Criminal Justice Act
CSV	Community Service Volunteers
DRR	Drug Rehabilitation Requirement
DTTO	Drug Treatment and Testing Order
INCB	International Narcotics Control Board
MAPPA	Multi Agency Public Protection Arrangements
NOMS	National Offender Management Service
OASys	Offender Assessment System
OGRS	Offender Group Reconviction Scale
PSR	Pre-sentence Report
ROR	Risk of Reconviction
YOTs	Youth Offending Teams

Chapter One - Introduction

“That’s why you shouldn’t have broke that window. They see you’re big, now. Now they got to bust you.”

“Like busting a mustang, huh?”

“No. No, listen. They don’t bust you that way; they work on you ways you can’t fight! They put things in! They *install* things. They start as quick as they see you’re gonna be big and go to working and installing their filthy machinery when you’re little, and keep on and on and on till you’re fixed!”

Ken Kesey, *One Flew over the Cuckoo’s Nest*, 1976, p171/2

1.1 ‘Risk’: An Overview

Risk has become a significant concept within contemporary western society and a crucial aspect of contemporary sociological and criminological analysis. The growing number of academic debates demonstrates its importance amongst sociological and criminological theorising (see for example, Kemshall 2003, Hudson 2003). Concepts of risk started to develop around a discourse of science, mathematics and statistics and through technical calculations of the ‘norm’, and by identifying ‘deviations from the norm’ it was considered possible to produce an epistemological understanding of risk that through its objective application would be able to reduce uncertainty (see Boyne 2003). A trend towards the increased use of actuarial-based risk assessments supplemented and reshaped criminal justice practices. The development of a sophisticated language of risk within expert discourse over the past few decades has been led by an amalgamation of notions of risk (particularly to explain criminality through the relevance of criminogenic risk/need factors) with statistical computer-based technologies within the social and political agenda of governing and disciplinary agencies. Current risk assessment practices have been promoted as being able to

provide an objective, impartial and rational decision-making process in contrast to previously endorsed subjective, individualised, and discretionary methods of assessment.

Actuarial-based risk analysis, as a technology of informed quantitative reasoning within criminal justice, has been described as becoming the new penology of risk-informed managerial practices of penal governance (Feeley and Simon 1992), utilised to predict offending behaviour and situate individuals according to the level of risk that they pose. The development of expert knowledge symbolises one of the ways in which 'risky behaviour' is managed by criminal justice systems and its agencies. Expert discourses are instrumented through risk assessments, risk analysis, risk communication, and risk management techniques, shaping the principles and practices that frame the practical ways in which criminal justice agencies and its practitioners define and respond to risk-taking behaviour. By systematically bringing together static and dynamic factors - information about an individual's offending history and lifestyle - expert discourse claims to identify and measure an individual's risk (and subsequently, needs) and future risks, to assist in the implementation of treatment, rehabilitation, and sentence planning. Risk assessments are promoted as reliable, objective, and rational methods, and are promoted as being able to reduce re-offending and increase public-protection when compared to previous subjective methods based upon professional judgements.

Consequently, the politics of risk have become less interested in individuality and more interested in social regulation, surveillance, control and micro-management through macro-processes (Hudson 2003). Technological advancements and developments towards knowledge-based sectors have created greater scope for the use of crime-control techniques and risk based strategies within contemporary societies. Overcrowded prisons, increasing re-offending rates, increased spending on the prison-estate, and an over-stretched system have contributed towards the significant growth in the identification of effective methods primarily aimed at public protection and reform (Rose 2000). Uncertainty around the effectiveness of current penal reform strategies arguably feeds into an appreciation of methodological advances of risk-focused research designed to address concerns and reduce uncertainties. However, scepticism within criminology and other social sciences has raised concerns around the methodological effectiveness of risk-assessment practices in reducing re-offending as prison populations

and reconviction rates continue to rise (see Austin 2003, Gottfredson 1987, Tarling and Perry 1985, Simon 1971).

This study developed around the idea of how an expert language of risk and risk assessment had become a commonly used and influential method to situate an offender according to the level of risk that they posed and to predict the future offending of that person despite growing concerns around the effectiveness of such practices. The debate within this study does not propose that current notions of framing risk and risk assessment strategies hold no value within criminal justice practices, instead, this study aims to draw attention to assumptions that surround actuarial-based risk assessment practices as capable methods of predicting 'risky behaviour'. By drawing attention to a body of sociological literature that has contributed towards the epistemological development of risk assessment strategies from a predominately macro perspective I suggest the usefulness of risk assessment tools lies in their function as a governmental strategy. In light of sociological debates of framing risk-taking that draw from a predominately macro perspective and in light of growing concerns around the usefulness of risk assessment tools (as a governmental strategy) ability to reduce re-offending, I propose that sociological and criminological debates around risk-taking would gain insight from a varied and diverse approach to framing risk.

1.2 Thesis Aim

The main aim of this thesis is to explore *to what extent would engagement with experiential perspectives on offending provide the criminal justice system, its agencies and practitioners with a more useful understanding of the meanings for offending* (see section 5.1 Research Objective and Research Questions). By bringing together sociological schools of thought that position risk within a macro framework or a micro framework, I draw attention to epistemological assumptions that frame risk assessment practices, suggesting that a scientific discourse that has come to frame risk as calculable, knowable, predictable, and manageable has also contributed to their popularity. Thus, by drawing upon poststructuralism I go beyond the positivist cause and effect, problem and solution dichotomies to explaining crime to explore how current metanarratives have come to represent the 'truth' of what is known about risk.

The aim here is not to provide one ‘true’ account of what risk is or how risk can be understood, rather, by exposing the unquestioning confidence that has been placed in actuarial-based risk assessments as a method for understanding risk-taking this study demonstrates that an (expert) language of risk is not objective, nor apolitical. Rather, through the analysis of language this thesis questioned to what extent are creative ways of thinking about risk largely abandoned in favour of risk assessments that serve as (politically-fuelled) mechanisms for criminal justice organisations in attempts to govern offending behaviour.

1.3 Methodology of the Study

The belief that risk assessments are an objective and reliable means of understanding offending behaviour and determining how offenders could be best managed is based on the assumption that the application of scientific discourses are the best methods capable of assessing and detecting ‘risky behaviour’. An invested belief in complex and scientific ways of thinking and knowing risk as a progressive and reliable source of knowledge has contributed towards framing an expert language of risk and offending. Consequently, alternative ways of thinking about risk have been neglected in favour of a scientific knowledge around risk and risk-taking behaviour that have contributed to the rise in popularity of risk assessments. In effect, this has created a single account of risk within criminal justice.

In this thesis, I contend that notions of risk that are informed by positivist science and the long established application of quantitative methods to the study of a complex language and way of thinking about risk may not constitute the most appropriate methods with which to attempt to unpick the fundamental nature of risk. Drawing upon a Foucauldian influenced discourse analysis case study of risk, this thesis is able to focus less upon what may be perceived as rigid (scientific) definitions of risk and instead consider the bonds between language and knowledge/power. By exploring the constructs of knowledge that have mobilised risk assessments this study was able to demonstrate what counts as knowledge and was able to reveal relations between power and knowledge within expert discourses. Moreover, by considering offenders’ experiential perspectives this study was able to explore the meanings young people

attach to their offending to establish differences or/and similarities in constructing risk and risk-taking. Drawing attention to an alternative perspective for understanding risk and risk-taking challenges expert notions of risk and risk-taking that produce singular meanings, allowing for a more fluid understanding.

1.4 Thesis Structure

The thesis is structured around eleven chapters and can be neatly divided into four sections, namely 1) Literature Review (including chapters two to four), 2) Epistemology and Methodology (including chapters five and six), 3) Analysis and Discussion (including chapters seven to ten), and 4) Conclusion (chapter eleven).

1) Literature Review

The literature review of this thesis draws together sociological debates around risk and risk assessment. Chapter two - Assessing Offender Risk - discusses the generational development of risk assessment models. Chapter three - Governing through Risk - describes the rise in popularity of a new penology of actuarial risk, where as chapter four - Living on the Edge - explores a growing body of sociological works that draw attention to an alternative notion of risk, risk as a pleasurable experience.

Chapter two –Assessing Offender Risk - maps the development of risk assessment models within criminal justice from professional judgement based models towards a new generation of criminogenic risk/needs management based models. Drawing on Bonta's (1996) generation developmental model, I discuss what are considered the four levels of development. I proposed that each generation of risk assessment was introduced on the basis of perceived limitations of the previous generation. The main aim of this chapter was to map the archaeology of the development of risk assessments within criminal justice, however, I was unable to consider in length the suitability of fourth generational risk assessment models (see section 2.9), as discussed by Andrews and Bonta (2006), due to their recent introduction to practice. Nonetheless, I proposed

that this recent governmental move towards the development of fourth generational models was indicative of a way of thinking that advocated the implementation and use of actuarial methods of assessing risk.

Chapter three - Governing through Risk - explores how contemporary (macro) notions of risk, that are embedded in actuarial-based technologies, have come to hold importance in the policies and practices of criminal justice. The main aim of this chapter was to draw attention to the way in which actuarial-based risk-assessments were utilised within criminal justice practices. Drawing upon the various works of Feeley and Simon (1992, 1994) I proposed that the rise in popularity of a 'new penology' of managing and governing bodies in accordance to their assessment of risk have been promoted, in part, on the basis of cost-efficiency and public protection, and managing and controlling groups of offenders. I contend this ideal of governing through expert knowledge, questioning the usefulness of current risk assessment practices in light of overcrowding prisons and increased re-offending rates. I conclude the chapter drawing attention to the ethical concerns that surround actuarial-based risk assessments, proposing an unhealthy preoccupation exists with an offender's previous offending history in the interests of drawing out visible markers to determine an offender's future offending behaviour.

Chapter four – Living on the Edge – is the final chapter of this section, here I draw attention to a new and growing body of sociological literature that presents an alternative way of thinking about risk. The aim of this chapter was to challenge current dominant notions of risk assessment practices by exploring alternative means of understanding risk and risk-taking. Here risk-taking is described as pleasurable and a positive experience, an experience of risk which individual's deliberately engage with in an attempt to create an altered sense of self or an altered perspective of their daily lives. Drawing upon the theoretical works of Lyng's (1990/2005) theory on *Edgework*, Cohen and Taylor's (1992 [1976]) thesis on *Escape Attempts* and Elliot's (2009) theory on the *Importance of Mattering* this chapter presented an alternative account of why some people may engage in risk-taking behaviour. Albeit an underdeveloped area of understanding risk and risk-taking, I suggested that (against a background of risk that is positioned as largely problematic or negative) notions of understanding risk-taking from

an individual perspective adds an additional dimension to current sociological debates that draw from a largely macro perspective.

Overall, the literature review of this thesis draws together macro and micro notions of framing risk to acknowledge the diverse and varied literature of risk and risk-taking.

2) Epistemology and Methodology

Chapter five – Epistemological (Re-) Imaginations – this chapter introduces the research objective and research questions for this study followed by a discussion which methodologically positions my thesis. Within this chapter, I critically develop my epistemological discussion around postmodernism, poststructuralism and risk. In doing so, I acknowledged the dominant and theoretical debates informing these epistemological theories including those notions underpinning my own theoretical position and poststructuralist account. By deconstructing conventional approaches to framing risk I confront positivist notions to framing risk by providing a critique of traditional approaches to risk assessment and explaining criminality (see section 5.5 Postmodernism and Risk and 5.6 Deconstructing Conventional Approaches to Framing Risk within Criminal Justice). By drawing upon poststructuralism the main aim of this chapter (and the grounding for this thesis) was to explore and question scientific forms of knowing that have contributed towards expert knowledge about risk and risk-taking, which is a primarily empirical undertaking. In doing so, I do not aim to reject scientific ways of knowing on the basis that it is scientific, rather it was my aim to unearth answers to questions such as how did modern scientific ways of thinking (expert knowledge) about risk come to hold such importance within criminal justice. In doing so, I aimed to open up and make way for varied and diverse ways of thinking about risk.

Chapter six – Methodology – provides a practical account of the discourse analysis framework and the methods of choice used for this study. I proposed an analytical framework that draws upon a case study approach to explore the usefulness of risk assessments as a means to understanding offending behaviour and how this compares to the meanings young offenders attach to their behaviour. The use of a case study, which was made up of primary and secondary data sources, included the investigation of pre-

sentence reports, the OASys risk assessment user manual, and interviews of young offenders who had received a risk assessment from probation. Here, expert notions of framing risk-taking were considered alongside young offenders understanding of their offending behaviour, in doing so I was able to explore the data to establish emerging similarities and/or differences that was made possible when bringing together these otherwise separate lines of thought. Inspired by Silverman's (1985) research-based strategy, which is argued as being a useful approach for research that bridges the macro/micro divide, this study drew upon a Foucauldian influenced discourse analysis of risk.

3) Analysis and Discussion

Chapters seven to ten are structured around the analysis of the substantive research material. The analysis of the research findings were discussed under four emerging themes; these were 1) Risk (chapter seven), 2) Knowledge, Power and Risk (chapter eight), 3) Escapism (chapter nine), and 4) the Importance of Mattering (chapter ten).

The application of a discourse analysis opened up to scrutiny a language of risk and risk discourses to explore the usefulness of risk assessment as a means to understanding offending behaviour and how this compares to the meanings young offenders attached to their behaviour. Theme one – Risk – presented a descriptive account of the ways in which an expert language of risk was utilised to assemble and construct risk and 'risky behaviour' within risk assessment. Theme one described the ways in which risk was assembled and the information probation officers drew upon to compile an offender's risk assessment and pre-sentence report. I proposed that information used to compile an assessment was largely a concealed process as a result of the risk assessment process. Overall, the analysis and discussion of theme one demonstrated the way in which an expert language of risk was utilised to categorise those at risk of harm, classify risk levels of harm, construct behaviour as risky, and utilise past behaviour as a predictor of risk. Theme two – Knowledge, Power and Risk – discussed the ways in which a language of risk discourses positioned the expert as having authority and how, in

contrast, an expert discourse of risk positioned the young offenders as having no voice. The overall aim of theme two was to unravel how knowledge around risk assessment creates power interests in relation to 'expertise knows best' and how this positions the young offender. The key findings of theme two demonstrated the competing ways in which 'risky behaviour' is thought about within criminal justice when compared to a young offender's understanding of their behaviour, particularly in relation to resisting authority, compliance and motivation to change.

In contrast, theme three – Escapism - and theme four – the Importance of Mattering – presented an account of the ways in which young offenders described their offending and how this was similar and/or different to the ways in which 'risky behaviour' was constructed in expert discourse. Against a backdrop of expert discourse that constructed offending and offending related behaviour as negative or problematic, the key findings within theme three provided insight into an alternative discourse that positioned offending and offending related activities as a positive experience, particularly around drug and alcohol use. I proposed that offending, which was considered as a constructive activity that was fun and exciting by some young offenders, offered them an opportunity to escape or manage their everyday. Theme four – the Importance of Mattering – explored the relevance of mattering to young offenders in relation to their behaviour. I proposed that it was the way in which mattering manifests and the potential consequences of not mattering that was of significance to the analysis and discussion of this study. For example, the key findings illustrated the extent to which feelings around failing to matter had manifested as self-destructive and violent behaviour, including suicidal behaviour. I also explored the way in which some young offenders had described their experience of an absent parent, through either death or abandonment, and how this had influenced their behaviour. I concluded theme four by discussing the benefits that some young people felt would be gained from talking about their offending and anger, perhaps through counselling or anger management.

Collectively the analysis and discussion of these four themes demonstrated the varied and diverse meanings that were attached to offending and the ways in which offending was constructed as both a negative and positive experience. On the whole, the points raised within the analysis and discussion of this study proposed an alternative way of thinking about risk and risk-taking behaviour.

4) Conclusion

The concluding chapter of this thesis draws together the research findings with established theoretical approaches to framing risk. In doing so, I provided an account of the key findings within this study and their relevance to the overall research objective. I go onto to discuss the study's overall contribution to knowledge, proposing a more useful approach for the application of future research-based strategies (see section 11.6.1) and I end the chapter by proposing four areas for development for policy and practice, as well as considerations for the direction of future criminological and sociological research agendas.

Chapter Two: Assessing Offender Risk

2.1 Introduction: Risk Assessment as a Process

Current risk assessment practices have long been adopted by criminal justices agencies as a means of objectively and mechanically measuring offender risk. Practitioner observations that are recorded during the assessment process of an individual, such as static and dynamic offending related factors, are driven by statistical understandings of the relationship between criminogenic factors¹ and the offending behaviour in question. The analysis of (criminogenic) risk-factors, which are linked to the identification of (criminogenic) needs-factors, become the primary focus for interventions and treatment (Bonta 1996). It is only those needs that are linked to criminal behaviour which are supposed as legitimate for concern and thus assessed in an attempt to best determine how to intervene when addressing offending behaviour (Home Office 1997). To achieve this, risk must first become a visible entity, a medium by which behaviour can be categorised and problematised. Problematising behaviour in this way ensures that practitioners focus less on individual needs and more upon generic and actuarial-based methods with a view to identifying offending-focused solutions within a framework of punishment, rehabilitation, reparation and public protection (Kemshall 1998). Risk

¹ There is significant ambiguity around the term 'criminogenic' within academic literature and within technical manuals designed to advise professionals who administer risk-assessments. In part, this is because risk-assessment models have developed from the identification of risk factors and shifted towards the identification of both risk and need factors. Criminogenic factors that are linked to criminal behaviour are defined 'as any area where the offender currently has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of reconviction....criminogenic factors are those which predict reconviction' (OASys User Manual, 2002, p1). More recently, the terminology has changed and is often referred to criminogenic risk/need factors - with criminogenic risks referring to static (or unchangeable) factors such as offence history, and criminogenic needs referring to dynamic factors such as unemployment and drug misuse which are targeted for modification by treatment programmes (Hannah-Moffatt and Maurutto 2003). Unless otherwise stated this thesis will use the term criminogenic factors when referring to both risks and needs.

assessment becomes a process of providing a dual function of identifying criminogenic risk/need factors that co-exist alongside a process of risk management, bringing together a range of otherwise separate lines of thought and practices under the remit of justice (Brown 2000). It is here that risk becomes known through embedded technologies of power and knowledge that are mobilised through over-arching systems of risk management to control and regulate offending behaviour (Foucault 1977). Furthermore, conceptualised notions and discourses around risk become grounded in contemporary penal practices as the relationship between contemporary society and risk emerges as a form of social and crime control (Feeley and Simon 1992, Rose 2000).

Mobilising risk in this way draws attention to the mechanisms that are used to translate expert knowledge into practice. Assessment tools that act as a mechanism for considering risk become a vehicle by which practitioners are able to respond to and manage risky behaviour. Risk assessment tools can therefore become a means for conveying power and knowledge regardless of the varying levels of understanding or knowledge which practitioners draw upon in order to carry out such practices of assessing risky behaviour. With this in mind, it could be suggested that there is an embedded presumption attached to the accuracy of the assessment process. This is where practitioners routinely implement risk assessment tools with the added assumption that the underlying principles or the hypothetical theory that defines risk assessment as a process can and has accurately explained the phenomena. This raises the question how effective are current risk assessment processes that claim to be able to understand offending and reduce recidivism? How accurate are risk assessment tools when considering their dependence upon practitioner knowledge and professional judgement? What's more, what benefits are derived from (and by whom) an exchange of power that lies within and between risk assessment processes and a professional's decision-making ability? It could be suggested that risk assessment tools are utilised as a means to regulate practices amongst criminal justice professionals in the interests of cost-efficiency and evidence-based practice. It could also be suggested that risk assessment tools, which may restrict the discretionary decision-making processes of practitioners, also limits the creativity of prescribing effective interventions when available resources are predetermined by levels of risk and risk scores. Finally, how

effective is an assessment process which responds to and manages offending behaviour by situating individuals according to the level of risk they pose?

In order to be able to explore these issues further, it is necessary to understand the processes of change that have underpinned the development of risk assessment tools. In this chapter, the terrain of risk assessments as a process is mapped to identify epistemological meanings associated with and attached to current understandings relating to the workings of assessment tools, their development and implementation, and the use of expert knowledge and professional judgement as part of a decision-making process. By exploring current thinking around the use of risk assessment tools and their development, and by mapping their relatively recent rise in popularity, this chapter will also be able to consider the workings of power and the formation of knowledge that are directly concerned with describing and distinguishing risk assessment practices within criminal justice. This chapter will first explore the role of knowledge and its relevance to the construction of risk assessment practices as a process.

2.2 Knowledge as a Process of Measuring Risk

Describing and defining the process of knowing (May 1994) draws attention to fundamental questions of knowledge that are often a central concern for academics who document criminological theories, decision-makers who translate criminological theories into policy and practice, and practitioners who implement frameworks relating to the welfare and the empowerment of effective processes of care. What should count as knowledge? Where do we begin to understand and obtain knowledge about the world? Is it enough to say “we know” for something to count as knowledge? Or does it have to be scientifically grounded as knowledge before we can begin to accept something as either a valid understanding of the world or a legitimate theory? (May 1994). These questions and similar ones comprise a starting point for any epistemological debate that focuses on paradigms of risk as a justification or basis for understanding or knowing the nature of criminogenic behaviour.

The particular value of epistemological approaches in this sense enables the development of knowledge as a structured decision-making process that can be differentiated from opinion (May 1994). This argument is based around the development of an enriched understanding through scientific processes of testing and retesting, where (empirical-based) knowledge is regarded as a superior product of ‘good science’ (May 1994, p12). Current discourses around the epistemology of offender-related risk suggests that professional disciplines, particularly within criminal justice, embrace the complexity of knowledge around risk discourses on the understanding that scientific and empirical-based knowledge is distinct from and superior to other forms of professional (or practitioner²) knowledge (May 1994). Some critics argue that professional knowledge is based upon intuition and creativity that is often derived from qualitative methods such as unstructured observation and interviewing (Brown 2000, Bonta 1996, May 1994). Critics of qualitative investigative methods argue that the predictability and replicability of non-measurable processes (that are inherently viewed as non-scientific) lack the structured analytical processes which are needed to guide professional decision-making, resulting in a decision-making process based around gut-feeling (Bonta 1996, p19, May 1994 p12). At best, this implies that professionals possess a level of know-how (Pritchard 2006) or ability-knowledge³, whilst at the same time failing to acknowledge the intellectual processes which contribute towards and account for non-empirical⁴ inquires of gaining knowledge or understanding processes of assessing and measuring risk (Moser 2002). However, some critics have questioned the extent to which professionals are able to endorse professional-based judgements and

² May (1994) refers to professional knowledge as ‘practitioner’ knowledge (May 1994, p11), this is partly because her essay entitled ‘Abstract Knowing’ applies the philosophy of epistemology to the practice of nursing.

³ Ability knowledge refers to the knowledge of how to do something without necessarily having an understanding of how this is achieved. For example, to ride a bicycle, to drive a car, or to operate a computer requires a level of ability knowledge without having to acquire knowledge about the underlying mechanism that enable the bike to work or the computer to operate (Pritchard 2006).

⁴ Non-empirical propositional knowledge is also referred to as ‘a priori’ knowledge. A priori knowledge is widely regarded as knowledge of ‘logic truths’ and should explain what the relevant purely intellectual processes are and how they contribute to non-empirical knowledge (Pritchard 2006, Moser 2002, p3).

decisions with the same level of accurate and reliable logic and reason that is arguably acquired from actuarial-based analytical methods (Pritchard 2006, Moser 2002).

In contrast, it is generally accepted that the conventions of scientific knowledge provides a structure in which replicability of procedures and verifiability of findings amount to a rich and extensive body of knowledge (Kitcher 2002, May 1994). This is partly because findings are seen to be the direct result of the measurable process of empirical knowledge⁵ and can therefore be verified and replicated and thus judged to be knowledge (Kitcher 2002, May 1994). The analytical processes of empirical knowledge in relation to methods of discovery and scientific analysis become the result of what are considered transparent and explicit lines of inquiry. If it is accepted that (non-empirical) professional knowledge fails to make visible the relevant intellectual processes of knowing and how knowledge is developed and therefore becomes a less than feasible option as a result, then the question of how knowledge is developed as an intellectual process of knowing also needs to be applied to empirical knowledge (Moser 2002, May 1994). Crime analysts and social science researchers routinely talk of “what we now know” in a sense that knowledge is subject to change, however, they fail to address the internal processes by which knowledge becomes apparent. May (1994 p13) and Rose (1998 p187) refer to this as the ‘black box’ phenomenon, in that technique and rigour may not entirely explain how crime analysts or social science researchers came to a specific conclusion from a specified hypothesis. A black-box approach to risk assessment would imply that practitioners who utilise risk assessment tools are aware of which information is needed to conduct the assessment and are familiar with the outcomes of a risk assessment but may not be as familiar with the processes that are employed to construct knowledge around risk and risk analysis. This is reinforced by May’s theory (1994) that a black-box approach to knowing promotes a certain kind of magic in scientific methods, as she states ‘we can identify input and output, but what happens between the two is sometimes unknown’ (May 1994, p13). It could be suggested that scientific methods of acquiring knowledge adopt a sense of superiority,

⁵ Empirical propositional knowledge is also referred to as ‘a posteriori’ knowledge. A posteriori knowledge is widely regarded as knowledge of the existence or presence of physical objects and should explain what sensory or perceptual experience is and how it contributes to empirical knowledge (Moser 2002, p4).

not only because they are regarded as demonstrating reliable and verified measures, but also because they require a specific and specialised knowledge in order to be challenged. This raises the question how are risk assessment tools constructed within a scientific epistemological framework and how viable are risk-assessment methods that are designed around objective ways of understanding offending behaviour.

2.3 Constructing Risk Assessment Practices as a Process

Bonta's (1996) systematic and structured review of risk assessment tools clearly encapsulates the epistemological challenge in understanding the dynamics associated with measuring and analysing risk. His generational developmental (Brown 2000) framework aims to draw together a theoretical rationale for enhanced efficiency and effective decision-making within the risk-assessment and treatment of offenders (Gottfredson and Gottfredson 1986). Focusing on the assessment of offenders, Bonta (1996) differentiates between contemporary assessment strategies by proposing three developmental phases, namely *first-generation*, *second-generation*, and *third-generation assessments* (Bonta 1996, p19). The strength of Bonta's generational framework lies in his ability to recognise the importance of outlining factors which contribute to the assessment process and the acknowledgement of the epistemological developments which underpin the assessment process as a whole. However, the development phases of the risk assessment models are acknowledged in isolation of the offender, failing to take into consideration the impact that recent changes may have upon the overall rationale and function of the assessment process. Still, Bonta provides a useful account of the construction of assessment practices which will act as a starting point for discussion in relation to exploring what can be understood by *risk measurement as an assessment process*.

2.4 First Generation Risk Assessment Models – Professional Judgement

First generation assessments, Bonta (1996) argues, were those grounded in ‘subjective assessment, professional judgement, intuition and gut-level feeling’ (Bonta 1996, p19). The logic behind this kind of approach to assessment is that professionals, through the application of professional training, specialised knowledge and experience, are able to offer a professional explanation relating to the problem under consideration. For example, a practitioner interviews and/or observes an individual offender, perhaps asking a series of questions or employing a checklist developed by professionals to determine any provisions that may be needed. Individual characteristics are considered as a whole, providing practitioners with insight into the individual offender’s lifestyle, attitudes, behaviours, personal history and social skills (Sutton 1994, Litwack, Kirschner and Wack 1993). This type of assessment typically involves a *professional judgement*⁶ to be made by a practitioner in order to determine the potential harm a specific individual may pose either to themselves or to others (John Howard Society 2000). Professional practitioner-based assessments in this way are essentially a two-way interpersonal process, where the practitioner is empowered by the authority of decision-making as a faculty to manage the behaviour of offenders through rehabilitative interventions. That is to say, the underlying authority of first generation

⁶ Bonta (1996) classifies ‘professional judgement’ as a *first-generation assessment* framework (Bonta 1996, p19). Bonta’s reference to *first-generation assessments* as a ‘professional judgement’ has been replaced with ‘clinical judgement’ in Brown’s (2000, p94) critique of Bonta’s generational model. Other scholars, including Hannah-Moffat (2005, p32) and Hoge (2002, p36) refer to both ‘professional judgement’ and ‘clinical judgement’ within their academic debate. Overall, scholars have failed to document the ambiguity surrounding the use of these terms. Furthermore, it could be suggested that the language of *clinical judgement* can be deconstructed to be understood as a sterile, impersonal approach to treatment; a practical process unaffected by personal judgement, void of subjectivity or emotion. In that, *clinical* based approaches involve the examination and re-examination of tests and test-results under which a solution can be found, as opposed to the one-to-one, in-depth informal interview/observational approach to offender care that is advocated within professional judgement based practices. As a result, this thesis will focus on the term ‘professional judgement’; this is partly because the author wishes to maintain the authenticity of Bonta’s works and partly because ‘clinical judgement’ predominately derives from a psychological/medical school of thought, and as a result fails to reflect the specialist knowledge of applied criminology within the practices of the Criminal Justice System.

risk assessments is primarily represented by the professional-practitioners ability to make discretionary judgements which bridges their specialist knowledge and experience with the needs of an individual offender.

A major weakness of *first-generation* assessment tools, according to Bonta (1996), lies in the considerable variability of the decision-making process; this is largely a result of the lack of clear and consistent criteria that validates operational systems of governing. This is in part because the questions that are asked as part of the assessment process, which are predominately derived from practitioner experience, are generally considered subjective, inconsistent and unstructured. Other scholars have also critiqued the reliability of professional judgements as a practice for assessing offender behaviour; Wiebush et al (1995, p173) have argued that 'risk assessment and classification have been informal, highly discretionary procedures carried out by individuals who have varying philosophies and different levels of experience and knowledge, and who use dissimilar criteria in the assessment process'. Similarly, some scholars believe that the subjectivity of *first-generation assessments* has contributed towards an inconsistent and invalid knowledge base, whilst undermining the legal, ethical and practical application of such tools (Hoge 2002, Gottfredson and Gottfredson 1986). Decisions around individual characteristics of offending, offending behaviour, and treatment needs, are generally based upon vague guidelines and inconsistent information that is derived from subjective interpretation, as opposed to the empirical rigour that characterises more recent actuarially-based risk assessment instruments (Brown 2000). Furthermore, some scholars also believe that *first-generation* risk assessments become legally, ethically and practically challenged as a result of such subjectivity; and that accountability and defensibility becomes difficult to demonstrate, particularly when a basis for understanding offending is considered as being drawn from a framework of principles and experiences (Andrews and Bonta 1998, Gottfredson and Gottfredson 1986). Still, risk assessment tools, which have relied heavily on the unstructured judgements of skilled practitioners, have been discredited by scholars, practitioners, and researchers as a result of their subjective nature, often described as providing differing and contradictory responses to the level of harm posed by an offender (Hoge 2002, Brown 2000).

Whilst it has been demonstrated by some scholars (see Hoge 2002, Andrews and Bonta 1998, Brown 2000) that judgement-based risk assessments signify inconsistency and inaccuracy in terms of the prediction of re-offending, scholars on the whole have failed to explore the potentially positive impact of discretionary decision-making and professional-judgements upon the quality of individual assessments, especially in relation to matching offender needs with available resources in a bid to reduce recidivism. As a result of the growing interest in the process and principles that demonstrate cost-effective and efficient risk management and risk control, professionally based judgements have subsequently been abandoned in favour of techniques whose success is measured by decreased recidivism and decreased reconviction rates. Still, an increasing prison population and increased recidivism prompts one to consider the overall effectiveness of risk assessment tools as a mechanism for reducing re-offending and whether a shift from professionally based judgements to actuarial-based assessments has resulted in an over-reliance on what can be considered as only one aspect of offender rehabilitation.

2.5 Second Generation Risk Assessment Models – Static Actuarial Risk Models

Second-generation risk assessments (Bonta 1996) emerged largely as an artefact of empirically-based research which focused on the prediction of the success or failure of offenders released from custody on parole (Burgess 1928 [1968]). Due to the perceived subjectivity, lack of consistency, and lack of validity of first generation risk assessments, these methods of assessment were abandoned in favour of what appeared to be empirically sound actuarial practices, namely *second-generation risk assessments* (Hannah-Moffat, 2005, Bonta 1996).

Empirically driven, evidence-based offender risk assessments originated from two fundamental studies in the United States by Hart (1923) and Burgess (1928 [1968]). Burgess's study (1928 [1968]), perhaps the most academically acclaimed, sought to obtain an understanding of the association between offenders, their offending behaviour, and recidivism in a step to improve the decision-making process of the Parole Board

and the treatment of their prisoners. This was achieved through the development of what was considered a sound systematic foundation which would identify key factors associated with the likelihood of recidivism for paroled men. Burgess identified 21 equally weighted risk factors that differentiated parole success from failure; each factor was assigned a risk score of one, thus the higher the collective score the greater the likelihood of recidivism (Bonta 1996). Actuarial-based risk assessment tools were developed through empirical-based research and the identification of risk factors and risk scoring. Some scholars recognise that the actuarial approach developed by Burgess (1928 [1968]) remains the 'gold standard' for risk assessment development to date, or at least that Burgess's study represented a pioneering attempt to objectify and empirically rationalise offending behaviour (Schewalbe et al 2007).

By the 1980's, actuarial tools were widely used in penal practice to predict recidivism and levels of risk; furthermore, most objective risk instruments adopted a scoring method or a variation on the weighting⁷ methodology (Bonta 1996, Maurutto and Hannah-Moffat 2005). Some of the more prominent tools that were used in the United Kingdom included the Risk of Reconviction (ROR) Scale and the Offenders Group Reconviction Scale (OGRS) (Copas et al 1996). These risk assessment tools were based upon empirical research and were primarily designed to differentiate between risk categories and levels of risk, for example to determine a level of low, medium, high, or very high risk for each individual offender in relation to their likelihood of re-offending (Hannah-Moffat 2005, Bonta 1996, Maurutto and Hannah-Moffat 2005). This is achieved through the measurement and classification or grouping of offenders which is determined by risk factors that are static in nature.

Static risk factors focus less on individual characteristics and more on objective variables that are not subject to change, namely historic aspects of offending behaviour and demographic criteria, such as age of first offence, criminal history and type of

⁷ The OASys user manual describes the calculation of risk reconviction and its relevance to weighting data as follows 'the risk of reconviction is calculated from all the information about the various dynamic risk factors and the data recorded about the current offence and criminal history. Research has shown that not all offending-related factors are equally correlated with the likelihood of reconviction, this is why the raw scores are weighted....weighting the scores also enables a direct comparison to be made...' (OASys User Manual, 2002, p121).

offending behaviour. Thus, static risk assessment models provide fixed levels of understanding risk and risk-taking behaviour, which are in turn, utilised to predict offending behaviour and facilitate supervisory decisions (Schwalbe et al 2007, Maurutto and Hannah-Moffat 2005). It is here that any given criteria can easily and quickly be assigned a risk-score through the production of numerical calculations and subsequently reduce the need for extensive labour intensive assessments. Risk assessment strategies in this sense fail to incorporate professionally-based judgements which may enable practitioners to pay particular attention to the likelihood that an offender could re-offend, instead drawing upon actuarial-based judgements that focus on an individual possessing characteristics associated with re-offending (Hudson 2003). This type of catch-all approach to assessing offenders places an emphasis on visible, practical and accountable risk, and draws attention to individuals who possess all the characteristics or predictive signs associated with offending. The danger here is that predictions of the likelihood of re-offending can result in *false negatives* – when someone who is not predicted to re-offend does, or *false positives* – when someone who is predicted to re-offend does not (Hudson 2003, p48). Webster et al (2006) argues that the static actuarial risk factors which are usually associated with offending, such as truanting, single parenthood, educational low-achievement, and disruptive childhoods can also be equated with poverty and that ‘the narrowing down of risk factors to the family, parenting, truancy, and peer groups, reflects more a process of political expediency... than any genuine attempt to understand the causes of criminality’ (Webster et al 2006, p12). Risk assessments then, may appear to present a development towards accuracy and effectiveness, but to what extent do risk assessments serve as a (politically-fuelled) mechanism for organisations in attempts to respond to crime, regulate staff, govern offending behaviour, and limit accountability.

An acknowledged limitation of actuarial-based risk assessment models can be found in their inability as objective instruments to determine the rehabilitative needs or treatment interventions of offenders (Bonta 1996, Maurutto and Hannah-Moffat 2005). That is to say, there has arguably been an over-reliance on actuarial-based assessments that are based upon static factors relating to offending, which has in turn, inhibited practitioner-based judgements and the identification of the rehabilitative needs of individuals in favour for the management of offenders. Still, it becomes apparent when exploring

documented advances in offender risk assessment, that actuarial approaches to assessing risk, have until recently, been favoured over assessments based on professional judgements as a result of their ability to improve consistency in information processing and their predictive validity (Schwalbe et al 2007, Hoge 2002, Wiebush et al 1995, Champion 1994). The main strength of actuarial methods lies in their reliance on clearly articulated risk factors or indicators which are grounded in empirical data, but the utility of actuarial-based assessments is limited in that they are based on and intended for the classification and categorisation of groups or populations. This means that they are not sufficiently expert or accurate predictive tools of risk in respect of the individual; similarly, they are equally unable to provide professionals with assistance in terms of identifying appropriate interventions which might reduce risk-taking behaviour. As a result, the practitioner remains invaluable in providing a professional judgment or a discretionary decision which may prove a more appropriate outcome when determining suitable rehabilitative interventions. Nonetheless, the underlying rationale of assessment methods is to ensure that practitioner processes and procedures are informed and guided by an objective knowledge process or way of thinking, which in turn has brought with it a shift in power interests. Where once practitioner knowledge acted as a mechanism for addressing re-offending and assigning appropriate interventions to offender-related needs, this has been replaced by a risk assessment method that is geared towards increasing efficiency and effectiveness amongst practitioner productivity and service provisions. Consequently, it could be suggested that actuarial based assessments retain a position of hierarchy over the practitioner and their decision-making processes.

2.6 Third Generation Risk Assessment Models – Criminogenic Risk - Needs Assessments

Parole prediction studies provided the foundation for second-generation assessments that went beyond the intuitive strategies of first generation assessments in an attempt to quantify the relationship between offending behaviour and offending outcomes. Accumulating academic studies have acknowledged the validity and accuracy of their ability in identifying risk factors which are concerned with the prediction of criminal

behaviour (Farrington 1997, Hawkins et al 1998, Lipsey and Derzon 1998). Whilst static actuarial risk assessment tools remained popular amongst practitioners; academics were beginning to highlight gaps which had emerged between identifiable risk factors as predictors of recidivism and the rehabilitative potential of offenders and offender management (Brown 2000, Bonta 1996). This is partly because static actuarial risk assessment models were noted as providing ‘no instruction or direction for the type of management and treatment of an offender most likely to bring about positive change, therefore limiting the capacity to help staff lower an offender’s degree of risk’ (Wormith 1997, p1). Thus, actuarial methods were described as limiting in that they are unable to provide accurate predictions of risk in respect of individuals, nor are they able to assist practitioners in identifying appropriate interventions which might aid in the reduction of risk (Bottoms et al 2004). Furthermore, actuarial-based risk assessments, which focus on static variables alone, fail to accurately reflect individual offenders related needs or potential to rehabilitate. This is because static risk factors tend to focus on measures which are historic in nature (for example, offence type, criminal history, parole failure, previous sentencing, drug use history, see Andrews and Bonta 1998). On the whole, this means that second generation risk assessments successfully collect valuable information relating to an individual’s offending history, but are less than adequate in identifying offender-related needs which may underpin offending-related behaviour. The concern here however, is that individual offenders are offered rehabilitative interventions, in a bid to reduce the likelihood of future re-offending, which are based upon historic measures. As a result, practitioners are unable to apply these tools to measuring change in behaviour, equally practitioners are unable to measure change in relation to the level of risk an offender may pose, all of which are crucial in identifying which interventions effectively reduce re-offending behaviour with a particular individual. It is principally in light of these limitations that third generation assessments, which primarily focus on criminogenic risk-need factors, were developed, shifting the focus away from static actuarial risk predictors towards a process that, albeit embedded within risk predictors, is both static and dynamic in nature.

Third generation offender assessments distinguish themselves from second generation assessments in that they systematically and objectively measure offending-related needs

by linking the assessment process of measuring risk with an overall focus on the rehabilitation and treatment of offenders (Andrews and Bonta 1998, Bonta 1996). Rehabilitation is derived from an epistemological understanding that offenders do and can change, and can be defined as ‘an intervention to reduce recidivism’ through change (Bonta 1996, p29). It has been recognised that the notion of the measurement of change fundamentally separates static actuarial assessments from criminogenic risk-needs assessments (Bonta 1996, Brown 2000, Andrews and Bonta 1998), which has in turn generated a revised understanding of risk assessments. In effect, criminogenic risk-need assessment tools attempt to identify and reduce the uncertainty of chance for re-offending by matching treatments to the level of risk an offender may pose. For example, low intensity provisions for lower risk offenders and more intense provisions for higher risk offenders. Some scholars have recognised the effectiveness of the risk principle in reducing recidivism (see Andrews et al 1990, Andrews and Bonta 2006).

Equally as important in the allocation of treatment interventions is the recognition that rehabilitative provisions are less likely to be effective with low risk offenders, however it is unclear as to whether the reverse is true (Andrews et al 1990). Scholars have suggested that the allocation of rehabilitative provisions to higher risk cases maximises an individual’s chances of success as well as protecting the credibility of the programme (see Stenson and Sullivan 2001). As a result, the criminal justice system and its agencies have recognised the need to deliver rehabilitative focused services in a bid to measure change and manage risk through the assessment of needs (Bonta 1996). However, resources are often limited, particularly by departmental budgets, thus efficiency and effectiveness becomes paramount in the allocation of treatment provisions when assessing an offender’s level of risk and their subsequent needs. As Bonta clearly identifies:

‘there is an acceptance of the need to deliver rehabilitation services if we are to manage risk. Treatment services cannot be given to everybody because of the costs involved, nor can they be randomly assigned as in a lottery. Treatment must be matched to the “need” of the offender’ (emphasis in original, Bonta 1996, p22)

With this in mind, Bonta (1996, also see Brown 2000) argues that it is essential to draw together measures of offender-related risk with a linked assessment of criminogenic risk-need factors in order to effectively address the treatment needs of offenders. Rather than understanding risk as an artefact of systematic categorisation and measurement processes, as is evident in second generation assessments, criminogenic risk-needs assessments enable practitioners to link criminogenic needs with risk-taking behaviour. As a result, programmes that are designed and utilised to target criminogenic risk-need factors have come to be regarded as a fundamental approach to reducing crime (Bonta 1996). This means that the overall effectiveness of third generation risk assessment tools lies in their ability to identify areas of risk as well as areas of need. Therefore, for an assessment to be implemented completely an individual offender will need to be assessed as being *in need* which must also imply that they have been assessed as being a risk or at risk. By measuring risk and need in this way, risk assessment tools are in effect focusing on and addressing an offender's needs as an alternative risk-factor (Kemshall 2003, O'Malley 2001). On the whole, this suggests that risk assessment tools have seemingly advanced in complexity as a practice, yet underlying notions of problematising risk within criminal justice systems have failed to advance in the same way despite academic advancements relating to crime control and crime management. Still, in the absence of alternative means of understanding risk and risk-taking behaviours, addressing criminogenic risk-needs has become one of the fundamental aspects to challenging recidivism. Interventions that aim to target an offender's criminogenic risk-needs have come to form a practical approach to reducing crime. Inevitably, the effectiveness of criminogenic risk-needs assessments in identifying offender related needs is largely dependent upon a parallel process of risk management. A risk management process that is not only able to assess risk but that is also able to accommodate the implementation and supervision of interventions that are recognised as being required to reduce recidivism.

2.7 Decision-Making as a Professional Judgement

Criminogenic risk-need assessment tools are, on the whole, instrumented as being more effective and efficient at identifying levels of risk in the belief that such measures would enhance the accuracy of professional decisions and allow for targeted interventions and resource allocation (Hannah-Moffat 2005, Andrews and Bonta 1998). It is here that the concept of need is fused with the concept of risk to create a dynamic criminogenic risk-need framework. The general consensus within criminology literature is that criminogenic needs are linked to criminal behaviour, and thus, the identification and reduction of need levels are paramount to the reduction and management of criminal behaviour as an efficient risk minimisation strategy (Hannah-Moffat 2005, Andrews and Bonta 1998, Bonta 1996). Furthermore, an offender's progress is determined by a criminal justice agency's ability to adequately address and manage an offender's identified risks and needs. Following this line of reasoning, it becomes apparent that the success of reducing offending behaviour is largely dependent upon the accuracy of professional decisions and judgements, in conjunction with classification systems and statistical reasoning.

The identification of offender needs and their level of risk stems from classification systems and statistical reasoning which are instrumented through risk assessment tools. On the surface, risk-need assessment tools appear to adopt an empirically driven, objective mechanism for measuring risk. However, it could be argued that assessment tools are unable to accommodate the professional judgements of the practitioner who not only completes the assessment process but who may also organise the necessary interventions needed (Andrews and Hoge, 2002). May (1994, p13) and Rose (1998, p187) refer to this process as 'the black box' phenomenon, where the risk assessment process 'render invisible and hence incontestable, the complex array of judgements and decisions that go into a scale and a number' (Rose 1998, p187). With this in mind, it becomes apparent that the success of reducing offending behaviour is largely dependent upon the accuracy of professional judgements and decisions and it is not solely determined by the classification systems and statistical reasoning which risk assessment tools comprise of. It could also be argued that the exercise of incorporating professional

judgements into risk-need assessments made these tools more appealing to practitioners; this is partly because they allow for individual judgements to be made about any one offender, judgements that are embedded in statistically relevant risk-need measures (Hannah-Moffat 2005). At the same time however, the analytical processes which validate the utilisation of risk assessment tools cannot account for the discretionary judgements applied by professionals. The danger here lies in the possibility of producing differing conclusions relating to the level of risk an individual offender may pose or the possibility of producing conflicting rationales which may undermine the focus of the proposed rehabilitative intervention. Hoge (2002) argues that some measure of professional discretion is important as ‘professionals in any human service agency must be given some latitude to tailor their decisions to the individual needs of clients’ (Hoge 2002, p382). Thus, the importance of a professional decision lies in a practitioner’s ability to recognise how far decisions are based upon professional judgements, and to what extent professional judgements were integrated into the decision-making process (Hoge 2002).

2.8 Discussing Bonta: Deconstructing the Utility of Risk Assessment Tools

Current notions of framing and understanding risk have come to adopt negative associations; chance and uncertainty are implied as resulting in the likelihood of or exposure to, danger, harm, or loss (Lupton 1999). Risk assessment tools are utilised in an attempt to identify and reduce the uncertainty or chance of re-offending. This is achieved through the utilisation of formalised methods of assessment and calculation (Kemshall 2003). Focusing on the assessment of offenders, Bonta distinguishes between professional judgement-based assessment processes and actuarial-based assessments in the advancement towards structured risk assessment tools.

Whilst reviewing *first-generation* assessment processes, Bonta (1996, p19) observed that an over-reliance on these methods inhibited the development and growth of knowledge on criminal behaviour and the effectiveness of interventions. Bonta fails to elaborate this point, but discretionary decision-making relating to offender care could

potentially undermine the effectiveness of decisions that are based upon empirical knowledge. It could equally be suggested that a decline in the utilisation of professional-judgement as a practical approach, fuelled by changing political and economic policies, has brought with it a dependency on empirically-based knowledge as a means to assessing risk, which in turn has qualified a rise in the popularity of a new mode of governance or actuarial justice. As a result, professional methods of intuitive reasoning have arguably been advanced by sophisticated actuarial models in what has been described as a 'linear, generational, developmental' (Brown 2000, p95, Maurutto and Hannah-Moffat 2005, p3) attempt to address the gap between crime control and individual characteristics of offending behaviour. By adopting a linear developmental view of Bonta's generational framework, scholars are primarily attaching a positivist approach to the epistemological development of risk assessment tools, in that 'a positivist paradigm is seen to proceed logically from previously established knowledge' (May 1994, p13). Suggesting that Bonta's generational model adopts a linear developmental process would also suggest that risk assessment tools have developed interdependently, whilst at the same time displacing previous tools in a succession of assessment tools, indicating that a theoretical time-line could be applied to Bonta's generational model of risk assessments. However, it is difficult to establish any dimension of time when considering Bonta's review of the offender risk prediction literature. This is partly because Bonta reviewed the historical research literature relating to the risk assessment tools of offenders, systematically categorising those tools which were intrinsic in their practical approach to measuring risk as opposed to providing a detailed chronological catalogue or description of risk assessment instruments. As a result, there is no clear distinction between those tools which are currently practiced and those tools which may have become redundant. Furthermore, Bonta's review tends to focus upon the superiority of each advancing generation of assessment tools with reference to their practical application, arguably glorifying the overall performance of actuarial, evidence-based risk assessment tools, which according to Andrews and Bonta (2006, p287) 'outperforms' professional judgement based assessment tools. As a result, little attention has been given to the weaknesses of actuarial-based risk assessment tools and the overall application of risk-focused offender assessments have remained unchallenged.

Although risk assessment instruments are becoming increasingly popular amongst criminal justice agencies and their staff, there is a growing body of academic literature to suggest methodological concerns relating to actuarial based risk assessment tools which stem from risk prediction and the limitations in risk prediction research (see Austin 2003, Gottfredson 1987, Tarling and Perry 1985, Simon 1971). Austin (2003) suggests that many actuarial-based risk assessment systems have been implemented without first being properly designed and tested. In part, this is because the predictive accuracy of risk assessment tools, as a function of its validity and reliability, have largely remained uncritically accepted. For example, offender-based risk assessment tools were primarily designed around actuarial-based insurance models and are arguably unsuitable for assessing decisions around custody, supervision or punitive sanctions. Furthermore, actuarial based understandings of offender risk and criminogenic risk-need factors are based on descriptive characteristics of populations of offenders in order to predict the likelihood of re-offending of individual offenders. Understandings of risk and risk measurements made in this way are open to interpretation of accuracy, because ‘no risk assessment tool can be better than the data from which it is constructed’ (Gottfredson and Moriarty 2006, p183). Moreover, statistical validity is restrained by reliability, thus, if a risk assessment tool is deemed unreliable, it becomes difficult to portray it as a valid instrument (Austin 2003).

By systematically framing risk assessments, it could be suggested that Bonta (1996) attaches a hierarchical distinction between conceptual and technical notions of risk within Criminal Justice, implying that conceptual notions of risk have remained unchanged throughout the developmental process, whilst analytical approaches to measuring risks have progressed in-line with a changing governing ethos. One implication of this is that relevant concepts of risk are used to justify the policy needs of governments and key decision-makers in a bid to influence the production of empirically-based knowledge and discourses around crime causation, crime-control, crime prevention, and the treatment of offenders⁸ (Walters 2003). An example can be

⁸ As the twenty-first century has progressed, ministerial and public policy has become increasingly pre-occupied with lay perceptions of risk, and recent research studies have sought to identify why public perceptions of risk and crime are at odds with official government information. On the whole, recent research studies have attempted to establish key influences

found in the government's recent attempts to tackle the pressures faced by the Prison Service as the prison population continues to rise and as prison establishments remain full-to-capacity. Steps taken to resolve the growing concern of prison overcrowding have resulted in a radical review of contemporary penal practice and the classification of offenders. As a result, some offenders are given early release on licence from custody, thus creating the illusion that more prison spaces are available for those offenders who are being held inappropriately in police and court cells under Operation Safeguard⁹ as a direct result of current prison overcrowding. Where in the past an offender would have been subjected to the parole criteria of a prison establishment to determine appropriate resettlement into the community, recently developed government proposals¹⁰ can override existing legislation in an attempt to reclassify offenders as more suitable, or less-risky, for resettlement into the community. Reclassification in

on lay perceptions of risk and crime. For example the recent introduction of a National Risk Register by the Cabinet Office (see http://www.cabinetoffice.gov.uk/reports/national_risk_register.aspx, viewed 17.08.08), a recent press release by the Guardian Newspaper entitled 'Justice Reforms Urged to Win Back Public Confidence' (See http://www.cabinetoffice.gov.uk/reports/national_risk_register.aspx, Viewed 17.08.08), and a Home Office (2004) study which focuses on Public Confidence in the Criminal Justice System, also see Johnson (1993).

⁹ Operation Safeguard is a contingency plan to deal with prison overcrowding in the United Kingdom; it involves using cells at police stations as accommodation for prisoners when the number of available cells in prisons becomes critically low. The policy is supported by the Association of Chief Police Officers, which outlined a list of criteria for prisoners who should not be held in police station cells under Operation Safeguard, including among others: women, juveniles, and those with mental health problems or those involved in a Crown Court trial.

¹⁰ On the 19th of June 2007, the then Lord Chancellor and Secretary of State for Justice, Lord Falconer of Thoroton, announced new measures to accommodate the current pressures of overcrowding, to improve the functioning of the prison service and to reduce reoffending. One such measure authorised the early release on licence from custody certain categories of offenders; offenders could be released on licence up to eighteen days before their release date for those offenders who have been sentenced to a determinate prison sentence of four years or less. However, there are exceptions to this ruling, the criteria excludes: prisoners convicted of a serious sexual or violent crime; registered sex offenders; prisoners who have broken the terms of temporary licence in the past; foreign national prisoners who would be subject to deportation at the end of their sentence; prisoners under 18 years of age; and prisoners who do not present details of a release address. Offenders who are made subject to release under this scheme will remain the subject of their sentence and will be liable to recall (House of Lords 2007, HM Prison Service 2007).

this sense allows governmental political principles to influence the operational policies of the Criminal Justice System (see House of Lords 2007, HM Prison Service 2007); implying that direct political pressures can influence the fair and just exercise of judicial proceedings and practitioner decisions.

2.9 Fourth Generation Risk Assessment Models - The Management of Offenders

First generation risk assessment involves the assessment of risk solely based on professional judgement. This type of assessment has largely been replaced by actuarial-based risk assessments, partly because first generation risk assessments were not considered as reliable or as accurate as actuarial approaches. Second generation risk assessments largely consisted of static risk factors (i.e. age and criminal history); as a method of assessing risk, these measures provided practitioners with limited information around associated needs and the reduction of recidivism. Third generation risk assessments (often referred to risk/needs assessment tools) consider both dynamic and static factors which aimed to address both criminogenic risks and needs in an attempt to better address and treat the needs of the offender to primarily reduce an offender's risk of re-offending. Difficulties associated with third generation tools have been reported as including an increased workload due to time restraints and the complex nature of completing assessments, the reintroduction of elements of professional judgement and related issues around consistency and bias, and concerns around the tools ability to address issues relating to gender and diversity (Young 2009).

Going beyond the functions of third generation assessments are fourth generation assessments that are starting to emerge in the practices of some penal correction agencies. Newer fourth generation risk assessment tools aim to strengthen the link between assessment and case management (Andrews and Bonta 2006). Andrews and Bonta (2006) envisage that fourth generation risk assessment tools will support a

multidisciplinary approach including the incorporation of responsivity¹¹ factors into the assessment of risk/need in an attempt to maximise the benefits of treatment interventions. It is also envisaged that risk/need and responsivity are to be amalgamated with structured clinical supervision as part of an end-to-end case management of offenders.

In the UK, the Government's recent plans for transforming the management of offenders has seen the introduction of a new approach in the delivery of offender-focused care. The Government have introduced a concentrated end-to-end management structure for adult offenders to increase the efficiency of risk management and to promote far better success in cutting re-offending under the new Management of Offenders and Sentencing Bill¹². These changes have been introduced alongside a restructuring of the criminal justice system, with the introduction of the National Offender Management Service (NOMS) and the Ministry of Justice. As these measures have only recently been introduced to the way in which offenders are assessed and managed it is too soon to determine the suitability of these changes or the effectiveness of fourth generation risk assessment tools.

2.10 Institutionalising Risk

Contemporary notions of the language of risk involve uncertainty and chance, whether individual or social, an uncertainty that is often shrouded by intellectual and political dilemmas of personal responsibility and individual decision-making (Culpitt 1999,

¹¹ The OASys user manual describes responsivity as follows 'the responsivity principle means that offenders will only benefit from interventions which are meaningful to them and are delivered in a way which is appropriate to the learning style of the offender. The needs of particular groups (eg, women, ethnic minorities, those with learning difficulties) must be taken into account.' (OASys User Manual, 2002, p2).

¹² The Bill is separated into six parts; 1) the National Offender Management Service, 2) prisons, 3) Her Majesty's Commissioner for Offender and Management and prisons, 4) sentencing, 5) miscellaneous provisions and 6) supplementary. Explanatory notes of the Bill can be found at <http://www.publications.parliament.uk/pa/ld200405/ldbills/016/en/05016x--.htm>, viewed 08.02.11

Kemshall 2003). Risk becomes manageable and can be insured against, or can be eliminated through the appropriateness of applied knowledge. This construction of risk frames the rational actor as being capable of making the *correct choices* with an emphasis upon managing decisions that could result in *wrong choices* or irrational decisions around risks or risk taking-behaviours (Adams 1995). The individual is encouraged to avoid risks through rational choices, lifestyle preferences and informed decisions (Lupton 1999). Here the emphasis is upon transforming irresponsible citizens and undesirable behaviours into responsible, self-managing, and enterprising individuals (Dean 1999, Rose 2000). As Lupton argues:

‘this model relies upon an understanding of the human actor in which there is a linear relationship between knowledge of a risk, developing the attitude that one is at risk and adopting a practice to prevent the risk happening to oneself’ (Lupton 1999, p21).

This model also carries with it a culture of blame and accountability, where individual actions or behaviours are brought into account and made subject to scrutiny and litigation. Where the ‘forensic functions’ of risk (Douglas 1990, 1992) provide cultures with a common vocabulary with which to hold a person accountable and where ‘the [system] we are in now is almost ready to treat every death as chargeable to someone’s account, every accident as caused by someone’s criminal negligence, every sickness a threatened prosecution. Whose fault? Is the first question’ (Douglas 1992, p15-16). All cultures, Douglas goes on to argue, need a symbolic system that is able to recognise risk and establish accountability in order to lessen the terrifying aspects of the uncertainty of risk (Douglas 1992). This defensive function that is embedded within current conceptions of risk reinforces the new penal discourses of governance (Foucault 1991) by empowering a neo-liberal approach to risk management and crime control. It is this culture of blame and the associated demands for protection against ‘those whose persistent offending is thought to constitute a risk so great that the only way to control it is to move beyond the usual penal parameters and introduce “special measures”’ (emphasis in original, Pratt 1996, p245) which Pratt argues has brought with it a ‘shift in political rationalities – from welfarism to neo-liberalism - has both mediated and reformulated the nature and extent of this “right to protection”, involving *inter alia*, the

creation of new risk groups and new risk strategies of risk management' (emphasis in original, Pratt 1996, p245). This has resulted in an increased justification of the use of managerial techniques and systems to recognise risks in an attempt to respond to the uncertainty that is often associated with risk situations or behaviours. The increasingly unpredictable and unknowable becomes governable and manageable through the establishment of prescriptive rules and formalised systems for assessing and managing risks (Kemshall 2003).

The practice of risk assessment and management within criminal justice agencies then can be characterised by rigorous systems which attempt to exert external controls through risk assessment strategies in a bid to prevent the recurrence of new crimes and which also places emphasis on public protection. This epistemological approach to framing risk arguably does not derive from individual risk management, but instead focuses on risk management as a form of crime control. In essence, this involves identifying which risks can be better managed or controlled and which cannot (Culpitt 1999, Kemshall 2003). This is true in that the perceived uncertainty of risk and risk-taking behaviour has become a central concern for penalty and correctional programming (Adams 1995). Under conditions of uncertainty and accountability, the contemporary response to penal decision-making has fortified the justification of structured decisions as a superior approach within correctional management systems. This is partly because scholars have argued that structured decisions as an approach are able to demonstrate a better-quality method to managing risk than that of unstructured approaches (Stenson and Sullivan 2001, Bonta 1996, Andrews and Bonta 1998).

2.11 Summary

Within this chapter, I have discussed the development of risk assessment within criminal justice as predominately discussed by Bonta (1996) and Andrews and Bonta (2006). Drawing on Bonta's (1996) generation developmental model the chapter mapped changes in approaches of assessing risk, following a four-tiered model I discussed how risk assessment had moved away from professional judgement-based

approaches towards currently used management-based risk assessment approaches within criminal justice practices. I proposed that each generation of risk assessment was introduced on the basis of perceived limitations of the previous generation. For example, first-generation risk assessments were primarily considered as inconsistent and lacking in clarity because of a subjective decision-making process that was based upon discretionary and unstructured professional-judgements. Second-generation risk assessment models emerged largely as a result of empirically-based research in the area of parole decision-making. This method of assessing risk focused upon the identification of risk factors and risk-scoring introducing what was considered a reliable approach to the classification and categorisation of risk. Described as static in nature, second-generation risk assessments were viewed as consistently providing fixed levels of understanding risk and risk-taking behaviour. Identified limitations around the use of second-generation risk assessments called for the development of third-generation risk assessments. Third-generation risk assessments were believed to be better than risk assessments that focused upon purely static measures or purely professional judgements, by drawing together identified risk factors with the rehabilitative potential of offenders. Consequently, third-generation risk assessments were considered both static and dynamic in nature, matching the allocation of intervention and treatment provisions with identified criminogenic risk/need factors.

Going beyond the functions of third-generation risk assessments were the newly introduced fourth-generation risk assessments. Fourth-generation risk assessments were proposed on the basis that the effectiveness of criminogenic risk/needs focused assessments, in matching allocated resources with identified risks, was largely dependent upon a parallel process of risk management. By strengthening the link between assessment and case management, fourth-generation risk assessments aim to maximise the benefits of treatment interventions. The chapter described how a move towards more technical approaches to risk management had developed in line with government policies that called for a more systematic and cost-effective decision-making process. However, given the relatively recent introduction of fourth-generation risk assessments in the UK the discussion concluded by suggesting that it is too soon to establish the suitability and effectiveness of this recent development. The chapter concluded by proposing that the popularity of risk assessment methods derives from its

function as a form of crime control; by identifying which risks can be better managed and controlled criminal justice agencies are able to exert some control over the recurrence of new crimes and place emphasis on public protection. This approach to framing risk is embedded in conceptions of risk that draw attention to a new penology that focuses upon governance, which is discussed in the following chapter.

Chapter Three: Governing through Risk

3.1 Introduction: Governing Offenders

The relationship between crime prevention, public protection, the management and punishment of offenders and mechanisms of measuring risk has become a major and influential aspect in the underlying composition of the implementation and delivery of sentencing provisions within criminal justice systems. Risk analysis as a subject of inquiry and an apparatus of informed quantitative reasoning has become the dominant procedure used to predict behaviour and situate individuals according to the level of risk they pose. Such mechanisms, which are used to translate expert knowledge into practice, symbolise a way in which risk discourses are understood and managed within criminal justice systems and its agencies. It is in this sense that contemporary risk discourses, which are instrumented through systems and institutions of risk-assessment, risk-analysis, risk-communication, and risk-management, shape overarching principles and practices that frame the practical ways in which criminal justice agencies define and respond to individual risk-taking behaviours (Boyne 2003). The language of risk then, can be understood as having become a central component within criminal justice and penal policy and is embedded within ways of thinking about and responding to risk-taking behaviour, particularly in relation to criminality.

According to Foucault (1991), governmentality relates to an approach of social control and regulation, which for Foucault has come to dominate the exercise of power within western societies. Advocates of Foucauldian theory suggest that recent criminological advancements have developed around a different kind of power interest, namely actuarial mechanisms of regulatory power (Garland 1997, Feeley and Simon 1994). Questions such as '*Why do people commit crimes?*' are no longer concerned with the why and the causes of crime, but instead have shifted towards an actuarial approach concerned with crime control strategies aimed at prevention. This implies that it has become generally accepted that people do and can commit crimes, with a new emphasis placed upon modifying and managing offending (Mcguire and Priestly 1985). In doing so, criminal justice practices have moved away from understanding why people commit crimes and what influences offending towards an accepted and taken-for-granted

understanding that the regulation of offending behaviour can alter the way in which offenders negotiate the law.

This is, in part, because of an invested interest placed in systems of expert knowledge and expert cultures (see Boyne 2003) that have become a fundamental aspect of governmental techniques and practices. Actuarial techniques provide a basis for constructing the individual and populations as variables. Populations are surveyed, compared against norms, and through governmental strategies individuals are coerced to conform (Lupton 1999). Following this line of reasoning, risk may be understood as a strategy of regulatory power, wherein expert knowledge is utilised to regulate and manage offenders and their behaviour through actuarial-based technologies. It is here that macro perspectives of risk are drawn to the idea that its technologies and apparatus can introduce social regulation and control through discourses of governing.

One example of crime control techniques is that of the recently revised Criminal Justice Act 2003¹³ and the introduction of the National Offenders Management Service (NOMS), a statutory framework that encompasses the governance of offenders through robust requirements and formal guidance, primarily aimed at preventing re-offending and public protection by addressing and managing risks associated with offending. Often described as a new penology (see Feeley and Simon 1992, 1994) this concept of risk-management positions the individual as a target for change (Kemshall 2003). Through specialised forms of knowledge and interventions, coercive strategies are utilised to govern and regulate aggregate groups of offenders and less direct strategies are implemented to promote voluntary compliance (Lupton 1999). It is assumed that the responsible individual will self-regulate, self-scrutinise, and self-manage through risk-avoidance, rational choices, and a constant monitoring of their own behaviour (Kemshall 2003, Rose 2000). In contrast, the offender is to be steered away from irrational choices and decisions as part of a wider remoralisation and responsabilisation agenda (Kemshall 2003).

On the surface, contemporary notions of governmentality appear to present distinct boundaries between macro perspectives of risk and the everyday. However, it could be

¹³ The Criminal Justice Act 2003 can be viewed at <http://www.legislation.gov.uk/ukpga/2003/44/contents>, viewed 08.02.11.

suggested that within a framework of governmentality the individual becomes the machine by which the state is able to function, positioning him/herself as an authority of power over the body; it is against this dominant discourse of macro perspectives of understanding risk that a counter discourse can exist. Individuals who construct their knowledge and experiences within the context of their everyday lives are described as engaging in risk-taking behaviour as escapism from the highly controlled body and self (Douglas 1966, Cohen and Taylor 1992 [1976], Lyng 1990). Here, micro discourses around risk and pleasure reject the ideal of the responsible civilised body and replace it with a discourse that emphasises the pleasures of an uncivilised or grotesque body (Stallybrass and White 1986). The individual attempts to retain control or resist technologies of coercive mechanisms of governing by challenging ownership of their self and their body.

Having discussed risk assessment as a process within chapter two, this chapter will explore how contemporary risks that are embedded in actuarial-based technologies have come to hold importance in the policies and practices of criminal justice. By highlighting academic debates around governance, which are achieved through the application of expert knowledge and power interests, this chapter will explore invested interests in actuarial-based risk as a technique for governing offenders and their behaviour. In the absence of alternative means of understanding risk and risk-taking, chapter four will explore notions of risk from an alternative perspective by exploring different ways in which individuals construct their experiences of risk in relation to their day-to-day lives. This does not suggest two opposing or competing risk discourses, rather this suggests diverse and varied ways in which risk can be represented. This chapter will first explore governance and its relationship with the body.

3.2 Governing the Body

In his writings *Discipline and Punish* (Foucault 1977, p3), Foucault's account of the birth of the prison begins with a horrific scene recounting the public torture and the execution of Damiens, set in eighteenth century France. Foucault uses this example to

demonstrate, not only the horrifying spectacle of public punishment as a deterrent to discourage crime, but also as an example of mechanisms of punishment that mark the power that the state holds over the body. Foucault is not only interested in recounting the history of prisons but is also interested in the genealogy of punishment and its administration, offering what he describes as ‘a historical background to various studies of the power of normalisation and the formation of knowledge’ (Foucault, 1977, p308). Thus, the core of Foucault’s thesis is the genealogy of the present. Foucault investigates the shift from corporal punishments and sovereign power to carceral punishments and disciplinary power. The underlying argument to Foucault’s descriptive account is to show that one form of domination has been substituted for another type of domination (Smith 2006). The tortured and executed Damians was an event carried out based upon principles of corporal technologies that were executed on behalf of the state. The shift towards a regime of discipline was a different kind of (administrative) power, which was geared towards controlling behaviour by training bodies, a gentle way in punishment. For Foucault, this shift was not the result of a renewed interest in humanity, but rather it was intended to address political issues that arose from the public displays of torture, where individuals gradually began to identify with the criminal (Smith 2006). Discipline was the feature of the Benthamite prison, where prisoners are forced to conform (or be normalised) by constant surveillance and prison timetables (Silverman 1985). Normalisation is corrective rather than punitive, a method aimed at achieving conformity. Foucault’s explanation for the coming of the prison was that this was ‘the moment when it became understood that it was more efficient and profitable in terms of the economy of power to place people under surveillance than to subject them to some exemplary penalty’ (Foucault 1980, p38). Thus, for Foucault, power relations are a part of society, rather it is the mechanisms and technologies of power that change.

Today, governance of the body has been framed by a new penology (Feeley and Simon 1994, 1992). By focusing attention on the relationship between power, knowledge and the body, coercive regimes of control are introduced through modes of governance to regulate and govern the individual and populations. Coercive strategies that aim to regulate populations, and less direct strategies that rely upon an individual’s voluntary compliance, are both pivotal to governmental strategies of regulatory power (Lupton 1999). Individuals are positioned within discourses of governance, whereby it is

assumed that the responsible individual will take control over themselves in an attempt to self-regulate, self-scrutinise and self-manage in pursuit of continuous life-long improvement of the self (Kemshall 2003, Rose 2000, Lupton 1999), through constant monitoring of one's own behaviour. This concept of governing the body assumes responsabilisation through self-governing of the body, in that 'something can be done to prevent misfortune' (Lupton 1999, p3) and where the impact of risk is to be avoided or minimised despite associated implications (Greco 1993).

There is a growing body of literature relating to the relationship between risk-taking, sexual relationships and health, for example HIV/AIDS and pregnancy (Douglas 1992, Joffe 1999, Lupton 1999), which presumes an underlying notion of governing the body through mechanisms of expert knowledge. In the case of HIV/AIDS, Douglas (1992) explores discourses of risk that surround the HIV virus and how perceptions of risk influenced health behaviours. Similarly, Lupton (1993) considered lay perceptions around HIV/AIDS and condom use, as well as considering risk-related knowledge and technologies surrounding pregnancy (Lupton 1999), with an overall focus upon assumed individual responsibility and the avoidance of risk. It is the idea that the body is open to danger and invasion (Douglas 1992) that the body becomes considered as unprotectable and that the individual is constantly made aware of their mortality (Douglas 1992). It is within this culture of governing the body that the individual is coerced to seek-out risk-related knowledge through lay and expert advice (Lupton 1999). The individual is encouraged to construct a knowledge-base of how best to protect the body, bringing about voluntary engagement in risk-avoidance strategies. The individual is positioned within a plethora of expert-knowledge, where failure to act upon expert advice brings with it a different set of consequences. It is within this framework of risk-management that hierarchical notions of power-relations begin to emerge. It is against the conditions of risk-avoidance and risk-management, introduced through a culture of expert knowledge, that individuals come to be governed through coercive mechanisms that are embedded within technologies and practices.

3.3 Governing through Expert Knowledge

The development of expert knowledge constitutes one of the core ways in which risks have come to be conceptualised and understood within contemporary criminal justice. This epistemological framing of risk is largely concerned with theorising which risks warrant expert attention and which risks do not (Kemshall 2003). The expert is positioned as a reliable and trusted source of knowledge and information around matters relating to risk. Subsequently, the individual is actively encouraged to search for and engage with expertise and expert advice to assist in making decisions around everyday experiences. It is here that expertise problematises behaviours and aspects of life and utilises risk-related knowledge and associated technologies to position the individual within a framework of regulation and compliance (Lupton 1999). In doing so, a 'laboratory of power' is created (Foucault 1977, p204), which can be described as a process whereby the expert is positioned by the state to externally oversee the implementation of coercive measures that focus upon the efforts of the individual policing themselves. The individual is coerced into conformity by adopting practices which aim to constantly monitor their own behaviour (Kemshall 2003, Rose 2000). Through continuous life-long self-improvement the individual is encouraged to transform themselves and their lives. In effect, this implies that knowledge is employed as an instrument for the purposes of identifying objects for governance, whilst objects of governance are only ever known through hidden and coercive technologies of power and knowledge (Hunt and Wickham 1994).

3.4 A 'New Penology'

Crime and the role of risk in contemporary penal policy and criminal justice has increasingly become a matter of central importance for those ministerial and departmental ambassadors responsible for the welfare and safety of society as a whole¹⁴.

¹⁴ This falls in line with the Home Office mission statement which aims to 'build a safe, just and tolerant society, by putting protection of the public at the heart of everything it does'. The Home Office mission statement, objectives and values can be found at <http://webarchive.nationalarchives.gov.uk/20060731065549/homeoffice.gov.uk/>

In the late twentieth century Bottoms (1980, p1) described what he envisaged as ‘the coming penal crisis’, difficulties which he envisaged were borne out at two levels, theoretical and practical. At a theoretical level, Bottoms described the demise of what he considered a rehabilitative ideal, whereas he proposed that overcrowded local prisons, tense prison atmospheres, and an uncertainty of the role of the Probation Trust have all contributed to the coming penal crisis at a practical level. By the beginning of the twenty-first century the realisation of a penal crisis, which was indicated by overcrowded prisons, increased re-offending, increased spending on the prison estate and an over-stretched system (Rethinking Crime and Punishment 2003), had largely contributed towards significant changes and developments in crime preventative strategies (Rose 2000). Notably, crime control (Rose 2000), social regulation (Foucault 1991), and self-control (Rose 1996) had increasingly become central features of social and political agendas, political programmes and public protection. As a result, the relationship between crime prevention, public protection, and the management and punishment of offenders has become a major influential factor in the underlying composition of the implementation and delivery of contemporary practices within criminal justice.

Several scholars have documented discussions relating to risk in penal policy and criminal justice (see Feeley and Simon 1992, 1994, Hudson 2003, Rose, 2000, 1996, and Kemshall 2003). Feeley and Simon (1994, 1992), have argued that the predominance of risk in penology and the contribution of actuarial justice in the delivery of criminal justice, represents a key shift towards a new penalty. A ‘new penology’, that for Feeley and Simon (1994, 1992), is described as shifting away from traditional concerns of individualism and goals of normalisation, by placing emphasis upon the use of formal styles of reasoning, in which bodies are arranged according to their assessment of risk (Feeley and Simon 1994, 1992). To achieve this, individuals are conceptualised and theorised through empirical and objectifiable risk calculations derived from aggregate data (see Simon 1988, Feeley and Simon 1992, 1994). Offending and offending behaviour are subjected to technologies that are intended for the (crime) control of offenders through management and regulation. The impact of actuarialism and the advances of formalised techniques in the organisation and delivery of criminal justice are described by Lupton (1999) as ‘the products of late modern ways of thinking about and reacting to risk’, which are primarily concerned with the

management of crime opportunities and risk distribution (Feeley and Simon 1992) rather than the broader social structural underpinnings of the causes of crime.

Feeley and Simon's analysis of a 'new penology' has contributed towards an important debate around the effectiveness and worth of recent developments towards technical notions of risk (Clear and Cadora 2001). This is partly because of suggestions around the convenience of managing groups of offenders as opposed to incorporating techniques focused on changing people based on individual merit. In support of this debate Simon (1988) puts forward the point that contemporary methods concerned with identifying, classifying and managing aggregate groups are not promoted on the basis of offering a better technology or technique, but rather that it is a coercive strategy promoted in the interests of accommodating individuals who deviate from the norm. This means that, it is far more effective and efficient to manage individuals as groups who subscribe to a prescribed set of calculable values or norms than it could be to focus on each individual case. Simon (1988) stresses this point when he states that 'changing people is difficult and expensive' in that 'in our present social circumstances, it is cheaper to know and plan around peoples failings than to normalise them' (Simon 1988, p774). This argument makes this case in recognition of the cost-effective and efficient ways in which risk societies (see Beck 1992) and populations at risk can be managed and governed through technologies of actuarial reasoning, and how this then becomes a contributing aspect of current practices of responding to and dealing with crime and offending within the remit of criminal justice. Thus, the overall aim in managing the movement and actions of offenders under penal authority focuses on the ability to minimise the potential (as opposed to actual) threat of risk to the population as a whole, through a language of public protection and risk-minimisation.

Overall, this has not only resulted in a shift in strategic practices and ways of thinking about risk and risk assessment and broader concerns of crime management and control strategies - from an individualised focus of responding to an offender's related needs and circumstances towards an actuarial approach to categorising and responsabilising aggregate groups of offenders and potential offenders in terms of risk (Hudson 2003) - a language of cost-efficiency and public protection also promotes and reinforces the use of actuarial based techniques. It is here that actuarialism within criminal justice systems, fundamentally described as an approach to the management and control of

criminogenic behaviour and criminogenic risks that relates to and impacts upon the threat of crime, offending behaviours, and offender management, dispenses with the underlying concerns about the meaning individual's attach to their offending, but instead concentrates on technologies of risk-minimisation and the control of potential threats to the welfare and safety of society as a whole (Feeley and Simon 1994). It could be argued that practices around actuarialism have an important role to play within criminal justice and its agencies in relation to government and policy aims of offender management and public protection, however with an underlying focus on the control of offenders and cost-efficiency it becomes difficult to put forward the argument that risk assessment techniques are purely objective and apolitical in nature. Instead, situating the progress of actuarial justice within penal reform and the phenomenon of risk that is embedded within penal practices suggests a practice of actuarial-based risk techniques that are fuelled by interests in control and power.

3.5 Actuarial Justice: A Laboratory of Knowledge and Power

As has previously been discussed, governmentality and governmental strategies may be understood as an approach to social regulation and control by the state over its subjects. Governmental strategies that are empowered through the management of offenders largely rely upon technologies that position individuals as problematic and disruptive. This means that individuals are positioned within a framework that directly and indirectly promotes compliance (a docile and obedient body) by structuring offending behaviour and associated risks within a body of knowledge that authorises and legitimises workings of power (Foucault 1991, 1977). It could be suggested that it is here that knowledge gives rise to administrative techniques which are utilised for analysing, controlling, regulating and monitoring people and their behaviours. This can be observed within the functions of actuarial justice (Feeley and Simon 1994, 1992, Kemshall 2003), where systems such as risk assessments and associated documentation can be used to exercise both surveillance and power within and over organisations and individuals (Foucault 1991). This notion of actuarial justice focuses on the management and control of risks and individual risk-taking behaviours. The underlying principle within this approach lies in the identification of risks for the purposes of governing; for

a person to be identified as posing a risk, they must first be identified as a member of a risky population or group that has been targeted for intervention (Castel 1991, Lupton 1999). (Actuarial) risk in this sense is calculated through systematic statistical correlations and probabilities based on aggregate data of populations rather than the close observation of individuals. It is here that the individual is dehumanised, in that an individual's identity is replaced with a correlating value in a means to objectify and categorise predisposing factors relating to risk and their risk-taking behaviour (Simon 1987). Within these practices of power, populations and individuals are governed through principles of actuarialism, in an attempt to minimise or manage risks (as opposed to eliminating them) by keeping them within reasonable levels through the application of managerial techniques of control (Simon 1988). Objectives such as reform and rehabilitation arguably become a by-product as a result of the measurement and classification of risk in a bid to efficiently utilise resources whilst minimising the threat of risk through practical interventions.

Concepts of risk and actuarial justice can be described as having greatly influenced the organisation, delivery, and implementation of the work that characterises the criminal justice system (Kemshall 2003), the prevalence of which has largely become evident within risk-based policies and practices of criminal justice systems and its agencies. For example, the Probation Trust has shifted its focus from a traditional rehabilitative regime towards a more administrative approach, where the calculation and categorisation of risks and the regulation and management of offenders have become driven by policies focused upon public protection (see Kemshall 2003). Similarly, sentencing decisions, which are based upon pre-sentence reports, are often driven by formalised instruments¹⁵ of assessment representing an application of actuarial principles that focuses upon the predication of future risks, such as the risk of re-offending and the risk of harm (Nuttal et al 1978, Copas et al 1996, Wasik and Taylor 1991). Policing has also moved away from an individualised investigative approach to tackling crime towards a strategic and targeted approach to crime prevention and control (Maguire 2000) with a focus towards key crime-control strategies such as zero

¹⁵ For example, ASSET, ONSET and OASys (Offender Assessment System). By applying these measurement tools to the assessment of offenders the Probation Trust and Youth Offending Teams are able to support the courts by recommending appropriate sentencing options through pre-sentence reports.

tolerance, Anti-Social Behaviour Orders, biometric technology, and psychometric testing¹⁶ (Kemshall and Maguire 2001). Similarly, the development of criminal profiling has become increasingly popular as a crime prevention approach within police practice, the overall aim of which focuses upon the use of predictive risk-factors to profile likely offenders and likely situations in order to efficiently and cost-effectively target resources (Hopton 1998, Castel 1991). On the whole, these examples suggest that actuarial justice, as a strategic practice, filters through the criminal justice system by primarily focusing upon the management of aggregate offenders and their risk-taking behaviours according to their aggregate grouping or classification (Feeley and Simon 1998, 1992). This concept of risk-management focuses upon statistical analytical techniques that are utilised to produce risk-factors from aggregated data, in order to predict offending or criminogenic behaviours and to assess individuals according to the level of risk they pose.

Actuarial justice then, becomes the mechanism whereby aggregate offenders are grouped in an attempt to make it easier to identify the target to be governed and managed (Kemshall 2003). Here, the idea is that the impact of risk can be best managed by targeting groups of people and groupings of behaviour and that, as a result aggregate offenders, can be remotely organised, monitored and regulated through coercive measures and techniques of risk-management and risk-assessment (Kemshall 2003). Within this practice, the effective execution and implementation of actuarial styles of reasoning positions aggregate offenders as rational, responsible, decision-makers whom are believed to be lacking in moral control. Offenders who, regardless of time, space, or individuality, are perceived as being similar and as possessing similar characteristics.

Offenders, who are to be steered away from poor decision-making skills, would in theory be required to be involved in the processes aimed at reducing their risk-taking

¹⁶ Biometrics is the study of methods which can recognise humans based upon one or more intrinsic physical or behavioural traits. In information technology, biometrics refers to technologies that measure and analyse human physical and behavioural characteristics for authentication purposes. For example, physiological recognition includes fingerprints, eye retinas and irises, facial patterns and hand measurements. However, biometric technology is not limited to policing, it is also evident within the prison system, particularly high security prisons. Similarly, Psychometrics is the field of study concerned with the theory and technique of educational and psychological measurement, which includes the measurement of knowledge (achievement), abilities, attitudes, and personality traits.

behaviour as part of a wider remoralisation and responsabilisation agenda (Kemshall 2003). Here offenders are expected to avoid poor decisions that may have contributed towards their criminal activities by engaging with reforming techniques, treatments, and preventative measures such as risk-assessment, risk-management, and risk-focused rehabilitation programmes, for example, training, counselling, life skills, think first and other such cognitive and behavioural programmes (Raynor and Vanstone 2002, Rose 2000). However, these methods that are aimed at promoting change are based upon information derived from statistical models of probability. In other words, calculations of risk and risk assessments are not only based upon calculations and categorisations, but that the interventions implemented to address the findings and outcomes of risk assessments are also based upon similar observations derived from actuarial methods of responding to offending.

3.6 Actuarial Justice: An Ethical Concern

Aside from the practical complexities of actuarial practice, it is also important to recognise ethical considerations when applying such frameworks to practice. As has been previously discussed, there is a general preoccupation with the likely 'risk' of offending within the criminal justice system, as opposed to the meanings and motives that individual offenders attach to their behaviour, which has led to an emphasis on public protection and risk-management. When an individual becomes categorised as 'at-risk' or 'risky' they become an actual as well as potential offender (Walker 1991). Such mechanisms of assessing 'risk' can work negatively upon an offender's perception and negotiation of their identity, perhaps contributing towards an identity as an offender, and can work negatively upon the way in which others interpret and relate to the individual. When an individual becomes identified as a potential offender or 'at-risk' of re-offending, criminal justice agencies have a tendency to identify offenders by visible markings. For example, some offenders, as part of their sentencing provisions, may be subjected to an electronic curfew which involves wearing an ankle bracelet. From a technical perspective the electronic tag serves to monitor and control the offender's whereabouts, ensuring that the individual adheres to their curfew. However, a tag also serves as a visible marker or indicator to others that the individual has

offended in the past, and that the criminal justice system has introduced extra measures which indicate that the individual is considered as likely to offend in the future. In one sense, the criminal justice system can be seen to be taking the necessary precautions for public protection, in another sense, it could be suggested that visible markers that draw attention to and single-out offenders in this way are discriminatory.

The reasoning for such measures could be partly due to the uncertainty of risks (Beck 1992), in that it could be suggested that a certain degree of injustice is acceptable in the interests of protection of the public from potential threats which by their uncertain nature cannot be precisely known. It is here that actuarial justice can be seen to involve a culture of control (Garland 2001) cloaked by what may be considered as acceptable and rational scientific practices of identifying and measuring risk. The arguments here are not focused upon discrediting intentions around public protection, but rather, to what extent does a strong emphasis placed upon the protection of the public marginalise or undermine an offender's right to be treated humanely and with dignity.

3.7 Summary

Within this chapter, I explored how contemporary risks that are embedded in actuarial-based technologies have come to hold importance in the policies and practices of criminal justice that are directed towards crime management through risk minimisation. Drawing upon Feeley and Simon's (1994, 1992) notion of a 'new penology' I explored invested interests in actuarial-based risk assessments as a technique for governing offenders and their behaviour. I suggested that strategic practices and ways of thinking about risk have shifted from an individualised focus of responding to offender-related needs towards an actuarial approach of categorising and responsabilising aggregate groups of offenders. I proposed that this was, in part, promoted on the basis of increased cost-efficiency and public protection, and also in the interests of managing and controlling aggregate groups of offenders. I suggested that expert knowledge played a significant role in producing and sustaining governmental strategies, however in view of what has been described by Bottoms (1980) as 'the coming penal crisis' the question was raised, how effective are risk assessment strategies. This chapter has presented an academic debate that suggests risk assessment methods are considered

useful as governmental strategies aimed at risk minimisation and crime control. However, as previously discussed, in light of overcrowded prisons and increased re-offending rates, how useful are current practices for assessing and managing risk when considering the rehabilitative potential of an offender. In chapter two I described developments around the risk assessment process, following four levels of improvement to practices of assessing risk, that were revised around limitations of previous assessment models. Numerous redevelopments on this scale support concerns around the usefulness of risk assessment strategies. However, in the absence of alternative means of understanding risk and risk-taking current risk assessment practices have become one of the fundamental aspects to challenging recidivism.

With respect to the points raised in the discussion here, the following chapter aims to draw attention to a growing body of sociological literature that presents an alternative way of thinking about risk. The following chapter draws attention to different ways in which individuals construct their experiences of risk and risk-taking.

Chapter Four: Living on the Edge

4.1 Introduction: The Expressive Body

Contemporary ways in which risk discourses function as coercive strategies of normalisation tend to project anxieties and fears around risks onto certain social groups. Offenders, as well as other marginalised and stigmatised groups, are categorised as 'risky' with a view to identifying difference that can be 'rectified' through the application of appropriate systems of governance. Fears and anxieties around the 'offending' body can be controlled and regulated through coercive restraints on expression and action, thought and emotion (Lupton 1999, Burkitt 1999). Lupton argues that changing notions of the body reflects changes in the conceptualisation of risk (Lupton 1999). According to this line of reasoning, as social life becomes more regulated and as emotional expression becomes more curtailed notions of the body have moved from the 'open' body towards the ideal of the 'closed body' (Lupton 1999, Burkitt 1999, Williams and Bendelow 1998).

In previous eras the medieval or open body was celebrated as a positive one, where the world of the carnival brought about an unofficial language of laughter and ridicule (Burkitt 1999, Lupton 1999). The body was not seen as a private possession, but instead, the body remained largely uncontrolled and open to the world. In early modernity there was progressive change towards a private body, one that was closed to the outside world. Fears and insecurities about the body became private and hidden, the body became self-regulated and self-disciplined through rational thought. Control over the body meant an intense focus on the social importance of maintaining and presenting civilised or polite behaviour. Consequently, the mind becomes trapped inside an overly regulated or 'imprisoned' body intensifying the 'inner theatre of the mind' and the private world of emotion and fantasy (Cohen and Taylor 1992, Burkitt 1999).

Descartes' philosophy provides a mind and body dualism of the Cartesian body (Burkitt 1999). That is, the active mind engages with the environment through an active relationship with the body. The individual is understood as an active thinker or a thinking-statue (Elias 1991) whose body limits experiences of the world to physical

expression and whose mind is looking out onto the world from a carnal prison. The experience of thinking is still and solitary, and bodily forms of knowing are secondary impulses. The inside of the body is conceptualised as disorderly and dangerous, hidden until it is revealed, protected by the appearance of a noble and orderly outer body (Lupton 1999). For Foucault, governance of the body or the regulation of bodies en masse, are modern forms of bio-power (Danaher et al 2000), however the growth of bio-power is limited by the body itself. The death of the body means it can no longer be governed or controlled by others or by the self. Does this suggest that suicide is a form of resistance, where an individual takes their own life in attempts to free themselves of forms of bio-power? Or do attempts at suicide suggest an individual's ability to be able to express their body according to one's own directive? Aspects of governance and self-discipline can only extend so far due to uncontrollable bodily processes such as indigestion and disease. Threats to the integrity or health of an individual's body are highly risky, producing feelings of anxiety around bodily boundaries and feelings of disgust around boundaries that have been transgressed (Lupton 1999). Kroker and Kroker (1988) refer to panic bodies to describe the fear and anxieties that people feel when their bodies are under threat by risks such as disease. They argue that the tension and anxieties that individuals feel around concerns about protecting their bodies are expressed through their bodies.

Critics argue that the Foucauldian analysis of the body tends to position the body as an object of knowledge, where the body becomes a target of knowledge and discipline imposed by the self or by the state (Burkitt 1999). Critics go on to suggest that the view of the body as an object focuses upon rationality and neglects to incorporate values and emotions (Williams and Bendelow 1998). Through the lived experiences of life, the body becomes an expressive and communicative body, a consideration often overlooked in various forms of social constructionism (Burkitt 1999). Could this suggest that the body is a central aspect to the identity of the person and that a person's character is not limited to the mind? Does this suggest an alternative discourse whose function goes beyond those dominant discourses that aim to regulate bodies en masse and the individual body. Theorists such as Lyng (2005) and Cohen and Taylor (1992 [1976]) provide alternative explanations about the nature of risk-taking; they argue that by transcending boundaries of the civilised body or by escaping the mundane routine of the everyday, individuals have the potential to recreate their sense of identity.

4.2 Escapes, Escape Attempts and Edgework

In his writings on ‘edgework’ Lyng (1990/2005) discusses a number of ways in which individuals transgress the boundary between order and disorder. For Lyng, the concept of ‘edgework’¹⁷ is best illustrated as an activity whereby the individual actively seeks experiences that challenge an individual’s ontological security. High-risk activities such as hang gliding, sky diving, scuba diving and rock climbing are pursued in an attempt to negotiate physical or psychological boundaries of well-being of self and the ordered existence of being. An individual engages in voluntary risk-taking to challenge oppressive and established routines and habits, and to create feelings of excitement and emotional highs. The individual moves between varying states of consciousness and unconsciousness, sanity and insanity, an ordered sense of self and environment against a disordered sense of self and environment (Lyng 1990, Lupton 1999) in what is an attempt to increase exposure to danger, injury or loss, to achieve self-realisation and personal growth, and to transcend the overly regulated and controlled body.

Lyng’s sense of understanding thrill-seeking and risk-taking behaviour positions the individual within a discourse of rationality and order; where the rational mind and the civilised body consciously and voluntarily engage in activities that aim to defy their own or someone else’s sense of power or control. The individual transgresses conceptual boundaries of the overly regulated and controlled body, moving from a familiar space to an alien one, in an attempt to feel alive and free. Those who engage in ‘edgework’ are described as requiring a level of mental toughness, knowledge and skill, and the ability to resist fear, whereby it is ‘those “who don’t know what they’re doing” who are at risk’ (Lyng 1990, p857). This attitude towards risk-taking suggests a different approach to thinking about and responding to risk, in the sense that knowing or expertise around ‘edgework’ is perceived as a skill afforded by the elite few. Equally so, awareness around perceived levels of risk and danger are negotiated on the basis of

¹⁷ Lyng acknowledges that his use of the term ‘Edgework’ is taken from the writings of Hunter S Thompson in his book *Fear and Loathing in Las Vegas: A Savage Journey to the Heart of the American Dream* (1971), Warner, New York, who uses the term edgework to describe a variety of anarchic human experiences, the most famous being his experimentation with drugs.

experience and know-how (as opposed to scientific knowledge), where risk is thought to be minimised in exchange for what might be considered an intellectual insight into excitement and achievement (Lupton 1999). Following this line of reasoning, individuals can and do engage in 'risky' or extreme activities because of the positive pleasurable experiences that are gained. There is a sense then, that this unfamiliar concept of understanding risk discourse identifies that risk itself has developed a socially and culturally relevant meaning for the individual. Established sociological interpretations of risk and risk-taking in this sense largely suggests that risk-taking is a result of how individuals interact with and negotiate with their social and cultural environment by constructing, demolishing and transcending boundaries.

The need to escape from the mundane routine of life through undertaking individual risk-taking has been associated with the desire to step outside of the conventional boundaries imposed by a governing society (Beck 1992). 'Escape attempts' as discussed by Cohen and Taylor (1992 [1976]) provides an account of the ways in which individuals resist the gloomy and mundane routines and rituals of everyday life. They suggest that escapes and escape attempts are not only a reference to escaping the physical fabric of everyday landscapes, (for example cross-dressing, historical re-enactment societies, and amateur dramatics), but are also about temporarily reinventing a patterned way of existing that can be brought about by routines and daily life. Escapism becomes a way in which individuals can break free from routine which no longer constitutes their identity. The resource of escaping routines, boredom and frustration by engaging in the performance of the 'inner theatre of the mind' (Cohen and Taylor 1992, p88) becomes a mechanism through which daily life can be temporarily exchanged for the expression of fantasy. Here the individual can introduce imagined elements into the fabric of everyday actions, assembling their identity within self-constructed (or manufactured) fantasies. Where Lyng (1990/2005) suggests that people become actively involved in voluntary risk-taking for the excitement, to demonstrate skill, to achieve self-realisation and personal growth, and to transcend the overly regulated and controlled body, Cohen and Taylor (1992) suggest that individuals engage in exciting activities to escape the boredom and frustration of mundane daily life.

Cohen and Taylor (1992) propose that an individual's desire to alter or resist their daily life can be achieved through activities such as hobbies, games, gambling, and sex; or by

constructing new landscapes through holidays, and art; or by experimenting with an altered level of consciousness or altered mind states through drugs, and psychotherapy. Giddens (1990) argues that routines and habits are important when establishing a sense of security and that it is not until these routines are broken that anxiety and fear are produced (Giddens 1990). This supports the theory put forward by Lyng and Cohen and Taylor, suggesting that individuals deliberately engage in risky activities in order to undermine their sense of security and as an attempt to escape their mundane routines.

Sociological and criminological interpretations of risk-taking and escapism as those presented by Lyng (1990/2005) and Cohen and Taylor (1992 [1976]) suggest how some people might engage in activities that may be perceived as risky. However, where in chapter two, I suggested that current notions of framing and understanding risk have come to adopt a negative association (Lupton 1999); the debate here suggests that risk offers an individual an experience that is associated as positive and pleasurable. This notion of framing risk challenges ways of thinking about risk that are viewed as purely negative. Equally so, where in chapter three I put forward the argument suggesting that actuarial-based risk assessments, as a governmental strategy, are utilised in the interests of governing and managing offenders and their behaviour; the debate here suggests that individuals who construct their knowledge and experiences by engaging in risk-taking behaviour do so as a form of escapism from the highly controlled body and self (Douglas 1966, Cohen and Taylor 1992 [1976], Lyng 1990). This suggests that micro discourses around risk and pleasure reject the ideal of the responsible civilised body and replace it with a discourse that emphasises the pleasures of an uncivilised or grotesque body (Stallybrass and White 1986). The individual attempts to maintain a sense of autonomy and assert a level of independence by challenging ownership of their self and their body.

4.3 The Importance of Mattering

Another important contribution towards understanding the way in which people engage in activities that may be perceived as risky is the relatively recent concept of mattering. The concept of the importance of mattering is a relatively new concept which to date has received limited attention. Originally coined by sociologist Morris Rosenberg,

research around the topic has mainly focused upon mattering as an important aspect of the protective power of social connections (see Rosenberg and McCullough 1981). Social psychologist Gregory Elliot, in his book 'Family Matters – the Importance of Mattering to Family in Adolescence' (2009), offers a detailed account of the impact of mattering on (risky) behaviour.

Elliot defines mattering as 'the perception that, to some degree and in any of a variety of ways, we are a significant part of the world around us' (Elliot 2009, p2). Arguing that the effects of mattering have vital implications for behaviour, indicating that knowing that we matter, be it to specific others, social institutions, one's community or society, helps develop our sense of who we are. Functionalist sociologists (such as Durkheim and Parsons) argue a similar point of view, referring to the process of learning the culture of society, or how to be human, as the socialisation process. Elliot suggests that when we matter we learn that destructive behaviour has the potential to ostracise ourselves from the significant others to whom we care. In contrast, failing to matter suggests a sense of rejection of the individual, leaving the individual feeling as though they were a socially worthless person. Elliot concludes noting that when an individual fails to matter this manifests in their behaviour in two ways, firstly, the individual may seek out attention through destructive behaviour in the belief that to matter negatively is better than to not matter at all. Secondly, an individual may engage in destructive behaviour in the belief that there is no greater threat than failing to matter.

Where macro notions of understanding risk view the individual as a responsible agent capable of minimising or avoiding risks through coercive systems of governance, Elliot suggests that an individual may deliberately engage in 'risky behaviour' in an attempt to realise the extent to which they matter. In this sense, risk-taking becomes a vital aspect of self-realisation (Lupton 1999), where an individual who fails to matter feels invisible to the world around them and as a consequence may fail to develop as a person. Similarly, where macro perspectives of risk suggest that the individual can be held accountable or responsible for their behaviour by locating problematic behaviour in the individual, Elliot suggests (as part of the socialisation process) that it is the power of the social connections that are made within society that enable the individual to avoid destructive behaviours. Sociologist Travis Hirschi makes a similar point in his theory on social bonding (Hirschi 1969). Where Elliot (2009) suggests that when an individual

fails to matter this potentially results in destructive behaviour, Hirschi's theory on social bonding puts forward the argument that when an individual's bonds with society are weakened or broken this increases the chance of an individual's engagement in delinquent behaviour (Hirschi 1969). Hirschi suggests four elements that are vital to social bonding, these are attachment, commitment, involvement and belief (Hirschi 1969), and similarly, Elliot suggests that mattering can take the form of awareness, importance and reliance (Elliot 2009, p5). However, through the application of empirical research, Elliot specifically focuses on family dynamics and the importance of developing a secure sense of self during adolescence. Elliot's suggestion that failing to matter manifests as destructive behaviour could be considered as an alternative form of 'escape attempts' – where an individual, in an attempt to reinvent or escape a status of not mattering engages in activities or behaviours that enable them to reconstruct themselves as being important or as mattering. By reinventing themselves in this way, individuals could be described as attempting to maintain a level of autonomy or assert a level of independence.

Elliot's study on mattering provides an important stimulus to theoretical discussions around risk and a potential springboard for the development of integrated thinking that aims to bridge the gap between the macro – micro divide. The debate however draws attention to the extent to which alternative perspectives of framing risk satisfy the tensions between two detailed and sophisticated debates. On the one hand, macro theorising has largely been criticised for failing to incorporate diversity at the level of understanding the individual and at the level of exploring meaning and motive. On the other hand, Elliot's research study into mattering could equally be accused of placing constraints on empirical enquiries into the exploration of risk at an individual level by drawing upon methodological approaches that focus upon the scientific analysis of the measurement of behaviours. Where, in one sense, Elliot's research study highlights the natural tensions between the macro and the micro positioning of the individual within the conceptualisation of mattering and its relationship to behaviour and self-concept. In another sense, the study's application of a quantitative research based strategy subscribes to the principles that social phenomena can be quantified as objective and operational criteria and therefore adopts some macro qualities. Still, Elliot's thesis on mattering goes some way to explore risk discourse as an object of inquiry as opposed to scientifically framing risk in what could be described as an inherent and taken-for-

granted belief that fundamentally underpins current notions of risk as superior knowledge.

4.4 Gendered Notions of Risk-taking

The belief that most young offenders grow out of crime if left alone is based upon the assumptions that risk-taking is an extension of normal adolescent masculinity. Featherstone's (1995) notion of the heroic life, where risk-taking activities that involve danger and violence are perceived as masculine traits, suggests that fear and endurance, masculinity and adulthood, become concepts by which individual boundaries are tested. This is partly because risk and risk-taking behaviour has been largely situated within schools of thought around risk-taking as a male experience (see Merryweather 2007). In contrast, academic literature which discusses the subject of risk and risk-taking tends to situate the relationship between women and risk within risk avoidance (see Hanmer and Saunders 1984, Madriz 1997). It is suggested that women are cultured from an early age to avoid situations of danger, thus positioning females as vulnerable as a direct result of their gender (Hagan 1989). Feminist scholar Miller (1991) has suggested that empirical and academic notions of risk in this sense merely act as an effective social control mechanism for women, arguing that the idea of dangerous public spaces contributes towards female dependency upon men for their protection and also coerces and conditions women into believing that safety can only exist in the home (Hanmer and Saunders 1984, Madriz 1997). Similarly, Skeggs (1999) argues that women learn that public spaces are masculine in the sense that they do not belong, for example, recreational football grounds, a group of men who may jeer at a lone female passer by, or public 'gardens' where men may congregate to meet other men. This then maintains a behaviour where women (and some men) regulate their bodies and themselves by avoiding particular public spaces or by behaving in such a way so as not to be noticed. Women, then, are indirectly encouraged to guard their behaviour in what Foucault terms the technology of self (Foucault 1988, Danaher et al 2000), all of which is maintained by a belief system that males should be feared and that all males are violent. Fear mongering in this sense provides a conflicting message around risk and risk avoidance, in one sense it suggests that women need to be able to be perceptive about the risks

associated with male violence outside of the home, even when violence can and does occur within the home. In another sense it suggests that women need to be protected by those that they need protection from, implying that women themselves do not pose as a risk .

At a theoretical level, this notion of risk and risk-taking reinforces stereotyped images of women as victims against a dominant discourse which constructs their identities as submissive bodies (Bunton et al 2004). What's more, gendered notions of risk avoidance in this sense fails to recognise the different types of risks that women assume, manifesting in the assumption that women have a tendency to avoid risks more than men (Walklate 1997). For Miller (1991), Lyng's 'edgework' analysis reinforces traditional cultured images of gender socialisation. Miller argues that Lyng's thesis of thrill-seeking and voluntary risk-taking behaviour is largely derived from male experiences, which as a result, fails to recognise characteristics that pertain to the risk-taking activities of women, for example, young girls who seek refuge in gangs where crime and violence can occur, or female drug users who participate in what may be perceived as high-risk street-level sex work who potentially face the possibility of serious harm. Recent empirical research has argued that safety and legitimacy are key concerns for women and that young women's risk-taking and risk-related behaviour is still shaped by cultural notions of female responsibility and reputation (Merryweather 2007). This then suggests the overriding importance of social expectations in the realisation that risk-taking behaviours remain intrinsically bound-up with gendered discourses.

4.5 Conclusion: Rethinking Risk

To date most sociological debates around risk and risk discourse have tended to position the individual as living in fear. The individual is repeatedly reminded about the dangers, hazards and consequences of their actions, and is repeatedly advised about the risks that this introduces and the significance of risk prevention. Within this perspective of risk discourse, the individual is perceived as vulnerable, positioned within a plethora of uncertainty, with attention drawn towards the recklessness or deviance of behaviour that includes taking unnecessary risks (Lupton 1999). Risk adopts a negative connotation, creating a space within which risk-taking behaviour can be constructed as problematic, a problem that is located within the individual. The individual becomes an instrument whom can be managed and monitored, an instrument through which the impact of risk can be minimised or avoided as a direct result of coercive systems of governance. That is to say, governance is utilised as a regulatory conductor in an attempt to reduce risk-taking behaviour as part of a wider remoralisation and responsabilisation politically fuelled agenda (Kemshall 2003).

The identification of risk-taking behaviour within a framework of risk assessment positions risk as negative and problematic, suggesting that the risky problem of offending is located within the individual offender and their behaviour (France 2000). The offender is assessed to identify specific risky behaviours (referred to as criminogenic risk/need factors) in an attempt to match calculated risk levels with suitably allocated recourses. An expert language of risk is employed to encourage an individual to address risky behaviour through expert help and interventions (Bloor 1995). However, the usefulness of risk assessment techniques has been called into question in light of growing concerns around increased re-offending rates and overcrowded prisons (Rethinking Crime and Punishment 2003). This has contributed towards a restructuring of criminal justice including the introduction of a newly developed fourth-generation risk assessment tool, as discussed in chapter two.

Expert knowledge has played a significant role in producing and sustaining governmental strategies, such as risk assessment tools, however this has largely taken place within academic debates that have placed emphasis upon macro notions of framing risk, as outlined in chapters two and three. Against this dominant discourse

exists an unfamiliar sociological framework that appreciates risk-taking from a different perspective. Here risk-taking is described as positive and pleasurable; an experience of risk which individuals deliberately engage with in an attempt to create an altered sense of self or an altered perspective of their daily lives. Drawing from three theoretical works, namely Lyng's (1990/2005) theory on *Edgework*, Cohen and Taylor's (1992 [1976]) thesis on *Escape Attempts*, and Elliot's (2009) theory on the *Importance of Mattering* chapter four presented an alternative account of why some people may engage in risk-taking behaviour. Albeit an underdeveloped area of understanding risk-taking, it is suggested that notions of understanding risk-taking from an individual perspective adds an additional dimension to current sociological debates around risk and risk-taking that have tended to draw from a largely macro perspective.

This study draws together macro and micro notions of framing risk to establish a diverse and varied perspective of framing risk and risk-taking that will contribute towards current sociological knowledge. By drawing together two otherwise opposite schools of thought, this literature review informed the empirical research and the research questions of this study. By exploring risk and risk-taking behaviour as it is framed within expert discourses this study aims to draw attention to assumptions about risk assessment practices, and show how the development of knowledge is intertwined with mechanisms of power within risk assessment practices, (as outlined in the research questions one and two). By exploring the importance of offenders' experiential perspectives this study aims to challenge assumptions and knowledge systems which produce singular meanings by drawing attention to an alternative perspective for understanding risk and risk-taking, (as outlined in the research questions three and four).

Chapter Five: Epistemological (Re-) Imaginations

5.1 Research Objective and Research Questions

The main aim of this thesis is to explore *to what extent would engagement with experiential perspectives on offending provide the criminal justice system, its agencies and practitioners with a more useful understanding of the meanings for offending.*

This can be broken down into the following research questions. Each research question will be answered through consideration of its empirical indicators:

- a) How are risk assessments used to translate expert knowledge around offending into practical ways of defining and assessing the level of risk an individual may pose
 - a) How are risks assembled and categorised within expert discourse
 - b) How are concepts of ‘risky behaviour’ constructed within expert discourse
 - c) What are the epistemological conditions within which something or someone becomes a risk

- b) How are risk assessments utilised to translate expert knowledge into practical ways of addressing and managing an individual’s offending
 - a) How does expert discourse utilise risk
 - b) How is knowledge and power reconstructed within expert discourse around risk

- c) How do young people who offend understand their behaviour
 - a) How do young people who offend understand risk
 - b) What meaning do young people who offend attach to their offending

- d) How do expert understandings of 'risky behaviours' compare with how individual offender's understand their behaviour
 - a) How does expert discourse around risk compare to a young person's understanding of their offending
 - b) How useful are current criminal justice risk assessment practices when managing and addressing the rehabilitative potential of an individual's offending

5.2 Methodologically Positioning my Thesis

The relationship between crime prevention, public protection, the management and punishment of offenders and calculations of risk have become major and influential aspects in the underlying composition of the implementation and delivery of sentencing provisions in the criminal justice system. This research study developed around the idea of how an expert language of risk and risk assessment had come to be a commonly used and influential method to situate an individual according to the level of risk used to predict the future offending of that person.

Advancing technology and the development of expert knowledge symbolise the ways in which risks have come to be managed by criminal justice systems and its agencies. What is of particular interest to this study are the mechanisms that are used to translate expert knowledge into practical ways in which criminal justice and its agencies are able to define and respond to an individual's offending (Boyne 2003) and how technologies have aided these developments. Ways of assessing risk have become an integral aspect to the functioning of criminal justice and its agencies, repeatedly utilised by the

Probation Trust and the courts to assist in determining appropriate supervision levels and sentencing, as well as by the Prison Service and Parole Boards to assist in determining appropriate security levels and parole decisions (see Nuttal et al 1978, Wasik and Taylor 1991, Copas et al 1996). The Offender Assessment System (OASys), a popular and commonly used computerised risk assessment tool, would be a prime example of the way in which the criminal justice system and its agencies are able to utilise expert knowledge and technical information to determine how an offender is to be managed in the context of their offence.

Risk-assessment can be seen as having become a central component to policy-led criminal justice practices that are embedded within ways of thinking about behaviour in relation to criminality. Ways of thinking that are deemed necessary to understand offending have given credence to a knowledge-base that places emphasis upon a discourse whose intention is to produce and facilitate practices such as managing and governing criminal bodies. Many of the questions that criminal justice and its agencies have sought to answer have largely been understood through the application of objective methods that have become industrial and mechanical by design. On the surface risk assessment instruments and actuarial practices appear to be capable of producing an objective understanding that is deemed able to answer questions around the types of risk that exist or how offenders could be best managed. That's not to say that current notions of understanding risk and risk assessment practices are worthless; risk-focused criminal justice practices have an important role in the ethical implications of managing offending and destructive behaviour. Rather it is an observation of the extent to which the epistemological framing of the nature of risk has become entrenched in a scientific discourse and consequently have come to be regarded as valid and true whilst arguably remaining largely unquestioned.

Scientific notions of assessing and measuring risk become authorised through specialised knowledge systems that are capable of producing generalised calculations of risk. Knowledge becomes sanctioned through modern systems of science and technology, and as a result, innovative and creative ways of knowing and thinking become marginalised. Creative ways of thinking about risk are largely abandoned in

favour of cost-effective and speedy technologies that can be manipulated to create systems intended for control. Unless, that is, creativity is steeped in a scientific discourse that is able to validate its position as specialist or niche. For example, graffiti artists are constructed within criminal law as committing crimes of vandalism or criminal damage, however, when convicted graffiti artists may engage with the Probation Trust in government funded art projects where they become reconstructed within a discourse of rehabilitation. Similarly, offenders who are convicted for motoring offences may be offered (as part of their sentencing provision) a place to attend a motor mechanics course. Criminal justice validates 'creative' provisions such as these by placing them within a context of expertise and by the use of discourse that is able to translate a language of 'risky behaviour' into a language of rehabilitation. What does this mean for the individual offender? How can it be the case that an individual can be positioned as being a criminal and a rehabilitated offender within the same context? What conditions make this possible? What is clear is the extent to which 'risky behaviours', especially those that result in offending, are perceived as problematic within criminal justice. What does this articulate about risk and offending, or to be more specific what is this not telling us about risk and offending? Within criminal justice, risk is clearly verbalised within a context of science and expertise but do individuals who offend view themselves in the same way? Do individuals consider themselves to be 'risky'? If scientific discourse is promoted at the expense of creative ways of thinking and if criminal justice expertise is endorsed at the expense of the individual how appropriate are current notions of understanding risk within criminal justice.

5.3 Postmodernity

Postmodernity is a term used to describe the development of a new era. In its general sense postmodernity refers to a view that describes a transformation to ways of living from modernity to postmodernity, particularly globalisation, an information revolution, advancements in technology, a cultural dominance of mass media and developments around mass communication that transcend boundaries of time and space and that

constitute a major source of knowledge in contemporary society. That is, the modern age (a historical period largely characterised as having its origins in the eighteenth-century Enlightenment project) and the hopes and ambitions of Enlightenment thinkers have been abandoned in contemporary societies. Postmodernism as a term generally refers to new ways of thinking and new ways of understanding ideas, beliefs and knowledge (Jones 2003). As a cultural and intellectual movement, postmodernism is grounded, not in the social sciences as is characteristic of modernism, but in art, architecture, literature and cultural studies (Jones 2003, Burr 1995). The focus is placed upon diversity (also referred to as pluralism) and upon varied accounts of understanding ways of life. As Harvey notes ‘‘postmodernism’ emerged from its chrysalis of the anti-modern to establish itself as a cultural aesthetic in its own right’ (Harvey 1990, p3). Because there are no fixed boundaries between modernity and postmodernity there are different categorisations by different academics in locating these terms in relation to each other. There is also some ambiguity amongst scholars when describing the period that postmodernity covers. Some scholars describe postmodernity as starting around the time of World War Two (see Lupton 1999), other scholars suggest postmodernity describes the period from the late 1970’s onwards (see Kemshall 2003, Harvey 1990). However, not all theorists subscribe to the belief that western societies have moved from modernity to postmodernity and as a result, some academic literature is dedicated to the debate about the transformation from modernity towards a late-modernity or new-modernity, which also encompasses similar debates about a late or new modernism (for example, see Beck 1992, Giddens 1999a). Scholars such as Beck and Giddens subscribe to the belief that modernity has progressed towards a new modernity (Beck 1992) or a late modernity (Giddens 1999a) this is in part because they do not consider changes in society to be revolutionary or see themselves as postmodernists (Jones 2003).

The debate about western society being viewed as modern or postmodern can also be seen in the social sciences by the way in which social theorists explore the world around them. Postmodernists tend to argue that modernist theories of society are unacceptable and outdated and can no longer adequately explain the world we live in. Where

modernist theories that are culturally and historically seeped in scientific ways of thinking (for example theorists that draw from a positivist perspective rather than from social action perspectives), claimed to be able to provide a comprehensive and full account of society, postmodernists suggest that no single account or grand theory is able to produce an absolute truth for solving problems. Postmodernism then represents a critical reaction to the perceived limitations of the modern era and modernist views on science, epistemology, and methodology (Jones 2003, Burr 1995), questioning the extent to which modernist sociological theories can adequately analyse a postmodern world. Some scholars suggest that modernity is still able to provide the conceptual tools needed to make sense of society and that understanding contemporary societies can be best achieved by building upon these intellectual and theoretical tools (see Giddens 2009). Although the general consensus amongst postmodern thinkers calls for radical new ways of being sociological, Bauman offers an insightful contribution when he says ‘a theory of postmodernity...cannot be a modified theory of modernity...it needs its own vocabulary’ (Bauman 1992, p188). This is partly because postmodern thinkers question what we know, how we have come to know what we know and how knowledge is produced and sustained. For postmodernists, the many different types of knowledge available to us are socially constructed and can only be known through systems of language and discourse (Jones 2003, Burr 1995). For this reason, it becomes essential for postmodernists to remain critical of taken for granted ways of understanding and to challenge assumptions around knowledge (Burr 1995). This is partly because the sustainability of the most powerful discourses (such as scientific thinking) are largely dependent upon assumptions and claims that their knowledge is true and it is the regime of truth that helps sustain discourses as powerful (Rose 2007).

5.4 Postmodernism and Poststructuralism

Postmodernism and poststructuralism are popular notions in the philosophical arena over the past twenty to fifty years. Where postmodernism is generally perceived as a critical reaction to modernism, poststructuralism (which is often associated with the

works of French theorists of the 1960's; influential figures include Derrida, Foucault, Deleuze, Lyotard and Kristeva) is viewed as growing out of French structuralism (Alvesson 2002, Seidman and Alexander 2001). The poststructuralist movement is closely related to postmodernism and are sometimes considered synonymous, in part because little effort has been made to distinguish between the two (Rosenau 1992). As a result, postmodernism and poststructuralism can refer to a wide range of different issues and for this reason are terms that can be used in varied ways.

Those who see postmodernism as a positive development generally believe that the nature of knowledge has changed and that the belief placed in scientific thinking as an objective truth to solve social problems, as is characteristic of modernism, should be refuted. That's not to say that scientific knowledge is rejected by postmodernism on the grounds of what science knows, after all postmodern thinkers largely subscribe to the belief that all knowledge represents meaning in one way or another. It is more the case that postmodernism denies the epistemological claims scientific knowledge makes in relation to universal truth, where scientific discourse is emphasised as being better to other forms of knowing. Postmodernism and poststructuralism share this suspicion towards scientific thinking as objective truth suggesting that what we know or what we come to know is socially constructed stemming from systems of language and discourse that define our social reality (Jones 2003). The idea that there is one central authority that unifies thought and is able to provide the truth about the world we live in is rejected.

Bauman (2000, 2007), who questioned the extent to which a modern sociology could adequately investigate a postmodern world, later went onto snub the term postmodern, arguing that it had lost meaning due to its diverse usage. Other theorists have favoured the term postmodernism over poststructuralism on the basis that postmodernism has become a more fashionable and marketable term. For example Scheurich (1997) took on the term postmodernism despite recognition that poststructuralism would have been a more appropriate description for his work. Rosenau suggested that the difference between the two terms appears to be a matter of emphasis when she states:

‘postmodernists are orientated toward cultural critique while the poststructuralists emphasise method and epistemological matters. For example, poststructuralists concentrate on deconstruction, language, discourse, meaning, and symbols while postmodernists cast a broader net. The poststructuralists remain uncompromisingly anti-empirical whereas the postmodernists focus on the concrete in the form of “le quotidien”, daily life, as an alternative to theory’ (Rosenau 1992, p3).

Daily life or the everyday is of significant theoretical and methodological interest to micro sociologist, particularly in the traditions of symbolic interactionism, and ethnomethodology (Scott-Jones and Raisborough 2007). The various approaches to micro sociology are interested in examining individual social actions, meaning and experience, particularly when contrasted with the analysis of structures of society (or macro sociology) (Jones 2003). Scott-Jones and Raisborough (2007) stress that, although these approaches provided a valuable contribution to social analysis by demonstrating the relevance of the everyday, they placed less emphasis on exploring issues such as power and its relevance to the everyday. Drawing on poststructuralist analysis and the works of Foucault, Scott-Jones and Raisborough (2007, p2) argue that ‘the everyday is no longer ‘just’ the everyday world of the individual but rather where identities, ideas of self, and discourses of power and control meet’. Thus, by analysing risk discourses within the everyday it is possible to explore the meanings and insights that individuals give to risk in their everyday lives. Scott-Jones and Raisborough (2007) advocate the analysis of risk within the context of the everyday, suggesting that this approach would provide the opportunities to explore key social issues.

Poststructuralist thought has had a great influence on researchers who argue that we live in a postmodern world (Filmer et al 2004), by becoming critical of the idea of societies as social structures or as systems made up of social institutions and questioning hierarchy of meaning (Alvesson 2002). Drawing upon the power of language and text and how these systems come to define what is known, poststructuralism highlights the importance of identifying discourses that participate in the construction of notions of reality, meaning and understanding (Jones 2003). A general assertion of poststructuralist studies derives from historically mapping social processes and practices

in an attempt to deconstruct the value and meaning of descriptive concepts. This specific focus of understanding how cultural and sociological concepts have changed over time serves as a tool to deconstruct assumptions and to expose contradictory knowledge systems that aim to produce singular meanings. This analytical approach would serve to establish an understanding of how risk discourses have come to be 'known' in the present.

A constructivist approach to framing risk, as has been described by Kemshall (2003) and Lupton (1999), is characterised by variations in the conceptualisation of risk on a continuum from weak to strong positions. A weak constructivist concept of risk favours a more realist approach based around an objective risk. With this approach, there is limited acknowledgement of subjective processes, other than questioning why some people continue to engage in 'risky' behaviour in spite of expert advice warning of the associated dangers (Slovic et al 1980). Here the individual is positioned as the rational subject and subjective processes are constructed as acting as a barrier to effective calculations of objective risk. Research has had a tendency to focus on understanding why rational choices are not made by the actor in order to bring about corrective measures and solutions (Kemshall 2003). A strong constructivist approach to understanding risk has tended to adopt a more relativist perspective suggesting what we understand to be 'risk' is a product of the different ways in which risk is socially constructed. Ewald clearly illustrates this point by stating 'nothing is a risk in itself; there is no risk in reality. But on the other hand anything can be a risk; it depends on how one analyses the danger, considers the event' (Ewald 1991, p199). Associated perspectives and theories of a strong constructivist approach to understanding risk have been identified by Lupton (1999) as poststructuralism and governmentality.

Poststructuralism places emphasis upon the importance of identifying discourses that participate in the construction of knowledge around risk by focusing less upon what are perceived as rigid definitions of structures (as identified in structuralism) and are more concerned with the relationship between power and knowledge. The concept of discourse is central to Foucauldian theorising and methodological matters. Although Foucault does not specifically discuss risk in detail, academics who advocate his work

draw upon his theory of discourse discussing its relevance to risk. Lupton again contributes important insights into Foucauldian perspectives on analysing risk when she states:

‘discourse, strategies, practices and institutions around the phenomenon such as risk serve to bring it into being, to construct it as a phenomenon. It is argued that it is only through these discourses, strategies, practices and institutions that we come to know ‘risk’’ (Lupton 1999, p84).

The question for analysis here then is not to establish the nature of risk but instead to explore what counts as knowledge. How knowledge around risk is constructed? How does discourse produce a particular kind of knowledge? How language is utilised to construct offending as ‘risky’ behaviour? And how does the knowledge/power relationship position an ‘expert’ (for example a probation officer) as having better knowledge and an offender as having lay knowledge?

Where modern social science tends to be guided by rules around universal and empirical methods, postmodernists suggest there are no rules to conform to and as for method, anything is possible (Rosenau 1992). Postmodern theorists largely reject modernist claims that there is one theoretical approach that is able to explain all aspects of society (Best and Kellner 1997). By rejecting these rules postmodernist are orientated towards a broad range of methods, relinquishing attempts to create new knowledge that focuses upon the problem/solution dichotomy and instead offering a critique of existing or taken for granted knowledge. Postmodernist theorists often substitute scientific methods and ways of thinking with an interest in exploring personal experiences, empathy, feelings, and subjective judgement as a way of emphasising differences as well as similarities (Rosenau 1992). The modern subject that fits into a modern way of thinking represents reason, rationality and science ahead of emotion. The modern subject seeks out assurances and truth, is self-disciplined, rational in thought and conforms to social convention (Rosenau 1992). The postmodern individual is interested in representing their own version of reality through feeling and emotion, fantasy and desire, and is largely shaped by contemporary culture (Lyotard 1984). It is the postmodern individual’s version of reality and the language that they use to describe their reality that will assist in providing this study with an alternative way of thinking about risk,

offending and the everyday. The meanings that some individual's attach to their offending will help to answer questions that emerge around the formation of power and knowledge, particularly which ways, if any, do individual's resist or reconstruct forms of power and knowledge.

The grounding for this thesis, in part, is to explore and question scientific forms of knowing that have contributed towards expert knowledge about risk and risk-taking, which is a primarily empirical undertaking. In doing so, I do not aim to reject scientific ways of knowing on the basis that it is scientific, rather it is my aim to unearth answers to questions such as how did modern scientific ways of thinking (expert knowledge) about risk come to hold such importance within criminal justice. In doing so I aim to open up and make way for varied and diverse ways of thinking about risk. To reject scientific ways of knowing on the basis that it is science may suggest that I am aiming to replicate the superiority claims to knowledge that are being questioned within this thesis. The distinction within this thesis is to draw upon poststructuralism to explore the foundations of knowledge, particularly the rise in scientific discourse, that have come to shape the way in which criminal justice systems and its agencies have come to think about risk and offending. By drawing upon Foucauldian influenced discourse analysis of risk I also aim to explore how risk discourses are produced, sustained, and reproduced within criminal justice, and what truth claims, if any, do they make.

5.5 Postmodernism and Risk

There is some ambiguity around the concept of what postmodern risk represents. Some scholars describe late modern risks that are manufactured or external risks (see Giddens 1999b), some scholars consider risks within a risk society (see Beck 1992), whereas other scholars describe a new postmodern penology of risk (see Feeley and Simon 1992, 1994). Therefore, theorists debate the distinctions between traditional, late modern and postmodern risks, asking questions such as, are there new risks or are there simply different ways of looking at risk (Adams 1995, Kemshall 2003). On the surface

actuarial practices and risk-based technologies and apparatus appear to be capable of producing new ways of understanding that are deemed able to identify otherwise unknown risks and risk levels. However, some scholars have noted that the research, knowledge, and information that have developed around concepts of risk have been utilised to structure assessments and the management of offenders within criminal justice for over forty years (See Bonta's analysis of offender assessments 1996). Advancements in technology and information sharing practices have aided the growth of electronic-based statistical packages that focus on the technical assessment of risk. Many current technological practices can be seen emerging as far back as 1980's, such as the Offender Assessment System (OASys) in the UK. Therefore, it is difficult to totally accept the view that contemporary formations of risk are entirely new.

An unquestioning confidence in progress and development, and a belief in scientific thinking (as is characteristic of modernism) saw the abolishment of the death penalty in the UK and a rise in confidence in a managed and strategic approach to criminal justice. An unprecedented investment in reason, scientific knowledge, capitalist development and social order transformed 'risks' and the relationship between the citizen and the state (Leonard 1997). In pre-modern times the everyday was abound by superstition, customs and beliefs, the presence of a vengeful God and an evil Satan. Dangers, threats and hazards took the form of witches, demons and devils; natural events or disasters, such as earthquakes and floods, brought fear and insecurities (Lupton 1999). Risk was seen to be outside the remit of human control, rendering the individual blameless or faultless. In contrast, the modern era perceived risks as being purely technical in meaning. Risks became calculable, knowable, predictable and manageable through actuarial-based models and scientific knowledge (Kemshall 2003). Advances in technology saw the rise in social control and social regulation that became achievable (to a degree) through governance and control strategies derived from risk-focused technologies and apparatus (see Rose 1996, 2000). A language of *risk* and *risky* became commonplace in expert discourse (Lupton 1999). The individual became the primary focus for the management of risks through regulatory governance that promoted self-discipline, self-control and self-management. The state introduced risk-focused campaigns aimed at increasing awareness and reducing uncertainties. Risk not only became a dominant medium for exercising control within regulatory agencies, but risk

discourse and the scientific ability to discover risks had also come to be considered as a better form of knowing that fuelled decision-making practices within criminal justice.

What is significant in postmodern thought is the way in which some scholars have started to question scientific discourse around risk, and to explore what risk means at a micro level (as opposed to a purely macro level). Kemshall (2003) and Lupton (1999) for example, talk about late modern and postmodern risk as interchangeable terms, although some theorists who analyse contemporary life at both the structural (macro) and individual/action (micro) levels reject the term postmodernity in favour of a *late* or a *new* modernity (for example Giddens and Beck). Most theorists agree that the consensus around the late/post modern debate seems to be focused around a growing sense that our relationship to science has changed. Beck (1992) notes that people once invested in a belief system that science could be relied upon and experts (through the application of scientific knowledge) were able to judge 'true' risks to guide us towards being responsive risk-avoiding individuals. Insight is offered by Giddens who notes:

'in western society, for some two centuries, science functioned as a sort of tradition. Scientific knowledge was supposed to overcome tradition, but actually in a way became one in its own right. It was something that most people respected, but was external to their activities. Lay people 'took' opinions from experts' (Giddens 1999b, p6).

Beck agrees that this no longer describes our relationship with science (Beck 1992). People no longer believe in the inevitability of progress and the power of scientific methods as the best way to solve matters around crime and offending. People are much less willing to accept that truth can be found in metanarratives and ideologies which will find the causes of criminality or locate a universal rehabilitative solution. For example, positivist approaches to framing criminality that focus upon the identification of criminogenic behaviours such as drug use and subsequently contribute towards the application of universal rehabilitation measures such as Drug Treatment and Testing Orders (DTTOs) or Drug Rehabilitation Requirements (DRR) have been called into question prompting government ministers to rethink crime and punishment (Rethinking Crime and Punishment (2003).

This epistemological shift has prompted a questioning of criminal justice practices within western society that are based upon risk discourses and their ability to effectively manage and rehabilitate offenders. Doubts are raised around the effectiveness of technological and informative systems that focus upon the rationalisation and normalisation of offender's and the predictable nature of criminal activities have come into question (Kemshall 2003). Instead, society and its citizens have experienced a political crisis in rising prison population sizes, low impact upon crime rates, a rise in reconviction rates, and a demise of public confidence in criminal justice agencies (see Kemshall 2003, Worrall and Hoy 2005). As contemporary western societies move away from the ideal of science as a better form of knowing we are experiencing a deconstruction of penal traditions and rehabilitative ideology through policies and debates which ask if *Nothing Works/Prison Works/What Works* (see Martinson 1974, Raynor and Vanstone 2002, Underdown 1998, Windlesham 1996). There is an increasing focus on the use of diverse rehabilitative interventions in the prison and probation services such as art therapy, counselling and experiential learning. And there is a classification of new offences (such as ASBOs) and a reclassification of existing offences (such as cannabis) in what might appear as a desperate attempt to tighten the reins on individuals who are not easily persuaded to 'fall in line'.

Current concepts of risk have also come into question by a growing body of literature that focuses upon how risks are understood at a micro level. Scholars such as Lyng (2005), and Cohen and Taylor (1992), encourage thinking about activities (that may be perceived as 'risky' from a scientific/expert perspective) from an individual's perspective of their experiences within everyday life. Here specific activities are experienced as an emotion or desire, a way in which people deliberately engage in the undertaking of pleasurable or thrilling activities in an attempt to escape the humdrum of the everyday or as a form of escapism from the highly controlled body and self. Both Lyng and Cohen and Taylor shy away from the use of the term 'risk' and instead draw attention to how individuals construct their understandings of their behaviour – this raises the question, do individual's view their behaviour as risky? This approach to understanding 'risky behaviour' challenges macro perspectives of conceptualising risk by revealing a significant area of knowledge that has been disregarded in favour of what could be considered as a more fruitful construction of risk. It also raises questions

around how suitable are actuarial-based risk discourses that are utilised within current criminal justice practices in site of a growing body of literature that offers new and radical ways of thinking about ‘risky behaviour’.

5.6 Deconstructing Conventional Approaches to Framing Risk within Criminal Justice

In a chapter entitled ‘approaches to risk and risk assessment tools’ Kemshall (2003, p48) neatly draws together differing epistemologies to framing risk within criminology, dividing them into two approaches which she terms *artefact risk* and *constructivist risk* or *socially constructed risk* (Kemshall 2003, p54). Kemshall examines the differing conceptualisations of risk particularly the construction and use of risk assessment tools. For Kemshall (2003) artefact notions of risk are utilised by policy makers and tool manufacturers for the production and construction of risk assessment strategies and tools which are framed by a technical and statistical discourse. Whereas constructivist approaches to risk are described as being employed by practitioners, such as probation officers, in the interests of crime control and in the interests of creating opportunities that are able to put into effect the discursive power of risk. Kemshall invests quite heavily in the positivistic episteme of risk whilst giving little or no attention to alternative ways of being and knowing. Although Kemshall’s account of risk does not directly argue one view of risk as being superior to other views of risk, it is necessary to consider what is being rejected and the possibility of what this could infer. That is to say, Kemshall examines the macro sociology of risk and the macro structural issues of control by neglecting debates that draw attention to the interaction and exchange between everyday life and the individual (Williams and Bendelow 1998). Does this then imply that micro social processes, through which risk may be understood within contemporary society, are to be viewed as the antithesis of sociological scientific thought and practice of risk?

A major strength of Kemshall’s study lies in its approach to mapping the archaeology of risk within criminal justice, however the study falls short of exploring the assumptions and contradictions that underpin how current metanarratives have come to represent the

‘truth’ of what is known about risk. This is partly because Kemshall herself adopts a line of enquiry about risk from arguably a politically charged and policy orientated ‘expert’ viewpoint by focusing on discussions around what risk can do and what risk does within criminal justice, for example providing increased cost-efficiency and the allocation of resources. Albeit a discussion that recognises the potential for exploring the authority of risk, Kemshall does not deal with a fundamental question, how risk gained legitimacy within criminal justice. That is to say, on the one hand, Kemshall may recognise the authority of what risk is through debates around what risk can achieve and how risk is utilised within criminal justice. However, on the other hand, this view could be seen as representing risk as tangible and therefore having very real effects, perhaps as a result of its current capacity to be productive, as opposed to ‘existing’ as a result of discourse and the language which is used to refer to it. What’s more, Kemshall draws upon risk tools as an example of risk conceptualisation suggesting that the introduction and popularity of formalised methods of assessment and calculation are not simply a matter of knowledge and methodological developments but are largely a result of their productive function of enhancing practice. Even though this can be seen as a valid contribution towards explaining the beneficial functions of risk assessment tools it could also be understood as a token view, partly because it suggests, or even assumes, an invested confidence in scientific methods as being the best way of finding causes and the truth about crime and offending, rather than understood as a technology of criminal justice, utilised to practice and sustain a power/knowledge relation. Kemshall’s study exposes the unquestioning confidence and the over-reliance that has come to be invested in modern notions of risk within criminal justice, often failing to challenge assumptions around taken-for-granted knowledge and the extent to which there is a clear investment in macro notions of risk as a system of knowledge within the practices and policies, technologies and apparatus of agencies who implement (and are consumed by) risk discourse.

By deconstructing current ways of thinking about risk within criminal justice, it becomes possible to expose the extent to which scientific discourse and knowledge have inescapably come to dominate practice, as well as highlighting the extent to which scientific knowledge produces scientific ways of structuring and framing risk. Discourses around risk that employ objective instruments designed to govern bodies en

masse in an attempt to maximise the capacity within which risk-management systems are able to effectively function highlight how practices of bio-power have come to manage the individual by emphasising the importance of (scientific) expert knowledge in the ‘treatment’ of offenders. Expertise focuses upon the management of bodies rather than the individual. Criminal justice practices place emphasis on the treatment of ‘symptoms’, for example problematic behaviours, such as drug misuse or violent behaviour, rather than concentrating on other aspects such as the meaning that individuals attach to their behaviour. The roots of this approach to the treatment and management of offenders can be seen as echoing the scientific tradition of medicine where the individual becomes subjected to the power of discourse and language that aims to define phenomenon such as criminogenic or ‘risky behaviour’ (Williams and Bendelow 1998, Jones 2003). Drawing on Foucault’s genealogical methods (Foucault 1977) the technologies and apparatus of criminal justice amplify the rise to power and the policing of power of what could be termed bio-risk, where body-centred management and treatment of offenders have come to systematically regulate and discipline individual bodies and bodies en masse through forms of knowledge that exercise both bio-power and anatomo-power (Jones 2003, Danaher et al 2000). The individual becomes depersonalised and dehumanised as institutions of bio-risk, such as the Probation Trust, the Prison Service, and the courts, divorce the body from the mind, reason from emotion, desire from behaviour, and behaviour from activity (Williams and Bendelow 1998). For Foucault, modern forms of knowledge are deemed necessary to ensure the control and conformity of bodies in modern environments; it is the exercise of modern forms of knowledge that allows for the exercise of power. Through the application of scientific methods of enquiry criminologists and penologists are able to provide a knowledge base that gives discourses their power to manage and punish criminal bodies. Modern forms of knowledge that are deemed necessary to understanding offending have, in turn, given credence to discourses whose function has produced a particular notion of the truths and falsehoods of risk (Jones 2003). In a pursuit to deconstruct the institutional presence of risk within criminal justice it becomes clear that scientific discourses and expertise are inextricably linked to the production and sustainability of risk discourse by providing a knowledge base (and thus

a risk discourse) with the intention of facilitating practices such as the assessment, management and treatment of the criminal or offending body.

A critique of traditional approaches to explaining criminality can also be found in theorists who oppose the foundations of the masculinisation of thought (Williams and Bendelow 1998). Here scientific thinking, which is perceived as masculine in both thought and reason, is seen to oppress the voice of those who are not considered scientific criminologists. Historically, objectivity and rational thought that lend themselves to scientific ways of thinking were perceived as typically masculine, capable of 'taming' hysteria or desires and emotions that were perceived as typically feminine (Williams and Bendelow 1998). For most feminists, the privileged status of male opinion was not only experienced through gender prejudice or by those who were oppressed and disadvantaged, it also reinforced an imbalance of power through empirical accounts of acquiring knowledge about crime that were typically written about men by white, middleclass, heterosexual men (Jones 2003). Feminist empiricist approaches argue that empirical research would be better understood if carried out by women, whereas standpoint feminist approaches take this point one step further suggesting that 'true' knowledge can be produced by giving authority to women's voices (Rosenau 1992). In effect, standpoint feminists aim to substitute accounts of the oppressor, for example male criminologists and police officers, with the experiences of oppressed women, particularly female victims of rape, sexual harassment and domestic violence. To some extent, these views deny the plurality of theories by relying upon one version of understanding the social world. A gender-neutral theory to explaining crime is unable to be representative of the world we live in, however it is equally the case that placing emphasis upon studying the experiences of the oppressed (that rules out studying the oppressor) will only be able to offer one account. This argument can be applied to theoretical approaches to understanding risk that draw from a purely macro perspective of framing risk or methodological lines of enquiry that rely upon and construct scientific ways of knowing risk. Sociological accounts to framing risk that draw from a purely macro perspective are similarly only able to offer one version of how risk is understood.

Feminists who adopt a postmodern critique of modern social science similarly reject the notion that science is able to produce knowledge that is better than other ways of knowing or that there is a grand theory that is able to explain crime. Smart (1985), suggests that instead of seeking to establish feminist truth, postmodern feminists should instead focus upon deconstructing truth claims and challenging knowledge claims that are designed to give power to particular discourse (Smart 1995). Similarly, poststructuralist feminists are interested in the role language plays in influencing how we experience the world and make judgements about it. Butler (1990) who questions the use of terms such as 'women' offers an important insight when she questions whether the use of a generic term is able to portray important differences between different kinds of women (Butler 1990). This highlights possible difficulties in using a generic term such as 'risk' and the role it plays within criminal justice practice. To what extent can generic terms portray the diversity of interpretation and meaning? If criminal justice practice offers an (inclusive) definition of what risk means or what 'risky behaviour' is and how it can be assessed and managed, then what and who does this exclude? Scholars who debate normalisation and remoralisation often express that social inclusion is promoted at the expense of those who are excluded (see Leonard 1997). This is partly because individuals (rather than structural processes) are (re)constructed as responsible, rational, decision-makers who choose to act irrationally (see Rose 1996, 2000).

Discussions such as these generally involve debates around the interaction between 'order-givers' and 'order-takers'. This is where order-givers, for example the police, judges and probation officers, are positioned as the benefactor immersed in a discourse that encourages positions of power and control, and order-takers (offenders being a key group) are considered as experiencing a loss of power as a consequence of being marginalised by expert discourse (Williams and Bendelow 1998). For Foucauldians, studies of power that focus on the dominating role of important individuals and institutions are better understood by the idea that workings of power are known through discourse. This means that order-givers are able to presume a position of power and control over order-takers because of the way in which discourses are articulated through institutional apparatus and technologies (Rose 2007). For example, probation officers are able to regulate and control offenders through forms of knowledge/power, i.e. the

law, probation guidelines and risk assessment manuals, and through technologies that are utilised to put knowledge/power into practice, i.e. risk assessment tools and pre-sentence reports. Risk discourse then becomes powerful because it is productive; it produces ways of knowing, ways of thinking, ways of acting and behaving, and ways of governing and managing. Yet, can it be assumed that the ways in which discourse is able to be productive can be limited and confined to 'expert' knowledge? For Foucault, where there is power there is resistance (Danaher et al 2000). This suggests that individual offender's, who are subjected to practices aimed at governing and managing their behaviour, are also able to articulate powerful ways of knowing through discourse.

5.7 Summary

A developed belief in progress and an unquestioning confidence in science have become a caricature of a modern way of thinking about risk. The production of objective knowledge and the extent to which scientific discourse objectifies epistemology as factual truth becomes thought for concern when considering the ways in which risk has been constructed within expert discourse. Challenges to the concepts of modernism have generated theoretical discussions around the methodological positioning of a theory whose foundation has remained largely uncritiqued and the extent to which scientific methods can be considered appropriate theoretical approaches to understanding social problems. The belief that risk assessments are an objective and reliable means of understanding offending behaviour and determining how offenders could best be managed is based on the assumption that the application of scientific discourses are the best methods capable of assessing and detecting 'risky behaviour'. An invested belief in complex and scientific ways of thinking and knowing risk as a progressive and reliable source of knowledge has contributed towards framing an expert language of risk and offending. As a consequence, expert discourses of risk have come to be accepted as the dominant explanation of 'risky behaviour', which has shaped and influenced the way offenders are understood, assessed, and managed within criminal justice. This account of framing risk draws from knowledge that is not independent from the technologies and apparatus it produces, for example, risk assessments have

been produced by a scientific discourse of criminality for the purposes of criminal justice practices. Consequently, alternative ways of thinking about risk have been neglected in favour of a scientific knowledge around risk and risk-taking behaviour that have contributed to framing risk assessments. In effect, this has created a single account of risk within criminal justice.

By focusing less upon what may be perceived as rigid (scientific) definitions of risk and by considering the bonds between language and knowledge/power this study will explore the constructs of knowledge that have mobilised risk assessments to establish what counts as knowledge and to reveal relations between power and knowledge within expert discourses. These points are primarily explored in themes one – Risk - and two - Knowledge, Power and Risk – of the analysis and discussion of this study. By considering offenders’ experiential perspectives this study will explore the meanings young people attach to their offending to establish differences or/and similarities in constructing risk and risk-taking. These points are primarily explored in themes three - Escapism - and four - the Importance of Mattering - of the analysis and discussion chapters. Drawing attention to an alternative perspective for understanding risk and risk-taking challenges expert notions of risk and risk-taking that produce singular meanings, allowing for a more fluid understanding.

Chapter Six: Methodology

6.1 Introduction

This chapter will discuss the research process that was conducted for this study. The chapter is broadly divided into seven sections, each section discussing an aspect of the research process; these areas are research design, sampling and data collection, analysis, area of study, researcher role and reflexivity, and ethical practice. The chapter introduces a case study approach as method of choice to explore the practice of risk assessment within criminal justice. A case for this study includes written documents in the form of Pre-sentence Reports (PSRs), the OASys risk assessment manual, and interviews with young offenders who participated in the risk assessment process.

6.2 Research Design

6.2.1 Methods of Choice: A Case Study Approach

A case study is a detailed study of a case. A case can represent an individual, an event an organisation, or a whole society (Hammersley and Gomm 2000). A case here was the practice of risk assessment within criminal justice; a single case was made up of the investigation of pre-sentence reports, the OASys risk assessment manual and interviews of young offenders who had received a risk assessment from probation. The case study was drawn from a geographically limited court area (Magistrates and Crown court) in the North of England.

The aim here was to look at what was a typical case of risk assessment within criminal justice, to establish how risk was constructed, what this meant and what effect this had. On this basis, a selection of events was considered using prior knowledge of the workings of the criminal justice system.

Probation practices play a substantial role in constructing risk through assessment tools such as OASys assessments and pre-sentence reports (which raises issues to do with power and social control). OASys assessments and pre-sentence reports, as a matter of practice, are created about offenders. Here the offender is taken out of the context of the fabric of their everyday and placed within a context of criminal justice and risk management. Through this process risk is seen through the 'eyes' of criminal justice representatives and the voice of the individual becomes less powerful and marginalised. Providing an 'authentic' account of the experiences of marginalised groups, such as young offenders, is not only an essential part of the empowerment process (Mac an Ghail 1994) but it also acknowledges the existence of a variety of perspectives. Thus, a typical case would not be satisfied by examining OASys assessments and pre-sentence reports in isolation, rather, the investigation of such practices would also benefit from a developed understanding of the experiences of young offenders who are also the targeted subject for criminal justice practices of risk assessment.

A case study approach is a familiar method to criminological research and can be traced as far back as case law in the legal system (Hamel 1993). However, Robson suggests that caution needs to be taken when 'using a well-worn term like 'case study'', for all such terms carry 'excess baggage' around with them, surplus meanings and resonances from these previous usages' (Robson 2002, p177). The intention here was to explore the phenomenon of risk within its real life context using multiple sources of investigation. Focusing on a case study of the phenomenon of risk assessment in the context of criminal justice, this study becomes less concerned with deducing grand theories and generalisability and more concerned with developing fresh insights and understandings that inductively grow out of what is being studied (Payne and Payne 2004).

The key defining characteristics of a case study are to focus upon an example of risk, studied in its own right, rather than drawing from a sample of a population as is often associated with quantitative studies. Miles and Hubberman (1994, p27) state that 'we cannot study individual cases devoid of their context in a way that a quantitative researcher often does'. As a result, in practice, case studies often occur in a specified social or physical setting or context and are commonly associated with qualitative data

collection methods (Payne and Payne 2004). Yin (1994) gives examples of case studies using both quantitative and qualitative data collection methods. Qualitative research methods assume that sociological and criminological understandings can be found in and should be based on the meanings that individuals themselves bring to an interaction (Payne and Payne 2004).

Yin (1994) identifies three types of case studies as serious options for conducting social research; the critical case, the unique case and the revelatory case. The revelatory case has been selected for its ability to generate new ideas and offer fresh insights. Stanworth's (1983) study into gender and schooling would be one example of a revelatory case study. Initially based on a single case of an advanced level English class, Stanworth argued that boys tended to receive more attention from teachers when compared to girls. Stanworth did not generalise her study to all levels of schooling, all subjects, or all school types, however, her findings were widely discussed, providing scholars with a framework for later research. Although this study could be considered as adding another account to criminological and sociological understandings about risk, it is the unpicking of risk discourse within the context of criminal justice risk assessment and management practices and how, in contrast, this compares to an offender's experiential perspectives in the context of their everyday that gives this example of investigating risk its unique importance.

I will now go onto discuss each aspect of the case study and how the data was collected, this includes the interviews with the young offenders, the pre-sentence reports and the OASys risk assessment manual.

6.2.2 *In-depth Interviews*

Qualitative research approaches are now firmly established in criminology¹⁸. Feminist theory has been particularly influential in the development of qualitative methods (Noaks and Wincup 2004). Noaks and Wincup (2004) noted that the increased use in qualitative methods in the latter part of the twentieth century has witnessed the re-emergence of feminism in a drive for research to explore the reconstructions of reality. Interviewing is one strategy that achieves this by actively enabling individuals to share their experiences, a method of working that closed instruments, such as questionnaires, are not always able to achieve. Some researchers who adopt a feminist perspective go beyond the objectification of research participants and research data as represented by quantitative methods and designs and both positivist and post-positivist approaches (Oakley 1981). For some feminist researchers flexible qualitative designs are the only option (Robson 2002). Whilst the feminist tradition offers important insights into research and methodological concerns, particularly around hierarchical power relations, this study does not aim to reject quantitative methods but instead this study aims (in part) to explore the methodological appropriateness of positivist forms of enquiry that are used to assess the 'risky behaviours' of young people who offend.

Overall, qualitative research regards the social world as being too complex to be represented by fixed questions; some researchers also discuss the complexities and methodological challenges of conducting research with young people (Kellett and Ding 2004). Payne and Payne (2004) suggest that the conduct of interviews largely depends on the nature of the interview, who is being interviewed, and the type of interview technique being used. Selecting an appropriate interview technique becomes a primary consideration when conducting research with young people around sensitive topics such as offending. The influence of feminism has seen a preference towards less structured

¹⁸ The qualitative tradition in criminology owes a great deal to the work of the Chicago School, which was particularly influential in sociology between 1892 and 1942. Drawing their inspirations from developments within sociological theory, the Chicago School researchers pursued innovative qualitative work making use of participant's observation, life histories and documents. This work began to influence British criminologists in the 1960s (see Noaks and Wincup 2004).

and more open approaches to interviewing that enables respondents greater scope to give their accounts of their experiences, opinions and feelings in their own way (Noaks and Wincup 2004, Payne and Payne 2004). Within this study, a more open and semi-structured approach was favoured as being able to provide young people more opportunity and ‘a voice’ to talk about risk and offending from their perspective, and therefore this approach is better matched to the focus of the research questions.

Kvale and Brinkmann (2009) discuss the importance of conceptualising the research interview process following seven practical stages, a template which has inspired the structure of this discussion, these are as follows: 1) thematising an interview project, 2) designing, 3) interviewing, 4) transcribing, 5) analysing, 6) verifying, 7) and reporting (Kvale and Brinkmann 2009, p19). Analysis, coding, research validity, and reporting will be discussed in the data analysis and handling sensitive data section as these topics refer to wider methodological research issues, the discussion here will focus on the first four practical stages of interviewing.

6.2.3 Thematising and Designing the Interview

Interviewing, an extensive social research method, covers a range of styles (see Sarantakos 1998). For conducting research with young people, I concentrated on the use of the face-to-face in-depth interview encounter of one interviewer and one respondent, in a less structured (but not completely unstructured) format. My previous experience of conducting research with young offenders had highlighted that the quality of the interviewing and the quality of the interview data were significantly reduced when a young person was given no aides or prompts during the interview process. This view was supported by the researchers observations of a pilot interview conducted with a young offender. The unstructured pilot interview, which had no pre-defined questions and no ordered topics, was not an agreeable format for the respondent who at times was uncertain and sought reassurance. For these reasons, I implemented a semi-structured style format with a list of four broad topics and under each topic a list of prompt questions (see appendix Table A1: Semi-Structured Interview Schedule Prompts). The

topics covered were a) life growing up; b) offending behaviour; c) risk taking behaviour; d) time spent at the project.

When researching young people and their offending, young people are themselves the best source of information about matters that concern them. Due to the delicate nature of working with vulnerable groups such as young offenders the use of individual in-depth interviews was the best choice of method for understanding and including the 'voice' of young people who offend (Langston, Abbott, Lewis and Kellett 2004).

Although the theme of the research study centred around risk and risk-taking an investigative approach was needed when thinking about the structure of the interview so as not to pose questions that might influence use of language or that might direct the interviewee (Kellett and Ding 2004). A wide range of criminogenic and social issues were explored, these were loosely grouped into prompts such as: Can you tell me about your life growing up? How did you get involved in offending? What do you know about risk? I was particularly keen to understand and explore a young person's perspective of terms such as risk and whether or not risk was a term that was used as part of an individual's everyday language and lifestyle. Language use became an important focus in preparing interview prompts, partly because of the difficulty around asking young people to discuss their thoughts around risk and offending in the context of their everyday language. For example, how does one tease out what risk means to a young person without using the term risk?

6.2.4 Interviewing and Transcribing

In theory, the interview process followed a prescribed pattern so as to increase comparability of participants accounts (Payne and Payne 2004). However, flexibility was necessary depending upon who was being interviewed and depending upon the sensitive nature of the topics that arose. In all cases, the young people who were being interviewed disclosed private and personal stories about their lives and their offending. It was necessary to give reassurance that the respondent would remain anonymous and the interview would be treated in confidence. This was especially significant to the

interviewees because of the power relations that were embedded within my role as a researcher and their position as a young offender. Meaning, it was important that my role was recognised as being independent to the criminal justice system in order to promote trust and rapport and to develop a partnership approach in the researcher/researched relationship (Noaks and Wincup 2004). An account of the basic structure for each interview process can be found in the appendix (see Table A2: Semi-Structured Interview Method). The interview itself was semi-structured and because of the interviewers detailed knowledge about the topic I was able to encourage the interviewee to freely and openly talk about their experiences using prompts only when necessary.

It is significant to acknowledge the tensions that emerged between the search for knowledge through the interview process and the ethical concerns of pursuing the interview sensitively so as not to harm the interviewee (Kvale and Brinkmann 2009). Due to the delicate nature of the research topic, it was at times challenging to balance the depth of knowledge that a young person wanted to disclose whilst at the same time respecting the integrity of the interviewees. Encouraging a young offender to discuss, for example, their volatile relationships or their concerns around self-mutilation, needed to be handled with considerable care, whilst refraining from acting in a way that might be interpreted as resembling a judgement on the part of the interviewee. However, because I was interested in finding out what offending means to some young people on occasion it was necessary to explore the nature of their life growing up.

All of the interviews were recorded using an audio cassette recorder and a microphone. Manual notes were made after the interview was completed. This was a conscious decision on the part of the researcher in an attempt to create a relaxed environment and to ease the flow of the conversation. All interviews were coded with a unique ID number to ensure anonymity. Due to time constraints of the study and the large number of interviews, two experienced researchers, who had previously worked with confidential and sensitive interview data, transcribed the interviews. It is common practice in interview studies for a secretary or researcher to transcribe the recordings (Kvale and Brinkmann 2009). The interviews were transcribed verbatim, including slang dialogue, in order to capture the essence and the context of the conversation. I

read and revisited the interview transcripts on numerous occasions in the interests of familiarising myself with the data. The interviews were transcribed into an electronic format, ready to be uploaded into NVivo, a qualitative data management software tool.

In total 16 interviews were conducted, of which one interview became void due to technical difficulties. Thus, 15 interviews were transcribed and analysed, of which two were female and 13 were male.

6.2.5 *Written Documents*

Documents can be naturally occurring, rather than deliberately produced for the purposes of social research. Documents produced by organisations such as the criminal justice system indirectly describe the social world of the people, practices, and processes who created them as an unobtrusive method (Payne and Payne 2004). Pre-sentence Reports (PSRs) are one example of private documents that can be found in a public organisation (See appendix, Table A3: Specimen Pre-sentence Report). PSRs are restricted documents produced for internal practices of prisons, courts, and probation, and are not normally available to the general public. An emphasis on interpretation of texts is usually part of wider definitions of documentary methods, text does not necessarily refer to something written but includes any objects such as fiction, film, photographs and other visual formats (Payne and Payne 2004). For the purposes of this thesis however, written documents refers to pre-sentence reports and the technical manual that guides probation officers in completing the reports, which I will now discuss.

6.2.6 *Offender Assessment System (OASys) Technical Manual*

To assist with the assessment of offenders, the Home Office sponsored the development of various diagnostic tools relating to offending related needs and risks; particularly significant is the needs/risk assessment tool for adult offenders known as the Offender

Assessment System (OASys). OASys was developed jointly by the Prison Service and the Probation Service with an aim ‘to deliver a common, efficient and effective offender risk and needs assessment system’ (National Probation Service 2002, page 1). It is structured to help practitioners assess how likely an offender is to re-offend and the likely seriousness of any offence they are likely to commit.

OASys is designed to:

- Assess how likely an offender is to be reconvicted,
- Identify and classify offending related needs including basic personality characteristics, cognitive behavioural problems, and social variables,
- Assess risk of harm (to self, general public, known adults, children, staff and other prisoners),
- Assist with management of risk of harm,
- Link assessments, supervision plans and sentence plans,
- Indicate any need for further specialist assessments,
- And to measure how an offender changes during the period of supervision/sentence (National Probation Service 2002).

As a diagnostic measurement tool, OASys is used by the Probation Service to inform PSRs. It is good practice for a court to adjourn or stand-down a case for the preparation of reports before sentencing, this also gives a preliminary indication as to how serious the case appears. However, if the court is of the opinion that it is unnecessary to obtain a report this will not invalidate the sentence given. Similarly, once reports are prepared the court may not be minded to impose the suggested sentence, and may reserve its discretion (Ashworth 2005).

OASys is used to assess offenders who have appeared in court and where the court finds it necessary to request a PSR from the probation office; this generally includes offenders on community orders; offenders on licence from prison; hostel residents who

are subject to an order, licence or on bail; young offenders serving one month or more in custody and adults serving more in custody.

The OASys assessment examines offending history and current offences; social and economic factors (accommodation, education/employability, financial management, relationships, lifestyle/associates, drug misuse, alcohol misuse); personal factors (emotional, thinking and behaviour, attitudes); links to risk of harm; supervision and sentence planning.

The OASys assessment contains a self-assessment questionnaire which gives the offender an opportunity to record his or her views. It provides the probation officer with a useful insight into how offenders see their lives and their offending behaviour.

The OASys assessment includes an assessment of risk of serious harm, risks to the individual and other risks. It also address other risks such as abscond from custody, control issues and breach of trust. The pre-sentence report summaries the information gathered at the OASys assessment stage. An overview of the OASys assessment as outlined in the OASys assessment manual can be found in the appendix (see table A5: Overview of OASys).

6.2.7 Pre-Sentence Report Document

When considering a custodial or a community sentence the courts can request a pre-sentence report from probation officers in order to determine the most appropriate sentencing option. The pre-sentence report provides justices with information relating to an offender's life circumstance, patterns of offending, motivation regarding the offence, the level of risk an offender may pose, readiness to make positive changes and a sentence recommendation. The form and contents of PSRs are governed by the 'National Standards for the Supervision of Offenders in the Community' (National Probation Service 2004, National Standards 2000). At present, the standards for pre-

sentence reports prescribe five main sections for each report, including a front sheet¹⁹, source information, offence analysis, offender analysis, risk to the public of re-offending, and conclusion (see appendix, Table A3: Specimen Pre-sentence Report and Table A4: Elements and Function of Pre-sentence Reports).

Before a pre-sentence report can be produced, probation officers draw upon a wealth of information from a wide variety of sources, including internal sources of information such as police records and probation records, and external sources of information including housing evaluations or medical records. This assists in determining the most appropriate sentencing options that are available to the courts and that are suitable to the individual's offending-related needs. A detailed analysis of the sources of information drawn upon by probation officers when compiling a pre-sentence report can be found in the appendix (see Table A6: Sources of Information). The pre-sentence report documentation became a valuable source of data analysis for this study in relation to exploring an expert language of risk and risk assessment.

Of the 47 young offenders who were referred to the project during the data collection phase, OASys assessment documentation was accessed for 41 individual cases, six cases were classed as missing. Six individuals had two pre-sentence reports which meant a total 47 pre-sentence reports were collected. Where an individual had two pre-sentence reports this may have been because an individual failed to attend their assessment appointment in which case the report would be considered a Nil report. An individual may have committed an offence after a pre-sentence report had been compiled in which case a revised pre-sentence report may have been requested from the courts, this was the most common reason for an individual case having two pre-sentence reports. Of the 47 documents collected, 23 reports were collected via the court service and the remaining reports were collected via probation. Six cases were classified as missing cases, this was because these documents were unable to be located by probation. It is unclear at this stage, given the Probation Service's robust approach to data protection and information security protocol, why these documents were irretrievable.

¹⁹ The front sheet comprises of offender's details, court details, offence details and pre-sentence report writer details.

6.3 Selecting the Sample: Sample Design and Technique

It is difficult to predetermine the number of pre-sentence reports and interviews needed when conducting a flexible design research study, research tradition generally recommends that a researcher continues collecting data until they reach saturation (a point where further data collection would add no value to the information already collected) (Robson 2002). However, the practicalities of real world research mean a researcher must adopt a more pragmatic approach to sampling design and data collection. Meaning, whilst the size of a research sample is related to generalisability and probability it is also determined by other pragmatic consideration such as resources, method of analysis, and the population from which the sample is being drawn (Payne and Payne 2004).

Because of the way in which potential research participants became known to the researcher more conventional sampling designs would not have satisfied the rationale of the study. This is because modern social research has a tendency to focus upon probability sampling that is typically quantitative by design; the purpose of this study was to move away from traditional positivist approaches to conducting research that are largely rooted in patriarchal thinking that creates distance between the researcher and the researched (Robson 2002). Instead, the basis for selecting the sample for this research study was to adopt a case study approach focusing on the individual and their experiences and how this relates to the wider context of the criminal justice system's assessment of risk. On the whole, this directed the research towards a purposive sampling frame where individuals were sampled using a starting point and an end point. Here, the sample was purposely selected because they were eligible and offered diversity of understanding rather than being representative of a wider population (Payne and Payne 2004).

6.3.1 The Research Sample Group

The research sample group was drawn from referrals made to the project. All referrals made to the project from November 2006 until May 2008 were considered eligible to participate in the research study. In total 47 young offenders were referred to the project and during this time all referrals were sampled. However, access to the research sample was restricted by the conditions of their court sanction which determined their level of involvement within the research study. The selected sample was divided into two groups, Group A who were sentenced by the courts to the project, and Group B who were given an alternative sentence.

Group A: Twenty-three young offenders were referred and sentenced by the courts to start the project. All 23 young offenders were asked to participate in the research study, participation was entirely voluntary and participants were asked to complete an informed consent form. Of the twenty-three young offenders, fifteen in-depth interviews and twenty-three PSRs were collected (one PSR was missing, and one PSR was double).

Group B: Twenty-four young offenders who were referred to the project did not go onto start the programme, either because they were considered unsuitable or because they were given an alternative sentence by the courts. Of the twenty-four young offenders, twenty-four PSRs were collected (five PSRs were missing and five PSRs were double).

6.4 Data Collection

The research data collection phase ran from November 2006 until May 2008. The starting point was indicated by the first referral made by the Probation Trust to the project and the end point was indicated by 18 months of the project being live. The significance of 18 months was of particular relevance to the longevity of an offender's stay at the project; this was because offenders were sentenced to the project for a

minimum of 16 weeks (four months). The research collection phase was designed around an offender's 16 week sentence at the project.

Two diaries were kept by the researcher for gathering field notes, the first diary kept a record of all those young offenders who were referred to the project and the second diary recorded an individual's involvement with the research study. In its most basic form simple demographic data was recorded for all referrals including (where possible) age, gender, ethnicity and offence details and sentence. For those referrals who were sentenced to the project a diary detailing each individual's involvement recorded information such as:

- Introduction and completion of informed consent form during first few days of arriving at the project,
- Self-completion of a questionnaire during the first few weeks of arriving at the project,
- Participation in a face-to-face, in-depth interview, during weeks five to six of being at the project.

The remaining weeks of an individual's stay were dedicated to collecting research data for the purposes of the research evaluation. However, for many research participants breach of their court sanction meant that very few participants completed their stay at the project or their community order. Of the twenty-three young offenders who started the project, less than half (n=8) completed the community order.

For those referred who were not sentenced to the project but instead were given an alternative sentence by the courts (n=24) access was restricted, this was because a large proportion of these individuals went onto receive a custodial or suspended sentence (n=9). Access was also restricted as a result of the Probation Trust's duty of care to protect the welfare of those individual's under their care. For these reasons, anonymised probation documents were collected for the offenders who were referred to the project but given an alternative sentence by the courts.

6.5 Analysis

6.5.1 *Discourse Analysis*

Discourse analysis is described by scholars as part of a linguistic turn in the social sciences which placed emphasis on the role of language in the construction of social reality (Hughes and Sharrock 2007). Prior (2003) suggests that discourse and discourse analysis have fuzzy and unclear meanings due to their diverse and extensive usage across disciplines. Hughes and Sharrock (2007) suggest that discourse research can be broadly defined in two different ways that make different assumptions about the nature of language. Firstly, approaches to discourse within psychology and linguistics are described by Tonkiss (2004) as focusing upon the rhetorical and technical use of language. The second approach to discourse takes place within social and cultural research and is concerned with discourses as particular ways of thinking, knowing, and talking about the world (Jones 2003, Hughes and Sharrock 2007) and is associated with poststructuralists such as Foucault, Derrida and Lyotard (Graham 2005). Phillips and Hardy (2002) present an axis of four major approaches to discourse analysis from constructivist to critical approaches including interpretive structuralism, social linguistic analysis, critical discourse analysis, and critical linguistic analysis.

Whilst approaches to discourse analysis may vary, discourse analysis in a social context has been widely taken up within sociology as a means to understand language as an object of inquiry (including, but not limited to, spoken text and written text). For discourse analysts 'there can be no knowledge of reality which is independent of language, or discourse' (Hughes and Sharrock 2007, p328), thus language is not simply a means for communicating information, but is also a way in which we acquire knowledge, and a way in which our knowledge is shaped (Tonkiss 2004). This is because language plays such a vital role in defining who we are, what we think, and what we know. Our experiences of the social world does not hold meaning until we encounter (learn) language to describe it (Jones 2003). Thus, poststructuralists recognise that since language already pre-exists, ways of knowing about the world are already provided for us (Jones 2003). It is for these reasons that discourse analysts are

interested in 'language and texts as sites in which social meanings are formed and reproduced, social identities are shaped, and social facts are secured' (Tonkiss 2004, p373). As a poststructuralist, Foucault was interested in the way a thing was talked about and thought about, and the implications this had for the way we act and the way we treat people (Rose 2007, Burr 2003). Foucault's discourse theory recognised that the production of truth and knowledge are closely related to relations of power (genealogy, influenced by Nietzsche) and that knowledge and truth are closely related to the way in which power is exercised (Danaher et al 2000). Thus, discourses are products of political, social, historical, and power-related characteristics that as a result of their construction cannot be apolitical, or represent truth. Rather it is the historical basis upon which discourses have come to be known in a specific place and time that has given discourses meaning and help define them as truth.

Phillips and Hardy (2002) provide a detailed account of discourse analysis as a method and methodology. They suggest that 'social reality is produced and made real through discourses, and social interactions cannot be fully understood without reference to the discourses that give them meaning' (Phillips and Hardy 2002, p3). They go on to suggest that discourse analysts question and scrutinise what passes for truth and knowledge and are interested in understanding what things mean, how and why things have the meanings that they do. They stress that discourse analysis differs from traditional qualitative methods by exploring and uncovering discourses, how they were created, how they are sustained and reproduced, as opposed to qualitative methods that aim to understand social reality as it already exists 'in discourse'. Phillips and Hardy go on to differentiate discourse analysis from other qualitative methods such as ethnography, which they describe as being less concerned with how social reality came into existence through the effects of various discourses, or ethnomethodological studies which they describe as focusing upon the observation of actions rather than on the study of texts.

Phillips and Hardy argue that, since it is rarely possible to study discourses in their entirety, discourse analysis involves the examination of a selection of texts - written, spoken, pictures and symbols - which represent and produce discourse. However, they stress that discourse analysts need to pay attention to the broader discourses within

which their study fits in order to explore the relationship between discourse and reality. For example, within this study I am exploring expert discourses within risk assessment practices, however, it is also necessary to consider the wider context of criminal justice in order to explore and appreciate how risk assessment is practiced. Phillips and Hardy (2002) suggest that this is because, rather than attempting to remove discourses from the context within which they are embedded, discourse analysis aims to analyse text, discourse *and* context.

6.5.2 Discourse Analysis and Macro/Micro Relations

Within the section entitled *overcoming the macro/micro polarity*, Silverman (1985, p82) puts forward a research-based strategy which he argues as a useful approach for research bridging the macro-micro divide. Drawing upon Foucault's focus on discourse in relation to power and knowledge, and by considering Foucault's case studies, particularly *Discipline and Punish* and *The History of Sexuality* (Foucault 1977, 1978), Silverman suggests a research agenda that integrates the macro and the micro through the analysis of discourse (Silverman 1985, Jupp 1989). Burr (2003) who also considers differences and debates in micro and macro social constructionism argues that these approaches to conceptualisation should not be viewed as mutually exclusive when she states, 'there is no reason in principle why they should not be brought together in a synthesis of micro and macro approaches' (Burr 2003, p20).

Within the first section of Silverman's account of macro and micro relation, Silverman draws upon research studies that have presented largely macro or largely micro levels of analysis. In doing so, he draws attention to the limitations of each approach, suggesting that:

'A narrow concern with social structures precludes a proper understanding of the processes of interpretation through which they are reproduced and, sometimes, changed. Conversely, interactional sociology has constantly to be aware of the real structures which constrain and enable social action. There is an urgent need to synthesise both approaches' (Silverman 1985, p77).

Both Silverman (1985) and Jupp (1989) argue that it is possible to bridge the gap between macro and micro perspectives by focusing upon Foucault's works on networks of power relations. The argument for Silverman is based upon the question where does power reside; Silverman suggests that for Foucault, power (that is inherent in discourse) does not stem from one source, for example from purely an institutional level (macro) or from a purely individual level (micro), but rather, power is exercised within discourse and dispersed between institutions and relations (Silverman 1985, Jupp 1989).

Following this line of reasoning, the direction of the analysis of this study has, in part, been inspired by Silverman's claims outlined above. In the sense that, by bringing together and exploring the scientific discourses of risk assessment practices as an administrative technique for measuring, regulating and governing offending behaviour within the context of criminal justice (macro), juxtaposed with exploring the first-person accounts of young offenders' experiences of their offending and the meanings that young offenders attach to their behaviour within the context of their everyday lives (micro), this study aims to provide an analytical account bringing together macro/micro discourses of risk. However, the focus of this study is not solely invested in the interests of power, this is because poststructuralists approaches to discourse analysis are less interested in who has knowledge/power and more interested in exploring how and under what conditions particular discourses have come to shape reality and who/what this constrains. This study is concerned with the way in which risk is constructed within expert discourse, the practices that risk discourses produce and sustain, and how risk discourses position young offenders. In contrast to a dominant discourse of risk within criminal justice, this study is also concerned with exploring how young offenders understand risk and what meanings they attach to offending to establish differences or similarities between different approaches to framing risk. Therefore, this study aims to provide a poststructuralist influenced discourse analysis of risk inspired by Silverman's (1985, p88) analytical observations, which draw together several points to put forward an analytical discourse method. These are now discussed in relation to the analytical direction of this study:

1) Not institutions but techniques: for Foucault, knowledge and truth (that are produced out of power struggles between different disciplines and institutions) produced by the social sciences are utilised to authorise and legitimise workings of power through administrative techniques to measure, regulate, and control people and their behaviour – namely bio-power (Danaher et al 2000). Here Silverman suggests that the focus of analysis should not concern itself with central locations of power, but rather (using the prison as an example) analysis should look towards the analysis of particular techniques that exemplify the working of power. As has been discussed previously, within criminal justice, risk assessment has become a popular and commonly used practice for the purposes of assessing and determining an offender's level of risk. This is one example of the way in which criminal justice employs administrative techniques for the purposes of measuring, regulating and governing offenders and their behaviour; it was for these reasons that this technology was selected to explore risk discourses.

2) Not intentions but practices: for Silverman (1985), Foucault does not intend to determine the motives of individuals in relation to power interests. Instead, we should begin to understand the nature of certain practices and their effects. In this sense, the analysis is not to look to the causes of crime, nor is it aimed at speculating why risk assessment practices aim to govern and regulate offenders and offending behaviour but rather to determine how risk assessment practices are able to govern and regulate offenders and offending behaviour. The aim here is to understand how risk assessment practices have become a significant method of assessing offending behaviour, and how, as a method of assessing offending, they are able to produce an effect of governing and regulating offenders and their behaviour.

3) Not classes but webs of power: for Foucault, power is not bound with a privilege of one class over another, instead power is diffused through discourse. This means that there is no one single discourse, but rather a number of different discourses (Danaher et al 2000). Silverman suggests that it is the way in which mechanisms of power function that must be investigated. This would suggest that expert discourse provides only one

account of risk and risk-taking and that it is this account that is accepted as the dominant explanation. It would also suggest that there are other discourses of risk to be considered. For example, where there are the effects of one discourse (for example expert discourses of risk assessment) there are also competing discourses (for example a young person's account of their offending).

4) Not individuals but constructed subjects: the argument here is that identity does not originate from the person, but rather discourses work to construct and produce our identity (Burr 1995). This means that an individual's identity is created by the discourses in which they are implicated (Jones 2003), and thus identity is tied to institutional structures and social practices (Burr 1995). This suggests that a young person's identity is constructed by the discourses that they are implicated in, as would be the case for those practitioners who practice within criminal justice.

5) Not ideologies but knowledge: for Silverman (1985), although Foucault recognises that ideologies can be identified in institutions he rejects attempts that have been made to relate ideology with power. Foucault sought to show how the development of knowledge were intertwined with the mechanisms of power (Danaher et al 2000). Foucault emphasised the relationship between power and knowledge, suggesting that what counts as knowledge is constituted within powerful discourses and powerful discourses are able to establish what counts as knowledge. Modern forms of knowledge are for Foucault deemed necessary to control and police bodies in modern environments (Jones 2003), and that the apparatus of institutions are by design able to assert knowledge claims. Foucault does not suggest that power and knowledge are synonymous, but rather, that knowledge or what counts as knowledge is not neutrally determined (Smith 2006). This draws attention to the body of knowledge that authorises risk assessment practices, and how an expert discourse of risk has come to be accepted as a dominant explanation.

6.6 Discourse Analysis: A Practical Account

6.6.1 Preliminary Coding and Preliminary Analysis

The analysis process of the spoken and written data of this research study were divided into several key stages; these were coding, preliminary data analysis and a thematic analysis. NVivo 8²⁰ – a qualitative data analysis software package designed to assist qualitative researchers – was utilised throughout the research analysis phase to assist in the process of data management, data organisation and data analysis.

Initially, I focused upon the preliminary analysis and coding of the interview transcripts, followed by the pre-sentence reports. These texts were transcribed into electronic formats and imported into NVivo to assist the coding process. However, before I began the coding process I read, re-read, and annotated²¹ all of the interview transcripts and pre-sentence reports to gain an impression of the content and its context. During the preliminary analysis, I was looking for emerging themes that ran throughout the texts, words and phrases describing events and concepts, statements that discussed and described risk, and similarities and contrasts between the texts (Payne and Payne 2004, Burr 1995). As a result, I identified different ways of talking that could be grouped into themes that together made up the ways in which young people talked about their offending within the interview text and the ways in which probation staff talked about the offender and risk within the pre-sentence reports. These themes were: 1) visible and hidden knowledge, 2) the body and mind, 3) escapism, 4) power dynamics, 5) relationships, 6) risk, and a miscellaneous section (see Figure F1: Grid of themes).

²⁰ The use of NVivo to assist in the management and analysis of the research data is discussed in more detail within the section 6.5.5 entitled ‘Working with NVivo’.

²¹ Annotations are a tool within the NVivo software package which assists the researcher by tracking emerging ideas within the data. The researcher is able to use annotations to link a comment or idea about a piece of text to selected content within the data source. This electronic tool, which is a time saving resource, is similar to making notes scribbled in the margin of paper formatted data analysis.

Figure F1: Grid of Themes

1		2		3		4		5		6	
Visible / Hidden		Body / Mind / Self		Escapism		Power Dynamics		Relationships		Risk	
1a	Pro criminal attitudes (expert)	2a	Civilised body	3a	Drugs	4a	The game: cops and robbers (E Berne)	5a	Family & family life	6a	Consumer + risk (Desire)(get what I want)
1b	Expert Knowledge	2b	Grotesque body	3b	Alcohol	4b	Professional autonomy / autonomy	5b	Relationships / partners	6b	Risk taking behaviour
1c	Sources of information	2c	Sexual health	3c	Prison (safe/secure)	4c	Creating dependency	5c	Parent with alcohol issues	6c	Risk of reconviction
1d	Lay knowledge	2d	Physical health	3d	Traumatic experience	4d	Control	5d	Death of parent	6d	Risk of harm (self/others)
1e	Pro social modelling	2e	Mental health (depression)	3e	Thrill / buzz	4e	Good boy/bad boy	5e	Peer influences	6e	Risk of re-offending
		2f	Self harm / suicide	3f	Chaotic lifestyle / lack of structure	4f	Compliance	5f	Parent with mental health issues	6k	Underpins offending behaviour
		2k	Anger/violence	3g	Avoidance (ignoring problems / managing problems)	11a	Motivation to change (the future)	5g	Parent with drug issues	6l	Pattern of offending
		2g	Emotional well-being	3h	Boredom	4k	Resistance (including revenge & rebelling)	5h	Parent as offender	6m	Offence focused work
		2h	Attitude and thinking			4g	Remorse / regret / guilt / victim	5k	Child protection register		
		2l	Counselling					5l	Parent with anger issues		
								5m	Parent with physical health problem		
										8a	Education
										9a	Employment
										10a	Finances
										12a	Accommodation

In part, these groupings were inspired by the original aims of the research; each text was then cross referenced according to the selected groupings. Symbols and colour coding was used to assist the coding process. Each theme was made up of a hierarchical-type structure (which NVivo refers to as tree nodes), consisting of numerous subcategories coded by the theme number, theme colour and an appropriate symbol, for example:

Theme 3:	Escapism
3a	Drugs
3b	Alcohol
3c	Boredom

Stand alone topics which did not relate to a particular theme were coded as free nodes. During this process, ideas and questions arose about the subject matter and the texts were further scrutinised to ensure consistency throughout the coding process. Some themes produced a wealth of data whereas other themes did not, and once categorised the concepts of some themes overlapped. As a result, the coding themes were collapsed into four main themes, these were: 1) Risk, 2) Knowledge and Power, 3) Escapism, and 4) The Importance of Mattering.

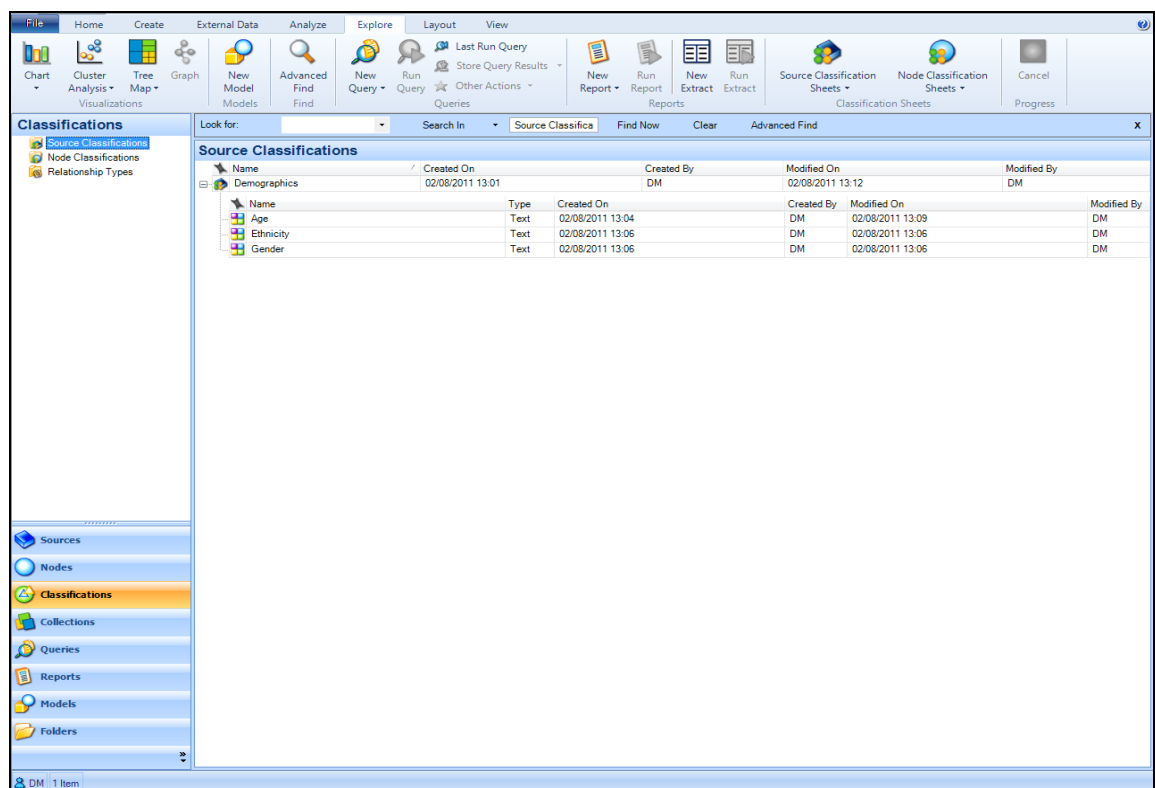
6.6.2 Working with NVivo

The use of computer software within quantitative analysis is generally encouraged as a positive contribution towards data analysis, however this view tends to differ when discussing the analysis of qualitative data. Some advocates of qualitative research have adopted what is considered by Fielding and Lee (1998, p13) as an ‘epistemological suspicion’ towards computer assisted qualitative data analysis. In part, this is because

qualitative analysis is seen as a craft or skill, where the researcher submerges themselves into the depths and richness of the texts; words and phrases are pondered over and time is taken to absorb the research data content in context. Qualitative data analysis for many researchers becomes both an academic and an emotionally intellectual ‘touchy-feely’ experience, often following hunches and gut-feelings when directing the focus of the research analysis. Researchers who advocate the use of computer software within qualitative analysis do so on the grounds that such tools have, in recent years, become increasingly sophisticated allowing a greater scope for data management and data organisation of large (or small) volumes of rich text-based and multimedia information (David and Sutton 2011).

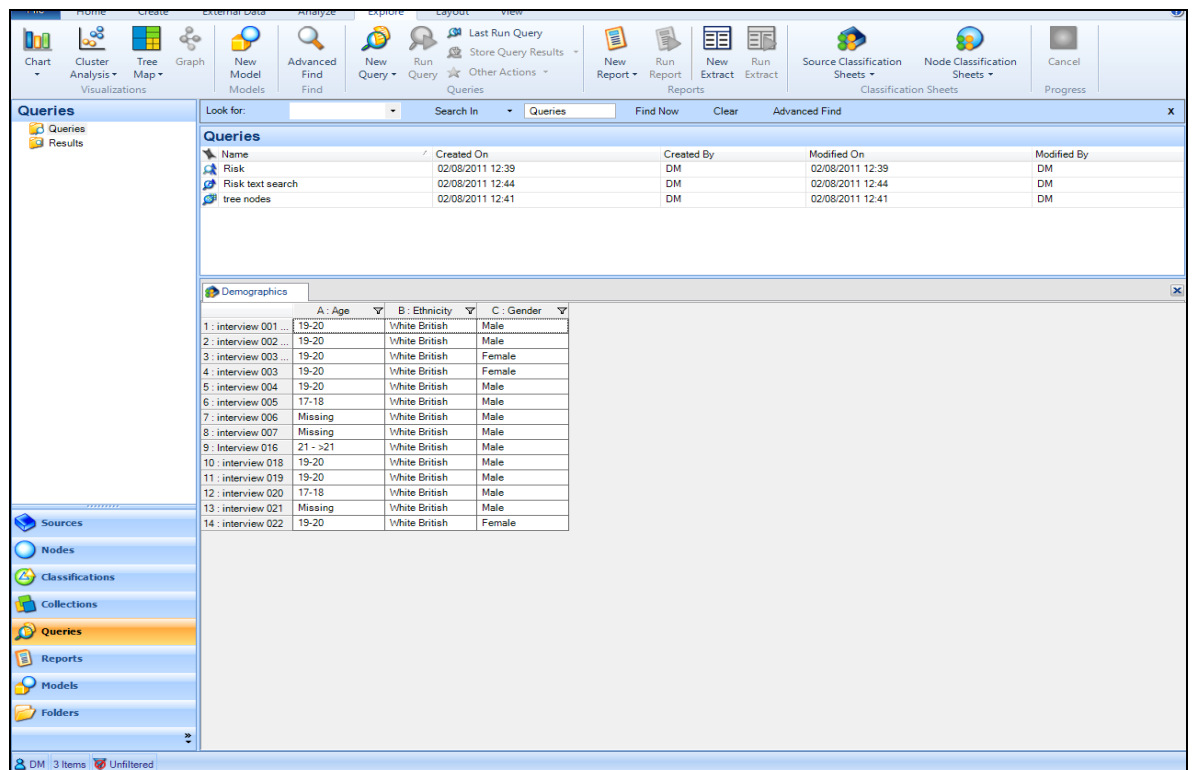
The most popular qualitative software package used by researchers today is NVivo. NVivo 8 was utilised within this research study to assist in the data analysis phase of the

Figure F2: NVivo 8 Project List View Window – Project Attributes



research. NVivo 8 is ideal for working with a wide range of data formats including PDFs, audio and visual material, and word documents, where deep levels of analysis are required. This software tool aided this study in the management and organisation of the qualitative data analysis by speeding up the process of searching data, highlighting relationships, coding, modelling, exploring relationships and building theory from the data (QSR 2008). The general assumption that computer-assisted qualitative data analysis can produce meaningless results can be challenged on the understanding that NVivo does not ‘analyse’ the research data. Rather, as a tool, it assisted the researcher by removing many of the manual tasks associated with data analysis such as classifying, sorting, cross-referencing, and exploring relationships, allowing the researcher to spend more time identifying emerging themes and constructing theories.

Figure F3: NVivo 8 Project List View Window – Attributes Casebook



As described previously, the electronically formatted research documents were imported into NVivo. Once imported each interviewee and PSR document was assigned a set of attributes. Attributes of cases are viewed in a manner very similar to demographic or characteristic information held about each research participant (see Figure F2: NVivo Project List View Window – Project Attributes). Once attributes had been assigned the information was displayed in a casebook which was used to compare and consider the demographic characteristics of the research sample group (see Figure F3: NVivo 8 Project Detail View Window – Attributes Casebook).

Within NVivo the research data were coded through the creation of tree and free nodes by linking words, phrases and whole documents to the relevant code. Tree nodes represented the research themes which were organised into hierarchies to create a logical index system. When a specific text has been linked to a relevant code NVivo allowed the researcher (by opening the appropriate nodes hyperlink) to rapidly view all

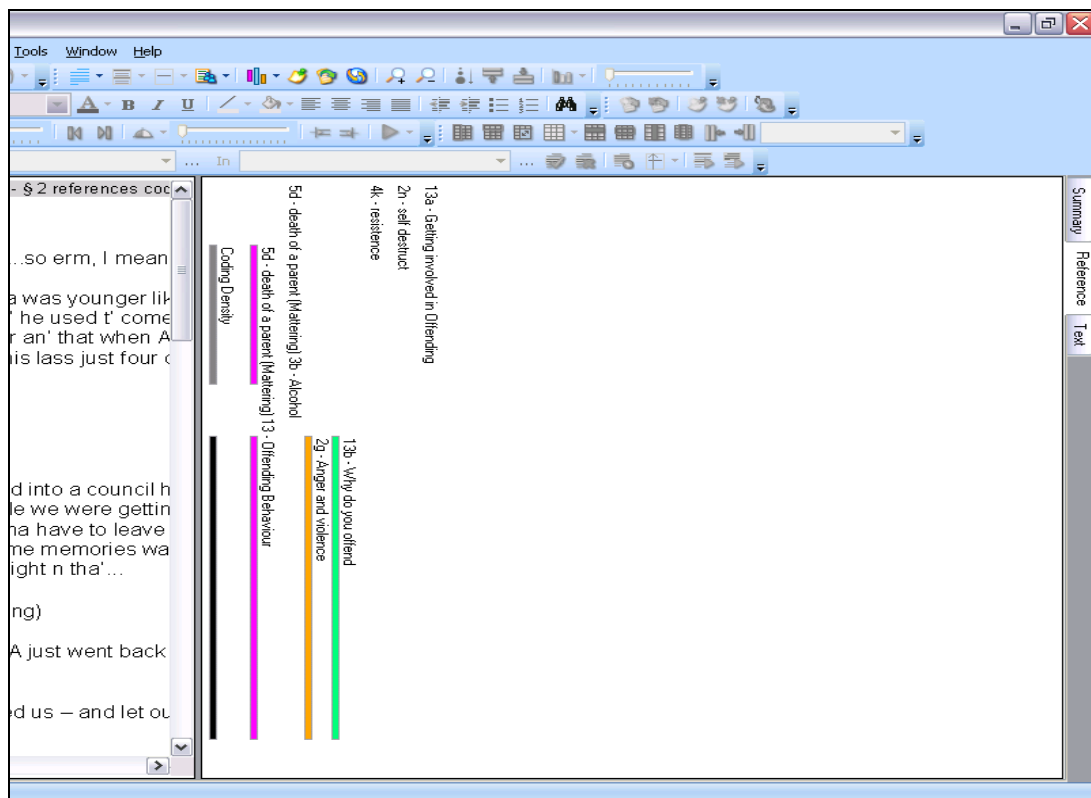
Figure F4: NVivo 8 Project List View Window – Tree Nodes

Name	Sources	References	Created On	Created By	Modified On	Modified By
1 - visible - hidden	0	0	08/04/2009 13:48	D	08/04/2009 13:48	D
11 - future	0	0	08/04/2009 13:35	D	08/04/2009 13:35	D
13 - Diffending Beha	1	2	08/04/2009 12:07	D	08/04/2009 12:27	D
14 - follow up interv	0	0	11/04/2009 11:50	D	11/04/2009 11:50	D
2 - Body - Mind - Self	1	2	08/04/2009 12:31	D	08/04/2009 13:51	D
2d physical health	1	1	08/04/2009 12:50	D	08/04/2009 19:44	D
2e - mental health	2	3	08/04/2009 12:39	D	10/04/2009 14:47	D
2f - self harm and	2	2	08/04/2009 12:31	D	10/04/2009 14:49	D
2g - Anger and vio	9	19	08/04/2009 12:35	D	10/04/2009 15:45	D
2g - Emotional We	3	5	08/04/2009 12:32	D	10/04/2009 14:40	D
2h - attitude and t	2	3	08/04/2009 20:05	D	08/04/2009 20:52	D
2i - counselling	4	8	08/04/2009 19:54	D	10/04/2009 15:09	D
2m - Change	8	10	08/04/2009 13:08	D	10/04/2009 20:51	D
2n - self destruct	6	8	08/04/2009 13:51	D	10/04/2009 20:27	D
2o - blame	3	3	08/04/2009 14:31	D	09/04/2009 18:17	DML
2p - attention seek	0	0	08/04/2009 14:30	D	08/04/2009 14:30	D
2q - No Voice	4	5	08/04/2009 15:54	D	10/04/2009 20:59	D
3 - Escapism	1	3	08/04/2009 12:22	D	08/04/2009 13:07	D
4 - Power Dynamics	0	0	08/04/2009 13:04	D	08/04/2009 13:04	D
5 - Relationships	1	1	08/04/2009 12:08	D	08/04/2009 13:01	D
6 - Risk	1	1	08/04/2009 12:07	D	08/04/2009 12:43	D
7 - Clear Track	1	1	08/04/2009 12:08	D	08/04/2009 15:20	D

the information coded for that specific theme or topic (see Figure F4: NVivo 8 Project List View Window – Tree Nodes; for a detailed account of tree and free nodes used within the project for coding, also see Appendix Table A7: NVivo Tree and Free Nodes).

Once the coding had been completed coding stripes acted as a visual representation of coding patterns, coding density and the relationships between the materials coded (see Figure F5: NVivo 8 Project Detail View Window – Coding Stripes). The use of coding stripes provides a useful visual summary of all of the coding used within one document.

Figure F5: NVivo 8 Project Detail View Window – Coding Stripes



As discussed previously, NVivo does not conduct the intellectual processes of analysis, nor does it identify which patterns might be significant or not, as is the case with other computer analysis software such as SPSS. What NVivo is best able to do is present often complex and tangled data in a clear presentation allowing the researcher to explore the significance of relationships that might exist within the data. NVivo also allows for the visual representation of relationships and patterns that emerge within the data, displayed as graphs, tree maps, and models. For example, ‘Mattering’ emerged as a prominent theme within the analysis of the research data. This theme comprised of identified patterns and links between family relationships (such as the death of a parent, separated parents and abandonment) and risk-taking (such as offending, alcohol use, and anger and violence). Figure F6: NVivo 8 Project List View Window – Relationships, shows the coding for identified relationship types relating to the theme Mattering as they emerged, the significance of the identified patterns were also represented as an NVivo model (see Figure F7: Identified Significant Relationships within Mattering Theme).

Figure F6: NVivo 8 Project List View Window – Relationships for Mattering Theme

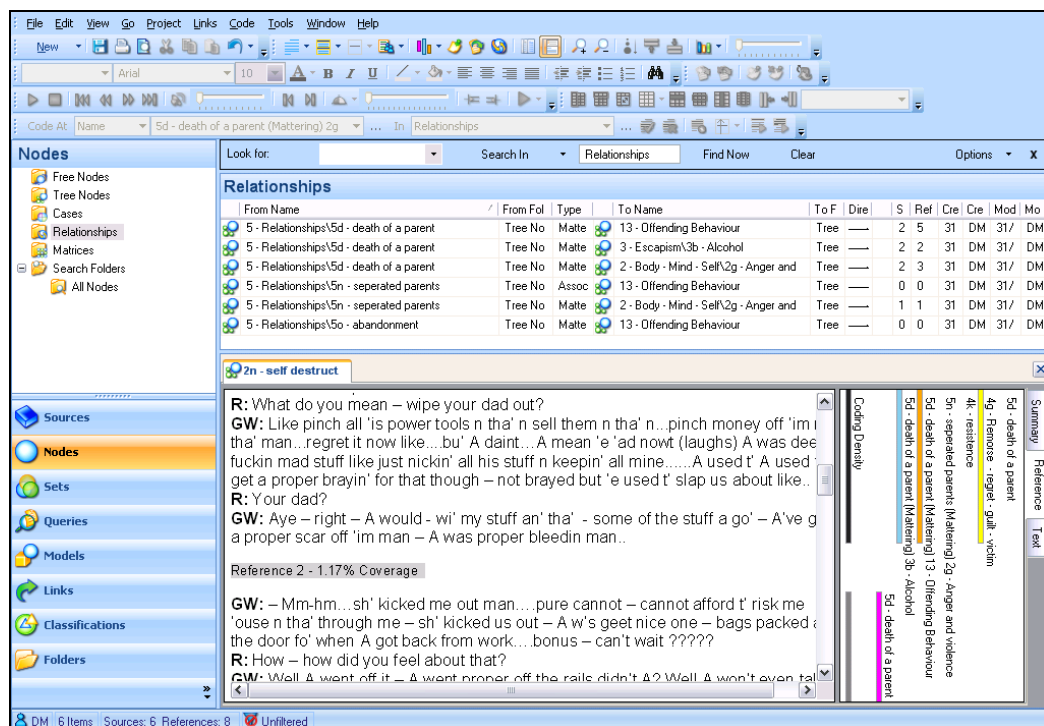
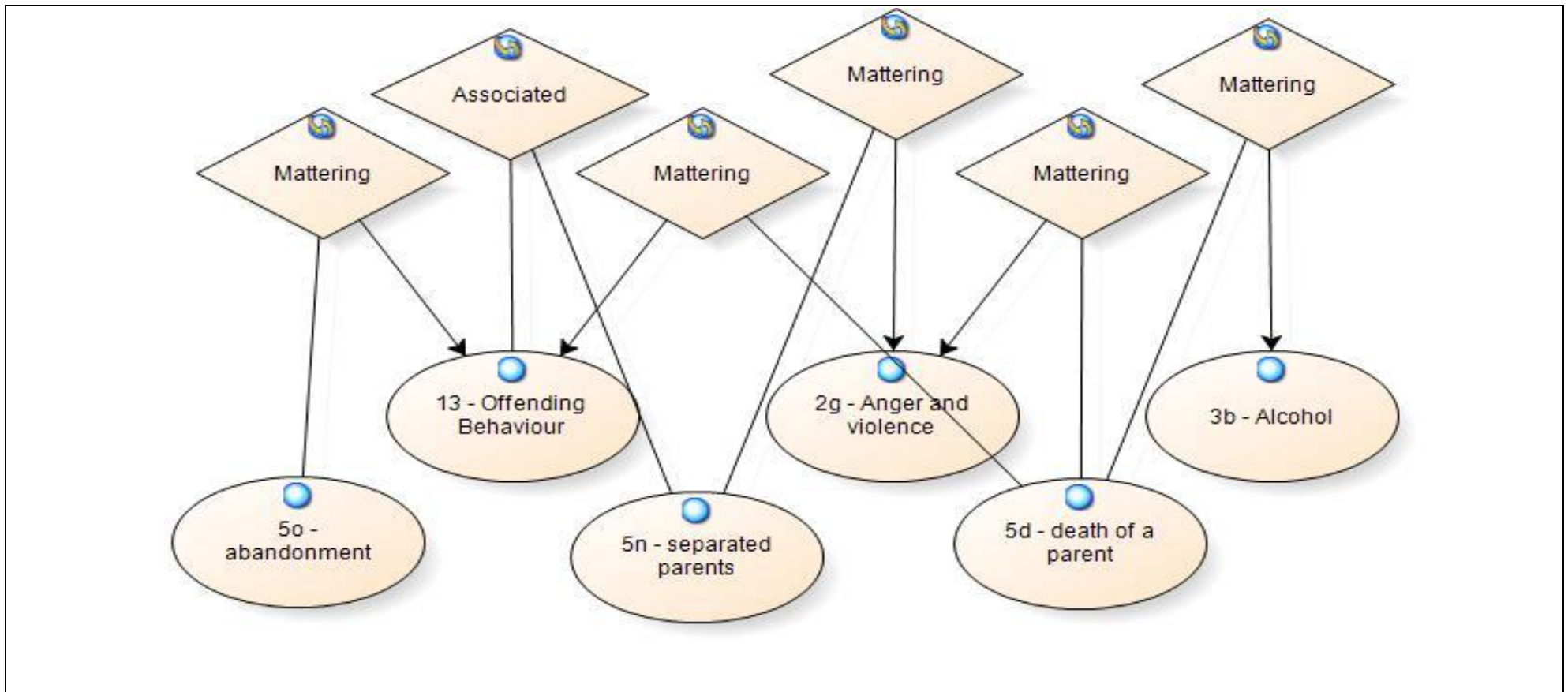
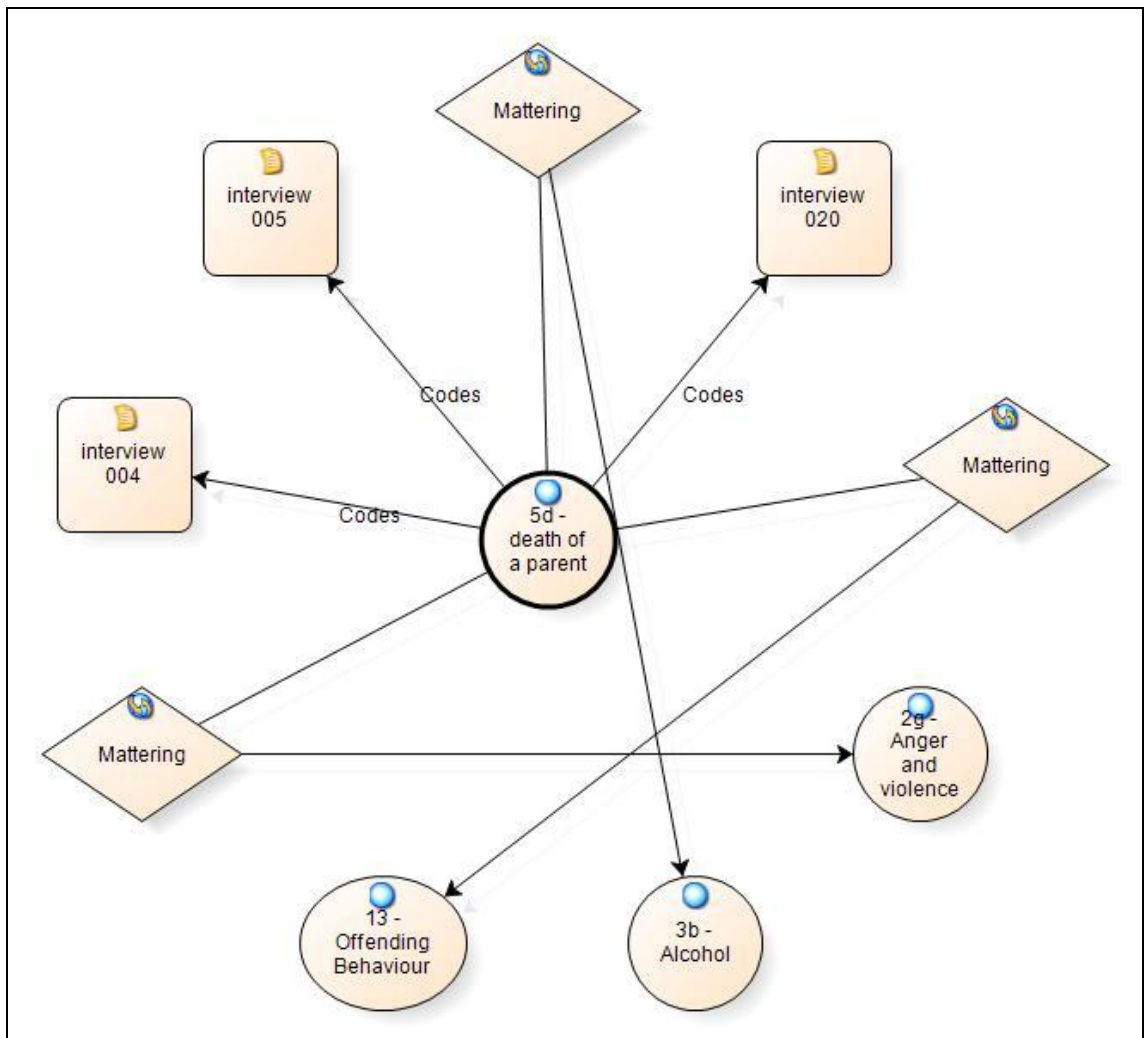


Figure F7: Identified Significant Relationships within Mattering Theme



The identified relationships within the Mattering theme highlighted several consistent patterns. For example, Figure F8 shows the identified relationship within the Mattering theme between death of a parent and offending behaviour, between death of a parent and alcohol use, and between death of a parent and anger and violence for three interviewees.

Figure F8: Identified Patterns within Mattering Theme – Death of a Parent



Similarly, Figure F9 shows identified patterns within the Mattering theme between alcohol use and death of a parent for eight interviewees. The illustration shows that the association between death of a parent and mattering influenced alcohol consumption for these interviewees.

Figure F9: Identified Patterns within Mattering Theme – Alcohol Use

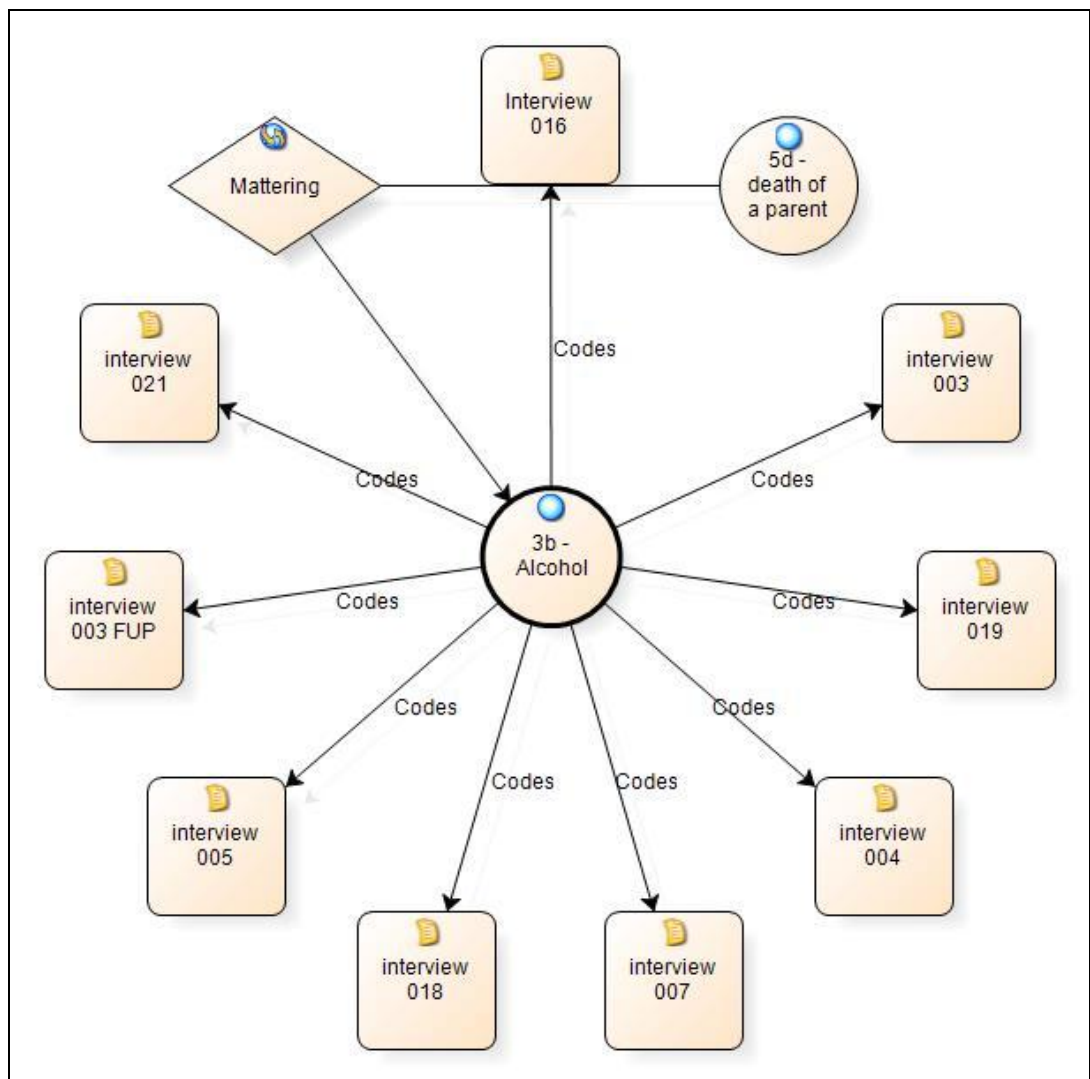
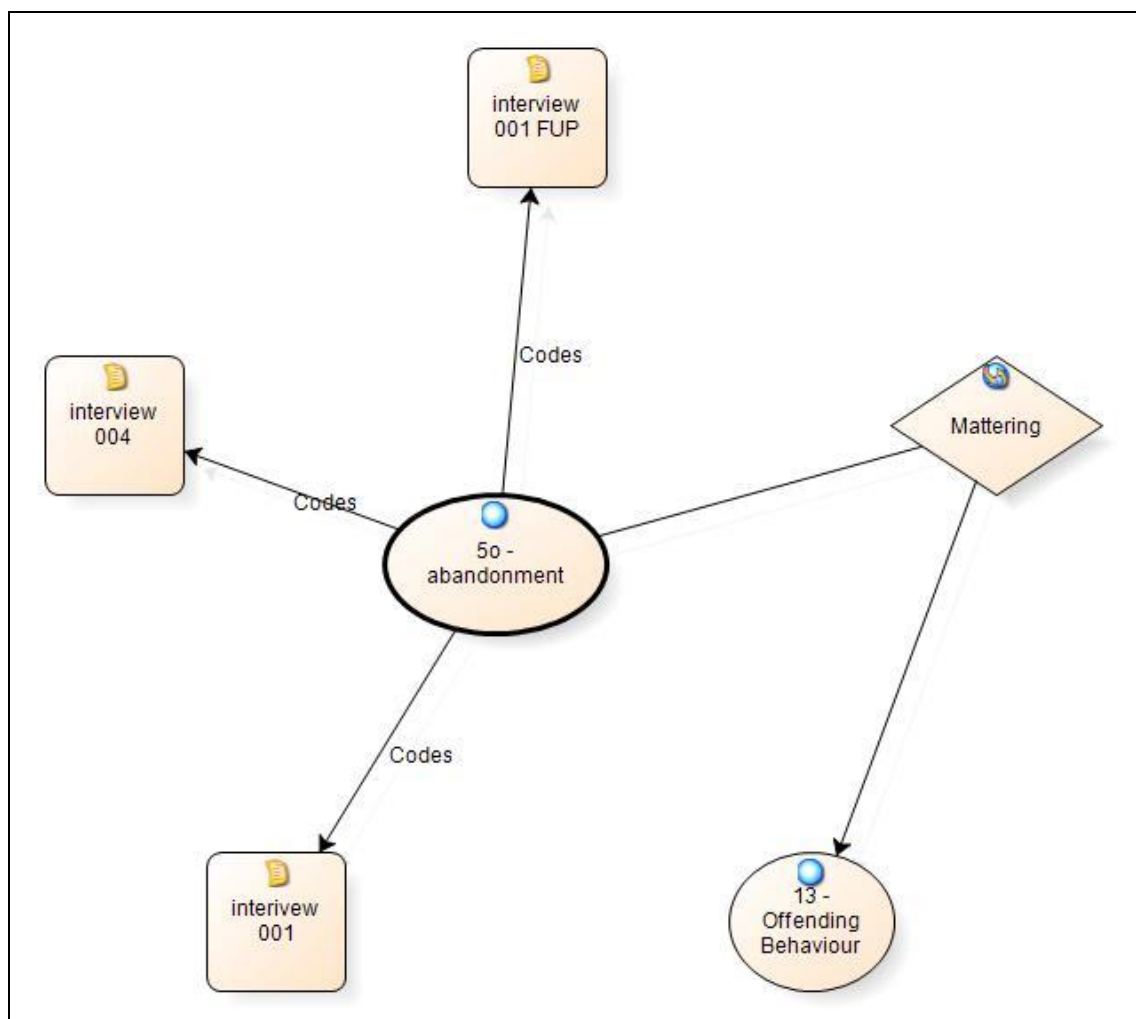


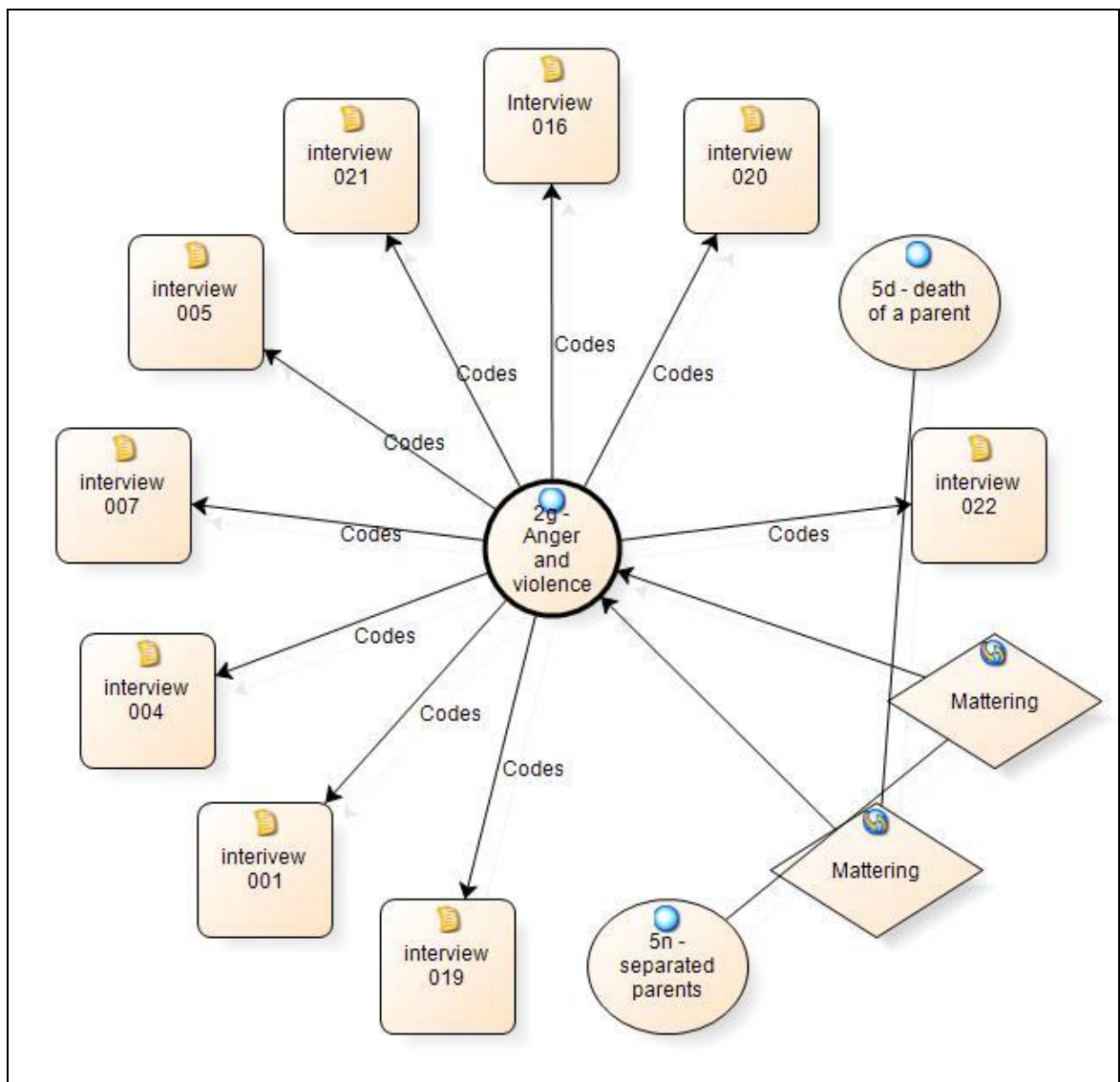
Figure F10 shows identified patterns within the Mattering theme between abandonment and offending behaviour for two interviewees. The illustration shows evidence of a relationship between abandonment and mattering for these interviewees.

Figure F10: Identified Patterns within Mattering Theme – Abandonment



Finally, Figure F11 shows identified patterns within the Mattering theme between death of a parent and anger and violence, and between separated parents and anger and violence for nine interviewees. The illustration shows evidence of a relationship between separated parents and mattering, and death of a parent and mattering for these interviewees.

Figure F11: Identified Patterns within Mattering Theme – Anger and Violence



Collectively these identified patterns contribute towards the identification of the strength of the relationship between mattering and risk-taking. Mattering, as presented here, is one example of the way in which NVivo was utilised to identify relationships, patterns, and links between the research data for this study. Due to the sophisticated nature of NVivo I was also able to conduct a basic content analysis of the texts using the NVivo queries function. Of particular interest to this study were the frequency and the varied use of the term risk.

6.6.3 Analysis of Expert Documents and Young Offenders Interviews

Within criminal justice, probation officers who conduct risk assessments generally take the concept of risk that relates to offending behaviour for granted. Probation officers use an (expert) language of risk to draw a relationship between an individual's offending behaviour and the practice of punishment and sentencing. Here the assumption is that the practice of risk assessment can identify problematic behaviour, can predict future risky behaviour and can match risk levels and offender needs to punishment and rehabilitation techniques.

One way of considering the analysis of risk discourses would be to explore the link between language, knowledge and power within expert documents (Tonkiss 2004). Expert documents such as pre-sentence reports and technical manuals of the assessment process provided a language of risk within criminal justice practices and a specialised language of risk within a professional context. Pre-sentence reports provided an insight into the way risk was talked about and thought about, and it provided insight into the way in which expert discourse talked about and thought about the offender and their offending behaviour. The technical manual of the assessment process mapped out a field of knowledge (or expertise) that mobilised risk assessment by providing an insight into the knowledge or expertise that was drawn upon to guide the probation officer when completing an assessment. In essence, these documents provided an account of how risk was constituted through expert discourse within criminal justice and how discourse produced a way of practising risk assessment through specialised forms of

knowledge and specialised language. Although the analysis of this study was guided by what came out of the research, this study was interested in exploring the data to establish relationships between knowledge, power and risk, how expert discourses authorised a certain way of thinking about and talking about risk, and how this manifests itself.

Firstly, I considered a language of risk within risk assessment practices. I examined the pre-sentence reports to provide a descriptive account of an expert language of risk (see theme one). I explored which other information (or expert discourses) were drawn upon by probation officers to give this particular risk discourse its meaning. I considered questions such as how had the pre-sentence reports been assembled and how does this contribute towards assembling risk. What other information (knowledge) had been drawn upon to assist in this process, i.e. through a range of diverse texts such as the OASys manual, an offender interview, police documents, and how was risk constructed. I was interested in exploring how different ways of thinking about risk were brought together and how this gave the risk assessment meaning. Overall, I was looking for intertextuality, the way probation officers developed an understanding of risk based upon other notions such as police antecedent records of an individual's previous offending behaviour, other probation risk assessments, and other criminal justice records.

Secondly, I then considered what was meant by risk within expert discourse and how a language of risk gave risk and 'risky behaviour' its meaning. How were different meanings connected together and what function did they serve. For example, how did expert discourse construct categorised levels of risk, how did risk discourse construct categories of those at risk, what was meant by this and how were these different meanings connected together to construct individuals as being at risk or as risky. I considered questions such as how was risk discussed and what meanings were given, what kind of language was used, and what was the intention of the probation officer when describing risk, what was the probation officer saying or doing when they described risk in this way. I also considered the way expert discourse described behaviour as risky. What meanings were given to behaviour to allow for experts to

construct it as risky, what function did these meanings serve and how did this relate to other ways of thinking about risk and behaviour.

Thirdly, I explored the way in which an expert discourse of risk within risk assessment made certain practices possible. How a language of risk was used to describe individuals and their behaviour and how certain meanings constructed behaviour and risk as problematic. I considered how an expert language of risk reduced an individual and their position to an object of criminal justice expertise and a suitable case for criminal justice practices, such as punishment and rehabilitation. I considered how an expert discourse of risk positioned the probation officer as author of the reports and how this impacted upon and positioned the offender who the report was written about. I considered questions such as where were the documents created, for what purpose, and who was the intended audience (i.e. the pre-sentence reports were created in the context of criminal justice at a probation service office, on behalf of justices for the overall purpose of sentencing). How did the probation officer position themselves as the author of the report and how did their language use as author position the offender.

Finally, by drawing together these different ways of exploring risk discourse and expert notions of risk I was able to consider how expert discourses authorised certain statements. I considered how probation officers who had access to an expert language about risk were able to qualify certain statements and dismiss competing statements as a result of expert knowledge.

Although the analysis of this study was not a narrative analysis, the structure of the pre-sentence reports contributed to the construction of risk within criminal justice. The probation officer was the author of the reports, narrating the story of the young offender's lifestyle within the format of the report, for these reasons it was felt that some consideration should be given to the structure of the report and the role of the probation officer as narrator. Although the reports did not present as a first-person account by the offenders and their experiences, the reports did offer a more valuable insight into the way in which expert discourse translated the experiences of the young offenders in to an expert language of risk (Alaszewski 2006).

The structure of pre-sentence reports is a predetermined format for probation officers when carrying out an assessment (as discussed previously). As the narrator of the reports, the probation officer recounts events in an offender's life that evolves around identified criminogenic needs/risk factors as genres within the life story of the offender. The story of a young offender's life events are condensed into a few pages, as a result the focus is shifted from a chronicle of events to the conceptualisation of events (Dijk 1997). Events are conceptualised around 1) current offence analysis, 2) offender assessment and the likelihood of reoffending, and 3) assessment of the risk of harm. All pre-sentence reports are consistent in framing events in this way, this means that the content of each of these elements can be replaced without altering the structure of the report (Silverman 2001), a structure which acts as a plot leading the reader to the rationale (or conclusion) of the report. Dijk (1997) describes a plot as an account that provides an explanation of events from a particular perspective that usually revolves around a troubling event. The narrator focuses upon each element of the plot structure to recount events of a young offender's life that leads to a final element, the end point. The narrator concludes reports by suggesting a sentencing conclusion, the conclusion draws together the findings of the assessment and matches this with a sentencing proposal for justices. Each element has a certain function, (see Appendix, Table A4: Elements and Function of Pre-sentence Reports). In this sense, the report structure is scientific, a devised formula that amounts to the same conclusion regardless of who the narrator is or whom the report refers to, thus the function of the reports arises out of its structure (Silverman 2001). Thus, it could be suggested that the reports are designed in such a way that the reader is persuaded that the conclusion is the right conclusion following a version of events around structured elements. However, it is not only the structure of a report that is suggested as lending itself to an expert discourse of authority, consideration also needs to be given to the way in which the narrator recounts the story.

The technical OASys manual of the risk assessment process provided an account of the way in which probation officers were guided to think about risk and the assessment process. It provided an account of the rules and procedures to be followed, an account of the (scientific) language used for framing risk and risk assessments and insight into the knowledge that was drawn upon to conduct a risk assessment. In this sense, the

OASys manual acted as a kind of unspoken and unseen account that contributed to the structure and content of the pre-sentence reports (Alaszewski 2006). The OASys manual was a valuable source of information for the analysis of the construction of risk and the practice of risk assessment.

The analysis of the young offender interview transcripts was to establish how young offenders constructed their lifestyle and experiences that related to offending and risk. If discourse was a place where risk and 'risky behaviour' was developed in expert discourse then I wanted to explore if meaning was maintained (or challenged) within the discourse of young offenders (Burr 1995). The aim here was not to provide a scientific and objective account of why and how young people offend, but rather to explore how young people constructed their everyday experiences and what meanings they attached to their offending.

Firstly, I explored the way in which young offenders talked about risk and how they used a language of risk. I was interested in establishing how a young offender's language of risk was similar or different to an expert language of risk. This included a simple count of the number of times the word risk arose within the spoken text compared to the written text.

Secondly, I explored the ways in which the young offenders described their lifestyles (which was discussed mostly in themes three and four). How they talked about and described their relationships, how they talked about what they did with their time, how they talked about their past experiences, and how did this relate to the way that the offenders talked about their offending. What kind of language was used, were there recurring topics or themes, were their experiences similar or different to other offenders accounts and what meanings did they attach to offending and risk. I was interested in establishing if there were common experiences amongst young offenders or was each person's experience different and how did this relate to the way in which expert discourse talked about an offender's lifestyle, did this challenge or reinforce expert notions. For example, drug use was a common theme discussed by both young offenders and within expert discourse, however, it was the different ways in which drug use was discussed that was of value to this study.

Thirdly, I explored the way in which young offenders talked about themselves. Did they talk about themselves as offenders or did they use a different kind of language to construct their identity. Were they aware of the way in which expert discourse talked about them and how did this influence the way in which they talked about and described themselves. I explored how they talked about and described their relationship with the criminal justice system, its agencies and its practitioners. I also explored how they talked about and described the practice of risk assessment and what influence this had.

Finally, by drawing together the different ways of thinking about the interview data I was able to develop an understanding of the meanings young offenders attached to their behaviour and what offending meant to them. By examining the interview data in conjunction with the expert documents, I was able to go beyond traditional interpretations of offending and risk assessment practices that draw from statistical and scientific methods and draw attention to the causes of crime and treatment of offenders, instead this study offered an alternative discourse analysis of risk.

6.6.4 Language Use and Inherited Knowledge

The focus of language had a significant role to play, not only within the context of the analysis of the findings of this study, but also within the research process as a whole. Scholars who discuss the ethical dimensions of qualitative research in criminology, generally describe how the accuracy of reporting language use is a crucial aspect of representing interview narratives (Noaks and Wincup 2004). Other scholars, who discuss the ethics of reporting research findings, talk about the offensive use of language and the potential inferences that can be drawn by the reader (Robson 2002). Language then, plays a pivotal role within research, and it is the construction of language and the use of terms such as risk that are particularly significant to this study. If we accept the tradition that language acts as a starting point from which we are able to communicate our meanings to one another (Jones 2003), and that ‘if words did not already mean what they do mean, then they could not be used to express what you mean to say’ (Doyal and Harris 1986, p84). Then we can begin to understand how language

provides us with our thoughts and our knowledge, meaning you cannot have an idea or concept until you learn what to call it in the sense that thought depends on a language that pre-exists (Jones 2003).

Focusing on the argument that our way of knowing about the world is provided for us in languages which pre-exist and which we learn, then specific ways of talking, thinking and knowing risk can be understood in the same way. The way we think about risk, the way we talk about risk and the things we know about risk do not just describe what risk is but it actually (re)creates risk. Risk becomes a familiar terminology within contemporary society, its meaning and its diverse use are capable of being applied to multiple situations. On the one hand, this creates a sense of vulnerability about a term that has shifting and multiple meanings, on the other hand however, methodological issues arise from the use of a term that could be considered as ‘well-worn’, an established term steeped in a discourse of pre-existing definitions. How do we express an independent view of what risk means when the term risk is framed by a sophisticated language. Do we experience risk because of our ability to understand and frame our world according to an already available and established language of risk that pre-exists our experiences. A complex question that cannot be easily unpicked, still, it becomes necessary to consider such points.

As researcher of this study, it becomes essential that I am able to openly critique my knowledge-base around assumptions that may have developed in relation to the term risk. For example, western women are coerced to subscribe to a particular way of thinking about issues around safety. From a young age women are warned against the dangers of talking to strangers, going out alone at night, inappropriate dress or provocative behaviour, unprotected sex, or to plan around the “just in case” misfortunes of the day, as well as other possible or imagined harms (Lupton 1999). We inherit this belief system from our parents, our teachers, the police, and the media, about how best to govern ourselves in order to avoid such dangers. We are steeped in a discourse of risk which contributes towards our understanding of risk and our perception of risk-taking. It is our perception of ourselves and the avoidance of such risks, which are generated as a result of a discourse that pre-exists our experiences and that is inevitably ingrained within our knowledge base. It therefore becomes necessary to acknowledge

that regardless of the lengths taken to review my understandings of risk, I am a product of the culture within which I was raised and subsequently I unwittingly subscribe to certain schools of thought around notions of risk and risk avoidance. For example, by law I am required to have car insurance, although I am only advised to have house insurance or breakdown cover.

It could be suggested that this becomes the case for all those I encountered as a part of the research process, for example the practitioners who professionally discussed risk within the PSR reports, the young offenders who described their experiences of offending, the justices and the practitioners who make up the criminal justice system, as well as those academics and practitioners who report on such matters. Equally so, this discussion should not simply be limited to the term risk, but rather such views can be extended to assumptions that may arise around other terms such as ‘offender’, ‘expert’ and ‘criminal justice system’.

6.7 Area of Study

Conducting research within the Criminal Justice System was not without its difficulties. However, given the importance of gaining access to probation documents and young people who have offended and had been in contact with the OASys assessment it was the best place to collect information. What follows is an account of the procedures used and the difficulties encountered.

6.7.1 Getting In: Negotiating Access

Negotiating access to conduct research can be a fundamental issue for all researchers, however, negotiating access to ‘closed’ environments can prove particularly challenging (Noaks and Wincup 2004). The criminal justice system and its agencies would be a good example of a ‘closed’ environment. Although access within criminal justice can vary according to the level of access needed, securing permission to conduct research

with criminal justice agencies or criminal groups can prove constraining and time-consuming. This is partly because criminological researchers require entry into a defined community that functions within the confines of fixed boundaries. A community whose interests are protected and governed by government departments, justice representatives and ‘gatekeepers’. The project, a virtual prison in the community, falls into the category of a ‘closed’ environment for several reasons. Firstly, the role of the project was to securely detain young offenders as part of their community sentence. Based in the community, the project had to ensure public protection at all times due to the (political) nature of their client group. And due to the age of the young people and the (political and social) vulnerabilities of working with offenders, the project had a professional duty of care to protect the interests of their client group and the general public. On one level, the project becomes a closed environment, hidden from public view, however on another level, the project becomes subject to the ‘gaze’ of professional regulatory bodies because of its professional accountability and legal obligations to the Lord Chancellor’s Department, the Ministry of Justice, the Home Office, the Northern Probation Trust²², the Police Service, the project’s Stakeholders, the general public, and its client group.

Securing access to the project’s client group proved successful because of my dual role as a research evaluator of the project and PhD student at Newcastle University. It must be noted at this stage that the research evaluation was an independent study of the project and therefore I did not adopt an ‘insider’ researcher role but instead accommodated a ‘hybrid’ position. Adopting a dual role did bring with it complications, but for the main part securing access to the potential research client group was aided by this position. Successful negotiations between the project’s

²² On the 5th of April 2010 the local Probation Services became Probation Trusts. The change in governance arrangements was announced by the Ministry of Justice in 2007 as part of the Government’s plans to transform the management of offenders. The new Offender Management Act (2007) introduced the Ministry of Justice, the National Offender Management Service (NOMS), and also set out new arrangements for the provision of the probation service. The National Probation Service will remain a service. Local probation services who are unable to meet the requirements of trust status will be opened up to tenure either from existing trusts or other providers. (see <http://probation.homeoffice.gov.uk/output/page380.asp> viewed 02.11.10)

management team and myself ensured a smooth transition from negotiating access to conducting the research.

Having secured access to the project's client group the next step was to consider negotiations for access to specific probation documents. In the research study's initial stages of development, securing access to probation documents proved complex, this was because of the restricted nature of the files. Access to probation documents could be gained in one of two ways, via the court service or via the probation service. This was because the specific probation documents, known as pre-sentence reports, were produced by the probation service for consultation by the courts, magistrates and judges. I was particularly interested in viewing the PSR documents for those young people who had been referred to attend the project. My training and experience as a magistrate proved favourable in so much as I was aware that I would be able to gain access to PSR documents via the Court Service and project. This method of access proved successful for around 20 cases, at which point a northern Probation Trust limited the project's access (and subsequently the researcher's access) to the PSR documents, possibly as a result of concerns around professional accountability.

Obstacles to gaining access to the (restricted) probation documents could not be resolved at the project's management level or at the project's Steering Group level. The northern Probation Trust however did agree to give Newcastle University privy to specific documents with conditions. Firstly, an official letter of application had to be made via the chief officer of the northern Probation Trust. Secondly, as exclusive researcher of the project I had to sign a legally binding document to ensure the integrity of my conduct, particularly whilst working with restricted information. Thirdly, I was able to access to PSR documents at the northern Probation Headquarters however, I was unable to remove or photocopy the original documents. Through cautious discussions between my supervisor and the chief officer of the northern Probation Trust, we were able to negotiate some flexibility. Finally, it was agreed that I would be able to manually copy the PSR documents onto a pre-agreed template (see appendix, Table A8: OASys/PSR Template). Negotiating access to view 47 PSR documents of those young people who had been referred to the project substantially delayed the progress of the research project by several months. Further, manually transferring the data from the

original PSR documents to a template document proved time-consuming and unresourceful. Once access to the PSR documents had been secured an additional two weeks was needed in order to transfer the PSR data. I was prohibited from sharing the PSR data with any additional parties, including the project.

Another vital aspect of this study was to be able to observe the probation practices that were used to create documents such as the pre-sentence reports. Through the northern Probation Trust I was unable to secure access to the computer systems that managed and produced the pre-sentence reports, known as the Offender Assessment System (OASys). However, I was granted access to view the OASys manual, again, I was unable to remove the technical manual from the building or photocopy it, but I could manually copy information from the 255 page document. Having previously worked for the Home Office in London I was familiar with the policies and procedures of the southern probation area service, which prompted me to contact the agency. They openly accommodated my request for a copy of the OASys manual under the Freedom of Information Act 2000²³. Hammersley and Atkinson (1995) argue that the discovery of obstacles to access can help one to understand the social organisation of a setting, showing for example how people respond to ‘outsiders’. The effort to gain access to the probation documents prompted several questions, has restricted access been a contributing factor to the limited research carried out with the northern Probation Trust. Nevertheless, access was eventually secured.

6.7.2 Research Environment: the Project and the Northern Probation Trust

The project, which ran for four years from 2005 to 2009, worked with the courts and the northern Probation Trust to provide a community-based, custodial provision. Those young offenders who were sentenced to the project, as part of their overall community sentence, would also reside at the project’s premises. For a duration of 16 weeks, the

²³ The Freedom of Information Act 2000 can be found at <http://www.legislation.gov.uk/ukpga/2000/36/contents>

project became 'home' for many of these young people, meaning personal relationships were formed between the young people and the project's staff. Had my role simply been as criminological researcher I would have potentially been received as an 'outsider', placing me at a disadvantage, however, because I was also research evaluator for the project I was able to work alongside the project from the start, developing rapport with the project's staff and its client group.

In the interests of reducing researcher bias I would introduce myself to each research participant individually, following a loose, semi-structured, script I would explain the purpose of the research and explain my role as an independent researcher. The welcoming nature of the project's team meant that in some instances the research participants were briefed before I arrived. The extent to which this involvement influenced how I was perceived by the research candidates and how this influenced response rates cannot be known. A further observation in relation to the research environment and its potential influence on the research process was the social element of the project. As previously mentioned the research participants resided at the project, this meant that some research participants had an understanding of the research process as a result of speaking with other research participants. The social element of the project did influence response rates, it was observed the response rates were clustered meaning that when one young person declined involvement in the research process this decision influenced other potential candidates. The reverse was also true, in that, when one potential candidate volunteered to participate in the research their peers also tended to want to be involved. The extent to which this influenced the answers that some respondents gave cannot be known. Due to the layout of the premises, private interviews were conducted in the staff room, an area which would ordinarily have been out-of-bounds to the young people. I was also given a secure space to store equipment and materials (confidential and sensitive data were not left on the premises).

As discussed previously, access to the pre-sentence report documents was negotiated via the northern Probation Trust and because of the restricted nature of the documents I was only able to view the information at the northern Probation Headquarters. Northern Probation Trust works to protect the public, reduce reoffending, support victims and rehabilitate offenders, supervising adult offenders serving community orders and those

released from prison on license. Northern Probation Headquarters however appeared to be administrative and policy orientated with each probation sub-division focusing on the day-to-day assessment and management of offenders. Where previously I had viewed the probation documents for individual clients in the presence of or after having met the individual in question, at the northern Probation Headquarters I was placed in a large boardroom with a selection of anonymised papers (I was not able to view all the documents at the same time). As a researcher, I fully advocate data protection, confidentiality and the handling of sensitive data; I do not dispute this aspect of the process. However, I did begin to observe the formality of my experience and was left wondering if this was a reflection of the general practice and procedures of the Probation Service, and if so, to what extent had my experience echoed the experiences of the offenders themselves. An individual offender became an anonymised case with only demographic information as identifiable characteristics of each person's individuality. I was able to read very intimate and private information about each individual case in the context of a professional and official environment. This process promoted an element of depersonalisation, meaning as a researcher I could maintain an element of emotional detachment, observing the individual's lifestyle out of context, and from a 'safe' and disconnected position. This led me to question, to what extent are probation officers able to become actively involved in the care of the offenders they work with. Given the increased workload and the associated pressures which probation staff face does it become easier for probation staff to carry out their role or "do their job" efficiently if they are able to maintain a safe emotional distance by generalising cases rather than focusing upon individuality.

6.7.3 Research with Young Offenders

The concept of power is vital to discourse analysis particularly in relation to the connection between the formation of discourses and the exercise of power (Punch 1998). The relationship between discourse and power has particular relevance to research studies with young people. This is because power is accompanied by the creation of knowledge (Giddens 1995). Power is a complex subject, and the way adults

write about and debate issues relating to young people, the way the law views young people, the way in which society in general views young people, and the way researchers research young people are all significant issues relating to power relations and the creation of knowledge in youth research. The contribution of feminism has highlighted how power differences (particularly around gender) are pivotal to relations between people (Robinson and Kellett 2004). The rethinking of power by Foucault and other scholars has also had an important impact upon thinking about power as having micro levels and multiple forms. Poststructuralists, who pioneer Foucauldian discourse theory, suggest that the concept of power is vital to discourse analysis when aiming to reveal how power is exercised through the social construction of discourse; arguing that modernist research studies, that are designed to discover the grand-narratives behind a social problem, are misguided suggesting that research should concern itself with the analysis of discourse particularly in terms of its content, authorship, authority, audience, and goals (Fraser and Robinson 2004). As the focus of this study falls upon young offenders, social constructs such as ‘young people’ and ‘offender’ are part of discourses that need to be unpicked in order to explore the nature of how power is exercised and maintained (Roberts et al 2010). Research with young people who offend can assist in exploring how young people create and use discourses in relation to adults. Research with young offenders offers the researcher an opportunity to observe the processes that young people use to construct meaning and identity (Fraser and Robinson 2004).

Historically, much research has marginalised the voice of young people on the grounds that children and young people are not competent to understand or describe their world due to cognitive and linguistic immaturity²⁴. There is now a revised way of thinking about young people as being capable of providing worthwhile data from a young age (Armato and Ochiltree 1987, Fine and Sandstrom 1988). Scholars are beginning to open up debates around social experience (rather than age) as being a more reliable indication of maturity and competence (Alderson 2000). This change in attitude is

²⁴ For example, a common interpretation of Piaget’s developmental theory is that children have limited competence to understand, formulate or express ideas and thoughts (Piaget 1929).

partly due to Article 12 of the United Nations Convention on the Rights of Children²⁵ (1994) *'you have the right to say what you think and you must be listened to'*; partly due to Article 10 of the Human Rights Act²⁶ (1988) *'everyone has the right to have their own opinion and show it in a way they want. No one can stop anyone else from doing this unless the person is not allowed to express opinion by law'*; and partly due to a critical piece of UK legislation, the Children's Act²⁷ (1989); all of which advocate actively involving children and young people in issues that affect them. Collectively, these developments have resulted in increased attention being given to directly obtaining the views and experiences of children and young people.

Another factor that sustains unequal adult-child power relations is the belief that adults have superior knowledge. This is arguably the case in some aspects of experiences in life, however, the argument here is that young people have a better understanding of what it means to be a young person and young offenders have an informed understanding of what it means to be an offender. Mayall makes the point effectively by stating *'I want to acquire from them their own unique knowledge and assessment of what it means to be a child; for though I can remember some things about being a child, I may have forgotten much, and childhoods may vary and have probably changed over the years'* (Mayall 2000, p122). Even though I attempted to minimise power relations throughout the research process by dressing in a casual manner, speaking less formally and adopting a relaxed and open disposition to try to blend into a young person's world, it is not necessarily possible to dispel some of the conditions that are central to maintaining power relations over children (Mayall 2000). This is partly because the research respondents, at the time of contact, had experienced being arrested by the police, being sentenced by the courts, and being assessed by probation. Institutions of authority for many young people have arguably come to represent powerlessness,

²⁵ The United Nations Convention on the Rights of Children, <http://www.unhchr.ch/html/menu3/b/k2crc.htm>

²⁶ The Human Rights Act, <http://www.opsi.gov.uk/acts/acts1998/80042--d.htm>

²⁷ The Children's Act, http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_en_1.htm

restrictions on liberty, and control, and where the individual has ‘no voice’²⁸. Understanding the world from the perspective of the young person involves the researcher recognising that it is the research participants who are the ‘experts’ in understanding their offending and risk-taking behaviour. In a sense that they are the keepers of the knowledge and insights into understanding their offending and risk-taking behaviours (Pattman and Kehily 2004). The importance of young people’s voices in understanding their world in relation to the research process is at the core of the critical issues that underpin the methodological approaches of this research study.

Finally, anxieties around the potential abuse of power relationships between the adult researcher and the young offender have led to attempts to regulate researchers by means of police checks on criminal records (Kelly and Ali 2004).

6.8 Researcher’s ‘Hybrid’ Role

The development of this PhD study and the researcher’s role is unique on several levels. Firstly, where more traditional methods of acquiring research funding involve the

²⁸ An example of this can be found in the James Bulger case in 1993 which changed public and legal attitudes towards children and young people. The ‘innocence’ of children and young people had been reconstructed as a child-like monster capable of committing horrendous adult crimes (this is particularly the case in media discourse). This was echoed in the court system, where at the time of the Bulger case the law court’s were ill-equipped to try two ten year old boys for what was considered an adult offence. As a consequence, the European Court of Human Rights ruled that Jon Venables and Robert Thompson did not receive a fair trial because their case was heard in an adult court. The way in which the law views young people who commit crimes can also be seen in the way in which the two young boys were sentenced. The trial of Venables and Thompson was heard in a crown court in front of a judge and jury, however, the tariff (minimum period of punishment) was set by the then Home Secretary. In a criminal court of Law punishment is usually prescribed by a judge or justice who is independent of the government, however this case is a good example of the way in which children and young people have ‘no voice’ and become powerless once they enter into the Criminal Justice System. As a result of the Bulger case the Criminal Justice System has recognised some aspects of a power differential within institutional practices subsequently, youth justice reform witnessed the introduction of Youth Court’s in 2003, the Youth Justice Board are now responsible for children and young people aged 10-17, and once an offender becomes 18 years they technically become the responsibility of the Probation Trust and NOMS.

submission and acceptance of a developed research proposal to a research council (or sponsor) prior to being granted funds; this study had secured funding in association with a public sector funded project. A collaboration between Newcastle University²⁹ and Community Service Volunteers (CSV) meant that funding was secured from the Helen Hamlyn Foundation; where it was agreed that the funding of a doctorate would be conditionally secured providing the doctoral student (as associate researcher) also conducted an independent evaluation of a HM Treasury (Invest to Save) funded project – which will be named here as ‘the Project’.

Secondly, because my research interests in risk and offending were closely linked with and overlapped with the underlying notions and concepts of the project, the evaluated project acted as the basis for the research data collection. Because the aims of the evaluation were unlike the aims of the PhD study, the data collection framework accommodated both the evaluation and the PhD. This meant that aspects of the data collection were for the purposes of the evaluation and other aspects of the data collection were for the purposes of the PhD. Still, the doctoral study was not compromised, in that the research study reflected the needs of the research participants – young offenders, the controlled research setting, and the sensitive research topic – offending and risk.

And finally, due to the structure of the PhD study (which was intertwined with the evaluation study) the researcher did not adopt an ‘outsider’ role nor an ‘insider’ role, but instead the researcher had an insider-outsider relationship with the research process (Allen 2003), or what could be considered a ‘hybrid role’. This is because of my combined role as a researcher/evaluator and PhD candidate and because of my previous experience and knowledge of the context of the study when working with young people

²⁹ This PhD has ‘shared’ the research data which was also collected on behalf of a funded evaluation study, known here as ‘the Project’ to retain anonymity. As discussed above, the analysis of the data for the doctoral research and the evaluation study had been undertaken independently, and neither study was compromised as a result. Funding was secured through the project’s evaluation Principal Investigator, Dr Elaine Campbell, Newcastle University. More information regarding the evaluation research can be requested from Dr Elaine Campbell, Reader in Criminology, Department of Sociology, Newcastle University, School of Geography, Politics and Sociology, Claremont Bridge Building, Claremont Rd, Newcastle-upon-Tyne, NE1 7RU. Email: Elaine.Campbell@ncl.ac.uk

and within the criminal justice system. Discussions around a researcher's 'insider' or 'outsider' role largely argue the advantages of polarised positions. Scholars who advocate the 'insider' role argue that only those researchers who are directly concerned with the research setting within which they work can offer an authentic account as a result of their intimate knowledge of the context of the study. In contrast, other scholars suggest that the 'outsider' role is a preferred role as it reduces the potential for researcher bias that might arise from familiarity with the research respondents (Robson 2003, Allen 2003). Hammersely and Atkinson (1983) draw attention to an existential feature of conducting research, in that we are part of the world that we study. Postmodern researchers would recommend a reflexive way of working towards gaining a better understanding of the role of the researcher and the impact of the research process on the research findings (Allen 2003, Ahern 1999). The practice of researcher reflexivity requires that the researcher's 'hybrid' role are made transparent in order to enhance the rigour and validity of qualitative research and the study's findings (Allen 2003), however, the impact of a researcher's 'hybrid' role is not limited to one aspect of the research process and for these reasons the relationship between such accounts and the execution of the research will be discussed intermittently throughout the methodology chapter.

6.9 Researcher Reflexivity

The practice of researchers conducting and writing their research from a self-aware and self-critical prospective is particularly important in postmodern studies and qualitative research (Payne and Payne 2004). For this study, reflexivity relates to a practice of maintaining high professional standards of investigation, which was achieved by remaining conscious of the research study as a creative process, this helped to reduce researcher bias and increase the validity of the study. Throughout the methodology section, I have drawn attention to my observations as a researcher and the impact my role may have had on the research process. For this study, being actively self-aware as a researcher was emphasised to promote reflexivity as an intellectual resource rather than as a defensive audit (Payne and Payne 2004).

Within feminist research, reflexivity was seen as enabling the researcher to reject methodological conventions that were essentially patriarchal. This is because within a system of science there is arguably a predominance of western middle-class men, thus it is perceived that science can only provide ethnocentric and particularised findings, whose validity cannot claim to be generalised or objective (Knoblauch 2004). Postmodern debates raise similar doubts around the generalisability and objectivity of the findings of scientific observers, the argument being that the fixed design structure of quantitative methods have largely served the interests of the researcher by asking questions that are closed and potentially leading by design. It would be extremely I however for qualitative research to completely reject scientific models of researching and discovering partly because the discipline of sociology itself developed out of a notion of establishing a science of society, thus any study completely rejecting scientific thinking would be doing so in isolation of its historical and cultural context.

The value of this study lies in the researcher's ability to evaluate the quality of the research process, particularly in terms of researcher bias. I could use positioning statements to defend my cultural and political stance in relation to this study as a matter of justifying quality control (Payne and Payne 2004). After all this would raise many interesting debates or even a tick-box check-list to defend my decisions (see Robson 2002, p173), some relevant points which have already been discussed within this methodology section. Promoting this level of extreme neutrality raises several concerns within real world research. Firstly, the development of my role as a researcher and the development of any research study is a growth process (Payne and Payne 2004), because of this adopting a neutral stance would mean that real-world decision-making practices around the direction of the study could not have been made. For example, a shift in data collection of the PSR documents from the court service to the Probation Service was a result of researcher flexibility, had I adopted a neutral stance it may be the case that this line of enquiry would have been abandoned due to resource limitations. Secondly, incorporating my previous experience as a researcher does not mean a rejection of the need to be critical, rigorous, or accurate. Instead, it offers me insight into my role as a researcher in order to be aware of and resolve the potential development of bias.

That is not to say there was no scope for neutrality in this study, on the contrary, adopting a neutral reflexive stance enabled me to question my inherited and ingrained belief systems around risk and knowledge (refer to section Language Use and Inherited Knowledge). Equally so, reflexivity played an important role in opening-up my thinking in relation to quantitative methods. Having developed research skills in a quantitative background drew my attention towards the appropriate use of quantitative-based risk-assessment tools from the outset. However, conducting this research study revealed the extent to which my knowledge was ingrained with a language of science. A language that would ordinarily have facilitated the validity and authenticity of a quantitative based research study, for example significant links and risk factors, became part of the taken-for-granted assumptions under investigation.

6.10 Hawthorne Effect

Where young offenders and the criminal justice system are the focus of investigation it is best to treat the institution as a small community in which its members have different and competing interests. Its members, this includes staff members and young offenders, will be concerned with the impact that a research study may have upon their role within the institution. For example, a staff member may be concerned with the reputation of their organisation or unofficial working practices and may want to paint themselves and their working environment in a favourable light. Similarly, some young offenders may have concerns about their status amongst their peers or the impact of disclosing incriminating information which means they may be likely to keep sensitive issues or concerns hidden. With this in mind, the researcher took into account the potential dangers of the *Hawthorne Effect* (Payne and Payne 2004), in that the investigation may change a research participant's attitude under study, particularly in relation to distorting their reality. Efforts were made to highlight that privacy and confidentiality were serious matters taken into consideration by the researcher and the research study. Young offenders were told that the interview recordings and other documents would not be made available to anyone else and any information that would be used for reporting the research findings would be anonymised.

6.11 Ethical Practice

Within the following section, I will discuss the implications of informed consent, confidentiality and handling sensitive data in relation to the purpose of this study.

6.11.1 *Informed Consent and Confidentiality*

Achieving informed consent is commonly promoted as a fundamental guiding principle for an ethically informed approach. In such a way that participants have complete understanding, at all times, of what the research is about and the implications of being involved (Shaw 2003).

To achieve this, the researcher gave each research participant detailed information about the aims of the research so that they could make an informed decision. Each research participant was verbally asked if they were willing to participate in the research study, and the researcher explained in person (following a prescribed script to ensure consistency, see appendix, Table A9: Consent form for research participants) to each participant the purpose of the research study. This allowed the researcher to clarify any concerns, especially in relation to anonymity (De Vaus 2002) and confidentiality (Little 1990). At which point, a signed consent form was retained by the researcher, and a duplicate copy was given to the research participant.

In the interests of maintaining good practice I continually reviewed consent to ensure that the young research participants remained happy with their involvement. The right to withdraw from the study was also emphasised regardless of the implications around the loss of potential data.

The researcher took considerable care in maintaining confidentiality, this was particularly important to enhance trust between myself and the research participants. However, it is essential to recognise that confidentiality does have its limits especially when conducting research with young offenders (France 2004, British Sociological Association 2003, 2002). There were ethical considerations when conducting research

with young people who have offended, which meant that the same degree of confidentiality could not be guaranteed. There were three areas of particular concern that related to assuring confidentiality to young offenders, these were:

- where a young offender discloses anything that might put themselves at risk or any other person, e.g. self harm, that they are being seriously harmed or ill-treated or that they intend to harm others,
- where a young offender discloses information relating to a crime for which they have not been convicted,
- and where a young offender discloses anything that compromises the security of the environment where they are held, e.g. threats of violence or terrorism, threats to harm staff members or other participants or compromised key security.

Maintaining informed consent meant that the research participants were informed of these caveats before agreeing to participate in the research activities. This allowed each individual the opportunity to make an informed decision around what they wished to disclose or if they choose to participate in the research. Because of the complex nature of the data collection process when implementing multiple methods the research participants were approached to ‘opt-in’ rather than ‘opt-out’ of the research study (Wescott 1998). Meaning, each individual was asked if they were willing to participate at each stage of data collection (an example of the consent form can be found in the appendix).

In further safeguarding the welfare of the young research participants, prior to undertaking the research, and under the Police Act³⁰ (1997), the researcher obtained a criminal record certificate from the Criminal Records Bureau. Historically, this issue had received little attention within social science research organisations. However, given the current political climate of working with young people and vulnerable groups there is no rationale for researchers to be exempt from this requirement (France 2004).

³⁰ For more information go to <http://www.opsi.gov.uk/acts/acts1997/1997050.htm>, viewed 06/03/07

6.11.2 Handling Sensitive Data

When conducting research with vulnerable groups, sensitive data and personal information, researchers are offered a wealth of guidelines and information in relation to anonymity, confidentiality and data protection. As a statutory act, the Data Protection Act (1998) should be adhered to over and above guidelines on best practice or codes of conduct, however due to the sensitive nature of the research data the researcher decided that the act was limited in fully appreciating the ethical implications of handling sensitive research data. When research data no longer falls within the Act's guidance of handling personal data, as was the case with this research study, the researcher, in the interests of promoting ethical practice, completely anonymised the research data. The data is only completely anonymised (and thus no longer falls within the Act's definition of personal data) if it is impossible to identify the individuals from that information plus any other information that the University holds or is likely to hold, for example direct identifiers and indirect identifiers (Masson 2004). When completely anonymising qualitative material, such as transcribed interviews and textual data, pseudonyms or vaguer descriptors should be used to deal with any problematic identifying information, for example:

Original	Changed to*
Spain	European country
Manchester	Northern metropolitan city or English provincial city
20 th June	June
Amy (real name)	Moira (pseudonym)**
Francis	my friend
Station Road primary school	a primary school
Morrisons	a leading supermarket chain

* replacements were identified using square brackets throughout the data

** pseudonyms were selected randomly from 'Top 100 names in England and Wales' as published by the office of National Statistics (http://www.statistics.gov.uk/downloads/theme_population/2009-girls.xls and http://www.statistics.gov.uk/downloads/theme_population/2009-boys.xls, viewed 30.11.10)

In accordance with the Chatham House Rule³¹, confidentiality was maintained by taking considerable care not to pass information to those connected in any way with the participant, including the dissemination of the research findings such as research reports and research publication papers.

Throughout the research process, all of the raw research data, for example, interview tapes, interview transcripts and research notes were kept in a safe lockable place. Once the research was finished, the raw research data was destroyed securely in accordance with the Data Protection Act.

In this chapter, I have discussed the methodology conducted for this study; this includes the research design, sampling and data collection, analysis, researcher role and reflexivity, and ethical practice. The following four chapters present the analysis and discussion for this study. Based upon the findings of the research data the analysis and discussion is divided into four main themes, 1) Risk; 2) Knowledge, Power and Risk; 3) Escapism and 4) the Importance of Mattering. Theme one – Risk – provides a descriptive account of the ways in which expert discourses construct risk and ‘risky behaviour’. Theme two – Knowledge, Power and Risk – explores how an expert knowledge around risk was intertwined with power interests and how, in contrast, this positions the offender. Theme three – Escapism – and theme four – the Importance of Mattering – explore how young offenders talk about risk, what meanings they attach to their behaviour and how this compares to expert discourses around risk.

³¹ The Chatham House Rule, devised in 1927 and revised in 1992 and 2002, originated at Chatham House with the aim of providing anonymity to speakers and to encourage openness and the sharing of information. The Chatham House Rule reads as follows ‘*when a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participants, may be revealed*’ (Chatham House, <http://www.riia.org/index.php?id=14>)

Chapter Seven

Theme One: Risk

Within criminal justice, the Probation Service conducts an OASys risk assessment with an offender to determine the level of risk they pose to themselves, to others, and in relation to future offending. This information is utilised to report proposed sentencing provisions to courts – magistrates’ and Crown Courts – in a bid to match offender risk/needs with appropriate supervision levels and suitable interventions. Justices consider pre-sentence reports to establish the suitability of a custodial or community sentence depending on the level of risk an offender poses to themselves or others. The pre-sentence report also makes recommendations for the type of intervention or rehabilitative sanction needed if a community sentence is considered. A sample of a pre-sentence report can be found in the appendix (see Table A3: Specimen Pre-sentence Report). When conducting an OASys assessment and compiling a pre-sentence report probation staff can refer to a technical manual for guidance, the OASys User Manual. The manual, which is not available to the public, provides a series of guidelines to assist in completing a risk assessment of an offender. The OASys user manual and pre-sentence reports become importance sources of knowledge and information when considering an expert discourse of risk. Drawing together an analysis of pre-sentence reports and the OASys assessment manual, this chapter presents a descriptive account and discussion of the ways in which expert discourses assembles and constructs risk and ‘risky behaviour’.

7.1 Expert Discourse and Risk

The Offender Assessment System (OASys³²) has become a popular and commonly used example of current risk assessment practices that adopt an actuarial-based approach to objectively and mechanically measuring offender risk. Observations that are recorded, such as static and dynamic offending related factors, are driven by statistical understandings of the relationship between criminogenic risk-factors and the offending behaviour in question (Feeley and Simon 1994, 1992). By applying measurement tools which assess the level of risk an offender may pose criminal justice agencies, such as the Probation Service and Youth Offending Teams (YOTs), are able to support the courts by recommending appropriate sentencing and management options through pre-sentence reports (PSR's). The pre-sentence report provides justices with information relating to an offender's life circumstances, patterns of offending, motivation regarding the offence, the level of risk an offender may pose, readiness to make positive changes and a sentence recommendation (see appendix, Table A3: Specimen Pre-sentence Report). Before a pre-sentence report can be produced, probation officers draw upon a wealth of information from a variety of sources, including an interview with the offender, an OASys assessment and OGRS (Offender Group Reconviction Scale) to determine the most appropriate sentencing options that are available to the courts and that are suitable to the individual's offending-related needs (see appendix, Table A5: Overview of OASys and Table A6: Sources of Information).

The Offender Assessment System is accompanied by a lengthy manual which is detailed step-by-step introduction into the development and workings of the risk assessment tool. The OASys user manual acts as guidance for probation officers working with OASys in order to promote effective practice (OASys Manual 2002, chpt 1, p1). The opening paragraph of the OASys user manual (OASys Manual 2002, Introduction to OASys, Chpt 1, p1) offers professional guidance to probation officers clearly stating that *'The assessment of risk posed by an offender, and the identification*

³² In light of the popularity of actuarial based risk assessment instruments and with a view to standardising assessment practices nationally, the Home Office introduced OASys in 1999. The aim of OASys was to improve the quality of assessment by introducing a structured, research-based approach to assessing an offender's likelihood of reconviction, the criminogenic factors associated with offending, and the risk of harm they present.

of the factors which have contributed to the offending, are the starting points for all work with offenders' (OASys 2002, p1).

Positioned on the first page of the OASys user manual, this introductory statement is aimed at increasing understanding amongst probation officers who regularly assess and manage individual offenders. From the outset, probation officers are made aware of the significance of *'the assessment of risk posed by an offender'* and *'factors which have contributed to the offending'*. By using the phrase *'starting point'* the statement signifies the importance of risk assessments as a process, because a starting point marks the beginning of something, an introduction to study. In this case, the risk assessment is implicated as being the beginning or the introduction, and the focus of study is implicated as being the offender. The statement quite clearly directs the reader's attention to a starting point – a starting point in a race perhaps, or the starting point in a journey – however, what is left unspoken is its binary opposition. In contrast, the opposite of a start point is an end point, when something has a beginning it also has an end, the final stage of a period or a process, but what is the end point here? The statement is informing the reader of *'the starting point for all work with offenders'*, to be specific, *'The assessment of risk posed by an offender is the starting point for all work with offenders'*. The statement informs the reader that this is not any assessment but that this is *'The assessment of risk'*. The statement does not inform the reader of what is meant by the term risk, however, through a process of elimination the reader can discard the possibility that this is a risk to the offender because the statement clearly indicates that the risk is *'posed by an offender'*. Although this statement in its simplest form suggests to the reader that an offender-based risk assessment is needed before work with offenders can commence. It is what the statement does not explicitly say that gives the declaration its sense of importance. The statement does not explain what risk is, but the reader is made aware that there is a (specialist) risk assessment that can determine the risk posed by an offender. The statement does not explain what work will be done with offenders, but the reader is made aware that work will not commence until an assessment is completed. The statement does not explain what the assessment is or is called but the reader is made aware that it is capable of identifying factors that contribute to offending. Finally, the statement does not refer to terms such as danger, threat or harm, however, by grouping phrases such as *'risk posed by offender'* with *'factors which have contributed to the offending'* the reader may interpret the statement

as signifying danger. And by grouping phrases such as *'the identification of'* and *'work with offenders'* the reader may interpret that statement as signifying that once these factors have been identified, work can commence which might result in an end point of being treated or healed.

The statement also highlights the very nature within which and through which probation officers come to be positioned as knowledgeable. Knowledgeable in the sense that probation officers are, through the expertise of the OASys assessment, able to identify *'the factors which have contributed to the offending'* and that these factors are the *'starting points'* for the intervention and management of offenders (OASys 2002, p1). This suggests that probation officers, regardless of their level of experience, are positioned as 'knowing' in relation to understanding individual offending behaviour. This is because the statement positions the probation officer as knowing (through the application of an assessment) the factors which have contributed towards offending, knowing the risk posed by an offender, and as knowing the starting point for any work with an offender. It also suggests that problematic behaviours, such as offending or the level of risk an offender may pose, can be identified and treated but only as a result of engaging with processes such as the assessment of risk. By unpicking the nature of this statement we can observe the importance of expert discourse in positioning the expert as omniscient and omnipotent. This suggests that we unreservedly and unquestionably embrace processes such as the assessment of risk as effective practice, partly because the expert is positioned as 'knowing', particularly in relation to offending behaviour.

7.2 Lay Discourse and Risk

During the interviews the young people were prompted to discuss risk within the context that they understood or had come to understand what risk meant to them. When asked what their understanding of risk was, many of the young people did not have a firm idea of what risk was, for example *'risk, what do you mean risk?'* (Interviewee 07) and *'risk – what like?'* (Interviewee 05). The two examples above illustrate the extent to which the young people who were interviewed had not considered risk as part of their offending vocabulary. One young person expressed that for them risk was a reference to the level of danger they were exposed to:

'if you mean what do I think of when someone says risk, I think, well, am I in danger. Am I in danger? Is there any problems or am I going into somewhere where it could be dangerous and stuff like that' (Interviewee 21).

Given the limited understanding or meaning that the young offenders attached to the term risk it could be suggested that young people do not attach the same meaning to offending as is suggested by expert discourse.

Within the PSR documents, the word 'risk' was used 215 times, an average of 4.6 times per PSR document. In contrast, within the interview data the word 'risk' was used 36 times, an average of 2.4 times per interview. This reflects a difference in the frequency of use of the term risk between individuals who offend and experts who assess risk behaviour. It must be noted that risk was a readily used term within the PSR documents, however, because of the infrequent use of the term risk amongst the young people the researcher used the word risk as a prompt to encourage the young people to talk about their understanding of risk. It cannot be discounted that this may have influenced the use of the word during the interview process. The way in which some young people talked about risk in relation to their offending was limited to two general topics, a risk of being caught (see chapter 8, section 8.4 and chapter 9, section 9.3.3) and health risks (see chapter 8, section 8.2.1). Chapter nine, 'Escapism', and chapter ten, 'The Importance of Mattering', also present further discussions around risk in relation to young offenders and their experiences.

7.3 Assembling Risk

7.3.1 How does Expert Discourse Assemble Risk

Within the pre-sentence report probation officers discuss risk in several different ways, yet no clear conventional definition of what risk is has been offered, subsequently probation officers largely discuss risk as a narrative within the PSRs. The probation officer takes on the role as the narrator, listening to the young offender who describes

their lifestyle within the remit of a set of prescribed questions drawn from an OASys assessment. The probation officer then retells or interprets the story in a language that is familiar with criminal justice practice, for example '[Tyler] *states he has...*' (PSR document 22b), '[Noah] *himself informed me that he...*' (PSR document 11a), '*although [Luke] has disclosed he...*' (PSR document 16a). The narrator uses the information gathered from an interview with the young offender to describe the level of risk an offender may present, to describe the severity of punishment to be considered by the courts, and to describe the decisions to be made about the rehabilitation and reform of the individual offender in question. In essence, the narrator is required to assess and determine the future actions of an individual based on past information that they have gathered together. This raises questions about the extent to which meaning is lost during a process through which information is translated from one language (lay discourse) to another (expert discourse), from one context (the experiences of offenders) to another (the punishment and sentencing of offenders).

An assessment-based risk-focused interview with an offender makes-up one aspect of the information gathering process, probation officers are also required to gather what is termed 'collateral information' (OASys manual 2002, p21) which is gathered together to assist in the completion of an OASys assessment and finally the production of a pre-sentence report (PSR). Collateral information is drawn from a variety of sources including the police, the courts, social services, and other multi-agency partners and in variety of formats, including '*interviews with*', '*discussions with*', '*sight of*', '*personal knowledge of*', '*enquires to*' and '*correspondence from*'. This is in order to '*help evaluate the credibility of the information gained during the interview*' with the offender, to '*help to determine whether the interactional style of the offender during the interview was representative of their usual behaviour*', and to '*provide primary information for scoring³³ the items*' of the OASys assessment (OASys manual 2002,

³³ Scoring the items refers to the OASys scoring schedule. Points are assigned to predetermining factors highlighted in the OASys assessment which are then calculated to determine the risk of reconviction of the individual being assessed. This score is used to determine the level of risk an offender may pose from which offender management and supervision can be organised around this score. In addition, the OASys score is used to measure change in risk of reconviction. This is achieved by comparing a current OASys score and profile with a previous OASys assessment (OASys manual 2002, p119-124).

p21). When analysing the PSR data the results indicated that the most commonly sourced information stemmed from (See appendix, Table A5: Sources of Information):

- an offender's antecedent history (a list of previous convictions compiled by the police),
- an offender's crown prosecution service documents,
- one face-to-face interview between the probation officer and the offender,
- an offender self-assessment and risk assessment (this includes an OASys assessment and access to previous OASys documents),
- discussions with other Northern probation trust practitioners,
- and contact with the fines department at the magistrates courts.

The least commonly sourced information was drawn from two face-to-face interviews between the probation officer and the offender, contact with assailant's family member, and contact with other multi-agency partners such as healthcare professionals, housing professionals, and employment professionals.

The sources of information suggest that a probation officer has access to a wealth of information, drawn from what appears to be a wide-ranging variety of sources. However, upon closer inspection what becomes apparent is the extent to which the majority of sources of information appear to be drawn from other criminal justice agencies, indicating that the most frequently accessed sources of information were accessible via internal sources. For example, information gathered about an offender's antecedent history is primarily drawn from police records. This assists probation officers in determining the severity of the offender's current conviction in relation to their overall offending behaviour, to establish patterns of offending that may be emerging, as well as the extent to which an offender may be at risk of reoffending. Similarly, information gathered from the fines department at the magistrates' court assists probation officers in determining a recommended sentencing conclusion³⁴.

³⁴ It has become general practice within magistrates' courts to take into consideration any outstanding fines that an individual may have, so as to avoid imposing additional fines on-top of

Other less visible sources of information, such as contact with professionals based outside of the criminal justice system, were the least consulted, for example housing professionals or health care professionals. This may indicate that some information formats take precedent over other types of information, possibly indicating that some forms of expert knowledge are valued over others. In part, this may be because the design of the OASys assessment tool and the reporting process partly determines the information needed to formulate the report, producing a structure that requires some documents or forms of knowledge as essential to the process, whereas other forms of knowledge or information become considered as complimentary information.

It could also be suggested that the legality and professional accountability of multi-agency information sharing protocol restricts or complicates the information gathering process. This may suggest why probation officers are more likely to seek the information they need from internal sources that are more readily available and easily accessible, as opposed to external sources of information. A process that values some forms of information over others potentially introduces bias into the decision-making process. This is because it would be difficult for a probation officer to present an accurate and unbiased OASys assessment and pre-sentence report by drawing from familiar and well-used information. Equally so, acquiring information and knowledge from internal sources potentially produces insular ways of thinking about offending. For example, when a probation officers draws upon previous records of offending and previous OASys assessment reports what firm conclusions can be drawn in relation to an offenders current circumstances? Further investigation is clearly needed before any significant conclusions can be drawn from the suggestions outlined here, however, one conclusion that can be firmly asserted is the extent to which the sources of information that are gathered by the probation service for the completion of an OASys assessment can and do determine the contents of the pre-sentence report and the sentencing conclusion.

The OASys user manual (2002) clearly recognises the need for validity and professional accuracy of the information it includes and produces when it states, '*a completed OASys*

already outstanding fines, the common thinking here is to avoid "setting the offender up to fail". In this sense, information gathered from fines records assists in determining the sentencing conclusion.

assessment is only as good as the quality of the information on which it is based' (OASys Manual v2, 2002, p21). While there may be some validity in this statement it may appear presumptuous on the basis that it overlooks other equally as valid characteristics and functions of the OASys assessment process that bring the accuracy of the assessment process into question. For example, an important structural aspect within the assessment process is the way in which the narrator (in this case the probation officer) interacts with the information that is presented to them. Although the sources of information that are gathered together to compile an OASys assessment and a pre-sentence report do not necessarily offer a description of what is risk, it is fair to suggest that these processes offer an understanding of the structures used, or even needed, to assemble and construct risk within criminal justice practices. The conditions of risk are discussed at length but no clear definition of the term risk can be located within the PSR documents or within the OASys user manual, leaving the term open to interpretation by those who complete the OASys assessment and by those who consult the corresponding documents.

7.4 How Risk is Constructed within Expert Discourse

The OASys user manual, which comprises of eleven chapters, dedicates two chapters to the discussion of risk. The chapters are located half way through the manual, chapter six looks at the 'risk of reconviction and offending-related factors' (p35-115) and chapter eight looks at the 'risk of serious harm, risks to the individual, and other risks' (p128-162). Chapter seven entitled the 'scoring OASys sections 1-12' (p199-126), which focuses upon the calculation of risk, separates these chapters. These chapters guide the probation officers when assessing an offender's level of risk. The following sections will discuss how risk is constructed within expert discourse drawing upon the analysis of the PSR documents and the OASys user manual.

7.4.1 How Expert Discourse Categorises 'those at Risk'

Within the OASys manual probation staff are encouraged to consider 'those at risk' as a result of offending behaviour (OASys manual v2, 2002, p129). The OASys manual clearly highlights and categorises those considered at risk by providing what appears to be a comprehensive list comprising of the public, prisoners, known adults, children, staff, and the offender. Other than the section entitled '*risks to children*' the OASys manual offers a limited explanation to clarify what is meant by the phrase '*those at risk*'. Within the OASys manual the term '*harm*' is frequently featured within all the sub-categories of the section '*those at risk*', again, a limited explanation is offered to clarify what is meant by the term harm. The sections entitled '*risks to children*' and '*risk to offender*' however, describe what is meant by the use of the term harm. The OASys manual describes how '*risks to children*' includes:

'any kind of harm to children, including violent and sexual behaviour, emotional harm and neglect', whereas '*risk to offender*' includes '*the possibility that the offender will attempt to harm themselves either by deliberately harming themselves, irrespective of method, or attempting to take their own life*' (OASys Manual v2, 2002, p130).

The OASys manual attempts to differentiate between risks to children and risk to offender. In doing so, the OASys manual describes risk as a type of harm that happens 'to' children, as a result, the reader is led to believe that there is a risk of harm to children and in contrast children are vulnerable and need to be protected by something that may cause '*any kind of harm to*' them. Although there is no description of the word 'to', the reader is led to infer that 'to' refers to a (not present) other. This is because the statement concludes by saying '*including violent and sexual behaviour, emotional harm and neglect*', the way in which the sentence is constructed implicates another, an absent other, in the sense that they could potentially be anybody in an attempt to safeguard a child from future harm. This level of concern is echoed within the OASys manual for offenders but in a slightly different way. The manual describes a type of risk which offenders could potentially face as deriving from an '*attempt to harm themselves*'. Here, the offender is not perceived as being vulnerable and needing to be protected from others in the same way as children, instead, the offender is constructed

as being vulnerable and needing protection from *'harming themselves'*. When reading the description offered by the OASys manual the reader is offered a clear explanation of how expert discourse categorises those at risk. However, boundaries in meaning and definition are not always as clearly defined as is outlined here, for example, what would happen if an offender was a child, are they then exposed to the potential harm of multiple risks.

Within the PSR document data, the narrator described *'those at risk'* as including the *'public'*, the *'offender'*, *'staff'*, *'a known adult'*, *'mother'*, *'other road users'*, and *'to others'*. In all instances, the narrator described the individual offender as being either a *'risk of serious harm'* or a *'risk of harm'* to (as opposed to from) *'those at risk'* outlined above.

7.4.2 How Expert Discourse Classifies Risk

Within the OASys manual risk of serious harm is defined as:

'Serious harm can be defined as an event which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible. Risk of serious harm is the likelihood of this event happening. It should be recognised that risk of serious harm is a dynamic concept and should be kept under regular review.' (OASys User Manual 2002, chpt 8, p129).

If the risk of serious harm includes *'the likelihood of this event happening'*, then the reader is invited to consider the likelihood or the probability of such an event happening. This within itself suggests a scientific way of thinking about the likelihood of this event. However, because the language use in this statement is quite vague rather than specific, the values associated with this statement can remain concealed. For

example, the statement does not specify how ‘risk of serious harm’ or ‘likelihood’ are to be observed, measured or reviewed. In addition, this is not a question but a statement. The reader is not asked *how* likely is this event to happen or what is the likelihood of this event happening, but is instead told (perhaps as matter of fact) that the risk ‘is’ this event happening. When considered as a statement, the reader is invited to believe that the likelihood of any event happening is greatly increased because the event has not happened and therefore anything is likely. However, when considered as a question, how likely is this event to happen or what is the likelihood of this event happening, the statement loses its sense of grandiose, its sense of being an absolute fact. This is partly because the question (unlike the statement being made) opens itself up to interpretation and subjectivity.

The levels of risk of serious harm used in the OASys are defined as:

Low	Current evidence does not indicate likelihood of causing serious harm
Medium	There are identifiable indicators of risk of serious harm. The offender has the potential to cause serious harm but is unlikely to do so unless there is a change in circumstances, for example, failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse
High	There are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious.
Very High	There is an imminent risk of serious harm. The potential event is more likely than not to happen imminently and the impact would be serious.

The OASys manual clearly highlights four levels of risk of serious harm of varying degrees of severity. However, the narrator of the PSR documents talked about the offender as having six risk levels, these were a 'low' risk, 'raised' risk, 'medium' risk, 'high' risk, of 'some' risk, 'potential' risk, 'apparent' risk and of 'significant risk', for example:

*'his use of alcohol seems to have contributed to his offending and since this is often a public order nature, it represents a **potential** risk of harm to others. He was referred to the north east council on addictions in relation to his alcohol misuse, but failed to attend two appointments that were offered to him in Jan 2007' (PSR document 18a).*

*'[Adam] is clearly a persistent offender, mainly matters relating to motor vehicles. Any offence which results in dangerous driving is a clear indication that the risk to the members of the public is **apparent** and [Adam] himself recognises this aspect' (PSR document 6b).*

*'I am concerned that he is living a solitary existence in a hostel environment isolated from family support therefore I consider the risk of self harm or suicide to be **raised**' (PSR document 22b).*

*'He is assessed as posing a **low** risk of serious harm to the public and a **low** risk of harm to himself' (PSR document 12a).*

*'In relation to the risk of harm posed [Jessica] is currently assessed as **medium** risk to the public and harm' (PSR document 23b).*

*'The risk of harm to the public is **high** whilst he continues to commit such offences' (PSR document 10b).*

*'In considering the level of risk of serious harm he poses there is evidence to suggest from previous pattern of offending and current offence that he poses **some** risk of harm to other road users and pedestrians should he drive again while intoxicated'* (PSR documents 16a).

*'In light of [Muhammad] previous suicide attempt and his current mental health state the risk of harm he currently poses to himself is **significant** and should be monitored closely'* (PSR document 1b).

Within the PSR documents for this particular group of young people, the offender was not described as being 'very high' risk. However, the narrator of the PSR documents did add three additional levels of risk, these were 'raised', 'some', and 'significant' risk. The reasons why the narrators added these additional categories is unclear, it could be suggested that the individuals in questions did not easily fit into the prescribed definitions risk and as a consequence additional categories were needed. For example, for one young person the narrator mentioned that they were *'concerned that he is living a solitary existence in a hostel environment isolated from family support'* (PSR document 22b) and as a result, the narrator described the individual as being 'raised' level of risk. When considering this statement it becomes apparent that the narrator did not assess the individual as being a low risk, nor did they assess the individual as being a medium risk, but instead the narrator, perhaps through professional judgement, felt that the individual presented as a risk between the two levels. Another young person was described as posing *'some risk of harm to other road users'* (PSR document 16a). The question here is, what is some risk? Some, according to the oxford dictionary, represents an unspecified amount or number, unknown, an approximate. Where the OASys defined levels of risk represent a linear scale of measurement, in contrast, 'some risk' can be seen to be ambiguous.

The OASys manual clearly states that *'All offenders have potential for harm. There is no such thing as NO RISK'* (OASys Manual v2, 2002, p129, emphasis in original). The OASys manual offers no justification for this statement, directly after this point is made

the OASys sets out four levels of risk of serious harm (as discussed above). Similarly as above, the language used here is structured as a statement as opposed to being a question, this within itself assigns a level of authority to what is being said and what is being implied. For example, the statement does not ask 'is there such a thing as risk', instead the reader is guided towards a belief system that suggests that 'there is no such thing as no risk', or rather risks exist, risk are real and risks are everywhere. The statement starts by saying '*All offenders have a potential for harm*'. Again, the vague language use leaves the statement open to interpretation, however the use of the words offender and harm within the same sentence implies a connection between the two terms. What is meant by harm is once again undefined and the nature of the word 'potential' suggests that this is a possibility. Potential is an adjective, a word used to describe something, in this case it is used to describe the term harm and the term offender, as a result it becomes the choice word that connects the two nouns together. In this sense, the word potential is not simply an adjective, it is the essence of the sentence, giving it meaning. The oxford dictionary defines the word potential as capable of coming into being. Thus, the reader is led to believe that all offenders are inherently capable of harm.

If '*there is no such thing as no risk*' then a professional consulting the OASys manual for guidance in completing their risk assessment may become inclined to position an individual within a discourse of risk regardless. This could explain why some PSR writers had used terms such as '*some*', '*raised*' and '*significant*' risk when an offender did not easily fit into the prescribed definitions of risk levels. Assessment practice in this way raises two points for concern, firstly, if a PSR writer is led to believe that there is no such thing as no risk, implying that an individual will always be positioned within a discourse of risk and therefore an individual's behaviour will always be regarded as always having a level of risk. Secondly, stating that there is no such thing as no risk directs the PSR writer to think about risk and the offender in a specific way, as discussed above, this within itself introduces bias to the assessment process. An individual becomes positioned within a discourse of risk at the expense of any other considerations. This raises the question, does an offender become located within an inescapable discourse?

Within the PSR documents, when an offender was described as presenting no indication or likelihood of serious harm the offender was not described as having no risk, instead,

an offender was carefully positioned within a discourse around risk. By positioning the offender within a discourse around risk the probation officer was able to suggest that an offender has the potential to be at risk regardless of the absence of any indication of risk. For example, probation officers were able to suggest that an offender has the potential to be at risk even though a risk assessment did not position the offender as being at risk, which can be seen in the following statements:

‘[Henry] reports no mental health problems or incidents of self harm consequently I would assess his risk of self harm as low’ (PSR document 5a).

‘During interview there is nothing to suggest that she is of any risk of serious harm to the general public at this time’ (PSR document 25b).

‘With regard to the risk to self there are no current indicators which would suggest [Grace] poses any such risk at this time’ (PSR document 12b).

‘There is no evidence to indicate [Lily] poses a risk of harm to staff’ (PSR document 22b).

‘I have no information to suggest there is risk of self harm in this case’ (PSR document 18b).

Here probation officers refer to their knowledge as an indicator of assessing the level of risk the offender may present, this is evidence by language such as *‘during interview there is nothing to suggest’* (PSR document 25b), *‘there are no current indicators’* (PSR document 12b), *‘there is no evidence’*, and *‘I have no information to suggest’* (PSR document 18b), however the offender is still positioned within a discourse of risk. The phrasing of these statements also suggests that should an offender have presented a

level of risk then the probation officer would have been able to identify this during the offender assessment interview, or that there would have been some *'information'*, *'evidence'* or *'indicators'* to suggest the presence of risk. Because the OASys manual highlights that *'there is no such thing as NO RISK'* (OASys Manual, v2, 2002, p129) it could be suggested that the narrators are required to justify their observations should they observe no risk. This suggests that the language that probation officers use to describe their observations of no risk has, to some extent, to acknowledge risk. In this sense, probation officers become a product of the training or guidance that they have received. As suggested earlier, observations of an individual offender may not necessarily fit into a prescribed list of what have been categorised as risk levels, and as a result, the probation officer may become faced with a conflict of interests. On the one hand, a probation officer may observe that the OASys manual definitions of risk of serious harm do not accommodate an individual who poses no level of risk of harm. On the other hand, a probation officer may become professionally inclined to subscribe to the conditions of their training for fear of the consequences around professional accountability. Does this then suggest that the OASys manual and the risk assessment process is fixed by design, failing to accommodate professional judgements? There is evidence within the PSR documents to suggest that this could be the case, for example, some probation officers observed there was no risk but they went on to assert that the presence of a risk could not be discounted, again positioning the offender within a discourse of risk, this is illustrated in the following examples:

'There is nothing in [Leo's] antecedent history which indicates a risk of harm to others. Given the current offence of racially aggravated harassment, however, and his actions in causing criminal damage, such a risk cannot be discounted' (PSR document 2b).

'It is acknowledged that [Isaac] has recently been hospitalised following a drugs overdose and therefore a risk of suicide cannot be discounted, albeit [Isaac] assures me that he would not contemplate this course of action in the future' (PSR document 2b).

'Despite being so young [Harrison] has an extensive history including an offence of section 47 assault. In light of this the risk of harm he presents to the public cannot be discounted' (PSR document 1b).

The information and decision-making process upon which these observations are made remains concealed and thus they become difficult to challenge or oppose, potentially creating a level of reliance upon the accuracy of the judgements being made. Here expert discourse visibly constructs a risk as being of determining levels, risks are discussed as varying by degree in an attempt to be able to establish the category of risk an offender may pose. However, there is no indication within the PSR documents why an individual is assessed as being a certain level of risk or how an individual's risk level is determined, particularly when an individual does not present as a risk, indicating that this aspect of the assessment process remains concealed from those who potentially consult the document, for example justices. This suggests that those consulting the PSR document are required to place an unquestioning confidence in the accuracy of the information that is being discussed in the sense that those who consult the document are encouraged to accept its content on trust and as truth. This raises the question, to what extent can the content of PSR documents be questioned or challenged? Magistrates who refer to the document to determine a sentencing decision needed to be imposed are considered as having no expertise or lay knowledge in matters of the law. This means that, albeit trained to a certain level, they are required to have no specialist knowledge or expertise in the area of criminal law. Within this remit, to what extent are magistrates able to adequately critique or question the information that is provided to them? Does this then construct magistrates as not knowing and subsequently positioning the probation officer as the expert or all-knowing? What's more, currently there are no procedures in place that would facilitate the practice of challenging the content of PSR documents within the magistrates' courts. What does this then suggest about a criminal justice system whose underlying principle to practice is based upon fairness and justice? And to what extent would a complaints procedure undermine the autonomy or potency of the criminal justice service and its ability to manage and rehabilitate offenders should the foundation or basis for such judgement be exposed as

inadequate? Does this then suggest that magistrates and the criminal justice system have become dependent upon a practice that is able to provide them with the information that is needed, regardless of its accuracy? More importantly, if justices, who work within criminal justice practices on a daily basis, are restricted from questioning the PSR process then to what extent would an offender be able to challenge the content of the document, given the official and authoritative nature of the document?

7.4.3 How Expert Discourse Constructs Behaviour as Risky

Within the PSR documents the narrator predominantly describes risk as '*risk of reoffending*', a '*risk to self*', and '*risk to the public*' or '*others*' particularly in relation to an individual's assessed level of harm within each of these groups. Despite the individualistic nature of each offender's circumstances surrounding their OASys assessment, the PSR documents indicate an element of commonality when the narrator discussed the assessed risks associated with each individual case. Where each individual and their offending is unique to that person the narrator utilised the OASys assessment tool in an attempt to group together what have been described within the PSR documents and OASys manual as '*patterns of offending*' and '*offence issues linked to risk*' (OASys Manual v2, 2002, p52-54). Elements of commonality, which are considered '*risk factors*' (OASys User Manual, 2002, chpt 1, p4) and '*criminogenic needs*' (OASys User Manual, 2002, chpt 1, p2), are grouped together under headings that detail an individual's risk of reoffending, patterns of offending, risk to public and risk to self.

Risk of Reoffending

When an individual was described as being at risk of reoffending, the narrator also described how they thought certain circumstances were linked to or underpinned an individual's offending. Criminogenic needs, such as unemployment and drug misuse, and cognitive behavioural difficulties, (that are skills orientated such as problem

solving, coping skills and social interaction), were listed as significant contributory aspects towards an individual's risk of reoffending. This is illustrated by the following statements:

'[Finley] has been assessed at a medium risk of reoffending. The factors which contribute towards this assessment are his poor attitude, excessive alcohol consumption and inability to engage with the probation service in order to confront and subsequently address his offending related problems' (PSR document 5a).

'[Edward] is a young man who is developing a pattern of anti social offending behaviour. Probation records indicate that misuse of alcohol association with other offending peers, lack of constructive activity, unsettled living circumstances with a lack of support networks, combined with deficits in his thinking skills have all contributed to his offending behaviour. Therefore having examined his social and offending history I am of the opinion that [Edward] poses a high risk of reoffending in the future and will continue to do so until he begins to address his offending related needs in a sustained and committed manner. There are no convictions recorded for direct violence, however there are public order offences and [Edward] has previously displayed negative attitudes to the police in addition to offences of criminal damage which would suggest a risk to public and property.' (PSR document 3a).

'the risk of reoffending is currently assessed as being of a high level. This is in consideration of his offending background and with regard to his current social circumstances. His lack of stability and direction are aggravating factors, as is substance misuse, peer pressure, impulsivity and his emotional well being. There is also a degree of rigid thinking in respect of his understanding of the victim's perspective' (PSR document 8a).

Within the OASys user manual criminogenic needs, cognitive behavioural difficulties and risk factors are grouped into 13 sections, these are 1) offending information, 2) analysis of offences, 3) accommodation, 4) education, training and employment, 5) financial management and income, 6) relationships, 7) lifestyle and associates, 8) drug misuse, 9) alcohol misuse 10) emotional well being, 11) thinking and behaviour, 12) attitudes, and 13) health and other considerations. The order of these risk factors appears to represent a structure of hierarchy, with offending being the most related need to an individual's risk of reconviction. Within the PSR documents these were described as follows:

Accommodation:

Difficulties with accommodation

Living in solitary existence

Unsettled living circumstances

Unstable accommodation

Transient accommodation

Periods of homelessness and isolation

Lack of accommodation

Behaviour and thinking:

Poor decision making and lack of assertiveness skills

Lacks ability to resolve his difficulties

Poor anger management skills

Temper control

Problem solving

Employment, training and education:

Disrupted education

Lack of employment

Poor numeracy and literacy skills

Relationships:

Continued association with other known offenders

Association with a locally known anti-social peer group

Isolated from family support

Peer pressure / peer influences

Behaviour and thinking (Cont):

Deficits in his thinking skills

Impulsivity

Rigid thinking

Relationships (Cont):

Lack of support networks

Association with other offending peers

Negative peer group association

Little family support

Lifestyle:

An unstructured lifestyle

Chaotic home life

Destructive lifestyle

Lack of constructive activity

Lack of constructive use of his time

Lack of stability and direction

Drugs and alcohol:

Excessive use of alcohol and drugs

Misuse of alcohol and prescribed medication

Emotional well being:

Physical and emotional abuse

Mental health problems

Unresolved emotional issues

Emotional well being

Attitudes:

Pro-criminal attitudes

Poor attitude

Other:

Inability to engage with the probation service

Although these phrases have been taken out of their original context they have been selected because they represent key phrases that are frequently used to describe an individual, their offending, and their lifestyle. Key phrases are used to emphasise the negative or destructive elements of behaviour, for example difficulties, solitary, unsettled, transient, isolation, lack of, disrupted, poor, problem, deficits, negative, unstructured, chaotic, destructive, excessive, misuse, abuse, unresolved, issues, and inability.

To what extent do criminogenic needs and risk factors, that are perceived as offending-related, construct an offender as having risky behaviour (where those same factors may not in someone who is not an offender). For example, if some young people decide to backpack around the world; this experience may include unsettled, unstable, and transient living conditions, lack of employment and an unstructured, and possibly a chaotic lifestyle. In this context these changes to a young person's lifestyle, which may be equally as destructive, are constructed as positive experiences. Furthermore, to what extent is it an unrealistic prospect to expect an individual, particularly a young person, to be emotionally, cognitively, financially, and environmentally secure. It could also be suggested that assessing criminogenic needs and risk factors means that the probation officer is inclined to be looking for something. During the assessment process a probation officer is looking to identify criminogenic needs and risk factors before they can be classified, in this sense, when somebody is looking for something they are looking to find something, to uncover it or locate it. For example, an effective OASys assessment is looking to '*identify the serious risk of harm*', it is looking to '*provide an offending related needs profile*', and it is looking to '*identify responsivity issues*' (OASys User manual, 2002, p3). This lends itself to question to what extent meaning is compromised by a process that is arguably designed to seek-out patterns that pertain to risks as opposed to an individualised approach to understanding offending. And what substantial gaps in understanding are created as a result of an inflexible assessment process.

Risk to Public

Within the PSR documents the narrator largely discusses a potential risk of serious harm to the public in relation to past violent behaviour, this is illustrated in the following statements:

'his previous offences show that [Mason] has demonstrated a potential for anti social and aggressive behaviour. He has acknowledged that he has used violence in the past as a means of resolving conflict and concedes that he has difficulties in managing his temper. In view of this I am of the opinion that [Mason] presents a medium risk of causing serious harm to the public' (PSR document 20b).

'[Connor] does have previous convictions for common assault and possession of offensive weapons, however, given the time lapse since these offences [Conner] has been assessed as posing a medium risk to the public. I have also been advised by [Conner's] social worker that threats to staff have been made in the past when [Conner] feels that he is not getting his own way. I have discussed these with [Conner] who describes them as 'empty threats'. Due to this I believe his attitude towards staff should be monitored' (PSR document 16b).

'it is noted that [Owen] has demonstrated a potential for anti social and aggressive behaviour, he has acknowledged that he will often use violence as means of resolving conflict, or perceived conflict. He has also highlighted that he feels he requires assistance in relation to anger management. In view of this I am of the opinion that [Owen] presents as a medium risk of causing harm of public. Such harm may be physical and/or emotional through the distress such offending creates. Again were [Owen] to engage with appropriate services and interventions then I am of the opinion that this risk could be effectively reduced.' (PSR document 9a).

‘Given that [Emily] appears before the court in relation to a serious specified offence (CJA 2003) of robbery in which the victim sustained physical injury and some psychological distress, I have carefully considered the risk of serious harm to the public in this case. I am of the view that the previous offence of battery whilst a not specified offence does indicate an increase in seriousness in [Emily’s] offending behaviour. However notwithstanding the harm caused to the victim of this offence, I do not think it appropriate to assume risk in this case given that [Emily] did not instigate the violence and there is evidence to indicate she played a lesser part in the offence. In view of the aforementioned the risk of [Emily] causing serious harm to the public is assessed as medium.’ (PSR document 22b).

Protecting the public from further harm from an offender may be considered one of the underlying principles concerned with the practices of the criminal justice system and its agencies. The seriousness of the offence, amongst other factors such as the culpability of the offender, the harm caused, the offender’s previous convictions, becomes the basis for sentencing decisions (Worrall and Hoy 2005). Here the narrator attributes an individual’s violent behaviour to the level of risk of causing serious harm to the public, for example:

‘[Connor] does have previous convictions for common assault and possession of offensive weapons, however, given the time lapse since these offences [Connor] has been assessed as posing a medium risk to the public’ (PSR document 16b) and ‘Given that [Emily] appears before the court in relation to a serious specified offence (CJA 2003) of robbery in which the victim sustained physical injury and some psychological distress, I have carefully considered the risk of serious harm to the public in this case’ (PSR document 22b).

Risk to Self

Within the PSR documents very little was discussed in relation to the level of risk an individual may pose to themselves. The majority of individuals were described by the narrator as not being a risk to themselves in relation to self-harm or suicide, for example:

‘[Amelia] does not present as a risk of self harm or suicide’ (PSR document 17a) and ‘[Matthew] states that he does not have problems with his mental health and there was nothing in his presenting attitude to suggest that a risk of self harm exists at the present time’ (PSR document 4b).

This view was also maintained when individuals disclosed information about self-harm or attempted suicide to the probation officer during the OASys assessment interview, for example within the PSR documents the narrator described one young person as follows:

‘although [Harvey] has disclosed he attempted suicide when aged nine he states he has not contemplated self harm since and I therefore do not assess him as posing risk of harm to himself currently’ (PSR document 16a).

Similarly, another young person who had recently been hospitalised was not categorised as a risk of serious harm, for example:

‘it is acknowledged that [Jamie] has recently been hospitalised following a drugs overdose and therefore a risk of suicide cannot be discounted, albeit [Jamie] assures me that he would not contemplate this course of action in the future’ (PSR document 2b).

These statements within themselves challenge the OASys manual that states that ‘there is no such thing as no risk’ (OASys Manual v2, 2002, p129). Here the narrator clearly documents that an individual ‘*does not present as a risk*’ (PSR document 4b) and ‘*I therefore do not assess him as posing a risk*’ (PSR document 16a) in relation to self-harm and suicide attempts. One narrator described how a young person, who has recently made several serious attempts on his life, is not perceived as posing a risk to self. Instead, the narrator suggests that the information being provided needed to be validated and that a further risk assessment was needed, this is demonstrated as follows:

‘[Michael] has stated that he has made attempts to self harm by cutting his wrists and by trying to hang himself, both whilst in police custody (this information has not been verified). Given that he has no previous experience of incarceration, he states he finds it extremely difficult to be closed in spaces for any period of time and cannot express himself verbally in a way that is not abusive, a further risk assessment would need to be conducted if he were to receive a custodial sentence’ (PSR document 3a).

It could be suggested that this statement contradicts the above statements in the sense that where previously it was acknowledged as truth when a young person described themselves as not feeling suicidal, in this instance, when a young person described themselves as feeling suicidal the expert overruled the expression by undermining its validity, this can be seen by the phrase ‘*this information has not been verified*’ (PSR document 3a).

Where previously the narrator discussed the potential risk of reoffending with certainty through a scientific discourse that drew attention to varying levels of risk, here it would appear that the narrator is less interested in portraying self harm and suicide attempts as ‘risky behaviour’. It could be suggested that this is because potential risks to the self are overlooked as inconsequential in favour of other potential risks, for example the potential risk of reoffending and risk associated with protecting the public. This potentially suggests that some risks have more importance than other risks. It also

potentially suggests that a young person's voice becomes less important within an expert discourse of risk.

Pattern of Offending

Where the narrator described patterns of offending as a contributing factor to the risk of reoffending, an individual was described as having either a pattern of offending behaviour or as having no pattern of offending behaviour.

Those who were discussed as having a pattern of offending behaviour were described as follows, '*clear pattern of offending*' (PSR document 11b), '*there is evidence of a pattern of anti social behaviour*' (PSR document 24b), '*this current offence conforms to a pattern of offending behaviour*' (PSR document 16b), '*a young man who is developing a pattern of anti social offending behaviour*' (PSR document 3a). The PSR writer constructs the young person as having a visible offending pattern, for example, terms such as '*clear*' and '*evidence*' suggest to the reader that an individual's offending pattern is apparent and unmistakable. The use of terms such as '*evidence*' and '*pattern*' suggest a scientific and analytical way of thinking about offending, professionals such as the police or scientists who adopt a scientific process of deduction within their enquiries generally use terms like these. Offenders who were discussed as not having a pattern of offending behaviour were described as follows, '*no pattern of involvement in violent offending*' (PSR document 13b) '*no established pattern of violent offending*' (PSR document 12b). Here the term '*pattern*' is used to describe an individual who has '*no pattern*' of offending, suggesting that offenders were assessed within a discourse that focused upon patterns of offending implying that the assessor was looking for '*evidence*' that would support this viewpoint. This is because offending behaviour is measured and categorised around already established ideas of what offending behaviour is. This suggests that probation officers are looking to identify behaviours around an established '*norm*' of offending.

The OASys manual describes a pattern of offending as *'the current offence(s) fits with the offender's previous criminal activity'*, going on to suggest how patterns of offending may be identified and assessed by asking *'was the way in which the offence was planned or carried out similar to previous offences?'*, *'was the way in which the offender behaved similar?'* and *'do past and current offence(s) stem from the same motivation?'* (OASys Manual v2, 2002, p53). However one question which isn't asked and which remains unexplained is why identifying a pattern of offending behaviour becomes so important within the OASys assessment of an individual? It could be suggested that the identification of patterns of past behaviours can be utilised to reconstruct how behaviours may manifest in the future, meaning that established patterns of past behaviours can become translated into predictable patterns or trends. This is similar to a policing technique known as offender profiling which is based upon a scientific understanding of criminal behaviour (Ainsworth 2001). Patterns of behaviour are favoured in order to compose a profile of an unknown perpetrator. What is known is used to determine what is unknown through a method of crime analysis. Within the Probation Service OASys assessment patterns of past behaviours are used to predict future behaviour, this is described as being *'the best predictor of future offending is previous offending behaviour and this is also true where those offences cause harm to victims'* (OASys User Manual, chpt 6, p54). Does this then suggest that having no pattern of offending behaviour, as was the case for some individuals, positions an individual as unpredictable? Does it become advantageous when an individual's behaviour can be predicted to correspond to an already established prototype? If this is the case the antithesis would suggest that an individual's behaviour becomes incomprehensible (and possibly unmanageable) when it is unpredictable.

7.5 How Expert Discourse Utilises Past Behaviour as a Predictor of Risk and Future Behaviour

Where, within the PSR documents, some young people were described by the narrator as having a risk level of low, medium, or high, others were described as being some risk, a significant risk, a potential risk or an apparent risk. The narrator aims to draw together an individual's previous offending behaviour with a risk classification in order

to determine the level of risk an offender may potentially pose in the future. Another example of the way in which the narrator is able to predict future behaviour and its associated risk level can be found in discussions around an individual's offending and their social history, for example:

'After examining [Mia's] offending and social history [Mia] currently poses a HIGH risk of reoffending' (PSR document 23b, emphasis in original).

'In terms of a risk of harm to others, although this is not considered high at present, the fact that [Cameron] has in the past carried weapons and has now assaulted a female partner suggests that the potential for further violence against a person, as well as anti-social behaviour cannot be discounted' (PSR document 24b).

'It is my assessment that the risk of reoffending is currently at a medium level. This is based upon consideration of his social and offending history...' (PSR document 9a).

The statements above provide an example of the way in which the narrator discusses levels of risk in relation to previous events and behaviour, for example *'although this is not considered high at present... the potential for further violence... cannot be discounted'* (PSR document 24b) and *'the risk of reoffending is currently at a medium level. This is based upon consideration of his social and offending history...'* (PSR document 9a). The narrator describes how an individual's social and offending history have been considered in order to determine whether or not an individual will offend again. The information regarding an individual's past behaviour has been gathered together in an attempt to predict a potential risk level which has then been associated with future offending. This on the whole suggests that the narrator is able to subscribe to a practice that draws upon information and knowledge based upon past events and behaviour in order to determine or predict future events and behaviour.

Where assessment tools, such as OASys are implemented in an attempt to predict future behaviour it could be questioned to what extent do such mechanisms accommodate change in the individual? The following statement demonstrates the way in which some probation officers place an individual within a cycle of knowledge that fails to accommodate change *'In my opinion, from [Freddie's] previous convictions and knowledge of him, I would assess the risk of re-offending as high'* (PSR document 10b). The narrator describes how previous knowledge of the offender is used to form professional judgements about the individual, their past offending behaviour, and their future behaviour. It could be suggested that, because the narrator is in a position whereby they are able to gain access to information and refer to previously established knowledge about an individual they are also placed in a position that encourages judgements to be made on past behaviours in an attempt to predict future behaviour, for example *'in my opinion'* (PSR document 10b). This omnipotent status, omnipotent in the sense that some individuals subscribe to a belief system that only the divine are able to predict the future and therefore only the divine can prevent or modify future events through supreme intervention, assures a sense of authority. Still, the question remains to be asked, how can an individual offender challenge the way in which they are perceived once they have been located within what could be described as a perpetuating or inescapable discourse, for example one probation officer described an individual as follows *'[Aaron] is clearly a persistent offender, mainly matters relating to motor vehicles'* (PSR document 6b). This statement highlights the extent to which a probation officer's professional judgement can be absolute in the sense that the individual being described is not only an offender but also described as someone who obviously persistently and endlessly offends. All of which lends itself to question, does an offender become involved in a cycle or pattern of offending behaviour or does an offender become located within an inescapable discourse?

Where above we can see that the OASys assessment tool has been utilised to implement historical information about past behaviours to predict associated risks of the future, the PSR documents also indicated that the OASys assessment tool can be employed to determine how a risk may manifest in the future particularly with regard to future offending behaviour, for example:

'Should his current situation continue I feel that he is at high risk of committing minor offences to gain money as he has no legitimate income at the moment' (PSR document 13a).

'The risk presented would most likely be in the form of a minor public nature or damage to property' (PSR document 8a).

'It is likely that any future offending would be alcohol related and may manifest itself as expressive violence directed towards other young males' (PSR document 22b).

Here the narrators describe how they envisage an individual's level of risk may be a predictor of future behaviour; one young offender is predicted to be violent in the future as a result of alcohol issues, for example *'It is likely that any future offending would be alcohol related'* (PSR document 22b) whereas another young offender is described as offending in the future as a direct result of having no financial income, for example *I feel that he is at high risk of committing minor offences to gain money'* (PSR document 13a). As previously suggested, understanding behaviour in this way fails to accommodate change, which raises the question what benefit lies in the identification and classification of potential risks? And who benefits from the implementation of such practices?

7.6 How Expert Discourse Reconstructs Risky Behaviour as Manageable and Treatable

The OASys manual clearly advocates the management of 'risky behaviour' as integral to the OASys assessment process when it states *'The risk management plan must not only identify the potential risk(s) but also state clearly how the risk(s) documented will*

be managed by the service.' (OASys Manual, v2, 2002, p152). Within the PSR documents probation officers described managing 'risky behaviour' in the context of 'reducing' risks, 'addressing' risks and 'managing' risks. Behaviour was described as being manageable if an individual offender focused upon reducing or addressing their behaviour and its associated risks, for example:

Reducing Risks

'It is clear [Theo] needs to undertake offence focused work in relation to his decision making, conflict resolution and assertiveness skills. He also needs to further examine and focus upon the role of alcohol misuse and relationships in his offending behaviour, such work would enable the reduction of the above assessed risks...' (PSR document 13b).

'These risks should reduce if [Ava] continues to try to develop an increased understanding of her own behaviour and her mother's situation and vulnerability, while developing skills to manage conflict situations appropriately' (PSR document 22a).

'This risk would properly be reduced if he can learn to control his use of alcohol and drugs especially when out in public areas if he distances himself from certain peers and if he can occupy his time more constructively such as by way of a job and or new pro-social pastimes in order to avoid becoming bored which he himself has identified as a contributory factor' (PSR document 18a).

Addressing Risks

'Until issues relating to temper control, decision making, problem solving and alcohol misuse are addressed the risk he presents of further offending behaviour will remain' (PSR document 19a).

'For the risk to be reduced he will need to address his relationship difficulties with his mother and his alcohol misuse....until such a time when he addresses the issues significant in his offending behaviour he is assessed as high risk of reoffending' (PSR document 17b).

'As many of these issues are still ongoing problems in his life I would assess him as posing a high risk of reoffending which will remain until such time as [Harley] begins to address these issues in a sustained and committed manner.' (PSR document 4b).

By describing the circumstances which surround an individual's behaviour as *'until such a time when he addresses these issues...'* (PSR document 17b) or *'the risk would properly be reduced if he can learn to control...'* (PSR document 18a) suggests that the narrator is positioning themselves as an authority within expert discourse. The narrator draws upon their knowledge and expertise to suggest that some behaviour can be managed provided the individual in question is able to maintain self-control over potential future risks that have been identified by the governing agent. It is implied that the individual offender can be self-governing should they monitor their behaviour in a *'sustained and committed manner'* (PSR document 4b). In contrast, the implications of failing to address or reduce risks associated with their offending is because the individual has failed to show any self-control. Expert discourse positions the offender as a responsible agent suggesting that the individual is to blame for their offending, and suggesting that the individual can be held responsible and accountable for their continuing offending. This is reinforced by a discourse that constructs current

offending as future problematic behaviour. The following statement clearly illustrates this point:

'It is clear that [Toby] requires assistance to overcome his identified problem areas of negative peer group association, alcohol misuse, lack of accommodation, lack of constructive use of his time and poor numeracy and literacy skills. To address these issues would require a great deal of commitment from [Toby] and without this he would remain high risk of reoffending.' (PSR document 12a).

The narrator describes '*problem areas*' that have been '*identified*' during the OASys assessment, the narrator goes on to express that the individual in question '*requires assistance to overcome*' these problems. An individual is placed within a discourse that constructs their behaviour as problematic and a discourse that also determines the type of intervention and assistance that is needed '*to address these issues*'. What's more the individual is constructed as needing to have '*a great deal of commitment*' to deal with these problems.

Once information about an individual and their offending behaviour is understood and constructed within the remit of an OASys assessment more emphasis can be placed upon identifying and categorising behaviour as problematic, in the sense that less importance is placed upon understanding each individual case. It is the point at which potential risks become identifiable and found to be problematic within the behaviour and actions of the individual that expert discourse becomes able to reconstruct risky behaviour as manageable and treatable. The expert identifies problematic behaviour in the individual offender, which in turn leads to the recommendation of an intervention that aims to help address the offending behaviour of the individual. Should the offender successfully complete the intervention programme this then reaffirms the accuracy of the process in producing expert knowledge about risk, however should the offender be unsuccessful in complying with the intervention the offender has failed to act in accordance with the expert guidance given to them. This does not position the expert as

being less knowledgeable, instead it positions the offender as lacking commitment and a willingness to comply.

7.7 Summary

Within this chapter, I have discussed how risk is constructed within expert discourse. Drawing together the OASys assessment manual and the analysis of the pre-sentence reports, I began the chapter by describing the role of risk assessment within criminal justice. In contrast, I went on to discuss how a language of risk was understood in relation to the young offenders in this study. Further discussions about young offenders and their experiences in relation to risk are discussed in themes three and four. Within the section entitled assembling risk, I described the way in which risk was assembled by drawing attention to the information probation officers draw from to compile an offender's risk assessment and a pre-sentence report. I suggested that information that was used to compile an assessment was largely concealed as a result of the assessment process. I went on to describe the way in which risk was constructed within the pre-sentence reports and how a language of risk was utilised to categorise those at risk of harm, classify risk levels of harm, construct behaviour as risky, and utilise past behaviour as a predictor of risk. I concluded the chapter by describing the way in which expert discourse utilises risk to predict future offending, and reconstruct risky behaviour as manageable and treatable.

Having discussed the way in which risk and 'risky behaviour' was constructed within risk assessments; the following chapter (chapter eight) discusses how knowledge around risk assessment creates power interests in relation to "expertise knows best" and how this positions the young offender. Chapters nine and ten discuss offending and risk from the perspective of young offenders.

Chapter Eight

Theme Two: Knowledge, Power and Risk

Within the previous theme – Risk – I described the way in which risk was constructed within expert discourse and the forms of knowledge that assisted in constructing an expert discourse of risk assessment. This chapter explores the development of how an expert knowledge of risk assessment was intertwined with power and how this manifests. This chapter also discusses how expert discourses position the young offender as having ‘no voice’ or as resisting authority, and how this compares with an offender’s perspective.

8.1 Risk Assessment as a Process

Knowledge around an individual’s criminal behaviour and risk taking (as discussed in theme one) are largely derived from and framed by pre-existing and pre-determined conditions of predicting future risks. This is illustrated within the research data by the way in which some young people and some probation officers talked about the assessment process. For example, one young person described their risk assessment process as follows:

(Interviewee 21) *I have done one here...one with probation*

(Researcher) *What are they like?*

(Interviewee 21) *Don't know really cos I have never done an in-depth one, it is like they ask you do you have a drink problem, no. Do you take drugs, no. Well you are not at risk of reoffending are you. There you go, that is most of them*

done. Basically if you have no problems, you are at low risk of reoffending as a child.

(Researcher) *So it is about problems that you might have that got you into reoffending?*

(Interviewee 21) *If you don't have any problems and it is just a one off, then you are at low risk of offending*

Another young person mentioned that:

"[Ethan – probation officer] would always ask the same questions, just stupid stuff and that" (Interviewee 05).

The above statements reflect the way in which an individual's behaviour is constructed as problematic by a process of assessing risk, for example *'basically if you have no problems, you are at low risk of reoffending'* (Interviewee 21). It also reflects the extent to which practices of assessing risk and offending focuses on the assessment process (through a systematic questioning process) rather than focusing upon the diversity of the individual, for example *'would always ask the same questions'* (Interviewee 05). It is those factors that are prescribed by the assessment process (expertise) as criminogenic or risk factors that are considered as determining offending, for example *'they ask you do you have a drink problem, no. do you take drugs, no.'* (Interviewee 21) and subsequently it is only those determining factors that are considered by expertise, for example *'there are no relevant previous convictions, nor is there a pattern of violent behaviour or involvement in offences of burglary. When considering these and all factors...'* (PSR document 13b).

The following PSR document statements illustrate this point:

‘With regard to his involvement in the initial offence, there are no relevant previous convictions, nor is there a pattern of violent behaviour or involvement in offences of burglary. When considering these and all factors, the courts may come to the conclusion that the risk of [Joseph] causing serious harm to the public in future is such that it would not meet the definition of significant risk, as defined by the public protection provisions of CJA 2003, and it is suggested that he could be adequately sentenced outside of those provisions by the court today. The serious nature of his current offending however is fully acknowledged as is the likelihood of a custodial sentence being imposed today. [Joseph] fully accepts this likely outcome and is prepared for this.’ (PSR document 13b).

‘For the reason set out in my risk assessment [Benjamin] is assessed as posing medium risk of serious harm and as such does not meet the significant risk test as defined by the public protection provisions of CJA 2003. In the circumstances the court may feel he could be adequately sentenced outside of those provisions today.’ (PSR document 22b).

The narrator talks about the role the risk assessment process plays when considering criminogenic factors and the risk factors that are considered as pertaining to offending and future risks. In these instances the risk assessment as a process has been unable to construct the individuals in question as ‘risky’, this is acknowledged by the narrator as follows, ‘*as such does not meet the significant risk test as defined by the public protection provisions of CJA 2003*’ (PSR document 22b) and ‘*When considering these and all factors, the courts may come to the conclusion that the risk of [Joseph] causing serious harm to the public in future is such that it would not meet the definition of significant risk, as defined by the public protection provisions of CJA 2003*’ (PSR document 13b). The behaviour of the individual being assessed as unable ‘*to meet the definition of significant risk*’ implies to the reader that ‘*when considering these and all factors*’ one might conclude that the individual would (or should) have posed a

significant risk but instead were assessed as ‘*posing medium risk of serious harm*’ (PSR document 22b). This appears to suggest a level of ambivalence between the risk assessment outcome and the proposed sentencing recommendations. In an attempt to resolve this difference the narrator recommends that the justices consider disregarding the OASys assessment and instead sentence within their discretion, for example ‘*In the circumstances the court may feel he could be adequately sentenced outside of those provisions today.*’ (PSR document 22b) and ‘*it is suggested that he could be adequately sentenced outside of those provisions by the court today.*’ (PSR document 22b). This suggests that knowledge that is able to offer governance (i.e. *adequately sentenced outside of those provisions today*) claims superiority over knowledge that is less able to offer governance (i.e. *does not meet the significant risk test as defined by the public protection provisions of CJA 2003*).

8.2 “Expertise Knows Best”

Within the research findings, some young people described the way in which they felt the criminal justice system positioned itself as an authority of knowledge. Some young people talked about the way in which others felt they had a better understanding of the individual’s experiences. For example,

“*well, people say now that it was the wrong crowd, but I still think it is the right crowd, cause I still see some of them. They are good lads, it is just if we get bored, we will do something to keep us amused.*” (Interviewee 21).

(Researcher) *the first time you got arrested, what was that for?*

(Interviewee 20) *Criminal damage*

(Researcher) *So do you directly put that down to the fact that your mum died?*

(Interviewee 20) *People say that like, but people [also] say since your dad hit you*

(Interviewee 22) *well, I am not at risk to the public or anything. So I would say I am like medium, about medium. He says I am doing well now I haven't been with me mam. They think me mam is part of it as well, cause she in the past has been violent*

(Researcher) *who is they, they that say this?*

(Interviewee 22) *the buzzies and that*

(Interviewee 21) *well, I have been told, I don't know [laughs] I don't know, I have just always had it [bad temper] since I was young, since I can remember. But I think it is because me mam left, but how would that cause anger in me?*

(Researcher) *what have you been told?*

(Interviewee 21) *I am fighting for attention with me little brother and stuff. But shouldn't have happened when I moved into my mam's because there was no one to fight for attention with, except the dog. But I got over that. I think that of me dad, the child psychologist I saw, apparently I blame myself for me mam and dad splitting up. Little awkward really.*

Within the examples above the young people who were interviewed talk about others as knowing better for example ‘*well, people say*’ (Interviewee 21) and ‘*people say that*’ (Interviewee 20). ‘People’ are saying something about an offender, but where the narrator of the PSR documents would suggest that there is evidence to indicate that what is being said is true and accurate, here the young people talk about other people saying something that may not be true or accurate, for example, “*well, people say now that it was the wrong crowd, but I still think it is the right crowd*” (Interviewee 21). Here the young person clearly disagrees with the judgements made about them.

Although some young people do not agree with the judgements being made about them, the extracts above show the extent to which the young people have accepted what had been said about them. For example, one young person mentioned that they were ‘told’ they had a bad temper. To be ‘told’ something could be considered as making something known, to divulge information, perhaps information that was not known until it was told – i.e. we must be told that facts. To be ‘told’ could also be considered as a telling-off, to reprimand or to scold someone – i.e. he told him off for coming home late or I told you so. It is unclear what exactly is meant by the use of the word ‘told’ here, however, use of the word ‘told’ might suggest that the young people did not think that they were advised, informed or educated but instead felt that they were told-off. What’s more, to what extent does ‘I have been told’ suggest that a young person has been told that something is a particular way with a degree of certainty, for example “*they said it was a matter of time before I got in trouble with the police....always thought I would and I just proved her right really*” (Interviewee 21). Here the young person is describing the way in which others had told him that something was to happen with a degree of certainty, and that the young person had gone on to fulfil that judgement. What is difficult to determine is whether the young person acted in this way because it was expected of them or that they acted in this way because of other reasons.

This illustrates that expertise positions itself as an authority of knowing within discourses around risk, and thus potentially constructing themselves as omnipotent. However, to what extent does this create an illusion, illusionary in the sense that what is known and what is understood is drawn from a faculty of expertise that is implemented

by the associated experts, thus potentially presenting favourable conditions within which knowledge is formed. Does this also suggest that the offender, who is the source to understand their offending (and therefore the voice of reason or the voice of authority³⁵), is overlooked in favour of techniques that are valued within systems of managing offenders? And to what extent do systems and processes of acquiring and producing knowledge around offending (and profiling behaviour) that value expertise and expert knowledge leave the offender feeling misunderstood and unheard? One young offender, who described the process of completing a risk of reoffending assessment, described how they had learnt to resist the process, for example

(Interviewee 21) *...not really, cause you can lie on a risk assessment. Cause they will ask you the questions and you'll just lie to them and say I don't have a drink problem.*

(Researcher) *What would the benefit of lying be?*

(Interviewee 21) *Because if you enjoy drinking and you say no you don't have a drink problem and again if you are on drugs and you don't want to get off drugs, and you just lie. Basically if you wanted to be truthful on your risk assessment you can be, and if you don't, you don't have to be. Cause you don't get checked or owt like that.*

Here the young person described how they felt that being dishonest during their risk assessment produced the results that they required (rather than the results that the probation officer required), for example *'if you enjoy drinking and you say no you don't*

³⁵ The voice of reason implies that the offender is the intellectual faculty by which conclusions around their offending behaviour can be drawn, and subsequently offering an in-depth understanding of why the individual behaves in the way that they do, as well as how best to respond to such behaviours. Carl Rogers believed that 'the best advantage point of understanding behaviour is from the internal frame of reference of the individual himself' (Rogers 1951. In, Atkinson et al 1990, p523)

have a drink problem and again if you are on drugs and you don't want to get off drugs, and you just lie' (Interviewee 21). From a criminal justice perspective, this could be viewed as an attempt to sabotage their risk assessment that (in its ideal state) is designed to assist young people by helping them address their offending. However, from an alternative perspective this could be viewed as an attempt by young people to maintain an element of autonomy or control over the way in which they are understood or viewed by expertise and systems of acquiring and producing knowledge. In this way it could be suggested that the offender is able to influence the risk assessment process as a result of familiarising themselves with what could be described as a fixed design of enquiry. This suggests that young offenders challenge boundaries around expertise and expert power in an attempt to create their own boundaries, in the sense that if they can change the rules that manage them they may be able to change the rules on what they can manage.

8.2.1 Expert Knowledge and Risk

Another way in which young offenders described 'expertise as knowing' was in relation to the consequences of their behaviour. Within the example below the young offenders talked about the health risks associated with the consequences of their behaviour such as smoking, drug and alcohol use. For example:

(Interviewee 18) *Aye, a' think about all the consequences and stuff now...*

(Researcher) *Hm-mm*

(Interviewee 18) *Made us start like trying to be more healthy, like a' wanna pack in smoking an' that, a' don't wanna smoke dope cos a've been reading all about it n' that, like killing your brain cells n' stuff.*

- (Researcher) *Hm-mm*
- (Interviewee 18) *N' drugs what it does to you, kidney failure...*

- (Researcher) *What do you think about risk?*
- (Interviewee 07) *Risk, what do you mean? Ah, the drugs, you are taking a risk doing it yourself. I never used to think about it back then, but then when I went to the drug and alcohol places I realised, and I went 'shit, what'...*

Here the young people talk about the consequences and risks associated with their health. They also refer to an acquired understanding in relation to these risks, a different kind of awareness that they did not have before for example '*I never used to think about it back then, but then when I went to the drug and alcohol places I realised*' (Interviewee 07). For these young offenders awareness was gained from interacting with expert knowledge or expertise for example '*I went to the drug and alcohol places*' (Interviewee 07) and '*a've been reading all about it*' (Interviewee 18). This introduced offenders to a different way of thinking about their behaviour, a way of thinking that positioned their behaviour as problematic and in need of change for example '*Made us start like trying to be more healthy, like a' wanna pack in smoking an' that*' (Interviewee 18). This suggests that young offenders were introduced to an expert way of thinking for the purposes of suggesting changes in behaviour.

8.3 The Young Offender as having 'No Voice'

Some interviewees described how they were left feeling marginalised by and within the criminal justice system, and as a result, felt misunderstood and unheard. These difficulties were described as follows,

(Researcher) *Do you think that when they are asking you all these questions that they get an accurate understanding?*

(Interviewee 21) *No...people like [Lucas] who work here, they do, because they get to see you on an everyday basis and everything, gets to learn what makes you tick and stuff like that. Probation, well you go one day and just meet them one day a week and it doesn't really work. The past two probation meetings I have had I have been in for about literally twenty seconds and I'm out again. I walk in get another appointment and walk out. They don't get to know you, so it doesn't work their risk assessment.*

The young offender went onto say:

"...in court, they didn't even, I didn't even have to speak apparently, I just turned up and said me name at court, I didn't even get to put my point of view across" (Interviewee 21).

(Interviewee 06) *I was fuming earlier on...I was fuming...that feeling when you get tears in your eyes I was really ganning off it this morning*

(Researcher) *What upset you?*

(Interviewee 06) *Sitting there and they were like arranging appointments, like there just talking away, not asking me. It is polite, do you know what I mean. They divin't understand it in my shoes, do you know what I mean, I am sitting there, and there is people talking about appointments, it is my life, do you know what I mean*

(Researcher) *...what was it? Was it the feeling that they didn't care or was it the feeling that you weren't involved?*

(Interviewee 06) *I don't know, I haven't got a clue. Just got us really fired up. Got me ready to snap this morning.*

(Researcher) *...before you said the criminal justice system should help people more...*

(Interviewee 05) *Well they should cos they dinnit understand what people gaan through man, they just lock them up an' deal with them at court. Just they need to knaa what's gaan on in their heads an all*

(Researcher) *How can they do that?*

(Interviewee 05) *A' din'knaa, ask them, ask us, that's what a' would*

dee, just ask them. A'd say 'ere, look'a, come on, n' help them really just cos some people they just gonna keep it bottled up a' think...

(Researcher) *...you don't feel that seeing your Probation Officer is helping you in a way cos....*

(Interviewee 18) *Nah, cos a' a', well a just wanna gaan to work n' get a job, a' divvent wanna have to wake up early on a Saturday morning an gaan see me Probation Officer or pop in for ten minutes before a' have to gaan to work n' that*

(Researcher) *Right*

(Interviewee 18) *A' divvent like the idea. So, a' just wanna life like anybody else*

(Researcher) *mm-hm*

(Interviewee 18) *A divvent wanna be somebody else's work if ya' knaa what a' mean*

The young offender went onto say:

(Interviewee 18) *it does, it does help some people but some people it doesn't help an' they should listen to the people it doesn't help when they say a' don't need help, but then its just, but then, that's it. If you divvent keep your appointments and stuff, if you divven't dee what they*

say then you end up back in court

(Researcher) *mm-hm, so it's sort of a vicious circle*

(Interviewee 18) *aye*

Within the extracts above the young people talked about the way in which they felt that they had not been consulted, for example “*Sitting there and they were like arranging appointments, like there just talking away, not asking me*” (Interviewee 06) and “*I didn't even get to put my point of view across*” (Interviewee 21). For some young people, not being consulted about their lifestyle and their offending left them feeling like the criminal justice system could not have an accurate understanding about them as individuals, for example, “*They don't get to know you, so it doesn't work their risk assessment*” (Interviewee 21) and “*they dinnit understand what people gaan through man*” (Interviewee 05). Here the young people talk about the way in which they believe that the criminal justice system does not have an accurate understanding of individuals who offend as a direct result of being unheard. Does this then suggest an imbalance in understanding, where expertise is considered over and above the voice of the individual? And if an offender is left feeling unheard, are they more likely to be coerced into believing the expert or are they likely to be left feeling frustrated by a process that constructs the individual as invisible? It could be suggested that young people who offend are the best source for understanding their behaviour and from this perspective could be considered as being the experts of offending or as having insider knowledge.

8.4 Resisting Authority

According to Berne (1964), sociological and psychological studies around offending and criminal behaviour have largely been unproductive and unsuccessful in understanding offending behaviour. Berne suggests that this is because theoretical and empirical studies have been unable to adequately evaluate an offender's ability to participate in a contest that Berne terms *the game* (Berne 1964, p116). Berne suggests that many offenders engage in an ambiguous love-hate relationship with the police, where the offender, who more often than not has strong feelings against the police, is enticed into a *battle of wits*. This is supported by the interviewees who, when asked to describe their relationship with the police, expressed strong emotions of dislike towards them. Some young offenders expressed this quite strongly by stating:

“a’ hate them n’ them hate me” (Interviewee 05).

“I hate the police, cannot stand them, they split me head open” (Interviewee 01).

Because the game begins with strong feelings that are expressed against the police (who symbolically represent authority), it appears as though the offender is resisting or rebelling against authorities, perhaps by challenging positions of power. This can be seen as being constructed within criminal justice law as resisting arrest or obstructing a police constable. This view is supported by expert discourse, for example:

‘as previously cited [Ruby] does have previous convictions which suggest her ability to act aggressively and violently towards those in authority when carrying out their duties.’ (PSR document 24b).

'It is of concern that [Mohammed] continues to have difficulty in accepting responsibility for his criminal activity, and that this would seem to be becoming increasingly associated with violence, most recently against police officers' (PSR document 15a).

'[Jacob's] attitudes of late to the use of violence against his victim suggest a belief on his part that it is a legitimate course of action. He has acknowledged he finds it hard to accept being told what to do by people in authority.' (PSR document 18b).

'[Dylan] has acknowledged that he has problems dealing with certain people in authority, such as police officers. He said that he feels that he is being targeted by the police, but fails to understand that it is his anti-social attitude and behaviour that has led to action by the police in the first instance' (PSR document 18a).

Within the above statements, the narrator constructs the individual's behaviour towards authority as problematic, for example *'this would seem to be becoming increasingly associated with violence, most recently against police officers'* (PSR document 15a) and *her ability to act aggressively and violently towards those in authority when carrying out their duties.'* (PSR document 24b). It is important to take matters of violence towards others seriously, this is not condoned here; however it could be suggested that expert discourse presents a weighted view when it describes resisting authority as problematic behaviour within the offender, for example *'he has problems dealing with certain people in authority, such as police officers'* (PSR document 18a) and *'he finds it hard to accept being told what to do by people in authority.'* (PSR document 18b). The narrator suggests that resisting authority is an *'anti-social attitude and behaviour'* (PSR document 18a) but fails to highlight the feelings of victimisation that the individual holds, for example *'He said that he feels that he is being targeted by the police, but fails to understand'* (PSR document 18a). Expert discourse describes the offenders as failing to understand, but perhaps expert discourse was unable to identify the extent to which

feelings of victimisation may have led an individual to resist authority in the first instance.

According to Berne, resisting authority in this way is a pivotal strategy within *the game of cops and robbers*, however it could be suggested that the young people's dislike for the police (or authority) is a reminder of unpleasant experiences. The young people, when interviewed, described their experiences with the police as a hate relationship, for example "*I hate the police*" (Interviewee 01), which they equated to the number of times that the police had stopped or arrested them. Some young people described how they felt that they were targeted by the police for their behaviour, comments included:

(Interviewee 01) *They seen us going along on me scooter, a've nothing illegal on me scooter, on motorbikes and that, they still stop us all the time – "what you up tee?", "Am on me bike man" – "are ya insured?", "it's taxed, tested and insured", "are you gaan to let us gaan?", "Ah two minutes til a' get a check on it" – does a check on it n' am like "a telt ya didn't a', a' wouldn't lie to ya about something like that", "ah".*

(Researcher) *Why do you think [interrupts]*

(Interviewee 01) *They never leave us alone, it's deein me head in, they daint de it as much now like, pull us over or stop us or nowt like that, a' din kna..*

(Researcher) *When was that?*

(Interviewee 01) *Since its, since a' had a bike, a got me a scooter [after] a left school. They just always stopping ya cos a' used to always be in trouble all the time. Problies one of*

the reasons like but it nay reason.....

(Researcher) *So why do you think they do that?*

(Interviewee 01) *Din kna, cos they just pricks, a mean not all coppers are dickheads, ya get good uns, you get bad uns, and you get some that's alright...*

“Proper hate us man. Got out last weekend a' got locked up, a' got two drunk and disorderlys.... This is not, this is bang out of, when am plain locked up in me cell all night, got locked up on Thursday neet reet, got out Friday morning reet, coming home, like, gaan back to [Northern town] locked us up again for drunk and disorderly. A' was like “you've just let us out”, do ya knaa what a mean? Proper divvies the buzzies, swear to god a was gaan proper off it...”
(Interviewee 05)

The young people here talk about their relationship with the police which they perceive to be a form of victimisation, for example *“They never leave us alone...They just always stopping ya”* (Interviewee 01) and *“A' was like “you've just let us out””* (Interviewee 05). In contrast, it could be suggested that the frequency of being stopped is a direct result of policing excellence, where vigilant policing has resulted in stopping and possibly arresting young people whose behaviour may have appeared to the police as suspicious. However, when considering Berne's theory, it could be further suggested that the frequency of being stopped is not completely the result of vigilant policing, but is also a result of a young person's desire to be caught in order to lose *the game of cops and robbers*. Although Berne's theory offers an interesting alternative perspective of the conditions pertaining to offending and risk-taking, his theory fails to identify why

one individual would be motivated to act in this way, where another individual may not³⁶.

One suggestion could consider the extent to which a young person may feel reassured when being pursued by the police. When being stopped or arrested by the police the young person is reminded that they are visible or that they matter, even when such assertions are negative. This potentially satisfies the young person's need or desire to be noticed, when ordinarily they may have been ignored. However, once the pursuit has ended or once the police lose interest in the offender the individual once again becomes invisible. In this sense, an offender can gain an element of satisfaction from being stopped or arrested by the police but gains no further satisfaction if the game ends at that point. In order to attract the attention of the police again the offender may commit another crime in hope of being noticed, however, recognising that on the last occasion once the game ended the offender became invisible again or failed to matter, on this occasion the offender may maintain their level of visibility or importance by advancing the status of the game, perhaps by being arrested. It is within the criminal justice system that the offender obtains an identity and it is with this identity that the young offender, not only becomes visible within the constructs of the criminal justice system, but that they begin to recognise the extent to which they matter within the system when they receive help through interventions such as rehabilitation programmes. It could be suggested that here the offender is in control not the system. Where an offender has no identity in society, they are given an identity within the system. Where an offender does not matter in society or to their family, they begin to matter within the system. Does this then suggest that a young person who offends does not desire the gains that offending may bring but instead desires feelings as though they matter or that they are visible.

³⁶ Berne (1964, p119), does suggest however that researchers, psychiatrists and criminologists alike, who often causally comment that offenders enjoy the chase and want to be caught, are unable to academically recognise the significance of this link partly because of the traditional research methods that are employed to investigate a complex notion such as this.

Some young offenders who recognised that they mattered within the criminal justice system described their experiences as follows:

(Interviewee 19) *[Northern] police station know, like, know us really well, and they know, like, the crap am going through, like, with me girlfriend and her ma and that. Every time a get locked up, they're like "ah what have you done now?" n' they're proper class with us....*

(Researcher) *Do you feel that [interrupts]*

(Interviewee 19) *They try, they try, they try to help us like or they wouldn't, if they didn't want to help us they would just leave us on the street and not lift us or, but that's what a mean, they do it for a reason. They do it cos obviously am breakin' the law, but because am going to be a danger to meself or a danger to other people, or when am in there they're like "ho'whey man, sort yourself out eh?"*

(Interviewee 18) *The courts have given me some good support actually, they've helped us out an' that...*

(Researcher) *Can you tell me a bit more about that?*

(Interviewee 18) *They just, a din knaa', they divvent want us to do as bad, like, they'd rather us to do good than bad, like obviously, they've given us chance after chance like...*

8.5 Good Boy / Bad Boy: Compliance versus Resistance

Compliance and motivation feature heavily within expert discourse; this is especially the case within and around expert discourse that aims to address and treat the offending related needs of an offender. Compliance as a term suggests a level of obedience or a capacity to yield, where as the term motivation implies movement or to stimulate movement. When considered together there is a proposed implication that something or someone requires motivation to comply, or rather, something or someone requires stimulation to be obedient. Several PSR documents described offenders in this way, for example:

‘[Archie] has demonstrated an acceptable level of motivation to comply with such a programme. [Archie] is fully aware that should he fail to do so he will be returned to court swiftly and dealt with in an appropriate manner.’ (PSR document 11a).

‘[Lewis] is ultimately fearful of a custodial sentence. He has never previously been subject to a period of imprisonment. He informs me now however, he is motivated to comply with a community based order as he wants to make significant changes to his current lifestyle.’ (PSR document 19a).

The use of the phrase *‘motivation to comply’* within expert discourse suggests to the reader that the individual has recently considered compliance, where once they were non-compliant, and that this is a result of (external) stimulation that has acted as a motivator, perhaps as a result of being *‘subject to a period of imprisonment’* (PSR document 19a) or perhaps as a result of the consequences of being *‘returned to court swiftly and dealt with in an appropriate manner’* (PSR document 11a). Where *‘motivation to comply’* represents obedience, this suggests that a failure to comply or non-compliance represents disobedience.

Within expert discourse, compliance and motivation were generally discussed as a positive attitude - for example 'willingness to comply', 'agreed to comply', or 'motivated to address' - or a negative attitude - for example 'failure to comply', 'non-compliance', or 'no motivation to comply'. Expert discourse discusses motivation to change in two ways, firstly as a factor linked to an offender's risk of reconviction and offending, for example:

'After examining [Alexander's] offending and social history [Alexander] currently poses a HIGH risk of reoffending. This is in the context of his non-compliance with court imposed sanctions over recent months and lack of engagement with interventions aimed at reducing risk, poor problem solving skills, drug and alcohol misuse and continued association with a negative peer group' (PSR document 23b).

'As the court is aware this current offence has taken place during the early stages of [Oscar's] community order. He has made efforts to engage with this order and has shown a level of motivation to address the factors that relate to his offending.' (PSR document 16b).

And secondly, as a factor linked to an individual's rehabilitation, for example:

'His current breach status also indicated that he is unable to face up to his responsibilities and has a tendency to bury his head and avoid dealing with problems. Despite this, he appears to acknowledge the seriousness of his actions and is motivated to address his offending and problems. [Liam] does not openly display pro criminal or discriminatory attitudes however his failure to comply with probation supervision suggests that he requires ongoing support to increase his motivation.' (PSR document 19a).

'a community order with a drug rehabilitation requirement would build upon [Max's] motivation to tackle his problematic drug use and hence be likely to reduce the reoccurrence of offending behaviour' (PSR document 2b).

The four examples above demonstrate how expert discourse discussed motivation to change in relation to offending related factors such as an offender's risk of reconviction and an offender's potential for rehabilitation. Motivation was not discussed in relation to other matters, for example, what motivates an offender to resist change.

An individual's level of motivation to address their offending is considered highly relevant within sentence and supervision planning (OASys 2002, p113). Individuals are assessed to determine the degree to which the *'offender understands their motivation for offending'*, or to determine the extent to which they are able to show *'motivation to address offending'* (OASys User Manual 2002, p113-114). The expert (in this case the probation officer) is required to evaluate an individual's level of motivation to change by *'ticking the box that is most applicable'*, or by indicating the extent to which the individual offender is prepared to change and comply with offending-focused behaviour programmes and interventions (OASys User Manual 2002, p114). Levels of motivation are determined using a linear scale of *'not at all motivated'*, *'quite motivated'*, and *'very motivated'* (OASys User Manual 2002, p114). The expert, through a less personalised process, is encouraged to position the individual offender within a series of questions designed to establish if an individual is motivated to change. Should an offender be *'not at all'* willing, motivated, or capable of behavioural change then an expert may presume that an offender is at high risk of re-offending or may fail to comply with any court sanction, for example *'I am of the view he has no motivation to comply with a further community based penalty at present aimed at reducing the risks of reoffending and harm he currently poses'* (PSR document 23b).

In one sense, by implementing a process that assesses the level an individual offender is motivated to change the expert is able to position an offender and their behaviour as both problematic and requiring change. The offender is constructed as *'wrong'* and is required to prove otherwise by staying *'offence free'*, for example:

'during interview, I did detect some element of maturity in his thinking and his attitude towards his offending when he accepted that what he did was wrong and says that he takes full responsibility for his unacceptable behaviour. He advised that if the court were to give him this last chance he would prove to the court that he is sincere in his desire to stay offence free. [Jayden] advises that this time is the longest period (six months) that he has managed to stay offence free' (PSR document 10a).

It becomes apparent then, that compliance is an essential element within the management and rehabilitation of individuals and their offending. From the perspective of the expert, it could be suggested that compliance is signified by an individual's willingness to change, whereas a failure to comply is perceived as a reflection of the individual offender's inability to accept responsibility for their behaviour. Those young people who show compliance or good behaviour are favoured as vulnerable or perhaps a victim of circumstance when compared to those young offenders who fail to comply, for example:

'when under the influence of alcohol, he is easily influenced negatively by offending peers with whom he associated with prior to being remanded. To his credit, he is able to acknowledge he needs to adopt a more mature and responsible attitude if he is to stay out of trouble, and if he is to establish a more settled and law-abiding lifestyle for himself.' (PSR document 17b).

'[Jake] does not think about the consequences of his actions and fails to appreciate the seriousness of his behaviour. Thinks of him as one of the victims and behaved in an immature manner.' (PSR document 7a).

A young person's non-compliance within the criminal justice system often positions them as less favourable or as resisting authority. Offenders who breach a community sanction imposed by the courts are likely to be recalled to court for the purposes of receiving an additional punishment for the breach of their original community order. This may include extending the original community order or revoking the order for resentencing. This is illustrated in the following example:

'He accepted during interview that this was wrong and that his continued offending and lack of compliance with court orders put him in a less than favourable light, but reflected that until such time as he himself does something with regard to his alcohol and drug misuse issues than it was likely that he would continue to offend. To his credit this was an honest reflection of the way he thinks and behaves' (PSR documents 16b).

'he is aware of the content and stringent reporting requirements involved with such an order and understands that any failure to comply will be strictly enforced and will result in a swift return to court' (PSR document 2a).

With an emphasis placed upon the motivation and compliance of offenders within expert discourse it could be suggested that criminal justice experts fail to understand the importance of behaviours such as non-compliance from an individual perspective. Where an expert may perceive non-compliance as a resistance to authority, a young person who offends may be resisting authority in an attempt to exert a level of personal control over their day-to-day experiences as opposed to being governed by others. Some young people, when interviewed, described how they felt they were able to maintain personal control over their day-to-day experiences by opting to do what they wanted to do even when this went against advice given from a significant carer, for example some young people said:

“My relationship with my mam is, if she says something then I’ll just won’t listen to her. When she has a go at us I just switch off. Looks like I’m listening but really I’m not. She has had that many calls about us I just know how to do it now. I just say to her ahha, ahha, ahha so” and “I quit college and apparently that was the wrong thing to do. Without telling ‘em as well. It should have been my decision and obviously it wasn’t....obviously they didn’t agree with my decision” (Interviewee 21).

“Me ma and that used to go off it. She used to say ‘I’m fucking sick of you drinking and all this, I’m sick of seeing you come in mortal drunk.’ She had no say in the matter, you know what I mean, she used to nag me, I used to say it is fucking up to me, you know what I mean. Nowt to do with her like, it did though but I’d do what I want....but, like, some nights I would just wait until she went to bed, jump through the window, go downstairs and open the front door and let a few of me mates in....” (Interviewee 04).

The young people here talked about how they felt they would benefit from an increased sense of independence from the decisions made by those around them for example, *It should have been my decision and obviously it wasn’t....obviously they didn’t agree with my decision” (Interviewee 21).* In this sense the young people did not agree with the decisions that were being made on their behalf and felt that they could have handled the situation differently. Within the PSR documents, expert discourse also constructed the individual as requiring an increased level of self-control, however this was portrayed in a slightly different way, for example,

‘as the year developed, and she became involved with the probation service, [Chloe] began to recognise the extent of her problems even though they seemed insurmountable. She referred herself to the local youth drug and alcohol project in [Northern metropolitan city] and her key worker reports a positive approach, and change for the better is actually emerging. Clearly there is more to be done but we should not underestimate what has happened. What is evident is that

when she is not under the influence of alcohol she is well able to think and act in a rational manner but this changes dramatically when she has drunk even small amounts and loses all control over what she does. At such times she is unable to consider the consequences of her behaviour and she is prone to involve herself in anti-social behaviour' (PSR document 6a).

'[Jake] fails to appreciate that his behaviour is unacceptable and that he should learn to control his anger without resorting to using violence. He should learn to see from the victim's point of view and the impact his unacceptable behaviour has on others.' (PSR document 7a).

'[Callum] indicated that he needs to learn how to control his drinking' (PSR document 18b).

'this risk could probably be reduced if he can learn to control his use of alcohol and drugs, especially when out in public areas; if he distances himself from certain peers; and if he can occupy his time constructively, such as by way of a job and/or new prosocial pastimes in order to avoid becoming bored which he, himself, has identified as a contributory factor to his offending' (PSR document 18a).

The above extracts illustrate that the narrator believes that an individual requires an increased level of self-control. However, where the individual offenders had expressed that with an increased sense of independence they would be the best people to make decisions on their behalf, here the narrator talks about an offender as being unable to consider the consequences of their behaviour because of a lack of self-control, for example *'he needs to learn how to control'* (PSR document 18b).

It could be suggested some young people challenge or resist authority as a way of asserting their independence, visibly reconstructing their identity, not because they believe they are unconstrained by social boundaries or social norms, but because they are aware of social expectations and are accordingly able to explore and challenge what they may perceive to be ideals. In this sense, the individual offender cannot be considered as rebelling against authority but rather *within* authority, this is because an individual needs to be aware of boundaries that distinguish what is and what isn't acceptable behaviour in order to be able to behave in an unacceptable or acceptable manner. What could also be suggested here is that by challenging or resisting authority through non-compliance a young person is not only able to manage their daily routine but is also able to establish a sense of identity through maintaining personal control. For example, the self-management of an offender's reputation or public image enables some young people to gain notoriety or a level of importance amongst their peers. Some young people described how *showing off* or *acting hard* would help them gain respect amongst their peers. When asked *why do you offend* some young people commented:

"The first night was really, we were just waiting until we got paid and it was like spontaneous. It was like – boom – just smashed the window, ha 'way we'll do it. It was spontaneous walking past and smash, there you go it was spontaneous. Second night was premeditated. We purposely went out to pinch a car so we could show off, to some lasses basically [laughs]...that was mine and [Riley's] idea, the other three just came along with us [laughs], just tagged along seriously." (Interviewee 21).

(Researcher) *Were they all taking drugs at the party?*

(Interviewee 07) *Aye...they had been doing it for a while because they are a bit older than me like.*

- (Researcher) *How old are they?*
- (Interviewee 07) *They are like twenty and that, you know what I mean, so they had been doing it a lot of years. Some of me pals started when [they were] fucking twelve or something. Didn't even know about fucking shit like that when I was little...*
- (Researcher) *What made you join in?*
- (Interviewee 07) *Don't know just thought I would join in, everybody else was doing it, you know what I mean...I thought I would have a go, I felt left out...*
- (Researcher) *So when you did take it how did you feel then? Did you notice a difference to the way your friends treated you?*
- (Interviewee 07) *Aye they were treating us proper different, proper mint...they were showing us more respect....cause I was saying no for ages and then when I did take a bit they showed us proper loads of respect, buying us pints and that.*

For expert discourse to simply label an offender as compliant and non-compliant as a result of good or bad, right or wrong behaviour suggests that the individual offender is not a proactive person but rather a docile body within the criminal justice process (Emler and Reicher 1995), suggesting that the expert is an important authority within the daily routine of the offender. Important in the sense that the expert acts as a gateway to a wealth of services and opportunities, acting as an invisible boundary for those who are deserving, that can at best be negotiated or at worst manipulated. The question that fails to be asked is why some young people feel the need to resist authority where others do not. Could it be the case that, rather than rebelling against positions of authority, some young offenders who are positioned within expert discourse as having

problematic behavioural conduct are in essence complying with or acting in accordance with the judgements made about them.

One young person described how they thought they had come to resist authority because they were perceived as a rebel when compared to their sibling.

(Interviewee 21) [Ryan] *he is like brainy and talks good, the golden boy and everything. And I am just the rebel [laughs]. Well I know I am. I am just the rebel, simple as that.*

(Researcher) *How does that feel?*

(Interviewee 21) [pause] *I don't know, first time I have actually thought how it felt really. It annoys me sometimes because all he has to do is ring me mam and say I sort of need money for tuition fees and stuff like that and he'll get it straightaway. And I ring me mam, 'ah I need money for such and such', and I don't get it.*

(Researcher) *Do you think that has an impact on you?*

(Interviewee 21) *Probably yeah*

(Researcher) *Do you have an idea how it might?*

(Interviewee 21) *That is probably why I am sort of like rebelled and completely left me mam's house. I can go back now and again and stay over, you know what I mean and get jeans and stuff like that, but that is basically it. I am never allowed to move in, but see [Ryan] if he rang up and said I've been kicked out of the flat can I move in with you, my step dad would drive down to pick him*

up and drive him back.

(Researcher) *Why is that?*

(Interviewee 21) *He is just the golden boy*

Another young person, who discussed a past traumatic experience, expressed how external judgements had become internalised as feelings of self-blame, anger and frustration.

(Interviewee 22) *Well I got raped off my brother...my mam didn't believe us, neither did my dad...so I started offending and that cause I can't get over the fact that me mam believes me brother over me.*

(Researcher) *So how did that affect you?*

(Interviewee 22) *Well it has affected my life....*

The young person went onto say

(Interviewee 22) *...My fault, my punishment...Now I just cannot get me head around it. I just sit most nights in me room and cry, I can get me anger out that way...I've tried talking to people, I had a counsellor and all that to my house.*

(Researcher) *You said you deserve to be punished?*

(Interviewee 22) *Cause I am being wrong, so I deserve to be punished*

even though it is me brother who is in the back of me head. I feel I am the one that deserves to be punished because everyone just believes him

8.6 Summary

Within this chapter, I discussed the way in which criminal justice experts, particularly probation officers, were positioned as knowledgeable about offending behaviour as a result of the risk assessment process. I discussed how an expert discourse of risk positioned the probation officer as ‘knowing best’, which in contrast positioned the offender as having ‘no voice’. I discussed how young offenders were left feeling misunderstood and unheard as a result of a fixed and inflexible risk assessment process and I also discussed how some young people resisted this rigidity by lying during the assessment. I went onto discuss a difference in perspectives around notions of resisting authority, and how a young offender who resisted authority was positioned as having problematic behaviour that required changing. In contrast, it was established that young offenders did not consider themselves as resisting authority, rather they felt they were targeted and victimised by the police as a result of repeatedly being stopped.

Another difference in understanding between expert discourse and young offenders was discussed around compliance and non-compliance. Where expert discourse viewed compliance and motivation to change as a favourable response within risk assessments, non-compliance was viewed as resisting authority or as a result of problematic behaviour. An offender was positioned as requiring to prove their level of motivation to change or comply with criminal justice. In contrast, however, the young offenders described non-compliance as a way in which they could assert their independence and a way in which they could maintain a level of personal control over their daily routines. Thus, in conclusion the discussion within this chapter put forward an analytical account of competing ways of thinking about ‘risky behaviour’, particularly in relation to resisting authority, and compliance and motivation to change.

Within the following two chapters, I discuss the analysis of the research data in relation to a young person's understanding of risk and the meanings they attach to their offending. Chapter nine focuses upon a young person's offending in relation to escapism, primarily drawing upon Cohen and Taylor's (1992) thesis on *Escape Attempts* and Lyng's (2005) thesis on *Edgework*. Chapter ten focuses upon a young person's offending in relation to the *Importance of Mattering* as proposed by Elliot (2009).

Chapter Nine

Theme Three: Escapism

'Escapism' or aspects associated with escapism such as *'blocking out'* featured as a recurring theme within both the PSR document data and the interview data. The following two statements typify the way in which expert discourse constructed what was considered *'emotional problems'*, positioning the offender as being unable to cope with their everyday and as a consequence resorting to activities which enabled a sense of escapism, for example:

'He tells me he has in recent years experienced a number of emotional problems which in turn have resulted in him abusing alcohol as a means of escaping his problems. His abuse of alcohol has resulted in him committing offences on a regular basis and demonstrating an inability to both recognise and resolve problems in a responsible manner' (PSR document 5b).

'In discussing the reasons why he uses alcohol to such a level [Toby] was candid and admitted that he drinks to "block out" his problems and to help him stop worrying about his father for a period of time. He went onto say that when he is under the influence of alcohol he feels better about himself and life at that time' (PSR document 15b).

Another aspect that featured within expert discourse was the way in which expertise brings together *'problematic'* behaviour such as excessive alcohol use and emotional problems under a single banner of offending, for example *'his abuse of alcohol has resulted in him committing offences on a regular basis and demonstrating an inability to both recognise and resolve problems in a responsible manner'* (PSR document 5b). This view of understanding behaviour was embedded within expert discourse, but to what extent does this view frame the way young people understand their offending, particularly those activities which enable a young person to reconstruct their everyday

as a means of escapism or “blocking-out”. In essence, how do young people who offend construct escapism as part of their everyday and what meaning does this hold for them?

Within sociological thought there are two similar, but not synonymous, ways of thinking about the way in which individuals engage with activities that produce thrilling or pleasurable experiences in an attempt to reconstruct their everyday experiences, these are Lyng’s (2005) thesis on *Edgework* and Cohen and Taylor’s (1992) thesis on *Escape Attempts*. By drawing on these works, I will be able to explore the way in which some young people talk about their offending and how, in contrast, this is similar or different to the way in which offending or ‘risky’ behaviour was constructed within expert discourse.

Berne’s (1964) psychoanalytical approach to *The Games People Play* offers insight into the types of games some offenders engage in and why. Although his thesis was formed over forty years ago, his analytical approach to understanding behavioural-games and language-games has been a valuable source of inspiration when deconstructing the interview narratives of the young people researched here. Within his analysis of *Underworld Games*, one of which he names *Cops and Robbers*, Berne describes the way in which some criminals engage in a discourse of ‘catch me if you can’. The antithesis is concerned with expert discourse within criminal justice, which he refers to as ‘*the police and judiciary apparatus*’, who are required to play their roles in the game *Cops and Robbers* under a set of rules prescribed by society (Berne 1964, p199). This aspect of Berne’s analysis of behavioural-games and language-games will assist in exploring the role that offending plays in defining the everyday of the young people interviewed.

This chapter is broadly divided into three sections; the first section entitled ‘Drug Use, Offending Behaviour and Expert Discourse’ considers acceptable and unacceptable behaviour, particularly around drug and alcohol use within expert discourse. Within section two, entitled ‘Escaping the Everyday through an Altered State of Mind’, and section three, entitled ‘Escaping the Everyday through an Altered Emotional State’, I suggest an alternative discourse to an expert discourse of unacceptable and acceptable behaviour. Within these sections, I discuss ‘risk-taking behaviour’ from a young

person's perspective proposing that offending, and alcohol and drug use produce positive experiences around escapism, managing day-to-day experiences, and producing positive feelings of excitement.

9.1 Part One: Drug Use, Offending Behaviour, and Expert Discourse

Alcohol and drug use are often discussed within criminological literature as two separate criminogenic factors contributing to the offending behaviour of young people (Home Office 2007), with little attention given to the way in which these terms are constructed. As a result, the uses of these terms are at best discussed in relation to the Drugs Prevention of Misuse of Drugs Act 1971, and at worse, these terms are left uncritiqued. Debates around what constitutes a drug and how or under what conditions certain drugs are selected for control are important topics within their own right, however to consider these points would not contribute to the discussion here. The focus of the discussion here is to explore the meanings that young people attach to their offending, the value offending holds for some young people, and the way in which some young people reconstruct activities such as offending within their everyday experiences. In contrast, how is offending and drug use constructed within expert discourse and what differences and similarities does this produce in understanding offending.

Alcohol consumption, albeit a drug which influences the mind state, is generally considered independently to other drugs (for example controlled or prescribed drugs) within current research studies as a direct result of its relationship with criminal justice law (Home Office 2003b). It is here that the law makes a clear distinction between acceptable and unacceptable behaviour in relation to drug use as a whole, where alcohol consumption is considered acceptable behaviour and the illicit use of controlled and prescription drugs (such as cannabis, amphetamines, cocaine, and heroin) are considered unacceptable behaviour. Expert knowledge around alcohol consumption indicates that excessive drinking or binge drinking (where young people voluntarily consume large quantities of alcohol in a limited timeframe) has become socially

unacceptable behaviour; equally so, the illicit use of prescription drugs for social or recreational pleasure is deemed unacceptable behaviour. With this in mind, a fragile boundary has come to be constructed between what is considered acceptable and what is considered unacceptable behaviour, where expertise acts as a coercive mechanism by encouraging acceptable behaviour³⁷. The extent to which this creates ambiguity within lay knowledge is often disregarded, in the sense that it is legally acceptable (within the reasons of age) to consume alcohol, although it becomes socially unacceptable to consume alcohol in excessive quantities, especially if this results in anti-social behaviour. Equally so, within the remit of criminal justice law it is considered illegal to use controlled drugs or prescription drugs for recreational pleasure, although it becomes socially acceptable to seek expert help to rehabilitate the self. This then lends itself to question, to what extent does expert knowledge produce mixed messages in lay knowledge. Similarly, to what extent do ambiguous constructs around acceptable and unacceptable behaviour create a sense of fluid boundaries that can be challenged and negotiated. What's more, to what extent does ambiguity amongst expert knowledge create a discourse within which young offenders can rationalise³⁸ and justify their behaviour. This then suggests the importance of understanding how young people discuss and describe their offending and the relevance of their offending within the context of their day-to-day experiences, as well as a young person's sense of self. With this in mind, the following quotes typify the way in which some young people who were interviewed described their offending in relation to their drug use, which is as follows:

³⁷ For example, the governments drive to "Alcohol: know your limit" is a campaign aimed at increasing awareness around alcohol consumption, see <http://www.knowyourlimits.info/AboutAlcohol.aspx> and drink aware campaigns <http://www.drinkaware.co.uk/>.

³⁸ Rationalisation does not mean to act rationally – it is the assignment of logic or socially desirable motives to what we do so that we seem to have acted rationally. Rationalisation serves two functions – firstly, it eases our disappointment when we fail to reach a goal, and secondly, it provides us with acceptable motives for our behaviour, placing our behaviour in a more favourable light. Here plausible excuses are offered as a justification for behaviour rather than the 'true' reason (Atkinson et al 1990).

Offending whilst under the Influence of Drugs or Alcohol:

“It was only petty offences when I was younger, but when I got on the drugs it has gotten like more serious and all that” (Interviewee 07).

“I used to drink and smoke dope all the time. Get mortal. Go out causing trouble and that” (Interviewee 04).

“erm, a’ think mainly offendings due to the drink, erm, well it is cos a’ only through – well, only when a’ve had a drink a’ do bad stuff, erm, but like a’ve had a horrible background....” (Interviewee 03).

Offending to Sustain Drug or Alcohol Use:

“I was heavy on the drugs like, had to gaan out thieving to feed me habit.....dope and that, used to gaan out pinching so I could get money for drugs” (Interviewee 07).

“When I was living at my mam’s it was like fucking ringing, bottles of cider, going into shop an pinching slabs and that, slabs of beer....running into shops, picking up the slab and running away.” (Interviewee 07).

The examples above show how some young people described their experience of offending whilst under the influence of drink or drugs, as well as their experiences around offending which helped sustain their drug and alcohol use. What is evident is the way in which the interviewees rationalised and justified their drug use as well as their offending. In one sense, some young people were able to recognise the

seriousness of their behaviour, or indeed how seriously others may perceive their behaviour, for example, this is constructed around language use such as '*daft*' or '*stupid stuff*'. The use of language such as this enables some young people to position themselves within a discourse that frames their behaviour as trivial or insignificant. Whether this indicates a moral understanding of their behaviour is unclear, however, it does suggest an awareness that their behaviour is perceived as unacceptable.

An alternative line of enquiry would be to question the extent to which young people are able to justify their behaviour within an expert discourse. Where within expert knowledge, drug and alcohol use have been recognised as criminogenic factors pertaining to offending behaviour (Home Office 2007, 2003b, 2003c), these young people were equally able to identify that their offending was a visible result of their drug use and that their drug use influenced their offending, albeit directly or indirectly. This may be because, by tapping into expert discourse around drug and alcohol use, these young people were able to consciously construct their identity within a system that not only offers them justification for their behaviour, but also, a system within which they can deflect blame. In this sense, some young people were able to identify the unacceptable or destructive nature of their behaviour, whilst at the same time recognising that it becomes acceptable to assign fault or responsibility to something other than themselves, and in this sense remaining blameless. It becomes clear then, that expert knowledge and discourse around drug use and offending offers some young people who offend the opportunity to engage with a way of thinking about their behaviour that they may not ordinarily acknowledge. This then lends itself to question; to what extent does expert knowledge and expert discourse around offending recognise the extent to which expertise can offer a framework to justify offending? If this is the case, how effective can expert discourse be in understanding offending and subsequently understanding the rehabilitative potential of offenders when addressing their offending?

One way of thinking about these issues and the significance of drug use within society is to consider the extent to which drug use has become an aspect of everyday life (South 1999). In his debate on '*drugs and everyday life*' South (1999, chp1) suggests that drug

use has become an actuality of everyday life. For South (1999) experimentation with or the regular use of drugs has become so commonplace that it has come to forge a significant experiential and cultural aspect of ordinary life within contemporary society. Here South suggests that it is a *'non-acquaintance with drugs or drug users that has become the deviation from the norm'* (South 1999, p5). South (1999) supports his argument by discussing the works of Howard Parker and colleagues (see Parker et al 1995, 1994) alongside other researchers in the field (see Coffield and Goften 1994), noting that he is in partial agreement with the argument of Parker et al who suggests that the end of the 20th century has seen a move towards a process of the normalisation of drug use. Whether or not the consideration of this thesis is accepted or rejected, it should be recognised that the activity of drug use is overshadowed by criminal justice law, in the sense that illicit drug use is prohibited and is a chargeable offence. Should we acknowledge that drug use is no longer an exception to the norm for most young people within their daily lives, particularly with reference to those young people who are discussed here, then it becomes understandable how a conflict in viewpoints around drug use and offending has come to be in existence. On the one hand, the debate is concerned with the volume of social activity with drugs including recreational drug use amongst young people (Shiner and Newburn 1997), and on the other hand, the prohibition of drugs which is still powerfully in place.

Dominant policy and control discourses that surround drugs and drug use, in this instance criminal justice law and social policy and drug use (see Smart 1984), have come to produce a powerful framework that is able to make a distinction between what is alleged as acceptable (alcohol) and what is perceived as unacceptable (illegal or illegal use of) drugs. With this framework in place, discourses around what can and what is considered as an exception can be utilised to shape the way in which criminal justice law and policy respond to cultural and social shifts. For example, alcohol consumption is considered acceptable within the reasons of age, however, when an individual is perceived as a binge drinker their behaviour becomes an exception to the norm, it is at this juncture that alcohol consumption is positioned as socially unacceptable. Another example would be the recent declassification and

reclassification of cannabis³⁹. Categorised as a class B drug since 1928, as determined by the Misuse of Drugs Act 1971, the UK Labour government declassified cannabis to a class C drug in 2004. The implications of which meant that where once it was unacceptable to be in possession of cannabis, a declassification removed the threat of arrest for possession, indicating a shift (which may have echoed a cultural shift in attitudes towards drug use) from what had once been perceived as unacceptable towards acceptable. Despite the Advisory Council on the Misuse of Drugs (ACMD) recommendations for cannabis to remain a class C drug, in 2009 the government reclassified cannabis back to a class B drug in light of new scientific evidence and criticisms from the International Narcotics Control Board (INCB) and the Advisory Council of the Misuse of Drugs (ACMD). The INCB and ACMD criticised that such steps as the declassification of cannabis by the UK government had global implications particularly in relation to the cultivation of cannabis (Home Office 2008). The debate here however is not so much about the enforcement priorities and obligations concerning the control of drugs (South 1999) as much as it is about the difference between what is perceived as acceptable and unacceptable. As is evident here, the introduction of new scientific knowledge contributed towards a change in government opinion around the acceptability of cannabis use. What is also evident is the extent to which the political principles of competing scientific knowledge provides unclear and vague conditions of knowing. It is attention that is directed towards what is considered the most suitable and appropriate expert knowledge that can create conditions within which something can be constructed as ‘included’ or ‘excluded’ accordingly.

Expert discourse and control discourse, that are devoted to the aims of regulating and controlling drugs, bring about conditions within which drug use and drug users can be positioned within a polarised structure of what is considered as acceptable (inclusion) or unacceptable (exclusion). Once drug use and drug users, or what is considered unacceptable, are positioned outside what could be considered the moral fabric of normal cultures it becomes appropriate for enforcement or governing agencies to

³⁹ See

<http://webarchive.nationalarchives.gov.uk/20100419081707/drugs.homeoffice.gov.uk/drugs-laws/cannabis-reclassifications/>

respond (Smart 1984). Social policy, the criminal justice system, and its agencies focus on drug users and their drug use within a framework of exclusion. Exclusion in the sense that policy responses single-out drug users in an attempt to effectively target and reduce behaviours which are perceived as problematic. An expert way of thinking about drug use constructs the individual as ‘good’ or ‘bad’ and an individual’s behaviour as ‘acceptable’ or ‘unacceptable’ but there appears to be limited recognition of the value that drug use and offending holds for the young person. Instead, there appears to be a general appreciation for discourses that portray behaviours as antisocial, if only because they then become a target behaviour that can become subject to technologies of treatment. But what of a young person’s view of their behaviour? Do young people consider their behaviour to be problematic or ‘risky’? Why is drug use and offending considered as appealing to some young people? And to what extent does expert discourse accommodate individual views? A young person’s views on their drug use and offending behaviour, how this is constructed within expert discourse, and how this is similar or different to expert discourse will be discussed in the following sections.

9.2 Part Two: Escaping the Everyday through an Altered State of Mind

9.2.1 *Multiple Drug Use and Routine*

When discussing their drug use, some young people discussed in detail the habit or the routine that they had developed around consuming drugs and alcohol and how this influenced their offending. For most young people who were interviewed alcohol consumption and illicit drug use had become a way of life in the sense that it had become a daily routine. Although alcohol consumption was described by the interviewees as more problematic than their drug use, especially in relation to their offending, some interviewees described a routine that involved multiple drug use, for example:

“I used to take them all together, aye, I used to mix them all. I used to smoke dope and drink....Just take ellin and smoke dope all together, I used to get out

of it all the time". This young person went onto describe their drinking routine, saying "seventeen quid.....like seven on alcohol and a tenner on an E and like seventeen, eighteen, twenty quid or something....if I had money and that left I used to drink...be absolutely mortal and still be down the shop in the morning. I used to drink until I was passed out with drink" (Interviewee 04).

"everyday when a' was at [Northern town] like a' used to, a' used to wake up and was like ah howaye are we gaan for a bucket, or we gaan for a joint, or we'll have a line...." (Interviewee 19).

"a only really smoke, smoke dope and drink now...if there's cowies or something y'knaa, a'll tack them but a wouldn't pay for them" (Interviewee 05).

Other interviewees described their routine as follows:

"I was drinking every night, and like still getting up and going to work, but just as there was nowt the matter. And then I was just two litres of cider a night...aye then two litres wasn't doing nowt, then I went onto three....I was going down the town and that as well, do you know what I mean, because I have always looked older than what I am. I would walk down the town with them on a Thursday, Friday and Saturday and I was still drinking on the streets. And then it got to the point, I was doing that for about six months..." (Interviewee 16).

"me da was giving me dinner money on a ellin' n like money on a night an' that an would just gaan on the drink n tha' n' other stuff....a' just didn't used to get out of bed n me da used to leave me money on top of the mantle piece – y'knaa what a mean – swan in – me mates knock on the door for us about ten o'clock, we just used to gaan oot if it was a sunny day or summinc, have a

session outside n that, sit down the park an that, get a few tins in n that, or just, or just stop in the house and get out of it.....just a session like no one's picked on or that, everyone's got cans, few cheeky lines ere n there n that...." (Interviewee 05).

"I used to be into class A's and that, pills and that I used to take every night....every day and every night. My pals used to wake up about half six and we used to have three buckets, gan out pinching....wake up get a couple of class A's...like that....I used to gan to our dealer the night before like canny late so we had then for the morning, cause we used to get stressed if we woke up without any drugs." (Interviewee 07).

The findings presented here clearly suggest that some young people had a developed routine around alcohol consumption or multiple drug use in the sense that consuming mind-altering substances⁴⁰ had become a significant aspect of their daily lives. Routine in this sense challenges recent notions of escapism through substance use, where some theorists describe drug use as a means of escaping the daily fabric of life (see Cohen and Taylor 1992), the actuality is that for these young people drug use became a significant element of their daily lives. A developed routine around drug use became the purpose or event around which they structured their day, indicating that other aspects of their life held very little or no meaning. This then suggests that alcohol consumption or multiple drug use became a mechanism through which some young people created a sense of order within their daily life. What in one sense may be perceived as ritualistic⁴¹ behaviour, a developed routine around alcohol consumption and multiple drug use could also be perceived as nurturing of the self. This is partly because ritualistic behaviours not only communicate a sense of order through routine, but also because it offers some young people a process through which they are able to make sense of their

⁴⁰ Also referred to as psychotropic substances – a chemical substance that acts primarily upon the central nervous system where it alters brain function, resulting in temporary changes in perception, mood, consciousness and behaviour.

⁴¹ Here this term refers to the gradual modification and exaggeration of some behaviour into stereotypical displays that serves some clear communicative function.

uncertain world. This suggests a developed routine may offer some young people an opportunity by which they can relieve anxiety and create a sense of certainty, as well as offering them a sense of self. Thus, it can be concluded that, for some young people there was a desire to create a developed routine around drug and alcohol use with meanings around nurturing of the self. Still, it remains unclear, why some young offenders seek out drugs and alcohol as a visible means of nurturing.

9.2.2 Managing the Everyday through an Altered Mind State

For some young people nurturing of the self had stemmed from feelings and emotions; feelings and emotions that had remained unresolved or avoided and subsequently manifested in behaviour or were released by action. Here some young people described the way in which alcohol consumption or multiple drug use offered them a sense of release from emotional stresses which may have resulted from past (traumatic) experiences, from keeping emotions *bottled up*, or from daily stressors.

The interviewees who discussed their emotional motive to use drugs and alcohol as a means of escapism described their behaviour as follows:

“...stuff happened to us when a’ was little an like found out like stuff about me dad like he wasn’t me real dad an things, so it was canny hard for us an me mam brought us up by herself and everything so, a’ dunno, maybe’s that’s whats lead us to drink cos a’ve had a crappy life, and then a’ve just done stuff cos a’ve had too much to drink – not meant to do it...” (Interviewee 03).

“a’ cannot go “that’s my bairn!” and all this like a’ used to, cos that’s the main reason why a’ cannot see him. C’s a’ used to, a’ used to – when she was pregnant – a’ still used to take drugs an a’ was still using drink, a’ used to be worse when she was pregnant....am not making an excuse but a’ dare say that’s

half me problem like, cos she was 15 at the time, a' was 18, n' all that was goin' through me head was like am ganna get locked up – am ganna get locked up n' be on the sex offenders list” (Interviewee 19).

“Just when I get myself stressed out a bit. Just when I feel down...”
(Interviewee 04).

Alcohol consumption and multiple drug use for these young people became an accessible means by which, and a justified rationale through which, an altered state of mind could be achieved in an attempt to manage the emotional pain of their everyday experiences. This is in part a result of the outcome produced by ingesting mind altering substances, such as alcohol and controlled or prescribed drugs, in so much that drugs can produce euphoric feelings (as well as unfavourable emotional, physiological and psychological side effects). It is also recognised (by scholars and medical practitioners) that drug users who desire an altered state of reality that is produced by ingesting psychotropic substances may find that quantities⁴² of substance use need to be increased in order to produce the same level or quality of euphoria due to an increased physiological tolerance (in essence physical dependence or addiction) (Atkinson et al 1990). Should a young person's desired outcome be met by ingesting illicit substances or large quantities of alcohol, for example to achieve an emotional state of euphoria, then it can be suggested that feel-good substances are ingested in an attempt to nurture the self. Where taking in 'goodness' – albeit perceived as unacceptable behaviour within frameworks such as the law and expert knowledge – becomes a way in which, and a means through which, some young people can produce positive experiences and emotions as a direct result of an altered mind state in an attempt to manage their everyday, for example:

⁴² This is also referred to as the stepping stone theory of drug usage (O'Donnell and Clayton 1982), where positive experiences of one drug may encourage experimentation with another. However, this theory has been criticised, partly because the majority of young people who smoke marijuana do not go onto use other drugs. Still, some studies have indicated that heavy use of marijuana smoking does increase the likelihood of becoming involved with more dangerous drugs (O'Donnell and Clayton 1982).

“at the time it made us feel better but, well, there’s gotta be something wrong in not makin’ us face up to things.....it didn’t seem right but it felt, it felt good, a’ din’kna how to, a’ din’kna how, a’ din’kna how to say what it was, it didn’t feel right cos a’ knew a’ was breakin’ the law but, a’ just, a’ just didn’t care” (Interviewee 19).

“[laughs] I had a couple of spliffs, a couple off a spliff actually. Felt nice, felt quite awesome.....the maddest feeling in me life....felt fucking mad....fucking mint. It was class....you cannot get better than that highest pack I reckon. You know when you first start taking drugs, proper mint, but now you cannot get passed that level” (Interviewee 07).

“It was alright, I used to take blues to make me feel nice. I had to take blues and all that, like ellin, it used to make you feel drunk” (Interviewee 04).

Within the PSR documents the narrator offered limited recognition of the level of importance that some young people placed on their drug use, and the extent to which a young person’s desire to recreate a sense of emotional and psychological well-being governed their alcohol consumption. Although several young people clearly identified a need to escape or manage their everyday through an altered mind state, as highlighted above, only three PSR documents, albeit briefly, suggested that there may possibly be a link between an individual’s ability ‘to cope’ and their alcohol consumption, for example:

“[Oliver] advises that he has been binge drinking more recently in order to cope with having no accommodation and other stress related matters. It is also to be noted that [Oliver’s] offending has a direct link to his drinking pattern. He does recognise the negative impact of his alcohol misuse in himself but I believe he

does not take it seriously, which prevents his progress in tackling the problem” (PSR document 7a).

“it appears [Jack] also misuses alcohol as a means to cope with loneliness and to ‘resolve’ problems. He cites his inability to cope with the cessation of contact with his child as another factor for his excessive alcohol misuse over the months preceding his current involvement” (PSR document 12b).

‘he stated that when he was feeling low he would turn to alcohol as a way of coping.’ (PSR document 11a).

Here there appears to be a significant gap in understanding between a young person’s perspective of their drug use and how the narrator of the PSRs has come to position the young person and their drug use within expert discourse. In the first instance the young people who were interviewed discussed their behaviour within the context of a positive experience, for example *‘it felt good’* (interviewee 19) and *‘...felt fucking mint...fucking mint. It was class’* (interviewee 07), as discussed above, suggesting that from a young person’s point of view their drug use produced a valuable outcome for them which emerged as a positive emotional state. However, within the PSRs the narrator who discussed an individual’s inability or ability ‘to cope’ described this as having a negative impact upon the individual to such an extent that it manifested as problematic drug use. This demonstrates that where a young person viewed their drug use in a positive light, the probation officer identified their conduct as problematic behaviour, potentially overlooking the benefits that surround drug use as acknowledged by the individual. Albeit a significant observation, it must be noted that of the 47 PSR documents only two PSR documents discussed drug use as a potential means of coping with difficult circumstances indicating the extent to which the probation officers identified a link between a young person’s drug use and their sense of managing their everyday whilst failing to notice its potential relevance. This is because it would not be adequate enough to state that a link between an individual’s ability to cope and their drug use had been overlooked merely because it had not been mentioned within the PSR

documents. Equally so, the strength of the research findings have highlighted a relationship between a young person's experiential and emotional gains and their drug use, which is a clear indication of the significance between a young person's drug use and the extent to which this enables them to manage or escape their everyday.

Secondly, the young people who were interviewed generally described their experiences of their drug use within an emotionally expressive context. Their drug use allowed them to escape the pain of their everyday experiences and recreate a more manageable, albeit temporary, state of mind; whereas the narrator positioned the individual within an expert discourse that focused upon their drug use as problematic and behavioural. This again suggests a substantial gap in understanding in the sense that expert knowledge constructs drug use as a negative and problematic aspect of an individual's behaviour, focusing on the conduct of a young person as opposed to an individual's sense of self that might necessitate a desire for an altered state of mind or an altered sense of self. If the proposition that expert discourse responds to drug use within a framework that places emphasis on behavioural conduct is to be accepted, it could be questioned, to what extent are criminal justice practises designed and implemented within a framework that focuses upon behaviour as negative and problematic? And how effective are current practices of addressing drug and alcohol use if such practices are embedded within a framework that places greater importance upon behaviour as opposed to an individual's sense of self?

9.2.3 Nurturing the Self through Abstinence

Where previously some young people attached meanings of nurturing the self to the way in which they constructed their drug use, for other young people their drug and alcohol use no longer served the purpose of nurturing. Instead they described how nurturing of the self could be best achieved through abstinence. Some interviewees described this as follows:

“I was so drunk I fell down the stairs, and I woke up the next morning and didn’t have a clue about it. And they said that, I mean, you could get mugged or something, you might get knocked over, you don’t know what is happening because you are drinking too much. You don’t know when to stop, and like, they let us, I was seeing someone from Turning Point and they learnt us how to cut down and stop drinking, and it has worked....I mean I would like keep a diary you know, of how much I was drinking. Cause when you are drinking you don’t realise how much you are drinking, but when you make a note of it you, oh god, am I drinking that much. Health as well, in the long term” (Interviewee 03FUP).

“a’ knaa that if a’ didn’t have it like, me smoke an’ me drink at times then a’ wouldn’t be bad – well a’d be worse than I am – but a’ wanna get off it like, more the drugs than the drink like cos a’ can have a few drinks an’ have a laugh n’ that n’ a’ knaa how far to go, but like with drugs a’ just, well a’ll just take anything ya give us....a’ a’d look better, a’ would act better – like this place.....now in ere you haven’t got that choice. You know you wake up, you get breakfast – them make you care about yourself” (Interviewee 19).

“...it gets to you when you get older like, when you start realising that you’ve got a look after yourself and that, a’ve actually, a’ve been, a’ think differently about it now” (Interviewee 18).

It is here that some young people described how they were motivated to change as a direct result of an altered perception of self, for example *‘a’d look better, a’ would act better’* (interviewee 19) and *‘you start realising that you’ve got a look after yourself’* (interviewee 18). Where drug use once provided some young people with the opportunity to nurture the self by escaping emotional pain, it is here that other young people explained how they could no longer achieve the same sense of nurturing when using drugs or consuming alcohol. Within this context some young people no longer recognised the benefits of nurturing the self through drug use or alcohol consumption

and instead began to seek out alternative ways in which they could reproduce the same emotional state, for example through abstinence or through self-care.

Within the PSR documents, expert discourse constructed drug use, alcohol consumption and abstinence in comparable but distinctive ways. In the first instance, expert discourse constructed drug and alcohol consumption as both problematic and behavioural, for example;

'with regard to drug use, [Harry] told me that he has been smoking cannabis regularly and also taking pills, such as ecstasy and non-prescribed ellin, at times. He said that he is missing cannabis whilst on remand because it helped him sleep. However, he did understand that this drug use could be adversely affecting his health and also contributing to his negative behaviour.... In interview, he said that he has been drinking alcohol regularly, for example, wine, which he would drink in the park with various associates. He has previously drunk sherry, cider and lager regularly. His use of alcohol seems to have contributed to his offending and, since this is often of a public order nature, it represents a potential risk of harm to others. He was referred to the [intervention for addiction] in relation to his alcohol misuse, but failed to attend two appointments that were offered to him....' (PSR document 18a).

'In discussing the use of alcohol with [Alfie] he advised me that he has been drinking regularly for the past four years and can consume up to eight cans of lager/cider on a daily basis. Records note [Alfie] has offended in the past in order to fund his alcohol use. During interview for this report [Alfie] did concede that his alcohol use can be problematic at times and, although he has taken some steps to reduce his level of alcohol consumption, he recognises that this is an area of his life which he needs to undertake further work on if he is to effect positive change' (PSR document 1a).

‘[Joshua] has previously attended and successfully completed think first and cognitive skill booster programmes and attained excellent feedback from the programme tutors which indicates that his problems solving skills and consequential thinking has been developed. Unfortunately, upon completion of these interventions [Joshua] has quickly relapsed into his previous lifestyle and continues to possess cognitive deficits. Probation records indicate that [Joshua] has previously demonstrated positive attitudes towards probation and staff. Unfortunately this current offence suggests that he is ambivalent with regard to how best to refrain from offending and anti-social behaviour. He acknowledged during interview that he found the cognitive behavioural programmes that he has completed very useful but also agreed that he has slipped back into binge drinking, hanging around streets and criminality’ (PSR document 3b).

The statements above clearly illustrate the way in which expert discourse is able to construct alcohol and drug use as problematic behaviour that stems from an individual’s inability to address their substance use, for example one individual’s drug use was described as *‘adversely affecting his health and also contributing to his negative behaviour’*. As a result the young person’s behaviour was described as representing as *‘a potential risk of harm to others’* especially because the young person had *‘failed to attend two appointments that were offered to him’* (PSR document 18a). Because the narrator of the PSR document describes the young person as being unwilling to address their substance use through a prescribed intervention strategy the narrator is able to suggest to those who consult the document that the young person is a potential threat to others as long as they continue with their current alcohol and drug use. In contrast, this also suggests that threats around offending and offending-related behaviour can be reduced should a young person choose to address their behaviour. What appears to be disregarded is the meaning and value that alcohol and drug use holds for the individual and how this may influence their views on their substance use. Some young people whose drug and alcohol use was described as being problematic and risky behaviour from an expert perspective were also described in a different way. For example, within the OASys assessment an individual reported to a probation officer the benefits that

they gained from their drug use which was constructed as follows, *'he is missing cannabis whilst on remand because it helped him sleep'* (PSR document 18a). This statement suggests a difference in understanding from the perspective of expert knowledge when compared to the experiences of some young people. This is because where expert knowledge had come to position a young person's drug and alcohol use as problematic and behavioural, the individual themselves had described the benefits of their drug use from an emotional perspective.

Perhaps a difference in understanding around drug and alcohol use between expert knowledge and a young person's experiences materialised because of the way in which criminal justice practices have tried to instigate or possibly force change. What on the surface may appear as a young person's resistance to change or an unwillingness to comply, for example *'he needs to undertake further work if he is to effect positive change'* (PSR document 1a) and *'upon completion of these interventions [Joshua] has quickly relapsed into his previous lifestyle'* (PSR document 3b), may actually be a product of the way in which a young person's experiences are narrated or translated into a language that is familiar to criminal justice. This suggests that, when a young person may indicate that they achieve a sense of nurturing as a result of their drug and alcohol use and therefore are not ready to abstain, this experience is translated into a discourse that reconstructs a young person's experience to implicate the offender as uncooperative. Despite the obvious indications that a young person may not be ready to abstain and thus may require a more individualistic and nurturing approach to raising awareness around their alcohol and drug use, the narrator of the PSRs adopts an almost dogmatic approach to the treatment and management of an offender's behaviour within a context of the expert knows better than those who have a first hand account. This reinforces the belief that a young person who offends is irresponsible and therefore requires the supervision of a service that has the insight, structure, and knowledge which is necessary to induce a process of responsabilisation and self-regulation (Worrall and Hoy 2005). This also reinforces a belief that when an offender is motivated to challenge and address their 'problematic behaviour' they became a reformed and rehabilitated individual by a service which has demonstrated its effectiveness. In contrast, however, when a young person fails to comply in addressing their behaviour the individual offender (rather than the service or the service provider) is held

accountable for failing to engage with a service whose underlying principle is a duty of care. What has become apparent from drawing together the PSR documents and the interview research data is the extent to which expert knowledge struggles to appreciate an offender's perspective of their experiences around drug and alcohol use and how these experiences impact upon a young person's willingness to abstain. This is further supported by the following statements that highlight a young person's autonomy when they express a readiness to abstain from alcohol and drug use, for example:

'As the year developed, and she became involved with the probation service, [Olivia] began to recognise the extent of her problems even though they seemed insurmountable. She referred herself to the local Youth Drug and Alcohol Project in [Northern Metropolitan City] and her key worker reports a positive approach, and change for the better is actually emerging. Clearly there is more to be done but we should not underestimate what has happened. What is evident is that when she is not under the influence of alcohol she is well able to think and act in a rational manner but this changes dramatically when she is drunk even small amounts and loses all control over what she does. At such times she was unable to consider the consequences of her behaviour and she is prone to involve herself in anti-social behaviour' (PSR document 6a).

'[Thomas] advises that he has experimented with cocaine and cannabis some eight months ago and did not like the taste and has not used any of them ever since. Most, if not all, of [Thomas's] offending are as a result of his excessive drinking. He advises that he binge drinks in the company of his like minded peers and his antecedents indicate that he becomes angry and violent when challenged about his behaviour, hence offences of Assault Police Constable. On the positive side, [Thomas] has conceded in the interview that he has realised that alcohol is a problem for him and that he needs professional help in this area in order to reduce his alcohol consumption' (PSR document 10a).

‘[Charlie] stated that he only becomes involved in offending behaviour when he is under the influence of alcohol, it is clear that this offending behaviour is directly linked to his alcohol misuse. Despite myself making several referrals for [Charlie] to attend the Young Person’s Drug and Alcohol Project, he has failed to engage with this service, to date [Charlie] is adamant that he alone will manage his alcohol intake and fully intends to stop his alcohol consumption’ (PSR document 4a).

‘[William] admits to using large amounts of cannabis in the past though states that he no longer uses it. He is motivated to seek help and support should the situation change and he finds himself using drugs again. He states that he does not drink alcohol at all however admits that today’s matters were committed when under the influence of alcohol after drinking several cans of lager. Despite this he maintains that his recent involvement with the criminal justice system has contributed to him remaining alcohol free and is adamant that he does not want to repeat past mistakes. He is willing to seek help and support should the situation change’ (PSR document 1b).

From the statements above it also becomes evident that when a young person expressed a readiness to address their alcohol and drug use they also indicated a willingness to engage with expert services designed to promote behavioural change, for example *‘she referred herself to the local Youth Drug and Alcohol Project’* (PSR document 6a), *‘he has realised that alcohol is a problem for him and that he needs professional help’* (PSR document 10a), and *‘he is willing to seek help and support should the situation change’* (PSR document 1b). However, where abstinence was expressed as a likely possibility by some young people the narrator undermined an individual’s autonomy by describing the possibility of achieving this in two ways, firstly in a positive regard with an emphasis placed upon professional assistance for example *‘her key worker reports a positive approach and change for the better is actually emerging’* (PSR document 6a) and *‘on the positive side’* (PSR document 10a), or secondly in a negative regard with an emphasis placed upon individual autonomy for example *‘he has failed to engage with this service, to date [Charlie] is adamant that he alone will manage his alcohol intake’*

(PSR document 4a) and *'he maintains that his recent involvement with the criminal justice system has contributed to him remaining alcohol free and is adamant that he does not want to repeat past mistakes'* (PSR document 1b). As has been suggested previously, these examples contribute to a way of thinking that promotes expertise and expert knowledge over and above an individual's insight to their actions. Still, in spite of the OASys assessments functionality to assess the needs of an offender and in spite of the accessibility of drug and alcohol focused treatment programmes it would appear that abstinence occurs at a time when a young person feels ready to bring about change and not solely as a result of expert intervention.

9.3 Part Three: Escaping the Everyday through an Altered Emotional State

9.3.1 Boredom

Some of the young people who were interviewed described their offending as a way in which they could escape the boredom of their daily lives. Overall, discussions around boredom formed two distinct and separate ways of thinking about the risks some young people take in relation to their offending. Some young people who were interviewed discussed boredom as a visible route into crime and offending, whereas other young people described boredom as a route out of crime. It is here that boredom as an emotion became a language through which some young people sought distraction from the boredom of day to day events. One research participant who was discussing the reasons why they had committed an offence of criminal damage mentioned that:

"it is just if we get bored, we will do something to keep us amused, and we ended up smashing the [name of building]....we had been bored all day..."
(Interviewee 21).

Where some young people discussed boredom as a visible route into crime and offending on one level, on another level some young people discussed how they constructed boredom as a route out of crime. In this sense, the interviewees described how boredom was a by-product of their offending, in that remaining offence free had associated consequences of feelings of boredom. When discussing being offence-free, some young people mentioned that:

“it is really boring, I am keeping out of trouble” (Interviewee 03FUP).

“’cos it’s borin’, but there’s nowt else to dee like...a’ just get bored an’ jut dee nowt all the time” (Interviewee 01FUP).

“a’ think it’s all just down to havin’ notin’ t’ do me...a’ mean really bored” (Interviewee 18).

Here some young people described a link between feelings of boredom and their offending. Expert discourse discusses the link between boredom and offending, describing the fundamental conditions of boredom-related offending as a result of an unstructured or chaotic lifestyle. For example, within the PSR documents the narrator positions the offender within an expert discourse that places emphasis on a chaotic/unstructured lifestyle enabling the narrator to openly acknowledge boredom as a central factor pertaining to an individual’s offending, for example:

‘[James] states that he would like to secure employment in the future and accepts that boredom is also central to his offending’ (PSR document 16b).

‘Examination of his previous offending records suggest that he is prone to utilising his free time in ways which make the likelihood of offending greater due to his apparent low boredom threshold’ (PSR document 11b).

‘He admits that in recent months his level of consumption has escalated, which he largely attributes to boredom, and prior to his remand into custody he was spending up to £70.00 per week on his use’ (PSR document 1a).

Here the narrator attributes boredom that results in offending as a direct consequence of a chaotic/unstructured lifestyle suggesting that an individual’s offending can be resolved should the offender utilise their time constructively, which can also be seen in the examples below:

‘[Daniel] appears to lack any real structure or direction and has shown little motivation to participate in further training or employment. As boredom along with alcohol use and the influences of his associates, are factors underpinning his offending, making some constructive use of his time by completing unpaid work and addressing employment issues through contact with ETE, are a current focus of supervision’ (PSR document 23a).

‘He has had no experience of paid employment. Agencies concur that boredom and a lack of constructive activity is contributing to his contact with pro-criminal peers, misuse of drugs and alcohol, and consequently, his offending’ (PSR document 15a).

Although boredom has come to be recognised as a criminogenic factor pertaining to crime and offending behaviour within expert knowledge and is discussed amongst sociological theorists in relation to risk-taking (see Lupton and Tulloch 2002), expertise tends to position the offender as a person who potentially has limited self-discipline or

self-control. This approach to understanding offending tends to suggest an individual's lifestyle is chaotic and disruptive and that offending is just an extension of that chaos. Those who consult the PSR documents are led to believe that if a chaotic lifestyle is given a sense of order, for example through constructive activities, young offenders will no longer offend. Recent studies indicate that some people engage in what has come to be described as 'edgework' or risk-taking activities in an attempt to transgress and negotiate boundaries of the everyday (see Lyng 2005). An emerging concept in the discipline of cultural criminology of risk, Lyng (2005) suggests that edgeworkers seek to escape institutional constraints that have become intolerable by negotiating boundaries between legal and criminal behaviour, sanity and insanity, the acceptable and unacceptable *'as a means to free oneself from social conditions that deaden or deform the human spirit through overwhelming social regulation and control'* (Lyng 2005, p9-10). For some people, it could be suggested that chaotic behaviour or a chaotic lifestyle is sought out (subconsciously or otherwise) in order to break free from the regulation and restriction of everyday governing discourses. This theory however fails to explain why some young people engage with crime as a means to alleviate feelings of boredom and why some young people remain law-abiding citizens.

An alternative way of thinking about boredom and offending behaviour would be to consider the way in which some young people viewed their behaviour in relation to their emotions. Understanding boredom from an individual's perspective suggests that crime and offending offers some young people something more than relieving or escaping the dullness of their daily lives. The alleviation of feelings of boredom offers these young people a visible route by which they can recreate their sense of reality through constructing activities such as committing crime. Cohen and Taylor (1992, p46) suggest that for some people feelings may be so intense that the mental management of their daily routines leads them to seek out alternative realities in an attempt to deal with the mundane routine and habit that contributes towards feelings of boredom. This demonstrates that activities such as offending help to develop a meaningful purpose in offering some young people something to do with their time.

Where, on the one hand, expert knowledge suggests that in some instances offending is underpinned by feelings of boredom as a result of a chaotic/unstructured lifestyle, it is proposed here that an individual's understanding of their offending in relation to feelings of boredom has been largely disregarded within criminal justice practices. The research data suggests that where expert discourse positions an individual as having become exposed to a lifestyle lacking in structure bringing about an emotional state of boredom, expertise also suggests that associated problems, such as offending behaviour, will remain unresolved until such a time that an individual engages with constructive activities. Feelings of boredom then become a (reactive) interaction between the individual and a given situation. When an individual is exposed to a situation or environment (such as a chaotic/unstructured lifestyle), expert knowledge would suggest that an individual would emotionally react to the frustration of being bored. Alternatively, if the starting point for understanding feelings of boredom and offending stemmed from a viewpoint that an individual is proactively interacting with a situation or environment then it becomes possible to openly think about risk and offending from an alternative perspective. If, for example, a young person seeks out offending as a way in which they are able to recreate their sense of reality, then from an individual's perspective this could be an attempt, by some young people, to create their own sense of order. Rather than an individual being constructed as having limited self-discipline or self-control as can be the case within expert discourse, it could quite simply be the case that in such circumstances an individual may be expressing a notion of creativity or inventiveness.

As previously highlighted, within the PSR documents the narrator predominantly positions the individual offender within a discourse that suggests to those who would consult the document that the likelihood of future offending could be reduced should an individual engage in constructive activities to alleviate feelings of boredom. In contrast however, the research interview data showed that some young people felt that remaining offence-free had associated consequences of feelings of boredom. Where expert knowledge lends itself to the belief that offenders are more likely to stay offence-free, should they choose to engage in constructive activities as directed by the court or governing body, expert discourse had failed to accommodate one important aspect, an individual's desire to offend. For some young offenders remaining offence-free was not

as desirable as offending. It could be proposed that some young people found staying offence-free difficult due to the very conditions that led them into offending in the beginning. In line with Lyng's (2005) thesis on 'edgework', if a young person discusses their offending in the context of it providing an escape route or an alternative reality owing to an altered emotional state, then it becomes reasonable why some young people may choose to resist institutional constraints that fail to provide a young person with the same or a similar sense of escapism. In this sense, should offending be considered as an activity or a behaviour? If offending is constructed in the context of being a behaviour or a way of conducting oneself this then means that behaviours can also be constructed as risky and located as problematic within the demeanour of the individual. If we were to consider offending from a different viewpoint, for example, if offending was to be considered as an activity, it becomes difficult to construct an individual as problematic this is because attention is directed towards the activity rather than the individual. If offending is viewed as an activity this supports the notion that some young people commit crimes in order to escape and reconstruct their everyday experiences rather than the current view which positions offenders as being deviant and as resisting social order. This observation is supported by a research study on criminal action by Katz (1988), in his study Katz focused on the experience of crime summarising that the overall attractions of crime are strongly associated with the potential rewards gained from the experience of offending. By beginning to explore differences in understanding between expert knowledge and an individual's understanding of their offending, it becomes apparent that committing crimes and being offence-free hold different meanings for the individual when compared to the criminal justice system.

9.3.2 "The Buzz"

Where some young people previously described the value of their offending as a means to alleviating feelings associated with the dullness of their daily lives by providing them with a distracting activity, other young people described the emotional value which they attached to their offending in a different way. Several young people discussed the way in which offending became a fun activity, providing them with feelings of excitement

and adrenalin. For example, one young person described the way in which their offending alleviated their boredom by producing a sense of excitement – “*you get that surge of adrenalin when you did it, and you have to run as well. Your heart is beating so fast. Yeah you get a surge of adrenalin running through you. When you have been bored all day it is like what you need*” (Interviewee 21).

Other interviewees also discussed the sense of excitement that they felt when offending, often describing their feelings as a *buzz*, for example,

“thieves, we would just, like, pinch cars and motorbikes and stuff like that....just get a buzz off it....have great times. Just used to get a buzz out of it” (Interviewee 06).

“just thought it was funny, was just a laugh....a’ remember getting’ a buzz” (Interviewee 05).

The results presented here would suggest that, for some young people, feelings of boredom became substituted by feelings of excitement as a direct result of engaging with offending. In this sense, emotions and the emotional value that some young people attached to their offending became visible through and was constructed by specific activities. For some young people specific activities take the form of offending, or what expert discourse may consider as destructive behaviour, that produces feelings of excitement. Some psychologists (see Zuckerman 1994, 1979) suggest that people and animals are generally motivated by curiosity and inquisitiveness seeking out stimulation by actively exploring their environment, even when the activity satisfies no physical need (Atkinson et al 1990).

Psychologist Marvin Zuckerman (1979) developed a measure called the Sensation Seeking Scale (SSS) which was primarily designed to assess an individual’s desire to

engage in adventurous activities, to seek new kinds of sensory experiences, to enjoy the excitement of social situation, and to avoid boredom. High scores on the SSS measure have been related to behavioural characteristics such as engaging in exciting and risky experiences, for example extreme sports (racing, boxing), high risk occupations (fire fighting), or hobbies (free running, base jumping), seeking variety in sexual and drug experiences, behaving fearlessly in threatening situations, or reckless driving. Another contribution to our understanding of why some people engage in extreme activities that produce feelings of excitement is the works of sociologists Stephen Lyng, particularly his thesis on 'edgework' (2005). Lyng suggests that through 'edgework' people become actively involved in voluntary risk-taking for the excitement, to achieve an emotional high whilst risking physical injury, to demonstrate skill, to achieve self-realisation and personal growth, and to transcend the overly regulated and controlled body (Lyng 2005). Some young people described how their offending held an emotional value which offered them an altered emotional state, that they described as an emotional high, for example a buzz, or feelings of excitement and adrenalin. A similarity can be seen between sensation seekers and some offenders who both seek-out engaging and thrilling activities because of the emotional value that these activities hold for them. What is not know is whether or not some young people engage in criminal activities to produce feelings of excitement as a result of a sensation seeking personality trait.

Elliot (2009), who addressed the notion of mattering in relation to self destructive behaviour, makes a very effective argument around why some young people may engage in thrill seeking when he states:

'if home is no safe haven because they are non-persons there, how much worse is it outside, where there is no social requirement that people pay attention to them, invest in them, or look to them, or look for anything? As a consequence, they are not so cowed by threats to their well-being and may even seek them out, not because they are biologically impelled or because they seek thrills, but because a fatal misstep can take away their agonies. There are worse things than

death, and for some people, one of them may be life as a nonentity.’ (Elliot 2009, p126).

It would seem that for some young people activities that produce feelings of excitement act as a strong desire to engage in destructive activities. It may also be the case that for some young people engaging in destructive activities not only acts as a way of producing feelings of excitement but also acts as a way of being noticed. Why though, do some young people engage in destructive activities as a way of producing feelings of excitement as opposed to other, more constructive, thrill producing activities, such as rock climbing or boxing? Does this suggest that for some young people destructive activities such as offending offer some individuals more than feelings of excitement or a ‘buzz’? Perhaps by substituting negative feelings, such as feelings around a low sense of self, boredom, or feelings of failing to matter with positive feelings of excitement, a young person is able to temporarily reconstruct an identity that they can value and be proud of. Activities which enable a young person to reconstruct a sense of self through an altered emotional state, where one feeling replaces another, may prove beneficial to the individual, not to escape a sense of self but rather to enhance a feeling of self-worth.

Some young people who offend described the emotional value which they attached to their offending as exciting or thrilling, this was also echoed within the PSR documents, for example:

‘[George] admits to having been involved for most of his youth in an offending lifestyle and becoming involved in offences which relate in particular to thrill seeking behaviour such as “joy riding” and offences involving motor vehicles. He admits that he has somewhat of an “obsession” with driving. Added to this, I feel he has mixed with other pro-criminal peers and on occasions engages in binge drinking behaviour which contributes to his offending.....[George] clearly does not think through the consequences of his behaviour, his actions appear to be the result of wishing to gain an ‘immediate high’ (PSR document 10b).

'He admitted during interview that he tends to act on impulse, and does not think about his behaviour and how this impacts on others. He also acknowledged that he is prone to boredom, which may explain his actions with regard to his driving offences in so much as there being an element of excitement involved' (PSR document 2a).

'[Samuel] and his younger brother entered into the [Name of Takeaway] takeaway in [Northern town] in the early hours of 23rd October 2006 (0:20am). They entered the building through the front door, which was open. [Samuel] denies any intention to steal property and states that he and his brother were simply "having a laugh" and larking about. He also denies interfering with the till' (PSR document 2b).

Within the PSR documents the narrator reported the way in which some young people described their offending as holding an emotional value, for example *'thrill seeking'* and *'wishing to gain an 'immediate high''* (PSR document 10b), *'an element of excitement involved'* (PSR document 2a), and *'he and his brother were simply "having a laugh" and larking about'* (PSR document 2b). The emotional value of offending was echoed in the interviews given by some of the young people when they discussed their offending and described how they felt when they committed crimes. However, expert knowledge appears to have disregarded emotions as a motivational aspect of offending. Consequently, emotion as a form of expression becomes buried within an expert discourse whose focus is primarily placed upon cognition and behaviour, for example *'does not think about his behaviour and how this impacts on others'* (PSR document 2a) and *'clearly does not think through the consequences of his behaviour'* (PSR document 10b). Why expert discourse places emphasis upon cognition and behaviour instead of (or including) emotional aspects of understanding a young person's offending is a question that would benefit from further investigation. A starting point for consideration would be to explore the basis for expert assessments that are designed

to draw attention to behaviour rather than emotion and that constructs offending as a risky behaviour rather than as an activity.

The young people discussed here have described the importance of the emotional value that their offending signifies, particularly by alleviating boredom and by offering them a sense of excitement and fun. Some young people also described how activities such as committing crimes produced positive feelings and emotions, and how as a result activities and emotions became closely intertwined. As a means to understanding the meaning of some young peoples' offending the findings of this research suggest contrasting perspectives. Where expert discourse places an emphasis upon the cognitive and behavioural aspects of a young person's offending, by distinction a young person draws attention to the emotional value of their offending. Consequently, the research findings would suggest that there is a need within criminal justice practices to consider the importance of the emotional aspect of what offending means to some young people. For example, constructive interventions that solely focus upon addressing and managing a young person's offending behaviour may not necessarily be effective as a technique in motivating change when considered alongside techniques that focus upon understanding the experiential benefits some young people gain from offending. If this is the case, what implications may this have for the management and rehabilitative potential of individuals who offend?

9.3.3 *The Chase: Cops and Robbers*

By exploring and uncovering the meanings that some young people who offend attached to their offending we can begin to understand the significance of offending from a young persons perspective, as well as the role that offending plays in defining emotions and their daily activities. This was echoed within the research, some of the discussions that the young people had around the emotional meaning that they attached to the relationship between their offending and the police. For some young people their offending not only offered them a means to recreate their everyday or escape the dullness of their everyday lives by bringing about an altered emotional state (Cohen and

Taylor 1992, p90); it also offered some young people the opportunity to enhance their altered emotional states by engaging in a *game* with the police. The *game of cops and robbers* (Berne 1964), suggests an alternative way of thinking about offending. According to Berne, the overall aim of this game is to gain as much pleasure and satisfaction from outwitting the police as would be gained from committing the actual offence. It is here that *the game of cops and robbers* begins (Berne 1964, p116). The police and the offender take on the identity of the cops and the robbers in a manoeuvre which can be equated to that of a childhood game called hide and seek (Berne 1964, p116). The offender becomes entangled in the thrill of the chase but at a psychological level the desired outcome for the offender is to be caught (Berne 1964)⁴³. By losing the game in this way the offender benefits from the thrill of being chased and the notoriety of being caught, which would not be achieved should the offender escape being caught, and thus a *battle of wits* between the police and the offender ensues. Thus, an extension of Berne's thesis on the game of cops and robbers could be considered '*the thrill of the chase: the getaway and the cool-off*' (Berne 1964, p116).

A significant aspect of the game is *the chase*; this is the sense of excitement that some young people gained from being pursued by the police. Some young people described the excitement that they felt in relation to the chance that they may be caught for the crimes that they had committed, this is illustrated in the following statements for example:

“aye, it was funny, getting’ chased n’ that [from] the coppers, people, anyone”
(Interviewee 05).

⁴³ For Berne there are two types of offenders – the ‘compulsive winner’ and ‘the compulsive loser’. The compulsive winner has a tendency to become a professional criminal and thus is not interested in playing the game. For a compulsive winner a satisfactory outcome to the game is not being caught but instead making a financial profit from their criminal behaviour. A compulsive loser however, who is playing the game, seldom makes a financial profit from their criminal behaviour. Instead they become more concerned with the benefits of losing the game that involve being chased and being caught (Berne 1964, p117).

“ good like, a’ din’ na, just, just fun, a’ enjoyed it, it was exciting, a’ used to love the excitement – adrenalin.....used t’ be good, a’ used to get chased off police n’ stuff” (Interviewee 18).

“ aye, it’s like adrenalin, it’s like the adrenalin of getting caught n’ tha’ ye’ kna’ what a’ mean. It’s canny like” (Interviewee 18).

“...the fact that y’knaa that y’ get caught n’ your risk taking, it just boggles in your mind like ‘what y’ deein?’ and one sides like ‘ah, this is class this like, this is class’...” (Interviewee 19).

In the examples above some young people described how feelings of fun and excitement were produced, not as a result of their offending, but instead, as a result of the prospect (or the actuality) of being pursued by the police. When an offender becomes entwined in *the chase* of the game of cops and robbers it may appear as though the individual is resisting or rebelling against authority. This could be described within expert discourse as offences such as obstruct PC or resisting arrest. However, for some young people the thrill of *the chase* produced an experience that enabled them to transcend the boundaries of an overly regulated body, possibly entering into a realm of fantasy. The following statement, taken from a young person’s PSR, illustrates this point, *‘at times she appears to be an isolated young woman, constantly being moved or moving around, unable to deal with childhood experiences and creating fantasies of her current situation rather than dealing with the reality’* (PSR document 22a).

The game of *the chase* or “catch me if you can” can occur because of the presence of institutional apparatus and technologies such as the law and the police. Forms of power that make up the police as an authority are (as a consequence of their role) there to maintain social order, constructing the conditions within which some young people can enter into the game. The young offender commits acts of ‘chaos’ that will attract the attention of those who enforce ‘order’ in an attempt to entice the enforcer into a game of

‘catch me if you can’. On the one hand, a young offender may be constructed as resisting the power of authority, rebelling against rules and structures that may be perceived as attempting to limit an individual’s autonomy. On the other hand, rather than regarding a young offender as resisting authority, it could be suggested that the offender and criminal justice represent two diverse discourses (but perhaps not entirely distinctive).

9.4 Summary

I began the discussion in this chapter discussing drug use, offending behaviour and expert discourse. I suggested that ambiguity around notions of acceptable and unacceptable behaviour had created fluid boundaries around what was considered improper behaviour that could be challenged and negotiated. I proposed that as a result young offenders were able to more readily justify and rationalise their behaviour within a seemingly ambiguous discourse. Within sections two and three, I went onto suggest that against a background of expert discourse relating to offending and drug use the young offenders within this study provided insight into an alternative discourse that positioned drug and alcohol use as a positive experience. In section two, I described how young offenders discussed drug and alcohol use as a form of escapism, offering some young offenders an opportunity to manage their day-to-day experiences whilst offering other young offenders a sense of routine. I concluded this section by suggesting that for some young people drug and alcohol use no longer served as a means of escapism and that for these young offenders a sense of well-being was best achieved through abstinence. Within section three, I described how offending had also produced positive experiences for some young people by producing feelings of excitement. I argued that expert discourse positioned the offender as living in chaos and that offending was an extension of that chaos, I went onto suggest that some young offenders in this study challenged this view by proposing that offending was a constructive activity that was fun and exciting. I concluded this section by proposing that young offenders became involved in a game of cops and robbers to enhance feelings of excitement, not as a result of offending, but as a result of being pursued by

the police. On the whole, the points raised within the analysis and discussion of this chapter proposed an alternative way of thinking about risk and risk-taking behaviour.

Chapter Ten

Theme Four: The Importance of Mattering

The importance of mattering as a concept has been extensively discussed by social psychologist G E Elliot (2009) in his book 'Family Matters – The Importance of Mattering to Family in Adolescence. Originally coined by sociologist Morris Rosenberg, mattering became an important aspect to understanding the protective power of feeling socially connected to significant others, with its relevance in mental health for example self-esteem and depression (see Rosenberg and McCullough 1981). Elliot however specifically focuses on family dynamics and the importance of developing a secure sense of self during adolescence through the belief that adolescents are valued by others and that they can make meaningful contributions to their world. Through the application of social science research Elliot (2009, p63) also suggests that the effects of mattering have vital implications for behaviour. In accordance to Elliot's concept, the notion of mattering, through meaningful associations such as mattering to significant others, social institutions or within a person's community, is vital to our understanding of who we are (Elliot 2009). When an individual feels as though they matter bonds of nurturing and approval are formed, Elliot suggests that such bonds enable a person to avoid anti-social or self-destructive behaviours that could threaten or jeopardize the importance of the connection of mattering. This means that through the importance of mattering the individual becomes aware of the extent to which anti-social or self-destructive behaviour could bring about rejection from those people or institutions with which they are connected. Elliot goes onto suggest that mattering can take the form of *awareness*, *importance*, and *reliance* (Elliot 2009, p5), stressing, it is an individual's subjective sense of mattering that is crucial to shaping their sense of self.

With relevance to this chapter, it is the way in which mattering manifests and the potential consequences of not mattering that are of significance to the discussion here. More specifically, to what extent did the young people who were interviewed feel as though they mattered? And did a sense of mattering or failing to matter influence their behaviour or their sense of self? If someone fails to matter does this impact upon a

person's behaviour to the point that they themselves construct ways of mattering? If so, in what ways can mattering be constructed by the individual? Further, is it better to matter albeit in a negative way than to experience a profound rejection of the self in its entirety? In contrast, how is the concept of mattering and its potential significance within everyday personal experiences understood in relation to offending and young people within expert discourse? To determine the value of mattering as an alternative way of thinking about risk in relation to young people and their offending these questions will be explored further in relation to the experiences of the young people who participated in the research and the research data.

The following chapter is presented in three parts; Part One: the importance of mattering, Part Two: the body as a vehicle to self-destruct, and Part Three: self-destructive anger and sudden violence. Part one of this chapter discusses the importance of mattering to others with particular reference to emotions around failing to matter to a significant other and its association with the death of a parent, feelings of abandonment, and implications for self-destructive and anti-social behaviour. Part two of this chapter explores emotions around failing to matter and the extent to which these feelings manifest as self-destructive behaviour, such as attempted suicide and depression. The final section of this chapter, part three, focuses on emotions around failing to matter and how this manifests as self-destructive anger and sudden violence for some the interviewees in this study.

10.1 Part One: The Importance of Mattering to Others

Within the ideology of the importance of mattering, it could be suggested that the family, particularly those who act as significant carers, are a primary and crucial source of mattering that is often taken for granted by most people. When a young person knows that they matter to their family they are able to form a healthy attachment in the knowledge that they will not be rejected or ostracised (Elliot 2009). This means that a young person comes to recognise that however much they express their differences their family will take a sincere interest in them. Carl Rogers (1970), who developed his

theory from his work with emotionally vulnerable people, believed that young people were more likely to become fully functioning if they were brought up with unconditional positive regard, meaning that a young person is still able to feel valued by their parents and others even when their feelings, attitudes, and behaviours are different. Subsequently, a young person establishes a sense of importance within the family where the parent, who serves as a model for attitudes and behaviour, promotes the welfare of their child demonstrating that they matter. The functionalist tradition of sociology refers to this as the socialisation process, with parents acting as the chief socialising agent, where a young person becomes reliant on those around them for information and affirmation in order to establish a sense of autonomy within the constructs of everyday experiences. Within this frame of understanding mattering it is the teachers in a young person's life who, as part of the socialisation process, become significant, for example, parents, family members, friends, peers, and teachers.

In discussing the notion of the importance of mattering in relation to significant others, the question arises, to what extent does it matter to whom a young person matters? And to what extent does the absence of a significant other bring about a sense of failing to matter? Although Elliot (2009) extensively discusses the concept of the importance of mattering to family with significant conclusions around the consequences of failing to matter, his thesis fails to explore in detail the conditions within which failing to matter may take place. However, within the experiences of the young people who were interviewed within this research study, failing to matter manifested in two distinctive but similar ways. Firstly, some young people described how they felt that they failed to matter as a consequence of the death of a parent. Secondly, some young people described how they felt that they failed to matter to either both or one of their parents because of feelings around abandonment. Here, Elliot's (2009) concept around the importance of mattering will be utilised to explore how a lack of mattering for some young people may have impacted upon or influenced them, particularly in relation to their sense of self and their offending.

10.1.1 *The Death of a Parent*⁴⁴

For several young people who were interviewed, the death of a parent was significantly linked to what they often described as ‘going off the rails’. The interviewees discussed how the trauma of losing a parent profoundly impacted upon their sense of well-being and their emotional development. Some young people described how the distress and emotional shock of losing a primary carer was the meaning for their anti-social and self-destructive behaviour. In this sense the feeling of not mattering significantly threatened their well-being to the extent that they sought out opportunities that seemed to offer relief from their grief, for example committing crimes, drinking excessively, or taking illegal substances⁴⁵.

One young person who expressed the emotional pain of losing their father and step father said:

⁴⁴ Loss of a parent at midlife, as described by Umberson (2003), is a predictable yet transformative experience that can negatively affect survivors or “liberate” them, depending on social status (Umberson 2003). For young people however, the death of a parent can be viewed as a very cruel experience. When separation is equated with death the difficulty of, and anticipation of, becoming separated becomes very frightening and defences become mobilised (Briggs 2002). Consequently, the fear of separation is closely connected to the fear of death; Briggs suggests that this level of disruption and loss in childhood may significantly affect developmental transitions into adulthood (Briggs 2002). Not having parents who are able to attend to a young person’s needs and to keep them in mind may leave some young people feeling turmoil between mourning these losses and maintaining a sense of identity (Briggs 2002).

⁴⁵ Goleman (1996), who discusses emotional intellect by addressing the question ‘what are emotions for?’ (Goleman D 1996, p6-7), talks about loss from an alternative perspective. For Goleman all emotions play a unique roll in the physiological preparation of the body to act or respond to the handling of life events (Goleman puts forward the point that the word emotion stems from the Latin verb ‘to move’ with the prefix ‘e’ to denote ‘move away’ (Goleman 1996, p6)). For Goleman this means each emotion prepares the body for a very different kind of response, for example, happiness produces biological changes within the brain that inhibits negative feelings and increases energy levels. The main function of sadness is to help individuals adjust to a significant loss such as the death of someone close. Feelings around the loss of a loved one are experienced as sadness and grief, and as sadness approaches depression, the body’s energy levels drop and responses slow down. A drop of energy levels in this way creates an opportunity for an individual to mourn by focusing less on their surroundings and by drawing their focus introspectively (Goleman 1996).

“...me step dad and that died and stuff like that. So that was like when I proper started offending going off the rails...I got locked up about twice, just for daft things, nowt like, as soon as he died I just went off the rails....started hammering the drink, drugs and that proper, proper abusing them....just didn't know what to do with myself and that” (Interviewee 04).

Another young person who talked about the loss of their mother described the emotional pain attached to leaving the family home by saying:

“me ma died when a' was younger like, when a' was about ten, me da was always at work an' that an' he used t' come in n' just gaan t' the pub an' that”. They went onto say “de' said either you's are gonna have to leave or you's get kicked out....a' was like what do you mean? Y'kna all me memories was in tha' house, y'kna of me ma n' that'. A' went off it me, set it alight n' tha'.....a' was proper wounded, a' just went back in an torched the place, a' mean a' got locked up for that like” (Interviewee 05).

Here, some young people who were interviewed have clearly highlighted how the loss of a parent impacted upon their sense of well-being. This was also reflected within the PSR documents where several probation officers described how the experience of a significant traumatic life event such as the death of a parent had an impact upon a young persons sense of well-being, for example:

‘[Charles] has five recorded Cautions, four Assault Occasioning Actual Bodily Harm and one for Theft from Shop, all issued during 2006. [Charles] offending behaviour commenced in 2006 and this is around the same time that [Charles] experienced significant traumatic life events....[Charles] parents separated when he was approximately four years of age. He thereafter lived with his mum, step-dad and siblings. He has two brothers, aged twenty-two and sixteen and three sisters, aged twenty-one, seventeen and eleven. His step-father died approximately one year ago and shortly afterwards his birth father was severely

injured and was placed on life support machine. It is my understanding that someone was charged with an offence of Attempted Murder in relation to this. The impact of these events was that [Charles] and his mother resorted to alcohol misuse' (PSR document 9a).

'[Rhys] explained that on the day in question he had been drinking for the best part of six hours before the offence of Criminal Damage took place. He advises that he received a telephone call from one of his peers who had said that 'your parents were better off dead' given that both of his parents committed suicide when [Rhys] was only three years of age and that he found his own mother dead in their house, he says that he reacted in an angry manner and lashed out at the nearest thing to him and in this case a car belonging to [Leon], a care worker, causing £1500 worth of damage. [Rhys] was adamant that it was not due to a personal grudge. When asked he stated that he would not like someone else to damage his property without any reason and showed what seemed some remorse. [Rhys] blamed alcohol misuse for all of his misbehaviour and was some what quite dismissive of taking responsibility of his own behaviour' (PSR document 7a).

'[Finlay] was adopted when he was aged 12 months old. He states he was not given information about his natural family and tells me that whilst his adoptive parents provided him with stability and support he felt that they were very controlling. During his teenage years his adoptive parents deteriorated and [Finlay] actively sought information about his natural parents and family. He states he was told by a stranger that his natural mother had died when he was aged 11 and this is something that he found extremely difficult to cope with. He left his adoptive parents home when he was aged 17 and has since spent a lot of time in short term transient accommodation mainly in the [Scottish] area' (PSR document 5b).

For some of the interviewees and for some of the narrators of the PSRs it could be suggested that the research data provided a significant link between a young person's sense of well-being and the death of a parent for those individuals. Some young people suggested that the death of their parent had impacted upon them to such an extent that this had manifested as anti-social or self-destructive behaviour such as committing crimes or excessive drinking. This is clearly illustrated by the above statements where some young people expressed *'as soon as he died I just went off the rails.....started hammering the drink, drugs and that proper'* and *'a' was proper wounded, a' just went back in an torched the place'*. Within the PSR documents the narrator also discussed the significance between a young person's sense of well-being as a result of previous childhood experiences. However, where some young people described that this was an attribute to their offending, the PSR writers described how this manifested in excessive alcohol consumption which ultimately lead onto offending.

Within the PSR documents traumatic childhood experiences and past traumatic life events were on the whole discussed by the narrator in relation to a young person as background information, with only current circumstances discussed with any relevance to a young person's offending assessment. As a result the offending behaviour of some young people became framed by problematic alcohol consumption, possibly suggesting that the information gathered around a young person's background is of less importance when considering the extent to which current circumstances have influenced present and potentially future offending. Consequently, it could be suggested that within expert discourse alcohol and drug use act as potential markers, or more specifically criminogenic factors, within the remit of what may be perceived as a trigger for potential future offending in order to actively assess, address and manage perceived problematic behaviours. A young person's emotional well-being in relation to past traumatic life events such as the death of a parent is in part taken into account, but it would appear that within the scope of the PSR, and subsequently those who consult the document for the purposes of sentencing, this is not described as contributing to a young person's offending⁴⁶. The reason for this remains unclear.

⁴⁶ An American study entitled 'Facing Fears and Sadness' explores childhood traumatic grief and its treatment for young people and children following the death of a loved one after 9/11

Within the process of the OASys assessment, PSR writers are guided by the OASys manual to consider relationship dynamics placing emphasis upon consideration of '*current relationships with close family members*' (OASys Manual v2 2002, p71). The OASys manual (2002) is articulate in drawing attention towards

'a vast body of evidence that highlights that many aspects of the offender's childhood and family background have been found to increase the offender's risk of causing serious harm to others' and that 'violent offending has been linked to poor relationships with parents during childhood (Tardiff 1984)' (OASys Manual v2, 2002, p76).

From this statement, it would appear that within the OASys manual, the PSR writer is guided to consider a direct association between relationship issues that are linked to risk of serious harm, risks to individuals and other risks. An emphasis placed upon current relationship issues that could be linked to risk, within the guidance manual of the OASys assessment process, may be an indication why some PSR writers do not appear to be encouraging the consideration of a less obvious, but nonetheless significant, link between relationship issues, a young person's sense of well-being and offending. To what extent does this suggest, albeit considered significant by both the young person and the PSR writer, that established links to offending (such as alcohol consumption) are prioritised over less established links, such as the association that a death of a parent has to offending for the young people interviewed. Does a process, which focuses upon the assessment of a young person in relation to their offending and the level of risk they may pose, limit the scope within which a PSR writer can raise matters for concern that do not necessarily fit with the mechanisms of a prescribed assessment process.

(Brown et al 2004). The study discusses the complex relationship between traumatic experiences and bereavement suggesting that post-traumatic stress associated with the traumatic death of a loved one places children and young people 'at risk' for serious psychiatric problems, such as grief reactions, depression, substance misuse, and borderline personality disorders. The study differentiates between age and gender putting forward the debate that 'bereaved boys exhibits more aggression and oppositional behaviour, whereas girls exhibit and report more anxiety and depression', going onto suggest 'children with traumatic grief experience a variety of symptoms including post-traumatic stress disorder, general anxiety, depression and anger. Young children may be especially vulnerable to anxiety, irritability, and behaviour problems', whereas adolescents are more likely to experience guilt and dysphoria (Brown et al 2004, p188).

Should we accept Elliot's (2009) hypothesis that the family, particularly a young person's relationship with their parent, is a crucial source of mattering, then in contrast it would be logical to suppose that in the absence of a parent or significant carer a young person may feel as though they did not matter. Elliot suggests that it is a shock for a young person to discover that their parent is not able or willing to attend to, or invest in them. Perhaps as a consequence of the death of a parent or feelings around abandonment, a young person is unable to form a secure basis for a satisfactory relationship with their absent parent and more often may feel left alone to figure life out for themselves⁴⁷. According to Rogers (1970) a young person must somehow integrate this experience into their self concept. Does this then manifest as a young person deciding that their absent parent does not like them and so may be left feeling rejected or abandoned? Or might a young person deny their experiences and so internally suppresses feelings of loneliness, grief or distress? Each of these attitudes contains a distortion of the actuality of why their absent parent is unable to be present, however the proposition here is that this becomes a reality for the young people involved.

⁴⁷ Separation anxiety is defined as feelings of emotions such as loss, loneliness, and sadness that are experienced by individuals when they are separated from an important person in their life. Theoretically, separation anxiety in a young infant is considered to be a normal process of development which helps to ensure the infant's survival (Bowlby 1969). Separation anxiety disorder however, may be experienced at any age in which an individual experiences excessive anxiety regarding separation from home or from people to whom the individual has a strong emotional attachment, for example, when a significant person in one's life is lost due to death or prolonged parental separation (eg. if a parent or child is hospitalised) (see DSM IV Manual 1994).

10.1.2 Abandonment⁴⁸

The importance of mattering can also be identified in feelings around abandonment. Some young people who had not experienced losing a parent through death had experienced loss in a different way. These young people described the feelings they had experienced around the loss of a parent in the sense that they felt that their parent was not there for them or showed no interest in them, either as a result of a separation or through lack of parental support.

For some young people an absent parent, as a result of receiving little or no nurturing, left them feeling invisible or as though they did not matter as a result of feelings of abandonment. Some young people went on to say that as a result of having an absent parent they felt that they could subsequently do as they desired; this was explained by some young people as follows:

“Me dad was never there was he, fuckin’ disgrace. Never done stuff t’ keep us entertained, never paid any attention t’ us, never showed any interest basically.....just had mam, nana, da, all o’ them not bothered warra dee, a’ just dee warra want y’kna”. The young offender went onto say “...showed us nay discipline or nowt like that, not elling’ us the right way like, to be, wrong n’

⁴⁸ Abandonment refers to the voluntary leaving of a person as well as the emotional absence of a physically present person. Abandoned child syndrome is a behavioural or psychological condition that results from the loss of one or both parents or a teenage break-up. Abandonment may be physical (the parent is not present in the child's life) or emotional (the parent withholds affection, nurturing, or stimulation). According to Psychotherapist Sue Anderson of "Dealing with Abandonment Issues," the five stages of abandonment are: shattering, withdrawal, internalizing, rage and lifting. In the shattering stage, there is often a feeling of devastation after the severing of a love connection. Feelings of shock, panic and despair may accompany this beginning stage. In the withdrawal stage, feelings of yearning, obsessing and longing for this other person are experienced. During the internalizing stage, the one who has abandoned the child may be placed upon a pedestal in the person's mind, whilst they look for ways to blame themselves to make sense of this rejection. When going through the rage stage, unhealthy thoughts of retaliation are common (Anderson 2000). Although abandonment may manifest as neglect, these are differing terminologies. According to the NSPCC neglect is when parents or carers (often intentionally) fail to provide food, warmth, safety from harm, or other basic needs (http://www.nspcc.org.uk/help-and-advice/worried-about-a-child/talking-to-our-experts/types-of-child-abuse/neglect-definition/neglect_wda75435.html, viewed 19.09.10).

that, like right and wrong cos there's a right and then a wrong aint the?.....a blame him cos of the way a' was like, er like, if he was there n' showed some interest in us n' took us out places an' things like that a' wouldn't of been out on the streets deein things all the time.....He shoulda been there man, like a da" (Interviewee 01FUP).

"Just on a mission, I don't know, on self-destruct, do you know what I mean....I mean I wasn't allowed to see me dad or nowt like that, you know. That killed us that like. Gutted" (Interviewee 16).

"it's always been different since me ma and da split up....not very nice like cos me brother, he was ill at the time an' a' was in the house every single day as it was getting worse and worse. A' seen me da walk out the door, a' seen me ma walk out the door an' a' was just left in the house like n' they both walked out on us 'what am a' gonna do?'....it was me ma telt us that me da says he doesn't love her anymore, but that's hard t' believe like. A' didn't knaa what was goin on but a' didn't wanna knaa then, cos if a' knew it just made us worse, so a' just kept out of it....they couldn't even be in the same room as each other, was just like if me da was t' walk in the room, me ma would go out, walk out of the room. Me da cared more about his cycle bike than he cared about us. He'd rather go out and muck about with his bike or do something with his bike instead of spending time with us like...." (Interviewee 19).

Here some young people described the difficulties that they associated with having an absent parent in the sense that they felt as though they did not matter. Where the death of a parent left some young people with feelings of loss and grief, it could be suggested that an absent parent, as a result of separation or lack of support, left some young people feeling as though they were invisible. Feelings of being unseen and unheard in the sense that they felt as though their absent parent showed no interest in them or offered them no or little attention or nurturing. This within itself does not suggest a direct link with offending or risk taking behaviour; it may suggest however that feelings of not

matterings can be linked to esteem issues relating to the self, which in turn may impact upon an individual's behaviour. This again raises the question, if feelings around abandonment can leave a young person feeling invisible or as though they do not matter, how do, if at all, these feelings manifest?

10.1.3 The Importance of Mattering and Implications for Behaviour

For the young people interviewed here, feelings around failing to matter to a significant other manifests in two ways. Firstly, some young people reported that they felt as though they failed to matter because of the death of a parent. Secondly, some young people reported that they felt as though they failed to matter to an absent parent as a result of separation or lack of parental support. The sense of loss around the absence of a parent impacted upon a young person's sense of well-being leaving them feeling unimportant or invisible.

The importance of identifying a relationship between offending and feelings around failing to matter has highlighted questions such as how do these feelings manifest themselves? Some young people who talked about the loss of a parent also described feeling as though they had gone '*off the rails*' and how this had resulted in anti-social or self-destructive behaviour. This, in part, could suggest that the effects of matterings have implications for the behaviour of some young people. However, an emerging question throughout the analysis of the importance of matterings thus far has been, how do these behaviours manifest, which the following sections will aim to explore.

Awareness, as a form of matterings, involves the realisation that significant others know that we exist and that this is expressed appropriately. Elliot suggests that just a little appropriately placed attention, such as being greeted when we walk into a crowded room, affirms that a person does indeed matter (Elliot 2009, p175). In contrast however, if an individual fails to attract the attention of others when in their presence this may suggest that the person fails to matter. Equally so, young people who fail to

attract the attention of significant carers or family members, perhaps because no one pays attention to what they are saying or no one addresses them, they may begin to feel invisible which in turn could lead to feelings of worthlessness. This is potentially a deeply frustrating experience for a young person who is not sure of his or her self. Does this then suggest that some young people may feel motivated to alleviate feelings of being unseen and unheard through behaviours that can attract attention?

Behaviours that enables a young person to feel visible when they ordinarily may perceive that they are invisible or unnoticed, may be preferred by some young people. Elliot (2009) suggests that when a young person feels as though they do not matter the usual inhibitions against self-destructive or anti-social behaviour are disregarded as a result of a stronger desire to matter. It is here that offending and other self-destructive and anti-social behaviours such as self-harm, suicide, and violence draws attention to the young person, albeit negative attention. As a result, the young person no longer remains unseen, but instead, becomes visibly constructed as an offender this in turn provides the young person the attention that they desire. This within itself suggests the extent to which feelings around mattering to an absent parent are significant, meaning that potentially attention seeking behaviours such as offending hold a specific value to a young person and are therefore not as threatening to the individual who commits crimes as may be perceived by those who focus on addressing and managing such behaviours. However, it is also important to recognise the difference between unconditional mattering and gaining attention for negative behaviour. Perhaps for some young people the attention they received for their destructive behaviour may have been confused with feeling as though they mattered. Which lends itself to question; to what extent does a young person's offending enable them to be visibly reconstructed as the focus of the criminal justice system? When a young person enters into the criminal justice system they may realise that others, particularly experts within the system, are mindful of them, reaffirming that they matter, albeit within a system of criminal justice. The criminal justice system potentially acts as a surrogate to a young person who has become aware of a lack of parental monitoring due to an absent parent (Barnes et al 2006).

An alternative way of thinking about the importance of mattering in relation to a young person's possible feelings of being unnoticed would be to consider the scope within which a young person is able to deal with or understand their emotional state. Rosenberg (1979), in his study of self-concept in adolescence, found that over one-third of young people felt an inability to deal with their emotions effectively. In consideration with Rosenberg, if a young person lacks experience in dealing with their emotions how do they then learn to alleviate feelings which they associate with not mattering to an absent parent, and in what way do young people alleviate these feelings. Where as discussed previously, an absent parent, perhaps as a result of bereavement or feelings around abandonment, may act as motivation for some young people in seeking out behaviours that draw attention to themselves, perhaps as a consequence of feelings of invisibility, it could be suggested that attention seeking behaviours in this way could also draw attention away from feelings associated with loss. Some young people may make use of crime and offending as a means to constructing a vehicle by which they can alleviate feelings of despair, loss and grieving. Further, should we accept the hypothesis that some young people have difficulty in dealing with their emotions, it could be suggested that behaviours that draw attention to a young person may also act as an indirect cry for help.

The following section will further explore these issues by considering how a young person's feelings around failing to matter may manifest. This will be explored in relation to the role 'mattering to family' seems to play in a young person's account of their decisions around engaging in anti-social or self-destructive behaviour. Through the application of the research data and illustrating how some young people talk about their offending I also highlight how expert perceptions around self-destructive and anti-social behaviour are different or similar to the experiences of young people who offend. As well as highlighting how some young people are able to reconstruct a sense of mattering through destructive behaviour.

10.2 Part Two: The Body as a Vehicle to Self-destruct

10.2.1 Attempted Suicide

Suicidal behaviour is a very serious act, if a person is successful at attempting suicide the subsequent consequences means a loss of life. To feel that ending one's life is the only feasible option available maybe an indication that an individual may be facing something truly overwhelming. Elliot suggests that suicidal behaviour is the 'ultimate in self-destruction', an act that suggests that a person is at such a low point that they have no more opportunities to make their life better other than to sacrifice their own life (Elliot 2009, p137). But what would lead a young person to feel that life was so overwhelming that they were unable to manage or cope with their situation to such an extent that death becomes an attractive alternative choice?

Within the PSR documents some narrators discussed the way in which some young people felt suicidal, this was described as follows:

Sebastian

‘[Sebastian] describes a stable childhood until his mother died in 1997. He appears to hold himself in some way responsible for his mother's death as he was suffering from chicken pox at the time and passed the disease on to her in the form of shingles. She subsequently died following complications related to this. Following the death of his mother, when he was aged 10, he felt that his whole life had been turned upside down. His younger brother (aged 8 at the time) was sent to live with an aunt. [Sebastian] remained with his father, who was always out to work and basically left his son to his own devices. There were no boundaries, no structure, no set meal times. He reports that he began drinking and using cannabis when aged 11. He began associating with an offending peer group and commenced offending himself in 2002. Shortly after

the death of his mother, his father had formed a relationship with [Charlotte] who was a neighbour. [Sebastian] describes how she and her three children were always “in and out of my home” and he felt his father had more time for them than he had for his own children...Relationships remain an issue for [Sebastian]. His father and [Charlotte] now have a child of their own, which has added to his sense of rejection’ (PSR document 8a)

‘Aside from his drink related health problems, [Sebastian] was previously prescribed Prozac for depression. He does not take the medication now as it did not agree with him but he acknowledges that he still experiences depression and has many times contemplated suicide...During the course of the assessment it has been identified that there are concerns about suicide and vulnerability and, given his disclosure of suicidal ideology, the risk [Sebastian] presents to himself is assessed as being of a medium level’ (PSR document 8a).

In the above statements the narrator clearly identified the traumatic life events that Sebastian had experienced and how this had impacted upon Sebastian’s life, for example *‘following the death of his mother, when he was aged 10, he felt his whole life had been turned upside down’* (PSR document 8a). The narrator goes on to discuss the *‘sense of rejection’* (PSR document 8a) that Sebastian felt as a consequence of his father’s newly formed relationship. The sense of rejection or feelings around failing to matter to Sebastian’s father were discussed by the narrator as a matter of background information for the attention of whomever would consult the document, for example magistrates. Recognition of Sebastian’s traumatic life experiences were discussed in isolation of Sebastian’s behaviour. The narrator felt that the death of Sebastian’s mother and a sense of rejection that followed as a result of his father forming a new relationship were considered significant information to be discussed within the PSR document, but the significance of these life events were not discussed in relation to Sebastian’s feelings around suicide or depression.

David

'[David] history of accommodation has been somewhat chaotic. Records indicate that initially he lived with his mother until she was admitted into psychiatric care. He then went to live with his father, returning to his mother's address when she was well enough to return home. There then followed a period whereby she was re-admitted to hospital and his father felt, as he then had his own young family from a new relationship, unable to accommodate his son again' (PSR document 3a).

'In discussing his emotional well-being [David] indicates that he has felt angry, depressed and stressed at times. It appears [David] is reluctant to seek medical intervention due to his perception that his mother's mental health has deteriorated during her involvement with the healthcare system....[David] has stated that he has made attempts of self harm by cutting his wrists and by trying to hang himself, both whilst in police custody (this information has not been verified). Given that he has no previous experience of incarceration, he states he finds it extremely difficult to be in closed spaces for any period of time and cannot express himself verbally in a way that is not abusive; a further risk assessment would need to be conducted if he were to receive a custodial sentence' (PSR document 3a).

Within the statements above the narrator discusses the effects of an absent parent, in this instance an absent mother, and a sense of rejection from a father who had formed another intimate relationship, similarly to the previous example, the narrator fails to express the extent to which this has impacted upon the young person in question and instead the significance of the information is used as background to develop an understanding of David's history. The narrator highlighted David's suicidal and self-harm behaviour without exploring the possibility of a link between David's feelings around a failure to matter to their parent and their suicidal feelings. Emphasis was placed upon the importance of David's suicidal behaviour in relation to the criminal

justice systems professional duty of care, meaning that suicidal behaviour was constructed as risky behaviour within the PSR with an emphasis placed upon what this could potentially mean to a system who would become responsible for the safety of the young person whilst in the care of the criminal justice system.

Ben

'[Ben] has had a very traumatic life. His parents died when he was the age of three. He and his sister, who was two months old at the time, went to live with their gran until he was ten years of age and then his gran died. So from ten years of age onwards he has been living in various foster and care homes around the area. Due to the traumatic factors that have happened in his life from an early age there could be a link to this being an issue with his offending behaviour' (PSR document 7a).

'[Ben] generally has a negative attitude to everything. He blames alcohol and his circumstances of the past as the contributing factors to his behaviour. He shows very little empathy towards the victims of his offending....Although in the previous records it is stated that [Ben] has had suicidal thoughts in the past, he was adamant that there are no current issues in this area at present' (PSR document 7a)

Within the statements above the narrator recognises the potential impact that the loss of a parent may have had upon the offending of the young person in question. However this process of understanding Ben's behaviour fails to extend beyond that of their offending, meaning that the narrator is unable to recognise the significance of traumatic life events and the meaning that this has for Ben. The statements above show that the narrators of the PSR documents are able to highlight the meaning failing to matter and suicidal behaviour has for some young people but not for others.

10.2.2 Depression and Attempted Suicide

Where some young people described being suicidal, they had also described feelings of depression. For these young people, feelings of depression were linked to feelings of attempted suicide. One young person who was interviewed described feelings of depression that arose as a result of feeling invisible when they acquired a sibling, possibly as a result of feeling that they no longer mattered within the family, they stated: *“its not right a young lad to start getting depressed and that, you know what I mean. When I was ten I had me sister, like, I was the only child for ten years”*, they went onto say *“I tried to hang me self....”* (Interviewee 16).

Other young people who described suicidal feelings said:

“it’s a’ din kna what mood I’m gonna be in when I wake up. A’ don’t even know what type of mood am gonna be in when a’ wake up.....but a’ kna a’ need to sort it out so that every morning a’ wake up an a’ve got a, like a frame of mind like what to do with me day, cos, a’ just, now a’ just, like last night, a’ just didn’t wanna be here, a’ just wanted to do something to meself...” (Interviewee 19).

Similarly, another young person described feeling *“very down, like, suicidal an’ that....”* (Interviewee 03).

The PSR documents and the interview research data illustrate the extent to which some young people who offend had suicidal feelings. There is also evidence to suggest that in some instances, for some young people, these feelings were signs and symptoms of depression⁴⁹. It is almost impossible to ignore the severity of destructive acts, such as

⁴⁹ According to the World Health Organisation (2010) ‘depression is a common mental disorder that presents with depressed mood, loss of interest or pleasure, feelings of guilt or low self-worth, disturbed sleep or appetite, low energy, and poor concentration. These problems can become chronic or recurrent and lead to substantial impairments in an individual’s ability to take

hanging, that have been described above, yet within the PSR documents it was difficult to establish the extent to which the narrator was mindful of the conditions which actively left some young people feeling suicidal. At best, expert knowledge directed the attention of those who would consult the document towards a belief system that would suggest that past behaviours around attempted suicide could be an indicator of what could be termed future risky behaviour. At worst, expert knowledge draws upon a theoretical approach to understanding suicidal behaviours that have tended to place emphasis upon a young person who acts in such a way as being egocentric, whose overriding desire for attention outweighs the consequences of their actions. Elliot suggests that as individuals come to establish a secure sense of self they have a tendency to develop beyond the egocentric stages of early childhood development, but that it is feelings of being unseen and unheard or the possibility of not mattering to a significant carer that motivates a young person to 'act out' in a self-destructive or anti-social manner (Elliot 2009, p43). This means that a young person may act in such a way that they draw attention to themselves making it difficult for a significant carer to overlook such acts, almost inducing a forced sense of mattering. When an individual feels as though they are invisible it could be suggested that suicidal behaviour, despite potentially serious consequences such as death, leaves a person feeling visible as a result of becoming a focus of concern for close relatives and medical professionals. Elliot makes the point very effectively when he asks 'what is the loss to the world or to the individual if a nonentity disappears forever?' (Elliot 2009, p3). The suggestion here is that attempted suicide may not necessarily be perceived as threatening to an individual who feels as though they do not matter. Although an onlooker may consider the potential consequences to attempted suicide as a desperate and destructive act, the individual may consider suicide as a way in which they can escape the constant reminders of their insignificance.

care of his or her everyday responsibilities. At its worst, depression can lead to suicide (http://www.who.int/mental_health/management/depression/definition/en/index.html, viewed 19.09.10).

What remains unaccountable however is why the narrators of the PSRs failed to draw on the potential relationship between a young person's sense of well-being and their offending. Perhaps one reason for this maybe the way in which the OASys assessment selects information to be considered, meaning that what may be considered significant information giving insight into an offender's background may not necessarily be considered as relevant in other aspects of the assessment. For example, within the statements below the narrator considers the suicidal behaviour of a young person in relation to proposing a risk level that may give some indication to potential future threats around similar concerns of suicide.

'With regard emotional well being [Zachary] disclosed that he attempted suicide by hanging when he was nine years old due to the intensity of the bullying he was subjected to at school. He tells me that he has not contemplated self harm since that time....Although [Zachary] has disclosed he attempted suicide when aged nine, he states he has not contemplated self harm since and I therefore do not assess him as posing a risk of harm to himself currently' (PSR document 16a).

'[Evan] disclosed during the Pre-Sentence Report interview that he has self harmed by cuts to his arms approximately two weeks prior to his appearance before the Magistrates' Court. However he stated that to date he has made no further cuts to his person since his remand in custody and that he has no suicidal intent' (PSR document 11a)

'During this period early last year she began using alcohol in what was for her unsuitable amounts whilst at the same time being treated for her depressive condition. The inevitable result was an inappropriate lifestyle characterised by incidents of self harm and at least one incident of an attempted suicide which at the time was considered to be related to her condition and may have been a cry for help' (PSR document 6a).

Where the narrator has considered the suicidal and self harm behaviour of the young person being interviewed and has assessed the individual presenting as not being a risk of harm to themselves no further consideration is given to the matter within the PSR documents. In one instance, as is seen in the statement above, the narrator attempts to undermine the serious nature of acts of suicide by constructing the act as ‘*a cry for help*’ (PSR document 6a). There is some evidence within the research data to indicate that acts of suicide are given the serious consideration that is warranted within the PSR documents as can be seen within the statements below:

‘[Kian] admitted during interview that he is currently feeling depressed. He disclosed that he recently attempted suicide as he felt he could not go on. Although he states that this was not a serious attempt and he has no intentions of repeating such behaviour he admits that he still experiences feelings of hopelessness and paranoia and desperately needs help and support with this. Since being interviewed I understand that he had been prescribed anti depressants by his General Practitioner and has been referred to a community psychiatric nurse.....In light of [Kian] previous suicide attempt and his current mental health state the risk of harm he currently poses to himself is significant and should be monitored closely’ (PSR document 1b).

‘In discussion [Luca] presents as having a good level of interpersonal skills and seems to be aware of the problems within his life. Despite this he struggles to understand how these impact upon him or how to address them. [Luca] stated in interview that he often feels depressed and suicidal thoughts. I am aware that he was recently admitted to [psychiatric hospital] following threats to throw himself from the bridge. Discussion with staff on the ward indicated however that no mental health problems have been diagnosed and I am aware that he is not currently on any medication....as previously stated [Luca] has threatened self harm in the past and this should be taken into consideration in the event of a custodial sentence being imposed’ (PSR document 16b).

When considering the conditions within which some acts of attempted suicide are taken into account by the narrator in the PSR documents and which acts are not, the above statements show that future risk of harm to the self is seriously considered when the criminal justice system is or may be held responsible for the care of an individual's safety. The criminal justice system's duty of care is constructed around language use such as *'this should be taken into consideration in the event of a custodial sentence being imposed'* (PSR document 16b) and *'the risk of harm he currently poses to himself is significant and should be monitored closely'* (PSR document 1b).

Some young people who offended described their relationship between attempted suicide and the importance of mattering to their parents. Some young people also described how feelings of depression impacted upon their suicidal tendencies. However, the conditions within which some young people may attempt suicide were more likely to be considered by the PSR writer in relation to the impact that their 'risky' behaviour may have upon the criminal justice system's duty of care. This highlights a substantial difference in meaning that underpins self-destructive behaviour, such as attempted suicide, for some young people and for the criminal justice system. It could be suggested that because the narrator is primarily focused upon the risk associated with harm and associated implications to a professional sense of duty of care that the personal implications of the meaning that suicide has for a young person remains concealed.

10.3 Part Three: Self – Destructive Anger and Sudden Violence

Conventional accounts of risk are often grounded in epistemological frameworks which emphasise the relationship between risk and gender, whereby men and women engage in various risky behaviours in accordance with their gender, for example, it is suggested that men are stereotypically more likely to engage in violent and sexual risks whereas women are stereotypically more likely to be in fear of the risk of sexual assault and stalking (Wood and Viki 2004). Consequently, risk discourses are considered alongside

gendered discourses in ways that produce particular ways of thinking about men and women and the risks that they are likely to take. Typically, violence and aggression are considered in relation to masculinity and the problem of men (Hatty 2000), however, this suggests a simplistic and singular view of risk discourses which remain heavily bound-up with gendered discourses (further discussion relating to gender and risk can be found in the literature review section entitled Gendered Notions of Risk-taking). Merryweather proposes that concepts around risk and gender have tended to focus upon the material practices of ‘risky behaviour’ whilst largely ignoring the role of discursive practices in constructing masculine identities (Merryweather 2007). Developing a more fluid and diverse understanding of the relationship between risk and gender (that evolves around gendered notions of violence and aggression) suggests moving beyond an examination of statistical correlations and the objectivity of risky behaviour and instead drawing attention towards the way in which a language around risk and discursive practices are bound up with and utilised to construct (or suggest) gendered divisions and hierarchies (Merryweather 2007). This section explores the research data around sudden violence and destructive anger, exploring risk discourses and how an expert language of risk is intertwined with multiple discourses such as stereotyped notions of gender and violence.

Within the PSR documents anger and violence was largely discussed in relation to the level of risk an individual offender may pose to the public for example:

‘In terms of risk of harm to others, although this is not considered high at present, the fact that [Aiden] has in the past carried weapons and has now assaulted a female partner suggests that the potential for further violence against a person, as well as anti social behaviour cannot be discounted. This risk would appear to relate mainly to other male youths with whom he has conflict, although a risk to female partners must also now be considered’ (PSR document 23a).

'It is of concern that [Gabriel] continues to have difficulty in accepting responsibility for his criminal activity, and that this would seem to be becoming increasingly associated with violence, most recently against police officers. This type of offending undoubtedly presents physical and emotional risks to victims, and the factors above have resulted in [Gabriel] being assessed as presenting a high risk of re-offending, and a medium risk of causing serious harm to others' (PSR document 15a).

Within the statements above, the narrator discusses *'the risk of harm to others'* in the context of *'anti-social behaviour'* such as carrying weapons, assault, and violence against a female, other male youths, and the police which resulted in *'being assessed as presenting a high risk of re-offending, and a medium risk of causing serious harm to others'*. Within a framework of an OASys risk assessment, expert discourse draws attention to and identifies behaviours that may be perceived as problematic and anti-social. What is less apparent however is the extent to which perceived problematic behaviours are constructed around gendered discourses and masculinities within the above cases.

Within the first case the PSR writer discusses *'weapons'*, *'violence against a person'* and *'assault'*, the severity of which is discussed in relation to gender. Here gendered stereotypes in relation to risk are indirectly suggested, serious acts of violence and assault are discussed in relation to a female partner⁵⁰, whereas a less serious act of conflict is discussed in relation to other male youths. On the one hand, the PSR writer positions the young person as an aggressor, being a greater threat to women and a lesser threat to young men. The young offender is also positioned as being a serious threat to all female partners (regardless of age), whereas the young offender only presents as a

⁵⁰ An observation in addition to the discussion here is the use of the word *'partner'*. When I first read the statement, I noticed that the reader was led to assume that *'female partner'* indicated an intimate relationship and consequently violence towards an intimate partner is considered, within the remits of law, as domestic violence. Upon closer inspection of the statement, there is no clear indication that *'female partner'* means intimate partner which suggests that, although the statement refers to gender, sexuality and the sexual identity of a young person is both presumed and taken for granted.

threat to some men (young men). The underlying assumption here could be suggested as referring to the stereotype that all women are weaker than all men and therefore are a greater risk of being assaulted or attacked by men and thus need protection. The stereotype that all men are stronger than all women supports the myth that all women live in fear of all men for their safety. Supporting a stereotype that men are aggressors and women are victims of society. The PSR writer also suggests that the young offender is only in conflict with other male youths, this suggests that violence and aggression amongst male peers is a lesser threat than violence towards women. It also suggests that there is an assertion that aggression amongst male peers reflects a degree of normality amongst men; the assumption here is that young men act aggressively as part of their masculine identity. There is again an indication of age when the PSR writer states *'relate mainly to other male youths'*, which as previously discussed could be an indication of assumptions around what is and what is not normal behaviour for young men, what is less apparent however is the extent to which this could also suggest a hierarchy of masculinity perhaps between older men and young men.

Within the second case presented here, the PSR writer discusses violence against police officers. Where the previous example of violence towards female partners was considered *'in terms of risk of harm to others, although this was not considered as high at present'* (PSR document 23a), violence against a police officer positioned the young offender as *'a medium risk of causing serious harm to others'* (PSR document 15a). This suggests that there is an unspoken hierarchy of violence and others. The police officers, who are referred to by profession and who are symbolic of authority (and the assumption that police officers are male), are considered over and above others. Having a hierarchy of 'others' in relation to violence suggests that some (professionals) are considered as more important than 'others'. 'Others' becomes positioned as 'them' when the police are positioned as (professionals) 'us'. (Not them but) 'Us' in the sense that the PSR writer and the police represent the criminal justice system. The police (as an authority), and subsequently the criminal justice system, come to represent a masculinity maintaining a dominant influence over social life and social order. As an authority figure (a parental figure or perhaps an absent father figure) the police actively instil social order and exercise discipline in a socially constructed hierarchy of masculinity. Considered in this context, violence against police officers again comes to

be constructed as normal adolescent male behaviour, where a young man, who is perhaps establishing his masculine identity and his sense of self, is expected to challenge the 'dominant male' or masculine domination motivated by the desire to find their ideal masculine status (Merryweather 2007). However, this view of (hegemonic) masculinity suggests a very fixed view of gender and is accepting of static divisions between dominant and subordinate forms of masculinity, as well as idealised concepts of masculinity and femininity as acquired social identities.

A further observation in relation to the above statements is the extent to which the narrators within the PSR documents highlighted what could be considered a professional duty of care⁵¹. What on the surface appears to be an assessment tool designed to evaluate an individual's offending, it could be suggested that the above statements typify the way in which the OASys assessment as a process is fundamentally interested in the protection of others. For example, each 'risky' behaviour comes to act as a marker for future conduct, where the severity and seriousness of an offence is determined using a measure of risk. Expert discourse comes to consider previous (offending) behaviours whose impact on others must be accounted for in order to achieve an 'accurate' assessment. This suggests that the OASys assessment serves a multiple purpose of assessing risk, matching risk with offender needs in the interests of management and rehabilitation, as well as acting in the interests of public protection. If as suggested, the OASys assessment does have a multiple-purpose then this raises the question, where does the major focus of the OASys assessment lie. Worrall and Hoy contribute important insight into this question when they say '*there has always been a degree of tension in the role of the probation officer between caring for offenders and controlling their criminal behaviour*' (Worrall and Hoy 2005, p78). If then, the OASys assessment serves a multiple-purpose that results in conflicting interests this suggests a need to explore concerns that emerge as a result, for example, what impact could this

⁵¹ Multi-Agency Public Protection Arrangements (MAPPA) began operating in April 2001 and is committed to public protection through the assessment and management of risks posed by sexual and violent offenders in every community in England and Wales. This involves a multi agency partnership between the National Probation Service, the Prison Service, the health service, local authority housing and social services (<http://www.probation.homeoffice.gov.uk/files/pdf/MAPPA%20Guidance%202009%20Version%203.0.pdf>, viewed 19.09.10).

have on the criminal justice system's role to addressing offending, and to what extent does a conflict in interests within the risk assessment process impact upon decisions around rehabilitation.

10.3.1 Provoked Aggression as an Emotional Response

Within the PSRs anger and aggression that resulted in violent behaviour were discussed as a primary concern in relation to the protection of others. For some young people the narrator described that aggressive behaviour was a consequence of self-destruction or a destructive lifestyle, for example:

'In interview [Reece] described being on 'self destruct' at the time of the offence because he felt he had 'lost everything'. He relates he had successively argued with and lost his accommodation with his partner, his parents, and his grandfather, and also lost his employment, in the period before the offence, and cites his heavy alcohol use and associated behaviour as the reason behind this' (PSR document 16a).

'[Hayden] is a relatively lightly convicted individual who given his mental health problems and the destructive lifestyle pursued over the last three or four years it is perhaps surprising that he has not appeared before the courts more often. It is of some concern that he has acted so violently towards friends in the circumstances outlined and it is clear that there are concerns about his temper and his tendency to misuse drink and drugs' (PSR document 19b).

For several of the young people who were interviewed they expressed their understanding of their aggression slightly differently to the descriptions given within the PSRs. Some young people felt that their temper had been provoked in some way which resulted in anger or violence towards the source of their frustration, for example:

“for all I am a big lad, I am soft as clarts. I don’t win a fight, unless I really have to. But I always, I get picked on and then when I lose me temper, “you are too big to be hitting people”, they shouldn’t be hitting me, you know what I mean” (Interviewee 16).

“....one of me so called mates said I owed money, and I said no I didn’t, I am not going to pay him back. One night he came round me house and knocked on the front door, and started on us, and I brayed the shit out of him on the front door. On my front door, just left his unconscious body on the path outside me door. He shouldn’t have came round and started on us, what else was I supposed to do, just stand there and let him kick the shit out of me basically? His friends came and picked him up.” (Interviewee 21).

Here the young people describe the confrontational nature of the situation which they faced, expressing how another individual provoked an aggressive response within them. Within this context some young people acknowledged their actions whilst at the same time defending their behaviour by introducing blame elsewhere. In one sense, it could be suggested that those young people who did introduce blame elsewhere were failing to recognise themselves as responsible for their aggressive behaviour. In another sense, it could be suggested that some young people recognised the seriousness of their behaviour and that taking responsibility for their behaviour was achieved by placing blame elsewhere because they did not want to be held accountable for their actions. Some young people were able to consider what was perceived as unacceptable behaviour and reconstruct it as justified and acceptable behaviour. The social significance of aggression as an anti-social or destructive behaviour means that consequences may produce unfavourable results, however, aggressive behaviour that may be reinforced by a socially acceptable response, for example, “I was provoked” or “it was self-defence”, may produce a more favourable outcome.

The social learning theory proposes that aggression is a learned response that people develop in response to unforeseen events (Bandura 1973, 1977). A person who is frustrated or unsettled by a stressful event will try to redress the potentially unpleasant emotions that materialise as a result of the stressful experience. Social learning theory suggests that the way in which an individual responds to their feelings of frustration will largely depend upon the kinds of responses the individual has learned to use (and that have successfully alleviated feelings of frustration) in coping with stressful situations in the past, for example an individual may seek help from others, may choose to overcome difficulty, may become withdrawn, may become aggressive, or may choose to 'block-out' emotions through drug and alcohol use (Bandura 1977). This could also help to explain why some young people react aggressively to stressful situations when others do not. Thus, in accordance with the social learning theory, internalised frustration provokes aggression in those young people who have learned to respond aggressively to stressful situations in the past. Suggesting that patterns of aggression, such as the frequency with which aggressive behaviour is expressed, the forms it takes, and the situations in which it is displayed, are largely determined by cultural and social influences (Bandura 1977).

It could be suggested that these individuals have learned to respond aggressively to adverse or stressful situations on the understanding that different kinds of responses produce differing results and that the unpleasant emotions experienced in a stressful situation can be eradicated with an aggressive response (see Bandura 1973, 1977). This would suggest that some of the young people who were interviewed have possibly learnt from previous experiences that responding aggressively to provocation produces a favourable outcome. In this instance a favourable outcome might be the emotional release of internalised frustration, this is illustrated by the interviewee who explained that provocation had resulted in him '*losing me temper*' (Interviewee 16). It could also be suggested that some young people may have learnt that offering socially acceptable accounts for their aggressive behaviour, for example that the young person was provoked or that it was self defence, also produces favourable outcomes. Within criminal justice law a provoked attack or self defence would carry a more lenient sentencing conclusion, for example an offence of actual bodily harm may be lessened to affray in the light of extenuating circumstances such as provocation or that the

individual being sentenced did not start the trouble (Gibson 1998). Where an offender may recognise that their behaviour is undesirable it then becomes beneficial to reconstruct their behaviour as socially acceptable. This suggests that a young person being sentenced may exercise their knowledge in relation to the law in an attempt to resist the criminal justice process.

Another aspect to consider is the extent to which some young people's provocation to act aggressively was a reflection of territorial behaviour where it was thought boundaries had been breached (see Hopkins 2010). One young offender talked about spatial boundaries that had been transgressed. The young person clearly indicated the tangibility of their boundary on several occasions, for example *'came round me house and knocked on the front door'*, *'on my front door'* and *'on the path outside me door'* and the extent to which they felt that they wanted to (or needed to) defend their territory with the use of violence, for example *'he shouldn't have come round'* and *'what else was I suppose to do'* (Interviewee 21). It could be suggested that the young person here employed violence to achieve a position of (or sustain a position of) dominance over what was perceived as threatening behaviour. A territorial display of aggression potentially serves as a spectacle to ward off oppositions or potential conflict, possibly motivated by a desired masculinity that is constructed to sustain status and hierarchy.

Another young offender who also discussed provoked aggression and violence said *'I don't win a fight, unless I really have to'* (Interviewee 16). Here the young offender talks about his size as being an indicator of his strength and masculinity, for example, *'you are too big to be hitting people'*. However, where the previously discussed case offered an insight into dominant and violent displays of masculinity, in contrast, this case suggests an alternative form of masculinity. The young offender here talks about his identity as a more subtle or quiet masculinity, for example *'for all I am a big lad, I am soft as clarts'* and *'but I always, I get picked on and then when I lose me temper'*. There is a sense that the young person is aware of the extent to which their size in relation to their gender is stereotyped as being symbolic of a strong dominant male; and as a consequence the young person tries to mask or distort his masculine identity perhaps in an attempt to avoid confrontation and provocation, this is illustrated when

the young offender says *'for all I am a big lad, I am soft as clarts. I don't win a fight, unless I really have to'*. Here the young offender positions them self as a particular type of man, drawing attention to boundaries between a less desirable form of masculinity and maintaining a desired masculinity.

Provocation, as talked about by some of the young people interviewed, becomes an important observation when determining why a young person may have responded to a stressful situation aggressively. An individual may suppose that they are blameless if, for example, they find themselves confronted by an aggressor. Within the remit of the social learning theory the young person being confronted could suggest that they were unable to act any differently because they had learnt to cope with stressful situations by acting aggressively. This is illustrated within the PSRs where the narrators have highlighted that the offender has managed a stressful situation by using violence *'as a means to resolving conflict'*, for example:

'His previous offences show that [Reuben] has demonstrated a potential for antisocial and aggressive behaviour. He has acknowledged that he has used violence in the past as a means of resolving conflict and concedes that he has difficulties in managing his temper' (PSR document 20b).

'[Joel] has indicated a clear deficit in his thinking skills. He tends to do things on the spur of the moment without realising the consequences of his actions to himself or others. He has a tendency to use violence to resolve conflict. [Joel] holds rigid and dogmatic views and struggles to see other people's points of view. However, as previously mentioned, [Joel] did show some insight into his unacceptable behaviour' (PSR document 10a).

An individual may not be always able to express their anger directly towards the source of their aggression. When an individual feels unable to express their anger towards the source of their frustration their anger maybe redirected towards a less threatening object. The following statement demonstrates how the narrator of the PSR had recognised that the violent threats that were made by the young person being interviewed were a consequence of displaced anger, for example:

'[Bailey] advises that in the past he has been assessed by psychologists and psychiatrists due to his behavioural problems. [Isabella] (Social Worker) – Leaving Care – revealed that there have been threats of violence to staff. These threats were verbal but nothing physical and appear to stem from frustration when presented with something he can't/won't/or finds difficult. He has a quick temper and is very challenging. Has been placed in many different establishments since entering the care system' (PSR document 7a).

Within this statement it becomes clear that the frustration that the young person experienced stemmed from feelings of being unable to complete a task.

A large proportion of the interviewees discussed the way in which they felt their anger or aggression underpinned their offending. Some young people described the way in which they felt they had been provoked and as a consequence they had responded violently or aggressively, whilst other young people explored the possibility of suppressed feelings of frustration that resulted in sudden acts of violence. For many of the interviewees however, aggression as an emotional reaction was distinctly interrelated to their offending, where their aggressive or violent behaviour had resulted in an arrest, for example assault, affray or possession of an offensive weapon.

10.3.2 Sudden Violence

Previously the narrators of the PSR documents described some young people as acting aggressively as a consequence of provocation suggesting that suppressed emotions around frustration manifested as anger and aggression as a means to resolving conflict or stressful situations. For other young people their aggressive behaviour was described in a different way. Where previously expert discourse constructed the aggressive behaviour of some young people as a means to satisfy feelings of stress and frustration, here some young people were described as acting aggressively because of a lack of self-control, or more specifically, as a direct result of an explosive and impulsive temperament, this is demonstrated in the following statements:

*‘[Lucy] does not have an extreme history of offending, although her five convictions since 2005, four for theft, have all been directed at her mother. She also admits to having problems with an **explosive temper** and violent behaviour when feeling that demands are being made of her, which again have been mainly against her mother, but at times has also shown itself in anger towards probation staff, before being replaced by **rapid mood swings** and apologies’ (PSR document 22a).*

*‘Although he has no convictions for violence he does have a record of damage to property and the criminal damage to his father’s property was a **vengeful impulsive attack** committed in anger’ (PSR document 20a).*

‘[Elliot] told me he was referred to a child psychologist during his teens because of his difficult behaviour, but has had no subsequent involvement with such services. His behaviour reflects, among other things, impulsivity (especially if he is under the influence of alcohol), plus a continued failure to consider the consequences of his actions. He also seems to repeat the same mistakes. In addition, he admits that he does not fully understand his parent’s feelings as

*demonstrated by his **uncooperative attitude** and behaviour when at the family home. In addition, his mother has told me that he has a bad temper which is aggravated when he has been drinking alcohol'* (PSR document 18a).

Within the statements above the narrators describe the young people being interviewed as acting suddenly in a violent and uncontrollable manner, this type of aggressive behaviour has been constructed around an expert dialogue such as '*explosive temper*' (PSR document 22a), '*rapid mood swings*' (PSR document 22a), '*vengeful impulsive attack*' (PSR document 20a), and '*uncooperative attitude*' (PSR document 18a). Here the young person is positioned as acting in possibly an unpredictable and unruly manner, almost savage-like or animalistic, an expressive body that is the antithesis of a self-regulated and self-disciplined body, advocating the belief that a young person's behaviour is at times out-of-control and would benefit from some level of governance or management. It is not only those who are spoken about who are positioned within varied and deeply complex discourses, it is equally the case that those who are speaking are able to employ particular discourses to position themselves as the authority of rationality and reason. The criminal justice system, here considered as the voice of authority and reason, positions the young offender and their behaviour as deficient and undesirable. As a consequence, the criminal justice system (and its representatives) are positioned as the expert or truth-teller, sitting in judgement over those who are considered as having illegitimate knowledge in an attempt to introduce an (expert) apparatus of normalisation. Modern construct of reason that are profoundly gendered, as discussed within the epistemology section (see the section entitled Deconstructing Conventional approaches to Framing Risk within Criminal Justice), position objectivity and rational thought as typically masculine, whereas hysteria, desire, and emotion are perceived as the antithesis of reason, and thus typically feminine (Williams and Bendelow 1998). The PSR writer, as the rational mind governed by ordered thought processes and responsible functioning (Hatty 2000) becomes the dominant masculine authority reinforcing an imbalance of power through a diverse and complex language and multiple positionalities. Young offenders are constructed as hysterical and emotional individuals and in contrast the criminal justice system (and its representatives) become empowered by and within the assessment process.

Another common characteristic that can be identified within the statements above is, not the source of the feelings of frustration, but in fact the target of the young person's aggression. For these young people the target of their aggression was a significant carer, for example, '*directed at her mother*', '*damage to his father's property*', '*violent to his partner*', and '*uncooperative attitude and behaviour when at the family home*'. Elliot (2006) divides acts of aggression, which manifests as a result of failing to matter, into two distinctive behaviours, self-destructive and anti-social. As discussed previously, self-destructive behaviour is according to Elliot an indication that a young person is at such a low point that life no longer matters. As a consequence, of failing to capture their family's attention a young person may have given up on the possibility of mattering to their family. In contrast however, Elliot makes the point that anti-social behaviour is about drawing attention to the self. When a young person misbehaves a parent's reaction lets the young person know how much they actually matter. When a young person truly fails to matter their parents show no sign of disapproval to their negative behaviour. By behaving in ways that demand attention, a young person is able to secure the attention of those around them. Forced mattering, as Elliot proposes (Elliot 2006), is achieved when a young person acts outrageously, often engaging in anti-social behaviour, to capture the attention of significant others in the young person's life. When a young person fails to matter to a significant other, for example a parent, and when the source of their frustration stems from failing to matter to a significant other, would this perhaps help to explain why some young people acted aggressively towards their significant other. If a young person felt as though they did not matter to their parents would this provoke feelings of anger and frustration that may manifest as violence towards their parents. Perhaps what is observed in the statements above is the way in which some young people have come to construct a way of mattering to a significant other. A young person who feels frustrated maybe able to relieve those feelings of frustration through their violent behaviour and perhaps by directing their aggression towards their parents, a young person maybe able to attract attention and a sense of forced mattering.

10.3.3 Sudden Violence as an Uncontrolled Response

Discussions with some of the interviewee's about their anger often followed a similar response; many of the young people who were interviewed described how internal feelings of anger and frustration acted as a motivator for their aggressive and violent behaviour for which they felt they had limited control over. For example:

“I think everything has built up inside and I am just lashing out. Divin't mean to be, like the other night, all of a sudden she said something, and I just turned around and just assaulted her...” (Interviewee 22).

The young person went onto say,

“ [I] could be nice tomorrow, say someone asks us to do a little thing and within five minutes I would turn around and tell them exactly what I think about it. I divin't mean to, I divin't mean to swear, it just comes out. Just a load of anger I have got built up inside us...” (Interviewee 22).

“Got an anger problem haven't I. I've got a bit of an anger problem....I turn nasty and that then I have a drink. Like being violent and you know, just go off it and everything....just I go off it and that, fight people and that. Like, if people looked at us that wrong way I used to say 'what are you fucking looking at?' ” (Interviewee 04).

“...it is like when I am all pent up and angry, like, if I punch something, like, it stops me anger” (Interviewee 20).

Similarly to the previous discussion around self-destructive anger as a provoked response, visible acts of sudden violence that were brought about as a direct result of concealed emotional states suggests that the individual is ordinarily docile by nature and then suddenly acts out of character. Within this context the individual is constantly in an aroused state of anger which is controlled or suppressed to such an extent that a slight trigger leads to sudden acts of violence or aggression. This belief presumes a certain level of emotional maturity on the part of the young person, where the individual is able to consciously recognise and manage the full extent of their emotions. The interviewees however challenge this point by suggesting that their awareness around their behaviour is limited and that they would prefer to be able to have more control over their emotions, this is supported by the following comments, *“I shouldn’t but I don’t even know why I do it half the time”* (Interviewee 22) and *“a’ din’kna where a’ went wrong, a’ used to be the best like lad you’ll ever meet. A’ used to be polite, no swear words or nothing like that but now a’ just – say the wrong thing to us an a’ll smash your head in or summit like that, a din’kna, just, an’ even now a’ din’kna why the angers there, but its there for some reason, it got there for some reason....”* (Interviewee 19).

A young person’s level of emotional development is also highlighted within the PSR documents, for example:

*‘[Sam] does not think about the consequences of his actions and fails to appreciate the seriousness of his behaviour. Thinks of him as one of the victims and behaves in an **immature** manner. After discussion with [Taylor] from [local] Care Team, he disclosed that there had been threats to staff, which so far have been of a verbal nature. He states that [Sam] has a quick temper and seems to react in this way when presented with something he doesn’t agree with or is challenging to him’* (PSR document 7a).

*‘During interview [Joe] presented as a respectful young man who is struggling to deal with his present circumstances, I would describe him as **childlike** in so far as he is dealing with adult problems without adequate skills or support’* (PSR document 22b).

Here the narrator constructs the young person’s aggressive behaviour around a dialogue such as *‘immature’* (PSR document 18b) and *‘childlike’* (PSR document 22b), suggesting delayed maturation on the part of the young person. Constructing the young person as immature could potentially suggest to the PSR audience that much can be done to address or change the young person’s aggressive behaviour, indicating that a level of emotional awareness will assist in a process of change that is possibly needed to motivate a young person away from aggression.

The PSR writer positions the young people here as *‘childlike’* – innocent, naive, simple, or unsophisticated, and *‘immature’* – babyish, childish, or undeveloped. This image of childlike and immature could be considered as the antithesis of the confident, articulate, assertive, masculine stereotype (Hatty 2000). Instead, the probation officers describe the young people here as failed male adolescents *‘without adequate skills’* and *‘struggling to deal with his present circumstances’* or as useless and fragile *‘I would describe him as **childlike** in so far as he is dealing with adult problems’*. Such a discursive approach enables risk to be read as a discourse alongside other discourses that simultaneously construct and position the individual within multiple discourses (Merryweather 2007). Again, it is not only those who are spoken about who are positioned within varied and deeply complex discourses, it is also the case that those who are speaking are able to employ particular discourses to position themselves. When the PSR writer constructs the young people as emotionally immature they inevitably position themselves as emotionally literate. Where immature is used to describe one group of individuals, then another group of individuals would be positioned as its binary opposition. Where one personality is considered as superior over another, or rather, where one decision is considered over another, for example *‘I would describe him as’*. Again the PSR writer is positioned as symbolic of a dominant masculine authority or rationality and emotional literacy, whilst in contrast the young

offender is depicted as emotionally illiterate (and subsequently the antithesis of masculine) and needing guidance from an expert authority.

Furthermore, the PSR writers who position the young offenders as *'immature'* and *'childlike'* do so in relation to adulthood (see Hopkins 2010). Here the behaviour of some of the young offenders was considered alongside and in relation to the expected behaviour of adults, for example *'I would describe him as **childlike** in so far as he is dealing with **adult** problems without adequate skills or support'*. By drawing attention towards adulthood the narrator is able to create an illusion, an imagined gap between what is considered emotional immaturity, from the perspective of the criminal justice system, compared against behaviour that is expected of an adult. Hopkins (2010) who discusses young people and identity at length, putting forward the debate that youth is a relational concept to adulthood, suggests that some young people are defined as such because they do not possess the qualities considered to be key characteristics of adulthood, in short, 'young people are defined by the fact that they are not adults' (Hopkins 2010, p4). It could be suggested that the imagined shortfall is not simply a matter of young people being immature or childlike, but is more a matter of young people being and behaving as young people. Therefore, does the way in which the criminal justice system view some young people amount to false expectations in the sense that some young people are simply *young* people. One point that has been failed to be considered is the extent to which some young people may be 'acting' immature in rejection of adulthood and renouncing their masculinity. Simply put, it may be the case that some young people do not wish to or fear becoming an adult or 'man'. Perhaps difficulties in identifying with (an absent) parent has led some young people to fear adulthood and renounce their masculine identity of 'becoming a man' (Briggs 2002).

There appears to be no formal explanation within criminal justice practices that validates the link between emotional development and aggression, questioning why and how expert knowledge has come to view aggressive behaviour as a reflection upon emotional development or emotional maturity. An association between aggression and emotional development creates an expectation that a young person should be able to express themselves appropriately in a self-controlled and a self-disciplined manner,

regardless of age and that an individual who was considered as lacking in an ability to make rational coherent choices is seen as requiring guidance from an expert authority. This view clearly considers emotional maturity in relation to risk-taking and offending but potentially fails to take into account what might be considered relevant to and by a young person because of their youth.

According to the importance of mattering (Elliot 2009), when an individual fails to matter they are unable to establish an identity which is necessary for them to socially interact. As a result, failing to matter becomes a deeply frustrating experience for the individual bringing about emotional states of worthlessness and low self-worth that becomes reinforced by a social invisibility (Elliot 2009). Within this context a young person may turn to violence as a means to try to restore their sense of worth and sense of self-pride, possibly in an attempt to banish feelings of shame that they may have come to associate with rejection from their family or community (Gilligan 1996). Considering the emotional detachment that many of the young people who were interviewed had expressed experiencing within their close family network, as a result of an absent significant primary carer (as discussed previously), we can begin to appreciate the extent to which there may be a relationship between suppressed emotions around identity, self-worth, and feelings of worthlessness with acts of violence, such as 'lashing out' or violence against others. In the consideration of feelings around a sense of failing to matter, particularly within primary relationships, it becomes noticeable how acts of violence could benefit the individual. Firstly, as a visible act, aggressive behaviour captures attention, this in turn draws the focus towards the perpetrator who may have otherwise remained unnoticed. Attention in this way, albeit negative attention, satisfies an individual's need to matter. Secondly, as an emotional outlet, acts of violence and aggression benefit the individual by offering them a release from a negative emotional state of worthlessness or low self esteem. When these two explanations are drawn together it becomes apparent that the benefits of the importance of mattering combined with the immediate satisfaction gained from the release of emotional tension, not only outweigh the possible consequences of their aggressive behaviour, but that such behaviour can result in positive reinforcement. Should it be accepted that from an individual's perspective the benefits of acts of aggression potentially outweigh the disadvantages, then it could also be suggested that thinking about acts of aggression in

this way contributes important insight into the meanings that a young person may attach to their behaviour. Furthermore, this may also offer an alternative way of thinking about anger and violence as anti-social behaviour, in relation to the consequences of aggressive acts of violence and the potential impact upon the 'victim' and society, particularly if there are no perceived consequences but that there are perceived benefits for the perpetrator.

10.3.4 Managing Anger

Some young people who were interviewed did question to what extent counselling or anger management would be able to help them manage their aggressive behaviour. The young people constructed this by drawing a parallel between the emotional outlet that being aggressive gave them and the emotional outlet that counselling might be able to offer them. One young person commented:

(Researcher) *What kind of help do you think you need?*

(Interviewee 22) *Anger management for one*

(Researcher) *Yeah*

(Interviewee 22) *Cause I get really aggressive lately. I divint meant to, `cause sometimes I find it hard to talk about why I do what I do...I think I do need help. Cause I'm just biting peoples heads off with the littlest things they say.....I just bite at the slightest thing. I can be lovely and then I just gan pure off it. I divint mean to be. Just think I need help*

(Researcher) *...How do you think anger management helps?*

(Interviewee 22) *sort of like to talk about what has happened and that, like counselling and all that. Talk about what has happened, once I have got it all out of me system and that, I start behaving as the nice person I was. Cause even I saw a change in me attitude*

Other young people also felt that a form of counselling would help them resolve some of their aggressive behaviour, these young people went onto say:

“...instead of keeping everything bottled up it’s nice to have someone t’ talk to” (Interviewee 03).

(Interviewee 19) *Er....the frame of mind am in at the minute like, its just, its just not, not the right frame of mind like.*

(Researcher) *Are you working on that?*

(Interviewee 19) *Aye, definitely, that’s why [Holly] is getting’ a counsellor for us*

(Researcher) *That’s good*

(Interviewee 19) *A can’t, a tried a counsellor before and she says a’ve got anxiety, an a’ daint even knaa what that means....a just, that’s warra mean, a just want someone to, a divvent want all the answers, a just want someone to, like, put it in perspective. To help us out and say, like, well this is where a’ve went wrong n’ a’ knaa they cannot bring me family back an’ they cannot work*

things out so they're all better but a' just want, a' just want help. A' just need help.

Within the statements above it becomes apparent that some young people have considered some of the benefits that counselling or anger management may offer them in managing their aggression. Counselling, as opposed to anger management, was also actively encouraged as a behavioural management strategy within expert discourse. Within the PSR documents, suggestions were made for some young people around the benefits of accessing counselling, this was described as follows:

'It is to be hoped that [Arthur] can be persuaded to make some changes in his lifestyle and that with the appropriate advice and counselling in tandem with the medication being prescribed by Dr [Bradley] the risk of further violent outbursts can be reduced' (PSR document 19b).

'He said that he is missing cannabis whilst on remand because it helped him to sleep. However, he did understand that this drug use could be adversely affecting his health and also contributing to his negative behaviour, and said that he would be responsive to counselling to help him to stop/control his use of drugs' (PSR document 18a).

'He feels that none of his family understand him, he feels empty inside and has no sense of self worth or purpose. Consequently, the only acceptance he feels he has found is with his peers. I am informed by [Frederick's] previous supervising officer at the Youth Offending Service, that he and his family were offered no counselling following the death of his mother. She informed me that three Child In Need referrals were made to Social Services Department in respect of

Neglect, but no action was ever taken. She feels that [Frederick] is a polite young man who himself is a victim of circumstance' (PSR document 8a).

Within the above statements the narrators describe how previous family events, for example a sense of failing to matter, may have impacted upon a young person's sense of self. Although the narrators of the PSR documents appear to describe circumstances and events in the context of an interview style format, for example, '*she informed me*' (PSR document 8a) and '*he therefore believes*' (PSR document 19a), which might suggest to the audience reviewing the document that the validity of what has been discussed is questionable, it could be argued that by raising and documenting these points that the narrator, through the authority of their position within the criminal justice system, reinforces the legitimacy of what has been discussed. That said, this prompts the question, to what extent can a risk-focused assessment, such as OASys, accurately determine the emotional well-being of an individual? And what mechanisms are placed to address concerns such as low self-esteem or self-worth? Within the above statements it would appear that steps taken to encourage interventions such as counselling are primarily focused around violent offending and drug use, for example '*the risk of further violent outbursts can be reduced*' (PSR document 19b) and '*to help him to stop/control his use of drugs*' (PSR document 18a). The question remains however, is this an indication of an assessment tools inability to evaluate each individual's needs around their emotional well-being or could this be a reflection of a lack of appropriate and available interventions for the disposal of the criminal justice system and its practitioners. With this in mind, it could also be questioned, to what extent would violent offending and substance-use focused counselling effectively address the offending of a young person in the absence of addressing concerns around emotional well-being that have been raised here by both the young person and the probation officer.

For many in our society, aggression and violence that typically manifests in an anti-social context are considered unacceptable forms of behaviour. There are some professions that favour this kind of behaviour within the remit of reason, for example boxing or security, still, emphasis is placed upon autonomy and self-discipline in the

sense that professionals are adequately skilled to manage and control their aggression. Where a young person is considered as being unable to control their aggression or their violent behaviour expert discourse has come to position them as immature. Should a young person acquire the necessary skills to manage their aggression, for example through anger management or counselling, then the young person will become better equipped at conflict resolution. The emphasis here is placed upon management, where the aggressive and violent behaviour of a young person is constructed within expert discourse as being a result of delayed maturation, and through anger management skills a young person will become competent in dealing with emotional situations that could potentially manifest as violence. Tackling aggressive and violent behaviour through the application of techniques such as anger management constructs anger as a problematic emotional response within the behaviour of the individual. It is not necessarily the emotion of anger or the conditions that gave rise to such feelings that are to be addressed, but rather, it is the behaviour that manifests as a result of such feelings that requires supervision.

Within the practices of the criminal justice system this viewpoint may serve as beneficial in the interests of public protection and in the interests of managing those offenders who commit violent crimes. However, what on the surface appears to be socially unacceptable behaviour for society as whole, comes to hold a different meaning through the experiences of the young people who act in this way. As has been previously discussed, aggression and violence offer some young people a sense of emotional release from the stresses which they face or from a sense of failing to matter. In this respect, it could be suggested that some young people describe the value anger and violence hold on an emotional level, as opposed to a behavioural level. This becomes apparent when considering the way in which some young people described their emotional state prior to their engagement in acts of anger or violence, for example, *'everything has built up inside of me and I am just lashing out'* (interviewee 22) and *'when I am all pent up and angry, like, if I punch something, like, it stops me anger'* (interviewee 20). This clearly illustrates a difference in views between expert knowledge, whose attention is drawn towards violent behaviour, and from the experiential perspectives of some young people who are inadvertently preoccupied with their emotional needs. Which returns the discussion to the previously stated question,

how effective are interventions that primarily focus upon behavioural aspects of offending and violence whilst potentially failing to seriously consider emotional aspects related to aggression? Furthermore, if anger and violence does act as an emotional expression for some young people would a shift in focus, perhaps away from the management of anger towards finding appropriate and socially acceptable emotional outlets, prove more beneficial in addressing the aggression of some young people?

10.4 Summary

Within this chapter, I discussed the relevance of mattering to young offenders in relation to their behaviour. Within part one, I discussed how young offenders had described the experience of an absent parent, either through death or abandonment, and how this had influenced their behaviour. For the young offenders in this study feelings around failing to matter had manifest as self-destructive and violent behaviour. I proposed, where an individual failed to matter to an absent parent, a young person who offended and entered into the criminal justice system became the focus of attention of experts working within criminal justice which reaffirmed that they mattered. Within part two, I discussed how attempted suicide was constructed as 'risky behaviour' within expert discourse, placing an emphasis upon suicidal behaviour in relation to the criminal justice system's professional duty of care. Within part three, I discussed how violence and violent behaviour was considered a criminogenic risk factor related to public protection within risk assessment practices. I also proposed how aggressive behaviour that was considered as anti-social was reconstructed as socially acceptable behaviour by some young offenders. I went onto discuss how through a language of risk, violence and aggression experts position themselves as a dominant masculine authority of objectivity and reason within expert discourse drawing upon (expert) knowledge and experience which in turn positions young offenders as the antithesis of masculinity in need of governance and guidance. I concluded the chapter by discussing the benefits that some young people felt would be gained from talking about their offending and anger and how counselling as a behavioural management strategy was encouraged within expert discourse.

Chapter Eleven: Concluding Comments

11.1 Conclusion

The analysis and discussion of this study presented four emerging themes: 1) Risk, 2) Knowledge Power and Risk, 3) Escapism and 4) the Importance of Mattering. The key aim was to provide a more useful account for understanding offending behaviour by drawing together and considering notions of risk and risk-taking from differing perspectives. The application of a discourse analysis opened up to scrutiny a language of risk and risk discourses to explore the usefulness of risk assessment as a means to understanding offending behaviour and how this compares to the meanings young offenders attached to their behaviour. Drawing from the research findings, theme one – risk – presented a descriptive account of the ways in which an expert language of risk was utilised to assemble and construct risk and ‘risky behaviour’ within risk assessment. Theme two – Knowledge, Power and Risk – discussed the ways in which a language of risk positioned the expert as knowledgeable about offending behaviour and how risk discourses positioned the expert as having authority. In contrast, I discussed how an expert discourse of risk positioned young offenders as having no voice. Theme three – Escapism – and theme four – the Importance of mattering – presented an account of the ways in which young offenders described their offending and how this was similar and/or different to the ways in which ‘risky behaviour’ was constructed in expert discourse. Collectively the analysis and discussion of these four themes demonstrated the varied and diverse meanings that were attached to offending and the ways in which offending was constructed as both a negative and a positive experience. The key analytical findings of this study are discussed below taking into account the study’s contribution to sociological knowledge.

11.2 Risk and Risk Assessment

The analysis in theme one, entitled Risk, explored the construction of risk within expert discourse, namely pre-sentence reports. The analysis showed that risk was constructed in several different ways but with no clear technical definition of risk. Within expert

discourse, risk was constructed as disciplinary, in the sense criminal justice utilised risk assessment to inform justices and probations officers of the level of supervision and the type of sentencing conditions needed, including custodial sentences. Risk was constructed as regulatory, in the sense that risk assessments provided a basis for the prediction of future offending (based upon static and dynamic measures) to justify the implementation of intervention and treatment strategies aimed at creating changes in offending behaviour. Risk was constructed as protective, in the sense that the identification and categorisation of risk levels provided criminal justice with the scope to determine which offenders were more likely to pose a threat of risk to the public and to determine which offenders needed protection from themselves. Finally, risk was constructed as remedial, in the sense that risk assessments served the purpose of identifying problematic behaviours with the aim of matching offender risk/needs with management and treatment strategies. Thus, risk assessments not only serve as practical and technical tools for the purposes of providing information around the identification and assessment of risk, but they also serve the wider political purposes of governance and control. This approach to framing risk assessment has been discussed by Kemshall (2003) in her analysis of epistemological approaches to framing risk and risk assessment tools.

Within chapter five (section 5.6: Deconstructing Conventional Approaches to Framing Risk within Criminal Justice) of this study, I discussed Kemshall's (2003) approach to epistemologically framing risk assessment tools that were described by Kemshall as artefact risk and constructivist risk. To summarise, for Kemshall artefact notions of risk assessment strategies were framed by a technical and statistical discourse, where as constructivist approaches to risk were invested in the interests of crime control and the regulatory power of risk (Kemshall 2003). The analyses presented within theme one (Risk) and two (Knowledge, Power and Risk) echo some of the observations made by Kemshall by demonstrating that risk assessments serve a practical and technical purpose and that risk assessments serve the purposes of governance and control. Kemshall describes artefact risk as epitomised by the early twentieth century scientific approaches to risk and constructivist risk as coming out of the late twentieth century, in what could be described as a linear approach to framing risk assessment. However, it could be suggested, based on the strength of the analysis presented in this study, that rather than approaches to framing risk assessment adopting a linear development from artefact to

constructivist risk, current risk assessment practices adopt both a technical approach to framing risk and they provide a method that promotes risk management strategies. This adds an additional dimension to sociological debates that frame risk as purely technical or as purely governmental by suggesting that risk is multi-faceted and that risk assessment is multi-functional.

Within the analysis of theme one (with particular reference to section 7.4.3: How Expert Discourse Constructs Behaviour as Risky), I discussed how expert discourse frequently utilised key phrases to describe an individual, their offending, and their lifestyle. I highlighted how the key phrases were used to attach meaning to an individual's experiences and behaviour that were also used to emphasise negative and destructive elements. Through the effects of language that described individuals, their offending and their lifestyle in a negative way, expert discourse was able to (re)construct young offenders' behaviour as risky or at risk. Individual offenders, however, did not consider a language of risk and offending in the same way as was considered in expert discourse. For these young people a language of risk was vague and unfamiliar. The analysis showed that when asked, young offenders did not have a firm idea of what risk was or what risk meant. Instead, young offenders' knowledge that had been acquired around a language of risk predominately stemmed from interactions with agencies that were familiar with risk practices. By contrast, the analyses within themes three (Escapism) and four (the Importance of Mattering) consistently demonstrated that the young offenders used a different kind of language to describe their offending, a language that constructed their experiences as positive. Young offenders talked about their offending as producing pleasurable feelings of a "buzz" or a "thrill", a theory put forward by Lyng (2005) who suggests that people become actively involved in voluntary risk-taking for the excitement, to demonstrate skill, to achieve self-realisation and personal growth, and to transcend the overly regulated and controlled body. Thus, the analysis demonstrated that offending was constructed in different ways; within expert discourse offending was constructed negatively as risky and problematic behaviour whereas the young offenders described their behaviour as a positive experience. This finding supports sociological approaches to framing risk as pleasurable. It also adds a new dimension to sociological and criminological notions of offending by suggesting that offending can be qualified as both a negative and a positive experience.

A contribution to understanding the purpose which risk serves within criminal justice was discussed within the analysis (theme two, section 8.1: Risk Assessment as a Process) around risk-assessment as a process. Risk assessment as a process provided experts with an authoritative language of risk (albeit vague and restricting as highlighted in theme one, section 7.4.2: How Expert Discourse Classifies Risk). The analysis in theme one (Risk) showed how risk assessments as a process were able to assemble risk, categorise those at risk of harm, classify risk levels of harm, construct behaviour as risky, utilise past behaviour as a predictor of risk and future offending, and reconstruct risky behaviour as manageable and treatable. Expert discourse achieved this by assigning negative meaning to offending behaviour (as discussed above) and also by considering offending behaviour outside of its context and detached from its original meaning. That is, an individual's behaviour was assessed by taking the individual from their environment (or original context) and transferring them to a closed and official environment (i.e, a probation office or prison cell) to explore and assess their behaviour. In doing so, criminal justice repositions an individual (taking them from their natural setting, and placing them within an artificial and purposefully constructed setting) that allows for and reinforces a particular way of thinking about behaviour as criminal. Individuals and their behaviour, removed from their original context and placed within a process of risk assessment, become more accessible. Within a new context (of criminal justice) and with new meanings (of risk) an individual's behaviour becomes a more accessible target for change and modification, and an individual becomes a more accessible person for re-education and responsabilisation.

The review of sociological literature around governmentality drew attention to the way in which regulatory agencies employ strategies in attempts to coerce offenders, through acquired knowledge and education, to modify their behaviour. Risk avoidance and the consequences of taking risks become strongly associated with acquired knowledge, where individuals through the notion of responsabilisation were encouraged to monitor and manage their own 'risky behaviour' (Beck 1995, Kemshall 2003). Following this line of reasoning, the findings support current sociological debates around the ways in which expert knowledge is utilised to regulate and govern offenders and their behaviour. However, where sociological understandings suggest that the responsible individual will engage with and seek-out expert advice to develop knowledge around which risks should be avoided, within the analysis of theme two (Knowledge, Power

and Risk) I suggested that the young offenders within this study sought expert knowledge for different reasons. This is because the analysis indicated that individuals became positioned as an outsider to a private discourse. Opportunities for an individual to appreciate the decisions made about them were either limited to attempts to be educated by those with ‘insider’ knowledge or attempts to self-educate. A young person’s attempts to self-educate were largely undermined by a process whose functionality failed to accommodate and validate the voice of the offender. The analysis (theme two, section 8.3: Young Offenders as having ‘No Voice’) suggests that individuals who offended were seen and not heard. For an individual to be heard, expert representatives were needed to convey an individual’s experiences in a world where the (law-abiding) expert was considered as being able to ‘filter-out lies’ and ‘put-across truth’. Thus, it was discussed that this reinforces the notion of an offender as irresponsible and therefore requiring the necessary supervision of a service which has the insight and structure to induce a process of self-regulation (Worrall and Hoy 2005).

11.3 Expert Knowledge, Power and Risk Assessment

The analysis of theme one (Risk) highlighted two concerns relating to risk assessment as a process of translating knowledge and information around offending into a language that is utilised to determine levels of risk.

Firstly, in theme one (section 7.4.2: How Expert Discourse Classifies Risk), I discussed how a process of assessing risk remained largely concealed. Practitioners who utilised risk assessment tools reported which information was used to construct an assessment and also reported the recommended outcomes of the assessment but did not report how assessment decisions were determined or upon which decisions the conclusions were formed. May (1994) and Rose (1998) refer to this process as the ‘black box’ phenomenon, where ‘we can identify input and output, but what happens between the two is sometimes unknown’ (May 1994, p13). I went onto suggest that when a process of assessing risk in this way remains concealed it becomes difficult to challenge the decisions and the conclusions made. This suggests that those who consult the PSR documents are required to place unquestioning confidence in the accuracy of the information and those who consult the document are encouraged to accept the content

as true. In this sense, actuarial-based methods of assessing risk adopt a sense of authority, partly because they are regarded as demonstrating reliable and verified measures, and also because they require a specific and specialised knowledge in order to be challenged. I also suggested that the decision-making process of assessing risk not only remains concealed from the offenders who the assessment is about, but that the decision-making process remains concealed from professionals such as magistrates who base their sentencing decisions on and around the sentencing conclusions recommended in pre-sentence reports. This study suggests that those who are considered as having knowledge relating to criminal law – for example magistrates, justices and lawyers – are rendered unable to critique or question the information provided to them as a result of a concealed process. In this sense actuarial-based risk assessments remain largely uncritiqued, in part because of an unquestioned confidence placed in scientific methods as accurate and reliable and also because such methods become more defensible as a result of a ‘black box’ approach to determining risk levels.

Secondly, the analysis in theme one (section 7.5: How Expert Discourse utilises past Behaviour as a Predictor of Risk and Future Behaviour) discussed how criminal justice agencies and its practitioners were able to utilise knowledge around risk to predict future risks associated with past behaviours. Knowledge around criminogenic factors and patterns of offending were utilised in attempts to determine the risks an individual may pose in relation to re-offending and to others. Actuarial-based technologies of risk assessment provided the basis for categorising problematic behaviours as variables (Feeley and Simon 1994, Lupton 1999). Knowledge acquired around problematic behaviours was utilised to introduce interventions intended for the regulation and control of offenders, as was discussed by sociological theorists who talked about governing through actuarialism (Feeley and Simon 1994, 1992). The analysis in theme two (section 8.1: Risk Assessment as a Process) highlighted the discussion that risk assessment tools were not always capable of identifying and determining risks in relation to an offender’s behaviour. The analysis showed that where the technical processes of identifying risk failed to construct an individual as ‘risky’, expert knowledge compensated for this limitation. It also demonstrated that when a risk assessment was unable to determine a level of risk and thus unable to match a risk level to sentencing conclusions, the probation officer would recommend, through professional-based judgements, that justices consider disregarding the risk assessment

and instead sentence within their discretion. Within the analysis, I proposed that knowledge that was able to provide a level of governance was considered over and above knowledge that was less able to offer governance. Taking this line of reasoning, it is suggested that the identification of risk factors is not the primary function of risk assessment tools but rather it is the function of risk assessments as governmental strategies that promotes and reinforces their use. This point is emphasised by Foucault's observation when he discussed the relationship between power and knowledge. Foucault suggests that power and knowledge are not synonymous, but rather, what counts as knowledge is not neutrally determined (Smith 2006). The analysis within this study would suggest that criminal justice endorses the use of risk assessments partly because of their function to categorise aggregate groups of offenders and behaviour in terms of risk, and partly because a language of risk that gives credence to and accommodates government and policy aims of offender management and public protection. Risk then becomes a terminology that merely masks the purpose of assessment technologies as mechanism of governance and regulation.

Where sociological debates around risk have highlighted the methodological limitations of risk assessment tools (see Austin 2003, Gottfredson 1987, Tarling and Perry 1985, Simon 1971), this study has added to this debate by exploring considerations around a different limitation. When risk assessments were unable to provide probation officers with the knowledge needed to govern an offender, experts drew from a different type of (professional) knowledge to accommodate this limitation. This draws attention to sociological debates around a 'new penology' which, for Feeley and Simon (1994, 1992), is informed by actuarialism in the delivery of criminal justice, where risk assessment is promoted on the basis of being able to provide effective and efficient methods of managing and governing groups of offenders (Simon 1988). However, this study was unable to determine the extent to which governance (as opposed to rehabilitation) became a primary aim for practitioners when assessing an offender. This suggests further sociological research is needed into the relationship between expert knowledge and risk-based governance within criminal justice, and the moral and political dimensions of risk assessment.

11.4 Living on the Edge of Reason

The analysis of the young offenders (in themes three: Escapism, and theme four: the Importance of Mattering) showed how they reconstructed their everyday and how they negotiated their identities by creating opportunities to engage in activities that produced positive experiences. In line with Cohen and Taylor's (1992) thesis on *escape attempts* some young people mentioned that they committed crimes as a means to escape the boredom of their daily lives. For Cohen and Taylor (1992), this represents a way in which individuals can temporarily reinvent the fabric of their every day to break free from a sense of routine. Thus, within the analysis (theme three, section 9.3.1: Boredom) it was discussed that boredom was a route into crime and offending, where individuals sought to be distracted from their routine. However, it was also put forward that boredom served as a route out of crime, where remaining offence free had associated consequences of boredom. This analysis supports current sociological debates that advocate the notion of escapes and escape attempts that refer to escaping the everyday and also reinventing the everyday to break free from routine which no longer constitutes identity (Cohen and Taylor 1992). However, the analysis raised another insight into escape attempts, that was how habit and routine developed as a part of an individual's drug and alcohol use to help individuals structure their day. Routine in this sense contributes important insights towards current sociological debates where some theorists describe drug use as a means of escaping the daily fabric of life (see Cohen and Taylor 1992). Here the analysis demonstrates that a developed routine around drug and alcohol use became an event around which individuals could structure their day. Thus, I suggested that structured drug and alcohol use served the purpose of nurturing the self by offering the individual an experience through which they could make sense of their uncertain world. This finding offers an important contribution to sociological and criminological understandings by suggesting an alternative framework for considering drug and alcohol use that focuses less upon behaviour as 'risky' and more upon positives experiences around self-nurturing. This finding also contributes towards social policy that frames drug and alcohol misuse as problematic and criminogenic behaviour (See Home Office 2007, 2003b, 2003c); by presenting an alternative way of thinking about drug and alcohol use the criminal justice and its agencies are better placed to evaluate current methods targeted at assessing and treating 'risky behaviour'.

Although recent developments around the concept of *Mattering* have stemmed from a social psychological perspective (Elliot 2009), the application of this perspective contributed to the analytical discussion presented in theme four (the Importance Mattering) by offering an understanding of the value of mattering as an alternative way of thinking about risk and its relationship to the meanings individual's attached to their experiences and offending. Within the analysis it was discussed how some young people experienced feelings of frustration and worthlessness as a result of not mattering and how these feelings had manifest as self-destructive and anti-social behaviours such as violence, aggression and attempted suicide. It was discussed within the analysis (theme four, section 10.1.1 Death of a Parent and section 10.1.2: Abandonment) how not mattering for some young people stemmed from past traumatic experiences such as abandonment or the death of a parent and how this was an attribute of their offending. The significance of this discussion developed around different accounts of past traumatic life experiences and how this was attributed to offending. Here, the analysis of the PSR documents indicated that, albeit in recognition of past traumatic events, they were considered secondary to actuarial-based indicators of offending such as criminogenic factors. Thus concluding that established links to offending, such as alcohol consumption, are prioritised over less established links, such as an association that the death of a parent has to offending for the young people in this study. This exposes the nature of actuarial-based risk assessment tools that focus upon systematic calculations rather than individuality (see Andrews and Bonta 2006). This finding is in line with Andrews and Bonta's (2006) evaluation of risk assessment practices, which they described as having shifted away from assessments based around professional judgements towards actuarial-based calculations of risky behaviour, with recent developments towards the management of offenders. Where actuarial-based criminogenic (risk/need) factors are the focus of an assessment process the discussion suggests that it becomes difficult to accommodate the idea of other behaviours that are not considered as relevant within the remit of risky behaviour. Third and fourth generation risk assessment models, as described by Andrews and Bonta (2006), go along way in determining which factors should be prioritised as riskier than others, but as a consequence of design fail to accommodate a tailored approach to assessing young offenders. Thus, contributing towards the argument, as put forward by Worrall and Hoy (2005), that risk assessments that serve a multiple purpose of identifying risks in the

interests of public protection, controlling and monitoring criminal behaviour, and assessing and treating offenders, result in conflict between priorities.

Engaging in activities that produced a heightened sense of excitement provided another insightful contribution towards sociological and criminological understandings of what offending meant to some young people. The analytical discussion within theme four (Escapism, particularly with reference to part three: Escaping the Everyday through an Altered Emotional State) discussed the way in which some young people described offending as exciting, fun and a thrill. For young offenders these feelings were especially prevalent when the police were pursuing them. I suggested, in line with Berne's theory 'The Game of Cops and Robbers' (Berne 1964) that young offenders gained pleasure and satisfaction from outwitting the police from the thrill of being chased. I also proposed that this was, in part, a result of the role the police played in representing authority, suggesting that the thrill of being chased produced a positive experience that enabled the individual to transcend the boundaries of an overly regulated body, a theory put forward by Lyng (2005). This is supported by the analysis of the PSR documents within theme two (with particular reference to section 8.4: Resisting Authority), here expert discourse did not refer to an individual's behaviour in the same way as the young people had described their experiences, instead expert discourse constructed the individual as resisting authority. I went onto propose that resisting authority (theme two, section 8.5 Good Boy/Bad Boy: Compliance versus Resistance), particularly through non-compliance or a lack of motivation to comply, was constructed within expert discourse as problematic and disobedient behaviour. The individual was considered as lacking in an ability to make rational coherent choices and thus was in need of guidance or intervention from an expert authority (the police, the probation service) who were positioned as being able to make better decisions and choices on behalf of the offender. This finding supports sociological debates that discuss risk assessments as a governmental strategy that positions the individual as problematic and disruptive, where the offender is to be guided away from making irrational choices and decisions as part of a wider remoralisation and responsabilisation agenda (Kemshall 2003). In contrast, the findings also supports micro discourses around risk-taking as a pleasurable experience where the individual voluntarily engages in activities that aim to transgress conceptual boundaries of the overly regulated and controlled body (see Lyng 2005). This supports Foucault's observation that because

there are many competing discourses, no single discourse can claim to completely regulate and control, instead different discourses produce different versions of events, in essence where there is power there is resistance (Danaher et al 2000). Thus suggesting that individual offenders, who are subjected to practices aimed at governing and managing their behaviour, are able to articulate an insightful and knowledgeable perspective of their behaviour. This suggests that sociological theories that place emphasise on risk from a structural or macro perspective would benefit the development of sociological and criminological knowledge by being mindful of the value of knowledge that accommodates meaning and experience within the everyday, or what could be labelled a micro-sociological approach (Scott-Jones and Raisborough 2007).

11.5 The Truth about Risk?

Within the analysis and discussion of this study and within this chapter, I have drawn attention to the different ways in which risk and risk-taking are considered, assembled and constructed within expert discourse and by young offenders. I have demonstrated that expert discourses construct risks as disciplinary, regulatory, protective, and remedial proposing that risks are multi-faceted. A versatile language of risk within expert discourse provides the scope for risk assessment practices to serve multiple purposes. As a consequence risk assessment practices provide criminal justice with a versatile technology that is able to establish supervision and sentencing conditions, justify the likelihood of future offending, propose a likely level of threat to the public and to the offender, and recommend how best to allocate management and treatment resources with an offender's risk/need. In recognition of the resourcefulness of risk assessments, this study demonstrated that some aspects of the risk assessment process were prioritised over other aspects. Proposing that, although risk assessments served as a technical tool for the purposes of providing information around the identification and assessment of risk, it was their role as a governmental strategy that was considered a priority when assessing offenders. This proposes that expert knowledge around the management and governance of offenders was prioritised over and above awareness and understanding of 'risky behaviours'. This was evidenced within current criminal justice

practices that have developed towards and incorporated the use of fourth generation risk assessments.

Fourth generation risk assessments, which are three steps removed from professional-judgement based assessments, focus upon the end-to-end management of offenders (Andrews and Bonta 2006). Albeit a newly introduced assessment process within UK criminal justice practices, this recent development suggests that knowledge around risk assessments are moving in a direction that continually focuses upon actuarial-based methods of assessing risk. On a practical level, this is partly due to the resourcefulness of risk assessments, and partly the result of a decision-making process that remains concealed and subsequently difficult to challenge, as I have proposed above and within the analysis and discussion. On a theoretical level, this is partly due to limitations of sociological contributions to understanding risk assessments that have focused upon the methodological limitations of assessing risk (see Austin 2003, Gottfredson 1987, Tarling and Perry 1985, Simon 1971), and partly due to limitations of sociological contributions to understanding risk-taking that have drawn from a purely macro perspective of framing risk (see Kemshall 2003).

The analysis and discussion within this study has brought an analysis of risk framed within an expert discourse of risk assessment together with an analysis of young offenders understanding of their behaviour. In doing so, I have demonstrated differences in understanding around risk and risk-taking within two differing discourses. These key differences arose around a language of risk and around meanings that were attached to offending behaviour. As discussed previously, I demonstrated how expert discourse utilised key negative phrases to attach meaning to an individual's experiences and behaviour, and how an emphasis upon negative language made it possible to construct young offenders' behaviour as risky or at risk. It was also established that young offenders did not consider a language of risk in the same way, rather, young offenders used a language that constructed their experiences and their behaviour as positive. Equally so, the analytical findings demonstrated that meanings around behaviour were constructed in different ways. For example, I discussed how expert discourse framed alcohol and drug use as 'risky behaviour' when in contrast young offenders viewed their drug and alcohol use as a positive experience where individuals could structure their day or as a means of escaping their daily lives. Another example can be found in the way in which young people described their offending as exciting, a

thrill, and fun. This was demonstrated by the way in which young offenders described being pursued by the police and how in contrast expert discourse constructed the young offender as resisting authority. These findings contribute important insights into the different ways in which offending was constructed as both negative and positive within differing discourses and the different ways in which different meanings were attached to offending behaviour.

This suggests that expert discourses that constructs offending behaviours as ‘risky’ and problematic do so by drawing from a knowledge base that qualifies a singular meaning of risk and risk-taking and fails to take account of the diverse meanings that are attached to offending, as has been discussed here. By challenging assumptions and knowledge systems that have produced and sustained a discourse of risk and risk assessment within criminal justice as a dominant explanation for offending this study has demonstrated that risk assessments are not objective or independent tools but instead are intertwined with mechanism of power intended for the governance and control of offending bodies. By exploring an expert discourse of risk alongside an offenders’ experiential perspectives this study has drawn attention a diverse language of risk and diverse meanings for risk-taking behaviour. This overall suggests that an expert discourse that produces a singular account of risk and risk-taking within criminal justice would benefit from taking account of the diverse and varied discourses of risk and risk-taking to provide a more fluid discourse for understanding offending. This study also offers an important contribution to the development of sociological and criminological understandings of risk assessment and risk-taking by providing a framework that takes into account macro/micro notions of risk that revealed diverse and varied risk discourses.

11.6 The Study’s Contribution to Knowledge

Throughout this study I have demonstrated, by drawing upon poststructuralism and the application of discourse analysis to the study of *risk* and *risk assessment practices* within criminal justice, that current knowledge around risk taking and offending has to date provided a singular and limited understanding of offending within expert discourse. By drawing together two seemingly separate lines of thought and enquiry this study has

been able to provide an enriched understanding of the diverse and varied discourses of risk and risk-taking. In conclusion, the analysis and discussion of this study has been able to contribute towards providing a) a more useful approach for the application of future research-based strategies, b) important developmental insights for policy and practice, and d) significant directions for future criminological and sociological research agendas. These will now be discussed:

11.6.1 A More Useful Approach for the Application of Future Research-based Strategies

In this thesis, I implemented a poststructuralist influenced discourse analysis case study approach to the exploration of risk and risk assessments within the criminal justice system. The analytical direction of this study drew together the exploration of risk assessment practices as an administrative technique for measuring, regulating, and governing offending behaviour within the context of criminal justice (macro), alongside the exploration of the first-person accounts of young offenders' experiences of their offending and the meanings that young people attach to their offending within the context of their everyday lives (micro). By bringing together two otherwise separate schools of thought under the umbrella of an original research-directed approach to overcoming the macro/micro polarity, I have demonstrated that it is misleading to assume that a fundamental choice must be made between these perspectives. By focusing less on the relationship between micro phenomena with macro structures (or vice versa), and by opening up to scrutiny a language of risk and risk discourses through the application of a discourse analysis case study that draws attention to networks of power relations and knowledge constructs, I have also demonstrated the usefulness of bridging the gap between macro and micro perspectives.

Chapter six of this study outlines the five-point analytical framework utilised to bridge the macro/micro divide in relation to the analytical direction of this study, these were: 1) not institutions but techniques, 2) not intentions but practices, 3) not classes but webs of power, 4) not individuals but constructed subjects, and 5) not ideologies but knowledge. Following the five-point analytical research-based framework as presented in this study, I was able to expose the limitations of sociological and criminological approaches that

have focused upon a largely macro or a largely micro approach to framing risk, proposing that such approaches provide a singular and narrow account for understanding risk (see section 5.6 and section 6.5.2). By unpicking and uncovering complex and expert discourses that had come to frame risk and risk assessment practices (macro) alongside the exploration of a young person's understanding of their offending (micro) I was able demonstrate (through the research findings) varied and diverse risk discourses; thus demonstrating the usefulness and effectiveness of a research-directed rapprochement between macro/micro perspectives.

The research agenda presented here should not be limited to the analysis of this study; rather, based on the strength of the findings of this study, it is argued that there is inadequate and limited potential in singular or 'pure' sociological approaches to framing understandings of meaning and structure. It is further suggested that high-quality research cannot be reduced to any single logic and that the opposition between macro and micro perspectives only constrains sociological and criminological understandings. It is therefore recommended that consideration be given to the development of sound analysis and intelligent conceptualisation that addresses macro/micro relations.

11.6.2 Developmental Insights for Policy and Practice

The debate within this study did not propose that current notions of framing risk and risk assessment strategies hold no value within criminal justice practices; rather, this study was able to demonstrate and draw attention to assumptions that surround current actuarial-based risk assessment practices. In doing so, the findings of this study provided important developmental insights for policy and practice, these key areas are a) risk assessments as multi-faceted and multi-functional, b) risk assessments as a concealed practice, c) drug and alcohol use, and d) the emotional aspects of offending. These areas will now be discussed:

Risk Assessments as Multi-faceted and Multi-functional

Within the literature review, I described the way in which current sociological literature and debates around risk frame risk assessment practices as purely technical (see chapter two) or as purely governmental (see chapter three). The analysis of this study demonstrated that risk assessments not only serve as a practical and technical tool, nor do they only serve the purposes of governance and control, but they also serve wider political purposes such as disciplinary, regulatory, protective, and remedial. The analysis further demonstrated that within expert discourse key phrases were used to attach meaning to an individual's offending and their experiences that were largely emphasised as negative and destructive. Through the effects of language that positioned a young person, their offending, and their lifestyle within a negative context, expert discourse was able to (re)construct a young person and their behaviour as 'risky' and 'problematic'. In contrast, however, the analysis demonstrated that a young person did not relate to an expert discourse of risk, and instead, often (re)constructed their behaviour and their identity within a discourse that described their experiences as positive. Thus, the analysis clearly demonstrated a diverse and varied discourse around risk and risk assessments. Risk became multi-faceted and risk-assessment became multi-functional. These findings support sociological approaches to framing risk as pleasurable, adding a new dimension to sociological and criminological notions of offending by suggesting that offending can be qualified as both a negative and a positive experience. This within itself exposes current criminal justice risk assessment practices as adopting a singular and narrow account of offending, as well as a constricted and inflexible risk assessment process. In the interests of providing a more useful risk assessment practice it is suggested that criminal justice would benefit from developing a more flexible and diverse process that openly accommodates multiple notions of risk and incorporates a young person's perspective of their offending that goes beyond current requirements. A more useful account for understanding offending (as suggested here) that is considered through a rethought and revised risk-assessment process would benefit the criminal justice system by providing a carefully considered and appropriate tool with an increased potential to rehabilitate (as opposed to purely govern) offending.

Thus, in summary of the analysis of this study, criminal justice policy-based practice could benefit from the following three developments:

- 1) To rethink current criminal justice risk assessment practices that adopt a singular and narrow account of offending,
- 2) To revision current criminal justice risk assessment practices to incorporate multiple and varied notions of offending with particular reference to a young person's understanding of their offending,
- 3) To review and revise current criminal justice interventions and sanctions that reflect developments in understanding around a young person's offending and changes within the risk assessment process.

Risk Assessments as a Concealed Practice

Within section 11.3 of the conclusion (and section 7.4.2 of the research analysis and discussion) I described the way in which a process of assessing risk remained largely concealed from those who consulted the PSR documents, for example, justices and the individual who the report refers to. I proposed that a risk assessment process that remains concealed becomes difficult to question and the decisions and conclusions that are made become difficult to challenge. As a consequence, I suggested those who consult the PSR documents are required to place an unquestioning confidence in the accuracy of the process. This within itself raises several concerns, firstly, criminal justice practices that are based upon a concealed risk assessment process potentially raises mistrust around a service that is regarded as being based upon fairness and justice. Secondly, a process that remains concealed from professionals such as justices, who base their sentencing decisions on and around the sentencing conclusions recommended in the PSRs, places justices in an accountable position. Justices, who are required to discipline offenders through appropriate sentencing sanctions, are following recommendations made to them with limited insight into the appropriateness or suitability of such proposals. This within itself suggests a level of dependency upon a practice which lacks transparency. Thirdly, a process that remains concealed to professionals who work within the criminal justice system (and therefore difficult to challenge) is potentially equally as difficult to challenge (if not more so) by those

individuals who the assessment is about. This potentially introduces elements of doubt and suspicion amongst individuals who are unable to question the decisions made about them.

The implications of a process that is able to influence the sentencing decisions of justices and subsequently determine the future direction of a young person's life should (in both theory and practice) be well thought-out. This study was able to reveal the extent to which decisions around risk assessments and risk assessment processes remained concealed. This, in turn, exposed the extent to which the reliability and efficiency of risk assessment practices became redundant when a process remained concealed. However, the extent to which a concealed risk assessment process influences the decisions made by justices and the level of confidence professionals invest in the assessment process would benefit from further exploration. Thus, it becomes a matter for criminal justice policy to move towards a developed understanding of the relationship between the risk assessment process and those who consult PSR documents by providing a more transparent process and practice.

In summary of the analysis of this study, criminal justice policy-based practice could benefit from the following three developments:

- 1) A call for further research to be conducted into the effects and impact of a concealed risk assessment process, particularly upon decision-making and confidence levels.
- 2) A move towards a more developed and transparent risk assessment process.
- 3) Risk assessment practices that accommodates and actively incorporates feedback from those who interact with the process at all levels, this might include probation staff, justices, internal and external agencies to the criminal justice system, and those who the assessments are about.

Drug and Alcohol Use

The analysis of this study added a different dimension to the way in which criminal justice has traditionally thought about and understood drug and alcohol use, particularly in relation to offending. Where expert discourse framed drug and alcohol misuse as problematic and relating to criminogenic behaviour, the young people within this study mentioned that they used drugs and alcohol as a means to escaping their everyday. Problematic alcohol and drug use was described within expert discourse as an extension of a chaotic and unstructured lifestyle; however, the analysis demonstrated that from a young person's perspective this was not the case. Drug and alcohol use assisted some young people in escaping their everyday by becoming an event around which individuals could structure their day, serving the purpose of providing positive experiences around self-nurturing. The analysis also went on to demonstrate that when a young person achieved a sense of nurturing as a result of their drug and alcohol use they were not ready to abstain. It was not until a young person no longer achieved self-nurturing through drug use, but that they instead achieved self-nurturing through abstinence, that a young person felt ready to moderate their drug and alcohol use (as discussed in section 9.2.3 Nurturing the self through Abstinence). Further observations indicated that expert discourse adopted a universally inflexible approach to the treatment and management of an offender's drug and alcohol use within the context that 'expert knows best'. The findings within this study open up to question established links to criminogenic behaviours that focus upon drug and alcohol consumption as notably misleading and one-sided. By presenting an alternative way of thinking about drug and alcohol use, that incorporates a young person's understanding of their experiences, criminal justice and its agencies are better placed to evaluate current methods targeted at assessing and treating drug and alcohol related offending.

Thus, in summary of the analysis of this study, criminal justice policy-based practice could benefit from the following developments:

- 1) to rethink current risk assessment practices that draw attention towards alcohol and drug use as problematic and criminogenic factors by incorporating young peoples' experiences of their drug use,

- 2) to revisit currently implemented drug and alcohol related treatment programmes with a view to shifting the focus away from drug and alcohol use as problematic behaviour and moving towards a more individualistic and nurturing approach to raising awareness around alcohol and drug use.

The Emotional Aspects of Offending

The analysis of this study (with particular reference to chapter nine) demonstrated that for many young offenders the emotional value of offending acted as a strong desire to engage in destructive activities (see section 9.3.2 “The Buzz”). For example, the findings of this study demonstrated that for some young people activities that produced positive feelings of excitement were, in turn, able to alleviate (negatively associated) feelings of boredom (see section 9.3.1 Boredom). Offending was described as a fun activity that for most young offenders was associated with providing feelings of excitement, buzz, and adrenalin. Further observations also demonstrated that some young offenders gained a positive emotional experience from the thrill of being chased or the thrill of being caught by the police (see section 9.3.3 The Chase: Cops and Robbers). As previously discussed (see chapter nine, entitled Escapism) this study’s findings support current sociological debates that draw attention to risk and risk taking as a positive experience; works such as ‘Edgework’ (Lyng 1990) and ‘Escape Attempts’ (Cohen and Taylor 1992) highlight the way in which individuals reconstruct or reinvent their everyday to break free from habit or routine, or to transgress boundaries of the self. These findings offer an important contribution to sociological and criminological understandings of framing risk and risk taking by providing an alternative framework for considering offending from an alternative framework that focuses less upon behaviour as destructive and negative and focuses more upon offending as a positive experience around self-nurturing for young offenders. That is not to say that this study concludes by advocating offending, rather, this study offers a valuable insight into the meanings that some young offenders attach to their experiences around offending, thus providing a valuable starting point to enable a more useful understanding of the meanings for offending and subsequently an alternative framework for the rehabilitation of offending behaviour. By providing an alternative way of thinking about offending (particularly around offending as a positive self-nurturing experience), the criminal

justice system and its agencies are better placed to evaluate methods targeted at assessing and treating ‘risky behaviour’.

Thus, in summary of the analysis of this study, criminal justice policy-based practice and criminological enquiry could benefit from the following investigations:

- 1) to explore the extent to which expert discourse places emphasis upon cognition and behaviour as criminogenic factors instead of (or including) emotional aspects of understanding a young person’s offending,
- 2) to explore the basis for expert assessments that are designed to draw attention to behaviour rather than emotion.

11.6.3 Directions for Future Criminological and Sociological Research Agendas

I have maintained throughout this study that the adoption of a qualitative, poststructuralist influenced discourse analysis case study approach to the exploration of risk and risk assessment within criminal justice has enhanced criminological and sociological understandings as well as providing alternative perspectives of the way in which risk is known and thought about. This approach has also contributed towards a more insightful account of the epistemological assumptions and limitations underpinning the development of ways of thinking about and understanding risk and risk assessment processes. Given the overall findings of this study, it is suggested that future criminological and sociological research (as well as developments around policy and practice as discussed above) would benefit from focusing more closely on specific themes highlighted in the analysis and discussion of this thesis. Two prominent matters that emerged throughout the analysis and discussion of this thesis that warrant further exploration are a) to what extent should offending be considered ‘risky behaviour’ or an activity, and b) influences upon expert decision-making within risk assessments.

a) Throughout this study, I have maintained the importance of considering the experiential perspectives of what offending means for a young person. The analysis and discussion of this study has confirmed the significance of these observations by demonstrating the extent to which, for some young offenders, activities such as committing crimes produced positive feelings and emotions, and how as a result, activities and emotions became closely intertwined. For other young offenders offending became an activity through which they became visible, a way in which some young people were able to (re)construct themselves as important or as mattering (see section 10.1, Part One: The Importance of Mattering to Others). For many young offenders, offending became an activity in the sense that it occupied their time, it offered a sense of purpose and routine enabling them to recreate or escape the dullness of their everyday lives (see section 9.3, Part Three: Escaping the Everyday through an Altered Emotional State). Within expert discourse, offending was constructed as a 'risky behaviour', where the primary focus was primarily placed upon cognition and behaviour (see section 7.4.3 How Expert Discourse Constructs Behaviour as Risky). When offending is constructed within expert discourse as being a behaviour or a way in which someone conducts themselves this then means that the problem can be located within the individual and they can be held accountable and treatable, for example, an individual's conduct is an indication of their disregard for the law. However, if offending was considered from a different viewpoint, for example, if offending was considered as an activity, it becomes difficult to hold the individual accountable for their behaviour as attention is directed towards the activity. Should offending be viewed as an activity rather than behavioural, criminological and sociological debates open-up for consideration alternative notions for understanding offending. This study proposes that there is a need for further sociological and criminological research to explore the extent to which expert assessments draw from an assumption that engaging with offending is a behavioural consideration, prioritised over and above considerations around offending as an activity, and the associated implications for such considerations.

b) Sociological and criminological debates that have highlighted methodological limitations of risk assessment tools have predominately focused upon their function to categorise aggregate groups of offenders and behaviour in terms of risk. This study has added to this debate by exploring considerations around a different limitation. The

analysis of this study demonstrated a superiority of different kinds of knowledge. Knowledge that was able to provide governance was considered over and above knowledge that was less able to offer governance. Consequently, 'risk' became a terminology to mask the purpose of assessment technologies as mechanisms of governance and regulation. These findings support current sociological debates around the ways in which expert knowledge is utilised to regulate and govern offenders and their behaviour. However, this study was unable to establish the extent to which governance became a primary concern for practitioners when assessing offenders. This study proposes that further sociological research is needed into the relationship between expert knowledge and risk-based governance to establish the moral and political dimensions of risk assessments and the extent to which this impacts and influences decision-making within expert discourse.

In summary of the above discussion, further criminological and sociological research is recommended to:

- 1) Explore the extent to which expert assessments draw from an assumption that engaging with offending is a behavioural consideration, prioritised over an above considerations around offending as an activity, and the associated implications for such considerations.
- 2) Explore the relationship between expert knowledge and risk-based governance to investigate the moral and political dimensions of risk assessments and the extent to which this impacts and influences decision-making within expert knowledge,

Appendix

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TableA1: Semi-Structured Interview Schedule Prompts

Life growing up

Can you tell me about your life growing up?

What was home life like?

What was your relationship like with your family?

What was school like?

What was your relationship like with your friends?

Offending behaviour

How did you get involved in offending?

Why do you offend?

How do you think other s view you?

How do you feel when you offend/commit crimes?

What do you think of your behaviour?

How do you think the criminal justice system views you?

What do you think of the criminal justice system?

Risk taking behaviour

What do you know about risk?

Do you take risks?

Do you think your behaviour is risky?

What is your understanding of risk-taking is

Time at Clear Track

How has your time been here?

What have you done whilst you have been here?

What do you think of Clear Track?

Table A2: Semi-Structured Interview Method

The basic structure for each interview was:

1. To introduce myself, explaining my role as an independent researcher based at Newcastle University;
2. To explain the purpose and nature of the study, explaining how the individual came to be selected;
3. To gain informed consent (see appendix, Table A9: Consent form for research participants);
4. To gain permission to tape-record the interview, explaining that all interviews would be kept securely in accordance with the Data Protection Act and
5. To explain how the information would be used, where and to whom it would be disseminated (see Robson 2002, p281).

Table A3: Specimen Pre-sentence Report

SPECIMEN PRE-SENTENCE REPORT

This is a Pre-Sentence report as defined in Section 158 of the Criminal Justice Act and has been prepared in accordance with the requirements of the National Standard for Pre-Sentence Reports

National Probation Service
for England and Wales

THIS REPORT IS A CONFIDENTIAL DOCUMENT

OFFENDER'S DETAILS	
COURT DETAILS	
Name	Roger Martin
Date of Birth	5/5/- (aged 37)
Address	9 Elwood Drive, Leighton, Lyme.
Post Code	

Sentencing Court	Lyme Magistrates' Court
Date of hearing	10/3/-
Local Justice Area	Lymeshire
Date report requested	7/2/-

OFFENCE DETAILS	
Offence(s) (dealt with in this PSR):	DATE OF OFFENCE
Common Assault	20/12
Careless Driving	20/12
Failing to Stop and Report	20/12

PSR WRITER'S DETAILS	
Name	Tony Furlong
Official Title	Probation Officer
Office Location	Festival Lane, Lyme

12 SOURCES OF INFORMATION

This report is underpinned and informed by an Offender Assessment System (OASys) in the identification of the risk of reconviction and the risk of harm presented by this defendant.

1. In the preparation of this report I have undertaken one interview with Mr Martin. I have also read the Advance Information provided by the Crown Prosecution Service.

2. OFFENCE ANALYSIS

- 13 On the 20th December, shortly before Christmas and in the morning rush hour, Roger Martin was involved in two incidents one being an assault upon Andrew Taylor, a road user, the other involving an allegation of driving without due care and attention.
- 14 It is my understanding that the victim of the assault, Mr Taylor and Mr Martin were trying to get the better of one another along a busy stretch of road approaching Craydon town centre. When both their vehicles had to stop at a set of traffic light, Mr Martin alighted from his vehicle and went over to Mr Taylor to remonstrate with him. In the course of a verbal exchange between the two of them, Mr Martin assaulted Mr Taylor by punching him once in the face. Mr. Martin promptly left the scene and continued his journey. He became exasperated by a slow moving vehicle in the fast lane of a dual carriageway and deliberately got too close to this vehicle, nudging its rear bumper. The driver of the vehicle panicked, overcorrected her steering and hit a post. The female driver sustained minor injuries but was understandably very shaken up. Mr. Martin failed to stop at the scene and drove to his place of work. Mr Martin maintains that whilst he accepts he nudged the car in front of him, he was unaware that his actions had led to a road traffic accident.
- 15 Mr Martin was very frank with me in our interview. His job involves a considerable amount of driving. He feels he is constantly under pressure to succeed and to gain the upper hand. He works long hours and this has put his marriage under severe stress. He states he felt considerably wound up on the morning of the assault, partly due to pressures of work; the fact that he had recently given up smoking on medical grounds and the fact that he had had little sleep the night before due to his young son being ill. He was provoked by the actions of Mr Taylor who at one point deliberately slowed down to 25 mph. This was taken as a gesture calculated to annoy Mr Martin. When the opportunity arose for Mr Martin to confront Mr Taylor, he did so. Mr Martin states he was verbally provoked by Mr Taylor and he lost his temper and punched him in the face. Mr Martin expresses his regret at the injury he caused to Mr Taylor.

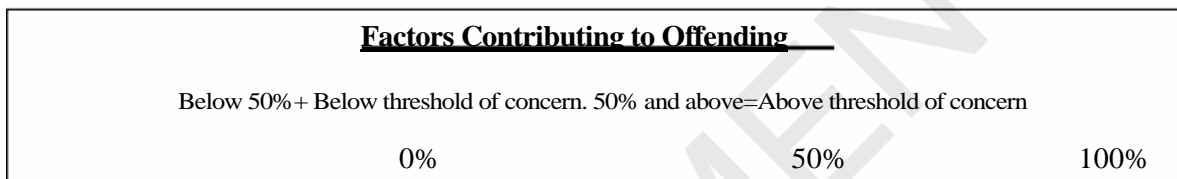
Incensed, Mr Martin continued his journey. Whilst in the fast lane of the dual carriageway, he came upon Rachel White's car that was being driven at a speed slower than cars in the slow lane. Still considerably wound up, Mr Martin made his feelings plain by flashing his headlights and sounding his horn. When Ms White showed no

attempt to move over, Mr Martin admits driving too close to Ms White's bumper. Mr Martin states he was aware that some contact had been made, however he did not appreciate that Ms White's car had left the road and had collided with a post. He now expresses his sincere regret and states he had no intention of causing Ms White any harm.

16 OFFENDER ASSESSMENT

This OASys summarises the relevant factors which have been identified as contributing to the defendant's risk of reconviction. The indicators which reach or exceed the mid-way point on the chart are those which need to be addressed in order to reduce the likelihood of further offences being committed.

Offending Information	
Accommodation		
Education, Training, Employ		
Financial Management
Relationships		
Lifestyle & Associates		
Drug Misuses		



Alcohol Misuse		
Emotional Well-being		
Thinking and Behaviour	
Attitudes	

5. Roger Martin was born in London. He has had a stable upbringing. He is one of 4 children. He describes his father as being a man who was always in control. Any mischief was dealt with quite severely. Since the age of 18, Mr Martin has had various jobs. Five years ago he was in partnership with a friend of his. The partnership got into severe financial difficulties with the result that court proceedings were taken which almost led to Mr Martin being declared bankrupt.

6. Since this time he has worked hard to regain some financial stability although he is still in significant debt. Mr Martin is a man under considerable stress. He works long hours as a salesman. His income is based on commission. His job requires him to drive around 40,000 miles a year. He has significant debts totalling in the region of £30,000. In our interview Mr Martin candidly admitted that he sometimes depends on alcohol to relieve stress. He further admits to having a short temper. His marriage is under some considerable stress at present, with his wife having initiated divorce proceedings.

Mr Martin states he is not in the best of health. He is overweight and is a heavy smoker. His alcohol consumption is high and he suffers with high blood pressure for which he has received appropriate medication.

Mr Martin admits that he has been suffering depression in recent weeks. He is very concerned about his future and the risk of a custodial sentence. He is also deeply concerned about the prospect of losing his job.

Mr Martin has a previous conviction for assault some four years previously. It involved a fracas with a neighbour.

7. Mr Martin's current monthly net income is approximately £2,400. His wife earns £280 net per month from her part time employment as a general practice nurse.

Mr Martin has monthly outgoings of £2,244

Mortgage £600

Mortgage arrears £100

County Court judgement £250

Inland Revenue £100 (£3,250 outstanding) Car finance £250

Personal loan £200

Voluntary maintenance to child of a previous relationship £100

Food £80

Electricity £40

Gas £40

Sundries £100

Clothing £100

Council tax £840

Credit card debts £200 (£6,000 outstanding)

He also pays the household bills and provides for Peter, his 3 year-old son.

4. Assessment of the risk of harm to the public and the likelihood of re-offending

Likelihood of reconviction:	Low	Low-Medium	Medium	Medium-High	High
Likelihood of re-offending	Low	Low-Medium	Medium	Medium-High	High

7. Mr Martin accepts that his behaviour was wholly wrong and inappropriate. He is aware that the safety of other road users was compromised by the aggression he showed whilst on the road. In sense the consequences of his behaviour will act as a deterrent in the future. Given Mr Martin's current, stressful lifestyle he is, in my view, at medium risk of committing further anger related offences at some point in the future. He has shown some

understanding of the reasons behind these recent offences and appears to have learnt his lesson. Mr Martin does not pose a risk of self-harm.

17 Conclusion

9. The assault on Mr Taylor will no doubt be regarded as serious matter. Fortunately no lasting injury has been sustained. The assault needs to be set in its context. Having said this, this sort of behaviour is not acceptable and is seemingly becoming an unnecessary evil on our roads. Mr Martin is remorseful. Whilst a custodial sentence would undoubtedly punish Mr Martin and further reinforce the consequences of his actions, I do not believe that in the longer term it will help to address the triggers that underpin these offences. Mr Martin would be suitable for a community order, incorporating a requirement of supervision for a suggested period of 12 months, coupled with an anger management programme requirement which should be for not less than 60 days in the aggregate. The purpose of such a programme would be to actively assist Mr Martin to understand the reasons for his aggression and to devise strategies to help reduce his stress levels and to manage potentially volatile situations. Lymeshire Probation Service is able to offer Mr Martin a place on its anger management training course which includes one to one consultation and group work.

Given the extent of Mr Martin's work commitments, an unpaid work requirement or a curfew might pose practical difficulties. A supervision plan would need to focus upon the following objectives:

10. Mr Martin agrees to comply and recognises the consequences of non compliance.

PROPOSAL: 18 MONTH COMMUNITY ORDER WITH REQUIREMENTS OF SUPERVISION AND ATTENDANCE ON AND ENGAGEMENT WITH AN ANGER MANAGEMENT PROGRAMME.

Signed: Tony Furlong

Senior Probation Officer
Lymeshire Probation
Service.

Table A4: Elements and Function of a Pre-sentence Report

Element	Function
Case Identification Sheet	Identifies the offender, lists current offences and breach of original offences with dates, lists report writer and probation officer
Sources of Information	Presents sources of information used to compile the report. Makes a statement relating to the scientific-basis that underpins and informs the report
Offence Analysis	This section is concerned with current offences that the offender is being sentenced for, providing an account of each offence, an analysis of victim information, areas for offence focused information, and areas where the current offence relates to risk of serious harm, risks to the individual and other risks.
Offender Assessment and Likelihood of Reoffending	This section begins by presenting a mathematical graph to represent criminogenic risk/need factors assessed as contributing to offending. The narrator recounts previous convictions, background information about the offender that may have contributed to the persons current circumstances, relationships with family and friends, employment and education, accommodation, drug and alcohol use, lifestyle and attitude,
Assessment of Risk of Harm	This section summaries the assessed level of risk that the offender poses to others and themselves, including the narrators observation that support this conclusion.
Conclusion	The narrator puts forward a sentencing plan Based on the points highlighted in the above sections

Table A5: Overview of OASys

**Risk of reconviction and offending-related factors
(OASys 1 – short version; OASys 2 – full version)**

Case identification; Offending information (Section 1);
Offence analysis (Section 2); Offending-related factors (Sections 3-12);
Health etc (Section 13)

**Risk of serious harm, risks to the individual,
and other risks**

Screening and full risk of harm analysis

**OASys summary sheets
(one each for OASys 1 and OASys 2)**

Scoring schedule, risk of reconviction score, offending-related factors,
risk of serious harm, risks to the individual, and other risks

Supervision and sentence planning

Pre-sentence report plan
Initial plan
Review plan, transfer and termination

Self assessment

**Information that may not be disclosed to the offender – ‘confidential’
section**

Request for information form

Table A6: Sources of Information

The sources of information drawn upon by probation officers are outlined below. The ways in which probation officers sourced information included ‘interviews with’, ‘contact with’, ‘discussions with’, ‘access to’, ‘liaison with’, ‘telephone contact with’, ‘use of’, ‘sight of’, ‘personal knowledge of’, ‘enquires to’, ‘regular contact with’, and ‘correspondence from’.

Visible Sources of Information	(N=47)
▪ Sight of antecedent history (previous convictions)	39
▪ Sight of crown prosecution service documentation	39
▪ Interview with assailant (solely)	33
▪ contact with Clear Track staff	21
▪ Offender self assessment and risk assessment tool (including access to previous OASys documents n=3)	21
▪ Discussions with Northern Probation Trust practitioners	15
▪ Telephone contact with fines department at magistrates courts	14
▪ Personal knowledge of assailant as supervising officer	13
▪ Use of basic skills assessment tool	13
▪ Access to probation files	12
▪ Enquires to local social services	8
▪ Interview with assailant and Clear Track	7
▪ Sight of previous PSR	7
▪ Contact with YOS	7
▪ Contact with housing professional (including local housing group n=2; Norcare housing n=2; and YMCA n=2)	6
▪ Victim statement	5
▪ Contact with assailant’s family member (including a home visit to assailants family n=1)	5
▪ Contact with solicitor	5
▪ Discussions with unpaid work team	4
▪ Two interviews with assailant (solely)	4

▪ Discussions with drug rehabilitation staff	4
▪ Contact with health professional (including psychiatrist n=2)	4
▪ Discussion with supervising officer (when reporting officer was not the supervising officer)	3
▪ Access to YOS records	3
▪ Access to prison records	3
▪ Discussions with employment professionals (including North sands Business centre n=1; new deal advisor n=2)	3
▪ Access to Clear Track assessment	2
▪ Sight of police case summary	2
▪ Access to unpaid work records	2
▪ Discussions with magistrates court staff (including listings department n=1)	2
▪ Discussion with one to one treatment services	1
▪ Access to bail information records	1
▪ Offender not previously known to Probation Trust	1
Other Information	
▪ Number of offenders referred to Clear Track (November 2006 to May 2008)	47
▪ Number of pre-sentence reports (six of these reports were double reports, meaning six people had two reports each)	47
▪ Number of Standard Pre sentence Reports for individual cases	41/47
▪ Number of Missing Cases	6/47
▪ Number of individuals who did not have a pre sentence report	6/47
▪ Number of individuals who had two pre sentence reports	6/47
▪ Number which were fast delivery reports	1/47
▪ Number which were YOS reports	2/47
▪ Number which were nil reports	1/47

Table A7: NVivo Tree and Free Nodes

Tree Node 1 – visible – hidden

1b – expert knowledge
1d – lay knowledge
1f – loss

Tree Node 11 – future

11a – motivation to change
11b – goals – aims for future
11c – future employment
11d – future + offending
11e – future training

Tree Node 13 – Offending Behaviour

13a – Getting involved in Offending
13b – Why do you offend
13c – how do others view you
13d – how you feel when you offend
13e – how you view your own behaviour
13f – criminal justice view you
13g – you view criminal justice system

Tree Node 14 – follow up interview

14a – lifestyle
14b – self mind body
14c -
14d – Future
14e – offending

Tree Node 2 – Body – Mind – Self

2d physical health
2e – mental health
2f – self harm and suicide
2g – Anger and violence
2g – Emotional Well-being
2h – attitude and thinking
2l – counselling
2m – Change
2n – self destruct
2o – blame
2p – attention seeking
2q – No Voice

Tree Node 3 – Escapism

- 3a – drugs
- 3b – Alcohol
- 3c – prison
- 3d – traumatic experience
- 3e – thrill – buzz
- 3f – chaotic lifestyle – lack of structure
- 3g – avoidance
- 3h – boredom
- 3i – Bullying

Tree Node 4 – Power Dynamics

- 4a – the game – cops and robbers
- 4b – autonomy & professional autonomy
- 4c – creating dependency
- 4e – good boy – bad boy
- 4f – compliance
- 4g – Remorse - regret – guilt – victim
- 4h – fear
- 4k – resistance

Tree Node 5 – Relationships

- 5a – family and family life
- 5b – relationships – partners
- 5d – death of a parent
- 5e – peer influences
- 5f – parent with mental health problems
- 5l – parent with anger issues
- 5m – parent with physical health problems
- 5n – separated parents
- 5o – abandonment

Tree Node 6 – Risk

- 6a – consumer risk
- 6b – risk taking
- 6m – offence focused work
- 6n – your understanding of risk
- 6o – do you take risks
- 6p –is your behaviour risky
- 6q – Assessments

Free Node

8a – Education

Free Node

9a – employment

Free Node

10a – finances

Free Node

12a – accommodation

Table A8: OASys/PSR Template

Demographic Characteristics

Age

Sex

Ethnicity

Risk Factors (Static)

Sentencing Court

Court Type

Purpose of Sentencing

Level of Seriousness

Offence Details (including date of offence)

Previous Offending History

Risk Score /OASys Score

Needs Factors (Dynamic)

Offenders Background

Personal Characteristics (attitude, personal and emotional concerns)

Substance Use

Inter-personal Relationships (marital, family, associates and social interaction)

Situational Determinants
(employment)

Environmental Conditions
(community functioning, residence)

Factors Contributing to Offending
(refer to OASys Chart)

Likelihood of Re-offending

Assessment of Risk of Harm

Sentencing Outcome

Sentencing Conclusion

Sentencing Outcome

Clear Track input (offender
interviewed; telephone
conversation; etc)

Outcome of recommendation to
Clear Track. (offender refused to
attend, Clear Track assessed as
unsuitable, the Court gave a
different sentence)

Table A9: Consent Form for Research Participants



Consent Form

(To be read to the participant by the researcher before the beginning of the session. One copy of the consent form is to be left with the participant for reference; another copy should be retained by the researcher; both copies must be signed by the participant)

My name is Danna-Mechelle, and I am based at Newcastle University. I am doing an independent research study on Clear Track.

We want to know more about what young people think and do when they commit crimes and how Clear Track could help stop young people from committing more crimes. We would like you to help us by telling us about your time at Clear Track and your offending behaviour.

We would like to thank you for agreeing to take part in the research. Before you start I would like to emphasise that :

- Being part of this research is entirely voluntary,
- You are free to refuse to answer any questions,
- You can withdraw at any time if you wish. You don't have to give a reason and there will be no penalty.

All you have to do is tell us about your time at Clear Track, the effect it has had on you and your offending behaviour.

There are no right or wrong answers; we are interested in your views and experiences.

Everything you tell me will be in confidence and the research data will ONLY be available to members of the research team.

However, I will have to disclose information if you tell me:

- Anything that might put yourself or any other person at risk (i.e. self-harm, being seriously harmed or ill-treated or the intention to harm others),
- If you disclose information relating to crimes for which you have not been convicted,
- Or if you tell me anything that compromises Clear Track security.

Excerpts from the research data may be part of the final research report. You can be assured that all views and comments used will be anonymous, so it will not be possible for individuals to be recognised and I always change people's names to keep their views anonymous.

I will keep all of the questionnaires, tapes, videos and research notes in a safe, lockable place. Once the research is finished, they will be destroyed securely in accordance with the Data Protection Act.

Yes **No**

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Would it be okay for us to view your Pre-Sentence Report? |
| <input type="checkbox"/> | <input type="checkbox"/> | Would it be okay for us to have a copy of your Pre-Sentence report – we would hold it and destroy it in accordance with the Data Protection Act? |
| <input type="checkbox"/> | <input type="checkbox"/> | Would you be willing to complete a questionnaire? |
| <input type="checkbox"/> | <input type="checkbox"/> | Would you be willing to be interviewed? |
| <input type="checkbox"/> | <input type="checkbox"/> | Would you be willing to keep a video diary? |
| <input type="checkbox"/> | <input type="checkbox"/> | If Yes: Would it be okay for us to include clips from your video diary when we present our research findings in our reports and at conferences? (we will change your name) |
| <input type="checkbox"/> | <input type="checkbox"/> | If Yes: Would it be okay for us to include your voice from your video diary when we present our research findings in our reports and at conferences? (we will change your name) |
| <input type="checkbox"/> | <input type="checkbox"/> | If Yes: Would it be okay for us to include your face from your video diary when we present our research findings in our reports and at conferences? (we will change your name) |
| <input type="checkbox"/> | <input type="checkbox"/> | Would you be willing to be involved in other aspects of the research study, for example focus groups, case studies etc? |

(Researcher asks participant have you understood this form, do you have any questions)

Thank you again for your help. Should you have any further questions you can contact me at danna-mechelle.lewis@ncl.ac.uk

Please sign the form to show that you agree to take part in the research under the conditions which you ticked above.

Signed
Printed
Dated

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