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DOCTOR OF PHILOSOPHY

Sex offenders' lived experiences of institutional life: A case study of a probation hostel

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Award date:
2010

Awarding institution:
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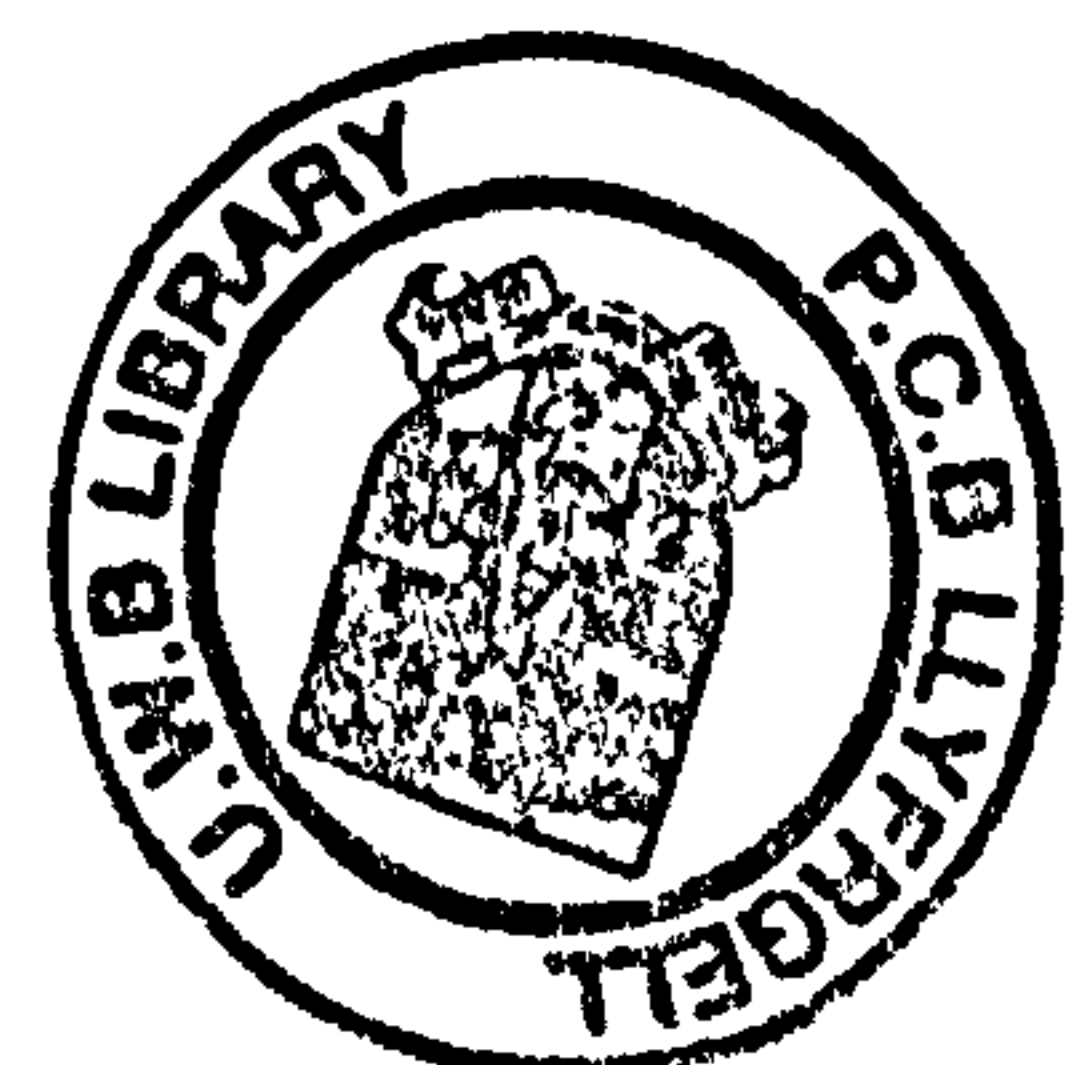
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**Sex Offenders' Lived Experiences of
Institutional Life:
A Case Study of a Probation Hostel**

Carla Reeves

for the degree of Ph.D.



ABSTRACT

This thesis reports an exploratory ethnographic study into the daily lived experiences of residents charged or convicted of sexual offences and staff within a single Probation Approved Premises (hostel). The experiences and practice of residents and staff in the hostel are set in the context of work undertaken with sex offenders in the community. The study drew upon Foucauldian concepts of power relationships, Goffman's focus on daily 'mundane' interactions and Sykes and Matza's techniques of neutralisations. In this analysis, practice in the community (such as the sex offender register, housing policy, supervision and the hostel) is regarded as part of wider control mechanisms as envisaged by Foucault.

The findings are based on participant observation and interviews with hostel staff and residents conducted over two years, coupled with observation of twelve Multi-Agency Risk Assessment Committees (MARAC; over a one year period). In total, observations were conducted in the hostel on 85 occasions; the long time period being utilised to ensure observation of a range of sex offenders from entrance to the hostel to the point of returning to accommodation in the community. In-depth interviews were conducted with 24 residents in the hostel and 17 members of staff. In conjunction, conversations with residents and staff are reported as part of the participant observation work.

The main findings are organised into three chapters: Hostel Practice, Hostel Life and The Hostel in Context. Within these, findings are discussed relating to: staff attitudes towards work in the hostel and with sex offenders; residents' attitudes towards aspects of hostel life such as the warning system, rules and moving out of the hostel; the use of space within the hostel; work towards reintegration; group structures and interaction; how residents represent themselves in the hostel, particularly relating to denial; and, finally, how hostel work is sited within a multi-agency structure.

The findings are applicable to a wider debate regarding institutions and institutional life, but specifically contribute to knowledge about work with sex offenders, feeding into practice and policy. Alongside this, the methodology and fieldwork techniques contribute to academic and research discussions regarding ethnographic work, practice of conducting such fieldwork and the potential implications for the data collected.

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PART ONE:

SEX OFFENDING AND THE CONTEXT OF CONTROL

Chapter 1: INTRODUCTION AND AIMS OF THE STUDY

This is a report of a study into the experiences, attitudes and interactions between convicted or charged sexual offenders, other offenders, probation officers and residential staff within a Probation Approved Premises, henceforth referred to as hostel¹. The main focus was the mechanisms used to control and manage sex offenders in hostels and how individuals respond to these pressures. Of primary concern was the role of the hostel as an initial site of accommodation and management of medium and high risk sex offenders, as well as for other offenders. This study included a consideration of the decisions taken in Multi-Agency Public Protection Panels (MAPPP) to support, manage and monitor high risk offenders on release from prison.

This study was exploratory in that through the methods employed (see Part two chapter 6) the daily lived experiences of those people both residing and working in the case hostel were uncovered and considered. Few recent studies have looked beyond the dichotomy between policy and practice, giving consideration to aspects of hostel or probation practice that are not covered in statute, Home Office/National Probation Directorate guidance or media campaigns (*cf.* Silverman and Wilson, 2002; Wincup, 2003; Hudson, 2005; Schwaebe, 2005); it is those aspects that this study addresses, namely, the way in which residents and staff in the case hostel interact with each other and how this may affect hostel practice. Therefore, the findings were not intended to directly result in the development of strategies to manage risks posed by sex offenders, nor to comment on the efficacy of the through-care² system. Instead, the primary objective was to explore the hitherto rarely studied life within a hostel (Wincup,

¹ Probation Approved Premises is the official title of probation hostels used for both charged offenders on bail and convicted offenders on licence. They are referred to as hostels in this thesis for both ease of readability and because 'hostel' is their common name for both criminal justice staff and offenders.

² The through-care system refers to the criminal justice system through which offenders traverse. This begins at the police station, moves through the courts, prison, probation and into the community.

2003) in order to gain a better understanding of the practice and operation of hostels and the response of those people within.

The utilisation of a probation hostel as a case study stems from the use of such premises as primary sites of control and accommodation for high risk sex offenders awaiting trial (if their home address is unsuitable) or on release from prison, yet these institutions have been a relatively neglected area of criminological research (Wincup, 2003). Hostels as a short-term measure may have considerable advantages over other options (such as release to less secure, charitable or private hostels, or into the community) as sex offenders can be subject to a degree of supervision, be ordered to attend treatment programmes that can be administered through the hostel, and hostel staff can liaise with other criminal justice agencies (Scottish Executive, 2003). However, many hostels are reluctant to admit high-risk sex offenders as they can pose a risk to themselves, other offenders, staff and the local community. Additionally, there are concerns about accommodating a number of sex offenders in one place, due to the possibility of networking or creating 'rings' (Scottish Executive, 2003). Despite this, conversely, there are also concerns regarding accommodating sex offenders in hostels designed to house a variety of offenders, such as the case hostel. Mixed hostels may be inappropriate for providing offence related treatments (Wincup, 2003), and other residents in the hostel may take action against sex offenders in an endeavour to express their disapproval or abhorrence of sex offending and being housed with sex offenders (Scottish Executive, 2003). In response to these issues *Exercising Constant Vigilance*, a HM Inspectorate of Probation (1998) thematic inspection into the supervision arrangements for sex offenders, concluded that:

There was convincing evidence that approved hostels were better equipped to manage the risks posed by sex offenders in the community than other community-based arrangements. Those hostels inspected who were accommodating sex offenders demonstrated an ability to provide a constructive, supportive and restrictive regime as part of an enhanced level of supervision.

(HM Inspectorate of Probation, 1998: 72).

These issues are of central importance to the study, but are sited within a consideration of micro-level interactions within the hostel so that the focus of the study is on the inner workings of the hostel in relation to sex offenders, rather than the appropriateness of hostels for the management of sex offenders.

The aim of the study was first and foremost to explore the daily lived experiences of sex offenders in a hostel. As the study evolved through further reading of the issues, study design development with the hostel management and initial observations in the hostel, additional aims emerged. The resulting aims of the study were to explore:

1. The daily lived experiences of sex offenders in the case study hostel, including how sex offenders interact with other people either working or residing in the hostel.
2. The attitudes of sex offenders in the hostel towards the role of the hostel and, more specifically, offence-based work and life-skills support.
3. How staff interacted with sex offenders and their attitudes towards working with sex offenders.
4. How multi-agency work in respect to the management of sex offenders in the hostel was undertaken as evidenced in MAPP meetings.

1.1 Structure of the Thesis

The thesis is organised into three main parts. Part One is the introduction and background to the study. Firstly, it includes this chapter (chapter 1) introducing the aims and nature of the study. Chapter 2 introduces the issues surrounding sex offenders, thereby setting the context for the study. Chapter 3 discusses strategies of control to manage sex offenders in the community. This chapter considers issues such as supervision work, the sex offender register, accommodation in the community, and shaming practices (in respect to disclosure, notification and circles of support). Chapter 4 discusses the work and nature of hostels as a type of institution. Chapter 5 follows on from chapter 4, discussing techniques to resist the power of the institution. To understand the experiences of residents within hostels and how they may conform to or resist the strategies of control discussed in chapter 4 and in respect to hostels, the corpus of Foucault's, Goffman's, and Sykes and Matza's work are explored in both chapters 4 and 5.

Part Two focuses on the case study starting with chapter 6, the methodology. This chapter discusses and outlines the approach undertaken within the study, including the method, ethical issues, data collection, data analysis and initial demographic information about the respondents. A separate description of the case hostel is given. Throughout the following chapters in Part Two, the findings are internally discussed; that is they are discussed in respect to other findings. Reference is drawn to the literature where appropriate for a clear and deeper understanding of the issues; this is mainly in respect to the theories discussed in Part One chapters 4 and 5. The findings in Part Two are separated into three main chapters (7, 8 and 9). Within these I refer to all residents, although the focus was on sex offenders. Firstly, chapter 7: Hostel Practice discusses findings relating to the formal life of the hostel: respondents' understanding of the purpose of the hostel, respondents' thoughts about the rules of the hostel and about the reintegration of residents. Secondly, chapter 8: Hostel Life discusses the informal or under-life of the hostel: staff attitudes towards their role and residents, the territorial use of hostel space, grouping by residents and staff within the hostel, and how residents construct and represent themselves within the hostel (this latter issue draws heavily upon the theory of techniques of neutralisation). Thirdly, chapter 9: Hostel in Context discusses the operation and role of the MAPPA, known as Multi-Agency Risk Assessment Committee (MARAC) in the case hostel. Part Two is the largest section of the thesis, therefore, a summary of the findings is given at the end of each chapter so the reader may re-familiarize themselves with the most pertinent issues that emerged.

Part Three is the final section of the thesis, it draws together the findings and background to gain a wider understanding of the relevance of the findings to the hostel and work with sex offenders. A reflective account of undertaking the fieldwork is also included in this section, with implications for research given. This part considers issues relating to accessing the hostel and residents, rapport, and exiting the site. Lastly, within this part are some conclusions and implications drawn from the research.

Chapter 2: THE SEX OFFENDER PANIC

This study was undertaken in a public climate that was, and remains, hostile to the humane consideration of sex offenders (*c.f.* Daily Mail, 2007; Hill, 2007). The literature surrounding sex offending, sex offenders and their victims has exploded in the years since the passing of the Sex Offenders Act 1997 (Thomas, 2000) and has been given greater impetus by the Criminal Justice Act 1998, Criminal Justice and Court Sentences Act 2000 and Sex Offences Act 2003. These developments reflect the rise in public and media attention around this minority of offenders; attention which is, at least in part, caused by the public's fear of dangerous offenders such as Roy Whiting and Ian Huntley: the killers of Sarah Payne, and Jessica Chapman and Holly Wells. This preoccupation with sex offending has given rise to the belief that sex offenders are somehow different from other offenders; deserving of separate consideration, management and treatment (Hudson, 2005; Nash, 2006; Thomas, 2000).

This public attention is evidence of a moral panic surrounding sex offenders (as the folk devil) and especially their release into the community (Greer, 2003; Nash, 2006). Moral panics are defined in Stan Cohen's work (1972) in which he describes a moral panic as the process through which an issue is amplified so that it is portrayed as a wide-spread and general worry for members of the public within which social groups or individuals become identified as dangerous (these are the folk devils). The role of the media is emphasised in Cohen's work. The media serves to exaggerate, publicise and promote the panic through their selection of crime news to report (Nash, 2005). This selection is based upon news values which prioritise sensational, dramatic cases featuring children, violence and a warning factor to the reader (they may be didactic) (Greer, 2003). The use of these values results in the media over-representing stranger related cases and exceptionally violent or severe cases (Meloy, 2006), giving the impression that sex crime predominantly features child victims, or vulnerable adult victims, that sex crime is normally, if not almost always, associated with extreme violence and that offenders are unknown to the victim or their family (although perhaps known to the police) (Greer, 2003). Sex offenders are regarded as 'sexual pariahs or predators' (Nash, 2006:4) with no or little regard for individual differences. Additionally, cases are more likely to receive intense

media attention if the victims are murdered, white, young females, middle or upper class and the offender is unknown to the family (Meloy, 2006). This gives a false understanding of sex offending and results in legislation and policy focussing on a small minority of sex offenders, although applying to all.

The published material reflects public concern, with the majority of press reports dealing with child sex offenders (paedophiles), and serial sex offenders. The media, in a strive for sensationalist, headline-grabbing stories, continually highlight extreme and unusual cases and portray them as the norm. The younger the victim; the more serious the offence; the more worrying the statistic, the more press space is afforded to the story. This is illustrated in cases that were reported by Reuters Press in 2002 entitled '*Week-Old Baby Girl Raped in South Africa*' (Reuters Press, 2002) and the New York Times' (Vachss, 1994) '*How Many Dead Children Are Needed to End the Rhetoric?*' One of the more horrific cases to make its way into the news was a report of the internet picture found by detectives portraying a man eating a dismembered baby (Laurence, 2001). This focus of the media, whilst mirroring public concerns, also serves to fuel the fear and heighten tensions surrounding the issue (Nash, 2006). It is in this strained social atmosphere that the police and probation services have to operate and work to safely integrate released sex offenders into the community.

Much of the literature available, both media and academic, tends to consider the issue of sex offenders from an individual pathological treatment perspective, be it in the community, prisons or secure hospitals, whilst also trying to rationalize sex offending and paedophilia in particular, for example Quinsey (1998) and Connelley and Williamson (2000). The forms of treatment covered are not restricted to one discipline and can be medical, psychological, psychobiological and/or sociological. This focus on a clinical perspective, for example Howells and Hollin (1989), may have resulted in the popular view that sex offenders (especially those who have committed serious crimes) are mentally ill in some way in order for them to offend sexually at all. Many works concerned with the treatment of offenders tend to focus on child sexual abusers, ignoring those who target adults (group treatment programmes in prison and the community comprise of both offenders against children and adults although the offender

must be an adult). This suggests that more research may be useful within this area to discover whether child sexual abuser programmes are suitable for the treatment of adult sexual abusers, and the effect that such treatments have.

Coupled with this pathological view of sex offenders is the concept that if the offender is not mentally ill, they are 'socially ill'; that is they have been inadequately socialised as children. This perspective may be linked with the attempt to create a typology of offenders, for example, Craissati *et al.* (2002). The sum of this work is the discovery that (as Erooga [2002] points out) sex offenders are a most heterogeneous group of offenders that share similar levels or variations of intelligence, age, ethnicity, education and status for example, as the general population. There are some outstanding features of the sex offending population, however, most notably that they are more likely to have been a victim of childhood abuse themselves. A well known theory is that of the vicious cycle of abuse (that sexual offenders were often abused as children themselves) (Nash, 2006). Estimated rates for this vary, although it is notable that no study suggests that it is the sole causal factor, nor that every abuser has been abused or that every abused child will become an abuser. Nash (2006) reports a range of studies including Friedrich and Luecke (1998), Johnsson (1988) and Drach *et al.* (2001) which variously report the level of sexually aggressive children who have experienced sexual abuse themselves as between 100% to no significant relationship detected. Another common feature of sexual offenders is a history of relationship difficulties, especially in relation to isolation, an inability to empathise, passivity and lack of self-confidence; characteristics which often result in the offender being branded a 'loner' (Erooga, 2002). However, again, these characteristics are often to be found in people who have either no criminal record, or a record for non-sexual offences. It remains that sex offenders are an heterogeneous sample of the general population, associated only through a wide-range of actions that are labelled 'sexually criminal'. Typologies and rationalizations of the offender as 'mad or bad' therefore present an inaccurate picture of sex offending and the measures that need to be introduced in order to combat re-offending.

The most important piece of legislation specifically addressing sex offenders is the Sex Offenders Act 1997. heralding the formalisation of a register of sex offenders, the Act endeavoured to 'facilitate the identification, enumeration, and targeting of high-risk populations and individuals in order to warrant their better management' (Stenson and Fraser, 2003: 1). Those offenders who are included on the register are clearly listed in Part One of the Sex Offenders Act (see Appendices 1 and 2) and have all been convicted of a sexual offence since September 1997. The sex offenders' register is the single most important, and controversial, aspect of the Sex Offenders Act. However, the maintenance of a 'list' of offenders, separate and distinct to that kept on the Police National Computer is both illusory, reactive and subject to challenges under Human Rights law (see Part One chapter 5.3).

Criticisms of the Sex Offenders Act include the knee-jerk manner in which it was hurried through parliament. It was passed just weeks before the 1997 General Election causing one (former Tory) MP to comment that 'there is no reason for this Bill. No reason at all. It is simply a piece of electioneering.' (The Times, 24th January 1997 in Silverman and Wilson, 2002: 23). However, the Bill did have a longer background than the weeks that it apparently took to be passed. It was introduced by the British Association of Social Workers in 1988, who proposed the register of sex offenders; indeed by the time the Act was passed some police authorities were already maintaining their own, informal, versions (Silverman and Wilson, 2002).

Measures under the Sex Offender Act were superseded by the Sexual Offences Act 2003, which did not change the substance of the previous Act, but tightened the requirements for sex offenders and redefined the list of registrable offences. The Sexual Offences Act does not operate in isolation; it is supported by the Crime (Sentences) Act 1997, Crime and Disorder Act 1998, Courts (Sentencing) Act 2000, and various other Acts and orders. With relevant case law these will be outlined in order to understand the framework in which sex offenders are managed in the community on release from prison (see Part One chapter 5.3).

2.1 Definitions

Despite the vast amount of column inches, air time, policy development and academic endeavour devoted to the sex offender question, there is a general failure to define central terms used in respect to sex offending. An abstract definition, divorced from legal definitions, has yet to be agreed (Thomas, 2000), and it has been notoriously difficult to reach a consensus on a range of terms associated with the discourse on sex offending: who is a 'child'; what is 'child abuse'; 'consent'; 'risk'; 'harm'; 'seriousness'; 'dangerousness'; or 'sexual offence' (Askwith and Flaxington, 2003). The most common solution to some of these questions is to follow the list of registrable offences set out in the Sex Offenders Act 1997 or the more recent Sexual Offences Act 2003. This means that a 'sexual offence' is one enshrined in Part 1 of the 1997 Act or Schedule 3 of the 2003 Act, and a 'sexual offender' is one who commits one of the listed acts (see Appendices 1 and 2). This is the working definition adopted in this study as it coincides with the definition used by Probation Officers and residents' classification in hostels.

Other terms such as 'risk', 'dangerousness' and 'seriousness' have been given different values by different organisations and assessment instruments, leading to some confusion about the exclusiveness of the categories (Askwith and Flaxington, 2003; Nash 2006). More specific terms such as paedophilia are even harder to define. Paedophilia and other -philiias such as necrophilia, paraphilia and copraphilia are medical terms that have only recently come into general usage and are still largely misunderstood. The *Oxford English Dictionary* (2004) defines Paedophilia as 'an abnormal, esp. sexual, love of children.' This definition still leaves much confusion as it is rather vague and does not explain what is meant by 'abnormal [...] love of children.' Paedophilia is commonly used to describe anyone who has sexually offended against children; however, one offence does not necessarily make you a paedophile in the medical sense. The basic understanding is that paedophilia implies a sexual preference for children, normally prepubescent children (Brierley *et al.*, 2000). The problem remains that this then leads to a discussion as to who is a child? When is a person no longer a child? Is it possible to arbitrarily place a line under an age when someone becomes an adult and therefore able to consent to sexual activity?

Even if the above definitions are clarified the shifting nature of crime itself presents more problems. The social constructionist view of crime has filled many volumes already but still deserves recognition in regards to sexual offences. One of the most famous examples of how behaviour can become criminal or non-criminal almost overnight is the one-time offence of homosexuality, now homosexuality is an accepted part of diverse society. Conversely, once accepted or unknown behaviours are now labelled criminal, such as stalking and rape within marriage, incest was not illegal until 1908 (Silverman and Wilson, 2002). How crime is defined and understood has a bearing on how society views and treats (in the non-medical sense) its criminals.

These debates on the character, nature and terminology surrounding sex offenders, although worthy of the pages, are not further considered here, as the root cause of sexual deviancy or criminality is not germane to the study, nor is the elusive endeavour to predict criminally sexual tendencies from personality traits or social background. Instead the work of criminal justice and related agencies in managing registrable sex offenders on release from prison, including those residing in probation hostels, is considered.

Chapter 3: STRATEGIES OF CONTROL

The following section discusses research undertaken into strategies to control sex offenders in the community. These strategies are mechanisms to force or coerce sex offenders into conforming to social values, norms and laws. Thus, the chapter considers issues such as the sex offender register, accommodation, community notification and disclosure; although these were not the primary concerns of the hostel. Rather than regard the issues discussed here as specifically relating to the findings discussed in chapter two, they are intended to provide the backdrop to hostel work; the hostel being part of the more general control strategies regarding sex offenders being released in to the community. Therefore, this wider consideration of the literature places the hostel and the observed findings into a social and legal context. Firstly, however, the nature of control in society is explored.

3.1 A Disciplined Society

The manner of bonds that bind individuals to society have been understood in many diverse ways. One of the most discussed includes the philosophical social contract first introduced through writers of political philosophy and the Enlightenment (*cf.* Hobbes, Locke and Rousseau (Quinton, 1967)). This concept assumes some choice on the part of individuals to relinquish their freedoms to the state (or government) in order that their rights (natural or legal) are protected. The underlying concept of human nature is thus that people will conflict with one another: in order to organise society and maintain that social order a structure (for example the state) needs controlling power. The notion of the social contract lends legitimacy to that power. Michel Foucault also conceived of society as being structured through power relationships, but these were micro-relationships between individuals rather than simply between the state and the people. He was interested in re-working the history of society through describing these relationships and how they were used by organisations and individuals (Foucault, 1977). Foucault's notion of society is particularly enlightening in respect to the consideration of sex offenders as he was interested in the techniques and use of power throughout the community and in institutions.

Foucault perceived society as being organised and structured through the exercise of power (what has been referred to as control). Shearing and Stenning (1996) endeavour to describe the nature of this power as trying to train or instruct and is dispersed through micro-relations that constitute society, with each individual being 'as a node in a network' of power (Cousins and Hussain, 1984: 185). It does not exert pressure on these relations from the outside, but from within; *power is the relationship* by which society is ordered; connecting individuals into the larger social structure (Cousins and Hussain, 1984). By visualising social relations in this manner, Foucault managed to inter-relate macro and micro structures (Layder, 1994) whilst also describing a system of society that was both organised and functional. It is then possible to understand Foucault's concept of power which, unlike traditional beliefs³, was something decentralised and separate from individuals, institutions or bodies that exercised it; something that could not be possessed and had no loci (Hacking, 1986; Foucault, 1977). Power is not, therefore, simply wielded by the powerful to oppress the oppressed. It is part of a social system in which the rulers rule the ruled without fully knowing how; but in which the ruled also play their part (Hacking, 1986). Importantly, power is at its most effective at the extremities of society where it is involved in 'innumerable points of confrontation ... [and]...is not acquired once and for all.' (Foucault, 1977: 27). Foucault was mostly concerned with understanding the mechanisms and strategies of power and how these were played out at the micro-level of daily, individual interactions.

In *Discipline and Punish* (1977) Foucault describes three major systems of power through which society has evolved rather than progressed. Progression implies a move towards a better system, but Foucault describes the move from one system to another in terms of efficiency and nature within a changing society (although power discourses also shape society). The difference in the systems stem primarily from the *techniques* in which power is exercised: he describes this change in relation to punishment:

³ For example, Marxist concepts that regard power as a negative phenomenon that represses and oppresses in the interests of the ruling classes (Armstrong, 1994). Foucault rejected the notion that power is used by one class or group against others – his explanation of power is more universal and fluid.

1. *Monarchical or sovereign power*: punishment is visible displays of the power employed by the monarch (or equivalent figure), with the subject being seen to submit to the exercise of this power (Dreyfuss and Rabinov, 1982).
2. *Contractual*: punishment should not be inhumane and is part of the notion of a social contract between ruler/state and the people (Driver, 1994).
3. *Carceral*: punishment is a visible form of the disciplinary power that structures wider social relationships. It is this system of power that orders modern society (Driver, 1994).

Carceral refers to the nature of society. Foucault saw the techniques or strategies of power that could be observed within the prison setting also acting upon individuals outside of the prison walls, using the same methods (Hoy, 1986). Therefore the concrete distinctions between freedom and imprisonment are broken down into a continuum of which the prison is only one form (Hudson, 1993). Within the prison the exercise of power is legitimised and concentrated upon the resident subjects (Hacking, 1986); the mechanisms maybe more subtle or less visible in the wider society, but are nonetheless effective. Power, therefore, breaks free of the arbitrary boundaries built up around the prison: the primary site of social control and condemnation.

Disciplinary power (as Foucault calls this form of power) played out through the carceral society is related to the idea of conforming individuals or collections of individuals to a set of social values or norms. This form of power, therefore, is utilitarian in that it serves a specific function; that of producing obedience and productivity in the subjects it acts upon (Foucault, 1977):

The function of discipline is to create useful subjects, men and women who conform to a standard, who are certifiably sane or healthy or docile or competent, not free agents...
(Walzer, 1986: 59)

In all, the aim of the disciplinary power is to enhance the utility of individuals, and turn them into obedient subjects.
(Cousins and Hussain, 1984: 188)

However, Foucault acknowledged that the creation of socially docile and productive subjects is not the automatic consequence of the exercise of disciplinary power; he drew a distinction between a disciplinary and disciplined society (Cousins and Hussain, 1984).

The Foucauldian depiction of society has led critics⁴ to distrust Foucault as describing a society in which individuals are caught up in a net of increasing domination, surveillance and oppression. However, Foucault consistently dismissed this view of power – claiming that power is negative, positive and neutral: forming everyday relationships, be they oppressive or empowering (McGowen, 1994). For Foucault disciplinary power is not about dominating but bringing individuals in line with each other to form a coherent, productive and inter-related social structure (Foucault, 1977). He envisaged that power manipulated behaviour and attitudes so that people subject to the power conformed to concepts of normality:

I am thinking rather of its capillary form of existence, the point where power reaches into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives.
(Foucault, 1980a: 39)

Walzer (1986) also criticises Foucault for underestimating the difference between being in prison and being ‘free’ in society, even a carceral society. However, Foucault does not equate social life with prison life; but as an extension. Foucault regards the carceral society as involving the same techniques of power, although not as overtly or in such concentrated form. Society is the site of power, whilst the prison is an internal mechanism of distilled and purified disciplinary power; the inmates judged in need of greater enforced conformity to general social values, norms and practices. In society the techniques of disciplinary power may need to be modified to take into account the subjects’ greater levels of autonomy.

The practice of criminal justice agencies working with sex offenders in the community can be understood and explored in respect to Foucault’s concept of a

⁴ Such as McGowen (1994), Taylor (1986) and Walzer (1986).

disciplinary society. The following section considers the work of these agencies to exert disciplinary power over sex offenders through mechanisms that can be described as carceral. These mechanisms are considered in respect to agencies' statutory obligations and the effect that they have on sex offenders in practice. Unfortunately, whilst Foucault describes the nature of power as a social relationship, he does not describe the manner in which it is exercised by individuals (Driver, 1994); the strategies used by police, probation and other agencies evidences formalised power relationships.

3.2 Exercising Discipline

This section considers those aspects of control practiced by probation and police. This work can be understood as the primary conforming mechanisms (disciplinary power) acting on sex offenders in the community. Thus, the theory of disciplinary power and the carceral net is here exemplified through the practice of police and probation services with sex offenders. The work of probation and practice, however, does not simply act to ensure sex offenders conform to social values and norms; it acts to appease the public for whom the predatory paedophile has become a moral panic. Therefore, the work of agencies in the community must serve at least two purposes: a practical function to prevent sex offenders re-offending through disciplinary power, and a rhetorical function to address public concerns.

The exercise of disciplinary power through the probation structure has had a number of stated and implicit functions through the history of the probation service, and the work of probation has been justified in respect to these functions. It is important to note that the conscious exercise of power through structures (such as the probation service), established to refine and target this power on a number of individuals, must be justified; it must have a stated purpose that legitimises this exercise of power. The changing role and purpose of the probation service in respect to after-care⁵ is here set out in a linear timeframe format in order to give context to the consideration of the work undertaken specifically with sex offenders in the community and this study as a whole. While this history explores the role of probation in terms of the exercise of

⁵ After-care refers to that part of the criminal system dealing with offenders after punishment, usually imprisonment.

disciplinary power and the justification of this exercise of power, it will also enable a greater understanding of the work of hostel staff and how the observations undertaken in the case hostel relate to wider probation work.

3.2.1 *The Role of Probation: Social Worker or Custodian?*

The probation service has its origins in the last years of the nineteenth century, within the London Police courts of Southwark. However, the movement that led to this point was established ninety years earlier with the creation of the Philanthropic Society in London which opened residential homes to train and accommodate homeless children in industry, eventually leading to the rise of reform schools (Rainer, 2003). In 1876 a printer, Frederick Rainer, who volunteered with the related Church of England Temperance Society, wrote in concern about the lack of practical help in police courts. The Temperance Society responded by appointing a ‘missionary’ to Southwark police court (Rainer, 2003). This experiment proved so successful that over the next 20 years eight more missionaries were appointed, and homes and shelters were opened to provide vocational training and accommodation (Weston, 1987). In 1907 these missionaries were given recognition through the Probation of Offenders Act: called ‘officers of the court’ they were soon to become probation officers (Weston, 1987; Rainer, 2003). The function of the original probation officers was to assist and provide aid to the offender; the Act outlined their role as being on hand to advise, assist and befriend (Hill, 1993); a position that was emphasised through the Departmental Committee on the *Social Services*⁶ in the Courts of Summary Jurisdiction’s remit which covered the emergent probation service. Despite which, after the report of this committee in 1936, the Home Office assumed control of the service under the newly established Probation Division, Inspectorate and Probation Training Board (Weston, 1987). This re-organisation of the strategic control of the probation service would eventually lead to the ongoing debate of punishment versus welfare, society versus the individual, or the probation officer as social worker or custodian (Hill, 1993).

⁶ Author’s emphasis

The role of the probation officer was not officially defined until the Morison Report⁷ published in 1962. Within this document no major structural changes were recommended, however it stated that probation officers were:

...a professional caseworker, employing, in a specialised field, skill which he holds in common with other social workers.
(Morison Report, 1962 in Haxby, 1978: 16)

The association between probation officers and social care work is clearly linked within this statement and in 1963 the Advisory Council on the Treatment of Offenders produced a report on *The Organisation of After-Care* which recommended probation's expansion into after-care services. This resulted in the Probation Division developing into the Probation and After-Care Department, although separate sections were maintained within this umbrella department for probation and after-care (Haxby, 1978). This position was reinforced within the year when probation took over the role of the National Association of Discharged Prisoners Aids Societies; an organisation of voluntary agencies and charities (Raynor, Smith and Vanstone, 1994). At this time the National Association of Probation Officers (NAPO) joined seven other agencies to create the Standing Conference of Organisations of Social Workers, although NAPO withdrew from this organisation four years later when they opted to leave rather than amalgamate with the other agencies⁸, fearing that their independence would be jeopardised (Haxby, 1978). Interestingly, however, at this time, through the Criminal Justice Act 1967, probation undertook the supervision of offenders who were released on parole. Once again probation combined an individual care approach with a Criminal Justice Agency role, highlighting the troubled relationship between probation and social work.

Hill (1993) suggests that the earlier emphasis on social care work was due to optimism within the criminal justice system generally. Since this time crime rates have risen, giving way to a more pessimistic mood which puts crime and order squarely within the political agenda. He asserts that the 5% annual rise of offenders within prisons led to greater demands upon all areas of the system;

⁷ The Morison Report resulted from a Departmental Committee on the Probation Service which was appointed in 1959. This report aimed to (a) look into all aspects of the probation service and (b) into the approved hostel system (Morison, 1962).

⁸ An amalgamation which became the British Association of Social Workers.

especially so on the probation service which was ill-prepared to cope with this demand upon their resources. These pressures resulted in probation officers fearing that their role would be little different to community based prison guards (Hill, 1993).

The role of political interests is observable over the following years, particularly in the White Paper of 1965 which preceded the Criminal Justice Act of 1967. The White Paper was couched in terms of rehabilitation whilst the later Manhattan Report published in 1966 emphasised the greater need for security (Hill, 1993). Notably the Manhattan Report was written in the aftermath of the infamous Blake escape⁹. This vacillation led to the probation service becoming confused as to their role. However, in 1970 the Advisory Council on the Penal System issued a report *Non-custodial and Semi-custodial Penalties* which increased the work of probation by pointing to the use of the service as a basis for alternative punishments to custody (Home Office, 1972).

The position of probation as a social work or punishment agency was further considered in 1971. In this year the Home Office was forced¹⁰ to consider whether the probation service should be merged with Local Authorities' Social Services Departments or become a national service under the Home Office; the Home Office preferred the later option (Haxby, 1978). This decision could be interpreted as another rejection of the welfare role in favour of a move towards a more punitive function, especially as the following years saw many additions to the remit of the service, including community service orders, the management of hostels and day training centres, and provision of supervision to suspended sentences (Haxby, 1978).

Despite these political and legislative changes and additions within the probation service, emphasis was still on rehabilitation and reform, and this continued through the 1980s (Raynor, Smith and Vanstone, 1994). However, in 1984 the Home Office issued its first Statement of National Objectives and Priorities.

⁹ In 1961 George Blake, an MI6 agent, was convicted of spying for the Soviet Union against Britain during the Cold War. He was sentenced to 42 years. In 1966 he escaped from Wormwood Scrubs and into Russia. Although it is unknown how he escaped it is claimed that he had help from two CND activists (Randle and Pottle, 1989).

¹⁰ Through the 1971 Courts Act which established the national Crown Court system.

Through this statement the Home Office indicated the need for all Criminal Justice Agencies, including probation, to work closely together (Weston, 1987). Also within the statement was a reiteration of the importance of the development of alternatives to custody:

...the first priority must be to ensure that whenever possible, offenders can be dealt with by non-custodial measures and that standards of supervision are set and maintained at the level required for this purpose.

(Home Office, *Statement of National Objectives and Priorities 1984* in Raynor, 1988: 2-3)

Importantly this quotation illustrates the use of supervision in conjunction with alternatives to punishment; with the express purpose being 'non-custodial measures'. This is an important distinction to make as supervision is often argued under public protection rhetoric¹¹. However, the statement also highlights the need for probation officers to draw on their social work skills in order to look at the wider social context of the offender and the offence (Weston, 1987), as well as the importance of supervising offenders in the community (Raynor, Smith and Vanstone, 1994); therefore, continuing to give mixed messages to probation.

This dichotomous debate raged on and in 1988 the Home Office issued a Green Paper that emphasised the role of probation in offender reintegration rather than punishment (Raynor, Smith and Vanstone, 1994). However, in 1991 the Criminal Justice Act ensured that the probation service came further into the criminal justice system by creating a more cohesive structure for the system rather than a collection of related agencies. The Act also encouraged the monitoring of probation in terms of outcome measures that focussed on a reduction of re-offending (Hill, 1993). Probation officers criticised this Act on the basis that punishment was regarded as the standard response to an offence; calling out for more constructive responses (Raynor, Smith and Vanstone, 1994). This illustrates the desire of probation officers' to maintain their welfare role within the justice system.

¹¹ See subsequent comment on legal challenges, Part one chapter 5.3.

More recently there has been a continuing dialogue around the structure and future of the probation service, which, Statham (1999) argues, stemmed from the 1984 Statement of National Objectives and Priorities. This debate has caused the service to become uncertain about what the future may hold. The crisis is one of identity, with social work traditions being criticised and eroded since the 1980s as it was recognised that these traditions could result in the labelling of offenders, therefore, increasing, rather than decreasing, the risk of offenders (Millar and Buchanan, 1995). Nellis (2001) believes that it is impossible for probation to return to the social work principles¹² that once framed its very existence, so new avenues need to be explored. He advocates a focus on community justice and safety; essentially a public protection approach. However, in another article Buchanan and Millar (1997) argue for the retention of the social work tradition, claiming that the position of the probation service places them between the individual and the state; a position in which social work can be both appropriate and effective. The authors describe this relationship in terms of a social contract:

Probation thus embodies a kind of social contract, so that offenders are given certain opportunities provided they act within prescribed boundaries...

(Buchanan and Millar, 1997: 34)

Interestingly, Wincup (2003) in her work on probation hostels acknowledges that work with offenders in the community has become increasingly punitive to the detriment of social work practice, however, she believes that probation should maintain its social work foundations (Wincup, 2003: 1).

Through the late 1990s the Home Office continued to emphasise the role that probation has in the criminal justice system in relation to providing a site of punishment and crime prevention (Fullwood, 1996). This emphasis stemmed from New Labour's¹³ concern with being tough on crime both in prison and the community, which did not sit comfortably with social work principles or practice (Nash, 2005). This led to the probation service having to redefine itself in terms relevant to community justice and discourses which emphasised offenders' responsibility for their actions and took little notice of offenders as victims of

¹² For example, empowerment and respect of the offenders, reconciliation of the offenders and communities, practical and emotional aid and support.

¹³ As embodied in Blair's Government 1997-2007.

social and environmental exclusion from opportunities (Nash, 2005). This risk management approach emphasised public protection through the classification and management of risky offender groups (Hudson, 2005). In this philosophy, rehabilitation became subordinated to punitive measures, although superficially rehabilitative measures are still used, but justified in public protection terms (Hudson, 2005).

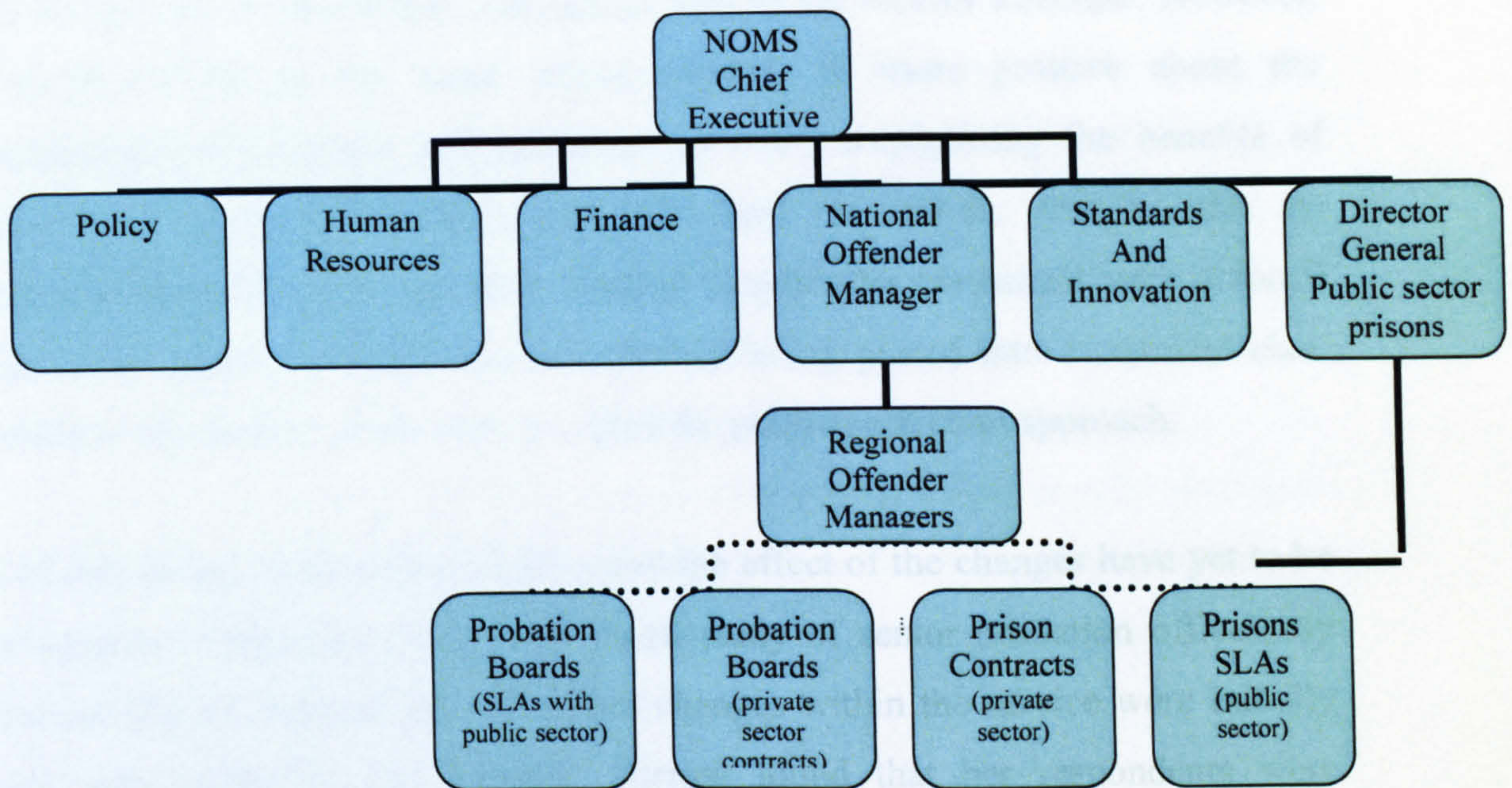
Notably, around this time plans were developed to change the name of the service to enforce this new image, although a small survey conducted on behalf of the Home Office reported that the name was acceptable to the public. Of the options put forward for discussion Whitfield relates a number of 'horrors' (2001: 144) that closely resemble the National Offender Management Service (NOMS)¹⁴. Notably the National Association of Probation Officers (NAPO; the trade union of probation officers) (Fletcher, 2005) criticises the nature of NOMS as being akin to an American style Corrections Agency.

NOMS¹⁵ is the name of the service created through the merging of the probation service and prison service into a single, co-operative, 'end-to-end care offender management service' (Page cited in Home Office, 2004b). An amalgamation that took effect from September 2004, and aimed to create a more streamlined and cohesive through-care system. The organisation of NOMS swallowed both the prison and probation services in their entirety. Neither organisation changed initially, simply being overseen and organised by a single umbrella organisation.

¹⁴ 'Offender Risk Management Service', 'Public Safety and Offender Management Service' and 'Public Protection Service'.

¹⁵ Announced by the Home Office 6th January 2004.

Chart 1. Structure and Line Management of the National Offender Management Service (NOMS)



————— Line Management
 Contracts and service level agreement management (SLAs)

(Home Office, 2004b: 1)

The purpose of NOMS was outlined in a publication of *National Offender Management Service Update* (Home Office, 2004d), which stated that the tenets central to offender management are: punishment, rehabilitation, reduced re-offending, public protection and reparation; indicating that NOMS is primarily a criminal justice organisation, with offender welfare only of importance in so far as it prevents re-offending. NAPO, in a briefing published in April 2005, expressed strong concern that NOMS appears to be ‘privatising’ services and

interventions to offenders, if not their management. NAPO feared, like Cherry and Cheston (2006), that NOMS will further turn probation work away from rehabilitative principles and multi-agency co-operation, as evidenced by MAPPAs, towards a greater emphasis on punishment and bureaucracy (Fletcher, 2005). This is echoed by Gough (2005) who predicts that probation officers may be forced into an essentially managerial role in the NOMS structure. However, Pycroft (2005), in the same edited volume, is more positive about the amalgamation of prison and probation services; emphasising the benefits of joined up working for both offenders and the public. Despite this he acknowledges that although New Labour is primarily concerned with a social inclusion agenda, criminals are nevertheless being placed into a criminal class which excludes them from society within the public protection approach.

The full nature of after-care services and the effect of the changes have yet to be adequately determined; however a small study of senior probation officers by Farrow (2004) reported that the recent changes within the service were initially met with confusion and concern. Farrow found that her respondents were dissatisfied with the lack of discretion afforded to them and the increasingly bureaucratic and performance driven environment that they found themselves working within. While they accepted their broader social role as protectors of the public, they disliked the manner in which they had been forced to turn away from individual, rehabilitative relationships with the offenders in their care. Ironically it was this individual relationship between case worker and offender that NOMS was designed to foster. In an interview early in NOMS' development Christine Knott¹⁶ commented on the importance of offender managers (essentially key workers) who would have responsibility for specific offenders in their area, allowing probation officers to maintain their traditional (rehabilitation and supportive) role with offenders (Home Office, 2004b). Perhaps contributing to this dissatisfaction is the apparent confusion surrounding the implementation and development of NOMS, leading to low morale amongst frontline staff (Fletcher, 2005).

¹⁶ National Offender Manager with overall responsibility for the sub programme of NOMS which includes probation and prison services.

Most recently there have been published rumours that NOMS is to be abandoned in favour of a new structural re-organisation in response to failures inherent in NOMS, including financial shortfalls, bureaucracy and poor results on the coal-face of offender management (Ford, 2007; Travis, 2007). These rumours have not been confirmed by NOMS or the Home Office to date.

The purpose and function of the probation service has thus moved through a number of incarnations. Whatever the rhetoric, the probation service has acted as a conduit for disciplinary power on those people within the system. It is the strategies for exercising this power and the purpose for which it is exercised that has changed through the history of the probation service. As has been discussed, often the strategies of control have not changed, whilst the purpose or aim of the strategies has developed. The following discussion, regarding specific strategies and mechanisms used to control sex offenders in the community, focuses on those developed in the last 10 years and which are, therefore, examples of current methods of disciplinary power.

3.2.2. Supervision and Management: Surveillance

Supervision of offenders is a key role of probation and probation hostels (Wincup, 2003). Supervision has been defined within the Criminal Justice and Court Services Act 2000 as incorporating mechanisms that aid the effective surveillance of those residents within the hostel: curfew; 24 hour and double cover staff; ongoing assessment of attitudes and behaviour; daily monitoring and support; reintegration of the offenders into the community through life skills, work ethic and challenging offending behaviour and attitudes (Wincup, 2003). This attempt to develop a definition of supervision may stem from the criticism that no such definition existed and therefore hostel supervision work was varied and inconsistent (HMIP, 1998).

Surveillance is a key part of the disciplinary power exercised by institutions and structures (Foucault, 1977). Surveillance is characterised by one or more of three features:

1. The collection and storage of information;

2. Supervision of subjects;
3. Application of the information gathered through monitoring of those observed and supervised (Dandeker, 1990).

As power is the relationship between people, surveillance is part of social relationships; a mechanism of power. The nature of institutions and the importance of surveillance to the operation of institutions are discussed in Part One chapter 4; here it suffices to mention that surveillance is a central mechanism through which disciplinary power operates. As discussed earlier, disciplinary power works on the individual, manipulating them into conforming to social norms, surveillance is one tool of manipulation (Cousins and Hussain, 1980b). Thus, surveillance is an element of the carceral net as envisaged by the spreading effects of disciplinary power through society; the following discussion of supervision undertaken by probation and police agencies, can be understood not only in terms of disciplinary power, but more specifically in terms of Foucauldian surveillance.

Community-based (as opposed to prison-based) surveillance work with sex offenders takes place within a political framework which is primarily outlined through legislation such as the Sex Offenders Act 1997 and the Sexual Offences Act 2003. This emphasis on statutory control structures has led to:

The hopes and the expectations of the public at large have become focussed on criminal processes as providing the solution to the [sex offender] problem.
(Gadd, 2000: 979)

These statutes have resulted in a number of contentious duties being conferred upon police and probation services; notably the responsibility to register and supervise sex offenders within the community.

The sex offender register is statutory; who is, or is not on the register is clearly identified in Part 1 of the Sex Offenders Act 1997 and updated by the Sexual Offences Act 2003. The register is intended to benefit the community by: providing a system of monitoring known sex offenders; by facilitating the sharing of information between agencies; and by forming the basis of risk

management strategies (McGuickin and Brown, 2001); thus conforming to the above description of Foucauldian surveillance. This identification and management of sex offenders, defined as a risky group, is part of the 'new penology' in which groups rather than individuals are identified as dangerous (risk often being equated with dangerousness) and criminal justice measures are targeted at them (Wincup, 2003). Due to the manner in which the Sex Offenders Act was hurried through parliament, many potential problems remained unaddressed, many of which remained after the implementation of the later Sexual Offences Act (Silverman and Wilson, 2002).

Some of these challenges were met by appointing an individual police officer from each force to take responsibility for the maintenance of the sex offender register, however:

...there is a great deal of talk about the Sex Offender Register, and in each police force there is someone responsible for maintaining and updating it. But, frankly, most forces don't have the funds to do the job properly. So we sit down at a table with social services, probation and other professionals and we decide whether an individual is low, medium, high or very high risk. But then what do we do? We just don't have the staffing to monitor them – neither do probation.

(Jim Reynolds, former head of Scotland Yard's Paedophilia Unit, Silverman and Wilson, 2002: 98).

Reynolds illustrates how ineffective the sex offender register and subsequent strategies may be.

The sex offender register in itself appears to be poorly implemented and overly cumbersome. For example, the National Criminal Intelligence Service (NCIS), who have a responsibility to add sex offenders' names to the register, have found their computer system to be incompatible with that of the police (Wyre, 2002). This, of course, hinders the maintenance, efficiency and efficacy of the system, undermining any capability that it may have to protect the public. In terms of sheer size and volume, the sex offender register is already massive, and growing at an estimated rate of 4000 people per year (with 6,000 on the register in its first year of operation) (West, 2000). A few cases started coming off the register since September 2002, but this number is only a very small proportion of those on the

register. Many offenders are on the register indefinitely (if they were imprisoned for over 30 months) whilst others are registrable for either 10 years, 7 years, 5 years or 2 years, depending on the sentence imposed for their crimes (this period is halved for offenders under 21 years: Home Office, 1997; Sexual Offences Act 2003). It is clear that the register will increase in size for a number of years yet as more offenders are put on to the register and others are still waiting to come off. It may be that the register never completely reaches a ceiling limit where the same proportion of offenders are coming off as there are being registered. This may be due to a proportion of offenders who are on the register for 10 years or indefinitely. Recent figures to be released for the numbers on the register estimate the register to hold more than 29, 973 names, with a UK average of 46 per 100,000 of the population being registered (BBC News, 2006). Although these figures can be presented as worrying it is not necessarily the case. Paul Goggins (Correctional Services Minister) states that these provisions are needed: 'As a society we have to face up to the fact that there are dangerous offenders in all our communities and manage the risks they pose.' (BBC News, 2004). He reminds his audience that these arrangements are ensuring that only 1% of offenders referred to MAPPPs¹⁷ are charged with further serious offences (BBC News, 2004). Clearly, there is a desire to ensure that the public have confidence in the capabilities of the arrangements and services charged with protecting their safety, however, such statistics are presented without context or explanation. That 99% of offenders referred to MAPPPs are not charged with a further serious offence does not mean that they are not convicted of further offences, be they sexual or otherwise, they simply may not be categorised as serious.

The cumulative affect of these problems means that the register maybe too cumbersome to effectively achieve its purpose: protection of the public from the most serious repeat offenders ('sexual predators'). The reason for this is simply that there is not enough resources or staffing in either the probation or police service to maintain effective supervision in the community of all these offenders, in practice only the offenders classified as 'very high risk' receive adequate attention (Maguire *et al.*, 2001). Criticisms of why the register has become too

¹⁷ Multi-Agency Public Protection Panels. These comprise of representatives from a number of agencies that work together to decide how best to manage the risks posed by sex offenders and high risk offenders to the public. See Chapter One section 3.4 for a discussion of multi-agency working.

cumbersome focus on either the amount of offenders registered, arguing that it should be reserved for the critical few, or that the sexual offence laws encompass too many crimes (West, 2000). The latter argument is due to the list of offences that Part 1 of the Sex Offenders Act 1997 determines should be registered (Appendix 2). However, when the Act came into effect the list had been halved from its original so that it no longer required (for example) bigamists or solicitors of men to be registered (Silverman and Wilson, 2002). This remained unchanged in Schedule 3 of the Sexual Offences Act 2003.

To further complicate matters, sexual offenders are not the only offenders registered. There are also 'potentially dangerous offenders', who may or may not be sexually motivated, thereby creating a considerable amount of overlap. Additionally, alongside the sex offender register is the Violent and Sex Offender Register (ViSOR), first implemented in March 2005. Unlike the sex offender register, ViSOR is a national database allowing all police services in the UK to share information on potentially dangerous offenders. By December 2007, it is expected that ViSOR will be rolled out to all prison and probation service areas (PITO, 2007). Although the intention is to streamline the efforts of the probation, prison and police services, the additional register's remit is wider than the sex offender register, thereby increasing the workload of services¹⁸. However, ViSOR has been used by the police to manage registrable sex offenders and to aid investigations into serious violent and sexual offences (PITO, 2007), therefore, it may be anticipated that ViSOR will become the practical solution to the sex offender register and potential duplication of effort, monitoring and recording. Indeed, the aim of a pilot of ViSOR was to combine the separate registers for sex offenders and potentially dangerous offenders into one, easier to manage package (Hansard, 18/03/2003; Ford and Freaan, 14/10/2003). Advantages with ViSOR may include greater efficiency in locating offenders on the database and cross-referencing with other databases (for example, DVLA and passport office) as well as increasing public confidence in the ability of criminal justice agencies to protect them (Irving, 2005; Stenson and Fraser, 2003).

¹⁸ ViSOR contains five main classifications: registered sex offender; non-registered sex offender; violent offender; dangerous offender; and, potentially dangerous offender. In some police areas, 60% of sex offenders are non-registered (Irving, 2005).

The problem of the number of offenders registered may be exacerbated by proposals led by Ray Wyre of Ray Wyre and Associates¹⁹ (2002). He has trouble with the concept of the sex offender register (his argument can be also be applied to ViSOR), as the details of convicted sex offenders have always been known and been accessible to the police within the criminal records of offenders held on the police national computer system. He believes the register adds nothing to this database. Instead, he would like a separate register for those sex offenders who have never been convicted, but who have appeared in the civil courts (where it is easier to secure a verdict against the offender as the burden of proof is reduced) (Wyre, 2002). Although Ray Wyre may be justified in criticising the replication of information that the police already have at their disposal, it would be impossible for the police and probation services to deal with the number of offenders that he is proposing under this plan. Such proposals also throw up further concerns regarding the curtailment of liberties and violations of rights.

The opposite view is taken by Etzioni (1999) speaking of America, he reflects the judgment of many critics of the sex offender register when he comments that 'Megan's Law cast a net much too widely.' (Etzioni, 1999: 54). He later expands this opinion to include registration as well. The problem is that notification is only required for those offenders believed to be dangerous to the community but the resources required to maintain the supervision and records of all sex offenders convicted are unlikely to be ever found by the police and probation services, or by other associated agencies. Thus, the spread of resources results in reduced levels of supervision for the critical few (those assessed as posing the highest risk of re-offending and causing harm).

This inability to deal with the amount of work that the Sex Offenders Act 1997 and Sexual Offences Act 2003 have imposed upon the police and probation services is reflected in their reliance on offenders to register with the police, to volunteer information about aliases, change of address, holiday plans and so forth. The police may be able to check these, but they often do not through time

¹⁹ Ray Wyre is a specialist in Child Sexual Abusers and has established an independent consultancy accessible to both individuals and organisations, including police and governments (nationally and internationally). He first worked with sex offenders as a Probation Officer. He is a founder member of the Lucy Faithful Foundation which works with, and supports, child sexual abusers to prevent recidivism.

constraints and lack of resources (Plotnikoff and Wolfson, 2000). There is also the problem that there is a period of 3 days (originally 14 days) in which the offender is required to present themselves at a police station in order to register after being released from prison (or moving address). Offenders can also go on holiday for up to two weeks without notifying police of the address (they only notify police of addresses that they spend more than two weeks at within any 12 month period). It is estimated that at any one time up to 25% of offenders who are required to register have unknown whereabouts (Plotnikoff and Wolfson, 2000). Kleinhans (2002) relates that compliance with registration requirements in the United States is initially around 80%, but that this figure decreases as offenders move and ignore their obligations. This takes into account the small minority who deliberately evade registration. This minority has been estimated to stand at around 3-4% of all offenders required to register. Numerically this represents around 400 offenders in Britain, which maybe the most persistent and dangerous. Plotnikoff and Wolfson (2000) claim that on the single day that they studied (31st August 1998) 2,346 offenders with a registration requirement were either in custody, in the period allowed for registration or failing to register, the latter category numbered 353 offenders. This means that for these periods, however brief, offenders could be anywhere, doing anything.

In this respect the register gives the public a false sense of security. Additionally, it is often believed that if sex offenders are on the register then the public will be protected from them. However, the offenders are still in the community, and, unless an offender demonstrates risky behaviour, little can be done until another crime is committed. Sex offenders subject to registration and supervision (and notification in the US) also regard these measures as unhelpful to managing the risks that they pose in the community:

If you are going to reoffend, it doesn't matter if you're on TV, in the newspaper, whatever, you're going to reoffend. And there's nothing to stop you. It's a choice you make...The only person that can stop it is the sex offender himself.
(Sex offender interviewed in Zevitz and Farkas, 2000: 387).

In the United States the register is primarily used to aid rapid arrests in sex offence cases by acting as an available list of offenders who have similar *modus*

operandi. However, apart from the register being no more helpful than the Police National Computer system in the same situation, it may actually hinder investigations. Police officers are encouraged to check this database for similar previous offenders in the locality, when the actual offender may not live locally or not be registered at all²⁰. Sexual offenders not on the register may outweigh those on it, as they include all offenders who did not get caught, whose crimes were not reported by the victim/s, whose previous offences have not been categorized as sexual (including murder, kidnapping and abduction, although the motive may have been explicitly sexual), offenders whose registration period has lapsed, or whose crimes were committed prior to the implementation of the Sex Offenders Act 1997, and those for whom the crime being investigated is their first offence.

For those sex offenders not registered or assessed as requiring further supervision and control, England and Wales have a number of orders that can be applicable to sex offenders after release into the community. The most common and specific of which is the sex offender order created through the Crime and Disorder Act 1998, which is civil rather than criminal in nature. Sex offender orders were originally designed to catch those sex offenders who were not subject to the registration procedures under the Sex Offender Act 1997; approximately 100,000 sexual offenders who had already been released when the Act came into effect (Power, 1999). Sex offender orders are granted by the courts (on request from a chief officer of the police, and are in effect for at least 5 years) in regard to any individual who has a conviction or caution for any sex offence; whether that offence (or conviction) was committed after the Crime and Disorder Act had come into effect or not. The reason for the request must be based on current behaviour in light of past offences rather than the offences themselves (Power, 1999), however, this behaviour need not be criminal (Nash, 2006). Because the orders are a civil measure and (supposedly) based on current behaviour only, the fact that they can be applied retrospectively is irrelevant to the question of legality and offenders' rights. As the orders are regulatory rather than punitive they are, therefore, not challengeable under the traditional arguments of retrospective punishment. The issue of whether the orders are punitive in actual

²⁰ See the case of Ian Huntly.

fact as well as intent is one that has been considered carefully. The orders impose prohibitions on those that they regulate, for example, the offender must not leave their residence between certain hours or visit certain places or talk to specific groups of people or individuals (Power, 1999). The fact that the orders are prohibitory rather than making positive requirements of the offenders is important in ensuring the orders remain non-punitive. However as Power (1999) points out:

...the distinction between prohibiting an offender from, say, leaving his home between 8:00 and 9:00a.m. each day and requiring an offender to stay at home between these hours is purely semantic...
(Power, 1999: 8)

This point is one that is relevant to the broader question of; what constitutes punishment? Just because it is asserted that registration or disclosure/notification is regulatory and not punitive does not necessarily make it so. As Power (1999) so clearly states, labelling something as punitive or regulatory may be reduced to individual opinion and a twist of semantics.

Through these orders, sex offenders may be subject to a number of possible restrictions and constraints. These range from being prohibited from visiting certain places, contacting victims, and prohibiting them from associating with anyone under 18 (or 16 depending upon their order), for example. Some of these restrictions lack a coherent and rational relationship to the offending patterns of the specific offender. A number of offenders in the (US) study conducted by Zevitz and Farkas (2000) related how they had restrictions placed on them that had no relation to their offences and prevented them from maintaining relationships or effective reintegration into the community. These restrictions are comparable to the UK:

The other day, I got called. A female is over at my house, my cousin's girlfriend. This woman is 36 years old. They tell me that she has to leave or I'll go up town. My PO told me that. So I had to make her leave – that was embarrassing. She's a grown woman – a friend of the family. I could see if she was under 18.
(child sex abuser, Zevitz and Farkas, 2000: 384)

Further orders applicable to sex offenders include the extending of restraining orders under the Criminal Justice and Court Services Act 2000 to sex offenders sentenced to imprisonment (or comparable hospital or guardianship order) by Crown Courts for a sex offence. Again, this order can be requested for non-criminal behaviour in light of past offences and the breaching of the order is classed as a criminal offence, punishable by imprisonment for up to 5 years (Nash, 2006).

3.2.3. Multi-Agency Working

Surveillance of sex offenders is statutory. The increasing number of supervision orders that sex offenders may be subject to is characteristic of the public protection model of risk management (Kemshall and McGivov, 2004) which tends to regard individual freedoms as less important than those of the majority. The monitoring of these orders is the responsibility of police or probation services, often working in partnership. The orders are claimed to benefit the working relationship of these two organizations even if they fail to affect the behaviour of sex offenders. Sex offenders supervised through orders and the sex offender register are subject to discussion, risk assessment and control by Multi Agency Public Protection Panels (MAPPPs), which bring together representatives from related agencies, including police and probation. MAPPPs consider how to manage high risk offenders due for release from prison. Thus, all high risk offenders with identified issues relating to: victim safety; likelihood of the failure of supervision or risk management plans; lack of suitable accommodation; media interest; or a risk of the offender committing a further serious violent or sexual offence, are referred to a MAPPP (NPS, 2004). Notably, registration as a sex offender automatically refers the case to MAPPP (Nash, 2006).

Risk assessment of offenders is intended to differentiate the dangerous offenders from the rest (Thomas, 2000). Dangerousness is a difficult issue to define, and risk has become the preferred term as it implies a more measurable and objectively assessable condition (Nash, 2006). Although, as Matravers (2003) comments, future dangerousness as measured in risk assessment is still difficult to predict. Risk assessment packages and tools have been designed to increase

the effectiveness of police and probation management of the problems that sex offenders pose. These are classified broadly in terms of being actuarial or clinical. The latter are based on in-depth professional judgements of the individual case resulting from interviews with the offender. These are criticised as too subjective, lacking reliability and too time-consuming given the large case-loads probation officers have to deal with (Nash, 2006). Additionally, West (1996) warns that offenders can deceive the clinician in these subjective interviews, although they may still be helpful in aiding actuarial assessments. The majority of risk assessment tools are based upon the actuarial measurement of static factors²¹, although highly dynamic factors²² have been found to be more effective in predicting an offender's risk of re-offending (Beech and Ward, 2004). The problem is that dynamic factors are more difficult to measure or to assess scientifically. Actuarial risk assessment tools are either mechanical or algorithmic and can be completed by less experienced or non-clinical professionals. They are thought to be more reliable, objective and scientific, but can be difficult to apply to individual cases and circumstances, especially if the tool makes little reference to dynamic factors (Nash, 2006). The most important aspect of actuarial tools has claimed to be the importance they place on past offending histories, which are believed to be the best predictor of future behaviour allied with other static factors (also called objective factors) (West, 1996). That some staff in probation and police services prefer one system over the other appears to matter little as research has not shown one method as strongly out performing the other, but that they are beneficial in terms of practicalities and resource implications (Nash, 2006).

The probation service has signed up to the implementation of actuarial tool OASys (Offender Assessment System) in a bid to not only make risk assessments more uniform, but to provide a scientific approach to establishing the risk levels of individuals. Horsefield (2003) criticises OASys as being irrelevant to the assessment of risk by probation officers; claiming that it merely provides a veneer of rationality and pseudo-scientific method whilst promising greater accuracy in the future. Probation officers are themselves critical of OASys,

²¹ Such as previous conviction history, age, lack of past long-term relationships.

²² Such as deviant sexual interests, attitudes, self-management, mood and availability of a victim.

claiming that it can be time consuming, overly detailed and rigid, yet it is felt that it can be valuable to work with high risk offenders (Mair *et al.*, 2006). Stenson and Fraser (2003) argue that risk assessment tools such as OASys and Thornton's²³ risk matrix have a role in allaying the fears of the public and 'providing a comforting security blanket' (Stenson and Fraser, 2003: 2). But security blankets do not protect and if Horsefield is correct in his assertion that these tools are nothing more than a mirage of scientific knowledge then the tools have little practical use. However, risk assessments not only affect the probation service, they have become part of a wider social discourse surrounding risk concerns and management with data from OASys being not only used to inform case practice but also the policy development of the National Probation Service (NPS) and NOMS through the work of O-DEAT (OASys Data Evaluation and Analysis Team) which amalgamates the OASys data from each probation area to develop national plans (Mair *et al.*, 2006).

Risk assessment requires the exchange of information between agencies working with registrable offenders through Multi-Agency Public Protection Arrangements (MAPPA). MAPPA are not only concerned with sex offenders, they also determine the risk category and develop risk management packages for violent offenders (Nash, 2006). The arrangements are representative of the larger move towards 'joined-up' thinking and action (Barkley and Collett, 2000), although this has been referred to as a move towards 'joined-up worrying' (Lieb, 2003: 212 cited in Nash, 2006: 93).

Although the MAPPP arrangements are often regarded as necessary in the interdisciplinary climate of current governmental working, it is unfortunate that, however dedicated and hard working the officers may be, the workload is often just too great to manage. Despite this, MAPPA have been hailed as the most important and beneficial consequence of the public panic surrounding sex offenders. Starting out as 'risk panels', MAPPP only became a statutory requirement through the Criminal Justice and Court Services Act 2000 (effective from April 2001 and strengthened by the Criminal Justice Act 2003, s325-327 to further involve the prison service and social care agencies), although local multi-

²³ Thornton's Risk Matrix 2000 was adopted by the Probation Service prior to the rolling out of OASys, which is based upon Thornton's matrix (Kemshall, 2001).

agency arrangements to decide risk preceded the Act in some areas (Thomas, 2000). MAPPPs are expected to identify all MAPPA offenders, share information among agencies involved in the assessment of risk, assess risk and manage that risk (Bryan and Doyle, 2003).

The contribution of MAPPPs has yet to be accurately judged (Silverman and Wilson, 2002), yet the MAPPP arrangements are the embodiment of multi-agency working in relation to sex offenders and other high risk offenders. The Home Office, in their report *Protecting the Public* claim that MAPPP arrangements have:

...led to better co-operation between the police and probation services and other agencies... [and] ...led to more effective inter-agency working....
(Home Office, 2002: 7)

Despite these claims it is implicit in the wording of the above quotation that police and probation are still regarded as central to managing sex offenders whilst other organizations - including local housing authorities, social services, Youth Offending Teams, health services, education providers and prison representatives – are seen as having more peripheral roles. Indeed, the police and probation service retains responsibility for the strategic management and evaluation of MAPPA (Nash, 2006; NPS, 2004). Additionally, many of these peripheral agencies often do not attend MAPPPs as sex offenders are not a service priority, and may be considered as outside of the service remit if construed rigidly. This lack of engagement by some agencies, and police and probation control over the process may undermine the multi-agency community protection approach that is central to public protection (Knock *et al.*, 2002). Within *NAPO News* (2004a) Paul Goggins (Prisons and Probation Minister) referred to the importance of partnership working, especially to the need to draw voluntary agencies into working frameworks, however, Vicky Boroughs, Vice Chair of NAPO, was left wondering how this statement married up with the removal of budgets for partnership working. Similarly, Lovell (2002) had previously commented on the importance of MAPPA to ensure a consistent approach to sex offenders; she hopes that the arrangements will provide a strong basis and framework for further developments within multi-agency work.

Although it is claimed that effective multi-agency working between criminal justice agencies and other organisations has not always been achieved (Morrison *et al.*, 1994), Garrison (1992) comments, in relation to the sexual abuse of children, that there has been a traditional, if not always harmonious, history of multi-agency work. However, even within this context probation have often been accused of being too independent; an attitude that may have been encouraged by the development of the probation service from an independent, welfare service for the offender instead of as a mechanism for control and punishment (Weston, 1987; Rainer, 2003). Housing services, for example, are often excluded from multi-agency risk management teams and yet are argued to play an important role in the reintegration and prevention of re-offending by released sex offenders. This exclusion is confounded by poor cross-agency information sharing and professional expectations (Atkinson *et al.*, 2005).

Independent organisations have also commented on the failure to work across disciplines and agencies. Elizabeth Lovell of the NSPCC (2002) writes:

While there has been some progress over the last ten years, the lack of a joined-up, strategic approach by government has resulted in poor co-ordination and inadequate service provision.
(Lovell, 2002: 1)

Lovell blames, in part, the reluctance of any one department or agency to take the lead on sex offender issues, especially if the offender is a juvenile, as well as the lack of clear protocols for consultation and information exchange. Dominelli concurs with this view; she comments that:

...the probation service seems poorly equipped to respond to the specific needs of either the sex offenders it is responsible for supervising in the community or the probation officers who try to work with them.
(Dominelli, 1991: 72)

In her study on probation practice with sex offenders she found that the majority of probation staff complained about the lack of links between agencies. Nine years later, however, Gadd (2000: 979) states that the range of agencies involved

in managing sex offenders, particularly statutory organisations, ‘...have worked hard to do their bit in terms of collaboration and joint working.’ Yet he fears it has made no difference to the safety of potential victims. He emphasises the need to look beyond the criminal justice system and the use of punishment as:

...focussing on the criminal justice process as the main highway to reducing the overall problem is similar to treating an epidemic by singling out a few arbitrary people for treatment.
(Gadd, 2000: 980)

This reference to hidden²⁴ sex offenders is of great importance as it illustrates the need to ensure that preventative mechanisms are in place, this could possibly involve not just the criminal justice agencies and social services, but also education, leisure services or local community groups.

The Home Office has questioned whether the general public should be involved in multi-agency arrangements. In April 2004 the then Home Secretary, David Blunkett, announced that members of the public were to be invited to sit upon MAPPPs. He had support in his decision as Terry Grange, Chief Constable of Dyfed Powys and ACPO, lead on Child Protection, welcomed the idea:

Lay advisors will play an important part in the review and monitoring of the MAPPA. They represent a community interest in public protection and bring a different perspective from that of the professional interests in the MAPPA....provide a ‘reality check’.... I believe that lay advisors offer a real opportunity to enhance public confidence in public protection work.
(Home Office, 2004a: 2)

The Home Office clearly values the representation of a wider range of people within MAPPA, however, it is not clear whether the use of lay advisors is a genuine attempt to consult with members of the public about their fears and concerns, or whether it is an endeavour to create an illusion of public safety and protection.

MAPPAs have been hailed as the plan for future service development, not least of which by Christine Knott, the first National Offender Manager within the

²⁴

Those not caught, convicted or who have served the registration period.

National Offender Management Service (NOMS). She commented in a published interview (Home Office, 2004b) that increasing partnership between prison and probation officers and other agencies was evident in MAPPAs and that the organisations as a whole had to work in a like manner if they were to be successful. Throughout the initiation of NOMS civil renewal²⁵ has been an element of its design. It is anticipated that NOMS will encourage greater engagement between probation and community schemes and agencies; ensuring that local community support will aid probation to reduce re-offending rates (Home Office, 2004c). This emphasis on community engagement within probation areas may be indicative of a concern regarding a public loss of confidence in community criminal justice agency working.

Further evidence of the streamlining of services as demonstrated by MAPP is to be found in NOMS itself and the joining of prison and probation services, effective from September 2004. NOMS was heavily criticized for its rushed and hurried proposal and implementation, as well as the conspicuous lack of consultation or development (NAPO, 2004a). However, the National Association of Probation Officers (NAPO) acknowledged that despite the dislike and suspicion surrounding NOMS there were some positive lessons to learn about liaison between probation and prison services; namely that the two needed to work collaboratively to achieve the effective management of offender through-care into the community (Lowery, 2003; NAPO, 2004b). These lessons are undermined, however, by the general uncertainty that surrounded NOMS and its inception (NAPO, 2004a); for example, it was only months before NOMS came into effect that Probation Officers were informed they would continue to be organized and employed through the 42 Probation Areas.

NOMS liaison with voluntary organisations was also emphasised during its development, especially in relation to work with offenders' housing, education, employment, drugs, alcohol, family support and counselling. To aid this liaison

²⁵ Civil renewal is described as the empowerment of communities to define their own agendas for change and to work in partnership with statutory and community organisations to work towards this change (Munton and Zurawan, 2004).

'Clinks'²⁶ was created as an umbrella organisation funded by NOMS to 'enhance the relationship between NOMS and the voluntary sector.' (Home Office, 2004e). However, little work has been conducted on approaches of professionals from different agencies to sex offenders. The different cultural stereotypes and perceptions of sex offenders may clash within multi-agency, cross-disciplinary work. Lea, Auburn and Kibblewhite (1999) report that whilst there may be broad similarities in the attitudes towards sex offenders of different agency staff, the level and frequency of training may have a considerable effect upon whether professionals regard sex offenders negatively or positively in terms of their ability to be treated and personal characteristics.

3.3. Controlling Accommodation

This section explores how housing can directly support criminal justice agencies' endeavours to manage sex offenders in the community. Stable and appropriate housing can facilitate the effective supervision of sex offenders, whilst encouraging them to attend treatment and therapy programmes (Atkinson, *et al.*, 2005; Baldry *et al.*, 2002). Despite this, it has long been recognised that ex-prisoners have great difficulty in finding appropriate accommodation after release from prison, and are among the most socially isolated groups in society (Harding and Harding, 2006). While appropriately managed accommodation in the community can support offenders' reintegration, restrictive housing policies can further isolate offenders (Levenson and Cotter, 2005b). The National Probation Service (NPS) recognises the need to provide all ex-prisoners, and especially sex offenders, with suitable accommodation, arguing that a proportion of sex offenders would benefit from hostel accommodation and another 500, approximately, from long-term residential treatment (NPS, 2004). Thus, a NPS strategy is committed to developing Residential Sex Offender Treatment (RSOT) facilities for those sex offenders who require intensive supervision and risk management (NPS, 2004).

²⁶ Clinks was established in 1998 to develop partnership between voluntary and community-based organisations and prison and probation (latterly NOMS). Work undertaken by Clinks includes advocating for national and local policy change, provide representation for voluntary sector members on national bodies such as the National Offender Management Board, provide regional and national network of voluntary organisations working in the criminal justice field, including support and training. Clinks has over 2,000 member organisations that provide support to offenders, prisoners and their families (Clinks, 2007).

The legal status of offenders requiring accommodation on release from prison is encapsulated within the Homelessness Act 2004. This Act amended the Housing Act 1996, within which Local Authorities have a duty of care to homeless persons in the authority if they can prove:

- They have no accommodation they are entitled to occupy;
- They have no accommodation they can secure access to;
- They have no accommodation that would not place them in a position of real or threatened violence;
- They are not intentionally homeless (intention is defined as deliberately doing something or not doing something, as a consequence of which s/he has lost their accommodation);
- They have a connection to the Local Authority area.

Unfortunately, some of these clauses are vague in their application, particularly that of intention, and these aspects of the Act were maintained in the later Homelessness Act 2004. The Housing Act states that Local Authorities should not adopt general policies towards the understanding of intention. This means that people sentenced to prison should not automatically be categorised as intentionally homeless. However, Paylor (1995) points out that at the time of writing, 20% of Local Authorities ruled that losing property through mortgage arrears should be classed as intentionally homeless, whilst 45% ruled that losing accommodation through rent arrears should be classed as intentional. Clearly 'intentionally homeless' has little relation to the intention of the homeless applicant. Once the applicant has passed these tests they are assessed according to priority of need, taking into account the suitability of temporary accommodation (should they be living in such circumstances), dependants, or risk levels (should they be an offender released from prison or hostel). Through this mechanism housing services can have a profound impact upon the lives of offenders and the ease of management and supervision by the probation and police services.

Sex offenders may become homeless in a number of ways, most of which result from their offending, such as: the nature of the offences may have rendered them homeless (for example, their family will no longer accept them); child protection agencies may require them to move away from their previous address due to their

victim/s being family members or living in the neighbourhood; or, media and public campaigns may make it necessary for offenders to move away (Scottish Executive, 2003). However, some sex offenders may have been homeless prior to offending, or whilst offending.

In these circumstances sex offenders need to be supported in their search for accommodation so that they find suitable housing that is safe for both them and potential victims. As noted in the Housing Act 1996 and Homelessness Act 2004, housing services have no legal obligation to house a high risk offender if they have no links to the catchment area (however, if they have no links to any area but are a British resident, the Local Authority to which they apply for housing has a duty under the Homelessness Act 2002 to secure their suitable housing) . If the offender can evidence that they resided, or have family residing, in an authority area then they can apply to that authority for housing (they can apply to three catchment areas at any one time, though these may be within the same housing services area). In order to do this they must present themselves as homeless. If they are assessed as an urgent case then they may be re-housed within days, however, if they are not then they may be waiting months. In those cases where Local Authorities have difficulty securing appropriate accommodation for offenders, they may be housed as an emergency case in Bed and Breakfast accommodation for a maximum of 28 days, at which time they must have found themselves alternative accommodation.

The Housing Act 1996 made provision for Local Authorities to automatically exclude some groups from their housing stock, this could include offenders being released from prison (Social Exclusion Unit, 2002). The debate surrounding this practice is discussed below in relation to private landlords. It has since been recognised, however, that this practice is counter-productive for efforts to reduce both recidivism and homelessness and so the Homelessness Act 2002 removed this provision, extending the category of vulnerable homeless people and priority need to include ex-prisoners, irrespective of the length of their sentence. These categories can now apply to those ex-prisoners who have no access to available and suitable accommodation and/or have lost the skills and social networks to live independently on their release from prison (Social Exclusion Unit, 2002).

The amendments of the Homelessness Act 2002 have been strengthened by the more recent Housing Act 2004, which required all local prisons to carry out housing needs assessments on new prisoners as of April 2005 (First Secretary of State, 2004). These developments have undoubtedly supported offenders in seeking safe and secure housing through prioritising their needs, but the issues above relating to intention and suitable available housing remain.

3.3.1. Risk Management and Housing

The current focus on risk management in the supervision of sex offenders is indicative of a wider growth in 'risk societies'; those societies that have become overly concerned with the risks that are presented from different quarters (Stenson and Fraser, 2003). This has resulted in a general shift from trying to 'rescue' dangerous offenders from themselves to managing and containing the risk that they represent. In part this transformation is due to the recognition that sex offenders cannot be cured nor eradicated, the best that can be achieved is effective containment of the problem (Home Office, 2002). Housing can assist this effort in three ways. Firstly, the provision of safe and secure accommodation in order to help offenders resettle into the community after prison or treatment. This provision allows police and probation to maintain effective monitoring and supervision of offenders, which is dependent on knowing where they reside (Angus Council, 2003). Secondly, location of housing can help protect the public by removing sex offenders from populations of potential victims, most commonly schools, leisure facilities and/or day care centres. Thirdly, the needs of released sex offenders are much the same as other ex-offenders in that they require somewhere they can live that is affordable and appropriate to their individual needs (Angus Council, 2003).

Problems persist in trying to achieve many of these aims, not least of which is the security issues arising from vigilante action if the location of sex offender residences becomes known to community members. In the absence of such community action, the provision of secure housing is likely to discourage the offender from going 'underground', however, it is not likely to deter (Silverman and Wilson, 2002). Additionally, finding available, suitable accommodation can be difficult in Local Authority areas that have a shortage of social housing or

affordable private stock, especially while sex offenders are treated as a more risky group than most other ex-prisoners, although their needs are similar (Angus Council, 2003). This is exacerbated by restrictions placed on sex offenders' movements (where they can live under the registration requirements and other statutory orders that they may be placed on), some of which may be open to challenge under the Human Rights Act (see Part One, chapter 5.3.).

While some of these issues are postponed by requiring high risk sex offenders to reside in secure accommodation schemes as part of their release program, many remain. Many hostels and private landlords have the right to refuse to accommodate a sex offender, leaving them to find alternative housing such as bed & breakfast or homeless shelters (Thomas, 2000). Local Authority landlords can refuse accommodation to a sex offender on the basis that their offence means they are intentionally homeless, however, this is not automatically the assumption (Angus Council, 2003; Thomas, 2000). Some landlords, such as the Tenants First Housing Co-operative which covers the Angus area amongst others, have a policy of conducting police assisted risk assessments on any sex offenders applying for housing (including anyone with allegations of abuse, but no convictions). If the individual refuses to take part in this risk assessment s/he will be refused housing (Tenants First Housing Co-operative, 2003). If secure and stable housing is refused the offender, the alternatives are likely to be unsuitable and lead to the 'disappearance' of the offender from the supervision of MAPPPs. However, Ray Wyre (2002) admits that location of housing is unlikely to have any practical effect upon re-offending by sex offenders:

...the nature of sex offending is such that restrictions are not going to protect many children. People who want to sexually abuse go to where the children are..... There is no way of isolating individuals who live in the community...
(Wyre, 2002: 15)

The importance of housing, therefore, is not to *location* of a sex offender but to *supervision* and *security*. Housing can provide the security that offenders need so that they are motivated to comply with the requirements of the sex offenders register. It can also be the site of a considerable degree of supervision, in secure

accommodation schemes (previously called hostels) offenders can be subject to up to 24 hour supervision, depending upon their risk classification.

3.3.2. *After Institutions; in the community*

Once sex offenders have moved through the criminal justice system, perhaps including accommodation in a hostel, they must be placed in the community. Housing, probation and police services demonstrate a preference to place sex offenders in housing blocks that are covered by CCTV which aids the surveillance of sex offenders. However, in so doing, such policies may lead to the colonisation (Levenson and Cotter, 2005) of sex offenders in one place, as well as to the false sense of security that CCTV can bring (there is no judgement, no monitoring of risky behaviour and no tracking of offenders; CCTV can only help in the investigation of crime and through the 'disciplinary gaze'; Foucault, 1977). Placing offenders in CCTV covered blocks can have additionally negative consequence for Housing Authorities, as the use of such accommodation may result in areas or housing blocks acquiring a reputation as 'dumping grounds' for sex offenders and, consequentially, become difficult to let (Cowan *et al.*, 2001).

The problem of housing sex offenders together is recognised by the Scottish Executive in a consultation paper on accommodation services (2003), and is the primary reason why sex offenders are preferably scattered in appropriate accommodation throughout the community rather than clumped in supervised hostel placements (Scottish Executive, 2003). This view is contrary to practice in England and Wales and the US, where secure approved accommodation schemes, usually in the form of hostels or residential units, are favoured due to the high level of supervision that can be exerted over the offender.

Sex offenders are accommodated in the community in every type of housing available. It is unknown how many are living in social accommodation such as that owned by NACRO (2002b), or in less supported housing. Many rely on social housing (council properties or housing association properties) although sex offenders are often a low priority for housing providers (Cowan, *et al.* 1999). There are two main sources of concern for social landlords considering letting to

sex offenders: offenders' potential actions (such as re-offending) and local community action which can result in damaged property (Harding and Harding, 2006). Additionally, if it is known that a sex offender or sex offenders live in an area there may be consequences for the saleability of surrounding property, although there is little evidence to show that such accommodation of sex offenders adversely affects property values or desirability (McGuickin and Brown, 2001). Despite this, John Lowery of NACRO (2003) points out that sex offenders evoke little sympathy, with the public feeling that they are undeserving of Council properties because of the offences that they have committed. However, McGuickin and Brown (2001) note that in their study of police and public attitudes toward sex offenders, all respondents wanted hostels to be an option in preference to direct accommodation in the community, but that members of the public were less likely to say sex offenders need to be in monitored hostels than people working within the criminal justice system, maybe because the public are less aware of the benefits of hostel accommodation.

The impact of social housing on social inclusion or exclusion is part of the increasing concern with crime control demonstrated by housing authority officers. Housing authorities are torn between ensuring the safety of their tenants by providing secure accommodation for sex offenders with the aim of reducing the likelihood of re-offending, and the protection of tenants by excluding sex offenders (or other 'risky' groups) from their housing in the first place. Crime control (the reduction of re-offending and protection of existing tenants) is thus prioritized over ex-offenders' housing needs; the primary criteria for housing in the past (Cowan *et al.*, 2001). These concerns of Local Authorities and social landlords are not confined to the UK. In the US (Washington) the decision of a judge in favour of a landlord led to the establishment of a law which declared that federally assisted public housing did not need to accept sex offenders as tenants and, in this case (Archdiocesan Housing Authority v Roland Demmings, 2001 Wash. App. Lexis 2276. unpublished), found that a landlord had the right to evict sex offenders on the basis of their conviction, even if they had not breached the lease (Landlord Law Report, 2001).

The majority of literature relating to sex offenders does not question the need for sex offenders to return to the community after prison, however, there is no universal consensus. Although Etzioni (1999) agrees that the careful location and accommodation of sex offenders is essential to protecting the public, he claims that the elements of Megan's Law (speaking from an American perspective) '...even if fully implemented, do not protect children sufficiently.' (Etzioni, 1999: 68). This is despite Megan's Law giving greater powers to correctional and crime prevention agencies than in the UK. He argues that communities need to rethink how to protect children on a fundamental level, advocating the use of vast areas of suburbia for sectioning off child sexual offenders from the rest of society until they are judged to be undeniably safe (which may never happen) (Etzioni, 1999). Etzioni describes his 'paedophile town' as a

...a guarded village or town [where] Those sentenced to stay in such a place could have jobs, visitors, free access to TV, unlimited phone privileges, and bank accounts; they could come and go within the community as they wished, conduct a social life, have town meetings and elections, or even have their spouse move in with them (although no children would be allowed to live in these places).
(Etzioni, 1999: 73)

Etzioni claims that the creation of such a place is preferable to keeping sex offenders in prison as residents of the town can build and develop their own sustainable community; however, it is nothing more than a prison in disguise (and a thin disguise at that). It represents colonization of sex offenders on a grand scale, within which the enclosed residents can create their own social values, norms and rules without the disciplinary influence of the hegemonic culture (Foucault, 1977; Goffman, 1991; Silverman and Wilson, 2002). Such a 'paedophile town' may lead to increased demonisation of sex offenders through Wilkins' theory of deviancy amplification (1964) which relates to the isolation of a social subgroup. Isolation enables the subgroup to develop their own values and social norms, therefore, becoming further separated from the hegemonic society and norms. This social separation and development of new norms (although not necessarily in opposition to the hegemonic norms) further separates the subgroup and enhances their perceived 'deviancy' (Wilkins, 1964). The

consequences of extreme social isolation contrast sharply with the expressed objectives and underlying philosophy of the probation service; public protection through community reintegration and supervision (Wincup, 2003). Kemshall (2003) agrees that probation work is about public protection, within this approach she argues that singling out 'dangerous' groups from the general offender population is intrinsic to the bifurcation approach within the Crime and Disorder Act 1998. However, this singling out was for attention and focussed work, rather than to socially isolate. This attention was intended to target resources and time to those offenders who posed the greatest risk of re-offending or harm to prevent recidivism; this was still undertaken through supervision, reintegration, treatment programmes and one-to-one offence work (Kemshall, 2003). Despite Kemshall's argument against social exclusion, Nash (2006: 27) comments that it is sex offenders' lot in life to be excluded.

The probation service in particular has to consider other issues to those of public protection; they must also seek to protect the rights of the offenders. Their traditional role concerned the welfare of offenders, but in recent years has shifted to a control orientated perspective (Thomas and Tuddenham, 2002). The probation service is now a more integrated part of the criminal justice process and is seen as a site of punishment as well as welfare; this has been reflected in the work they do with sex offenders (Cowan, Pantazis and Gilroy, 2001). Location of an offender is part of this shift; what, on one hand, may be justified in the public's interest can also be said to be further punishment for the offender. Despite this crime control-orientated approach to offenders in the community, housing has traditionally been used as a method of increasing the social inclusion of offenders, with the consequence of reducing recidivism. Although this aim is still practiced, there is simultaneously a growth in the idea that housing can promote social *exclusion* through the strategic placement of offenders. Again, this is intended to reduce recidivism, but this time through forcing offenders to comply with social norms in order to achieve social stability (Cowan *et al.*, 2001).

Exclusionary strategies are particularly evident in restriction zones rather than housing *per se*. The extent of the problem that housing, probation and the police

have to deal with in relation to the location of sex offenders is growing yearly; in 1999 260,000 known sex offenders were not in prison, of these 110,000 had known victims that were children (Joseph Rowntree Foundation, 1999). Despite this, the majority of measures, in both the UK and the US, are aimed at protecting the public from offenders who target children; making little or no differentiation between those who target adults. For example, in the state of Iowa sex offenders who have victimized a minor are prohibited from living within 2,000 feet of a school or day care centre (Los Angeles Times, 20/1/2003), despite very few sex offenders targeting the age group that frequent day care centres. Further States have enacted similar laws creating 'child safety zones', typically near school entrances, where sex offenders are banned (U.S.A. Today, 2003). There is some support for these measures, especially amongst parent groups. Laura Ahearn (Director of Parents For Megan's Law, Long Island) has been reported as advocating the restrictions saying: 'It is not enough to simply list [sex offenders] and make their names public.' (U.S.A. Today, 2003: 1). However, a study by Levenson and Cotter (2005b) found little evidence to support location restrictions on sex offender accommodation. They report that such zones are more likely to force offenders to live unstable and transient lifestyles, isolated from existing social support networks, family, or personal property. On the other hand, in support of location restriction measures, it has been found that child sexual abusers are nearly twice as likely to reside near to schools, parks and day-care centres as sexual offenders against adults. However, those offenders who are reconvicted do not share this geographic pattern, being randomly located. This suggests that risk of re-offending (or at least reconviction) is not causally linked to proximity to centres children frequent (or other potential victims) (Levenson and Cotter, 2005b).

3.4. Reintegrative Shaming: Community Notification and Disclosure

In the UK the management of information relating to convicted sex offenders is covered by the Human Rights Act 1998 and *R v. The Chief Constable of North Wales Police Authority, ex parte AB and CD* (1998). The over-riding principle within British law is that all subjects have a right to privacy and confidentiality of their personal information under article 8 of the Human Rights Act. The case against the Chief Constable of North Wales set precedent that only a court had

the power to allow the disclosure of information to a third party, and then only to prevent a crime or alert specific members of the public to a likely risk of harm (McGuickin and Brown, 2001). This finding has been used to decide more recent cases of disclosure, notably *R v (1) A Police Authority in the Midlands (2) A County Council in the Midlands, ex parte L M (1999)* and *RE C (2002)*, both of which quoted the test of pressing need introduced in *R v CC of North Wales*. Since the Criminal Justice and Court Services Act 2000, MAPPPs also have the power to decide disclosure policies for individual cases where the circumstances warrant action.

The North Wales case not only set the standards for disclosure of information it also illustrates the dangers of disclosure. The details of the case were that two sex offenders living transiently in a North Wales holiday caravan park were told that they must move from the park before the start of school holidays. They refused to do so, therefore the police informed the caravan park owner and manager. As a consequence the two sex offenders went ‘underground’ and their whereabouts were unknown. The police officers in the case were cleared of wrongdoing and found to be acting responsibly. However, at the time of the court decision the offenders were still of ‘no fixed abode’ and the police and probation services had not found them (Wyre, 2002). This case highlights the close and complex relationship of disclosure and housing. A Home Office Circular of 11 August 1997 stated that:

Housing arrangements may be an important factor in assessing and managing the risk, particularly when disclosure might render the offender homeless and potentially increase the risk to the public.

(Home Office Circular, 11/09/1997 in NACRO, 2002a: 1)

This circular effectively accounts for why the Home Office declined to follow the US’s lead in the community notification programmes made mandatory under Megan’s Law²⁷; they were concerned that such moves would backfire and place more people at risk of victimization. It was feared that widespread notification may also deter offenders from complying with the register, which relies upon offenders providing police and probation services with their current name,

²⁷ Named after Megan Kanka, murdered in 1994 by a neighbour who was a known child sex offender.

address and lifestyle details (NACRO, 2002a). NACRO expands upon the official statement of the Home Office to describe how housing may be essential to the protection of the public:

When offenders are driven from their homes, they do not disappear off the face of the earth. They are still in a town or city full of children but are now living anonymously, perhaps moving from place to place and changing their name to avoid being identified. In these circumstances it is harder for the police to supervise offenders, or to involve them in treatment programmes which can control their deviant sexual tendencies. The result is therefore more rather than less risk to the public.
(NACRO, 2002a: 4)

The UK case-by-case approach to the disclosure of information has been challenged by the media, particularly through the *News of the World*'s name and shame campaign, which seeks to bring into law the requirement for police services to notify communities about sex offenders in their locality. This has been named 'Sarah's Law'²⁸ after the murder of Sarah Payne, mirroring that of Megan Kanka in the US. The Federal Megan's Law 1996 outlines the notification requirements of police authorities in each county of each state of the US. Megan's Law amended the previous Jacob Wetterling (Crimes Against Children and Sexually Violent Offender Registration) Act 1994²⁹ which enabled each American police authority to release information about known sex offenders if they thought it necessary and appropriate. Megan's law changed this subtly to 'shall release information', thereby conferring a statutory duty upon the police (Lovell, 2002), however the timing, nature and form of this information is left to the discretion of each state.

²⁸ As of February 2008, plans to pilot a controlled version of Sarah's Law have been unveiled. As part of the Home Office Violent Crime Action Plan, four police areas will allow access to otherwise confidential information on specific sex offenders by parties who have a direct interest in the welfare of a child. This would include single mothers/guardians to request information about prospective partners. Jacqui Smith (current Home Secretary) stated there would be a presumption that these requests would be granted. However, people who use this information inappropriately would be liable to prosecution. John Reid (previous Home Secretary who initially discussed these pilot schemes) argued that this is not Sarah's Law as there are no widespread community notification arrangements, although the label can be applied and the schemes addressed the 'For Sarah' campaign (Byers, 2007; Travis, 2008).

²⁹ Named after Jacob Wetterling, an 11 year old who was abducted whilst with his friends. His body has never been found.

3.4.1. *Reintegrative Shaming*

Disclosure of information (or community notification in the US) can serve a number of purposes, the most commonly asserted being the shaming of offenders into conforming to social rules and norms. Shaming offenders through notification programs can be reintegrative by providing a strong expression of social disapproval, which facilitates sex offenders' capability to conform to social norms that are clearly spelled out for them whilst providing a socially inclusive environment (McAlinden, 2004). This community orientated focus is defended by Travis (1997) who claims that disclosure is part of an interaction of other interventions that serve to hold the offender accountable through internal and external controls. However, Pawson (2001) notes that disclosure may be used by powerful groups to control the powerless, ensuring that any rebellion by powerless individuals becomes socially unacceptable. Braithwaite (1989 in Johnstone, 2002) supported this perspective; commenting on the powerful social control that may be exerted through shaming techniques. Despite Pawson's argument Travis's view is that which has been commonly accepted and is often justified through restorative community justice principles for the protection of the public. This gives the supporters of notification some theoretical basis for their proposals, although the strength of these foundations is arguable (Presser and Gunnison, 1999).

Restorative justice focuses on victims and their community:

Restorative justice is a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications in the future. Notification is, similarly, designed to allow the community to "actively participate in reclaiming the safety of their neighbourhoods, cities and towns."

(Beatty, 1997: 20 in Presser and Gunnison, 1999: 302).

This advocates the increasing role of the community in 'policing' themselves through rational citizen participation with an understanding of the issues for the community, victims and offenders (Presser and Gunnison, 1999). This role of the community indicates a move away from Benthamite panoptic principles to synoptic methods of social control (Petrunik, 2002). Accepting the definition of panopticism as being the control of the majority (such as offenders or a prison

population³⁰) by the minority (such as guards, psychiatrists or probation/police officers), and synopticism as the control of the minority (following the previous example, offenders or sex offenders in particular) by the majority (members of the community: Petrunik, 2002) then this movement is almost inevitable with the growth of restorative justice principles. Characteristics of synoptic social control include all or some of the following:

- Community vigilance. For example, neighbourhood watch and citizen patrols;
- Media coverage of persons or places considered to pose a risk to sections of the population;
- Intensive lobbying of officials or public bodies by pressure groups ostensibly acting on behalf of the public or community;
- Vigilantism, including vandalism, picketing, demands and violence;
- Public access to information on 'risk' such as sex offender registries.

(Petrunik, 2002: 503).

Unlike panopticism, synopticism does not necessarily involve punitive management or incapacitation. This is illustrated through the use of the Community Reintegration Project (circles of support and accountability) used in Canada since 1994 to great success and currently trialled in 3 areas in Britain. This project is often highlighted as an example of a truly reintegrative shaming form of restorative justice; incorporating key themes of social disapproval, social support and community reintegration (McAlinden, 2004). The formation of circles of support by 4-7 specially trained members of (typically Mennonite) churches in order to reintegrate and support released sex offenders (of high risk to the public), has been argued to have a much more positive affect on reducing recidivism rates than hostile exclusion by communities (Wilson, 2003). The purpose of the circles is to ensure that offenders are adequately housed, gain employment, have sufficient support, have advocates for their rights and welfare and are held accountable for their actions and attitudes (Cesaroni, 2001; Petrunik, 2002). Offenders volunteer for the scheme and must be assessed as high risk of

³⁰ See Part One chapter 4.1.1 for a discussion of panoptic surveillance and Bentham's concept of the Panopticon; a prison designed so that a single guard can have complete view of all prisoners.

re-offending and to lack support networks in the community (Cesaroni, 2001; Hudson, 2005). There are some basic rules which volunteers abide by: they should not have one-to-one relationships with offenders; circles are neither authoritarian nor custodial; and they promote offenders sense of responsibility and accountability (Silverman and Wilson, 2002).

Those people that volunteer to support a sex offender reject the view that sex offenders are 'icons of horror' and embrace the view that they are just 'pathetic men' (Pastor Harry Nigh in Wilson and Silverman, 2002: 167). Cesaroni (2001) found that those people (in her study³¹) who volunteered to become a member of a circle were predominantly well educated³² and believed circles aided reintegration (almost 90%) and served to protect the community as a lack of social support networks was thought to be linked to the likelihood of re-offending. Frequently volunteers had a background within academia, social work or the criminal justice system³³ and felt that their contribution was for the benefit of the community rather than the offender, with the latter being supported in order to protect the community.

Similar to legislation and policy in the US and UK, the development of the circles of support scheme was reactive to threats posed by child sexual abusers being released into the community with little or no form of supervision or aid. In spite of this reactive inception, recent evaluation of the circles concluded that the actual recidivism rate for offenders in these schemes was 40% lower than that predicted for a high risk offender; an indication that community support is effective in preventing abuse (Wilson, 2003).

On the basis of these figures the Lucy Faithful Foundation founded a pilot scheme of British circles in late 2003 with the support of the National Probation Service. Again many of the volunteers included church members for whom the churches distributed guidance on how to manage and be aware of manipulative

³¹ 45 circle members and 12 core offenders.

³² 91% with post secondary education, 40% with graduate degrees and 11% with a Ph.D.
31% teachers/university lecturers/graduates/retired, 22%

ministers/chaplains/deacons/reverends, 20% social workers/counsellors.

³³ 31% teachers/university lecturers/graduates/retired, 22%
ministers/chaplains/deacons/reverends, 20% social workers/counsellors.

sex offenders. The guidance of the Diocese of Chichester reflects the values of reintegration and restoration (calling for support and care of the offender) whilst warning their volunteers of the possibility of 'manipulation' (Council of the Diocese of Chichester, 2003: 1). A similar scheme was initiated in the autumn of 2002 under the euphemism of 'Circles of Friendship'. This scheme involved members of the Hampshire and Thames Valley Quakers providing 24-hour support and monitoring of (in this case) child sexual abusers (Bright and Hinsliff, 2002). Currently there are three evaluations being undertaken in Britain, no pilot has yet been published.

Despite community notification being justified through restorative principles, many other recent measures adopted in the UK and the US have indicated a more general move towards actuarial justice within criminal justice discourses, particularly centred on risk assessment and management (for example, MAPPA: Kemshall, 2001; Maguire *et al.*, 2001). The primary issue that this model of justice brings to the discussion of sex offenders in the community is the abandonment of moralistic judgements on behaviour and lifestyle (Cowan, Pantazis and Gilroy, 2001). This model declines to exert any values upon the actions of offenders, or non-offenders, instead it rests upon the likelihood of recidivism; all measures being justified by their ability to reduce re-offending (Cowan *et al.*, 2001). The adoption of actuarial principles of risk management has unified the efforts of the police, probation and social services in relation to sex offenders under the MAPPP arrangements. This has led to the development of a more cohesive, multi-agency approach based upon supervision and monitoring rather than traditional policing and isolated treatment programs (Cowan *et al.*, 2001). Ericson and Haggerty (1997) suggest that the reason that risk demands a pluralistic approach is due to the nature of risk as lacking boundaries and affecting areas of the community that no one institution has authority over:

Risk society is fragmented. Fragmentation results from the fact that risk as danger subverts institutional boundaries. Risks blur the boundaries of professional knowledges, raises complex ethical issues that require interdisciplinary approaches, force the adoption of more stringent institutional responsibility and accountability, and forge new inter-institutional alliances.
(Ericson and Haggerty, 1997: 118)

Therefore, 'risk' has managed to bring the policies and objectives of different agencies of the criminal justice system in line with each other, creating a more unified (in theory if not in practice) approach to dealing with offenders in the community. However, as Cowan *et al.* (2001) point out risk management involves taking no risks. The criminal justice and social work services are only criticised for putting people in danger when they have taken a risk, albeit a calculated one. The strategy is, therefore, to contain the risks of supervising offenders (and especially sex offenders) in the community by not taking any in the first place. This has led to a more punitive release environment, created via increased supervision and monitoring, strict housing requirements, and registration. Therefore, whilst actuarial justice claims to make no judgements on the morality of behaviour, it has the effect of enabling a more intensely punitive course of action to be adopted by agencies involved with offenders in the community. This approach is in direct contrast to the principles and practice of restorative justice and reintegrative shaming. Although currently the two are jointly advocated in work with sex offenders, in practice, they are difficult to combine.

3.4.2. *Disintegrative Shaming*

Community notification falls short of the ideals of restorative justice and reintegrative shaming in a number of ways. Primarily, where restorative justice emphasises the rights and needs of victims, notification has little regard for them, although the rhetoric specifically concerns the protection of existing and potential victims. Instead notification has greater resemblance to retributivist principles than restorative (Presser and Gunnison, 1999). This is due to the lack of guidance on what the community should do with the information they are given; fear and panic undermining social responsibility. One of the main identified problems of shaming through community notification is the extent to which it may be effective. There is little empirical evidence to support the success of shaming in reducing re-offending or protecting the public (McAlinden, 2004). It is further feared that reintegrative shaming can easily turn into disintegrative if the overt disapproval of community members is not coupled

with consistent social inclusion. However, Johnstone describes how social disapproval alone can help protect the community:

That the offender is subjected to the rejection and contempt of society serves as a deterrent; the thought of the shame of being caught and of the subsequent conviction is for many stronger than the thought of the punishment itself.

(Anderson, 1974: 78 in Johnstone, 2003: 119)

Yet, community notification often divides communities, turning inhabitants in upon themselves in a suspicious and accusatory atmosphere. The effect of notification on recidivism and social cohesion is effectively summed up by Kear-Colwell and Pollock:

Sex offender notification is a flawed strategy for controlling sex crime. It reflects a skewed view of sex offenders and, lacking a plan for problem solving, it encourages citizen action in the form of vigilantism. Notification relies on stigma, such that offenders are likely to retreat into denial and eventually to recidivate.

(Kear-Colwell and Pollock, 1997 in Presser and Gunnison, 1999: 311).

This counter-productive effect of shaming through notification is one that is rarely considered by restorative justice advocates, who regard shaming as being necessary to the safe reintegration of offenders back into the community. However, the above depicts a strategy of stigmatic shaming rather than reintegrative which is expected to deter offenders from future re-offending through making them face the rejection and contempt of the community:

Shame could have the effect of so degrading and mortifying offenders that they are forever driven out of the law-abiding society into criminal sub-cultures...

(Johnstone, 2002: 120).

However, Etzioni argues that notification inherently prevents reintegration:

...his chances of reintegrating into society and leading a productive life. Community notification destroys the anonymity that is crucial to reintegration.

(Etzioni, 1999: 61)

Therefore, notification, by its very nature, undermines any efforts of reintegration by underlining the public's condemnation of sexual offences and to erect a barrier between 'them' and 'us'. In contrast, restorative justice seeks to not only repair the harm to victims, but also to decrease the risk of offenders re-offending by effective reintegration into the community (Bright, 1997). Additionally, restorative justice is expected to consider the rights and needs of *all* parties involved, including the offender (Bright, 1997). This may be achieved through treatment programmes, the provision of secure housing or other reintegrative and rehabilitative approaches (McAlinden, 2004). However, notification fails to regard the offender as anything other than a sex offender, even though they may have a family of their own, be holding down a responsible job and not have re-offended, as one sex offender commented in an interview: '...all they see is a sex offender.' (Zevitz and Farkas, 2000: 383). Thus, in contrast to reintegrative shaming, notification stigmatises offenders and further isolates them in society and from social support (Presser and Gunnison, 1999).

This labelling process may encourage offenders to go 'underground' as there are greater rewards than if they comply with the requirements of the register and have to suffer the consequences of notification. Weiss (1999) agrees that the labelling of sex offenders as such (especially as paedophiles) once they have been released unfairly stigmatises them so that they find it difficult to rebuild their lives or reintegrate back into the community. Labelling can have a number of consequences, according to Winck (1998 in Petrunik, 2002), that can result in offenders becoming more likely to re-offend, rather than exerting social controls on them to abide by social and legal rules:

Labelling offenders as 'sexually violent predators'...is demonising, dehumanising, and demoralizing in ways that not only predictably diminish the offender's potential to change, but also increase social and occupational ostracism if the individual is ever released to the community thereby preventing successful social reintegration...In addition, the political rhetoric that often accompanies enactment of these laws may make the public come to see all sex offenders as repeatedly offending sexual predators, even though some may be first-time offenders. First-time offenders may be particularly amenable to treatment, yet the rhetorical heat of the sexual predator label may make it politically impossible for them to obtain diversion to treatment programs.

(Winck, 1998: 539 in Petrunik, 2002: 499).

It may be argued that there are those sex offenders who have victimised children, but are not paedophiles in the medical sense, perhaps able to change their offending pattern or to stop offending altogether, and are hindered from doing so because of this pervasive labelling (Weiss, 1999). The social stigma of the sex offender label is aggravated by community notification. Meloy (2006) fears that the consequences of stigma may outweigh the dubious benefits of notification. She comments that informal and internal controls of individuals have been found to be more effective than legal sanctions. This finding may promote work to develop stronger internal controls through Foucauldian normalisation and conformity in Sex Offender Treatment Programmes (SOTP) and residential settings.

3.4.3. *Practice of Notification*

Some arguments used to criticise strategic accommodation can also be applied to notification programmes. Where the housing of sex offenders is prohibited for specific distances from areas such as schools or parks (incorporated into law in some states of the US, for example, Iowa, see Part One, section 2.2.), some members of the community are concerned that offenders can simply travel to new areas if they choose to. Julia Long (psychologist at HMP Grendon) states the problems in relation to notification:

I don't see that as being in any way helpful. It doesn't protect children in any way, shape or form that I can see. Quite apart from questions of logistics – how far and wide are you going to put these posters up? – you have to remember that paedophiles, like the rest of us, are more than capable of walking down the street and moving into another area where there have been no posters. I also think that this sets up the desire to offend; they feel low and angry and bitter, which is how I have characterized what was usually going on before they offended in the first place. I know that's what I would feel like if I was held to be an 'undesirable' in the community, and my picture was posted on every lamppost and people were crossing the street to avoid me. I would feel lonely, angry and rejected and not owned by the community.

(Julia Long in Silverman and Wilson, 2002: 44).

In the US, notification programmes are rarely implemented wider than town boundaries, or possibly county boundaries. That a sex offender can simply move is not disputed, but the register requires them to inform the police of their move and their new address so that the necessary notification can be undertaken. However, such compliance does not always happen, and the offender may only move out of the area for a day or two (if it is a short period there is no requirement to inform the police). As soon as offenders leave their areas without informing police or probation, notification no longer has the controlling effect it may have in offenders' home area. Interestingly, Tewkesbury (2006) found that the longer the period an offender is to be registered, and the longer they have already been on the register, the more likely that they will fail to register a move of address. Thus, as in housing, all notification may have achieved is the displacement of offending. However, McAlinden (2004) found that the majority of sex offenders who are reconvicted commit further crimes in the area which has been notified about them, which suggests that notification neither deters offenders nor displaces crime.

A study conducted within America on the effects of community notification on sex offenders found that of all the problems notification caused, the main issues were housing and employment (Zevitz and Farkas, 2000). One offender interviewed described how he had moved seven times within a five month period due to notification programmes. He also illustrates the problem of finding suitable housing when complying with the restrictions placed upon sex offenders:

I was evicted from my apartment. I found another apartment that I could afford. The DOC (Department of Corrections) said, no, you can't live there because it is fairly close to a school. We found another place, but it was kind of close to a park. So then we came out here only because my girlfriend's mother owns the place. So, yeah it's had a big impact. It's like I'm stuck here because I'm afraid to move. As soon as I move, they're going to renotify and it's going to be the whole shebang again. So I'm stuck paying \$750.00.

(Zevitz and Farkas, 2000: 382)

It may be argued that the effect of the notification program was successful in this case, as the offender was housed away from schools and parks and lived stably with a family. However, it is a stability born from fear and cannot be guaranteed.

If the family situation breaks down it is not unlikely that the offender may attempt to go underground, and if he succeeds he poses more of a danger than if community notification had not been employed and he remained known to the police and Department of Corrections. Similar stories are told by many sex offenders within this qualitative study, including how, when suitable housing cannot be found, offenders have been placed back in minimal security prisons/correctional facilities or drug half-way houses (irrespective of whether they have a drug addiction or not) (Zevitz and Farkas, 2000). Such accommodation provisions are inadequate as a reduction in recidivism requires a secure, stable lifestyle. Suitable housing is essential in achieving this as security cannot be maintained in spite of continual moves due to hostile community action or provisional residence in half-way houses or correctional facilities. Ray Wyre, (2002) argues that the best method of housing dangerous sex offenders until they have been treated and/or reintegrated into society may be the building of specialist, residential clinics (such as the Wolvercote clinic, closed in 2002). However, the idea has been met with much hostility and has resulted in arson attacks and the subsequent abandoning of the project (Wyre, 2002). Such examples illustrate how strong and forceful public opinion can be, though often misguided and misdirected. Disclosure of information through the media 'Name and Shame' campaigns has resulted in a number of attacks on innocent people, and at least one death through arson of a 14 year old girl (NACRO, 2002a). The issue for many who have to work with sex offenders and ensure public safety is that once the public have got their wish and the offender has moved from their area then where do they go? They may hide themselves away; changing their name, pretending they are not who they are. The sex offender ends up another anonymous face in private rental accommodation, where no-one knows them, and they are free to 'start again'.

The failure of notification has been illustrated from another angle, that of recidivism and offenders' attitudes towards it. In interviews conducted by Zevitz and Farkas (2000) a number of offenders interviewed expressed their opinion about the ability of notification to force conformity by the offenders, and the ability of community members to protect themselves:

If these people know that you're a sex offender and they keep saying – keep pointing at you and everything else, everything breaks under pressure, everything. No matter what. No matter how strong he thinks he is. You taunt a dog long enough, no matter how calm and cool – calm and collected that dog might have been the whole time, it might have been the most loving dog with children and everything else, but you taunt the dog long enough, it's going to bite. And that's exactly what this law does. It makes John Q. Public taunt the sex offenders. And sooner or later something is going to snap.
(Zevitz and Farkas, 2000: 388)

This emphasis on collective community responsibility may account for Tewkesbury's (2006) finding that two thirds of registered sex offenders in their study report contact with police or probation once a year or less.

A study of male sex offenders' attitudes towards notification procedures undertaken in Florida found that their experiences supported concerns that notification may not fulfil its aims of public protection and social reintegration (Levenson and Cotter, 2005a). The majority of respondents reported negative consequences of notification, such as stress, isolation, fear, shame, hopelessness (including suicidal thoughts), or loss of personal relationships. Just under a third reported losing their home or employment, threats or harassment (Levenson and Cotter, 2005a; Tewkesbury, 2006; 2005). Although this suggests that the majority of sex offenders may reasonably be expected to disagree with notification policies, 25% of offenders in this study thought that it was fair that communities were informed about them, however, over 90% disagreed that their home and work address, phone number and vehicle details should be disclosed (Levenson and Cotter, 2005a). Additionally, Tewkesbury (2005) found that registered sex offenders were diametrically split in their agreement that registers deterred them from re-offending (40% completely disagreed and 43% completely agreed). Meloy (2006) reported a 1988 California study by Lewis that found no evidence that notification was any more effective than registration in preventing re-offending or aiding the investigation, location and arrest of suspected sex offenders. These findings were replicated in later American studies such as Schram and Milloy's (1995) Washington study.

Researchers that have sought to reconcile community notification with Human Rights issues have notably failed in this endeavour. An American study by Zevitz and Farkas (2000) into the reactions and attitudes of sex offenders to community notification and supervision, reported that they had 'not resolved whether the detrimental effects of community notification on released offenders' rehabilitation and privacy rights outweigh the public's right to be informed about resident sex offenders' (Zevitz and Farkas, 2000: 390). Whilst there may be some cultural bias within this research (as the researchers are based in the US), their statement reflects the undecided nature of the debate that is being waged on the British side of the Atlantic as well.

Notification affects the family of the offender as well as the individual, which sometimes results in the offender being abandoned by their family; further isolating them from community life. Zevitz and Farkas (2000) quote one offender as saying:

My ex-girlfriend left because of it. Because of being in the paper, she was afraid she's gonna be attacked. It got to the point where she was scared to even go out to the store for milk. So she went her way, I went mine.

(Zevitz and Farkas, 2000: 383).

While offenders may be tempted to blame many of their problems on external forces outside of their control, there may be some truth in the narratives related to Zevitz and Farkas (2000). Fear of harassment and attacks do not only affect the offender, but also people close to him/her. They are blamed for being close to the offender; tainted by association (Tewkesbury, 2005). Such reactions by members of the community can hinder and prevent the offender from reintegrating back into the community, therefore, providing the setting for more offences as the offender is excluded by the society that shun him/her for not being part of them. The negative effect of notification is most keenly felt by victims who are related to their offender. Due to open notification policies in the US, these victims are readily identifiable and are vulnerable to the shame and pain that disclosure can cause (Zevitz and Farkas, 2000). Etzioni claims that notification unnecessarily shames many sex offenders who offended against

members of their own family as these offenders are already known to the victims and potential victims, he argues that it is degrading and pointless to disclose their identity further than the family circle (Etzioni, 1999). This argument, however, denies that sex offenders have the ability to form new families, or that offenders who abuse intra-family victims may also abuse outside of the family, the two groups are not necessarily mutually exclusive. In Britain, however, as disclosure is on a limited scale at the discretion of the police, the potential effect on victims is not so great, yet the experience of the US in this matter cannot be ignored, especially as restorative justice primarily focuses on the interests of victims.

3.4.4. *The Sex Offender in the Carceral Society*

Whilst it may seem that sex offenders are one of the classifications of offender that are most subjected to disciplinary power within the carceral society due to their unenviable position as one of the most demonised sections of the population (see Part One chapter 2), it is this demonisation and ostracisation that Kleinhans (2002) believes sets sex offenders apart from the carceral society. She argues that the registration of sex offenders (and notification in the United States) *excludes* them from society rather than *controls* them within society. The requirements of the various sex offender orders and licence conditions prevents them from re-offending because they are removed from the vulnerable members of the community, rather than manipulating them into not offending. Kleinhans (2002) also comments that Foucault (1977) required discipline to be contained if it is to be effective (within a prison, for example), however, she fails to take into account that he also analyses the whole of society in carceral terms, understanding that the control mechanisms present within the prison extend beyond those walls. Within this discourse disciplinary power is inevitably present throughout the punitive controls on sex offenders, be they exclusionary in their nature or conformatory. The evidence of this may be present within the nature of community punishments. What Kleinhans (2002) regards as exclusionary tactics, maybe viewed as endeavours to maintain the visibility of sex offenders within the community. She acknowledges that sex offenders are thrust into 'constant visibility' (Kleinhans, 2002: 245) through registration and notification requirements, but she sees their failure to prevent re-offending and to encourage sex offenders to go 'underground' as evidence that they are the

exception to the carceral. However, whether they succeed or not, they are mechanisms to surveil sex offenders in the community; the pre-requisite for hierarchical observations, normalising judgements and examination.

Chapter 4: INSTITUTIONS AND DISCIPLINARY POWER

This study focuses on a probation hostel as a site of disciplinary power exerted on sex offenders in the community. However, it can be argued that the hostel itself is a strategy of power, not simply a place in which other strategies are enacted. In this respect the hostel can be regarded as an example of an institution, the nature and use of which, in disciplinary terms, Foucault describes in his works; *Discipline and Punish* (1977) being the most pertinent to this discussion.

4.1 Foucault and the Institution

Foucault's three best known works discuss similarly closed institutions: the asylum, clinic and prison; although these are by no means the full extent of his discussions (*cf.* Foucault, 1961, 1963 and 1977). These settings have commonalities; they are all ostensibly concerned with the 'cure' or reform of the subjects within them, the subjects are involuntarily accommodated within closed or semi-closed institutions and are subject to social condemnation or ostracisation. In all cases, subjects are caught in a net of power discourses within the institution, whilst the institution itself is part of a wider 'Carceral Net' (Foucault, 1977). Mechanisms of disciplinary power that are characteristic of institutions include techniques which Foucault (1977) refers to as hierarchical observations, normalising judgements and examinations.

4.1.1. Hierarchical Observations

This technique of disciplinary power is idealised in Bentham's Panopticon. Also called the Inspection House, the Panopticon was initially designed as a prison, but could be adapted for use as other institutions such as schools, factories or hospitals. Based on a circular arrangement the design allowed for the continuous, simultaneous surveillance of numerous individuals by a single observer (Dinwiddy, 1989). What architectural historian Robin Evans (in Dinwiddy, 1989: 38) calls '...a 'vividly imaginative' fusion of architectural form with social purpose' Foucault regards as the pure archetypal of disciplinary power through surveillance (1977). In the Panopticon '...visibility is a trap...' (Foucault, 1977: 200) in which all inmates are subject to more efficient and effective disciplinary power through surveillance techniques than monarchical power which acts upon

the body³⁴ (Cousins and Hussain, 1984). Surveillance does not just act upon the individual, observing and noting, but, as Foucault characterises disciplinary power, manipulates the internal attitudes and thoughts of the subject of the surveillance:

Just a gaze. An inspecting gaze, a gaze which each individual under its weight will end by interiorising to the point that he is his own overseer, each individual thus exercising this surveillance over, and against, himself.
(Foucault, 1980b: 155)

Therefore, surveillance produces conformity. In order to exercise this power and ensure the effective surveillance and observation of people within institutions, the subjects need to be ordered spatially:

Discipline sometimes requires enclosure, the specifications of a place heterogeneous to all others and closed in upon itself.
(Foucault, 1977: 141)

However, closed spatial arrangements do not necessarily facilitate surveillance and supervision of individuals; in open spaces (or artificially open spaces through the use of cameras or Perspex/glass walls) people can be observed much more easily, although subjects still have the illusion of freedom (Foucault, 1977). Despite this, closed spatial distributions effectively individualises those people within the institution so that they can be classified, categorised and labelled (Cousins and Hussain, 1984); aiding other, symbiotic techniques of power such as mechanisms of cell/room divisions, routines, timetables, rules and rotas (Driver, 1994). Separating individuals through the use of separate cells is not unique to imprisonment; schools and hospitals have also employed the technique³⁵ which was justified through different forms of knowledge (for example, medicine or educational theories)³⁶. Separation allows for the effective control of the *individual* who is disempowered in the process and finds it difficult to rebel through exercising power themselves (Foucault, 1977).

³⁴ For example, corporal punishment and capital punishment.

³⁵ E.g. schools separate children with individual desks or, in the nineteenth century, in isolation cubicles allowing them to only see and hear the teacher.

³⁶ Foucault describes, however, the way in which knowledge and power are inter-related; the one working in symbiosis with the other. Power creates forms of knowledge, which in turn fosters the exercise of power (Nettleton, 1994).

However, as Hannah (1997) acknowledges, no concrete form of disciplinary power has managed to live up to the ideal of the Panopticon. In all existing prisons, hospitals, schools and other sites of disciplinary power, the subjects are seldom routinely ordered separately at all times; there are few structures that allow for continuous surveillance, others having anonymous, hidden spaces built into the fabric of the building; and it is rare that the illusion of impartial judgment and punishment is maintained (Hannah, 1997). Within semi-closed institutions, such as probation hostels, it is impossible to observe the subjects constantly, therefore creating the need for greater controls at other points, for example, the borders of the site, whilst fostering wider networks outside of the institution to ensure that the behaviour of the subjects is still observable; that transgressions can still be punished (Hannah, 1997).

That the ideal form of discipline is difficult to create within an artificial setting has no bearing on the level of disciplinary power acting upon and through the subjects, it may, however affect the efficiency of the power, therefore creating the need for other, subtle, techniques of ordering the subjects. The timetable is a similar mechanism to spatial arrangements in that it controls subjects' time rather than space. Initially it is necessary that these mechanisms are coupled with physical observation so that punishment can be meted out to those who do not obey the rules; eventually, however, the actual presence of an observer becomes obsolete as it is only necessary for the inmates to believe they are being watched, rather than to actually be watched. Jay (1986) summarises the nature of panoptic power:

The object of power is everywhere penetrated by the benevolently sadistic gaze of a diffuse and anonymous power, whose actual existence soon becomes superfluous to the process of discipline.
(Jay, 1996: 191)

The isolation of subjects within institutions was based on two nineteenth century models of prisons in America: the Auburn and Philadelphia models. The Auburn, or monastic, model, named after a prison in New York State, only spatially isolated the inmates during the night; however, although they worked and ate together, they were allowed only to communicate with the guards. This was

intended to assist the inmates in learning respect for social relations and other people within a moral social order. The Philadelphia model, named after prisons in Philadelphia State, ordered the inmates in isolated cells at all times to allow the inmates to consider their social position and morality (Cousins and Hussain, 1984; Foucault, 1977). The arguments over which model was the most effective and efficient centred not only on cost but also medical effect, corrective success and surveillance capabilities (Cousins and Hussain, 1984). The main point of interest is that the debate centred not on the benefits of isolating individuals, but the manner in which this was achieved; whether spatially or by regulation. Foucault regards this change in the form of punishment (from public spectacle to private, individualised surveillance) as being indicative of a wider social change in which the object of power was no longer the body but worked upon the soul or mind to produce the effect of a productive and docile subject (Foucault, 1977).

4.1.2. Normalising Judgment

Surveillance needs to work in conjunction with judgments about the behaviour observed if it is to have a disciplinary effect. Surveillance of subjects' acts must be coupled with punishment if the rules and spatial arrangements are not adhered to – which requires a judgement to be made. In this system punishment intends to not only deter but to reform the individual (Layder, 1994; Foucault, 1977), serving a socially functional purpose.

Normalising judgements have a further, more important purpose than acting upon the individual; it defines normality. Power - coupled with the knowledges³⁷ produced through power, and which furthers the exercise of power - create a set of scientific classifications into which individuals are labelled; some being considered normal and others abnormal. Foucault (1977) describes that in this manner the labels conferring sanity, health, or delinquency were created and applied in order that the insane, ill and criminal (those that are labelled 'abnormal') can become the focus of power in order to 'normalise' and enforce conformity to social values and norms (Cousins and Hussain, 1984). Therefore, the motive behind internment, be it imprisonment, education or hospitalisation, should not be sought in the effects or stated intentions alone, but in the overall

³⁷ For example, medicine, psychiatry, criminology, penology.

social function that these institutions serve. In respect to sex offenders, this defining of normal is observable at the point of charge and conviction, in that the behaviour of the individual (in this case, often sexual behaviour) is judged as constituting criminal (and therefore abnormal) behaviour. This judgement of normality continues through the prison system and into the probation system. At all points the offender is assessed in terms of the normality of their general behaviour, sexual behaviour and sexual desires. The yardstick of normality moves from being simply those behaviours defined abnormal in Schedule 3 of the Sexual Offences Act 2003 (in court) to behaviours that indicate risk of committing those behaviours by probation (a much more flexible and subjective notion of normality).

4.1.3. *Examinations*

The third of the three mechanisms of power involves examining the subject and the meting out of punishment for any transgressions. This involves the subject being assessed in relation to the definitions of normality and abnormality. It is the 'scientific' basis on which classifications are made and labels applied. It is at this stage that the symbiotic relationship with forms of knowledge is at its most observable. Foucault (1977) comments that the examination procedures are ritualised as they are visible and must augment the production and discourses of the knowledges that they are part of. For example, in medicine the doctor examines the patient's symptoms in a consistent manner that underscores the scientific basis of the examination and the validity of the diagnosis. This is the same for the criminal justice system; the courts are a visible display of the examination of the individual through a highly ritualised set of procedures that ensure the validity and social acceptance of the judgements. Whilst the individual is going through these examinations they are being continually objectified and further enmeshed within the carceral net.

4.2. **Goffman: Institutional Life under the Microscope**

In his work *Asylums* (1991), Goffman illustrated the daily life of residents within an institution (asylum) dedicated to the management of people assessed as abnormal. Where Foucault describes the pervasive and generalised processes operating through the institution (prison), Goffman describes the resistances to disciplinary power advocated by him. In this understanding of Foucault's

Discipline and Punish and Goffman's *Asylums* we are provided with a body of work that deals with the same issue but from different approaches; namely the nature of institutions and how they act upon people within.

Goffman, like Foucault, was concerned with understanding the total institution - those institutions that accommodate and endeavour to affect persons within that are separated from the wider social world. Goffman classified total institutions into five categories, some of which were not concerned with conforming 'abnormal' persons to social norms. These five groups comprise:

1. Those institutions caring for persons thought to be incapable or harmless, for example, orphans, elderly people, or people with disabilities requiring supported accommodation.
2. Those institutions caring for persons who are incapable of looking after themselves, but present some risk to others, albeit unintentionally. This group includes asylums (hospitals for people with a mental illness or disability) and hospitals for people with contagious diseases.
3. Those institutions for persons who intentionally pose a risk to others, for example, prisons. Unlike the previous two categories the residents' welfare is not a high priority.
4. Those institutions that are work-related, for example, army barracks, boarding schools and ships.
5. Those institutions that provide a retreat from the outside world for the residents, for example, monasteries and convents.

(Goffman, 1991: 16).

Clearly, Foucault, in his corpus of work, was primarily interested in those institutions with some conforming role, such as categories two and three; incorporating the asylum and the prison. However, he discussed the relevance of his ideas in relation to wider concepts or institutions, such as schools and the military (Foucault, 1977). Foucault did not make the distinction between total institutions and other forms, indeed, he demonstrated that the nature and practices of institutions were social phenomena. The conforming disciplinary power evident in the prison setting also subtly defines social relationships

outside of the confining boundaries of the building (Foucault, 1977). Similarly, Goffman, whilst regarding the total institution as unique in structure, acknowledges that elements within them are not unique; they are not necessarily shared by each type of total institution, nor distinctive to them (Goffman, 1991). Therefore, some of the processes and resistances that he observes practiced by residents in the asylum may be observable in other forms of institutions or social settings. The nature of the hostel institution under study would fit with Goffman's concept of the hybrid institution; one which is part residential and part based in the community. Goffman, recognises the interest of these hybrids, claiming that they '[...] are the forcing houses for changing persons in our society' (Goffman, 1957: 7; 1991: 22). This concept of the partial institution relates easily to Foucault's (1977) concept of disciplinary power exercised within institutions.

4.2.1. *Internal Structure of the Institution*

In contrast to Foucault's understanding of institutions as purposefully conforming residents to social norms, Goffman conceives institutions as primarily perpetuating the 'abnormal' behaviour of residents by interpreting residents' behaviour as affirming their abnormality (Burns, 1992). Although, in *Asylums* Goffman focuses on total institutions, he also wrote of hybrid institutions that may also have a conforming effect (Goffman, 1957). However, the purpose of the hybrid may differ from that of the total institution, as one prepares the resident for reintegration into the community, the other segregates the resident. In general, Goffman understands institutions as working to perpetuate deviant behaviour (through classifying people as abnormal and maintaining the classification and understanding of abnormality, and in contradistinction, normality) through the same processes and structures that Foucault argues enforces conformity (Jones and Fowles, 1984): social isolation and segregation. In the internal world of the institution, residents are denied autonomy and forced into a structure of living; where and when they sleep, eat, take medication and so on (Burns, 1992; Goffman, 1991). However, there is one, rather important, difference in the twentieth century asylum studied by Goffman and the historical institutions and prisons considered by Foucault; the former do not spatially or through regulation separate all residents from each other, indeed,

the formation of groups and the development of culture are central to Goffman's observations in *Asylums* (1991). Within the asylum, Goffman observed that the spatial spheres of sleep, work and socialisation were broken down and undertaken under the authority of the institution (Goffman, 1991). This 'fraternisation process' encourages the development of resident groups and a more general resident culture, through shared experience and mutual support networks in rejection of the staff group. Herein may lay the difference between the disciplinary (conforming) effect and social segregation.

Goffman refers to the institution as providing a social world for the resident, this world may not be completely divorced from the outside world (as institutions rarely have no contact from wider society), but evolves sets of meanings, practices and rituals (Goffman, 1957). This inner culture does not displace the wider social culture, rather the institution 'discultures' residents, removing them from the hegemonic social culture and making it more difficult for them to rejoin the culture at a later date (Goffman, 1991). This disculturation works through the stripping of existing social networks leading to shifts in, what Goffman (1991) refers to as, the residents' moral career. This disculturation results in the dispossession of social roles that the resident occupied outside of the institution. Many of these roles are difficult to regain because of the physical barriers of the institution, however, others may not be, and the development of roles in institutions was a central area of interest in Goffman's work (1991).

In all institutions there are two basic groups that should be considered: residents and staff. The latter remaining socially integrated with the outside world, whilst being part of the institutional world; the former being socially isolated, but forming their own social culture within the institution (Burns, 1992). For residents the world of the institution is more real, more important than the outer world, although they may strive to join this world, coming to regard it as almost utopian. There is a great social divide between the resident and staff group, with no social mobility permitted (Goffman, 1991). This divide is perpetuated by the spatial separation of the two groups as well as contact with outside society. Staff have access to private areas, whereas residents do not. Although resident sleeping areas may have some semblance of privacy, staff maintain the ability to

access these areas at any time (Goffman, 1991). This division between staff and residents leads the groups to regard the other in terms of negative stereotypes (Burns, 1992). This narrow stereotyping is fostered by the limited contact the groups have with each other, and the strong cultural identification they have with members of their own group (Goffman, 1991). Within these two primary groups there are sub-classifications. In particular, frontline staff have the task of communicating with residents, and preventing residents from communicating with higher levels of staff within the institution. This mechanism distances residents from the decision-making processes about their life, causing them to remain disempowered and powerless against the structure of the institution (Goffman, 1991).

Staff have the role of observing residents. They are expected to supervise residents and watch their behaviour within the institution in order that judgements can be made on the basis of these observations, feeding into the decision-making process (Goffman, 1991). Like the surveillance described by Foucault (1977), this supervision is intended to subject residents to constant examination. Therefore, in both concepts of the institution, the ability to observe residents at all times is paramount to the operation and function of the institution. Through this work of staff, residents are regarded as similar in status to inanimate objects; they are to be managed and manipulated rather than human beings to interact with (Goffman, 1991). This subjection to surveillance and examination is coupled with residents' subjection to an echelon form of hierarchy in the institution that means that any staff member can exercise authority over all residents, regardless of their status within the staff group (Goffman, 1991). This means that the exercise of power by staff over residents is diffused and likely to be asserted, whereas residents have little legitimate recourse to resist.

The work of staff presupposes the low status of residents in the institution as they have to accept their subjection to surveillance, to judgement and assessment, and to punishment. This low status may be symbolised in certain gestures and behaviours such as seeking to gain attention from staff members, residents being deliberately made to wait for staff, or staff denying requests from

residents. In this respect, compliance with staff demands and institutional rules may be a mechanism of self protection within the hostel; a method of marking time quietly until release (Goffman, 1991). This compliance with the rules and structures of the institution are referred to as primary adjustments by Goffman in *Asylums*. Secondary adjustments are discussed later in respect to resisting the processes within institutions.

4.3. Probation Hostels as Semi-closed Institutions

There is little recent work on probation hostels. Wincup's (2003) ethnographic study of the experiences of hostel staff working within a sample of four hostels is one of the most up-to-date and focussed studies. Within this she considered how appropriate hostel accommodation is, in particular for female offenders, as well as the work experiences and attitudes as revealed by staff members. Comparing the hostels described in Wincup's study with the case hostel considered here demonstrates how quickly and with what variety hostel regimes can change. On the publication of Wincup's book in 2003 this study had only just commenced, however, Wincup describes her participating hostels as accommodating approximately two thirds bail cases, the other one third on release from prison or probation. In the case hostel this ratio was approximately 1:4 bail to release from prison. There is no suggestion that the case hostel was being used differently to other hostels with similar resident populations. However, this difference may be accounted for by Wincup including women only hostels within her sample and the case hostel being mixed. Also, the case hostel admitted residents drawn from a very large geographical area (the probation area including only two hostels) which may mean that bed spaces were at a premium and used for those offenders presenting greatest risk to the community; which is often considered greatest on release from prison. Additionally, sex offenders in particular at this time, were being sentenced to longer periods on supervision licence than other offenders, meaning that they were subject to enhanced levels of community supervision, in which the hostel played a role.

The use of semi-secure probation approved hostels for high risk sex offenders on release from prison not only provides a focussed site to surveille and monitor risky behaviour, it also allows hostel staff to liaise with other criminal justice

agencies regarding the treatment, management and move-on plans of offenders. The National Probation Service (NPS), however, recognises that hostel accommodation may not be appropriate for all high risk sex offenders, as enforced communal living can escalate the risks presented by some offenders (NPS, 2004). In hostels this may be because they extend the high level of institutionalism, social isolation and negative labelling practices experienced by offenders in prison (Baldry *et al.*, 2002). Baldry *et al.* (2002) argue for a greater range of supported accommodation for ex-prisoners to ensure that individuals are provided the most appropriate accommodation for their needs. The NPS has committed to a strategy to develop a range of accommodation, including long-term residential treatment facilities for sex offenders (NPS, 2004). However, as Baldry *et al.* (2002) acknowledge, hostels are not simply a site of accommodation; they are integral to the management plans of high risk offenders. The problems of hostels have also been noted by the Scottish Executive, who argue for a balance between providing a secure site to enable the administration of treatment and therapy programmes, and facilitating the grouping of sex offenders (Atkinson, *et al.*, 2005).

In line with the institutionalism of hostels highlighted by Baldry *et al.* (2002), residents of Probation Approved Hostels often perceive them as an extension of imprisonment. The same forces are exerted over them using the same mechanisms: 'lock-up' times, chores, rules, room searches, staff and strict curfews; however, they are still allowed the comparative freedom of being able to leave the confines of the hostel during the day, although this has been likened to just having a 'bigger exercise yard' (Silverman and Wilson, 2002: 117). This perception of hostels may be indicative of a greater shift in the nature of punishment in the community; once released from prison; offenders are no longer 'free' from the physical or tangible walls of punishment that once ended at the prison gate (Foucault, 1977).³⁸ However, although the rules that are imposed by staff in hostels may resemble those of prison, often staff do not have the power or resources to ensure that they are adhered to by residents. The most common challenges involve the availability of drugs; whilst searches can be conducted and penalties include being 'breached' and returned to prison for the

³⁸ see Part One chapter 3.1 for a discussion of Foucault's concept of the carceral net and disciplinary power.

duration of the offender's licence period, the prevalence of drugs and alcohol in hostels remains high (Silverman and Wilson, 2002).

This powerlessness and resource-led role of hostel staff has been noticed by residents. An offender interviewed in depth by Silverman and Wilson (2002) comments upon the role of the probation officer in the context of hostels and sex offender treatment programs. He criticises them as primarily *managing* offenders in their control, rather than dealing with the problems and issues that lie at the heart of their offending. He blames this on the lack of staff and resources in the probation service and criminal justice system as a whole, commenting that, whilst people may have entered the service with the best of intentions, the heavy workload and demanding cases result in officers simply trying to keep up with the work that is landed on them; they just do not have the time or energy to care as well. He concluded that 'It's a wonderful idea, the probation service, but I think that as an organisation they're all too insecure because of the government' (Phil; Silverman and Wilson, 2002: 119).

4.3.1 *The emergence of hostels: institutions for change*

The residential aspect of after-care services involves a range of hostel accommodation, with Probation Approved Premises affording rehabilitative services, supervision and risk management to a diverse array of high and very high risk offenders (NPD, 2005). The primary purpose of Approved Premises has changed with the changing nature of the probation service as a whole and cannot be separated from a consideration of the wider context of probation work.

Hostels emerged mainly through the 1920s, but were given impetus under the Criminal Justice and Administration Act 1914 which gave the courts power to add conditions of residence to a probation order (Wincup, 2003). However, as with the probation service more generally, it was through the late 1960s and 1970s that probation developed into the modern system. By 1948 hostels were approved by the Secretary of State, this remained unchanged until 1969 when the Children and Young Persons Act removed the courts' power to place young offenders (under 17 years) on probation, although in 1962 the Morison Committee were unconvinced about the need for *any* approved hostels (Home

Office, 1979). The 1969 Act resulted in many hostels that had previously catered for under 21s branching out to older age ranges (Haxby, 1978), and in 1970 four hostels were developed for adult men³⁹. At this time hostels were still managed through voluntary organisations, a status which changed with the Criminal Justice Act 1972 as provision was made for Probation and After-care Services to take over their running (Home Office, 1972). This move was reinforced by the Powers of Criminal Courts Act of 1973 which also empowered probation committees to both provide and maintain probation hostels, bail hostels and other establishments for use in the rehabilitation of offenders (Weston, 1987).

Over subsequent years the number of hostels expanded with the approval of the Home Office which hoped that hostels would aid their endeavour to provide more alternatives to custody. In 1970 1650 places for adult men were planned with 110 hostels available by 1975 (Home Office, 1972). The purpose of hostels, whilst run by voluntary organisations, had been primarily around accommodation and aid to live a lawful existence; the changes of the years 1969-1972 turned this around and it became clear that although hostels were sites of accommodation, assistance and rehabilitation, they were also sites of control, punishment and shaming (Wincup, 2003).

The aim of 110 hostels by 1975 was undoubtedly failing by 1974 when only 13 hostels (209 places) for adult men were available; by the following year only 5 more (a total of 317 places) had been established (Haxby, 1978). Expansion was difficult because there was a lack of suitable properties to convert to hostels (this lack resulted in some hostels being converted from inappropriate buildings, meaning that work within those hostels was hindered because of difficulties in observing the residents) and a substantial amount of public protest about the siting of hostels within communities (Wincup, 2003).

Despite this failure, hostels were still expanding at this time as a parallel system of hostels was in operation. These hostels were still managed through voluntary organisations with the aid of the Home Office after-care hostel grant scheme, inaugurated in 1965. By 1975 there were 177 after-care hostels, however most

³⁹ Two catered for 19-25 years and two for 21-25.

were running at a severe loss, and in order to qualify for grants under the Housing Act 1974 these hostels did not offer any therapeutic or social care and came under the control of various housing associations (Haxby, 1978). In 1994, however, the planned expansion of hostels was abandoned and 11 hostels were closed in a climate of 'Prison Works' (Wincup, 2003). The 1998 *Thematic Review of Approved Hostels* was also critical of hostel provision, highlighting three issues that needed to be addressed to improve hostels: firstly, a national rationalisation of hostels in terms of their organisation, provision, location and nature; secondly, to introduce uniformity into the system; and thirdly, to focus on prisoners being released into the community (Wincup, 2003). The climate has changed, and more recent fears about prison over-crowding and the need to deal with offenders in the community has shaped recent hostel development (Home Office, 2006). The hostel system has been streamlined until currently there are 100 Probation Approved Hostels in England and Wales, catering for full age range, range of offences (for example, drug related offences to sex offences), and both sexes.

The structure of Probation Approved Premises varies slightly from hostel to hostel, but there are broad similarities. All hostels cater for a limited number of offenders at any one time in open conditions⁴⁰ (Home Office, 1972), leading to the popular name of 'half-way houses' (Home Office, 1971). There is not a minimum or maximum period that an offender stays in a hostel, this is largely determined by the behaviour of the offender and the probation officers working with them, although 3-6 months is usual (Weston, 1987). Offenders resident in the hostel can also apply for periods of home leave where they can stay at a pre-arranged address for a set period, often over a few days. Hostels have catchment areas from which they draw their residents, however, these areas are not prescriptive and in appropriate cases residents may be from out of the area (Weston, 1987). Admissions policies determining who can be admitted to the hostel are developed by each individual hostel with the needs of their area in mind, although the Home Office has given some guidelines on this issue. Those who should not be accepted by a Probation Approved Hostel include:

⁴⁰ The residents of hostels are free to leave as they choose, although there are often curfew hours.

- Those offenders whose offences are deemed too minor to warrant expensive residential supervision;
- Those offenders whose presence in the hostel would pose an unacceptable risk of harm to either themselves, other residents, staff or the local community;
- Those whose sole need for a hostel place stems from their homelessness (however, exceptions to this rule can be considered if the only alternative is custody).

(Whitfield, 2001).

It is notable that the above are only guidelines and individual hostels, and Probation Committees that govern each of the forty-two probation areas, can make decisions in their own interests. This discretion has led to some hostels refusing certain categories of offender, notably sex offenders as they attract adverse publicity. Kleinhans (2002) comments that sex offenders are commonly refused hostel spaces because they are likely to alienate the local community and result in vigilantism, however, she fears that this refusal places the public at higher risk as released sex offenders are able to blend into the community without adequate controls.

Hostels are mainly managed by a Senior Probation Officer with the aid of a deputy manager drawn from Probation Officer level. Other staff in hostels work with the residents as key workers; a position where they are the first point of contact for the offender (Whitfield, 2001). Whitfield (2001) also gives some idea of the difficulty of the job for those who work in any position within Probation Approved Hostels when he comments on the need for all staff to act as role models to the offenders that come into their care. He expresses the opinion that hostel working ‘...is probably the toughest task in the probation service.’ (Whitfield, 2001: 70).

The purpose of hostels has often been ambiguous and far-reaching. This uncertainty has been criticised, especially as the aims often appear to be contradictory; veering between providing immediate aid and assistance, containing ‘problem’ offenders and rehabilitating them (Haxby, 1978). Walker

and Beaumont (1985), probation officers themselves, describe the need for probation to understand the situation of the offenders and to recognise their helping role. Although Davies and Wright (1989: 41) comment that probation officers' role is '...very heavily management-orientated', Paylor (1995: 2) comments that the wider probation service's role (and hostels in a stricter sense) '...should emphasis not their [ex-offenders] exclusion from society but their continuing membership of it.' However, it is also acknowledged that this is difficult when hostel structures and regimes often perpetuate that of prison.

The Home Office first defined the purpose of hostels within the 1995 *National Standards*:

...to provide an enhanced level of supervision to enable certain bailees and offenders to remain under supervision in the community.
(Home Office *National Standards* in Whitfield, 2001: 68).

This statement emphasises the control aspect of probation work, and the need to protect the community from offenders. The focus appears to be on the community and what the hostel can do for them, rather than the offender and how probation officers can help them. Thus, the changing nature of the probation service at this time is reflected in the work of probation hostels.

In the last years of the twentieth century hostels started to focus on the most risky and dangerous offenders being released from prison (or, to a lesser extent, on bail). At this time Paul Boateng, Minister for Probation and Prisons emphasised the role of probation in law enforcement and hostel priorities in supervision (defined in terms of punishment), public protection and, finally, in offender reintegration (Wincup, 2003).

More recently, the National Probation Directorate (NPD) has produced a number of documents outlining the purpose of Approved Premises, as well as their operation and admissions criteria. The overarching role of hostels is stated as the protection of the public, other detailed functions work towards this aim, including: surveillance and monitoring of offenders; assessment of offenders; delivery of accredited programmes and other interventions, for example, one-to-

one work, pro-social modelling and motivational interviewing; and provision of services including employment services, life skills, health and education (NPD, 2005b). Cherry and Cheston (2006) draw upon these documents to discuss the practice of hostels, fearing that surveillance and monitoring work may overshadow other functions, particularly rehabilitative practices.

Chapter 5: RESISTING CONTROL

The processes at work in institutions, namely mechanisms of disciplinary power, are not unassailable. Foucault notes that subjects will always resist power, and he was inclined to encourage any resistance (Cousins and Hussain, 1984). Such resistances take place not only at group level (in terms of all the residents or an institution) but also at the individual level. These resistances tend to take place at the extremities of society and rarely challenge core institutions or central tenets of social structure. Of course, any such resistance to power exercised upon the subject requires the exercise of power in return: the subject must exercise power over themselves, their personal autonomy and over other individuals to ensure their relative freedom.

Power is open to challenge in numerous minute ways, as people can be the instruments of power as well as the objects (Walzer, 1986). In this manner the rulers may only rule their own immediate world and may be the ruled simultaneously or at any given moment within a 'finer net' of power spreading throughout society (Cousins and Hussain, 1984: 177). Importantly, Foucault regarded real power as something that subjects could resist; as power attempts to influence those that are free to exercise self will and determination (Hindess, 1995). Power that is exerted on subjects who are physically or psychologically unable to resist constitutes violence or dominance rather than power. While these may be forms of power they are not disciplinary power which is what concerns Foucault and what he regards as the basis of social relationships (Barker, 1998). Foucault highlights resistances to power, although he does not outline these or discuss how individuals may resist (Mills, 2003). However, he does continue to emphasise the importance of individuals and micro-level relationships as a field of study to understand both power strategies and resistances.

5.1. Resisting the Institution: secondary adjustments

In contrast to what Goffman (1991) calls primary adjustments⁴¹, secondary adjustments are those modes of behaviour and action that residents undertake in institutions that are in breach of the rules or are developed to circumvent rules.

⁴¹ Compliance with mechanisms of disciplinary power. See Part one, chapter 4.

Secondary adjustments can either be disruptive to the order of the institution, or be contained within the order. The latter are more likely to be accepted by staff, although they serve the aims of the residents, sometimes in opposition to those of staff and the purpose of the institution (Goffman, 1991). Although these adjustments are most notable among residents, they are not confined to them and can be observed within the behaviour of staff as well.

Secondary adjustments can encompass a vast range of behaviours, but can be exemplified through the use of legitimate items for illegitimate means. This may be, for example, the use of drinking cups for ashtrays (ashtrays not being provided in areas outside of designated smoking areas). The underlying reason for secondary adjustments is the working of the institutional system to the benefit of the resident or resident group. Space within the institution can be used in residents' secondary adjustments. Within those areas that residents and staff can both access, residents may find 'free places' (Goffman, 1991: 205), which are characterised by their freedom from the surveillance of staff, either because they are not known about or because they are hidden from view. These places may be used for conducting illicit activities or simply to gain time away from the gaze of staff. Cohen and Taylor (1992) add that free places can be utilised in the intellectual distancing of the resident from the institution. This involves the pursuing of hobbies and activities that are unrelated to the institution and require the resident to focus on the task at hand rather than the surrounding environment. Again, they note that these free places are likely to be spatially separated from the fabric of the institution. The use of these free places may be 'owned' by different groups of residents in the institution, indicating that resident groups may be territorial (Goffman, 1991).

The most common form of secondary adjustment other than the use of space is the use of other people. This is not to say that residents routinely exploit each other, although exploitative relationships may exist, rather that residents have market-based relationships whereby one resident uses their skills or knowledge for the return of another resident's. This exchange may be of goods (including money, but more often products), but also of social favours (Goffman, 1991). Social exchanges may involve the maintenance of stable social relationships, for

example in a group, that enable the residents to conduct other exchanges, to normalise their behaviour or attitudes, and establish a safer environment for them in the institution. In this respect the exchange of appreciation of activities and shared time are uses of each other that benefit each resident individually. These relationships are commonly categoric, in that they are on a group basis, but are also private between individuals (platonic and romantic). In addition, mutually beneficial relationships may occur between a staff member and resident in the form of a patron. In this case the relationship is considered to be very stable, more so than private relationships, benefiting the resident through the gaining of a contact 'on the other side' who can help him access illicit goods or the social world beyond the institution (Goffman, 1991). These relationships are the primary mechanism through which residents exercise control and power over each other. Goffman (1991: 265) refers to resident control of each other as weak, he observed that residents did not identify with each other against the institution; instead they broke into smaller groups and endeavoured to define themselves as normal within that group.

Despite this inward looking nature of resident life in institutions, resistances to staff by residents were observed as a particular category of secondary adjustments. These may take the form of covert violence (the arranging of 'accidents'), resident group protests, sabotage of property and communication lines, teasing, and riots (Goffman, 1991). Clearly some of these forms of resistance are more overt than others; noticeably these forms tend to be on a group basis rather than individual, perhaps relying on the adage of strength in numbers as well as anonymity.

5.2. Techniques of Neutralisation and Cognitive Distortions

Foucault's concept of disciplinary society seldom refers to the agency of the individual; although he does state that individuals can exercise power or resist power (Garland, 1990). Sex offenders, like other individuals, have the power to fight back against the oppressions of the Carceral Net. This fight is in their self-interest as by doing so they retain control over themselves and their behaviour; furnishing themselves with the possibility that they can offend again if they so wish (Garrison, 1992). The methods by which this is attempted, and perhaps

achieved, depends, amongst other things, upon the nature of the oppressions, the character of the individual, their cultural identifications and the structures in which they are placed. By resisting the disciplinary processes running through society, individuals can form subcultures based upon their sense of identity and social relationships (Garland, 1990).

Sex offenders have similar experiences in that they find themselves within a highly structured and bureaucratic system of institutions; a maze in which they, as an individual, may be lost and floundering to gain some measure of control over not only their bodies but their minds. This is especially evident within offence treatment. By the final stages of the criminal justice system the sex offender is placed in a cycle of treatment and admission. They are treated so that they accept responsibility for their actions - the first step in controlling their behaviour and preventing re-offending – and then are treated for the behaviour they have admitted: paradoxically the more they admit, the more they are considered in need of different treatments yet also the more they are accepted as remorseful and socially controllable. Admission is regarded as a breakthrough in controlling the mind, and therefore the behaviour, of the offender. After admission the offender can be worked upon to adapt their most intimate fantasies into socially acceptable desires.

Denial of responsibility for an offence is commonly associated with convicted sex offenders. The proportion who display some form of denial or minimisation is variously reported with figures ranging from one third (Baldwin and Roys, 1998) to 80% (McGrath *et al.*, 1998). Denial is an umbrella term for numerous mechanisms through which offenders rationalise and justify their actions or fantasies. This implies that denial is a conscious mechanism, which it may be, but it may alternatively be the unconscious repression or reinterpretation of information (Cohen, 2001). Through the use of techniques of denial or neutralisation (as termed by Sykes and Matza, 1957) offenders may maintain the individuality and privacy of their behaviour and thoughts whilst also seeking to avoid the social and internal (cognitive dissonance) consequences of their behaviour. Genuinely held distorted views of the world and attitudes towards

sexual behaviour, women or children may provide the necessary belief systems for offenders to permit themselves to commit criminal acts.

5.2.1. *Definitions*

Sykes and Matza's (1957) seminal work on techniques of neutralisation rejected Cohen's concept that subcultures are developed through the building, maintaining and reinforcing of a code in opposition to the dominant or hegemonic social system. Instead they regarded delinquency as the product of the individual's ability to believe that their actions are right. Even while they are breaking the hegemonic norms and values they believe themselves to be 'right' in the circumstances; those norms and values are only guidelines which may not cover all situations. This ability to justify actions that flout otherwise deeply held attitudes and beliefs was called *neutralising* the beliefs by Sykes and Matza; achieved through forms of denial and justification, not only to other people but to the individual themselves. Therefore, they are the methods by which internal and external demands for conformity may be neutralised. Neutralisations are not only a conscious endeavour to escape social judgment but also a subconscious process that sets the scene for the wrongful behaviour and protects the individual's self image afterwards (Wright and Schnieder, 2004); a prior and post offence safety mechanism for the emotional well-being of the individual.

Sykes and Matza (1957) outline five major methods of neutralisation based upon denial of moral culpability:

- *Denial of Responsibility*: the individual denies they are responsible, perhaps through denial of intention, perhaps because they are a product of bad parenting or socialisation.
- *Denial of Injury*: the behaviour caused no harm and is, therefore, not immoral even if it is illegal. The concept of harm is open to wide interpretation however.
- *Denial of a Victim*: where the individual may accept responsibility for the act they may deny that there was a victim – that the other actor was compliant or that they deserved it.

- *Condemnation of the Condemners*: the individual deflects attention from himself to those that are rejecting and labelling him. He criticises their behaviour and motives in criticising him.
 - *Appeal to Higher Loyalties*: the individual claims he violated social rules for the sake of his family or friends. This latter technique is less relevant to the discussion of sex offenders.
- (Sykes and Matza, 1957: 667-669)

Despite the publication of this classification in 1957, until the late 1980s denial was still largely regarded as a binary response (Salter, 1988). However, since Sykes and Matza other researchers and theoreticians have endeavoured to further refine their work, adapting the above classifications into definitions of their own. For example, Gocke, (1991: 19) identified six general types of denial that, although similar to Sykes and Matza's categories, draws upon more cognitive distinctions:

- *Admission with Justification*: the offender minimises the seriousness and/or extent of the acts, he also may deflect blame from himself.
- *Physical Denial*: the offender denies they could have physically committed the acts through the use of alibis. Generally the offender passionately protests their innocence.
- *Psychical Denial*: the offender denies the acts based on general principles such as they are not the type of person that would behave like that. Often the family colludes with them in these protests.
- *Minimisation of Extent*: the offender may admit the acts but deny key aspects such as elements of planning or fantasy.
- *Denial Of Seriousness and Need of Treatment*: offenders often claim that they did not really do anything that would harm the victim and even if they did they will never do it again so there is no need for treatment.
- *Denial of Responsibility*: the offender often blames the victim (as in Sykes and Matza's, 1957, category of Denial of Victim.) and presents mitigating circumstances such as poor childhood.

These classifications are similar with only the distinctions between each category being debated; not necessarily a source of incompatibility between studies as the boundaries that have been drawn are lines upon a continuum where no category is mutually exclusive (Salter, 1988).

Cohen (2001) gave a parallel classification of denial based, not on *how* the offender is denying but on *what* the offender is denying:

- *Literal Denial* – saying that the offence did not occur;
- *Interpretive Denial* – the act itself is not denied, but is reinterpreted to give another meaning;
- *Implicatory Denial* - neither the act nor the meaning is denied, but the implications of the act are, for example, ‘she was not really hurt’.

These forms of denial can be used in conjunction with cognitive stratifications to further understand the forms of denial being employed by the offenders, their meanings and purpose for the offender.

Cohen observed that the distinctions between self-deception and lying to others can be blurred, especially where the individual deceives themselves. This can happen when the individual recognises the truth of their behaviour but uses neutralisations to minimise their responsibility. Through repeated retelling these denials may be internalised, the fiction becoming more real than the almost forgotten fact. One story becomes superimposed on the other. The individual, without challenge, may start to believe their own constructed truth. Neutralisations are then no longer conscious and may become part of the way in which an individual interprets their world and the behaviour of other people (Cohen, 2001).

5.2.2. *Use of Neutralisations*

It is immediately noticeable from the above sets of definitions that outright denial is only one method of neutralising an offender’s guilt. Sykes and Matza (1957) comment that offenders are unlikely to reject hegemonic social norms in their entirety – evidenced by their feelings of shame or guilt and by their need to justify their actions as not immoral even if they are illegal - instead they rely on

neutralisations which are ‘essentially an unrecognised extension of defences to crimes, in the form of justifications for deviance that are seen as valid by the delinquent but not by the legal system or society at large.’ (Sykes and Matza, 1957: 666). In effect the offender, rather than rejecting hegemonic norms, apologises for failing to abide by them. They may admit that they have caused some measure of harm, but not to the extent that is suggested, and certainly not deliberately; and even if they have caused serious harm it is outweighed by the harm that has been done onto them (Sykes and Matza, 1957). Whilst considering the importance of denial in the character of sex offenders, Watts (1989 in Gocke, 1991) commented that:

The single most powerful characteristic in child sex offenders is their capacity for denial. They deny their abuse not only to others but to themselves. They deny the number of their offences, the number of children they have abused, and the true ages of the children abused (abuse of older children is more socially and legally acceptable). They minimise their offences in a multiplicity of ways.

(Watts, 1989, in Gocke, 1991: 16)

The importance of techniques of neutralisation lies in their all pervasive nature. They are the mode in which the offender ‘prepares the way for deviance from the dominant normative system without the necessity of a frontal assault on the norms themselves’ (Sykes and Matza, 1957: 667) whilst also being the method by which the offender is shielded from the ‘force of his own internalised values and the reactions of conforming others...’ (Sykes and Matza, 1957: 669) after committing criminal acts; protecting him from the shame and guilt that would be a direct consequence of violating his own social conformity (Marshall, Hamilton and Fernandez, 2001).

Finkelhor (1984) explores how neutralisations may be used by sex offenders to create the four pre-conditions required *before* sex offending can take place:

1. Motivation to abuse through being sexually or emotionally attracted to children, perhaps having other methods of sexual gratification unavailable.
2. Overcoming internal inhibitions, perhaps through the use of alcohol or inability to cope with stress.

3. Overcome external inhibitors such as the intervention of others. Perhaps through the identification of vulnerable victims such as children without strong parental figures present.
4. Overcome the resistance of the victim/s, perhaps through the use of grooming or threats of physical force.

In particular neutralisations are required for the potential offender to overcome their own internal inhibitions towards offending (2); they persuade themselves that it is acceptable in the circumstances to offend. This paves the way to future offending as the offender has already justified their possible actions to themselves, now they just need to find a way to commit the acts. Gocke (1991) also investigated how neutralisations may be related to the fantasy component of sex offending. In essence he envisaged neutralisations as being the gateway to increased fantasy rehearsal with the conscious knowledge that this would eventually lead to the physical act.

How an offender denies their guilt or minimises their responsibility depends upon the character of the offender and nature of the criminal behaviour. They 'make idiosyncratic distinctions in degrees of blame...and tailor their stories accordingly.' (Salter, 1988: 97). However, these idiosyncrasies may be more open to prediction than Salter implies. Baldwin and Roys (1998) found that sex offenders who denied the offence in its totality were likely to be at the lower end of the IQ range represented in their sample, with deniers tending to be younger and less sophisticated than those offenders who used more complicated and effective forms of minimisation. Ward (2000) also commented that the type of neutralisation or justification employed by the offender could predict the nature of their offending, and vice versa, as the neutralisation mechanism is indicative of a broader theory of the world and social relationships. These broader theories are schemata⁴² which are unique to the individual and are discussed later in this section.

⁴² Schema refers to a broad range of mental mechanisms that shape the individuals' interpretation of the world around them, including beliefs, attitudes and perceptions (Ward, 2000).

Despite these findings it may still be difficult to be sure to what extent an offender is minimising, and how much of their account of an offence is their true perceptions of their actions. This is what Cohen (1996) calls the 'Denial Paradox': in order to label someone's statements of their actions as denial or forms of minimisations you must assume that they are lying to some extent – otherwise the offender may be giving what they regard as a true account of what took place. Of relevance to the debate surrounding this paradox is the notion of relativity. Offending behaviours, as with other actions and experiences, are interpreted by the individual. That two accounts (for example, the offender's and the victim's) are dissimilar and may, indeed, contradict each other, is not necessarily evidence of denial. The manner in which the offence occurred can be interpreted and understood differently by actors within it not only on reflection, but may also be understood differently at the time. Given that differences in interpretation of events can occur, Lea and Auburn (2001) note in relation to rape that the victim's version of events is not necessarily morally more 'right' than the offender's as both may have interpreted the events differently. As Sykes and Matza originally pointed out, techniques of neutralisation are not necessarily conscious reconstructions of the truth but also subconscious defence mechanisms both to cope with guilt and to provide the necessary psychological preconditions to commit the offence/s. Even when it may be clear that the offender is not portraying the realities of the event, it may not be so easy to know whether they are aware of their distortions. This distinction is important to understand as it is the basis of treatment programmes - it determines how the issues are approached by treatment leaders and facilitators.

Offenders can adhere to their neutralisations with great tenacity; their family life, careers and social inclusion may depend upon it. As one sex offender cited by Parker (1969 in Gocke, 1991: 17) puts it:

If they (other perpetrators) were like me, they'd deny it right up to the hilt – even when you held the proof up for them right in front of their eyes.

(Parker, 1969 in Gocke 1991: 17)

Associated with neutralisations is the psychological concept of cognitive distortions. These differ from neutralisations in that they are not excuses or

justifications for aberrant behaviour, but reflect the reasoning behind it. For example, a neutralisation would be to say that the victim, a child for example, wanted a sexual relationship and that sexualised behaviour between the child and offender was part of a consensual, perhaps even loving, relationship. A cognitive distortion would be the underlying belief that the child was capable of a consensual sexualised relationship and wanted it on this occasion. Cognitive distortions are defined by their deviation from normative beliefs and are evidenced by the use of techniques of neutralisations (Auburn, 2005). However, cognitive distortions, unlike neutralisations, are always beliefs genuinely held by the offender. Whereas with neutralisations offenders minimise their behaviours or desires, with cognitive distortions the offender interprets information (for example, the behaviour of a child) as indicative of sexual desire or consent.

All information is interpreted in respect to an individual's schema; their overall world-view (Langton and Marshall, 2001). Schemata are the belief systems which we all use as points of reference to understand stimuli and information. Schemata refer to the broad range of mental mechanisms and structures that shape individuals' interpretation of the world around them, including beliefs, attitudes and perceptions (Ward, 2000). In the example being employed above, the offender's schema would be that children are capable of sexualised relationships. It is in light of this belief that the child's behaviour is interpreted (Polaschek and Gannon, 2004). The distortions of an offender are derived directly from their schemata, with the types of minimisation being used to justify offences being reflective of these beliefs. For example, those rapists who regard women as manipulative or as sexual objects are more likely to deny their offending behaviours as they may believe that women are 'unrapeable' if they are sex objects. Therefore, no criminal offence can have been committed (Polaschek and Gannon, 2004). Despite this observed correlation between schemata and neutralisations, there is no evidence that similar types of offender, such as rapists or child molesters, share similar schemata. However, similar behaviours evidenced in offences may be related to similar schemata. Langton and Marshall (2001) demonstrated that they could categorise rapists into five subtypes based on the nature of the offending behaviour: opportunistic; pervasively angry; vindictive; sadistic sexual; and nonsadistic sexual. They

related these to schemata, cognitive distortions and outward behaviour. Below is a simplified and adapted version of the findings of their typology:

Table 1: Typology of rapists' schemata and cognitive distortions.

	Schemata	Cognitive distortions	Outward behaviour
Opportunistic rapist	Self-centred	Self-interested, no concern for others	Avoids negative self-evaluation
Pervasively angry rapist	Negative social schema	Constitutes others as hostile or threatening	High trait anger
Vindictive rapist	Negative towards women	Distorted views towards women - misogynistic	Rage towards women
Sadistic sexual rapist	Egocentric, ritualised behaviour	Self-focussed, sadistic fantasies	Pleasure in fantasies, detachment from offence
Nonsadistic sexual rapist	Negative to self, courtship schemata	Distorted views of relationships	Emotionally lonely

(Langton and Marshall, 2001: 506)

Despite this typology they acknowledge that overall research has demonstrated no distinctions between male rapists and other males in terms of their general schemata and attitudes.

Aiding the offender in the construction, maintenance and believability of their neutralisations are social stereotypes and prejudices (Lea and Auburn, 2001). It is not uncommon to hear an offender denying offences on the grounds of a lack of victim. He plays on the concept of innocence to portray a victim that was at least partially to blame for his actions as she was flirtatious, wore revealing clothes, was promiscuous, or – least innocent of all – worked as a prostitute; she ‘asked for it’ (Gocke, 1991). Braithwaite and Daly (1994) draw attention to the process of the rape trial as an observable public display of the stereotypes from which the offender derives support for their conscious or subconscious neutralisations. By seeing the victim effectively on trial themselves he sees his beliefs in the victim’s blameworthiness verified and his own guilt and moral culpability diminished. The manner in which offenders can use external prejudices or behaviours to

reinforce their own distorted beliefs is important. It is often declared, with shock, that a child sex offender cannot really have believed the child wanted a sexualised relationship – that he must have known the distress he caused. But this may not always be true. Ward (2000) hypothesises about the underlying schemata that manifest themselves as the distorted attitudes and beliefs evidenced in sex offenders. He argues that the child sexual offender who truly believes what he says when he protests his moral innocence because the child really wanted sex has an underlying schema within which this belief is based. In this case the offender would view children as sexual beings, capable of sexualised behaviour. Any evidence to the contrary would be dismissed as either false or as an exception. Treatment, therefore, would need to address not only the outward manifestation of this schema (the belief that the child wanted sex) but also the basis on which that neutralisation is formed (the perception that children are sexual beings). This is also true for other neutralisations that are based within the belief system of the offender, for example, the neutralisation that the woman an offender raped deserved it because she was promiscuous is based in the belief system that women should be loyal to their husband or partner, that they should be submissive in society and behave in a sexually passive manner. However, it is recognised that not all offenders believe in their neutralisations to this degree: some use them as conscious mechanisms; others internalise them as a method to either assuage their guilt, or to pave the way to offending; whilst for others minimisations are based on schema developed in their childhood (Ward, 2000).

5.2.3. Neutralisations in the Institutional Setting

Foucault (1977) and Sampson (1992) note that it is easy for inmates of institutions, especially prison, to see themselves as victims of abuses of power as the prison regime is not what the law sentenced them to, which was purely the restriction of liberty. Gocke (1991) concurs with Foucault, although he regards the processes of the criminal justice system as not just re-affirming the belief of offenders that they have been victimised but also providing a method of consciously diverting attention away from their own actions and motivations by focussing on how they are treated. Imprisonment has another effect of confirming to the offender that they are now solidly labelled as ‘sex offender’; pushing them into a social group within which they feel ‘normal’ and accepted.

They can use this to normalise themselves and their behaviour – no longer feeling isolated by their desires, crimes and the criminal justice process. Yet, whilst enforcing a social subculture on the offenders, it may also stigmatise them further from the ‘normal’ population – reinforcing the label (Garland, 1990; Lea and Auburn, 2001; Sampson, 1992).

This view of grouping within prisons is of importance when considering the value of Sex Offender Treatment Programme groups (SOTPs: based in prisons and voluntary) and Sex Offender Group Programmes (SOGPs: based in the community and mandatory). These work on the basis that group programmes can address specific sex offending issues within an environment that fosters an atmosphere of safe admissions; combating natural secretivism and avoidance techniques (Hudson, 2005). In respect to cognitive distortions and techniques of neutralisation, SOTP/SOGP leaders specifically challenge cognitive distortions and seek to change attitudes through providing acceptable stimuli and values (Marshall *et al.*, 2004). Garrison (1992) argues that SOTP/SOGPs can aid this endeavour as sex offenders are placed in a position where they are no longer alone and, therefore, not ashamed to admit their behaviour in front of others who will not judge them too harshly. This environment fosters trust which enables honest disclosures, with members of the group working together to come to a more accurate and deeper understanding of their behaviour and the impact on their victims (Hudson, 2005). However, as already noted, grouping can have an opposite effect by permitting the offender to normalise and further justify their actions and neutralisations. The emphasis on the re-telling of the events leading up to, and including, the offence (with the intent to break down neutralisations and distortions) may serve to reinforce and further internalise the offender’s reconstruction of the offence, especially if others in the group fail to challenge ambiguous aspects of the re-telling (Lea and Auburn, 2001). This may occur through the offenders not only internalising their consciously created version of events, but also by hearing others employing similar distortions or social myths. Moreau Christophe talks about the grouping of offenders together as the formation of ‘anti-social clubs’ that allow the sharing and passing of criminal methods and rationalisations. He talks about young offenders in particular:

The first desire that is born within him will be to learn from his cleverer seniors how to escape the rigours of the law; the first lesson will be derived from the strict logic of thieves who regard society as an enemy; the morality will be the informing and spying honoured in our prisons; the first passion to be aroused in him will be to frighten the young mind by these monsters that must have been born in the dungeon and which the pen refuses to name...henceforth he has broken with everything that has bound him to society.

(From *L'Almanath populaire de France*, 49-56 in Foucault, 1977: 267)

Hudson (2005), in her study of sex offenders' attitudes towards treatment programmes, found that of her participants the majority said they learned something valuable from the programme that they felt they could use to help prevent their offending in the future. However, they spoke about other offenders (always 'others') who did not learn from the programme and used the programme to deliberately facilitate their own future offending through establishing contacts with other offenders, using the disclosures in their fantasy construction or simply to 'get off' on the experience of listening to talk about sex offending (Hudson, 2005).

Clearly the effectiveness of SOTP/SOGPs largely depends upon the individual's approach to them, with the deconstruction of denial being the key to gaining co-operation (Schneider and Wright, 2004), yet there is little incentive for offenders to comply with these efforts once they have been convicted and, in many cases, released from prison already. SOGP facilitators regard breaking down denial as fundamental to the success of SOGP, because while elements of the offence are still being denied the offender is not motivated to learn self-management techniques to prevent their own re-offending.

Gocke (1991) also points out that prison is not just a site of power constraints by the state or its representatives as illustrated by Foucault (1977), but is a dangerous world in which sex offenders are no longer protected by the social norms⁴³ that they cling to whilst justifying their own violations. They are the scapegoats and antiheroes who are hounded by other offenders and prison guards

⁴³ For example, not resorting to violence as either a demonstration of power or abhorrence, individual privacy, solving disputes through official mechanisms.

in a powerplay of dominance, manipulation, exploitation and survival. Gocke claims that sex offenders in this position find themselves with three options;

1. stand up and endeavour to survive.
2. deny everything – invent offences to become labelled as ‘other than sex offender’ and act violently towards sex offenders in order to reassert this label.
3. seek protection under rule 43 (provision as a Vulnerable Prisoner). This further isolates sex offenders and confers a subcultural status.

The latter two options may reinforce the use of fantasy and techniques of neutralisation as mechanisms of survival, therefore, confirming internally held cognitive distortions.

These neutralisations are not utilised solely in relation to deviant acts but also in relation to offenders’ general behaviour. Erooga (2002: 1) stated that sex offenders display a ‘range of distorted attitudes and beliefs’ throughout their social relationships; characterising the way they interpret not only the victim and other external behaviours but also their own general behaviour. Whilst the use of denial and techniques of neutralisations have been studied in relation to offenders’ attitudes towards their crimes and victims, their use in relation to other behaviours has rarely been noted, yet, as Dominelli (1991) concludes, techniques of neutralisation and outright denial are important tactics used by sex offenders within imprisonment settings to ensure their safety within an environment hostile to their offending behaviours. In terms of this study, the neutralisations used by offenders in respect to their general behaviour as well as offending behaviour may illustrate the extent to which they are engaging in the work and process of the hostel and hostel staff.

5.3 Resisting the Law

Those acts that constitute a sexual offence are outlined in the Sexual Offences Act 2003 (see appendix 1). As this Act came into effect 1st April 2004, amending and consolidating older Acts, the Sex Offenders Act 1997 was still the most relevant statute in effect during the design and initial fieldwork phases of this

project (see appendices 2 and 3). The Sex Offenders Act 1997 was notable because it introduced the requirement for sex offenders to register their name, address and temporary accommodation with the police for the first time. Subsequent legislation has amended the details of these requirements, but not the substantive principle. The Criminal Justice and Court Services Act 2000, for example, tightened the timeframe for sex offenders to register their details when they moved address or were released from prison and established the MAPPA/MARAC system for assessing and monitoring high risk offenders. Further provisions for sex offenders fell under the Crime and Disorder Act 1998.

Challenges that have arisen under the law in relation to sex offenders are relatively clearly identified as the legislation stands at present. Despite the issues being clear the remaining legislation and case law remains complex and bewildering:

The law on sexual offences is confused and confusing it is comprehensive but incoherent and has anomalies that need resolving.

(Paul Boateng, former Home Office Minister in Silverman and Wilson, 2002: 7).

Issues have been addressed in both Britain and the United States in relation to disclosure of information, registration and supervision in the community under (primarily) the Human Rights Act and the European Convention within Britain, and the Constitution in the US. The issues are comparable in nature and decision.

Human Rights are about balance; balancing the rights of one party against another. Usually one party's rights will take precedence over the other party's, and will be protected to the detriment of the other. The specific balance that needs to be found in regard to child sex offenders is clearly stated in RE C (sexual abuse: disclosure) (2002) by Mr. Justice Bodey:

The need to strike a balance between (a) taking reasonable steps to try to ensure child protection and (b) ensuring that the private lives of paedophiles and their families are respected, such that they are neither subjected to undue state interference nor hounded by the community.

This balance is not equitable. Mitchell (1997) paraphrases SACRO (Scottish Association for the Care and Rehabilitation of Offenders) when he comments that 'the agenda has shifted towards community safety, focusing on the rights of the public and potential victims' (Mitchell, 1997: 21). However, at the point when sex offenders are being reintegrated back into the community, it is not about the balance between offenders' rights and victims' rights (these are dealt with in the courts at the point of verdict and sentence), but of the balance between the rights of the offender and the community's need for safety and reassurance (Etzioni, 1999). Nash (2006) states that although the Human Rights Act 1998 has been adopted in principle as well as in law, the rights of sex offenders have been disregarded, with measures to control this group being supported however draconian, often not simply to manage risk but to appease the clamour of public sentiment.

Registration of sex offenders under the Sex Offenders Act 1997 (in the UK and the Federal Megan's Law in the US) has been challenged under a number of articles in the Human Rights Act 1998 (see Appendix 4) and in combination with these and other legislation. Registration and connected disclosure of information has been argued to constitute inhuman or degrading treatment or punishment (cruel and unusual treatment under the US Constitution, 8th Amendment) because of the stigma attached to being labelled a 'sex offender' or, more specifically, a 'paedophile'. This argument has been rejected in the US on the grounds that (a) registration and/or notification (disclosure of information) is *not* punishment and (b) that the social stigma is attached to the crime rather than registration or notification. This dismissal was given in the US Superior Court in the case of Washington State v Ward. A similar discussion was waged during *In re Reed* (1983) in the Californian Supreme Court. The judge in this case commented that registration was, in itself, cruel and unusual punishment as at that time only 5 states had any registration procedures in place. Now, of course, as all states have registration and notification programs as mandatory under Megan's Law (see Appendix 5) it is no longer 'unusual' (Rudin, 1996).

More recently a case was heard in Michigan (*Fullmer v Michigan Dept. of State Police* [2003]) by the District Court which found that the State's version of the

Sex Offenders Registration Act was unconstitutional as it violated the plaintiff's rights of due process. The argument was based on the lack of recourse for appeal regarding the plaintiff's inclusion on the register of sex offenders. In this case the situation was aggravated by the register being fully open to the public via internet and telephone mediums and the register being offence-based only. This means that the register simply lists offenders that are registerable without note of the severity of the offence or dangerousness of the offender. It was argued that in this case the plaintiff posed no risk to anyone (as his crimes were relatively minor) but was being stigmatized (through registration without mention of his classification level) and, as registration and notification place a burden on him (he must re-register and provide the police with physical samples over 25 years with criminal penalties should he fail to comply), there should be some way of contesting the decision to place him on the register. The presiding Judge, Honourable Victoria A. Roberts, agreed with the latter part of the argument but not the former. Like *State v Ward*, she decided that reputation (damaged through stigma) was not a constitutionally protected liberty and, therefore, outside the remit of the court. The judge also agreed with the point that stigma is a result of the offender's crimes rather than the formalisation of public knowledge regarding sex offenders. *State of Hawaii v Bani* (2001) resulted in a similar finding. In this case the Supreme Court of Hawaii rejected all but one of the appellant's arguments regarding the unconstitutionality of both registration and notification (including the assertion that it is cruel and unusual punishment, violates appellant's right to privacy and violates the right to equal protection under the law). The court agreed, however, with the argument that notification (not registration as in *Fullmer v Michigan Dept. of State Police* [2003]) violates due process as the government of Hawaii has the ability to notify anyone regarding information on the register (without informing the offender), but the offender in question has no procedural safeguards that they can employ to appeal or challenge the decision to notify. Both arguments were upheld by the Circuit Court for Miami-Dade County in *Espindola v State of Florida* [2003] in which the judge (Crespo) declared that the registration requirement was mandatory but that the appellant did have a legal liberty interest to protect and that there was no process of appeal, which violated the US Constitution's 14th Amendment. Despite the decisions in *Fullmer v Michigan Dept. of State Police* [2003] and

State of Hawaii v Bani [2001] the case of State v Hayden [2002] found the opposite; that sex offenders had no constitutionally protected freedom that is violated through registration or notification programmes lack of procedural safeguards. Judge Sweeney stated that:

The point of such a hearing would be to determine whether appellee committed a sexually orientated offence. What evidence could appellee possibly present that would justify a finding that he is not?...[w]hat follows – the registration requirement – is mandated by law. The trial court cannot ‘determine’ anything. It merely engages in the ministerial act of rubber-stamping the registration requirement on the offender.

(Judge Sweeney, State v Hayden [2002]).

The court in Washington State v Ward also looked at the actual effect of registration as they stated that if the requirement to register constituted punishment in actual effect then it would negate the Legislature’s regulatory intent. It was decided that the requirement did not constitute punishment in actuality as the effect of registration and rationality supported a regulatory function. (See Part one chapter 3.4 for a discussion of the social effects of registration.) This decision was reached as it was argued that the requirement to register places no undue burden upon the offender. The disclosure of any information connected to the registration of offenders is, likewise, denied to be of a punitive nature because (a) information of an offender’s convictions and address is public information and (b) because it is the offence that attracts public hostility not the requirement to register. Excessiveness in relation to the regulation of sex offenders would result in registration being punitive, however, within Britain it is denied that the measures are excessive as disclosure is allegedly kept to a minimum. In the US this is not the case, and in some court cases the question of whether registration and notification places such excessive conditions upon the offenders as to make them punitive has been discussed. In Doe v Poritz the deciding judge found that the court agreed with the previous case of Halper, that these programs could ‘only be explained as also serving either retributive or deterrent purposes’ (Rudin, 1996: 11), however, the same judge concluded that the programs are not excessive, and, whilst having

secondary, punitive purposes, have a solely regulatory intention, and therefore do not constitute punishment (Rudin, 1996).

This debate further considered the issue of *ex post facto punishment* (retroactive application of the law is prohibited in Britain as in the US). *Ex post facto* punishment only forbids the retrospection of punishment, therefore, retrospection for the protection of the public is not unlawful under this article (7 of the Human Rights Act), it is agreed in *State v Ward* that sex offender registration is retrospective, but that it is lawful as it is not punishment. If the requirements were found to be punitive than they would breach the US constitution and the British Human Rights Act as well as the European Convention on Human Rights. The claim by Ward was that the registration requirement was retroactive as Megan's Law was enacted after he was sentenced but before he was released from prison (the same situation as in England: a sex offender has to register if they are released from prison after 1st September 1997, even if they were convicted prior to that date, but after 1991) (Hughes, 2002)⁴⁴. The argument was rejected here on the same grounds that it has been rejected in England and Wales. The main issue was: does registration and disclosure of information (dealt with as a separate issue) constitute punishment? In *Forbes v SSHD* (2006), the Court of Appeal agreed that registration requirements did indeed place a burden on registered sex offenders, including potentially causing distress and anxiety resulting from their status as a sex offender. However, the decision that the requirements were necessary supported that of *Adamson v UK* (1999) in respect to the prevention of crime and the protection of the rights and freedoms of others. Most recently in *R v UK* (2007), Lord Bingham decided that registration did not infer guilt as the measures were not punitive, thereby complying with the Human Rights Act.

⁴⁴ *Calder v Bull* (1789) states that 4 types of law can violate this principle:

1. a law that makes acts that were legal when committed illegal, and punishes the act retroactively;
2. a law that increases the seriousness of a crime after the act has been committed and is applied retroactively;
3. a law that increases the punishment for a crime beyond that allowable when the act was committed.
4. a law that alters the legal rules of evidence used to convict between the time the act was committed and the adjudication.

The landmark case, *R v CC for North Wales Police Authority, ex parte AB & CD* (1998), concurred with these decisions in respect to justifying registration of offenders and the selective disclosure of information on the grounds of necessary public protection. However, this case illustrates the danger of disclosing information as the two men involved (who were previously actively co-operating with the probation service) ended up going ‘under-ground’(see Part One chapter 5.3).

The offenders in the North Wales case also suffered a continual ‘hounding’ by members of the public who were outraged about them living in their community after news of their crimes was published in local papers. For this reason the offenders moved approximately four times before their whereabouts became unknown. It is the harassment by the public that has led to cases coming to court challenging the Sex Offenders Act 1997 on the grounds of security of person and the right to respect for family life. The case of *CC for NWP* addressed the issue of harassment and decided against the applicants. Again harassment by the public is argued to have nothing to do with registration or disclosure but the crimes of the offenders. However, when the case was heard in 1997 in the District Court Judge Buxton commented that he considered...

...that a wish that certain facts in one’s past, however notorious at the time, should remain in the past is an aspect of the subject’s private life sufficient at least to raise questions under Article 8 of the Convention.

(*R v CC for North Wales Police Authority, ex parte AB & CD*, 1998)

It is recognized that released sex offenders are often not isolated individuals, they still have families, and perhaps children of their own. These innocent parties have the right to expect a degree of privacy and protection of the children’s identity (enshrined in Article 8 of the Human Rights Act). It is not beneficial to the risk status of the offender, and therefore the safety of the public, if the offender is separated from his family and further isolated from society (Wyre, 2002). Although the issues regarding private life and privacy have been identified in this context, as yet they have not been tested in the courts within England and Wales, but it has been in the US. In *Rowe v Burton* (1994) the Alaskan Federal District Court rejected the claim that registration was against the

offender's right to privacy as all the information was in the public domain already. It was merely being used in a different format (Rudin, 1996). The Judge in *Doe v Poritz*, however, decided that the information about ex offenders *was* a constitutionally protected privacy interest, however, this interest was outweighed by the interests of the public to have the information to prevent recidivism and promote safety (Rudin, 1996).

In summary, whilst there is still debate, both in England and Wales and the US, regarding the legality of registration and notification, to date the courts have concluded that they are compatible with Human Rights legislation. This is despite recognising the stigmatising and punitive effect registration may have in practice, but this effect is counterbalanced against the intention to protect the public and prevent crime. This intention, so long as the measures are proportionate, qualifies the rights of sex offenders to privacy and family life, but not to freedom from inhuman and degrading treatment or punishment. There is still much scope for legal challenges against registration and associated measures, and this debate outlined here will continue in the courts.

These legal challenges illustrate that the legitimacy of the disciplinary power mechanisms devised to control sex offenders in the community is both theoretically questionable and practically resistible; not only in an informal individual way (through secondary adjustments and techniques of neutralisation, for example), but also through the formalised court process. Thus, the individual power interactions between sex offenders and criminal justice staff (of whatever organisation) are demonstrative on a micro-level of similar power interactions on a macro-level.

These legal challenges can act more directly on individual sex offenders. The decisions made within such cases can effect the implementation of systems such as the sex offender register and disclosure of information, but also, in a more subtle fashion, clarify and shape the prevailing approach towards sex offenders; for example, setting standards for the balance of rights between offenders, victims and the community which can then be applied in individual

circumstances. More diffusely, but none-the-less significantly, the decisions and debates indicate the relationship between the criminal justice system as a whole and the sex offender population, as well as between individual staff and offenders, in terms of (for example) a therapeutic, welfare-orientated relationship or a punitive, risk management-orientated relationship. This then defines the working role and manner of the interactions that should occur between individuals. These interactions are of central interest to this study.

PART TWO: THE CASE STUDY

Chapter 6: METHODOLOGY

The aims outlined in the *Introduction* were purposefully broad to facilitate an open, exploratory approach to the understanding of the experiences of sex offenders resident in the case hostel. As described below, the phases of the fieldwork were designed to be iterative to allow further, more specific, research questions to be developed and explored.

The stated aims⁴⁵ were achieved through qualitative methods within a case study approach of a single hostel. There were three concurrent phases of data collection:

- Phase One: Observation of the interactions amongst residents and staff within the hostel;
- Phase Two: Observation of MARAC meetings;
- Phase Three: In-depth interviews with residents and staff.

These phases were supplemented with documentary sources available, such as resident case files and staff maintained observation notes.

6.1. The Qualitative Approach

A qualitative approach was considered most appropriate as the objective of the research was to uncover the *realities* of hostel accommodation for sex offenders through the experiences of those involved; staff and residents (sex offenders and non-sex offenders). Kant expounded the advantages of qualitative methods when

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1. ⁴⁵ To explore the daily lived experiences of sex offenders in the case study hostel, including how sex offenders interacted with other people either working or residing in the hostel.
 2. Attitudes of sex offenders in the hostel towards the role of the hostel and, more specifically, offence-based work and life-skills support.
 3. How staff interacted with sex offenders and their attitudes towards working with sex offenders.
 4. How multi-agency work in respect to the management of sex offenders in the hostel was undertaken as evidenced in MAPPP meetings.
See Part one, chapter 1.

he proposed that perception is more than just seeing; it requires interpretation and understanding (Hamilton, 1994). To uncover these meanings, interpretations and inter-subjective interactions a naturalistic approach is required, which is best achieved through qualitative methods as it focuses on the meanings and processes of the participant subjects rather than the measurable certainties of quantitative methodologies (Denzin and Lincoln, 1994; Duke, 2002). When thinking about the differences and appropriate use of quantitative and qualitative methods it is useful to bear in mind the words of Sanger who gave the analogy of a tree:

It may be best to think of two images. One is a fairly natural looking tree. The other is a stylised, geometrical model of a tree. The former retains all the characteristics of a tree; the rough bark, the twisting branches, moments of asymmetry, scar tissue. The other is perfectly balanced, from leaf to tip. No-one could mistake the second tree for a real one, but everyone knows what it represents. In order to produce the second tree, much detail is smoothed away. Information is reduced to basic shapes....Our two trees represent two ways of visualising methods for understanding social events. The former tries to recreate the reality as it was understood at the time, in all its complexity.

(Sanger, 1996: 11)

The former tree is the one that this study wishes to produce as, in the social context of the hostel and the individual lives of those within it, variables cannot be controlled with enough certainty to create the symbolic representation of reality; the second tree. Additionally, in terms of data collection, in order to understand the daily experiences of the people within the hostel setting it is necessary to see the detail of the first tree, rather than the broad patterns of the second.

Qualitative research is not without critics, some of the more specific arguments levelled at qualitative research and data collection are discussed where appropriate in the following sections, however, the table below outlines the main criticisms and benefits.

Table 2: Benefits and criticisms of qualitative research.

Benefits	Criticisms
Allows the research to present a realistic depiction of the study subject.	The lack of 'scientific' methods leads to criticisms of generalisability, unreliability and lack of validity.
Presents a view of the subject under study through the perspective of the actors involved, rather than the researcher. Subjectivity is recognised as inescapable and necessary to embrace as each actor understands the world in a different way (relativity).	Rejects objectivity; aims to present the views and experiences of the research participants.
Allows the researcher to explore inter-subjective meanings and relationships.	May be difficult to replicate in terms of methodology and findings.
Allows the research to be in-depth and flexible.	Often does not ensure that there is sufficient emotional distance between the researcher and subject.

The three phases of the fieldwork were designed to achieve methodological triangulation. This allows the researcher to check the accuracy and reliability of the data, and the researcher's understanding of the data from one source against another (Tellis, 1997). There are two major varieties of methodological triangulation: cross-method and inter-method (Jupp, 1989). The former allows the researcher to use the strengths of, for example, qualitative and quantitative methods, or individual and collective methods; the latter uses methods within one 'school'. In this study qualitative methods of observation and interview have been used to gather data from three sources to ensure not only reliability of the data but also internal validity of the participants' meaning and behaviour (Jupp, 1989).

6.2. The Ethnographic Approach

Ethnography refers to a naturalistic research approach which seeks to describe and understand a human community or culture (Fetterman, 1998; Hammersley and Atkinson, 1995). The approach rejects positivistic (quantitative) and

essentially realist approaches, preferring to regard social life as built up of the subjective meanings and perspectives of those people participating in the culture (Hammersley and Atkinson, 1995). The primary focus of such work is the routine, daily lives of people as studied by Goffman in *Asylums* (1991) rather than the unusual or extreme (Fetterman, 1998). Thus, ethnographic research is not characterised by any particular fieldwork method, or set of methods, but rather by the philosophical approach and paradigm (Hammersley and Atkinson, 1995). As noted above when discussing the appropriateness of adopting a broadly qualitative approach, that the aims of this study emphasise an exploration of the daily interactions of participants indicates that utilising an ethnographic research strategy would potentially yield rich data.

Ethnographic techniques developed through anthropological and latterly sociological research during the late nineteenth and early twentieth centuries (Angrosino, 2007). Criminological concerns were explored in this later period by the Chicago School within work focussing on gangs and other criminal cultures (Ferrel and Hamm, 1998). Participant observational fieldwork methods are most commonly associated with the ethnographic tradition, although it is only one method that can be used within ethnography, and participant observation itself is broad term (discussed below in chapter 6.3.1) (Hammersley and Atkinson, 1995). Participant observation is popular because of the ethnographic focus on 'experiential immersion on the part of the field researcher' (Ferrel, 1998: 20) which is intended to uncover the meanings of everyday life for the people being studied. This implies a desire to understand these meanings from the perspectives of those people, rather than that of the 'objective' researcher (Fetterman, 1998), but it also hints at the need to spend long periods of time within the study site/s (Hammersley and Atkinson, 1995).

Angrosino (2007) discusses the characteristics of ethnographic work (which, as noted above, can vary considerably in the specific research techniques used). He notes that all ethnographic work is field-based. This is essential to study the participants in their 'natural' setting (natural in that the setting is not created by the researcher) (Hammersley and Atkinson, 1995) and also to understand the whole of the community or culture (Fetterman, 1998). Ethnographic work is also

multifactorial in that two or more research methods are used to achieve triangulation (Angrosino, 2007). Fetterman (1998) puts triangulation at the heart of ethnographic validity. He acknowledges that ethnography is criticised because of a perception that the approach is impressionistic, relying on the subjectivity of the researcher (Ferrel and Hamm, 1998). Fetterman (1998) argues that by testing one source of data against another and comparing these one can check the accuracy of that data but also the researcher's interpretations. This stress on the importance of using more than one source of data and more than one data collection method emphasises that ethnography is not a single research method, but rather an approach which underlies the methods used.

Angrosino (2007) further includes in his characteristics of ethnography issues of inductive reasoning (where themes are developed from the data), dialogic practices (where conclusions and interpretations can be commented on by research participants throughout the fieldwork), and holistic research (where the researcher seeks to develop the fullest picture possible of the community or culture). Fetterman (1998) also notes that ethnographers seek patterns within their observations and other data. When these are noted to repeat it can be regarded as a form of reliability, with exceptions and variations casting light and meaning on the patterns (Fetterman, 1998).

Because 'research is an active process' (Hammersley and Atkinson, 1995: 18), especially within the ethnographic tradition which engages the researcher and the researched to a much greater extent than other types of research strategy (Davies, 1999), researchers need to ensure that they are open and honest about their own role within the research process and also about their pre-conceptions (Fetterman, 1998). It is argued that reflecting upon the researcher's role and potential impact on the site and people studied is essential within ethnographic work, especially as the approach requires that researchers be both involved in the site and culture, but also emotionally and intellectually detached, which reflexivity can help (Davies, 1999).

An exploratory, ethnographic case study was adopted for a number of reasons: it presented the opportunity to engage with residents and staff of a Probation

Approved Hostel over a long period of time; it permitted the following of cases (resident sex offenders) from referral to the hostel to leaving the hostel and beyond in some cases; it facilitated the establishment of rapport as a large amount of the researcher's time was invested in the hostel. The recommendations of the literature on doing ethnography have been noted, and Part three, chapter 11 reflects upon the process of the fieldwork and some of the challenges encountered. The following chapter discusses in detail the techniques and data collection methods used within this broadly ethnographic study.

6.3. The Case Study Design

As Yin (1989) explains case studies are useful when the researcher has little or no control over the research site and events taking place within it. This was the case in the present study. The researcher was granted access to the hostel through the Probation Hostel Manager – the primary gatekeeper - who then also facilitated access to MARAC meetings, and acted as the point of contact for the researcher within the hostel and to field probation officers.

The strength of the case study approach lies in the ability to focus on contemporaneous situations and events, whilst exploring the underlying nature or changes within the site of research. However, case studies are routinely criticised as lacking rigour; not ensuring generalisability; and for taking so much time to research (Yin, 1989). These criticisms may be fair for any one piece of work but not of case studies *per se*. Case studies are not a single method, but are the way in which research methods are organised and utilised (Stake, 1994). Not only can different methods be incorporated into the case study approach but data may be gathered from different sources. The strengths and weaknesses of the available data sources for the current study are outlined below.

Table 3: Strengths and weaknesses of case studies.

Data Source	Strengths	Weaknesses
Documentation	Stable Unobtrusive Exact Official data	Difficult to retrieve Reflects official bias (may also be a strength if recognised) Reflects researcher's bias
Interviews	Targeted to issues under study Insightful Presents participants' perspective	Researcher bias Response bias Incomplete participant recollection/understanding
Direct Observation	Covers events as they happen Covers events in context	Time-consuming Researcher selectivity Observer's presence may cause change
Participant Observation	As above and also may be insightful into interpersonal behaviour	As above and bias due to researcher's actions

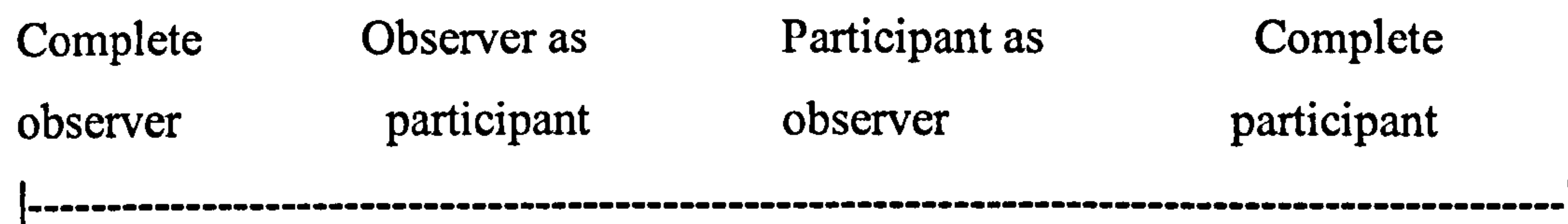
(adapted from Tellis, 1997: 9)

Primarily case studies are intended to extract information about the case, research object or issue from the perspective of the participants; conferring a 'voice to the powerless and voiceless' (Tellis, 1997: 2). Case studies allow the use of multiple methods (triangulation) which, coupled with adequate organisation and recording of data, may be externally validated (Tellis, 1997). That the research takes time is also held to be one of its strengths; it means that the research is not a snapshot of a situation (for example, through a single questionnaire or interview) but an account of circumstances, historical context, change (situational, political, social, personal and attitudinal), and interpersonal interactions (Yin, 1989). It also provides the opportunities for the researcher to build a more intimate and genuine rapport with the research participant, which can aid the gathering of data and more frank disclosures (Cohen and Manion, 1980).

6.3.1. Phase 1: Observation of Residents and Staff

Observation is an umbrella term encompassing a range of complex activities (Jupp, 1989), often categorised as complete observation; observer as participant; participant as observer; and complete participant (McCall and Simmons, 1969).

The differences between these variations on observation may be described as points along a linear scale; with none being clearly defined in practical terms.



However, general definitions have been developed for ease of description:

Table 4: Definitions of participant observation.

	Definition
Complete Observer	No social interaction between researcher and research participants. Observation may be covert or overt.
Observer as Participant	Researcher uses more formal observation methods with brief contact with research participants.
Participant as Observer	Research participants know that the researcher is a researcher, but the researcher spends more time participating than observing.
Complete Participant	Researcher conducts research covertly and interacts with research participants as though 'one of them'.

(Adler and Adler, 1994; Dane, 1990; McCall and Simmons, 1969)

However, even the definitions are contested; Robson, for example, gives a slightly different set of definitions:

Table 5: Robson's (1993) definitions of participant observation.

	Definition
Complete Observer	No social interaction between researcher and research participants. Observation may be covert or overt.
Observer as Participant	The researcher uses formal observation methods in the field, with little participation. Participants are usually aware they are being observed.
Participant as Observer	Fieldwork is undertaken overtly. The researcher maintains a dual role of observer and participator in the field.
Marginal Participant	Researcher adopts the role of passive participant. Largely covert – e.g. a member of an audience, observing the behaviour of the audience.
Complete Participant	Researcher conducts research covertly and interacts with research participants as though 'one of them'.

Clearly it is not a simple task to decide where upon this linear scale the researcher should position themselves, and the position may change over the course of the research as circumstances change and opportunities arise. However, the researcher, for the current study, adopted an approach that lies somewhere between Observer as Participant and Participant as Observer. An appropriate definition of this role was given by McCall and Simmons (1969):

...we define participant observation as a process in which the observer's presence in a social situation is maintained for the purpose of scientific investigation. The observer is in a face-to-face relationship with the observed, and, by participating with them in their natural life setting, he gathers data....Participant observation enables the research worker to secure his data within the mediums, symbols, and experiential worlds which have meaning to his respondents.

(McCall and Simmons, 1969: 79 - 91).

As well as by Dane (1990):

Observation is a skill over and above passive reception of the raw data of sensory experience... [participant observation]...is an observational research method in which the researcher becomes part of the events being observed.

(Dane, 1990: 146 - 58).

Forms of observation have been both criticised and praised. Supporters claim observational techniques are superior to scientific experiments, as they reflect events as they occur and develop and data can be gathered on non-verbal behaviour, putting the findings within the context of the research site (Cohen and Manion, 1980; Sarantakos, 1993). As McCall and Simmons (1969) state observation is not a single method, but a combination of techniques that involves interaction with the research participants, direct observation, interviews (both formal and informal) and the collection of relevant documents. This allows the researcher to pursue a truly open enquiry of processes and changes. Other advantages to observational methods include the flexibility that it affords the researcher. As the research is unstructured it allows the researcher to be largely led by the research and the participants, encouraging a more grounded approach (Jupp, 1989). Not only can subsequent phases of the research be developed and modified from the preceding phases but the research can proceed at a pace that is appropriate for the participants (McCall and Simmons, 1969). As observation is conducted over time it permits the establishment of rapport prior to interview and later phases of the research. This is extremely valuable as the participants may have no interest or investment in the research other than their willingness to help. However, it can lead to the researcher 'becoming part of the furniture' and, so, the role of the researcher and the nature of the project need to be continually verbalised (Dane, 1990).

Problems are inherent within observation, however. As a method it is often claimed to be too subjective, thereby leading to bias; places too heavy a reliance on impressions and the idiosyncrasies of the researcher in the field; lacking in quantifiable measure and, therefore, lacking in external and internal validity

(Adler and Adler, 1994; Cohen and Manion, 1980; Sarantakos, 1993). Many of these issues can be addressed through the use of methodological triangulation: the use of multiple research methods. Other concerns are more practical such as the fear that the researcher may turn 'native' through identifying too strongly with the research participants (Jupp, 1989; McCall and Simmons, 1969). This can only be ensured against by counter-identification with another group, or by maintaining a distance between those being observed and the researcher (for example, tending towards observer rather than participant). However, this distancing of the researcher can also lead to ethnocentrism and the researcher miss-attributing intentions and attitudes to the participants (McCall and Simmons, 1969).

Participant observation is often used as the primary data collection technique of ethnographic studies, particularly those approached from the Symbolic Interactionist perspective (Cuff *et al.*, 1992). The term Symbolic Interactionism was coined by Herbert Blumer of the Chicago School, building upon the earlier work of Mead (Cuff *et al.*, 1992). This development from the Chicago School emphasises Symbolic Interactionism's emergence from a naturalistic, ethnographic tradition (Williams and McShane, 1999). As its label suggests, Symbolic Interactionist studies focus on the micro-level relations between individuals and small groups of people, often using observational techniques, although not exclusively so. Indeed, a wide range of methods may be utilised as Symbolic Interactionist work is defined by a focus on micro-level relationships and naturalistic enquiry rather than by fieldwork techniques (Cuff *et al.*, 1992).

Erving Goffman's Symbolic Interactionist study of an asylum (1991) employs participant observation methods that are, similar to the current study, concerned with the exploration of the everyday experiences and interactions between people working and residing in an institution, the asylum. Although Goffman undertakes a case study of an asylum, he is more concerned with what this case study reveals about total institutions (see Part one, chapter 4.2 for further discussion). Of interest in this section is the way Goffman approached his study and the manner in which he observed his participants.

In his work *Asylums* (1991), Goffman only briefly mentioned his methods, an omission for which he has been severely criticised (Drew and Wootton, 1988). Without these details it is difficult to connect his fieldwork to his conclusions. What is known about Goffman's methods is that he used a naturalistic approach, within which he utilised observation. He acknowledged the arbitrary nature of this method and that his work was speculative in nature (exploratory) (Drew and Wootton, 1988). Yet, he did nothing to clarify his methods or analysis.

The relevance of Goffman's work in *Asylums* to this study is not only in the methods employed (and hinted at), but in the focus of the book, which lies in the minutiae of the mundane. It is in this often overlooked sphere of human behaviour that Goffman dissects his participants' social roles, meanings and understandings; the way in which they decode each others' behaviour and react accordingly. Through this study, Goffman uncovers the effect and work of total institutions on its subjects and the way in which residents' adapt to or resist these pressures (1991). The current study does not claim to consider human behaviour within a total institution (see Part one, chapter 4 for a discussion of this issue), nor the changing social and personal roles of the residents in the hostel. Rather, Goffman's emphasis on the importance of the mundane to elucidate the experiences of groups and individuals is the central lesson learnt and adopted.

Reflections on the undertaking of fieldwork and challenges that arose are discussed in Part three, chapter 12. This includes issues such as the realities of gaining access, negotiating gatekeepers, informed consent and exiting the field

6.3.2. Phase 2: Observation of MARAC meetings

Unlike the previous observation phase, phase 2 used complete observation methods. The researcher overtly observed the meetings without participating at all. The reason for this was twofold: firstly it would be inappropriate for an unqualified, external agent to comment on cases being discussed in the meetings; secondly it would violate the line between participating and observing as the primary role.

The advantage of complete observation – particularly if overtly conducted – is that the researcher can take notes as the events unfold. This means that the data is both immediate and not prone to the inaccuracies introduced by memory recall, although inaccuracies can still occur from the researcher not understanding the intention or meaning of the participants (McCall and Simmons, 1969). However, as the observation is overt, the researcher has the opportunity after the meetings to ask for any clarification that may be needed. Also as a number of meetings ($N=12$) were observed an understanding of the nature of the meeting and its members was assured over time.

As with phase 1, this phase uses narrative accounts; that is free-form notes taken without the aid of a schedule (Robson, 1993). This allows the researcher to be guided by the participants rather than a research instrument; the themes for the data analysis are thus decided (in essence) by the behaviour of the participants rather than a pre-coded schedule. This approach makes both forms of observation more open; the researcher has free reign to observe anything that may be important to the research question, however, within a short space of time the key themes emerged and took on the role of exploratory questions. The purpose of this was not only to allow the experiences of the participants to lead the research but also to prevent the researcher from looking for the expected (Sanger, 1996), although it is acknowledged that pre-existing knowledge and prejudices can never be eradicated, at best they can be neutralised.

6.3.3. Phase 3: Interviews

The exploratory themes that emerged from phase 1 and phase 2 informed the topics for the interviews, which were started five months after the commencement of the observation phases. The schedule focused on a number of issues:

- **The attitudes of the residents to the hostel**, including: their attitudes towards the hostel when they were told they were going to a hostel, when they first arrived and at the present time.

- **Experiences within the hostel, including:** how sex offenders interact with other residents and staff members, and how other residents interact with sex offenders.
- **How residents' time is spent within the hostel, including:** any work done to address their offending, any employment whilst in the hostel and whether staff aided them in their search for employment or to maintain their employment, what leisure activities they could pursue, and activities within the hostel.
- **How they see their future, including:** What their plans are for moving out of the hostel, what sort of accommodation they would prefer and why, how they feel about moving out of the hostel and their fears, what sort of help they would like for moving out, and what sort of assistance they feel the staff have given them.

Questions were deliberately lacking in structure, following an exploratory approach, in order to allow the residents freedom to talk about whatever they thought to be of most importance and relevancy to them (Cohen and Manion, 1980; Oppenheim, 1992). This also allowed the residents to take some control over the interview process despite the researcher remaining in control of the interview itself, as advocated by Lee (1993; Sarantakos, 1993). Also, by asking open ended, value neutral questions, the researcher avoids asking leading questions and, therefore, biasing the data whilst remaining non-judgemental (Mann, 1971). Unstructured interviews have the advantage of allowing respondents to recount their experiences, attitudes or beliefs in their own words and in a manner pertinent to them (Sarantakos, 1993); a particular concern within this research design as sex offenders, whilst often being the subject of research are rarely the voice (Silverman and Wilson, 2002).

Where possible, interviews were tape-recorded so the researcher could use the data to write full notes of the interview afterwards, taking only necessary notes in the interview itself and freeing the researcher to listen and respond to the resident (Wengraf, 2001). This also means that the researcher has an accurate record of the interview that can be returned to objectively when time has distanced them from the interview (Sanger, 1996), although it has to be remembered that a tape

only records one dimension of an interview and notes have to be maintained on participants' expressions and body language.

6.4. Ethical Considerations in Practice

In sensitive research such as that with sex offenders, issues of confidentiality and public protection are paramount, and balancing the two can be challenging in practice (Cowburn, 2005). The British Society of Criminology advises in their code of ethics (2006) that researchers should be aware of the effects they can have on the well-being of their participants, and seek to protect them and minimise the harmful effect that they and their research may have. This prioritising of the rights and welfare of participants includes ensuring that they freely give informed consent except in exceptional circumstances. In the interests of public protection, confidentiality cannot be guaranteed, but the circumstances in which confidentiality may be breached must be clearly explained to all potential participants prior to their involvement in research. When to breach confidentiality is not easily decided and depends upon a number of considerations including, the risk the participant poses to the public and the nature of the data being sought (Cowburn, 2005).

In the design of the field work, and highlighted within the interview phase, the researcher was aware of a number of issues evolving from the possibility that interview and observation methods may have a direct impact upon the respondents and participants:

- The interviews were conducted with a vulnerable group which the research could further stigmatise.
- The nature of the offences of the respondents means that the researcher may be putting herself at risk by conducting lone fieldwork.
- That the research may put the respondents at risk within the hostel by exacerbating existing tensions between non-sex offenders and sex offenders.

In order to address these issues the researcher had to ensure that confidentiality was strictly maintained (Lee, 1993). In consultation with the hostel management

it was agreed that while the undertaking of the research should be as overt and honest as possible, the project would be described to residents as a case study of the hostel and the experiences of different categories of offenders resident within the hostel. Staff respondents were fully informed about the project. The manager of the hostel was very supportive of this approach as his main concern was to protect vulnerable residents from bullying and ostracism. Although this meant that the residents in the study were not informed of the full nature of the project (i.e. the particular focus on sex offenders), vulnerable residents were protected from possible attacks by other groups in the hostel.

Silverman and Wilson (2002) commented on the ethical issues that arose for them whilst they were gathering data for their book *Innocence Betrayed*. A major concern at first was the nature and gaining of informed consent. This included the researchers making it clear from the outset that if they felt the respondent was still offending then they would report their concerns to the police. This approach was followed in the present study as it enabled the researcher to present a clear statement to the participants and gatekeepers initially and provided a framework for the breaching of confidentiality, should it be necessary.

As the research was to be conducted over a long period of time, involving numerous respondents at different times, consent to the research, especially by residents, was understood to be an ongoing process that requires re-negotiation and clarification at regular and key periods. Seal *et al.* (2000) discuss the implications of consent within observational studies and queries the need for consent in transient populations being observed in public spaces. However, although the research was conducted only within the lower floor of the hostel (the 'public' areas) the researcher was aware that, for the residents, the hostel was 'home', if only temporarily, it was, therefore, necessary to explain the research and its implications regularly.

Although the consent process for the observational phases was verbal and ongoing, a consent form was designed for respondents to sign prior to interview (see Appendix 5). This form emphasises the confidential and anonymous nature

of the interviews, with breaches of confidentiality only being permitted if the researcher genuinely believes a respondent poses a risk to themselves, residents, staff or the general public. Partial disclosure of the interview scripts would also be allowed if the respondent admitted to committing offences that were not known to the police or probation services. Should this happen the first step was to inform the hostel management who would then take the matter further in consultation with the police.

The management of the hostel were also concerned that the hostel should remain anonymous within the reporting of the research. Initially the researcher was required to sign confidentiality agreements identical to those of staff members; these covered the researcher through the entirety of the research. In field notes all individuals were assigned a code number, which are used in the reporting of the research, code names are used for the hostel and identifying areas where necessary. Therefore, all participants' names and places referred to in this thesis have been changed.

6.5. Background to the Case Hostel

The specific hostel under study is neither unique nor representative of other hostels; it is an illustration of probation and police efforts to manage sex offenders on release from prison. However, the case hostel has a chequered past that is relevant to the study.

The building and grounds were initially utilised as a children's home, and many recent residents of the hostel were accommodated as children within the care system, of which the hostel was part. In the intervening years the hostel, with other sites in the area, came under scrutiny through allegations of sexual and physical abuse (Tribunal of Inquiry, 2000). Although evidence was found of incidents of abuse within the system and a number of convictions resulted from the inquiry and previous allegations, the case hostel came through the process relatively unscathed. Despite the Officer in Charge of the Home commenting that '...the physical conditions were such that it was barely fit to house children...' (Tribunal of Inquiry, 2000: 103), only one allegation of sexual abuse and five of physical abuse were levelled at staff within the Home; these were neither

substantiated nor corroborated and did not result in convictions. However, when considering a prisoner for release to the hostel any background within the local care system was considered relevant to both the likelihood of compliance by the offender to reside at the hostel, and to how insistent probation staff were that s/he must accept residency at the case hostel.

The structure of the hostel has changed little since its time as a children's home with only essential maintenance, access for wheelchairs, modifications for the accommodation of adult offenders rather than children and adolescents, and the incorporation of a security system taking place. Whilst this may sound like a substantial number of changes, the shell of the building, the internal structure and garden (with the exception of the addition of greenhouses, a shed and computer room) have remained unchanged.

Internally the hostel operates on a curfew system. The residents are typically subject to a weekday curfew of 9pm – 12 midday and 9pm - 9am at weekends, and are required to book in and out of the hostel; handing in their keys and stating where they are going when booking out. This only varies for those that have been placed on a 24 hour curfew (usually as a punishment for breaching hostel rules); those on a stricter curfew (either as part of a management plan or home detention curfew); and those on 'enhanced supervision', which requires hostel staff to report to the police with an incident number whenever that resident leaves or enters the hostel.

Hostel staff cover is always double, with two officers on duty at any one time, and based on shift patterns. During week days Probation Service Officers (PSO) work shifts with Residential Services Officers (RSO). The evenings are mainly covered by RSO (see appendix 6 for a diagrammatical depiction of the double shift patterns):

Table 6: Hostel staff shift patterns.

Times	Sunday	Monday	Tuesday - Friday	Saturday
Early	7.00 - 16.00	8.00 - 15.30	7.00 - 14.30	7.00 - 16.00
Day	8.00 - 20.00	9.30 - 17.00	9.30 - 17.00	9.00 - 20.00
Late	-	15.30 - 21.30	14.30 - 21.30	-
Sleeping	16.00 - 9.00	17.00 - 7.00	17.00 - 7.00	16.00 - 7.00
Waking	20.00 - 8.00	21.30 - 9.30	21.30 - 9.00	20.00 - 8.00

However, these officers are not the only people at work in the hostel during office hours: there is also a cook, cleaner, hostel management (Probation Officers), and an administrative officer. As well as the hostel staff there are also various probation officers, police officers, charity workers and counsellors who visit the hostel to meet with residents that they work with.

At weekends the hostel is not so bustling. Cover is still double and 24 hour, although provided by RSO (not trained probation officers) who work shifts of 7.00 - 16.00, 16.00 - 7.00 (sleeping shift), 9.00 - 21.00 and 21.00 - 9.00 (waking shift). This system requires only four members of staff to cover a weekend.

Space is at a premium in the hostel as there is always a shortage of places for offenders; consequently residents are often required to share rooms. Of the 18 rooms in the hostel two have three beds and three are for dual occupancy, however, there is provision for turning a number of single occupancy rooms into dual occupancy. Two rooms are reserved for female residents (with the adjoining door to the male rooms alarmed at night), although a further two rooms can be used for females if necessary. One room has been modified for wheelchair access. Leisure facilities are limited with a games room providing a pool table and darts board; a non-smoking television lounge, although this room is often used for meetings; a smoking television lounge; computer room (not connected to the internet) and garden. However, this shortage has been alleviated with a recent change in hostel policy now allowing residents to have televisions and other entertainment equipment in their rooms. There is also a dining room, foyer and laundry that residents use.

Rooms that are not accessed by residents include the general staff office, Probation Service Officers' Office, kitchen and a wing devoted to offices for the hostel management and the staff bedroom (for sleeping shifts).

Residents have responsibility for their own laundry and for ensuring that their room remains tidy, although frequent room checks are conducted on an irregular basis. Unless there are circumstances to prevent it (such as work) all residents are allocated chores (cleaning of communal areas) in the hostel. This must be undertaken daily between 7 and 9 am. Additionally, residents are also subject to random and specific room searches, and drug and alcohol tests. Compliance with these searches and tests is compulsory within hostel rules for all residents.

6.6. Data Collection

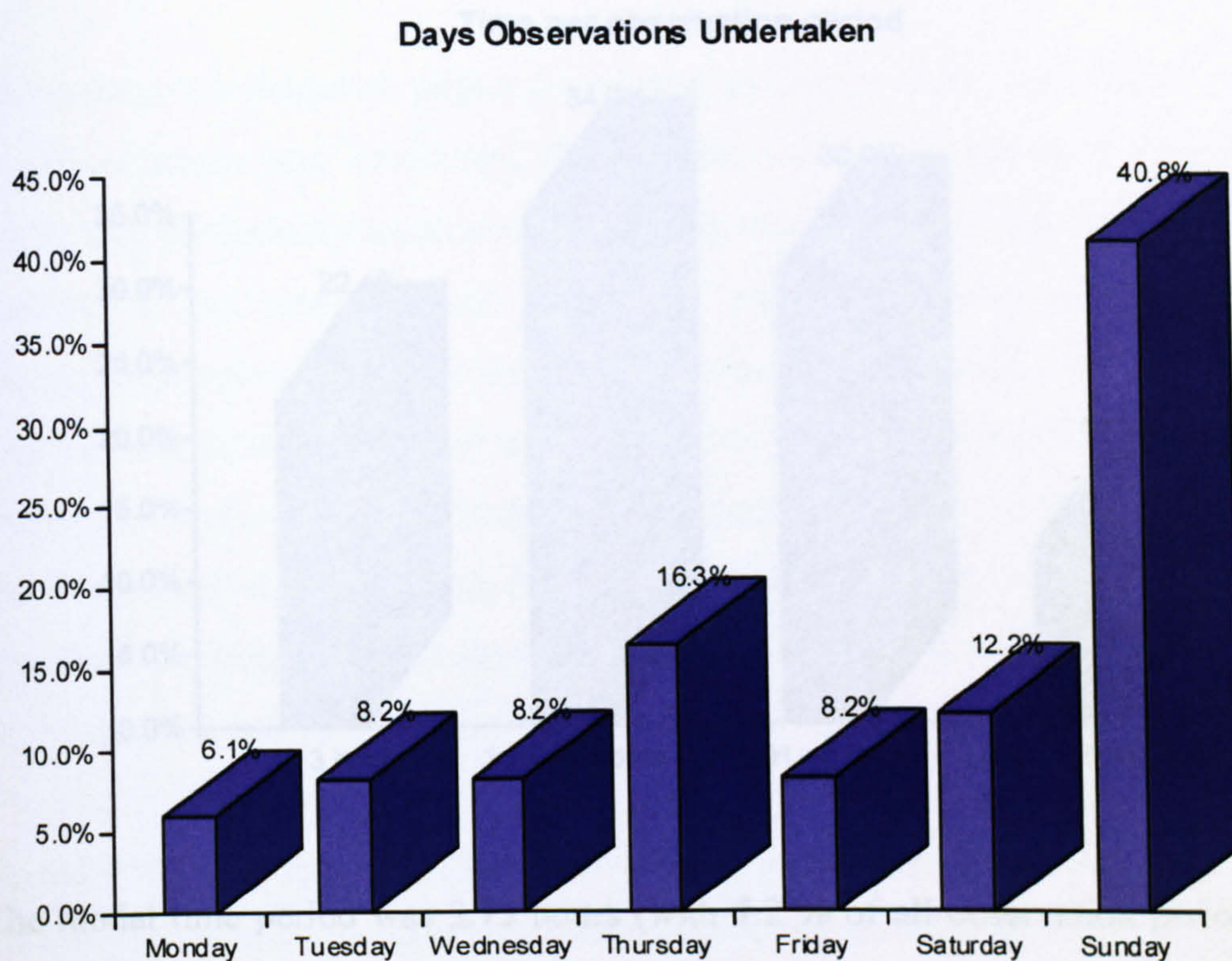
There were 85 data collection time periods, the breakdown of the type of data collected is outlined in Table 7.

Table 7: Data collection

Type of data collected	Number of data collection points	Time period of data collection
Observation in hostel (including informal interviews)	57	21 months; March 2003 to November 2004
Observation in monthly MARACs	12	12 months; November 2003 to November 2004
Interviews (formal process)	16	12 months; November 2003 to November 2004

Observation in the hostel was conducted over a range of days of the week and times of day, in order to gain a thorough understanding of life in the hostel for residents and staff. Shortly into the fieldwork phase of the study it was clear that some times of the day or particular days of the week were more conducive to interviewing and/or long periods of observation. This knowledge was capitalised upon once a full range of observations had been made. The following figure illustrates this.

Figure 2: Frequency and range of days of the week that observations were conducted in the hostel.

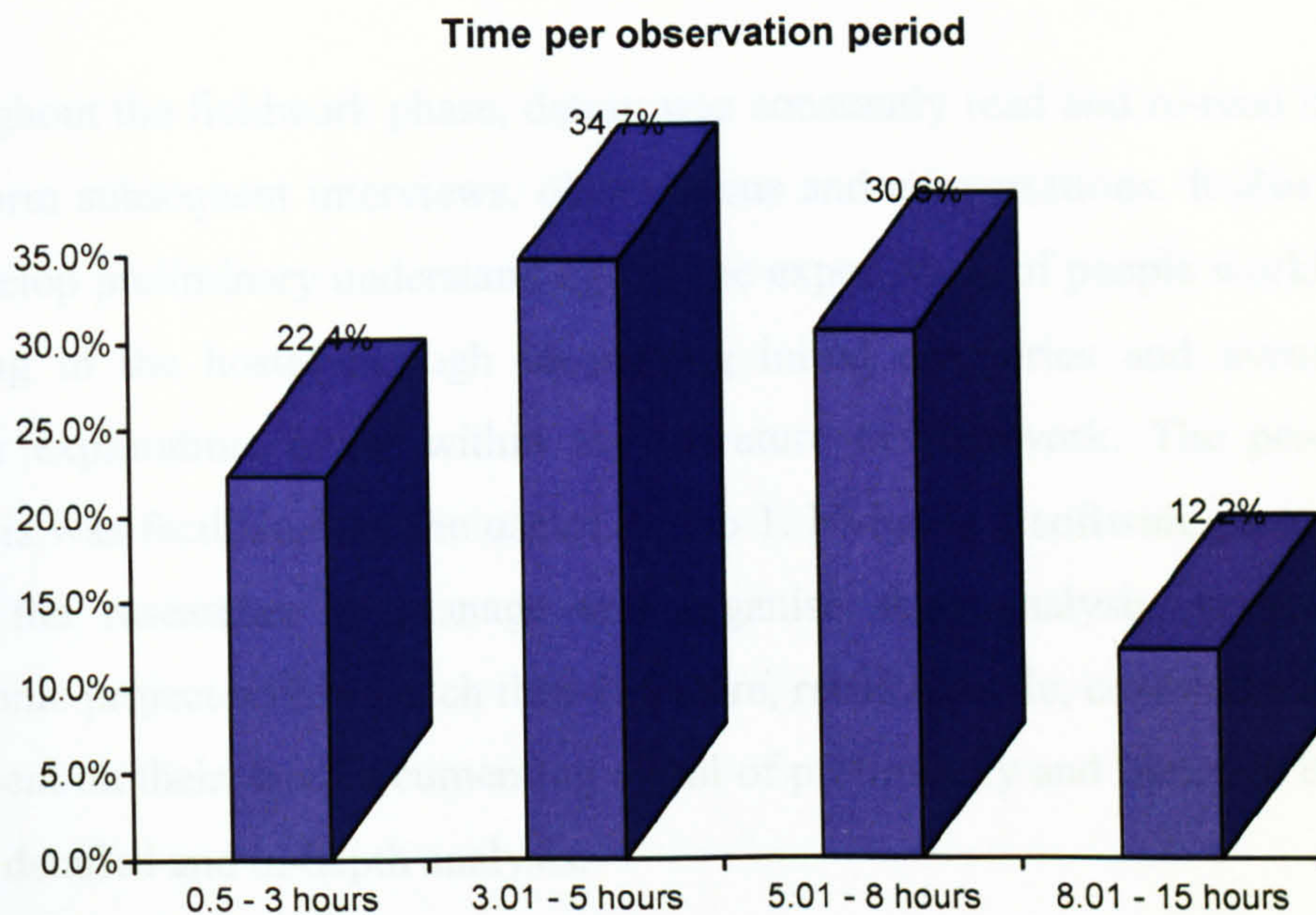


Observations were undertaken at all times of the day, although afternoon and early evenings were preferred in general as residents were not only usually out of their rooms at this time, but were also often searching for something to fill in their time. In order to make full use of the time spent working in the hostel, observations were made whilst on night shifts, this allowed observations to be taken which were not permitted as an independent researcher. Overnight observations accounted for 10% of the observations made; full days, 10%; mornings only (or primarily), 15%; and afternoons and evenings (up to 10 pm) accounted for 65% of all the observations.

6.7. Data Analysis

Observation periods within the hostel were arbitrary; depending upon the number and composition of residents in the hostel, staff co-operation, and hostel permission. Figure 3 illustrates the range of time periods within which observation was conducted. The actual times have been collapsed into ranges for ease of depiction and readability.

Figure 3: Time period ranges (in hours) for the observation periods within the hostel.



The modal time period was 3.75 hours (with 7.2 % of all observation periods) the next most frequent were 7.5 hours and 1 hour (both of which were 6% of all observation periods). The mean = 3.71 hours and the median, 4 hours.

Observation within MARAC meetings took place once a month on 12 occasions (observation of every MARAC for a year). These observations were limited by the access granted by probation gatekeepers.

Formal interviews were opportunistic, as were informal interviews that took place within phase one.

6.7. Data Analysis

Qualitative data analysis was undertaken by considering the speech and behaviour of residents and staff taking part in the research. The first step undertaken with the raw data was to transcribe tape recordings and handwritten field notes as soon as possible after the observations and interviews were conducted. This was done verbatim where possible, and without changing

anything other than the spelling in notes. Additional notes were made for clarification or to record thoughts about data and links with other observations and interviews. These additional notes were differentiated from the original data by the use of memos or a different type font.

Throughout the fieldwork phase, datum was constantly read and re-read in order to inform subsequent interviews, observations and conversations. It also served to develop preliminary understandings of the experiences of people working and residing in the hostel through identifying initial categories and avenues for further exploration, either within the literature or fieldwork. The process of analysis was facilitated by the use of Nvivo 1. Nvivo is a software package that helps the researcher to manage and organise their analysis, providing an electronic project within which they can store, retrieve, code, cross-reference and comment on their data, documenting a trail of preliminary and tentative thoughts to the detailed and in-depth analysis.

Codes were developed in Nvivo from the transcripts. These codes were thematic categories based on the speech or behaviour of respondents. These fell into three main types: firstly, base coding such as male, female, offence category and age. Some of these were developed as nodes, other as attributes. Secondly, descriptive codes were generated from the subject content of talk, for example, food, rules, offence, other residents, family and employment. Thirdly, analytical codes based on the application of theory to the talk and behaviour, but also the interpretation of observations in light of other data, for example, use of control (Foucauldian), attitudes, the use of techniques of denial. A full list of nodes and attributes for the project is included in Appendix 9.

The data were coded line by line, the resulting nodes and attributes were explored using the node explorer function to intersect nodes (themes) and investigate the links between themes, where themes regularly arose in proximity to each other, where talk was contradicted or supported by behaviour, and where links were associated with categories of respondents. The data were thus searched in detail; findings were then checked by returning to the original transcripts to ensure that the context had been preserved in the node categories.

Emerging thoughts that would inform further exploration of the nodes, and the basis of the findings section of the thesis, were recorded using the memo and annotation functions. Where further analysis was undertaken and fruitful, a new project document or node would be created.

Therefore, nodes created on the project were grounded in data and initial and further analysis was recorded within the Nvivo project. This facilitated the process of detailed analysis and reporting of findings.

6.8. Demographic data

The tables below contain information on those respondents interviewed; data pertaining to those residents and staff members not interviewed is not included due to the volume of residents and offenders observed within phase one of the fieldwork. In total 84 residents were observed; 46 offenders other than residents were discussed in MARACs (these offenders were not resident in the hostel during the fieldwork, in some cases they were resident at a sister hostel, others were accommodated in the community); 25 staff working in the hostel were observed; and 6 other professionals are specifically noted within MARAC, although other MARAC members, such as probation officers, were observed on occasion. In the findings and discussion all data sources are given, with residents denoted by an R; offenders by an O; staff by an S; and other professionals by OP. Where data were collected by observation, interview or MARAC meeting this information is given.

Ethnic status or nationality is not listed as all residents and staff in the hostel during the fieldwork were classed as white British except one. This is not typical of probation hostel provision and it is suggested that this is likely to be a consequence of the location of the hostel and that it is semi-rural.

Table 8 outlines the demographic data gathered regarding type of offender for the 24 interviews conducted with residents (including both formal and informal interviews, but not conversations). In some cases these residents were interviewed on more than one occasion; all participated in phase one, the observations in the hostel and informal conversations. These participants are not

representative of the residents in the hostel as a focus on sex offenders was intended.

It is noted that the period of residency in the hostel was particularly lengthy for those residents convicted of sexual offences. Periods of less than 6 months were often ended by conviction (if the resident was on bail) or recall to prison.

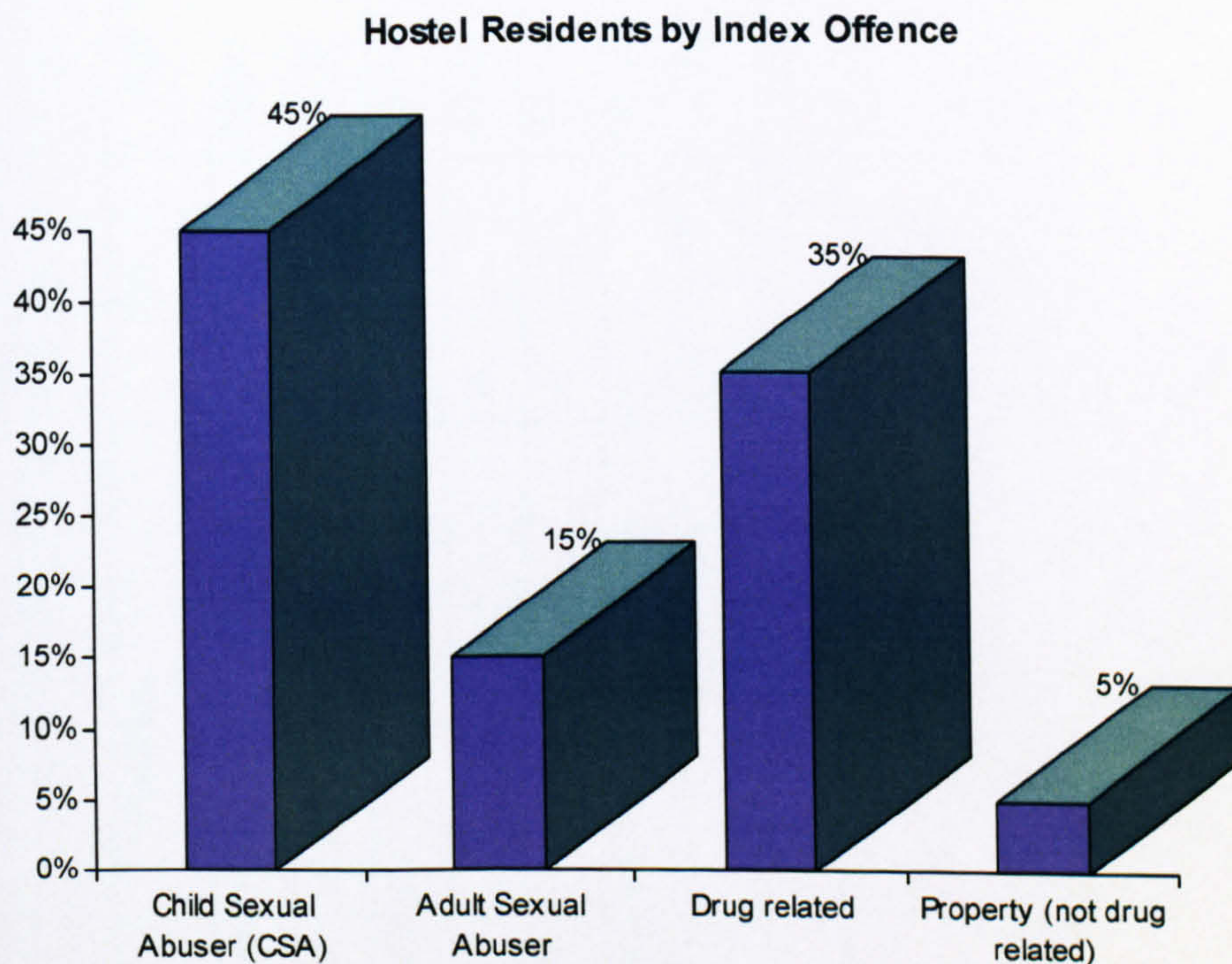
Please note: in the table a dash [-] denotes unknown data. This data may be unknown for a number of reasons. Data gathered from case files, such as victims, denial, and age, was sometimes unavailable because the file was being held by the key worker or hostel management. This was more likely to be the case for new residents, for those assessed as very high risk, or those undergoing intensive offence related work. Data pertaining to the length of the resident's stay in the hostel was unavailable for those residents that were already resident in the hostel when the fieldwork commenced. In some cases residents also left the hostel in the period between paid work in the hostel and the formal fieldwork stage, as was the case with resident 46 and 47.

Table 8: Resident interviews, in order of resident code number

Interview	Resident	Age band	sex	Offence for which in hostel	Licence type	Time in hostel	How left hostel	Denial	Victim age (or average age)	Victim sex
1,2	R1	20-29	m	Indecent Assault	Extended licence	12 months	Re-offended	Denial of act	13	F
3	R2	20-29	m	fraud	Bail	3 months	Sentenced to prison	Accepts responsibility	n/a	n/a
4,5	R3	20-29	m	Gross indecency	Extended licence	6 months	Still resident	Denial of act	3	f
6	R4	60-79	m	Indecent assault	Extended licence	Over 21 months	Still resident	Minimises severity	9	f
7,8	R5	50-59	f	murder	Life licence	5 months	Still resident	Minimises severity	Adult of unknown age	m
9	R6	20-29	m	Indecent assault	Bail	2 months	Convicted to prison	Denial of act	8	f
10,11	R7	40-49	m	Indecent assault, abduction	Extended licence	6 months	Still resident	Minimises severity	8	f
12	R8	40-49	m	Downloading obscene images of children	Extended licence	3 months	Still resident	-	n/a	n/a
13	R11	40-49	m	Indecent assault	bail	3 months	Sentenced to prison	-	20	f
14	R25	-	m	Indecent assault	bail	4 months	Sentenced to prison	Learning difficulties minimises, unsure if understands offence	5	-
15	R33	50-59	m	Attempted murder	licence	3 months	Recalled to prison for breaching hostel rules	Minimises severity	adult	m
16,17	R46	40-49	m	rape	Extended licence	-	Moved on to less secure hostel	Refuses to speak about offences	Adult	F
18,19,20	R47	40-49	m	Rape x3	Extended licence	-	Recalled to prison for breaching hostel rules	Minimises - consensual to some extent.	Adult	F
21	R49	50-59	m	Indecent assault	Extended licence	-	Moved on	Admits	14	F
22	R50	60-79	m	Indecent assault	Extended licence	13 months	Moved to sheltered housing	Did not speak about offences	Children unknown ages	Both m and f
23	R69	20-29	m	Indecent assault of a child	bail	-	Sentenced to prison	Denies act	-	-
24	R76	-	m	Indecent assault	Extended licence	3 months	Still resident	-	-	-

At any one time a range of offenders are accommodated in the hostel. A random day was chosen to illustrate the type of offenders that are generally accommodated. The residents are classified into four broad categories defined by their index offence (the offence for which they were last convicted) in order to ensure the anonymity of residents.

Figure 4: Breakdown of residents by index offence on a single day (date withheld by hostel management)



The largest group in the hostel are those residents convicted of a sexual offence (60%), with a three quarters of those being convicted of an offence against a child less than 16 years. This composition of the study sample is similar to those studies that have focussed on sex offenders. Hudson's (2005) study of sex offenders undergoing treatment in prison or the community included 32 offenders, 22 of which were child sex offenders (72%), 8 (25%) had raped an adult, and 1 (3%) had committed sexual murder.

Table 9 outlines the demographic data pertaining to formal and informal interviews with staff members working in the hostel. As with the residents who were

interviewed, some staff members were interviewed on more than one occasion. All participated in phase one observations and informal conversations.

The stated background of staff members illustrates a mix of employment skills, including health and welfare, policing and the military. In respect to RSO and relief RSO respondents there was often no definite choice made to work in the hostel. It was regarded as means of earning money whilst doing something interesting. PSO respondents, however, regarded their work in the hostel as part of a career trajectory within probation.

Table 9: Staff interviews, in order of staff code number.

Interview	Staff member	Position	Sex	Age band	Background
1	S1	Previous relief RSO	f	30-39	-
2	S2	Hostel management, PSO	m	50-59	probation
3, 4, 5	S3	Relief RSO	m	40-49	Youth justice, academic
6	S4	PSO	m	40-49	-
7	S6	RSO/PSO	m	40-49	police
8,9	S7	Relief RSO	f	30-39	Health services
10, 11, 12	S8	RSO	m	40-49	police
11, 12, 13	S9	RSO	m	50-59	education
14, 15	S10	RSO	m	50-59	military
16	S16	RSO	m	40-49	-
17	S22	Relief RSO	f	30-39	housing

The following findings are presented in three chapters: the first, chapter 7, explores the practice of the hostel, discussing respondents' interpretations of the purpose of the hostel, the hostel rules and resident reintegration.

The second, chapter 8, discusses the world of the hostel from the perspective of those people either residing or working in the hostel. Included are staff members' attitudes towards their job and the residents; the informal use of space within the hostel; grouping within the resident population; and the ways in which residents use techniques of neutralisation to minimise their offences and present themselves to other residents and staff.

The third chapter, chapter 8, considers the wider context of the hostel in respect to multi-agency working, focussing on the structure and operation of the MARAC meetings.

To reiterate the way in which data is reported: individual residents who participated in the study are referred to as R and then a code number (for example, R1), staff are referred to as S and a code number (S1) and other professionals as OP then a code number (OP1). Where notes from MARAC meetings are used the meeting is denoted by a number (for example, MARAC 1). The numbers run consecutively from 1-12 and represent the 12 months for which I accessed the monthly meetings. Where required for clarity, additional notes about the residents and staff quoted are given. In these notes, CSA is an abbreviation of Child Sexual Abuser (someone who has sexually offended against children) and ASA is an abbreviation of Adult Sexual Abuser (someone who has sexually offended against adults).

Chapter 7: HOSTEL PRACTICE

7.1. Purpose of the Probation Hostel

In Part One, chapter 3.2.1 it was acknowledged that the role of hostels, and of the probation service more generally, has been in constant flux through out probation history. It was hypothesised that staff working in the hostel may, consequentially, be somewhat confused about their role and the work undertaken in the hostel. Various opinions were expressed, with little agreement between residents, staff members, practice or policy. It was not always easy for respondents to talk about the purpose of the hostel. Staff members, especially, rarely questioned the work that they did or what they were doing. Beyond their personal role in the hostel they sometimes found it difficult to think about the purpose of the hostel as a whole. S10 had noted that when he went on training courses and met other people who worked in probation, but did not work in hostels, they did not understand what work was conducted in hostels and when asked to explain he found it difficult to articulate:

[...]other RSOs and PSOs used to ask what work they did at the hostel. He sometimes found it difficult to explain but they thought 18-24 was a lot of residents but that it must be quite easy. S10 used to say that it was not at all.

(observation field notes, 25.7.04)

7.1.1. *Rehabilitation and Reintegration*

The majority of staff representatives stated that they thought that a large part of the role of hostels, if not their sole purpose, is the rehabilitation and reintegration of offenders into the community. The processes through which staff working in probation hostels try to achieve this are various, and other staff members and residents do not always recognise the intentions behind these methods. For example, staff routinely tried to use pro-social modelling techniques within their day-to-day interactions with residents⁴⁶. This involved using respectful language and tone of voice with residents so that they had a positive social model to draw upon when engaging with people inside and outside of the hostel. On one particular occasion a

⁴⁶ Pro-social modelling is the use of praise by staff members when a resident has accomplished or achieved something, but also constructive censure if they have demonstrated poor behaviour. The staff member is intended to be a positive social role model for the residents, being neat, punctual, polite, calm, conscientious and genuinely interested in helping the resident (Loney *et al.*, 2000).

staff member recounted how they had used pro-social modelling whilst chastising a resident for the way in which they had spoken disrespectfully to members of staff:

S9 called him [R3] into the office where he was told that this was unacceptable. He apologised straight away, but S9 continued to 'take strips off him and then build him up a bit, as part of the pro-social modelling'.

(observation field notes, 25.9.04)

Residents and casual relief staff (who had not undergone any training) were not aware of the principles of pro-social modelling, or that the technique was being used in the hostel. Often the actions of staff, such as that quoted above, were interpreted as the personal manner of the individual. That residents subject to the pro-social model do not recognise it as a strategic part of rehabilitation may undermine the efforts of the staff. In Loney *et al.* (2000) some staff members said they thought pro-social modelling would be better received by residents if they had also undergone the training that probation officers had. They would then understand the purpose of the model and better appreciate the way in which hostel staff worked.

A large part of the rehabilitation work undertaken by residents within the hostel was offence-focussed. For those residents convicted of sexual offences this involved attending the sex offender group programme (SOGP). The SOGP course was held outside the hostel but was run by a combination of probation staff members, one of whom worked in the hostel, and a number of which regularly attended MARAC meetings. Especially within discussions in MARAC meetings it was evident that many residents were admitted to the hostel, or refused leave from the hostel in order to ensure that they undergo the SOGP and other offence work, such as one-to-one work and anger, drugs or alcohol treatment and therapy.

7.1.2. Management and Control

For staff respondents the management and supervision of offenders in the hostel is intrinsic to their efforts to rehabilitate and reintegrate the residents. Supervision was regarded as the most important aspect of the work conducted within probation hostels by staff respondents. Within MARAC 4, representatives from the hostel management said that they will admit high risk offenders into the hostel if there is no other address

in the community that will provide the same level of supervision to them. This comment highlights the primary role of the hostel as a provider of high level supervision in the community. This perception of the purpose of the hostel was reiterated by staff members numerous times, mainly within MARAC meetings. In MARAC 8 for example, S2 reported that R34 (a violent offender) was in the hostel to have 'detailed observation of his behaviour.' (S2 in MARAC 7). Similarly, in the same MARAC meeting, it was agreed that R14 (drug related offences) would be required to reside at the case hostel in order 'for probation and police to monitor his behaviour, in particular his use of alcohol and heroin.' (MARAC 8).

It was clear that for the staff working in the hostel and present at the MARAC meetings the purpose of supervising residents in the hostel was to assess levels of risk⁴⁷ to the public in terms of causing harm to a victim and the likelihood of re-offending. Residents were admitted to the hostel after discussions regarding their behaviour, risk levels, offences and their family situation. In MARAC 7 S2 and S21 (part of the hostel management) stated that 'in terms of the hostel, vacancy is managed on a risk priority rather than a first come first served [basis].' (MARAC 7). A further element of the role of the hostel is indicated within this statement, that of protecting the public. Protection of the public is a key tenet of the purpose of the probation service as a whole, under which hostels are a small part of the work conducted directly with offenders. The overall purpose of the probation service is to ensure that victims, and potential future victims, are not further harmed and that the risks posed by offenders in the community are managed (Home Office, 2005). Within MARAC meetings the importance of safeguarding victims and wider members of the public was patent as the interests of the victim were represented by the Victim Liaison Officer and the general risks posed by the resident were a key consideration in the decisions made within the meetings. Often conditions were placed on the resident in order to further protect victims and potential victims. These conditions ranged from being prohibited from contacting specified people or travelling into certain areas to being subject to restrictive curfews (MARAC 5).

⁴⁷ Offenders are assessed as posing either low, medium or high risk initially. Then the specific nature of the risk is determined; for example, they may be at risk of re-offending, or of causing serious harm (Kemshall *et al.*, 2001).

Staff participants felt that the hostel played a valuable and necessary role in supervising offenders in the community. Sex offenders are subject to especially long supervision orders on release from prison, which are set at the point of sentencing and are separate from their sex offender registration conditions. These long supervision orders mean that sex offenders may be required to reside in probation hostels for much longer periods of time than other types of offenders. Most residents were accommodated for an average of approximately three months, but no sex offender, other than those who were recalled to prison, stayed for such a short time. Within the fieldwork period there were a number of sex offenders who remained in the hostel for more than a year, and six months was a relatively short stay. Staff often said that they thought that the long supervision period was a useful change in the way sex offenders are punished as it 'allows for greater supervision in the community where they are of greater risk.' (observation field notes, 11.01.04).

Whether the hostel was intended to provide high levels of effective supervision in the community, which would otherwise be impossible, or whether it was intended to house high risk offenders at the end of their punishment periods, reducing the burden on the prison system (as suggested by the long supervision orders, and associated shortening of prison sentences) is unclear. The purpose of probation hostels, in all probability, incorporates both these concerns; it certainly attempts both in practice.

Residents were less positive than staff about how they were supervised in the hostel, and what the underlying purpose of supervision was. Like staff members, most residents thought that the central function of the hostel was supervisory, but that this supervision was a control mechanism through which the resident was managed rather than supported.

I came here from prison so that they could supervise me going back into the community, they don't want me to take any responsibility for my life, but I have to at some point, it is my life after all. They just want to control everything I do.

(R3, CSA, in interview b)

Other residents also thought that the purpose of the hostel was to control the residents, which was masked by terms such as management and supervision. Official

terms such as these were regarded as little more than euphemisms couched in neutral terminology:

R7: Then they can ... I was going to say control! But I'll say 'manage' instead.

R8: Well, that's what it is: control. That's all they want.

(R7 and 8, both CSA, in interview)

Some residents linked the concept of management to the accommodation of offenders, regarding the hostel as being primarily a housing facility for those offenders who are too high risk to allow into the community unsupervised, but have no other housing arrangements. Although this breaches Home office guidance (Whitfield, 2001), it was not necessarily in contradiction to the views of staff members as the risk of the offenders was still a decisive factor in their admittance to the hostel:

Q: So, what do you think about [the hostel]?

R4: Well, you have to have 'em don't you? I mean, you need places like this. I mean, when I came out of prison I had nowhere to go ... so ... I had to come here. If you didn't have places like this people would stay in prison.

(R4, CSA, in interview)

The opinion of R4 above illustrates how closely residents associate the hostel with prison: regarding hostel accommodation as alternative to prison rather than the community. Staff respondents were aware that residents in particular did not regard the hostel as part of the community in which it is situated. In MARAC 5 a member of the hostel management of a sister hostel said he was 'concerned that the hostel is not seen as the 'outside' when it is.'

Residents likening of the hostel to prison rather than the community, or indeed a half-way institution, became less pronounced as individual residents reached the end of their licence period. At this stage the resident knew that they could not be recalled to prison, and would only return if they committed a further offence (and were arrested and charged) or breached the terms of the sex offender register. In the case of R1 (CSA) he remained accommodated at the hostel voluntarily after the end of his licence period because he could not find appropriate housing elsewhere and the hostel

management were reluctant to withdraw the hostel facility as he was assessed as high risk of re-offending. However, his behaviour in the hostel worsened within this period, demonstrating more risky and aggressive behaviour. Staff threatened to withdraw the facility if he did not improve his behaviour but he remained confident that this would not happen and the threats had no power of control over him (observation field notes, 7.03.04). Normally staff used threats in a carrot and stick manner to control the residents. This was often under the auspices of pro-social modelling, whereby staff would tell residents what the consequences of continuing to behave poorly in the hostel would be (normally withdrawing of the facility, declining home leave applications or recall to prison), and then encouraging the resident to behave better.

The situation of R1 suggests that there might be some truth in residents' claims that the hostel is primarily concerned with accommodating offenders. R1 was returned to the case hostel, after moving to another hostel as part of his staged release into the community, with only one month left on his licence. It was planned that he would only stay in the hostel for two weeks while awaiting the availability of supervised accommodation from Langley House⁴⁸. However, he was rejected for this accommodation based on his assessed risk levels. His planned time in the hostel was decided purely on his need for accommodation and his past offences as the time left on his licence was not long enough to assess either his continuing risk or to undergo offence related work (MARAC 2).

Staff were concerned that the hostel should not be regarded as a holding centre for offenders. This fear was expressed often within MARAC meetings by a variety of different members. A police officer who normally attended commented that he worried 'that the area here is becoming a dumping ground.' (MARAC 6), while a member of the hostel management said they were concerned that even with the relatively new MARAC arrangements to ensure timely and joint-service decisions regarding high risk offenders, the process was not fast enough, however 'the counter argument is, that would then be just processing people rather than managing risk.' (MARAC 6). Clearly staff in MARAC meetings, like staff working in the hostel,

⁴⁸ Langley House is a charity that provides accommodation, training and other services to ex-offenders and those at risk of offending in the community (Langley House Trust, 2006).

regarded the hostel role as much more than simply accommodating high risk offenders, incorporating issues of public protection, supervision and rehabilitation. While staff mainly regarded hostels as being part of the overall aim of the probation service, the need for accommodation stemming directly from the need to supervise offenders and to protect communities, residents did not regard the hostel role as relating directly to the probation service as a whole. Residents were not oblivious to the different facets of the hostel role, which branches from the role of the probation service, but regarded the practice as moving away from these principles and ideals:

Q: What do you think the purpose of the hostel is?

R8: That depends if you mean the service or the hostel.

Q: Well, both.

R8: (talking to R7 more than me) I think the service really does work towards reducing re-offending; rehabilitation. They used to be a befriending organisation didn't they? That's what they started out as.

Q: What about the hostel? Are they the same?

R8: No, I don't think so. It's just accommodation.

R7: Yeah, we're both homeless. They just want to put us somewhere so we can do these courses.

(R7 and 8, both CSAs, in interview)

7.2. The Rules of the Hostel

The case hostel has its own internal rule system by which all residents must abide. These have been designed in relation to the hostel admission intake and requirements of the local area. The rules are not tailored to the individual and are quite separate from the resident's licence conditions, which are their specific release from prison conditions.

This is a complete description of the rule system:

- All residents must abide by the hostel curfew times: 9pm until 12 midday during the week, and 9pm until 9am during weekends.
- During the week residents must rise at 7am and complete allotted chores by 9am (such as cleaning the kitchen or sweeping the entrance foyer).
- Residents must book themselves in and out of the hostel, handing their keys to a member of staff.
- Residents must attend offence work programmes and meetings.

- All residents must abstain from alcohol, illicit and non-prescribed drugs.
- Residents must not be aggressive or violent to members of staff or other residents.
- Residents must not enter licenced premises.
- Residents must consent to random and targeted drug and alcohol tests.
- Residents must not enter proscribed areas of the local community.
- Residents can only have hostel meals at the specified times (breakfast, 9am; lunch, 12 midday; dinner, 5.30pm), food may be provided at other times by arrangement for specified purposes (for example, to cater for working hours). Residents may bring their own food into the hostel.
- Residents must give all medication (if the hostel staff have not collected it from the GP surgery) to hostel staff. This is then given at specified times (9.30am, 12.30pm and 9pm) and is taken according to prescription.
- Residents must go to their rooms at midnight, and not leave them other than to go to the toilet.
- No male residents must enter the female bedroom section of the hostel; the corridor leading to the female bedrooms is alarmed after midnight.
- No resident may have visitors to their bedroom at any time.

7.2.1. Warnings and Punishments

Should the residents break the hostel rules the hostel management has the power to punish the resident. Although the hostel rules are not based on law, the ultimate sanction at the managements' disposal is prompting the recall of the resident back to prison. If the resident has completed their licence supervision period or are near to completion, instead of recall to prison the hostel management will rather withdraw the hostel facilities (the resident would have to leave the hostel and make their own accommodation arrangements). Before it reaches this stage the resident works through a warning system in the hostel involving verbal, written and final warnings. Although this is a three tier warning system in principle, in practice residents may receive numerous warnings at each stage of the process:

Q: You can't go to the pub; you've had a lot of warnings for it, haven't you?

R1: Yeah - I've had three finals. [...] Well, what can they do? They can't send me back to prison can they? And I can't get arrested for drinking.
(R1, CSA, in interview)

The number of warnings that a resident may receive at each stage of the warning system, and the eventual punishment for continual breach of the hostel rules, varies considerably for each individual resident. Whilst this appears inconsistent the application of the warnings and punishments are governed by the severity of the offence of the resident, the length of time they have left on licence and the nature of the breaches. For example, a resident who has entered the hostel from prison a week prior to their breach/es is more likely to move through the warning system rapidly, without more than one warning at each level, than a resident who has only weeks left on their licence. This is because the first resident has illustrated an inability or unwillingness to abide by the conditions of the hostel, and as their risk levels are always considered to be higher within the first weeks of their admittance to the hostel, their breaches are considered to be indicative of increasing risk. It is thought that on release from prison a resident should be able to exercise self-control and settle into the hostel if they are committed to reducing their risk and returning to the community. The latter resident, if generally well-behaved in the hostel until this time, is thought to be becoming restless within the hostel due to having resided there for longer than necessary.

This attribution of meaning to the residents' breaches of hostel rules by hostel staff is based upon the factors in their knowledge: the residents' length of time in the hostel, the remaining licence supervision period, their offence, their personal life, their drugs/alcohol use, physical and emotional health, their normal behaviour, and other stress factors. If a resident usually does not cause trouble within the hostel and it is known that his family life, for example, is breaking down, and he is subsequently tested positive for alcohol, then this breach will probably be regarded more as an indication of the residents' unhappiness and need for support than increasing risk and return to prison. Assumptions are founded on the staff member's experience within the hostel and their personal judgements of the individual resident. This may result in inconsistency between staff members' opinions regarding the appropriate punishment for an individual resident's breach of the rules, as well as the application of warnings and punishment. However, the final decision regarding the issuing of warnings rests

with the hostel management and so is applied with greater consistency than residents may perceive (although hostel management rely heavily on front-line staff members recommendations). That the rules are applied with apparent inconsistency enables the residents to use the rules to argue that they have been victimised by hostel staff:

I've had three finals. It's not right, others get warnings for drinking loads, I get finals for one drink.
(R1, CSA, in interview)

This response is what Sykes and Matza (1957) refer to as 'condemning the condemners'; a form of denial that is designed to cast blame on the people or agencies that are accusing the denier. By casting blame, the denier is also casting doubt on their objectivity and accuracy, thereby, reducing the strength of the accusation against them. In the case of R1, he claimed that other residents had received lesser punishments than him, however, it was reported in the C sheets⁴⁹ that although he may have only had one drink on each occasion, he had done this numerous times (many more than three times), and shown no inclination to curb his drinking, or to abide by the hostel rules. He was also known to be an attention-seeker, who regularly made up 'stories' to gain staff attention, particularly females, with whom he was known to cross personal boundaries (touching their arms, hair and making personal comments regarding their sexuality and clothing). That he was regarded in a negative manner by staff due to his general behaviour meant that he was more likely to be dealt with harshly when they could prove he had breached the hostel rules. Staff stated in the C sheets that this was in response to his escalating risk, rather than in retaliation for his behaviour.

Differences between staff members' methods of dealing with breaches of the hostel rules mainly affect the resident at the immediate time that their breach is discovered. The staff members on duty at this time will deal with the incident as they think best in the interests of themselves and other residents, as well as the resident in question; however, formal warnings, recall notices and withdrawal of facility notices can only be authorised by hostel management or higher officers within NOMS. Recall, in

⁴⁹ The daily notes of the duty staff.

particular, must be agreed beyond the hostel management and in consultation with prison Parole Boards.

Whilst this flexibility of the warning system to take into account the needs and circumstances of the individual resident is essential to a person-centred approach that does not unjustly penalise people, it can cause uncertainty for residents within the hostel. Many hostel residents expressed a concern that the rules were enforced with discretion, and that they were consequently unsure about the acceptability of certain behaviours, and the circumstances in which they would be penalised:

Q : Do you prefer to be here [the hostel] than prison?

R7: No, in many ways. I mean the freedom's good, but you don't know where you stand in here.

R8: In prison you know the rules, they are simple really, and you know that if you cross them you will be punished.

R7: Yeah, it's like black and white. But in here there just so many grey areas where you're not sure. You don't know whether you're allowed to do something or not, but you don't want to ask in case it gets you into trouble.

(R7 and R8, both CSAs, in interview)

The use of discretion regarding rule breaking within the hostel was one of the primary differences (other than being allowed to leave the confines of the hostel) that residents noted on leaving prison. This 'grey area' was considered to be particularly confusing and stressful for new residents, who noted the semi-penal nature of the hostel whilst also allowing large personal freedoms:

R7 refers to the hostel as a prison. R11 says that it is not:

R7: It is. You can't just walk out can you?

R11: Yes I can. If I want to I can leave when I want.

R7: No you can't, only at the management's discretion.

R11: What do you mean? I can go out for a walk now if I want.

R7: Yes, but you have to book out.

R11: Yes, but then I can go out.

R7: What happens if they say no?

R11: I'll be in shit!

(R7 and R11, both CSAs, observation field notes, 17.10.04).

Residents noted that staff had a large amount of discretion regarding the application of the rules and the consequent punishments. This knowledge resulted in claims that

certain classifications of residents were subject to different applications of the rules. The majority of claims separated the hostel residents into two groups: sex offenders and other offenders:

On duty are S11 and S23... S11 is in the pool room playing pool with R76. R76 made a remark regarding room checks not being made on 'nonces' rooms. S11 said 'that's not true...nonces get checked too when I'm on duty.' She ... implied that other staff may not check the rooms of sex offenders. The problem is that room checks are for drugs primarily, most of the sex offenders that come to the hostel do not use drugs and never have as far as their case file shows.

Later on S11 conducted room searches. She checked on 3 rooms of known drug addicts and found nothing this time.
(R76, non-sex offender, and S11 in conversation with each other, observation field notes, 17.04.04)

Again, these claims served to condemn the condemners by accusing them of partiality, by which endeavour the accuser hoped to undermine the authority, power and position of the hostel staff and, by default, elevate their own. This technique did not simply turn the spotlight onto staff members rather than the resident, but increased the self-esteem and sense of personal right in the accuser. The use of accusation can be an internal mechanism rather than purely external, as the accuser rarely expects to reverse the power positions of residents and staff, but rather enable themselves to feel morally superior to hostel staff, thereby reducing their influence over the resident.

The confusion over the inconsistent application of the rules in the hostel is further exacerbated by inconsistency between hostels. Whilst these inconsistencies are not mentioned by staff members, who neither care about the rules of other hostels, nor regard differences as being relevant to the case hostel rule system, residents may have resided in other hostels and frequently draw other residents' attention to any differences. This leads to some residents further using these inconsistencies to question the rules and their fairness:

Q: But you get more freedom, that's good isn't it?

R5: Yeah, you do. But we should have more. Many other hostels let people out earlier. Then we have to have appointments with people and they are arranged at their [the hostel staff] convenience which is always

after 12 in our own time. And if we don't turn up we get a warning. We have to get back for meetings that are in the middle of the afternoon, or sometimes we don't know when they are coming and have to stay in to wait for them. We had more freedom in prison.
(R5, non-sex offender, in interview)

As noted previously, residents often compare the hostel with prison, to the detriment of the former. The residents used this rhetorical device within their arguments due to its success in conveying their dissatisfaction with the hostel and their freedoms within it. It was apparent that for many residents their dissatisfaction lay not in the rules themselves, but in the disparity between their expectation of life after prison and the reality of the hostel. They thought that once they had left prison the rules governing their daily life would be relaxed and that freedom would be granted almost immediately. This was illustrated by residents who most frequently complained about those rules that restricted their freedom:

Talked to R79, he said that the worst thing about being in the hostel was the evening curfew. After that time the front door (only open door out of the hostel) is locked and you cannot go out even for a breath of fresh air. He dislikes this curb on his freedom. At other times of the day you can go out into the garden if not out of the grounds. Is locked at night because cannot see what people are doing in the dark.
(R79, bail case, CSA, observation field notes, 14.12.03)

In this case the rule is thought to be unnecessary as R79 is only asking to be allowed into the hostel grounds during evening curfew hours (after 9pm). During the morning curfew hours residents are permitted into the garden. He believes that changing the rules because of the time of day is unfair and only considered necessary because of the hostel management's need to be able to see the residents' movements within and around the hostel during the darker evening curfew period.

7.2.2. Purpose of the Hostel Rules

The complexity of the rules in the hostel moved the residents towards living in the community as not only did the building represent 'half-way' accommodation, the rules, and value system represented by them, were half-way between prison life and outside society. This is apparent in the nature of the rules; a number of them grant the resident much greater freedoms than prison (for example, permission to leave the hostel during the day and to enjoy unlimited visitations rights outside of curfew

hours), however, others are notably different in nature to the rules of society (for example, offence work, abstinence from alcohol, and alcohol and drug testing). The latter cluster of rules are specific to the group of residents being accommodated: high risk and high profile cases. They are deemed in need of enforced routines, thought to aid their re-integration into society; controls on their behaviour in order to reduce their opportunities and inclination to re-offend; restrictions on their movements in the local community to both protect the inhabitants of the community and to protect the residents from 'criminogenic' areas; and protections for other residents and staff in the hostel.

7.3. Resident Reintegration

The importance of social networks has been noted in research on offenders and sex offenders more specifically. Social networks such as family support, stable accommodation and employment have been considered as vitally important to the success of offenders exiting prison in reintegrating into communities and refraining from re-offending (Meloy, 2005). Family relationships are particularly significant, providing offenders with emotional support at a time that can be especially isolating and frightening, and also practical support in the form of accommodation, money, employment opportunities, food and other short-term requirements (Dodge and Pogrebin, 2001).

Similarly, employment can also give offenders a sense of achievement, aiding their self-esteem, whilst providing them with the means to support themselves. However, offenders and sex offenders in particular experience difficulties in finding well-paid work that can provide them with promotion and training opportunities (Dodge and Pogrebin, 2001; Fletcher, 2001). The main barriers to such work are the attitudes of potential employers and associated problems such as poverty, insecure housing, lack of recent work experience, lack of basic skills and qualifications (Fletcher, 2001). Despite the legitimate concerns regarding offenders' demonstrable capabilities, employers are most concerned about the morality of an offender's offences and other employees' reactions. Fletcher (2001) commented that sex offenders are the most discriminated against group by employers because of the nature of their offences. The importance of employment to the prevention of re-offending, and the barriers that

convicted offenders face, has been acknowledged within Home Office publications (*cf. Sarno et al., 2000*).

7.3.1. *Family Relationships and Friendships*

Both residents and staff participating in the study spoke about family relationships in terms that portrayed them as delicate, fragile, in need of nurture and care. They could be rewarding for residents and for helping probation officers to protect the public, but they are not without their complications from both residents' and staff members' perspectives.

Staff member participants in the hostel and within the MARAC meetings generally, encouraged residents to maintain or re-establish positive contact with their families. Links with family members were hoped to help prevent re-offending primarily through providing the resident with a safe and secure environment when they left the hostel. If residents were ostracised by their family because of their behaviour or the nature of their offences (as could often be the case with sex offenders, especially those that had offended against family members) they could feel lonely and abandoned, increasing their risk as external controls on their behaviour are reduced. This reduction in external controls on inhibitions⁵⁰ towards offending behaviour is identified as a pre-condition to offending by Finkelhor (1984). Family relationships may be of further importance as not only do they place external controls on the offender through family surveillance and presence, but may also strengthen the offender's internal controls⁵¹ through reducing high levels of stress or social isolation. Probation officers' understanding of the importance of family relationships was highlighted in discussions regarding O5, a resident of another hostel in the area who had assaulted his wife. Previously he had also been reported as assaulting his mother, trying to stab her on one occasion. However, his parents had stated that they wanted to maintain contact with their son, although they did not want him to live with them. Probation offices were pleased that this was the case saying that 'if he feels abandoned he is more likely to be a risk problem in the long term' (MARAC 4), this was despite family relationships being the site of his previous offending.

⁵⁰ External controls relate to those social situations or relationships that prevent opportunities for the offender to offend. For example, not being able to access children.

⁵¹ Internal controls relate to the attitudes, values or 'conscience' of the offender that prevents them from committing acts that they know to be legally and/or morally wrong.

However, probation staff did not support family links if they felt that these relationships could have a negative effect upon the risk levels of the resident, or if victims were likely to be at risk of harm. R22, a sex offender who indecently assaulted his partner's brothers, aged between 8 and 12, was the subject of some concern regarding his contact with family members. This was primarily because of his increased access to children of his target ages. Both his parents and his sister were supportive of him, although his partner at the time of the offences was not. R22 was seeking to move out of the hostel in to his parents' home; however, his sister lived nearby with her children. Probation officers wanted him to maintain contact with his sister, but not her children, and they found this a difficult situation to manage and control (MARAC 6). This case underlines the conflicts that probation officers face in day-to-day work with offenders, and the decisions that they have to make that effect the lives of the residents and their social networks. In this instance officers tried to balance the residents' right to a family life with probation officers' duty to protect vulnerable members of the public. Further conflict arises as ensuring that residents maintain strong, positive family relationships may reduce their risk of re-offending, and therefore their risk of harming the public and potential victims. Staff are often caught between trying to protect the public by rehabilitating and reintegrating residents successfully and containing residents. The latter may only be a short-term solution, but nevertheless it is more assuredly effective whilst residents are under the responsibility of the probation hostel.

In other cases discussed in MARAC meetings probation officers were very definite that they did not want the resident maintaining links with family members. In one case, that of O42 (resident at another hostel in the area), staff working with him were very concerned that he had moved back in with his partner and their three year old daughter as his most recent conviction was for assaulting this partner. Probation officers felt that this was a destructive relationship that only increased his risk of re-offending (MARAC 8). In other cases staff were less concerned that the resident might re-offend against a member of their family, but were instead worried that the relationship was one which increased the resident's likelihood of re-offending against others because of their overly supportive relationship which could border on collusive. For example, in MARAC 12 R65, convicted of raping his wife and step

sister, was requesting to move out of the hostel to live with his mother. His mother was not thought to be at risk from her son, but she was said to be 'very supportive to the point of colluding' (S2 in MARAC 12); otherwise the address was assessed as being appropriate. Collusion from family members increases the risk of re-offending due to aiding offenders to neutralise their internal inhibitions to offending and by reducing external controls on their behaviour.

Finkelhor's theory of four pre-conditions to offending and Sykes and Matza's techniques of neutralisation intersect at this point. Finkelhor (1984) notes that prior to offending offenders must a) be motivated to offend b) overcome their internal inhibitions against offending c) overcome external inhibitions to offending and, finally, d) overcome their victim. Sykes and Matza's (1957) techniques can explain the mechanisms of overcoming internal and external inhibitions to offending. In regard to a family member's collusion with an offender, the offender's technique/s of neutralisation are reinforced, reducing the offender's internal inhibitions to offending, whilst, simultaneously the collusion of the family member means that the offender is given greater opportunity to offend through less surveillance and observation. In the example given above, the offender claimed that the victims were exaggerating the harm he had caused them and that they were consensual acts. His mother believed him, and by doing so supported her son in his beliefs that his behaviour was not severely harmful and that he had been unfairly treated by the criminal justice system. His wife and step-sister take on the role of condemner rather than victim, the resident blaming them for wronging him, rather than being innocent. The resident is then placed in a position where it is easy to persuade himself, both consciously and subconsciously, that similar acts (rapes carried out under similar circumstances) are morally excusable and those people around him (in this case his mother) do not place external controls on him that prevent him from offending. Once the offender has overcome his internal inhibitions and the external inhibitions immediately preventing him from re-offending, he has only to be motivated to offend and to overcome the victim (Finkelhor's other two pre-conditions to offending).

Residents had varied attitudes towards their family and relationships that they had prior to being convicted. Younger residents, especially those with children younger than 16, were keen to maintain family links. This was particularly evident when

residents were asked to think about areas or addresses they would like to move out of the hostel to. R1, a 20 year old convicted of indecent assault on a 14 year old girl, was planning to move-out to supported accommodation near his father. Although this fell through, he and his case officers continued to try and find him appropriate accommodation near his family. As the resident was young and had an immature outlook, having never had to care for himself, it was considered important that he feel secure and settled near family who could provide emotional stability and support. However, the interests of the resident had to be balanced against those of his victim and the safety of the public. In this case his mother's area (she was separated from R1's father) was where he had been living when he had committed his offence, and the victim still lived nearby, so his mother's area was never considered a possibility. This illustrates that while probation officers work with offenders, their priority is the safety of the public. This accords with recent policy regarding the probation service and NOMS and the perception of staff regarding the role of the hostel (see Part One chapter 3.2.1 and Part Two chapter 7.1).

Staff working in the hostel also generally favoured residents maintaining good links with family as this could affect their behaviour within the hostel. Residents who were looking forward to moving out of the hostel and who were happy in their family relationships, were generally happier within the hostel, causing less trouble, and being less demanding of staff time. O18 (convicted of indecent assault upon a 14 year old girl and accommodated in another hostel), for example, displayed a positive attitude towards his release from the hostel, despite being rather worried about his schedule 1 status and how this would effect his employment opportunities. His positive attitude was linked to the very positive relationship he had with his sister, although at the time this was only via letters, which led him to focus upon the opportunities that awaited him when he left the hostel rather than his fears regarding social ostracisation and stigma.

In some cases residents found that the rules of the hostel or their licence conditions could hinder their efforts to establish and maintain family networks. In particular those residents who have family some distance from the hostel find the curfew hours particularly restrictive. Even at weekends, when the curfew hours are 9pm to 9am, allowing the residents to be absent from the hostel for 12 hours, residents found that it

was both time consuming and expensive to travel to see their family for such short periods of time. Week day curfew hours are more limiting, and a constant source of complaint for residents. For example, R1, on being asked what the hostel is like replied:

It's not bad, rules are a bit naff, like curfews. Only going out between 12 and 9, you can't get much done if you got to travel to see your family, well you can't do that.

(R1, CSA, in interview)

R3 was especially upset by how restrictive the curfew times were on his ability to visit family members. He used this aspect of the hostel rules to draw comparisons with other hostels that he was aware of and found the case hostel more punitive and strict:

R3 talked about the curfew times saying that they were particularly intrusive in this hostel as on week days they cannot leave before midday and have to be back for 9pm, if he wants to see his family it does not give him very long as it takes more than 2 hours to get there. He says that other hostels allow you to go out earlier, for example, 9am.

(R3, observation field notes, 4.1.04)

Staff members were aware of the disparity between rules and management of hostels. This was illustrated during the course of the fieldwork when the operation of the two hostels in the area containing the case hostel were streamlined and leisure facilities for the residents became managed in the same manner.

Some residents did not wish to maintain links with family or friends, especially those that they had known when they were arrested and convicted. Starting anew in this manner aids offenders to reintegrate into communities without their conviction hindering their development of social networks, gaining employment and stable housing. However, it can also provide a cloak of anonymity that helps them in committing further offences by reducing the external controls on their behaviour. Most residents felt they wanted to start life afresh elsewhere, without the stigma of their conviction, in addition some residents were very afraid of the reaction of members of the public, fearing for their own safety. In some cases residents' desire to avoid family members or friends prohibited where they were comfortable in going,

occasionally becoming a problem in relation to offenders attending treatment programmes:

We got on to talking about R8 who was breached for refusing to attend the Sex Offender Group Treatment Programme in [____] because he has relatives that live there and he didn't want to meet them [....] R7 can see both sides because 'everyone else who is registered has to do this group, so he should not be an exception, especially as we all have these problems wherever we go. But you don't want to go somewhere where you know you might bump into people.'

(R7, observation field notes, 31.10.04)

Other residents had different tactics for coping with family support in light of their offences. R1, for example, talked about how he had initially hidden his conviction and prison sentence from his girlfriend by telling her that he had moved away to visit family. Later he told her the truth and she stayed in the relationship, however, he had not told her that within the hostel he suffered from bullying by other residents. He explained that this was because he feared that if he told her she would realise the enormity of his offence:

Q: How do you cope with what people say?

R1: Walk away or get stressed. Take it out on my girlfriend. She doesn't take it well, she doesn't know why.

Q: You've not told her why you're upset?

R1: She knows everything

Q: Does she? What does she say?

R1: It's in the past. I love you for who you are, not what you've done.

Q: What does she say about the troubles you're having now?

R1: I haven't told her that bit.

Q: You've not told her how bad it is for you in here? Why not?

R1: I think it'd sink in, what I've done.

(R1, CSA, in interview)

R1 is well known for telling stories with little truth in them, on this occasion he had been participating in the research for nearly six months and had not mentioned a girlfriend before this interview. Also, staff had only heard him talking about a girlfriend a few days prior to the interview and she had not been noted in his file. A day after the interview took place, she apparently ended their relationship. It was the consensus of staff members that R1 had fabricated a girlfriend, perhaps in order to be perceived as 'normal' as he believed that as a 20 year old he should have a girlfriend

and he had been teased about this by other residents. It was also considered possible that he said he had a girlfriend in order to attract attention from other residents. Whatever the origin of R1's girlfriend, be she fact or fiction, the manner in which he spoke about his offence in relation to her revealed that he wanted a relationship that would be strong enough to withstand his offence against a young girl, but did not believe that a romantic relationship would survive if the other partner was fully aware of the nature of the offence or the social consequences. It was a concern, especially of younger residents convicted of sexual offences that their offence history would hinder them in forming relationships or maintaining positive family links. This was something that was rarely referred to unless it became a practical concern, but one that was spoken about emotionally, as with R1.

7.3.2. Employment

As with family relationships, staff respondents' attitude towards resident's efforts to find employment is dependent upon a number of factors. As a general rule staff respondents were keen to encourage residents to seek employment:

[Our] general position is that we support any gainful employment.
(S2, hostel management, MARAC 9)

The positive attitude of staff is linked to their belief that employment can help residents reintegrate successfully into the community and reduce their need to turn to crime. Employment can help this endeavour, not only through providing residents with legitimate sources of money, but also by forcing a routine upon the resident, one which reflects 'normality' (key worker in relation to R43, MARAC 3). This statement indicates the primary intention of probation officers; to reduce re-offending through rehabilitation. However, it also suggests that rehabilitation, and thus probation officers' efforts, involve ensuring residents conform to social values of normality. This accords with Foucault's (1977) vision of disciplinary power, played out through the carceral net. The power relationships that Foucault regards as the very basis of social relationships is that of disciplinary power; it works to conform individuals in order to produce obedience and productivity. In this model, employment is an example of a mechanism of disciplinary power. By acting upon the resident to conform to an accepted routine, perform a socially valued task and

become a productive member of the community, the resident is conformed to 'normality'. Employment is not necessarily a form of power exercised by an individual or group, but rather demonstrates the diffused and unconstrained nature of power. However, staff within the hostel and MARAC meetings do usher residents towards seeking employment, mainly through regarding unemployment as a risk factor (MARAC 3) and encouraging residents to work where they can. For example, hostel staff would pay residents to perform tasks for them. On one occasion S6 (a permanent residential services officer) paid R17 (CSA) to wash his car; this became a regular arrangement with other staff members as well (observation field notes, 25.9.04).

Despite hostel staff members' keenness to get residents into work, this was not undertaken without caution. Residents within the hostel were not allowed to accept work without the prior permission of the hostel management and their key worker (a probation officer). Permission was withheld if the resident was thought to pose a high risk to the public or if the job was unsuitable. Suitability was decided on a case by case basis and depended upon the individual resident's offending history and behaviour. For example, R37, a CSA who targeted children in public, attempted to gain work as a HGV driver (work he had done prior to his conviction). While his known offences had not taken place within the context of his work, the mobility this job would allow him was considered too risky to permit. However, his seeking work was still supported, although it was considered prudent to disclose R37's convictions to the Job Centre to prevent R37 gaining inappropriate employment. R37 was aware that he did not have to comply with this, and if he refused the decision would have to be made to disclose on his behalf (MARAC 2).

Residents were ambivalent in choosing to work; some being very enthusiastic in gaining employment, others making no effort to seek work. Residents in the hostel were not required to seek employment as it was considered more important (and essential to the primary aims of the hostel) to ensure that residents were available for offence related work and were not at risk of re-offending. Those residents that sought work did so, not just because of the money, but for the freedom that it brought. R3 (CSA) found work in a hotel chain, he said that this made him very happy because:

It gets him out of the hostel earning money. Makes him feel like he's doing something and independent. If all goes well he can be transferred when he leaves the hostel.

(observation field notes, 25.5.04)

The attitude of R3 towards employment illustrates that work is a very powerful disciplinary mechanism for reintegrating residents and moving them towards accepted concepts of 'normality'. It also underlines Foucauldian understandings of power as not exclusively negative. The conforming power exerted on R3 is empowering rather than oppressive; helping him gain independence from the hostel. This example also demonstrates the multi-lateral nature of power. Whilst disciplinary power may be acting upon R3 in the form of employment (routine, order, and spatial control), it is also the site of R3's resistance to power exerted over him through the hostel. R3 claimed on a number of occasions that he believed that hostel staff were not supportive of his employment. Although this is contrary to the comments and observed behaviour of staff, it was possible for this to be true in individual cases. When asked, R3 thought that staff were not supportive because he had found work without their help (he found work without asking permission, but the work was considered appropriate in retrospect) and that they had no control over this aspect of his life:

They are just trying to control me. Even work, they don't really like us working because that means that we are not in their control all the time, that's why they don't like me having a car as well.

(R3, CSA, in interview)

Residents were likely to refer to hostel life and the operation of the hostel in control and power terms. By undertaking work outside of the hostel residents were able to resist the complete power the hostel staff had over them, in both a physical and psychological manner.

R3 was not the only resident to use the gaining of employment to resist power exercised through the hostel. R27 (CSA against family members) had also found work independently of hostel staff, however this work clashed with SOGP times and was therefore prohibited by staff. Although R27 did not directly oppose hostel staff he sought reimbursements for having to take time off from work in order to attend the

SOGP workshops. At the time of leaving the hostel this case had not been decided, however, police officers in the MARAC were not sympathetic as he had accepted work without approval (MARAC 4).

Residents argued their right to pursue work outside of the power network of the hostel on the grounds that they needed to take responsibility for themselves and they would only be under the remit of the hostel for a relatively short period:

They just want to control everything that I do. They don't seem to realise that they will have to let me take responsibility for myself because I won't be here forever...They can't control me when I leave here.

(R3 in interview)

Despite the potential for employment to be beneficial for both residents and staff, most residents did not seek work. When asked, residents usually offered justifications. R1 utilised a technique of neutralisation (Sykes and Matza, 1957); condemning the condemners, when he blamed probation staff for his inability to seek work. On this occasion in the hostel he had originally been admitted for 2 weeks while supported accommodation was being finalised for him, but this had fallen through, and he was not sure about his immediate future. Although this technique allowed R1 to deny responsibility for his decisions and actions, in the same way that this technique may be used to deny responsibility for offending behaviour, it was demonstrably false. R1 had been in the hostel previously for many months. In this period he had claimed that he was not seeking work because he was undertaking an Information Technology class being held at the hostel, however, he had stopped attending this class after a few sessions because he did not enjoy it, yet he did not seek employment afterwards (R1 in interview).

Those people resident and working within the hostel were usually clearly delineated and easily identifiable because of their role in the hostel; however, employment had the ability to blur these boundaries. R4 (an older CSA) had been residing in the hostel for 2 years when the fieldwork came to a close, in that time he had maintained his love of gardening by making considerable use of the hostel garden, greenhouse and poly-tunnels. Eventually he came to spend much of his time gardening, and took

charge of the hostel gardens, enlisting the aid of other residents to help him. Towards the end of the fieldwork, hostel staff were looking to move R4 out of the hostel to nearby housing. Hostel management hoped that he could maintain his role with the hostel after he had left, not only because he had undertaken all the gardening duties, but because he was no longer able to take up paid employment (primarily because of his health conditions rather than his age). This caused some consternation for both frontline staff and residents; neither of which wanted to see a resident in an employed (be it paid or voluntary) position with the hostel. Hostel frontline staff were very concerned about this plan; unlike hostel management, their daily role in the hostel means that they had to interact closely with residents. If R4 were to maintain a working connection with the hostel some of the staff were unsure about how they would be expected to treat him, and what their professional relationship to him would be:

S3 comments that R4 thinks he is going to work in the garden when he has left the hostel: 'will he be paid or what? He thinks he's quasi-staff now, what will he think with this?' He goes on to wonder if he will eat meals with the residents or staff, or if he will have to be CRB checked like other staff.

(observation field notes, 22.8.04)

R4 had already taken on a role within the hostel that was unusual, being authoritative with other residents, leading R7 (in interview with R8) to comment that he was already telling residents to keep off the grass. R4's relationship with staff had not been tested or materially changed, R4 generally kept himself to himself, preferring his own company and that of a couple of older residents, normally in the garden out of the way of staff and other residents. However, the summer and autumn before his move out of the hostel started to be planned, he had sold potted plants to staff or visitors that he had grown in the greenhouse. He had imposed a first come first served rule upon them which had angered some staff members:

S7 reports that some staff are talking about R4, saying that 'he is getting above himself' because he is saying things like 'first come first served' in relation to his plants. Some staff say it is not his position to say who gets plants or not. S7 thinks this is ridiculous as it is just a common-sense arrangement.

(observation field notes, 6.6.04)

S7 was a relatively new relief member of staff which may account for her dissent from the view of other members of staff. The culture of staff working in the hostel and differences between the roles of different staff is discussed in chapter two section 8.1. Why other members of staff took exception to this arrangement may have more to do with the likelihood of R4's return to the hostel to work in the garden (which was being discussed as early as the summer) than the arrangement itself. Frontline hostel staff wanted to maintain a clear distinction between residents and staff: 'You're either staff or a resident.' (S3 in reference to R4: observation field notes, 22.8.04). This may be because it is part of the construction of their identity within the hostel. Both staff and residents talk about 'them' and 'us', with each groups' identity being largely formed through being labelled as not 'them'. The distinction between residents and staff may help staff to cope with the emotional challenges of the job as, if they are very clear that the residents are 'bad' people who are the opposite of staff members, they can distance themselves from the offence histories of residents and understand the residents as people set apart from society as a whole (by implication, 'normal' society members would not commit these offences). By allowing R4 to cross the boundary from resident to employee of the hostel the distinction between the group identity of residents and that of staff may be broken down, forcing staff to reassess their role with residents and the way in which they are perceived. Staff members were keen for people to know that they (the staff) are morally and materially different to residents, and that R4 could only return if he was regarded as resident:

S3 talks to me about R4 and what will happen if he does voluntary work at the hostel. Will he be staff? What will be his position?

'he'll want to be seen as something other than a resident [...] he can have nonce on his jumper!...sorry, reformed nonce!'

He was laughing about this and thought it would be very funny.
(observation field notes, 17.10.04)

However, to continually label R4 as a resident once he had left the hostel and was free to gain suitable work where he could and live his life without informing people of his convictions is in contradiction to the tenets of reintegration. Despite this, R4

would never be accepted by the staff population who lived their working life defining themselves as different to the people they managed, supervised and contained.

7.3.3 Summary

This first chapter of the findings considered the formal practice of the hostel in terms of its purpose of reintegrating and rehabilitating residents into the community and staff members' understanding of the purpose of their work. Tied into this focus of hostel work was the use of the official rule and warning system. Strongly linked to reintegrative work, was the management of residents' external relationships to the hostel (namely family, friends and employment).

The key issues to take from this chapter is that both staff and residents found it difficult to view the purpose of the hostel in broad terms equating to the purpose of the probation service (namely, public protection). Instead they focussed on the more detailed work of the hostel in respect to supervision, management and reintegration (through rehabilitation). Despite this, endeavours to aid the successful reintegration of residents through gaining employment and establishing (and maintaining) positive family and other social networks were hampered by the hostel rules, particularly those relating to curfew. Other barriers stemmed from risk concerns, such as preventing residents returning to collusive relationships or situations where their likelihood of re-offending would increase. Notably, although residents were generally keen to renew or strengthen their family relationships or friendships outside of the hostel, this was not the case with employment. Few residents sought work whilst in this hostel, although this was highly encouraged as a powerful mechanism to aid reintegration and curfew hours would be relaxed to accommodate working hours (if shift work).

8.1. Hostel Staff Attitudes Towards their Job and Residents

There is a dearth of research exploring staff perceptions of their job and safety within probation hostels. Studies have found that probation officers are often concerned about their welfare, with those working in the field reporting the highest levels of concern (Rapp-Paglicci, 2004; Wincup, 2003). Wincup (2003), in her study of hostel staff experiences of work, found that there was a variety of responses from staff, with some reporting that they found the job consistently highly stressful and others finding it stressful at times. She related this to staff members previous work experience (with those who had worked as police officers feeling that the job was less stressful in comparison with their previous work) and gender (young female workers in positions such as assistant manger were found to feel most stressed at work). Stress was also linked to hostel staff feeling isolated from other probation officers in their work, especially as hostel work was considered to be of low status and additional to traditional 'field' probation work (Wincup, 2003). Reported attitudes towards work with sex offenders are ambiguous; Worrall (1997) notes that it has become increasingly difficult for officers to express sympathy for sex offenders, although they may feel pity for individuals. A scenario recounted in Jones *et al.* (1992) explores the emotional reactions of an inexperienced probation officer working her first sex offender case. The officer explains how she is both repulsed by her client and saddened by his background. Attitudes towards those probation officers that work with sex offenders can be tainted by their association, with such officers often being ill-understood and stigmatised. This may lead them to feel stressed and isolated, even within the probation service (Worrall, 1997).

8.1.1. *Staff Attitudes to their position in the hostel*

Hostel staff expressed a range of opinions regarding their position and work within the hostel. Staff respondents commented on the nature of their position working in the hostel within the wider context of the probation service and community. Of particular concern to hostel management was how the hostel and the purpose of supervision was perceived by the public. They could become frustrated with the lack of understanding that they encountered, especially regarding the level of supervision they could provide:

Hostels are not secure units; we do not have tracking systems.
(S2, MARAC 5)

The above quote highlights the exasperation that staff in the hostel often feel when asked to explain their role and job. It suggests that there is a disparity between what probation officers are expected to do as a statutory requirement and what the public expect of them.

As residents group (see Part Two chapter 8.3), so may hostel staff, with space playing a similarly large part in the mechanisms of establishing and maintaining their formation and membership. In respect to hostel staff and their relationship to wider probation, it is the hostel itself that separates them. In contrast to field probation officers' view of work within the hostel (Part Two chapter 7.1), S10 claims that it can be unpredictable, engendering a sense of lack of control and potential danger:

[...] this place is like a time bomb, a sleeping time bomb. You never know what's going to happen next.
(S10, observation field notes, 25.7.04)

This is supported by Wincup's (2003) findings from a similar study, in which she reports that staff were aware that resident behaviour was unpredictable, and although violent incidents were uncommon, they could happen at any time. Attitudes such as this may help explain why staff in the hostel constantly exercise power over residents through informal techniques, despite their statutory structural position of authority. Staff perceive that their power is under threat, with residents being able to resist their exercise of power and assert power themselves. That staff regard the hostel as a volatile environment in terms of the behaviour of residents and the dynamics of relationships between residents and staff members leads some of them to consider their job as dangerous. The feeling of danger is heightened because hostel staff members' role in the hostel is to manage and supervise the daily behaviour and residency of offenders who may have a variety of mental health problems, drug and alcohol addiction and withdrawal symptoms, medications, violent behaviours, as well as suffering from high levels of stress. Dynamics between residents can also cause concern, with operational staff, particularly RSOs and relief staff, having little prior

knowledge of residents before they enter the hostel; leaving them to deal with the initial discontents or objections of new residents to the hostel and other residents with little or no preparation. Residents, as discussed in Part Two chapter 8.3.1, may also come into conflict with each other. Tensions arise between groups of residents and between residents and staff. It is the very uncertainty of residents' behaviour that staff find the most worrying; they cannot predict or prepare adequately for danger; always finding themselves reacting to situations and worrying about future incidents. This leads some staff to expect the worse through fear of the unknown.

The danger that staff believe they face was exemplified in the case of a male sex offender. This resident had been accommodated in the hostel previously when he had made violent rape threats against two female PSOs. Given that the resident was convicted of particularly violent rape offences and sexual assaults these threats had been taken seriously at the time, and on his proposed return to the hostel the issue of staff safety was raised. In order that female staff were protected from this resident staff rotas and operation were changed during his residency, with no females taking on night or evening shifts and I, the researcher, was prohibited from interviewing him as the hostel manager was afraid that I could also be at risk (observation field notes 25.7.04). The members of staff who were threatened previously found this situation so worrying that they both were declared on sick leave with stress until the resident was no longer accommodated in the hostel.

As in Wincup's (2003) study, although many staff, particularly PSO and RSO permanent members of staff, found their position in the hostel troubling, other staff participants did not share their concerns. S7, a female relief RSO, stated that she did not find working in the hostel particularly risky, although she feared it would be dangerous when she first contemplated taking the job. After working part-time irregular shifts in the hostel for less than a year she commented that she 'likes working in the hostel because it is easy work and relatively well-paid.' (observation field notes, 6.6.04). She acknowledged that there were dangers, but that these did not make her feel at risk because she always worked with a more experienced member of staff (double cover shifts). S7 reflected upon her feelings towards her job, proposing that she felt differently to other members of staff because she was not employed permanently, this meant that she had less responsibility in the hostel, especially

regarding residents. This resulted in her feeling that little was expected of her and as she regarded her job as a way of making money rather than part of a career, she was happy to not be challenged. Because of this, S7 took a laid back approach in the hostel and was content to let residents live out their daily lives without her interference as long as they were not disruptive or breaking hostel rules. She stated that she sometimes wondered if she was too laid back; not being worried enough about the dangers implicit within the hostel (observation field notes 6.6.04). This concern emerged from her own observations of staff; she noted that others were not so relaxed as her in the hostel, causing her to contemplate the type of person who would want to work in the hostel. She believed that the nature of the job may attract people who wanted to assert power and work in a position of authority. The job allowed people to assume a strong position over residents with no prior experience or training, therefore, staff could immediately assume control over residents, acting aggressively, without having to commit to the job or demonstrate responsibility, capability or restraint. As S7 commented, 'it is a rare job that allows people to shout and swear at residents without any come back.' (observation field notes, 6.6.04).

The difficulties of the job so far discussed predominantly relate to work with the residents, however other challenges were also noted. Placing the hostel in the wider context of the probation service and the National Offender Management Service (NOMS), S8, a permanent RSO, highlighted the lack of autonomy with which the hostel could operate. This stemmed from a change in operation concerning the sign-in book. This book was a record of all the staff and visitors accessing the hostel. Each person entering or leaving the hostel, other than the residents who were recorded in a separate log, were required to sign and enter the time they arrived and left. Later in the fieldwork, when personal alarms were available, the ID number of alarms was also entered. The change related to the layout of the book and the sheets, which now had separate sections for different categories of staff and visitors (for example, voluntary services and partner agencies) rather than a single sheet that had a column where the status of the person signing in was entered. S8 appeared to regard the change as unnecessary, but indicative of the distant control of the Home Office, explaining the change with little interest as: 'Oh, its another Home Office change.' (observation field notes, 12.9.04). The reason for the change was not considered important, compliance with the Home Office being explanation for change in itself.

That the operation of the hostel was under the control of a distant and rather invisible structure did not cause concern, although it was constantly regarded as the origination of a number of practices that were otherwise without explanation. Further changes that likewise occurred included the removal of the board in the general office listing the names of residents next to their room number. Again, no explanation was given to frontline staff, yet the change caused staff to have greater difficulty in remembering new residents and room changes, sometimes causing them delay in locating residents or undertaking room searches.

The structure of the job also caused some staff consternation, discomfort and dissatisfaction. Because during office hours probation staff were occupied in paperwork and offence related work with residents and did not work evenings and weekends, RSO staff were mainly left to manage the residential needs of residents. Dual cover meant that staff members could not leave the hostel whilst on shift, with no extra cover for breaks or meal times. Staff were expected to eat their meals with residents or bring in their own food. Breaks were taken within the office areas, although at all times they were expected to manage and tend to the demands of residents. This led to S9 saying that the job could be difficult, not because of the residents or the tasks that they undertook, but because of the long shifts:

[S9] said how the job could get to you. You have to do long shifts, especially at the weekends, and you cannot have breaks, for example lunch hours. Sometimes he feels envious of others [probation officers] in the offices who can go into town for an hour or so and get away from it all.

(S9, observation field notes, 14.12.03).

That staff cannot leave the hostel or take dedicated time for breaks did not usually cause unrest for staff who usually found time for breaks in the hostel. This was especially the case for staff working weekends and evenings, whose role it was to ensure that residents abided by the rules and did not cause disruption in the hostel. As these periods were mostly uneventful apart from some verbal banter staff were often left for long periods to simply talk with each other and residents. However, as indicated in the comments of S9 above, it is not simply time for a break that is important, it is the ability of staff to leave the hostel. Most shifts lasted for 7.5 hours, however, some weekend waking shifts (shifts not including the night shift where the

staff member in duty could sleep between 12 midnight and 7am) lasted 12 hours without a break.

That staff members were unable to leave the hostel during their shifts meant that they were as 'trapped' in the hostel as the residents. This could lead staff to experience similar discontents whilst in the hostel. Most notable was the differences between the hierarchies of staff. There were four main groups of staff: Probation Officers; Probation officers (PSO); Residential officers (RSO); and relief RSOs who worked on a casual basis. The main demarcation between PSO and RSOs was their shift patterns, with PSO staff normally working office hours and focussing on the risk management and offence-related work of residents, RSO staff worked shifts throughout the week, having primary responsibility for the residential requirements of residents. The largest difference between staff groups was for the relief RSOs, who had responsibility for nothing other than to provide cover for RSOs, aiding the more experienced members of staff on duty with them. It has been noted in earlier research that hostel staff often have inadequate training (Wincup, 2003), in this study it was observed that relief staff, in particular, had no mandatory training other than a single shadow shift; the way in which they work with and react to residents and other members of staff depends greatly upon their background, prejudices, beliefs and attitudes. Similarly, no RSO staff undertook training during the fieldwork phase.

The importance of formal training was debated. S9, a permanent RSO commented that formal training was less important than practical experience because each resident is individual, requiring a different approach:

If you can do this then it is an easy job, but you need to stick at it. It's hard to say what skills you need in this job, they're all individuals and come in different shapes and sizes, you can't put them in a box.
(S9, observation field notes, 19.9.04)

However, despite the lack of training and experience of these members of staff they were expected to be immediately able to undertake tasks in the hostel for which specialised training would have been beneficial. For example, as soon as a member of staff had undergone their shadow shift they were expected to be able to hand out medication to residents, ensuring that they were taking this as required. Staff of all

ranks were expected to be able to tell if a resident was not really swallowing tablets, instead hiding them under their tongue. For relief members of staff in particular this was difficult to ascertain, most simply accepting that residents took their medication if they put it in their mouth in front of them, especially if they drank water as well, although permanent members of staff were aware that residents may still not have swallowed a tablet under the tongue.

The capacity for relief staff to undertake the same job as RSO was undermined by their irregular shifts, lack of training and inexperience. However, some relief staff had been working in this role in the hostel for some time. This was facilitated because relief staff were often asked to work shifts at least once a week, with courses, sickness and staffing issues meaning that flexible workers could work almost full-time for short periods. The more shifts that a relief member of staff accepted, the more likely it was that they would be offered first refusal of shifts. This increased the knowledge and experiences gap between members of staff. Other members of staff noticed this and felt that relief staff were unprofessional because of the irregularity and inconsistency of their work:

You need to learn on the job, but some of these part-time people, they are not here enough to get to know people properly. They also come here with certain ways of thinking. They have pre-conceived ideas and it takes time to get them away from that, and they don't always have time.
(S9, observation field notes, 19.9.04)

The lack of respect with which permanent staff regard relief staff may also result from their lack of identification with probation officers. Because they do not share the same responsibilities and are rarely immersed in the culture of staff working in the hostel, relief staff are a separate group, not sharing the same cultural positions. Relief staff find that because they do not work regular and consistent shifts the knowledge that they have regarding the hostel, residents and the other members of staff is limited. Relief staff are frustrated by this, believing that, in terms of accessing and possessing knowledge, they are the 'lowest' level in the hostel, with residents knowing more than they:

If you want to know something in here, ask a resident!
(S3, relief RSO, observation field notes, 17.10.04)

Apart from the position and acquisition of knowledge by relief RSOs, this quote also suggests that residents may have greater access to knowledge, and the exercise of power through knowledge than is superficially apparent. That relief staff may gain knowledge from residents indicates that their relationships with residents are not necessarily antagonistic or in conflict, but rather they may find that they share some commonalities in the hostel. Both are structurally hindered from accessing official information that permanent, and especially PSO staff, possess. The mechanisms of the control of information to lower levels of staff and residents included the selective sharing of information to permanent members of staff as well as more formal methods. For example, as noted previously, the board that hung in the general office listing the residents next to their room numbers was removed part way through the fieldwork (observation field notes, 25.7.04). This board was particularly useful to relief members of staff who may find that in between shifts the resident composition or room allocations had changed considerably and the information contained on the board, whilst not confidential, helped them undertake their job with the least disruption possible. After the removal of the board relief staff found that they were at a greater disadvantage than other members of staff in trying to keep abreast of hostel changes.

Some members of staff commented that staff were separated not only by their role, but by their behaviour in the hostel. Again, relief staff found that they were at a disadvantage in that they had to be more aware of their behaviour and how it could be interpreted because other staff and residents did not know them well enough to understand their idiosyncrasies. S10, a permanent RSO, was often talked of as an example of a staff member who could say the most outrageous and insulting things about residents, but cause little offence. It was thought that his comments were accepted because he treated staff and residents alike, therefore, not singling residents out, and because he used humour to lighten his remarks. Other staff were envious of S10, wishing they could say how they really felt about residents without risking censure. It was not noted that S10 may not have been revealing his true feelings about residents, but rather using humour and overtly aggressive language to cope with the stresses of the job and relieve tensions between residents and staff. It is important to note that despite other staff members' perception of S10 as a man who

was not normally affected by stress or incidents in the hostel; it was he who described the hostel as dangerous and like a 'time bomb':

I asked S3 why he did not say what he wanted to residents. He replied that he would if he thought he could get away with it. 'Some people in here can get away with it, but I think if I had said it he might have complained about it' On further questioning S3 said that S10 would have got away with it, that he got away with telling residents to 'fuck off'. When asked why he thought this he said he thought it was because he had a naturally aggressive manner anyway so perhaps the residents did not feel that they were being singled out for this treatment.
(observation field notes, 31.7.04)

It is evident that some members of staff find it challenging to work with residents or some types of offender. That they do not state this openly to residents appears to be because of their adherence to a basic professionalism. However, not all staff consistently displayed professional characteristics. This was noted mainly amongst relief staff who were not, at least initially, part of the professional culture of the probation service. With no training relief staff often did not work consistently with each other, RSOs and PSOs. This could lead to other members of staff failing to understand how they worked, what drove them or triggered reactions from them. This lack of understanding could cause staff to regard individuals with suspicion and concern. This aspect of relationships between staff was highlighted in an incident involving S11, a female relief RSO, and R18, an older CSA. R18 had become angry with S11 because he wanted to take his medication with his meal, which was outside of medication dispensing times. S11 refused, despite this being the instructions on the medication. R18 retorted that withholding prescription medication was against his human rights, to which S11 said that he should have thought about the rights of his victims and that she knew how they felt because she had been abused herself (observation field notes, 6.6.04, 31.7.04 and 19.9.04). The way in which staff reacted to S11's outburst varied. Other relief staff were critical, regarding her behaviour as inappropriate and indicative of instability and unreliability:

But I don't know what she [S11] is capable of. I don't know if she would cross the line ... I don't even know where her line is.
(S7, relief RSO, observation field notes, 6.6.04)

Permanent staff also regarded her behaviour as inappropriate, but were prepared to justify it:

[I] can understand how things like that can easily happen if a resident is being a bit aggressive towards you because they have had a bad day or a run in with another member of staff, and then they take it out on you, and you can just snap back without thinking.
(S9, RSO, observation field notes, 19.9.04)

Despite this justification, S9 did not approve of S11's comments; he thought that in order to work effectively with offenders staff needed to be able to see beyond people's offences. S11 had not been able to do this with R18. He said that this was the only way to cope with work in the hostel otherwise you would not be able to see the person for their offences. He admitted that if he allowed that to happen he would feel like:

[...] kicking them in, because of some of the things that they have done.
But you don't.
(S9, RSO, observation field notes, 19.9.04)

That S9 disapproves of S11's behaviour and yet makes allowances for her outburst illustrates the group identity when opposing residents. Justifications such as the above – exemplifying Sykes and Matza's (1957) technique of asserting that the victim deserved it, and Gocke's (1991) variation of denial of responsibility – are normally observed being used, either consciously or subconsciously, by the offender. However, as this incident illustrates, people other than offenders may minimise the severity or deny the actions of themselves or individuals if it creates cognitive dissonance for them. This has been noted in the case of relatives of offenders (see Part Two chapter 7.3), and is used here for the same purpose. S9 has almost as much vested in reducing the responsibility of S11 for her actions as she has. This is because S9, S11 and other staff members are regarded as representatives of the hostel, probation service and state by residents. Whilst acknowledging the individual characters of staff members they consider them to be a cohesive group in which the individual is part of the whole.

8.1.2. *Attitudes to residents*

Although S9 believes that staff need to be able to separate the offender from their offences in order to work with them effectively, in the hostel residents were primarily identified by their convictions (observation field notes, 7.3.04). The use of the offence as residents' identifier (or master status) was not overtly abusive and staff did not refer to residents as 'rapist', 'drug offender' or 'paedophile' to their face; however, in staff areas residents were always described in relation to their offence before any other identifier or descriptor was used. Although residents were not aware that they were primarily identified by their offence, it may have an effect upon the way staff treated them and reacted to them. This may relate to individuals, such as that illustrated above in the incident between S11 and R18, but also to the resident group as a whole. Throughout the time an offender resided in the hostel they were referred to by their offence, thus they were inextricably linked to their conviction, and were managed and understood in relation to this act/s. The residents could not lose this identifier, regardless of their remorse, behaviour or offence work. As far as staff were concerned, the resident was the offence and the offence the resident.

This labelling of residents appeared to conflict with the aims of the hostel; to reintegrate and rehabilitate offenders into the community whilst minimising the risk of re-offending. This meant that staff undertaking offence work with residents emphasized to residents that they can amount to more than their offence; that this need not shape the remainder of their lives. However, away from this work staff perceptions of residents belied this approach. The disparity may be caused by the focus of the hostel; that is, to work with the offending behaviour of residents, therefore the offences that they committed are of primary importance. Also, the staff that spent the most time interacting with residents were the RSO and relief RSOs, who had little, if any, offence work related training. This meant that their approach to residents could conflict with that of the probation officers and PSOs. As they worked separately from each other the contradictions in their working styles was rarely noticed by members of staff. However, the use of this identifier did not contradict the wider discourses within the probation service evident within the risk management philosophy. In this discourse, residents are routinely classified and managed as a group in respect to the risks that they pose to vulnerable members of the population (Hudson, 2005). Thus, the identification of individual residents grouping in terms of

offence classification and management of the group rather than on a solely individual basis was in keeping with the ethos of probation work.

Staff members' attitudes to residents could be overtly aggressive and disparaging. S10, in particular, was observed regularly joking about killing residents, especially sex offenders. He mainly spoke in jest; however, he did not curb his comments in the company of new members of staff, who usually laughed with him, although rarely joined in with comments of their own. However, over time it was observed that these same staff members gradually made similar comments, either because they were no longer intimidated by S10's aggressive talk, or because they shared similar sentiments (observation field notes, 25.7.04). The use of humour in this way intimates that some members of staff feel that the job is stressful, humour relating to the issues that concern them can help them to internally minimise the threat. S10 also expressed apprehension relating to the unpredictability of incidents in the hostel that could place himself or others at risk. Notably, S10, despite his aggressive language to staff and residents, was one of the members of staff who interacted the most successfully with residents. They liked him and he appeared at ease in their company. This suggests that his jokes may be extreme reflections of his true feelings towards residents, uttered to assert his control and authority, appeasing his fears. However, his jokes may have effects wider than his own coping mechanisms. His comments may be internalised by himself, or by others that take part in the conversations, serving to normalise the belief that residents cannot change and are deserving of further punishment and separation from the community.

Such jokes spoken in front of residents exerted the power of the speaker over residents without resort to violence or threats that could not be denied to management. Residents often smiled at such jokes, but did not further engage with the speaker at this stage. Their reticence may have been because, although they recognised the levity of the statements, they were aware that staff have the power to exercise considerable control over them. This was highlighted in an incident where S10 said, laughing, to a group of mixed residents that the hostel should be quiet that night because otherwise: 'you're in for it tonight! [S3] if they get too noisy just breach them; breach the lot of them. That'll teach 'em.' (observation field notes, 25.7.04). The residents smiled half-heartedly at this as they knew he had the power to

issue warnings to whom he choose; they took the point without having recourse to resist. If the warning had been a serious threat residents would most likely have responded aggressively themselves, trying to reassert their own power. That residents felt pressure to respond to the statement as a joke, underlines the power that staff can exercise over residents.

Staff generally expressed more negative attitudes towards sex offenders than other groups of offenders. They mainly bore the brunt of the jokes of staff, being an easy target for their humour. However, this humour could highlight the contempt that some staff members regarded sex offenders with. The following quote arose from my interaction with a staff member after I had not accessed the hostel for a couple of weeks due to being asked to avoid the hostel while a 'critical risk' offender resided there:

I commented with levity that the time I had been away meant that I no longer recognised many people in the hostel and, so that I could put names to faces, it would be useful if the residents wore name badges. S3 laughed and said: 'they could be branded! No, that would be going too far. They could be pervert 1, pervert 2 and pervert 3!'.
(observation field notes, 31.7.04)

This exchange illustrates the dislike that S3 felt for sex offenders. Although he said this in humour, the joking nature of his comments may be a way of allowing him to say what he felt in a more acceptable manner, believing that if he said this seriously he would be regarded as unprofessional and possibly reprimanded by hostel management. Notably, S3 believed that he could not make derogatory jokes in front of residents without reprisals (see above). That he refers to sex offenders as perverts indicates that he also regards residents' crimes as their primary identifier, and that he is repulsed by these acts. Such name-calling suggests that he does not have sympathy with residents' situation in the hostel, nor does he understand their behaviour and offences. The use of such language suggests that he is not interested in professionally exploring the nature of sex offenders and sex offending further, yet such comments by S3 were sometimes perplexing as, on occasion, he also engaged in informed debates relating to theories of crime and punishment as well as sex offenders. These conversations arose from S3's personal education; having undertaken graduate and postgraduate courses in these fields. Unlike many other members of staff who

professed having little understanding of sexual offending, S3 had formed opinions that could be argued to be rather liberal, especially in light of other comments he made in relation to sex offenders in the hostel (see above):

S3 talked to me about a colleague of his (from YOT, Youth Offending Team) who thinks that [CSA]s offend against children because they are mentally ill in some way. S3 thinks this is an uninformed view. He thinks that CSAs are attracted to children because that is simply the type of person that they are attracted to.
(observation field notes, 12.9.04)

This view of sex offenders is removed from the commonly discussed issues of morality and 'evil' (Nash, 2006). That he regards attraction to children as natural to the offender, though deviant in our society, contrasts sharply with his earlier comments on branding CSAs as perverts. His condemnation may have been reserved for those people who acted upon their attractions rather than for all those who felt attracted to children. However, he never hinted at this distinction and it was interpreted that the latter view of sex offending was that which he *thought*, whilst the first was that which he *felt*. That he was strongly affected by working with sex offenders was illustrated in a later conversation when he talked about how he behaved differently towards his granddaughter when he started working in the hostel:

S3 told me how reading through the case files of the residents had changed his relationship with his granddaughter because he is so aware of how acts or behaviours may be construed. For example, he no longer bathes her, even though she is being brought up alone by her father.
(observation field notes, 17.10.04)

Clearly working with sex offenders could have implications for staff members' understanding of offenders and their own behaviour, both inside and outside of the hostel. However, interestingly, no member of residential staff was known to undertake counselling in relation to their work during the fieldwork period.

8.2. Use of Hostel Space

8.2.1. Accommodation

The hostel had a Home Office target of 90% occupancy rate; so that on average the hostel was 90% full each quarter. This rate required rooms to be allocated to a resident, although not necessarily occupied; on some occasions a room may be unoccupied, but remain allocated to the resident. This may be due to a number of reasons, usually as a safety net for a resident if they are moving from the hostel into the community. Sometimes, due to family dynamics or the character of the resident, it was considered prudent to ensure that the resident had somewhere to go in an emergency if they found moving out of the hostel too stressful, or a crisis occurred. The room was thus held open for a week in most cases. The added benefit of helping to achieve Government targets by holding rooms for residents was acknowledged by the hostel manager, who nevertheless emphasised that, although this was a bonus for him, it was not a consideration in this practice (observation field notes, 14.12.03)

The case hostel was adapted from a large house that had previously been utilised as a Local Authority children's home. The house, therefore, had already been an institution and had been arranged to reflect the requirements of institutionalised accommodation and supervision of residents. All bedrooms were on the first floor of the building, along with communal washing, toileting and showering facilities. There were enough beds to accommodate 24 residents, with 2 bedrooms being specifically allocated to female residents, although up to 3 more could be used for female residents if required. Rooms were a range of three, two or single occupancy, with the two female rooms being singles. New residents were usually allocated a bed in a three or two bed room so that they were not left on their own when they were first admitted into the hostel; a time when residents were thought to be most at risk from depression and self-harm. Residents who had been life sentence prisoners, however, were allocated single occupancy rooms where possible as these residents had usually had their own cell in prison due to their long sentence.

The ground floor of the hostel housed the probation offices and the resident living areas. This included the smoking and non-smoking TV lounges, pool room, and computer room. The computer facilities did not include internet access. A selection of

books was available in the hostel foyer. The garden was also equipped with a greenhouse and poly-tunnels. Residents were catered for by a cook, although they could bring in their own food if they wished. A utility room behind the kitchen contained washing machines, tumble driers and ironing equipment for the residents to use.

Most of the residents reported that there were not enough leisure facilities in the hostel itself. Living in the hostel was often said to be 'boring and frustrating' (R1, in interview), offering few challenges or outlets for aggression, creativity or exercise. On occasion, as with other aspects of hostel life, it was compared with prison:

R5: We had more freedom in prison.

Q: What do you mean?

R5: I was in open conditions at the end, so I could go out to work. And when we were inside there was more to do, there's not much to do in here.

Q: You've got the pool table, darts and T.V.

Yeah, other than that though I just go to sleep.

(R5, female non-sex offender, in interview)

It surprised some residents that they had more leisure activities in prison than in the hostel, mainly because they expected prison to be harsher, more draconian and less humane than it was, although even prison could be regarded as better than life on the outside:

R8: Though prison was not nearly as bad as I thought.

Q: What do you mean?

R8: Well, when I was in court and they asked me if I was applying for bail I said no. I'd been living rough for the last 6 months so I needed a roof over my head. Then I was told they had T.V.'s in every room, I thought they were kidding, but when I got there it was true, and they had a proper toilet in every cell. I couldn't believe it! They've got a whole sports centre in there.

(R8, CSA, in interview with R7)

Residents' disappointment with the hostel leisure facilities and activities on offer has less to do with their experiences in prison than with their expectations of life on the outside. Many were not prepared for a semi-secure unit, and expected full freedoms when they were released from prison. At the start of the fieldwork stage I was told

that some activities and classes available to residents had recently been cancelled because of either not being able to recruit teachers or activity leaders to work in the hostel or because of financial cutbacks. However, over the fieldwork period some of the courses were re-started. While they were attended by a number of residents, some complained that they were tailored to those people wanting to find employment, and did not cater for the older population of the hostel:

They do have activities here but they are not things that I would like to do. I mean they have things like the art class, gardening, I.T., employment skills. What do I know about employment skills? I'm nearly at retirement age.

(R7, CSA in interview with R8)

In order to compensate for the relative lack of facilities and activities in the hostel many residents sought to supplement them with facilities they could access outside of the hostel, for example, finding work, joining a gym, enrolling on a college course or undertaking Duke of Edinburgh Awards. These were all encouraged and facilitated by the hostel management. However, on other occasions residents used facilities that hostel staff were not aware of, and possibly would not approve of:

Wants to do I.T. but did not do all the course that the hostel provides because he got bored. Can't use the internet there, but he goes to the library to use it.

(R1, CSA, in interview)

This need for staff to be aware of the activities of the residents dictated that the majority of the hostel leisure facilities were within areas of the hostel that staff could observe and maintain a presence within; thus ensuring that any behaviour of residents that indicates a risk was seen and noted.

8.2.2. Public and Private Space

The bedrooms were on the first floor, that floor representing the residents' private space. No members of the public were permitted on to this floor. Members of staff did not often intrude into this space other than to wake residents during the week with knocks on their doors and to perform room checks. Room checks varied between detailed searches for drugs and other illicit items, and cursory searches to ensure that the resident kept their rooms in good order. The limited staff presence on this floor

was due to a combination of reasons. The balance between surveillance and privacy was one that was carefully considered, especially as a reduction in privacy due to increased surveillance (either staff presence or technological) could lead to resident dissatisfaction (Wincup, 2003). The main practical concern was that the public areas and general office needed a sustained staff presence in order to monitor residents and their exit and entrance to the hostel. (In a Foucauldian (1977) understanding of disciplinary power, surveillance and the exercise of power should be concentrated at boundaries and extremities of power relationships where they are most frequently resisted.) Other reasons were that these areas were covered by CCTV monitored by the main general office and residents did not notice the 'gaze' of the camera as much as that of the human eye. Additionally, the building converted for the hostel was not easily surveilled because of hidden corners and areas that existed, allowing free spaces for residents (Goffman, 1991). This issue of building conversion is well-reported (*cf.* Wincup, 2003) but persists despite the obvious practical advantages of a Panopticon inspired design (although this would be resource-heavy). Despite these considerations, in particular concern for residents' privacy, all staff members had master keys to the bedrooms, and residents were required to submit to staff members accessing their rooms when they wished, regardless of whether the resident of the room was present or not. This caused residents some discomfort as they felt that although they were rarely disturbed in their rooms, they knew they could be at any time without warning. The lack of privacy was a major factor in why residents said they did not like life in the hostel:

He said he had had enough of it [the hostel] because the residents' human rights are not respected....Privacy is not respected because staff (including female staff) will walk into residents' rooms (even if they are locked) without knocking – could be asleep or getting dressed.
(R3, CSA, in interview)

In order to increase and protect residents' personal privacy some residents wanted everyone to have single rooms. This would not protect them from the surveillance of staff, but it would allow residents space to relax and not be disturbed or observed by other residents:

Wants all residents to have single rooms (he shares with one other person). This is so that he can protect his belongings (he claims to have

had belongings stolen in the past), and so that he can have some privacy. Says that he has no privacy in the hostel at all, 'when you are upset you want to be able to be on your own, can't do that here.'

(R1, CSA, in interview)

Privacy was a greater issue in relation to female residents, although they did not share rooms. Usually only two rooms were allocated to females, although a further two on the first floor and the single disabled access room on the ground floor could be allocated to females if required and available. These rooms were allocated to females because they could only be reached by walking through an alarmed corridor and they had a separate bath and shower room. However, one resident commented that this alarm system was not sufficient to ensure the privacy of female residents:

Said that he did not think that it was fair that a known sex offender (R7 – CSA) is placed in the room by the door to the female section, that he could look down into their section whenever he wanted (as the door has a glass section in the top). Said that this is 'very intimidating' for the female residents and that if he had been offered that room he would have refused it.

(R3, CSA, in interview)

The apparent concern and empathy displayed by this resident is tempered by his general behaviour in the hostel. He was known as a manipulative and particularly un-empathetic man who rarely showed concern for other people. This comment was likely intended to show him in a good light; one that demonstrated his trustworthiness, low risk to others and understanding of offending behaviour. Other comments and actions in the hostel support this view of R3, particularly his willingness to report suspicious comments or actions of his 'friends' to staff members, whilst denying any involvement when that resident was punished. However, regardless of the intention of R3 when he spoke these words, he nevertheless drew attention to the vulnerability of females within the hostel, especially as the door to the female section was only alarmed between the hours of midnight and seven in the morning. During the fieldwork period no female was assaulted, however, a male resident was found in the room of a female resident, dealing heroin and cannabis; although the residents' claimed they were in a relationship and sharing the drugs (observation field notes, 3.5 – 4.5.03).

This arrangement of a female section on the first floor was changed towards the end of the fieldwork. The only female resident in the hostel at the time (and she had been the only female resident for a number of months) was moved down from the female section, where one room had been unused, into the disabled access room. This freed up a further space for male residents. This move may have been prompted by the need to ensure that as many rooms as possible were occupied, and with no female cases being referred to the hostel the empty room in the female section was lowering the hostel occupancy rate and making it difficult for the hostel management to achieve their target rate. However, residents had their own ideas as to why this move may have happened:

Found out that R5 [female convicted of violent offences] has been moved to the downstairs room (usually for people with disabilities who cannot manage the stairs), R7 [male CSA] tells me that this is because the female section is being used for male residents now and that the hostel is phasing out female sections so that it will become all male. He thinks that the hostel may become a sex offender hostel as there are so many there already and it is in a good position because it is out of town and away from housing estates.

(observation field notes, 31.10.04)

While staff members were aware of the development of sex offender specific hostels after the release of government plans in local papers (Barrett, 10.9.2004), they did not believe that this move was in preparation for such a change. Whether the comments of R7 are correct in this instance or not, they are nevertheless insightful. More than eighteen months later newspapers reported that eleven Approved Premises hostels would shut their doors to sex offenders (BBC News, 2006) because the risk of accommodating sex offenders for both the safety of potential victims and the media image of the hostel was too great to manage. The eleven hostels that closed their doors to sex offenders were all located within 1 mile of a school. Sex offenders that would have been accommodated in these hostels were to be moved to nearby hostels that still accepted them, thereby increasing the proportion of sex offenders in their resident population. This occurrence may be the start of the specialisation of probation hostels, with hostels catering for specific groups of residents.

8.2.3. *Knowledge and power disparities*

Initially all leisure and recreational facilities for residents were confined to the public spaces within the hostel. Other than a radio or music player residents were not allowed leisure equipment in their rooms. If residents wished to watch television they had to use one of the TV lounges; either the smoking or non-smoking lounge. Equally conversations between residents who did not share a room were expected to take place in public areas. This unwritten rule was relaxed for a resident who had mobility problems and found it difficult to easily move around the hostel.

While there was no formal rule to prohibit private or open conversations taking place in private areas, nor could the behaviour be formally punished, staff regarded the activity very suspiciously and treated the residents involved as being manipulative, scheming and subversive. Forcing residents to enact the majority of their lives in public spaces ensured they were constantly under surveillance. They could be observed by staff and residents directly, but also via CCTV surveillance. This form of surveillance transcends public and private techniques of surveillance described by Foucault (1977), by merging the observation of residents in their private space with closed spatial arrangements. Foucault describes how subjects could be isolated and separated by either being ordered spatially or through strict regulation⁵². In the hostel residents were allowed the illusion of privacy by having private rooms on a floor which staff members rarely entered, however, in reality they had very little privacy. The corridors that apparently can hide a resident in corners are actually continually monitored by CCTV which staff record and watch, knowing who is talking to whom, who is entering whose room, who is spending large amounts of time on their own, and so on. This form of surveillance accords with Foucault's vision of the evolving systems of observational technique; moving from systems that require residents to be directly observed to systems that only ensure that residents are aware that they may be watched, and do not know if they are or not at any given time. The latter systems may not be any more effective in the normalising and conforming effect that they have upon the subjects being observed, but they are more efficient in that less resources are required to have the same effect. Additionally, the latter systems are more subtle, provoking less response in the observed subjects. Residents are aware

⁵² He used the examples of the Auburn and Philadelphia prison models to illustrate his argument. See chapter one section 4.1.

that staff members can see them on CCTV cameras even when they are alone, but they do not resent the presence of the cameras as much as a staff members' physical presence, although they are aware that staff members do not need to be present to observe them. The lack of resistance to CCTV as a result of its distancing of the observer from the observed has been noted by previous researchers, for example, Dubbeld (2003), who comments that CCTV provides no strategy for the observed to return the gaze of the observer, or to directly confront or challenge the observation of themselves. The silent pervasiveness of CCTV can lull residents into forgetting that they are observed precisely because they cannot resist and there is no focus for them to challenge. They have little choice but to simply carry on with their life in the hostel, unaware of whether they are being observed or not. Therefore this system, not only produces a more efficient technique of observing residents, but facilitates an environment in which residents are more likely to acquiesce and passively accept high levels of surveillance and observation.

Knowing what residents' were doing and saying to each other, who each resident interacted with, who they liked and disliked, who they could influence and who influenced them, gave the staff enormous power over residents and a sense of security and authority. This knowledge could be used as an instrument to exercise power; with knowledge being both the tool and the creation of greater power. Staff members could wield this power when they chose, keeping it in reserve until the exercise of this power and the revelation of the knowledge gained the staff greater rewards and status over the residents. Staff members' use of knowledge to exercise power over a resident was demonstrated in an incident with R3, a CSA in his early twenties. One morning R3 had been saying to other residents that he could get in and out of the hostel after curfew hours by climbing out of his window. Although few residents took his assertions seriously staff members were angry because his story undermined their authority and the control they had over residents by casting doubts on their surveillance of the residents. The powerful position of staff is based on their statutory role and employment, but the maintenance of this power is dependent upon the three mechanisms of disciplinary power that Foucault (1977) describes; hierarchical observations, normalising gaze and examinations. If residents believe that they are not being watched, and that transgressions of the rules will not only be unobserved, but will not be punished, then the effect of the power exercised by staff members will

be diminished. In order to reassert their power, staff were able to utilise their knowledge that R3 was lying. They did this in a more subtle and effective way than to simply deny his claims:

[R3] he told R17 that he had climbed out of his window at 4 am one night to see his brother. R17 told staff and S3 then told R3 in the foyer in front of other residents that he was in big trouble because he was seen on CCTV climbing out of his window. R3 went red and left the room, S3 says this was embarrassment and shame because he realised staff knew he had made it up.

(observation field notes, 17.10.04)

By apparently confirming R3's story to other residents S3 gained greater power over R3 as R3 was now dependent upon S3 and other staff members to not deny the story if he was to maintain the image of himself that he was trying to establish and maintain within the hostel. Staff members' position of power over the residents was dependent on staff knowing more about residents than residents knew about staff. Although residents did not have the advantage of CCTV and being able to access staff offices, nevertheless they gained more knowledge about the staff than staff members were aware of. The acquisition of knowledge by residents was often serendipitous, staff often talked in offices with open windows to resident areas, and even within the MARAC meetings it was noted that on hot days windows would be open and sometimes the French doors to the garden. Whilst MARAC members were largely aware of the presence of residents nearby when the doors were open, and residents were sometimes observed in the garden, often gardening, near open windows, members of the MARAC took no notice of them (MARAC 7). R7 and 8 commented that they, and other residents, gathered a lot of the information that they had about staff by standing near open windows (R7 and R8 in interview).

Interestingly, it was sometimes the case that residents knew more than staff thought residents knew about them, whilst residents often assumed that staff knew more than they really knew. A major difference regarding the exercise of power between staff and residents was that staff usually used this knowledge against the resident in a direct fashion, thereby allowing residents to know that staff are observing them closely. In contrast residents often did not let the staff know that they had knowledge about them. They used the knowledge in more subversive and covert ways. This was

notable in residents use of knowledge over each other as well. They would use knowledge to curry favour with staff members, for example, informing on the behaviour of other residents. R3 demonstrated this use of knowledge when he informed hostel staff that another resident (whom he claimed to be friends with) was indulging in cannabis in the hostel. Afterwards, when staff had warned the other resident, R3 was very vocal in condemning the resident who had informed to staff, staff were amused by this (observation field notes, 1.2.04). Although R3 informed staff in order to gain higher status within the hostel, it backfired as staff trusted and respected him less because he was willing to use information in this manner. On other occasions staff were more concerned about how knowledge was used by residents (rather than simply what that knowledge was), as they could go directly to hostel management with complaints about the behaviour of operational staff. If a resident was known to use knowledge in this way it was shared with all other staff members who were warned to be careful about how they treated this resident (observation field notes, 12.9.04).

This difference in the method of using knowledge to exercise power may be indicative of the power relationships inherent within their statutory positions in the hostel. One group has the legal authority to threaten and coerce via carrot and stick techniques and use knowledge of residents to their benefit or detriment. The other has no such legitimate use of knowledge to gain power, they are formally prohibited from gaining knowledge or using it should they acquire it. Therefore, residents' use of knowledge and the exercise of power over staff must, by necessity, be covert and tentative. Should they reveal their hand too freely they would throw away their power by showing that not only can they gain knowledge over staff, but that they have broken the rules of the hostel and violated the statutory relationship between the two groups. This would result in punishment and labelling as a trouble-maker who is not responding to rehabilitative work and demonstrating risky behaviour. This interpretation of the residents' behaviour is undertaken in the hostel and passed to the MARAC where it is codified and legitimised.

Approximately half way through the fieldwork period residents were permitted to have televisions and other leisure equipment in their rooms. This was apparently in keeping with practice in the other hostel covered by the Probation Area. I anticipated

that staff members would not be happy with this change in policy as it prevented them from being able to watch residents' behaviour so effectively, reducing the amount of knowledge that they had about residents and, therefore, the power that they had in contrast to residents, who they believed knew little of their own (staff) activities. However, in practice this measure proved to be a popular development, primarily because staff no longer had to rely upon the complex tactical use of the acquisition and revealing of knowledge to control residents. Additionally, as residents were able to watch TV and conduct some of their conversations in private without the watchful eye of the CCTV camera or staff member to judge them, they felt they had greater control over their personal, day-to-day activities. They no longer felt the need to be rebellious as much as they did before (this is not to say that they did not rebel or cause trouble on occasion, but that one of the main reasons had been removed or at least diluted). This meant that, especially at weekends and evenings when residents were not subject to appointments, therapy groups and offence work, they were able to relax in privacy. Residents were able to watch either their own TV, or use a number of others, making choices regarding their leisure time that they had not all been able to make when they only had the use of two TVs and a pool room. This lack of competition, boredom and conflict between residents meant that they were generally quieter and more content at weekends and evenings (in particular). As they were more likely to be in their rooms for long periods, they also were not so frequently talking to members of staff. Staff requests and 'staff baiting' was a common pastime of residents who were bored and trying to pass time. In light of all these factors, staff believed allowing residents to spend more time in their rooms, out of their surveillance, was a positive change in the hostel:

Not many residents around, not many out as very rainy. Majority are in their room. This is very common now that they are allowed TVs, radios and game stations in their rooms. S10 said the staff like it because it keeps them quiet, out of trouble and out of the staff's way.
(observation field notes, 25.7.04)

8.3. Grouping in the Hostel

This section explores the function and purpose of resident grouping in the hostel. How space within the hostel is utilised by the different groups is discussed in *Hostel Space*.

8.3.1. *Composition of primary groups*

Residents separated themselves into groups within the hostel. Although the characteristics of the groups were fairly static, the membership was dynamic in response to the changing resident population and subsequent changing relationships within the hostel. Grouping in the hostel was readily observable, especially due to the groups' use of space, however, the way in which these groups were formed and the function of them for the members was less observable.

Residents often talked of the groups in the hostel in terms of dualities: one group being the opposite of the other:

Both [R79 and R3 an older and younger CSA respectively] do not like it in the hostel because of the mix of people, for example, the older ones with the younger ones, drug addicts with non-drug addicts. It causes tensions because the behaviour of the drug addicts can be erratic.
(4.1.04, observation field notes)

In this case two sex offenders spoke about the residents being separated through their offence category and age. These two divisions were the only resident categories noted or talked about. It was anticipated that male/female divisions would not be so noticeable due to the limited numbers of female residents in the hostel, and this appeared to be the case. R27 and R3 (above) spoke about offence categories comprised of those residents convicted or charged with drug related offences and those who were not, however, it was more common for both residents and staff to talk about resident groups in terms of those residents convicted or charged with a sexual offence:

They talked about how there were two groups of offenders: the 'others' and the 'sex offenders'.
(R7 and R8 in interview, older CSAs)

Whether the divisions in the hostel were differentiated in terms of those convicted or charged with sexual offences and other offenders, or rather those residents convicted or charged with drug related offences and other offenders normally equated to the same thing. Those people who referred to the groups being based on drug related offences were invariably sex offenders speaking in a space within which they may be

overheard. In private, sex offenders described groups in terms of sex offenders and others. This accorded with other residents' and staff descriptions of groups in the hostel, as well as observed group dynamics. The divisions based on drug related offences, therefore, became a euphemism; those in the group 'drug offenders' being anyone not convicted or charged with a sexual offence. This division, although not strictly accurate as there were some residents not convicted of either a sexual or drug related offence, served to allow the speaker to discuss the groups in the hostel without mentioning sex offenders. Noticeably, only sex offenders were reticent to say the words 'sex offender' or 'sex offence' (although this was not common to all sex offenders resident in the hostel). It is suggested that this may be because the sex offenders were trying not to be identified as sex offenders within the hostel; seeking to hide the nature of their offences by avoiding conversations overtly about sex offenders. This aversion of the label and identity of sex offender has been noted in other research, most notably Hudson (2005) who suggested that the stigma attached to the label was why sex offenders tried to hide their status. Interestingly, she noted that none of her sex offender respondents identified themselves as sex offenders, yet, in the study reported here, many sex offenders residents, whilst reluctant to talk about themselves using the words 'sex offender' did allude to their membership of an 'other' group to residents not charged or convicted of drug related offences. This may show a greater confidence by members of this group in the hostel than Hudson's (2005) predominantly prison population, perhaps relating to the small number of offenders in the hostel and to the large proportion of those that were sex offenders.

Acceptance into the sex offender group is not as simple as being charged and convicted of a sexual offence, although this is the primary pre-requisite. Age was an important aspect of the group, as many of the sex offenders in the hostel were in their late 40s or older, thereby differentiating them from the majority of other offenders who tended to be in their mid-30s or younger. For the sex offenders age was a central division within their group, as the group was broadly diverse in terms of their offences and age was a natural categorisation as older members had more in common with each other than with younger sex offenders. Often these differences were evident in the members' cultural associations and preferences, for example, 'older residents do not like the volume that the younger ones sometimes play their music.' (R79, observation field notes, 4.1.04). As the majority of sex offenders resident in the

hostel during the fieldwork phase were older they were comfortable within the sex offender group, being defined by both their offence and age. However, younger sex offenders did not identify with this group so easily. In the majority of cases, younger sex offenders tended to be in their early 20s or late teenage years. Primarily they identified with the sex offender group; seeking the company of members of this group in preference to 'others', however, they were not able to maintain this association for long periods of time because they found it difficult to join in with conversations or activities. This was because, as with any person, the older sex offenders often talked about their families, their pasts, and discussed politics, news and events in recent history. They were also generally content to pass the time in conversation around the hostel. Younger sex offenders had little to contribute to these conversations, having different interests and experiences, and tended to want to be more active during the day. This resulted in younger sex offenders finding it difficult to find their place amongst the residents, being more transient between groups and generally feeling more lonely and isolated within the hostel:

That's what makes it so hard for people like R6 [20 year old CSA], he's in between groups. The drug addicts are about his age, they're much younger really, but his offences are the other group. He doesn't really fit in anywhere.

(R7 in interview with R8)

Although the younger residents would, thus, appear to have much in common - their offences, age and isolation within the hostel - when there was more than one younger sex offender resident within the hostel they did not normally associate heavily with each other. Since, for much of the fieldwork, the only younger sex offenders resident in the hostel were R1 and R3, they were forced to identify with each other to some extent, however, this did not last and both vied for the time and attention of the older sex offenders. Perhaps the lack of grouping between these two was due to the small numbers, resulting in them wanting to be part of a larger, more inclusive resident group. The personalities of the two also played a part, with R1 being shunned by almost everyone within the hostel, staff and residents alike, because of his attention-seeking behaviour and 'stories' (see Part Two chapter 8.4.3).

Age was consistently regarded as the primary division within the sex offender group by staff as well as residents. While residents regarded age to be divisive in terms of shared interests, staff also regarded age as being important in relation to the offenders' type of offence and their offending 'career'. The age of the offender is, therefore, a predictor of the type of sexual offence they commit, being reflective of the offender's general attitude and behaviour:

S9 comments that the younger sex offenders especially see themselves as 'white knights' or 'advocates for everyone else [in the hostel]'. They 'have a certain cockiness over-confidence. This disappears with age, like a 'chrysalis' and turn into older sex offenders who are not so attention seeking, patient and take much longer [grooming] over their offences. He thinks this is why there are not many sex offenders in their 30s or early 40s in the hostel, because they are in the chrysalis stage. He thinks that R8 is coming out of that stage as he has a couple of contact convictions when he was in his early 20s and now he is in his 40s and is here for non-contact offences⁵³, and nothing in between.
(S9, PSO, observation field notes, 25.9.04)

Staff working within the hostel noted another division within the sex offender group. This divide was based on the type of sex offence committed, and the observed behaviour of residents:

The CSAs tend to be passive and compliant (at least to staff and to each other generally) whilst ASAs are more short-tempered, aggressive and usually slightly younger. The two ASAs here at the moment (R46 and R47) are both immature, insecure and joke a lot, as you speak to them anti-female comments are made in the form of jokes, for example, R47 often comments that women can hurt men by words alone and that they are fickle, nagging temptresses.
(observation field notes, 3.5 – 4.5.03)

Primarily, like the residents, staff grouped all sex offenders together. As all but three sex offenders resident in the hostel during the fieldwork offended against children staff often equated the sex offender groups with abusers of children. This equation was not because of a general stereotyping of sex offenders resident in the hostel, but rather used as colloquial shorthand to signify the sex offender group, the majority of which had offended against children. That staff did not stereotype sex offenders as

⁵³ Non-contact offences are sexual offences that do not involve touching the victim, for example, downloading obscene images and voyeurism. Contact offences are those sexual offences that do involve touching the victim, for example, rape and indecent assault.

child sexual abusers is highlighted in their talk about the different groups of sex offenders.

The use of child sexual abuser as short hand for all sex offenders within the hostel was replicated by the residents. Other residents used the terms 'sex offender', 'paedophile' and 'paedo' interchangeably for the entire sex offender resident group. On occasion this caused some confusion and sex offenders against adults were sometimes mislabelled as child sexual abusers:

R47 (convicted of multiple rapes against adult women) was upset because someone called him a 'paedo'. He was sitting with R39, R26 and R49 (all CSAs) and said he was not interested in kids. Later when R51 (female drug related offences) asked him what he was doing tomorrow he said he was 'going to sniff glue and then go to the park to watch the kiddies.' R51 was shocked and said he shouldn't say such things because of the other three there. R47 said he didn't 'give a fuck about them', although he spends much of his time with them.
(observation field notes 24.5 – 25.5.03)

That R47 took such exception at being labelled a child sexual abuser because of his association with the sex offender group, the membership of which was primarily CSAs, illustrates the distinct subgrouping within the sex offender group. Again, Hudson (2005) supports the observation that people convicted of sexual offences against women were keen to ensure that, although they were associated with child sexual abusers, they were not identified with them, which also indicates the hierarchy of grouping within the hostel, and within the sex offender group itself. The CSAs within the group were powerful due to their numbers; they were the dominant subgroup and were able to exert their identity upon the group as a whole because of this. From the outside of the group they were also the main identified subgroup because other residents disliked them so intensely (see below). ASAs in the sex offender group endeavoured to ensure that they were not regarded as part of this subgroup by refuting their membership publicly where necessary. This highlights that CSAs are the lowest regarded subgroup within the hostel, with ASAs regarding themselves as 'better' because they do not victimise children.

8.3.2. *Mechanisms of grouping*

Although the grouping described above was not mutually exclusive, as evidenced by the younger sex offenders' transience between groups, it was evident that the majority of residents were able to quickly find a place within the hostel groupings that they were comfortable with and maintained throughout their residency within the hostel. Staff were sometimes surprised to observe that new sex offenders so quickly identified with the sex offender group (particularly if they were over the age of 40), despite a strict rule whereby the offences of residents were not discussed within the hostel:

PSO comments that though they don't talk about the resident's crimes, the sex offenders gravitate towards each other.
(10.4.03, field observation notes).

This was also observed on many occasions, and it is suggested that initial identification may have been based upon age rather than offence. Identification based upon similarity of offence may occur quicker than staff would expect because of the nature of the talk amongst residents, who would, despite staff members' beliefs, talk about their offences, either in a direct or oblique manner. As the sex offender group, especially when uncertain of the audience, referred to groupings in terms of drug offenders and 'others', new residents may have understood the underlying meaning, especially if they had been in prison or in hostels before. Also, more vocal residents talked about their offences in order to protest their innocence, or the unfairness of their conviction (see Part Two chapter 6.4.1). Therefore, the nature of a resident's offence, if not the actual crime/s became common knowledge within the hostel fairly quickly:

Q: Is there any type of person that gives you hassle, or causes hassle?

R4: When people come in new, you get the ones that think they know everything and they say that he's such and such a person and they seem to ... they get into their heads that he's such and such a person. They go 'Well, he's that sort of person.'

(R4 in interview, older CSA)

This quote is from an interview with an older sexual offender, convicted of indecent assault on relatives when they were children. He was very reticent to talk about his status as a sex offender or child abuser and thus used vague language, illustrated

above, relating to the 'them' and 'us' grouping in the hostel. Put in context, this quote is about new residents who quickly indentified R4 as a sex offender and sometimes 'hassled' him because of this ('hassle' was originally used by R4 to describe how other offenders treat him). That new residents to the hostel are identified as particularly hostile to sex offenders may be because they are trying to find their own place within the hostel and are keen to be regarded as 'other' than a sex offender; the two main groupings within the hostel.

Existing residents used similar mechanisms to distance themselves from sex offenders, thereby, reaffirming the grouping within the hostel and strengthening the shared identity of the sex offender and 'other' groups. The most observable technique was the use of 'name calling'. Residents would refer to members of the sex offender group in derogatory terms, labelling them all as contact abusers of children, regardless of their offences:

R33 [violent offender] calls R1 [CSA] 'nonce' and 'kiddie fiddler' to R1's face.
(observation field notes, 12.9.04)

Although these insults are based upon the residents' index offence and their identification with the sex offender group, they are not particularly accurate. For example, R1 was convicted of raping a 14 year old girl when he was 18 years old. He insists she consented. In this case, regardless of the criminality or immorality of the offence, despite that he offended against a girl under 16 years, at this stage of his offending trajectory it is not possible to assume that he is particularly attracted to children, and labelling him such misrepresents the offence, the offender and the victim. That other residents persist (and it is endemic to the hostel) in targeting sex offenders illustrates the deep divide between the sex offenders and 'others'.

Residents believe that grouping of sex offenders and other offenders is also reinforced by the attitudes of staff who, residents claim, treat sex offenders and other residents differently because of the type of offence they have committed:

Residents are continually saying (for example, R1) that staff would not treat them the way that they do if they weren't a sex offender, although

staff say that residents' behaviour dictates how they treat them. Yet in the same conversation they may say (mostly in a joking manner) that all sex offenders should be shot, hanged or drowned.
(observation field notes, 7.3.04)

Apparently confirming residents' perceptions that sex offenders are treated differently staff were often observed talking about sex offenders in a derogatory fashion:

Staff 3 regards sex offenders with 'contempt and disgust'. He refers to them as 'those paedophiles' or 'those paedo's'. This includes all sex offenders.
(observation field notes, 12.9.04)

However, these comments were only heard in staff areas, within which the staff believed they could not be overheard. Despite this, some residents, primarily sex offenders, reported they had overheard staff talking about sex offenders:

R3 says that 'there is lots of 'nonce-calling' going on. Even among the staff. I've heard them sometimes talking about people in here and people that have been here'.
(R3 in interview)

Although these claims may have been intended to gain sympathy, they may have been true in that not all staff acted professionally (see Part Two chapter 8.1) and it was often observed that staff engaged in inflammatory conversations about residents, often sex offenders, in staff offices, with windows open. It was also noted by both myself and residents that it was possible to overhear conversations if standing outside these windows. The window to the main office opened to the porch area where mostly sex offenders accumulated. Regardless of the veracity of these claims, it was not usual to observe staff actively treating any group differently to the other. Instances of staff speaking sharply or attributing negative intention to the behaviour of residents were claimed to be based upon the characteristics of the individual. However, observed attribution of manipulative intention was, when ascribed, usually thought of child sexual abusers:

[I am] warned by staff not to trust sex offenders because they put on an act, but the longer they are here [in the hostel] the harder it is to keep it up.

(observation field notes, 10.4.03)

Staff members attitude towards sex offenders, regardless of however privately stated, may shape the way in which individual staff react or respond to sex offenders on occasion. Although it is difficult to state this with any certainty, as causally linking negative attitudes expressed in private with brusqueness, lack of understanding or short-tempered responses can only be a surmise without staff agreeing a connection. Staff deny any such connection, but it is likely that their assumptions about sex offenders would affect the way in which they interpreted the actions and meaning of sex offenders.

Regardless of the accuracy of the perceptions of sex offenders that they are targeted by staff, this belief may reinforce the grouping in the hostel by allowing sex offenders to place themselves in the position of victim, vulnerable to the exercise of power by stronger factions in the hostel. That sex offenders were quick to express how staff victimised them may also illustrate how the sex offender group as a whole subscribed to the technique of 'condemning the condemners' (Sykes and Matza, 1957). As discussed in relation to individuals, this technique turns attention and blame onto those 'condemning' the group. Thus, the hostel is a battlefield for the exercise of power, with each resisting the other and seeking to control their behaviour and attitudes. As noted previously, the use of techniques of neutralisation need not be conscious, instead being part of the group identity and shared norms.

The mechanisms of grouping explored so far have been internal to the hostel and informal between the residents. Other mechanisms are structural, forcing a group identity upon sex offenders and 'other' offenders. These mechanisms were present within prison and extended, like the carceral net, into the community via the hostel structure. The common segregation of sex offenders in prison, particularly child sexual abusers, forces a 'them and us' group identity upon sex offenders and other offenders. Identification between sex offenders does not depend upon similarity of offences, as sex offences are so varied and personal to the offender, but bringing them into close proximity and classifying them as being joined in their need of

protection from other prisoners ensures that they identify with each other by being at risk of victimisation. A resident of the hostel (non-sexual offender) described that, like in the hostel, the identity of sex offenders was quickly uncovered within prison, and segregation was not just due to formal structure but, also like in the hostel, was a result of other offenders dislike of the nature of the offences that they committed and their desire not to be associated with members of the sex offender group:

They [sex offenders] were in prison as well. More than you would think in a women's prison. We knew they would be coming in; it would get round the wing. No-one likes them, they were beasts.
(R5, observation field notes, 8.8.04)

Individuals who shared a group identity with each other in prison often maintained some of these relationships on their release. These relationships often caused the hostel staff concern, especially if the offenders were convicted of similar offences, and, therefore, thought to be at risk of offending together. This was highlighted in conversation between hostel staff regarding a previous sex offender resident (R35) at the hostel. He had lived on his release from the hostel with another sex offender whom he had met whilst in prison; although he was subsequently relocated by his probation officer and the housing association he continued his contact with the other sex offender. It was discovered that they had shared obscene digitally created images along with written fantasies centring on the kidnap, binding and raping of pre-pubescent boys (observation field notes, 8.5.04 and MARAC 6).

This grouping is further affirmed by the Sex Offender Group Programmes (SOGP), which identify offenders as being sex offenders, if they were not already aware of this, and gives them further reason to identify with each other through shared experience. In the hostel it was apparent that some sex offender residents only associated with each other through having shared friends. For two such residents the SOGP further forced them to associate with each other. R3, a 23 year old CSA convicted of contact offences against a 3 year old, was required to drive R8, a 43 year old CSA convicted of downloading child pornographic images, to the SOGP venue. Normally these two residents had little in common and R3, in particular, objected to this arrangement as he had managed to present himself as an 'other' offender, mainly because of his age. In essence this arrangement, forced upon them by hostel

management, resulted in the two offenders becoming better acquaintances, and having a stronger identification with each other.

As with prison, a number of residents and sex offenders mentioned in the MARACs were known to be associating with other sex offenders that they had originally met in SOTP (Sex Offender Treatment Programme, run in prison) or SOGP. This developing of connections that can aid future offending was noted in Hudson's (2005) work with sex offenders, who stated that some offenders undertook SOTP in order to establish such connections. These links were accepted as normal whilst both offenders were resident in the hostel (as in the case of R3 and R8 above), but were regarded suspiciously by MARAC members and hostel staff once one or both of them left the hostel (for example, MARAC 2). This suspicion appears to be because the staff regard the relationship as one that is no longer born of convenience and proximity; in the hostel they have few people to strike a friendship, and the nature of the grouping is sufficiently inflexible that sex offenders tend to form their strongest friendships with other sex offenders. However, once one or both of them have left they have to invest more time, effort and personal interest in the relationship in order to maintain it. If they are willing to do that staff may be concerned that it is because they share a common interest, which is likely to be related to their offending given the way that they met.

8.3.3. Purpose of groups

The purpose of grouping in the hostel is difficult to ascertain because it may vary for each individual or change according to circumstance and the resident's position within the hostel or within the permutating group. Few residents or staff members participating in the study were able to reflect upon the purpose of the grouping for the members. However, R7 and R8 (in interview) commented upon the SOGP and the purpose grouping sex offenders via the programme may have. They described a different effect and purpose for the members than that intended by probation officers:

R8: I just think that the psychologists can get it wrong though. I mean, they could have one person sat there; first time offender, upset at what he's done. And another; repeat offender whose been through the system so many times. The courses don't work on them [the repeat offenders] but they know what they should say, they know what people want them

to say, and they say it. But then the psychologists say they are working well, but they might not be so positive about the first time offender who is genuine, but not saying the right things.

R7: And there were plenty in there. The thing is you listen to these men, they've been offending for years; ...what do you call it...justifying it to themselves over all this time. Maybe not to themselves because they either really don't believe it's wrong or they don't care, but to others. And they are much more convincing than the psychologists who are just talking from a book. I don't mean that I have been convinced, but they sound more convincing. And they are there all the time, not just once a week or whatever.

(R7 and R8 in interview, both CSAs)

This exchange about the SOGP that the two residents were currently attending was enlightening about the function of the sex offender group (and possibly other groups, although these were not discussed). Despite the function of SOGP to ensure that residents were challenged about their behaviour and justifications for their offences (Spencer, 1999), it is clear from R7 and 8 that the opposite may be a result of forcing (or facilitating) a grouping on sex offenders through offending programmes.

A number of elements of the purpose of grouping are introduced in the above quote, the underlying principles of which are normalisation and the neutralisation of dissonance within the offender. As has already been discussed, in *Techniques of Neutralisation*, Sykes and Matza (1957) proposed a theory of subcultural grouping that centred on the ability of the group to construct a set of shared values and cognitive distortions that 'neutralised' the effect of social norms and values. This meant that the members of the group did not have to confront or challenge these values, instead justifying why they could be violated. Neutralisations may be utilised by individuals, and indeed often are, but the emergence of a group around a behaviour or set of neutralisations (for example, sexual offending) helps the individual to internalise his neutralisations; no longer does he have to convince himself, others will support him and persuade him that, where he has difficulty reconciling his behaviour or desires with social values, there are reasons why it is actually acceptable. The function of the group, therefore, is not simply the development of neutralisations but the internalisation and normalisation of them. The techniques of neutralisations that are used by residents in the hostel are discussed in Part Two chapter 8.4.

Of especial importance to grouping within the hostel is the extent of the normalisation of neutralisations. As R7 and R8 comment sex offenders in the hostel are immersed in the group, which is distilled within the SOGP. The association with other sex offenders is, therefore, greater than that with probation staff because of the amount of time that they spend with other sex offenders as opposed to probation staff. The internalisation of the group values and shared neutralisations is partially dependent upon offenders' identification with the group and the desire that they have to accept and believe the neutralisations. The experiences of R7 and R8 are supported by the findings of Haslam and Reicher (2006) who studied the effect of group support and identification on the group members' ability to deal with stressors. Haslam and Reicher found that members of a group (for example those residents who are members of the sex offender group on the basis of their offences) are more likely to be influenced by other in-group members, primarily because of a shared sense of identity, trust and co-operation. This is particularly so in the case of groups that are impermeable; although the sex offender group has the potential for members to move between resident groups to a small extent (for example, the younger sex offenders) they cannot move between resident and staff groups. This impermeability forces a group identity of 'them' and 'us' upon the broader groups of resident and staff, with conflict between the groups redefining and strengthening the distinction and power differentials between them. Haslam and Reicher (2006) found that sharing a strong group identity was beneficial to the members as it helped them to cope with stressors, such as helplessness against the authority and power exercised by other groups, as well as increasing the power with which they could resist.

The principle of association and its relationship to the beliefs, attitudes and subsequent behaviours of residents within the hostel is encapsulated in the theory of pro-social modelling. Pro-social modelling, as in the description of the function of SOGP, works through continued association with offenders leading to the internalisation and eventual normalisation of pro-social attitudes that may be alien to the offender and at odds with their personal attitudes on entrance to the hostel (Loney *et al.*, 2000). That pro-social modelling conflicts with the function of grouping by sex offenders, illustrates the power discourses acting upon residents; those exercises of power which residents resist least and which exercises the greatest power over them,

have the strongest effect. As highlighted in the conversation between R7 and 8, time and identification with the group and its values are important factors in the internalisation of the values. Staff participants did not express any negative attitudes towards the SOGP or demonstrate that they were aware that there might be unintended effects of the grouping of sex offenders for the programme. This was not unexpected as they were focussed on the rehabilitative function of the programme and were not actively engaged in developing or facilitating the local programme. However, it may be anticipated that with prompting they could understand the mechanisms of the SOGP as described by R7 and R8 and the potential for participants to internalise those attitudes and values that the programme intends to debunk and dispel, particularly as they may recognise the strategies that they themselves use in the hostel.

8.3.4. *Grouping within public space*

Residents in the hostel were free to move around the public space as they wished, however, it was quickly evident that residents did not mix easily in terms of space and that the groups in the hostel used space both territorially and to confirm the group identity. The way in which residents differentiate themselves through antagonistic 'name calling' is reflected in some residents' unwillingness to reside alongside sex offenders. Many residents not convicted of sexual offences are extremely reluctant to share space within the hostel with sex offenders. This was most notable in relation to the gardens, with older sex offenders claiming it as their own. Other residents noted this distinction of the use of space, and maintained the distance they had established through language from the sex offender group. This was demonstrated on numerous occasions, for example, R45 (a violent offender) was being encouraged to become more active around the hostel by staff, but he refused to work in the garden, because he 'did not wish to mix with 'that' type of offender, the ones that do the garden here.' (observation field notes, 1-2.6.03). Other residents did not only dislike sharing space within the hostel with sex offenders, they also disliked sharing the hostel itself. R76 (a drug offender) was vocal about his dislike of the sex offender group and 'did not see why he had to share the hostel with r43's'⁵⁴, when in prison they had been

⁵⁴ Rule 43 refers to prisoners who are placed on rule 43. this means that the prisoner is assessed as being vulnerable within the main prison population and is accommodated within the vulnerable prisoners wing. Child sex abusers comprise a large part of this wing.

segregated. Why can't they have their own hostel?' (observation field notes, 25.4.04). Other residents agree that they would prefer not to be accommodated with sex offenders, however, they also noted that the case hostel had a high proportion of sex offenders, ensuring that they had a large stake in the hostel and, therefore, were able to exercise more power within the hostel, despite their ostracisation by other residents:

You know paedophiles and that. And the thing is who will replace him here? One leaves and another comes, there seems to be more of them coming in here all the time. I don't like them, I speak to them but I don't want anything to do with them. I just put up with it in here.

(R5, observation field notes, 8.8.04)

As may be expected, the female residents were among the most vocal to refuse to mix with other residents they knew to be sex offenders. For example, R51, a young female resident convicted of drug offences, wanted to go to the gym. The hostel had an arrangement with a local gym that residents may use the facilities twice a week each (paid for by the hostel) but that the residents must go in pairs or larger groups. At this time R51 and R46 were the only residents who wanted to use the gym (unknown to R51, R46 was a 40 year old male resident convicted of multiple rapes). Initially R51 was happy to go with R46; however two other residents, both not convicted of sex offences, told her that R46 was a sex offender. After that she refused to be with him at all. Notably, she remained friends with another resident who was also a convicted rapist, but of which she was not aware.

In another instance, R5, a 54 year old female convicted of murder, was talking about the hobbies that she had enjoyed in prison and would like to continue in the hostel:

R5 talking about her like for gardening in prison. I asked her if she did not want to keep it up in here, she said no 'not here, I'd have to go down the bottom of the garden with the sex offenders.'

(observation field notes, 8.5.04)

In the same conversation a friend of R5, R58, a male convicted of drug and violent offences, agreed with R5 that she should not join the known sex offenders, even in an activity as innocuous as gardening; : 'It wouldn't be safe for you anyway'. This comment reveals that the male residents who are not convicted of sexual offences

also dislike associating with sex offenders, and that they can encourage others to treat them with suspicion and caution.

The first public space that anyone entering the hostel meets is the foyer area. This is the only public entrance and exit to the hostel. The foyer is a unique space within the hostel as it is used by everyone, be they staff, residents or visitors. It is not just an entrance area; it is the reception, waiting room, public telephone, corridor to the staff areas and sitting area. This space acts as a forum for the divisions in the hostel to be played out, created and consolidated. Amongst the staff members it is known that this area is predominantly used by sex offenders. As most of the sex offenders, and particularly the ones that sit in the foyer, are older than the average age of other residents, the staff refer to the foyer as the 'gentlemen's club, though they are not so gentlemanly!' (Staff 9, observation field notes, 19.9.04). It was common to enter the foyer and find it being used by the sex offenders who used the space to talk:

I go into the foyer to talk to people out there. At first I am the only one there, but R8 soon joined me. After that R29, R7, R26, R15 and R11 also joined me. It is noticeable that they are all sex offenders and are often out there together (if not the same individuals, they share many characteristics such as age, offences, their humour, attitude towards staff and other residents, and their attitude towards their offences).
(observation field notes, 19.9.04)

The main division in the sex offender group, age, was observable in the way that the 'gentlemen's club' used the space in the hostel:

Although they [the sex offenders] are not just defined by offence, but also age (tend to be middle-age or over), younger sex offenders are welcomed, but usually briefly (e.g. R22 today). Other residents tend to only pass through, often not speaking to the people there. If these residents come out to sit down, they turn around and leave again. I do not believe this is just because it is full as other sex offenders will stand and talk.
(observation field notes. 19.9.04)

The foyer was not the only public space within the hostel to be used by groups within the hostel. As noted previously, the gardens were mainly used by the older sex offenders. This was because one of the sex offenders was a keen gardener and spent most of his time in the polytunnels and the vegetable patch. The residents he

associated with also spent much time there, not only to see him, but also as it represented one of the most private places in the hostel and staff rarely disturbed them. In the hostel itself, the lounges were most noticeably used by the different groups. The sex offenders tended to use the non-smoking lounge whilst 'other' residents mainly used the smoking lounge⁵⁵. This separation had little to do with smoking as residents who did not smoke used the smoking lounge while residents who did smoke also used the non-smoking lounge. However, few sex offenders smoked compared to the other residents. This may have been due to their age and/or types of offence and characteristics displayed by sex offenders, but it accounted for why the sex offender group used the non-smoking lounge in general. That they used this space accounts for why they also mainly used the foyer (also a designated non-smoking area). The non-smoking lounge was also used by staff as a meeting room so, unlike the users of the smoking lounge, they were not able to use the non-smoking lounge all the time. Those sex offenders who regularly used the non-smoking lounge understood that it was not only their space and had to be shared with staff on occasion. They did not resent this, although prior to being allowed televisions in their rooms they could find it inconvenient if they wanted to watch a programme. An advantage of this arrangement was that as staff used the space the room was well maintained and pleasant, unlike the smoking lounge. Again, staff were aware of this use of the lounges by the groups in the hostel and it had entered the culture and language of the staff, being referred to as the 'non-smoking lounge'. (Staff 9, observation field notes, 19.9.04).

This use of these spaces by the sex offender residents was consistent through out the twenty month fieldwork period, despite widespread resident composition changes. The cultural use of the space was continued as residents learnt how the space was utilised in the hostel when they were admitted from residents who had lived there for some time. This transfer of knowledge and cultural behaviour was not deliberate or conscious in most cases. New residents learnt the places in which the people they felt most comfortable with spent their time, and joined them. These spaces became representative of the group to which they belonged, with residents using the spaces, even when other members of their group have left the hostel. Space, in this respect,

⁵⁵ The fieldwork was conducted before the prohibition on smoking. It is unknown how this ban may have affected life in the hostel.

even public space, becomes a sanctuary and is made 'private' for the group which has claimed it.

8.3.5. *Meal Times*

Other than the rare resident meetings, meal times are the only times in the hostel when all (or most) residents and staff are in the same place within an half hour period. Residents do not have to eat in the hostel, but they are expected to account for why they miss meals. Lunchtimes at the weekend are the least well attended meal time because residents are allowed out of the hostel for the morning as well as the afternoon. Residents are asked what meals they will be attending each morning, and their names are ticked off a register at each meal time. Meals are not served outside of the standard times unless there is an acceptable reason (the resident is at work, college, visiting family or at an appointment).

Residents often talked about the food that they were served in the hostel. Very few residents liked the food, and it became a focus for residents to vent their frustrations regarding the hostel:

Rent is too high, should be £20 per week instead of £25, especially because poor quality of food, run out of things like sugar a lot.
(R5 in interview, non-sex offender)

The quality of the food became one of the few issues within the hostel that residents worked together on to try and improve. A petition was drawn up and given to the catering company and the hostel management who passed it on to his line manager. Staff members did not understand residents' pre-occupation with the food, as they often also ate the same meals as the residents when on shift, and they were generally happy with the quality of the food. However, they were keen to ensure that residents' did not become further dissatisfied and turn their attention to other aspects of hostel life. Godderis' (2006) work on the symbolic power of food may help to explain resident's preoccupation with food. She conceptualises food and the preparation of food in institutions as being a primary site of power struggles. Residents regard their lack of control over food as symbolic of their lack of control in the institution more generally, and they resist this power exerted over them in individual and group ways. In the hostel, individual ways include not eating lunch until the end of the meal

period (thereby making staff wait for them), and demanding specially prepared meals (because of dietary requirements or work commitments). Legitimate group methods include the petition.

The petition about the food that was posted on the kitchen wall last week has now been sent off to the catering company by the manager of the hostel on behalf of the residents, all of whom signed it. As a consequence S2 (manager) has spoken to him (the cook) about the need to maintain standards and so has S6. S6 told him that it was important to keep the residents happy because that made the staff happy as the residents were not whinging and moaning.

(observation field notes, 22.8.04)

The organiser of the petition was R47, an ASA, who was often observed trying to control resident movements within the hostel, endeavouring to be the representative voice of the residents. Mostly his complaints were no more than verbal, but on this occasion he managed to get the support of other residents. This maybe because the residents generally focused on those aspects of the hostel that may appear insignificant or minor to people outside of the hostel, but may represent aspects of their life that they are in a position to control or affect.

8.4. Residents' Presentation of Self within the Hostel

In '*The Presentation of Self in Everyday Life*' (1971), Goffman discussed how people played different roles depending upon their audience. The adoption of these roles may be conscious or subconscious, but are nevertheless reactive to the social 'stage' on which people find themselves (Wright, 1994). Residents in the hostel constructed the image of themselves that they wished to portray through a number of mechanisms, primary amongst which were the manner that they talked about their offence/s and the stories they told about themselves and their behaviour.

Their presentation of self was very important to all residents in the hostel, but particularly so for sex offenders. It has been observed in previous studies that sex offenders are likely to deny or hide the nature of their offences from other offenders within criminal justice system institutions such as prisons and hostels in order to protect themselves. Schwaebe (2005) states that in terms of offenders' status hierarchies sex offenders are considered to be the very lowest group, with child

sexual offenders being 'the worst of the worst'. Described as the 'pariah class' (Schwaebe, 2005: 618), sex offenders may rely upon the construction of an alternative offence history to survive prison in a very literal sense; in essence, sex offenders may construct a false identity as 'other than sex offender'. This may lead sex offenders to attack other sex offenders in order to preserve and enhance this false identity. This behaviour has been noted in the hostel (see Part Two chapter 8.3) despite the tendency of all sex offenders to group, regardless of the identity they endeavour to portray in the hostel.

The theories of techniques of neutralisation and cognitive distortions have been discussed in Part One chapter 5.2. These concepts are applied to the talk of residents in the hostel. In the majority of cases the talk used in this discussion arose from unstructured conversations between residents and the researcher and between residents themselves. Residents were not prompted to speak directly about their offences.

8.4.1. Use of Denial by Residents

Sex offenders in the hostel commonly used forms of denial when talking about their offences and misdemeanours they had committed against the hostel rules. The techniques that they adopted were various and numerous, and residents did not confine themselves to one or two techniques; weaving stories and accounts of their offending from multiple techniques of neutralisation. These stories may contain neutralisations that the resident consciously employed to deflect responsibility or censure coupled with cognitive distortions that they believe to be true. It is difficult to assess how genuinely the resident believed their statements, but the mechanisms that they employed within their accounts, and the purpose they may serve, can be deconstructed.

The most frequently noted form of denial was the diversion of responsibility for the offenders' behaviour onto external factors such as their socialisation and childhood, social situation and previous victimisation. This form of denial was particularly evident within the talk of an offender (discussed at MARAC) convicted of the false imprisonment of his wife and two children (thus illustrating that denial is not only the sphere of sexual offenders). In this case O35 refused to accept the severity of his

behaviour nor the effect upon his victims. He consistently blamed his wife for his attack, claiming that she made him do it because she was a bad mother and that she did not deserve the status of victim; that instead he was the victim of the criminal justice process because they did not understand that it was she and not he that was to blame (MARAC 11). O35's statement of innocence draws upon a number of forms of denial other than the diversion of responsibility; he denied the severity of the act, that it had caused harm, that there was a victim, and he condemned the condemners.

This form of minimisation, where responsibility for the offending behaviour is shifted on to the victim/s, is also often noted in the talk of sex offenders. The degree of responsibility that each actor assumes in the offence varies, as does the precise causal behaviour of the victim. For example, O35 above says his wife prompted his behaviour, while other offenders may reject all responsibility, claiming that the victim is not a victim at all and that no abusive behaviour occurred. R4 makes such claims in respect to his systematic abuse of a young girl. Despite that the girl was aged ten at the time of the abuse that he admits to, and he 50 years, he insists that she was the instigator of the 'adult relationship' that they shared because she was 'overly affectionate' with him (observation field notes, 30.5.04). Despite this diversion of blame, he continues to use other techniques of neutralisation to excuse and justify his behaviour, claiming that he was abused himself as a child and that although the girl may not forget their 'relationship' she will forgive him because she is Christian. This latter statement is of particular interest because it suggests that he is self-aware of his minimisations and has to support them with a belief in her forgiveness of his behaviour. If he truly believed that she wanted a sexual relationship with him and that this was acceptable, what would she need to forgive him for? His belief in her forgiveness allows him to consequently believe that she has not been victimised by the experience and, therefore, that his offending behaviour was not that severe. He has, by a supporting combination of minimisations, constructed a portrayal of events that reduces his responsibility and the severity of his behaviour. His ability to argue this to himself (reducing his cognitive dissonance regarding the wrongness of his behaviour and providing the internal cognitive distortions to permit further offending) resulted in an offending career that spanned 15 years before he was arrested for his abuse of children. This is despite his self-effacing admissions of 'I've done wrong' in interview (R4, in interview). These admissions are made while still adhering to his

minimisations. It is unclear whether he believes in his own guilt, or whether he has learnt the appropriate words to say. It has been argued (see *Hostel Grouping*) that residing in the hostel and taking part in SOGP can teach offenders what to say rather than to break down offenders' denials and help them manage their own offending behaviour.

It is evident from the above minimisations that diversion of blame on to the victim/s is related to the assertion that there was no victim. Offenders can argue this in a number of ways, but child sexual abusers often argue it on the grounds of age. R29 was convicted of rape, incest and gross indecency with his daughter from the ages of 7-16 (at which point his abuse was discovered). During this time, he managed to ensure her silence and compliance by videotaping an abuse event and blackmailing her with it. R29 did not try to reason that the abuse did not occur, or that his daughter wanted it, there was far too much evidence for that, but he minimised the severity of his abuse by claiming that he did not abuse her until she was 16 years of age. By choosing this age to commence his abuse he is alleging that his daughter was an adult; she was capable of consensual sexual intercourse and he did not abuse a vulnerable child.

Other offenders divert responsibility rather more subtly. Instead of claiming that they are not responsible because another person or persons made them do it, they claim that their childhood socialisation has caused them to develop schemata that do not conform to norms. It is argued that this socialisation is the root cause of their criminality, and so must be addressed before they can take responsibility for their behaviour. This form of denial was exemplified by R15, aged 62 and convicted of 11 counts of indecent assault on his nieces and nephews. He alleged that as a child he too had suffered abuse by four different adult men. The original abuse, he claims, started with his father at the age of 1 year, and ended with his being raped by an employer when he was 15 (although this period of employment does not appear on his employment history). These allegations of abuse were unknown to the police, probation and social services until he underwent offence treatment for his own offending (observation field notes, 22.8.04 and case notes).

The truth of these statements cannot be verified, but his probation key worker felt that this abuse was the cause of R15's own offending. It was observed on other occasions (see below) that probation officers working with sex offenders were quick to look for underlying reasons for an offender's behaviour, which may explain the key worker's belief in the unsubstantiated claims. For R15, drawing upon these claims of abuse (regardless of their veracity) functions as a mechanism of minimisation and blame diversion, thereby, reducing the individual's responsibility for their behaviour and casting it upon the original abusers. The offender is now seen in the light of a twofold victim who is acting out his own childhood abuse because he was failed by his family and the welfare system that should have protected him as a child.

Some residents in the hostel were observed relying on similar forms of minimisation to excuse lesser behaviour, such as breaking hostel rules. For example, R1, a youth in his early 20s convicted of indecently assaulting a 14 year old girl, on breaking curfew claimed that it was not his fault because he had been raped in the public toilets of the town near the hostel that evening. This claim was not believed by staff, who nevertheless offered to take him to hospital and call the police, R1 refused. Later he claimed he had not refused any offer because none had been made. R1 had made a similar claim while residing at another probation hostel previously. This claim had been against a member of staff working in that hostel. The case had eventually been dropped after he withdrew the charges. While his second allegation of rape was not believed, his statements had the intended result, namely to draw attention away from his own rule breaking; he received no warnings in relation to his late return to the hostel. In this case, unlike that of R15, staff were aware that R1's claims were made merely to serve his own immediate needs (observation field notes, 25-26.5.03). The form of his minimisation is interesting. The claim that he was raped serves more purposes than that of excusing his breaking of curfew, it places him in the position of victim; of being in need of care and attention (he was singularly attention seeking in the hostel). That his behaviour draws upon his own convictions (which were plea negotiated from rape to indecent assault) may indicate that offender's representations of themselves and their actual offending behaviour may not only be unconsciously related through their schemata (Langton and Marshall, 2001) but may be more directly linked through the offender's use of true events in constructed narratives.

Another commonly noted technique of neutralisation was condemnation of condemners. This was noted in its purest form in the denials of R3, a CSA in his early 20s convicted of gross indecency with a 3 year old girl. When first arrested he had fully admitted the charge, however he soon retracted his confession, claiming that the police had forced him to confess. In this account R3 protests his complete innocence, saying he is victim of police corruption and of a miscarriage of justice. The veracity of his claims is undermined by his lack of an appeal, despite being only allowed supervised contact with his own children as a result of his conviction. His victim status was not taken seriously by staff (he did not speak about his offence with residents) who believed that these assertions were not true but that he only made the claims because he felt he was expected to deny everything. It was not clear why staff believe he would think this, or who would expect him to deny.

This form of denial was also observed employed for behaviours committed within the hostel. This is exemplified by R47, a rapist who frequently tested positive for consuming alcohol whilst residing in the hostel. Staff took his breaches of the hostel rule seriously as drinking alcohol was considered to be a strong contributory factor in his offence behaviour. However, R47 did not. He proudly claimed that although he was regularly caught he had also managed to 'get away' with drinking on other occasions. These claims, regardless of whether they were true or not, were intended to cast R47 as a dynamic risk-taker who had got the better of staff, despite their attempts to catch him out. R47 was not ashamed of his inability to abstain from alcohol, but rather blamed staff for not realising that he would not comply with their rules. When pushed to explain why he didn't comply, he blamed the stress of living in the hostel and staff attitudes towards him. He said he didn't need alcohol, he just wanted a drink to help him cope with the situation he found himself in, and he did not see why he couldn't. He felt that the rule was unfair because it was not uniform to all society and he would not recognise it as a 'real' rule for this reason. While R47 may genuinely have been angry at having to abide by rules that the rest of society did not, he may also have been using this argument to justify his drinking, which may have stemmed from a dependency on alcohol at times of stress. This latter scenario is borne out by his offending patterns which invariably involved combinations of personal stress and alcohol.

A technique of neutralisation that was not commonly claimed in the hostel was denial of the act; denial that any activity occurred. In all cases observed offenders did not deny the offence outright, but found reasons and excuses for it. The form of denial used by R6 was the closest observed to complete denial. R6 was a 20 year old male awaiting sentencing for the indecent assault of three girls on one occasion. He stated that although the abuse may have occurred it was not by him. He later claimed (in interview) that his friend had 'framed' him, and that he must have committed the abuse. Originally R6 said he planned to go to trial, but eventually pleaded guilty because his solicitor had advised him that he was more likely to receive a lesser sentence. He also stated that he 'he did not want to put the kids through that [trial]' although when pressed in interview he said he knew that they had already given video evidence. Interestingly, hostel staff had taken his change of plea as indicating that he accepted responsibility for his actions, yet this was not the case, it appeared to be a calculated risk for a lighter sentence (he was informed that DNA evidence linked him to the children); his apparent empathy for the children was false, they were being saved from little as they had already given evidence. This illustrates the ease with which offenders' admissions and denials could be misinterpreted by staff, especially those hostel staff that had little in-depth knowledge of the offender and his offences.

Different forms of denial can be used in conjunction to create a complete account of an event, or series of events, that also minimises the severity of the offender's actions, or their responsibility. The talk of R7 is particularly illustrative of this use of denial. He is a male in his mid-40s who resided in the case hostel on two separate occasions during the fieldwork phase. He was originally resident in the first month when he was awaiting trial for the abduction and indecent assault of two girls aged 7 and 9 years. After his imprisonment for indecent assault (the case of abduction was dropped as he pleaded guilty to indecent assault) he returned to the hostel on extended licence. During this second residency he admitted indecently assaulting the two girls, but he used a series of minimisations to deflect blame and to argue that his behaviour was not wrong in a moral sense.

A lengthy extract of his talk about his offences (observation field notes, 31.10.04) follows in order to ensure the reader maintains the context and coherency of his

speech; line numbers are given for easy reference during the subsequent discussion of this extract. He begins discussing the SOGP facilitators' claims about his offences:

1 **R7:** Well, for example, they say that I must have opened the door to the
2 girls, but I didn't, it was already open and they walked in. They say that
3 kids don't do that, but they do because that is what they did. But they say it
4 can't have happened like that so I must have opened the door to them. I
5 just agree because they won't believe me otherwise. I'm not the only one,
6 most people do the same because they don't believe you if it's not how the
7 book says. After a while you say it so often you start to believe it yourself.
8 It's like if you phone in sick for work because you want to decorate the
9 house or go out or something, if you tell yourself and other people you're
10 sick enough you start to think that you were anyway.

11 They just don't believe that kids can do certain things. They have a fixed
12 idea of how kids behave, but they are not all like that. Have you been
13 watching Emmerdale? Well, the girl on that, the one that's following the
14 church guy around, that happens. She's making herself all attractive and
15 he's tempted and looks on her like she's older, that's what she wants. Later
16 it might all go wrong for whatever reason, but that's when it gets back to
17 other people, she'll tell her friends or parents or something.

18 There's other things as well. Like if I say that alcohol was not why I
19 committed the offences, they love that. I mean, yeah, I'd been drinking,
20 but it's not why I did it, they like that, so I say it. But I had been drinking
21 loads ... I've always been drinking loads! I was screwed up then; messed in
22 the head. I was just larking around with those girls, I know it was wrong,
23 but I was just larking around. I know I wouldn't have gone further, they
24 say I would have, but I know I wouldn't have. I mean, I might have, but I
25 know I wouldn't do that.

26 So, there won't be a next time. But even that's not all good. They have this
27 thing SIDS; seemingly innocent decisions. It's just stupid. I met the girls at
28 the play park when I walking my dog. They say that I walked my dog that
29 way so I could look at the park and any kids there. But I didn't. I tell them
30 that above the park is a grass field that looks down on the park, if I wanted
31 to see what was going on there I would have looked down from there, but I
32 didn't, I just took the dog for a walk. They won't accept it because in their
33 book I don't do anything without planning. I didn't know they'd turn up at
34 the house the next day.

35 Also they [the SOGP facilitators] have all these modules to go through,
36 they're alright and all that, but you have to complete all of it regardless.

37 **Q:** what do you mean? What's the problem in that?

38 **R7:** Well, at the end of the course there's a bit about how you got the
39 victim, how you worked on them. Well, on the course there are people
40 who have committed internet crimes, they still have to complete the

41 worksheets on how they persuaded their victims, it's just silly!

42 And then they have a section on putting yourself in the place of the
43 victims ... victim empathy. But it's not possible to do that. I mean, you
44 can feel sorry for them and bad, but you don't know what it's like unless
45 you've been through it. You can sympathise, but not empathise. The
46 people on the course don't get that.

R7's account of the events leading up to the indecent assault of the two girls is interesting for a number of reasons. It highlights the complex use of techniques of neutralisation, the manner in which they can be internalised, his reactions and responses to challenges and the way in which outside stimuli can be used to support his neutralisations and cognitive distortions.

Starting with his minimisations, it is clear from even a cursory reading of the above extract that the whole of R7's speech is intended to draw responsibility and attention away from him and his offending behaviour. He begins in lines 1 to 4 with a denial that he was responsible for the girls entering his home. He asserts that despite SOGP facilitators' challenges that he opened the door to the girls and brought them into the house, that they walked in voluntarily and without his prompting. Although this aspect of the circumstances leading to the assaults seems rather minor, it is actually a pivotal matter of fact that resulted in the original charge of abduction being difficult to argue. If the girls not only went voluntarily to the house, but entered without being invited it would be rather difficult to convict R7 of abduction. While it does not impact upon the charges of indecent assault, which occurred after the girls had entered the house, the assertion that the girls were not brought to the house undermines the contention that R7 planned the assaults. It supports his minimisations that the girls were not being forced to take part in sexualised behaviour. The content of these lines fulfils many functions: denial of forethought; denial of abduction; denial of responsibility; support of his later assertions of consensual behaviour; and support of his evident cognitive distortions that children can, and do, initiate sexual relationships with adults.

Towards the end of the extract (lines 27-34), R7 again tries to counter challenges that he deliberately planned the offences by watching a play park under the cover of

walking his dog. If he agrees with this he admits that he did fantasise about abusing a child, that he planned to do this; and deliberately struck up an acquaintance with the girls, if not other children, in order to groom them for possible offences in the future. The admission of this one aspect of his offending, that he watched children at the park to identify victims, would destroy his entire construction of events. The importance of this single denial to the support of other claims illustrates the relationships that the use of multiple forms of denial have to each other. They are like the proverbial house of cards. They may have little foundation in truth, but they support each other, allowing the offender to construct a version of events that may be tenuous, but nevertheless may sound convincing enough to cast doubt on aspects of the prosecution. However, should one of these cards (one of the offender's claims) be removed or found to be false, then the whole construction may fall. In so making his claims, R7 attacks the ability of the SOGP course facilitators to truly understand offending behaviour, claiming that they have no experience beyond the theoretical. If his assertions are to be believed he has to discredit challenges. One way of doing this is to discredit the people making the challenges. He asserts that that they do not understand the possibilities of human, and especially offending, behaviour; that they are naive about the behaviour of children (lines 11-12 and 35-41).

Earlier in the extract, he further endeavours to demonstrate his lack of intent of assaulting the girls by claiming that he did not have the cognitive ability at the time to plan: 'I was screwed up then: messed in the head.' (lines 21-22). He connects this with talk that asserts his lack of intent to harm the girls and undermines the severity of his behaviour: 'I was just larking around'. Already R7 has combined a number of neutralisations solely to argue that he did not plan his offences: that he did not invite the girls to the house or into the house, that he was not capable of planning, and that his behaviour was playful and spontaneous. He goes on to emphasis that although it is believed that he would have committed graver acts if he were not caught (perhaps gross indecency or even rape) this would never have happened because he is not that kind of person. What kind of person is left unsaid, although it can be assumed that he is talking about paedophilia. This form of denial equates better with Gockes's (1991) categorisation of forms of denial than Sykes and Matza's (1957). Gocke included a category of psychological denial which is when an individual denies being capable of certain acts on the basis that they are simply not that kind of person. This is the

essence of R7's claims in lines 23 – 25. Interestingly, despite his initial conviction that he would never have committed further offences on the girls, he appears to have a brief reflection that possibly he might have, but then quickly reasserts that actually, no, he would not. This indicates that R7's talk in these lines is less to do with what he really thinks about himself and his behaviour and more to do with what he believes will result in others regarding him as less culpable or less dangerous if released into the community. When he reflects upon his capability to commit further offences he demonstrates doubt that he would stop himself, this might be a truer reflection upon his behavioural self-management than his surrounding talk.

He uses sources of information to support his minimisations. This is demonstrated in lines 11-17. R7 draws upon a popular television serial programme to support his distortions regarding the sexualised behaviour of children and their potential to initiate sexual relationships. This use of social 'myths' has been noted by Braithwaite and Daly (1994), see Part One chapter 5.2, and it has been observed that sex offenders will deliberately use such stereotypes to support their arguments, but may also subconsciously use them to construct their schema and cognitive distortions (Lea and Auburn, 2001).

Interestingly, R7 describes in lines 1-10 the process of internalisation as described by Finkelhor (1984). He talks about this from the perspective of internalising the 'lies' that he tells to SOGP facilitators to keep them satisfied and believing his progress on the course, however, it is clear that this process is the same as that for internalising the neutralisations offenders claim. It may indeed be the process that R7 is undergoing in regards to the minimisations that he makes respecting his own offending behaviours. That he understands and recognises the process, although described in relation to the challenges made regarding his own account, it suggests that he may be aware of the same process in respect to his constructed version of events. It is evident from this section of the extract that R7 is articulate and cognizant of the opinions of probation officers and their attitudes towards him and his offences. This is particularly demonstrated in his admissions that he agrees with SOGP facilitators when he believes that this will present him in a better light than adhering to his account of events. He says in lines 5-6 and 18-20 that he curries favour with staff by saying things that he knows they want him to say, even though he does not

believe it himself. It is notable that he chooses those things to 'admit to'. His selection appears to be based upon those aspects of his account that he feels are 'expendable'; aspects that will not detract from the overall purpose of his constructed account; his lack of intent and planning, and his minimisation of responsibility. He says that maybe he did open the door to the girls, because as long as he does not agree that he lead them there, or forced them inside he has done nothing wrong at this point, he as shown 'progress' in the course without admitting anything. He says later that he tells the facilitators that although he had been drinking this was not why he committed the offences. Again, this is not central to his denials and is an expendable part of his story.

Techniques of neutralisation need not be manifested in the form of a denial or minimisation. In the categorisations of denial outlined in the theoretical perspectives section of the thesis, there is no form of neutralisation based upon the offender's admission of an offence (Gocke, 1991; Sykes and Matza, 1957). However, in the case of R37, described by probation officers as a predatory paedophile, this assumption was shown to be false. While he did not readily talk about his offending behaviour, he did not excuse it either. Probation officers that worked with him did not believe that this was an indication that he accepted responsibility and the severity of his actions, instead they felt that in the case of R37, this indicated a schemata evidenced by his belief that his offences were not wrong:

Thinks nothing will stop him, a police officer said 'He is one of those that doesn't think its wrong, so he doesn't need to justify it to himself.'
(MARAC 2).

This example is one of the only times that a member of staff working in the hostel or present at the MARAC meetings did not regard admission of offences as positive. The difference in this case to others was that R37 was not interested in managing his behaviour or working with the probation officers. He was often observed leaving the hostel alone for long periods and was reported walking around shopping centres; the sites of previous offending. His statements of admission were emotionless; lacking empathy or understanding of his victimisation (MARAC 2).

It was not uncommon to hear offenders using variations of this technique within their talk. The function of the cognitive distortion that abuse is not inherently immoral is that it relieves the offender of their sense of wrong; that they have committed 'bad' acts. It reduces the cognitive distance between themselves and non-offending people. This desire to feel 'normal' is very powerful. It has been noted before in the *Grouping in the Hostel* section. Residents want to normalise their behaviour and they want to feel part of society rather than ostracised from it. In order to do this they form groups, they also assert their membership of society in general, claiming that they are not different. It is this aspect of normalisation that can be heard in the talk of offenders when using neutralisations. For example, R7 in conversation with R11, both CSAs, commented that:

'[...] everyone in the hostel is a criminal, and that 99% of the population are too.' R11 appeared to enjoy the comment, replying that at least he is not the only one then. He seems concerned that he should not be different and that he is one of a group.
(observation field notes, 17.10.04).

8.4.2. *Use of Denial by Staff*

It was expected that during the fieldwork residents would be heard using techniques of neutralisation to minimise their responsibility or the severity of their offences, however, it was discovered that staff working in the hostel and in the MARAC meetings also used neutralisations in relation to residents' offences. It is suggested that the reason for this was less to do with minimising responsibility than finding an explanation for behaviours that they otherwise did not understand.

This search for explanation was particularly evident in the case files of R8, a 51 year old male convicted of downloading and creating pornographic images of children. He was considered an interesting case by hostel staff because he had previous convictions dating back to his late teens for contact offences (observation field notes, 31.7.04). This was unusual because offending progressions were usually characterised from a shift from non-contact to contact offences rather than vice versa. He claimed that he had managed to control his contact offences since this time because he realised the lasting effects such abuse had on the victims. He did not

regard internet offences in the same category. Probation officers working with him were keen to explain this unusual shift in his offending. They considered his childhood. R8 had been the product of a broken home with his father remarrying less than a year after his divorce, which R8 found difficult to accept. The psychiatrists report and Pre-Sentence Report agreed that this was the most likely root cause of his offending as a teenager (observation field notes, 31.7.04).

Staff believed that R8 committed uncharacteristic contact offences as an adolescent because of his family situation and the difficulty he had in coping with this. Similar claims were made by other offenders, however, staff regarded these negatively as endeavours to shift blame because the offender said them with such a purpose. Staff made similar claims to find the cause and flash points of offending, maybe because without being able to find such explanations they feel powerless to predict and manage offenders. Consequentially, offenders were regarded as 'damaged' by these conditions, events or socialisation; they may not be susceptible to a medical cure but they could be treated in a wider, psycho-social sense. Because the offender is found to have deviated from the norm in some respect, he can be made to conform again. SOGP courses are part of this conforming power on the offender. They combine psychological theories such as behavioural therapy to enable the offender to conform his fantasies and outward behaviour to an agreed acceptable norm (Sampson, 1992). This conforming power relates to the disciplinary power discussed by Foucault (1977): a power that forces conformity on those individuals assessed as abnormal; transgressing from the norm.

8.4.3. Representation of self in the hostel

From the above discussion it can be seen how residents can use forms of denial to construct versions of their offending behaviour. These denials were dynamic; changing with the audience, the situation that the offender found himself in and the purpose that he wished the denial to serve. This was evident in the behaviour of R7. From the lengthy extract from his interview it is clear that when he resided in the hostel on licence he did not deny that he had assaulted the two girls, instead he denied the severity of his behaviour and the danger that he posed to others. This was because he sought to reduce his categorisation of risk, which resulted in greater privileges and freedoms, such as home leaves, reduced observation and the quicker

implementation of move-on arrangements. However, when he resided in the hostel on bail (previously) he sought to either reduce his likelihood of conviction, or failing that, the severity of the sentence; therefore he claimed his complete innocence.

This change in form of denial corresponded to a change in the talk and image he presented in the hostel. While on bail he often talked about his (alleged) offences, discussing the prosecution case and claiming his innocence to members of staff and other residents. When he re-entered the hostel on licence he no longer spoke of his offences publicly, nor denied them (observation field notes, 31.7.04). Although in both residencies in the hostel R7 was talkative with staff and residents, he was less so in the second period. This suggests that he changed his behaviour in order to assert his innocence and persuade people that he had nothing to hide. As Goffman (1971) claimed, people play the role that furthers their interests. R7 was gregarious and talked about his charges when he believed it might aid his chances of being acquitted or receiving a lesser sentence; he was more circumspect when this presented him in the role of compliant resident, a role that enhanced hostel staff members' opinions of his remorse and risk levels.

The use of forms of denial to present a constructed image was discussed by R3, a CSA. He had noted that staff minimised the offending behaviour of R32, a CSA convicted of indecent assault and diagnosed with severe learning difficulties, saying that he was not fully aware of his behaviour. Whilst R32 was in the hostel other residents realised that he was convicted of child sexual offences and residents that had originally been protective of him now openly insulted him. R3, when talking about this, said that he also tried to hide his offences, but that he found that the most effective method was to create a false offending history:

I only tell them what I want them to think – I say that I am here for violence and they believe me. It helps that I do have a temper on me. Then they leave me alone as well, and even respect me.
(Resident 3 in interview)

By presenting himself in the role of a violent offender rather than child sexual offender, R3 manages to protect himself from the social ostracisation, stigmatisation and possible violence of other residents. In order to maintain this presentation of

himself he plays upon those parts of his character and personality that support the image; namely, his potential for violence (although this was not evidenced during the fieldwork phase). The use of real characteristics, rather than the construction of false ones, aids the maintenance of a presentation, enabling the resident to present an image that is more likely to be accepted and remain unchallenged.

The presentation of self that residents portrayed was often related to their offending behaviour although not exclusively so. In usual conversation residents rarely referred to their charges or convictions, instead talking about current affairs, events, their families, their pasts, television, staff members and any number of other topics. However, when talking about these issues residents continued to present an image of themselves that they wanted others to believe in. This may have been intended to cast the resident in the light of someone who would not commit the offences that they have been charged or convicted of, but equally may be intended to construct an image for other purposes. In the majority of instances observed this appeared to be related to status. Status in the hostel was important to residents; as status in prison is important to prisoners (Sim, 1994). Those residents who are regarded as weak, passive, submissive, or do not conform to the values of the hegemonic masculinity⁵⁶ are more likely to be victimised and ostracised from the dominant group or subculture within the hostel.

Some of the stories that residents told about themselves were difficult to verify as truthful, or to accept, however, their purpose is the important aspect, rather than their veracity. A conversation observed between a resident group comprised solely of five people convicted or charged with child sexual offences illustrates this type of storytelling:

[...] they are speaking about films they enjoyed. This moved on to a discussion about serial killers as they had watched a recent documentary on this subject. R15 told the group that he had lived a few doors away from Dennis Nielson⁵⁷ for a while. He told us what

⁵⁶ Masculinity is not a singular, but a pluralistic concept. There are many masculinities. The hegemonic masculinity is that which is dominant within contemporary society, or the institutional setting. Other forms of masculinity form a hierarchy, within which individuals strive to be part of more accepted form of masculinity because of the higher status and because they are more dominant and less victimised (Sim, 1994).

⁵⁷ Infamous as a multiple killer of 11 adult men.

Nielson was like. The conversation moved on to cars as R7 related how he had nearly hit a girl in a traffic accident when he was employed as a bus driver. He says that she was pulled back from the road at the last moment by her brother.
(observation field notes, 19.9.04)

What purpose did these anecdotes serve the teller? On face value neither reflects well on them. R15's story about knowing a serial killer may have been told simply to gain attention; to be the focus of the group. Any vicarious status gain may be due to association only; he is regarded as a more serious or dangerous offender because he knew a multiple killer. It is interesting, however, that he chooses this story to enhance his status. It may seem unusual that he would believe knowing an infamous killer would benefit him in the hostel, yet this is a common tool of conversation and image construction. People often say such things, not because it directly relates to them or their character, but because it makes them seem more interesting; they are worth knowing and talking to. R7's response is of greater interest. He endeavours to wrest the attention from R15 by telling a story that, if less dramatic, is less vicarious, being an apparent event that involved R7. Again it reflects little on the character of R7 as it was apparently an accident that was averted; however, it places him closer to the violence than that of R15, even if that violence was a traffic accident rather than murder. In this story R7 is nearly a killer, rather than R15 who knew a killer.

A common story told by residents to enhance their status regarded their employment. Younger child sexual offenders in particular were observed claiming that they had held higher status positions than was recorded in their files. For example, R3 had gained employment in a nearby hotel and, a number of months later, said that he had been promoted to supervisor. It was revealed however, (from staff and other residents that worked there) that he had been consistently in trouble for being late and that rather than doing well at work he was near to being disciplined (observation field notes, 31.7.04). This lie was apparently told to hide his concerns regarding his work, and to present himself as more successful and liked than he had been. Success in work is particularly linked to social status (Davis and Rinaldi, 2004). This was again observed in the talk of R6, a 21 year old charged and later convicted of 3 counts of indecent assault. He frequently told residents and staff members that he had been, and would again if not convicted, a member of the Territorial Army:

I did the Duke of Edinburgh the other day, that was good. I've done stuff like it before in the TA. Skiing, orienteering, climbing, that sort of thing. But I've got the bronze and silver so I just want the gold now. I'm in the TA still. Been all over with them, been to Iraq even – at the start of the war. I was in Germany at the time and they sent us over from there. They don't know about all this and I don't want them to know because they would chuck me out.

(R6 in interview)

There was no evidence in files that R6 had been in the Territorial Army, or that he had travelled, indeed, staff members believed that he was lying when he told this story, and were concerned that this type of story telling may have been a grooming tactic in relation to his offences. The function of this story in the hostel, if believed, was that it increased the status of the teller, R6. He would be regarded as a mature young man with experiences to tell and be interested in. As it was no-one that engaged in the research at this time said they believed him, instead he was regarded as a rather pathetic figure who felt that he had to lie about his life because he was ashamed of his own past (he worked with family on travelling fairs).

It is important to note that stories that are intended to make the teller appear more experienced, masculine or violent were potentially risky strategies to employ. If the teller is found to be lying or are not believed then his status is lowered more than if he had told no story at all. Those residents who did not tell stories about their pasts were regarded rather neutrally, if nothing or little was known of them. R6 in particular was regarded as continually presenting an image to the staff and residents in the hostel. This was exemplified in his bravado regarding his possible return to prison (after conviction, he had been in prison briefly on remand before entering the hostel) where he said he was unconcerned and it was like a 'holiday camp' (R6 in interview). He also demonstrated another common form of story telling – that of a relationship.

It was observed that a number of the sex offenders, particularly the younger sex offenders, started talking about romantic relationships that they were involved in after some months in the hostel, when no relationship had previously been known. In each case this relationship had apparently begun prior to the resident's admission into

the hostel. R6 had been in the hostel for approximately a month after being on remand before he started talking about a girlfriend. He was interviewed at this time and talked about his girlfriend. He claimed that she did not know about his arrest or his period in prison on remand, having told her that he was visiting relatives. She knew about his residency in the hostel but she did not know what type of hostel it was, or why he was there (R6 in interview). He was observed after the interview spending a period of time on his phone outside the general office window, watching staff. He occasionally rang off and sat on the wall looking dejected and unhappy. Staff members on duty at the time believed he had no girlfriend and was using the story to gain attention and sympathy. They warned me from 'playing his game' (observation field notes, 30.5.04) and talking to him about his girlfriend. I watched him for another half hour, repeatedly talking on his phone and sitting sadly. After this time I approached him, as he saw me he sat down in the foyer with his head in his hands. I spoke to him about what was upsetting him; he said that she was talking about ending the relationship. Although he was acting dramatically he did not appear upset at the time. He spoke of these issues only briefly before asking me about my life. He seemed much more interested in finding out about me than his relationship. After approximately 10 minutes I left him, at which point he immediately put his head in his hands again (observation field notes, 30.5.04).

While these events do not prove that he was lying about a relationship, it was one that was only spoken of for a few days in the hostel. His apparently distressing phone calls appeared to be a tactic to gain attention and for me or a member of staff to talk to him (although, that this occurred immediately after an interview suggests that he was targeting me). Apart from an attention seeking strategy, this story may have had additional functions; namely R6 was rather lonely in the hostel, having few friends or people to talk to, inventing a relationship may have helped him feel less lonely and normalised him to other residents and staff who regarded him as a rather ill-socialised youth.

R1, also a young CSA, told similar stories regarding a relationship. After residing in the hostel for some months he began talking about a girlfriend that he claimed to have been in a relationship with before he entered prison (a total period of more than a year). He said that she did now know about his convictions, saying that he had told

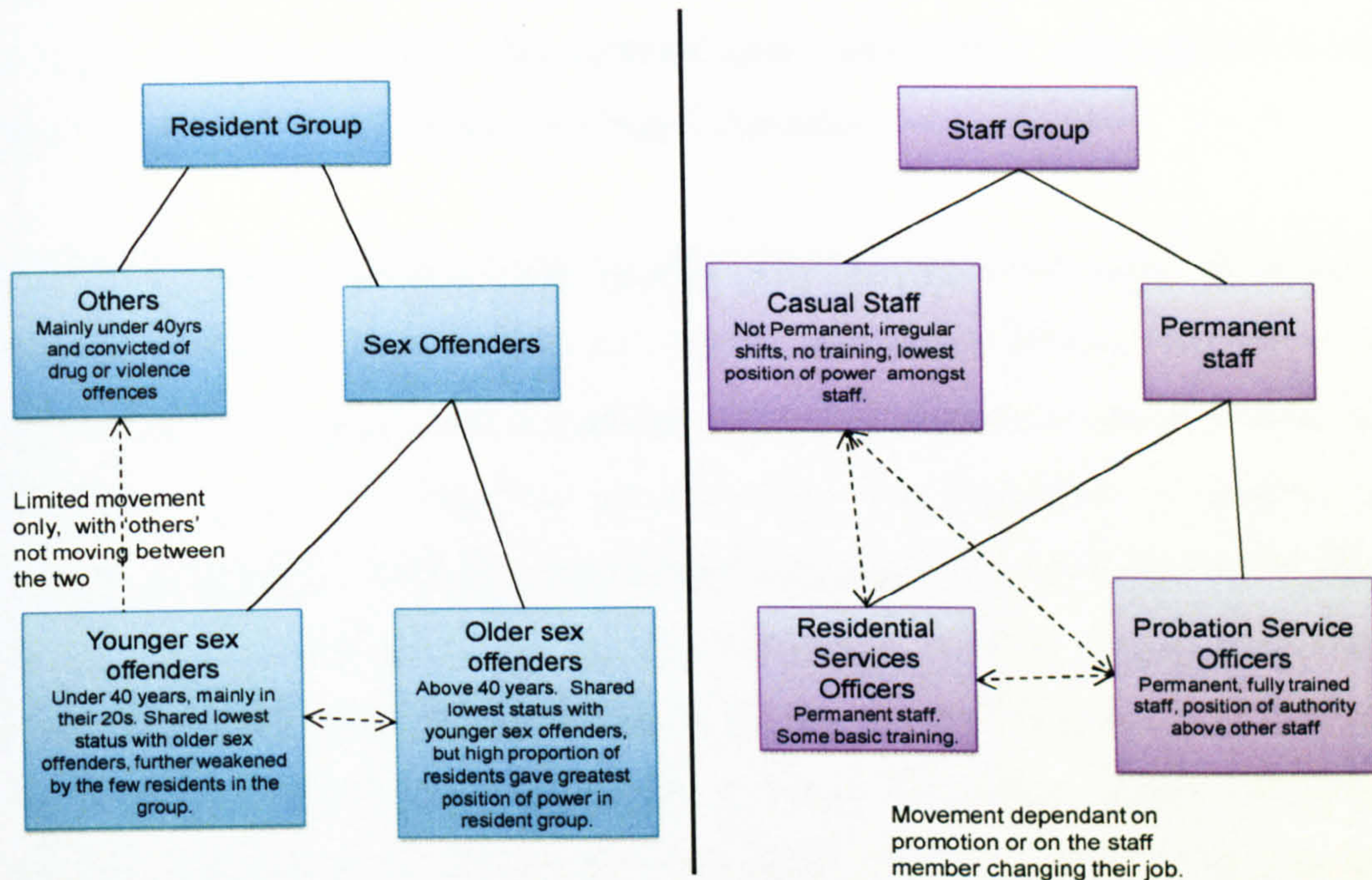
her that he was visiting relatives in Australia. He claimed that she was asking to marry him (observation field notes, 22.2.04). R1 was known to talk about relationships that were not necessarily true. He claimed that his offence of indecent assault of a 14 year old girl (plea negotiated from rape) was actually consensual sex as part of a relationship, although he admitted only meeting the teenager the afternoon before the offence (observation field notes, 29.2.04). The construction of this story may similarly have stemmed from loneliness as the short period that R1 talked about a relationship (little more than a fortnight) coincided with the period when R1 was increasingly becoming ostracised in the hostel because of his overtly sexualised attention seeking behaviour and his open talk about his conviction. Graffiti naming R1 as a 'paedo' were cleaned by staff on a number of occasions (observation field notes, 7.3.04) and he was targeted by other residents to the extent that he was eventually moved to another hostel for his own safety (observation field notes, 29.2.04). At this time R1 had few people who would speak to him without aggression, inventing a relationship may have helped him cope with this situation.

The use of story telling was not only observed in residents, but also in staff. This was exemplified by S11, a female relief worker, who was distrusted by her peers, but was popular with the Hostel Manager because of her willingness to accept shifts and her enthusiasm for the job. She had told S7, another female relief worker, that she punished her two children by making them sleep in the bath and on the landing. S7 doubted the truth of the story but worried why S11 would say this. S7 believed that S11 was simply trying to shock; gain attention in a similar way to residents (observation field notes, 6.6.04). This demonstrates that the mechanisms of constructing a presentation of an individual's self are not unique to a particular group, although the reasons motivating the construction or the role depend upon their social situation and circumstances.

8.5 Summary

Chapter 8 of the findings considered the experiences of residents and staff in the hostel that was not related to any formal policy or structure of the hostel. Of especial interest is that both residents and staff form groups within the hostel. These groups were in opposition to each other (i.e. staff versus residents), but the groups were also internally stratified. Below is a diagrammatical representation of the group structure:

Figure 5: Diagrammatical representation of grouping in the hostel.



A solid line denotes additional membership of other groups. A dotted line denotes potential movement between groups. Arrows denote the direction of movement on dotted lines.

This grouping was based upon age as well as offence, although all sex offenders were labelled as child sex offenders when referring to the sex offender group. Grouping between offenders was not encouraged or prevented in the hostel, although the SOGP served to reinforce the relationships between sex offenders in the hostel through shared experience and proximity. Through this grouping residents could normalise their offending behaviour, attitudes and techniques of neutralisation, thereby resisting the work undertaken in the hostel and the SOGP. This support of neutralisations was important in the hostel as on no occasion were sex offenders observed to challenge each other, instead they supported and helped to construct versions of events built upon these neutralisations, in which they denied the individual's agency, responsibility, forethought, or the severity of the offence, the harm caused or the absence of consent.

Groups used the public space of the hostel territorially in an effort to not only define group dynamics but also to gain private space. The lack of leisure facilities and activities, further strengthened group structures as residents were forced to rely on each other for company and entertainment within the hostel. Staff regarded the public space of the hostel as primarily resident space which they only entered in order to speak to residents or to observe resident behaviour.

Staff in the hostel expressed two broadly dichotomous views about their work with residents. Firstly, mainly held by PSOs and some RSOs, that the job was unpredictable and potentially dangerous. Secondly, predominantly expressed by other RSOs and casual staff, that the job was easy. The difference in opinion perhaps related to individual's time in the job and subsequent immersion in the employment culture, job responsibility and level of training. Notably, casual staff often felt undervalued and not respected by most permanent staff (especially PSOs) because they worked irregular shifts and lacked training. This led to casual staff sometimes reporting that important information had failed to be passed to them. On the other hand, permanent staff were observed constantly using informal control techniques on residents in an effort to control the perceived danger that the hostel posed. This led to staff feeling stressed and expressing overtly negative opinions of all the residents, but especially sex offenders (in particular their personal characteristics and ability to not re-offend).

Chapter 9: THE HOSTEL IN CONTEXT

This chapter considers the hostel as part of a wider decision making process regarding the management of sex offenders in the community. The structural processes relating to the work undertaken in the hostel with residents are focussed upon here, although wider work undertaken with residents living independently within the community (for example, in private or social housing) is acknowledged in Part One chapter 3.

9.1. Multi-Agency Working Through Multi-Agency Risk Assessment Committees (MARAC)

The main way in which staff members of the hostel work with other agencies is through the MARAC and MAPPP (Multi-Agency Public Protection Panel) meetings. As outlined previously, MARACs and MAPPAs (Multi-Agency Public Protection Arrangements) are statutory structures established under the Criminal Justice and Court Services Act 2000 and implemented in April 2001. They are designed to bring together representatives of relevant agencies (such as probation, police, housing services, social services, victim liaison, Youth Offending Teams, and prison services) to manage the risks presented by serious offenders in their area. MARACs and MAPPPs are primarily charged with protecting the public. Publications from the Home Office (for example, 2002 and 2004b) have asserted that not only do these mechanisms work effectively, they have created cohesive working structures that are regarded as examples of good practice.

9.1.1. *Organisation and Operation*

The probation area within which the case hostel lies is separated into three geographically-based regional sections for the purposes of MARACs and MAPPPs, with each section having a separate committee. These sections are based upon the existing teams working within the probation area. The discussions of these MARACs are shared with the other MARACs (via the chair) where necessary, but not routinely. This structure is not uncommon in other MARACs in England and Wales. Maguire *et al* (2001) found that these committees were variously organised with some areas having regional devolvement, other areas having a central committee only, whilst still others have a tier system of committees based on the offenders' risk categories. The manner of the organisation was dependent upon the geographical size of the committee area (a large area necessitating some geographical split of the case load)

and the case load of high risk offenders (requiring a tier system in order to efficiently deal with a large case load). These findings explicate the organisation of the MARAC under study as the study area is particularly large and the three regional areas ensure that the cases are dealt with by officers who work within the appropriate region of the probation area with greater expediency.

Maguire *et al.* (2001) also found that the scheduling of MARACs was variable, with some areas having regular scheduled meetings and others organising *ad hoc* meetings as required. The latter style of organisation could timetable a number of cases or be responsive to events surrounding the management of a single offender. The MARAC meetings observed used a combination of these approaches with regular MARAC meetings taking place monthly and MAPPPs being arranged on a responsive basis. Cases (offenders) are scheduled for the MARAC in advance, although cases of high risk offenders that require discussion can be brought to the meeting on the day. Normally 15 minutes is scheduled per case, although some take only a few minutes others can take 45 minutes or more because of the complexities of the issues under discussion. In those cases where it is apparent that the discussion requires more time, outside meetings with relevant parties (or a MAPPP depending upon the severity of the case) will be arranged. MAPPPs are arranged when required to discuss individual high risk cases. Other than the chair, hostel manager, police Public Protection Officer, Housing Officer and Victim Liaison Officer, only those officers involved in the case are invited.

The MARACs take place within the non-smoking lounge of the case hostel. The hostel provides a convenient central point for the area, especially as many of the offenders under discussion are accommodated within the hostel initially. However, the location of the MARACs has the consequence of making the residents painfully aware of the discussions taking place. Although a sign is placed in front of the window in the door of the room, staff working in the hostel often note that residents regularly walk past the door when the meetings are in progress. The privacy afforded the discussions is, therefore, called into question. From observations conducted in the hostel it was noted that when windows of offices were open discussions within could be heard by anyone standing by the window outside. As the non-smoking lounge had windows on two sides facing the hostel gardens (where residents were free to roam) it

may be that aspects of discussions may be overheard. This concern was highlighted during one MARAC when two residents (responsible for keeping the garden tidy) chose to prune the roses outside the open window behind the chair. Although they stayed there for upwards of an hour, no-one in the MARAC meeting commented on them or suggested closing the windows. Although residents rarely mentioned the MARACs in interview or conversation, it was evident that they were aware of them and their importance. A clear example of this occurred when, on my leaving a MARAC, a resident that had been, and continued to be, heavily involved in the research, approached me and earnestly asked about what had been said about him in the MARAC.

That the meetings were held within the hostel also emphasised the institutional nature of the hostel to the residents. With the exception of a small minority of mainly elderly sex offenders against children, all residents resented being forced to reside in the hostel, however temporarily. This resentment stemmed not only from their desires to return to their family or their previous lives, but also from the institutional nature of the hostel:

[I] might as well have not left prison; it feels like I've not got out.
(Female resident, not convicted of sexual offences.)

Residents were observably more nervous and restless when they were required to consider their current position or future. MARACs and MAPPPs forced them to not only consider these issues, but also to acknowledge the lack of personal control over their lives, and the associated control exerted over them by agencies more concerned with nameless others' wellbeing than theirs. This angered residents as well as caused them worry:

Does not like probation, says they are to trip you up rather than to help you (quote of resident by case manager. From observation notes of MARAC 9, resident convicted of violent offences)

9.1.2. Representation

Any relevant agencies may have representation on MARACs and MAPPPs (Nash, 2006). Other than the central agencies of probation and police it is expected that local authorities have representation from Social Services and Housing as a minimum, with representatives from education, leisure and other services being invited where appropriate. It is also increasingly being recognised that voluntary services have a valuable role in these meetings and the decisions taken within them (NAPO, 2004a). The Home Office (2004a) is also considering the introduction of lay members (drawn from communities surrounding the hostel). Maguire *et al* (2001), as with other aspects of MARAC organisation, found that in their sample of six MARAC areas the range of agency representation and the regular members of the committees are inconsistent. Usually probation, police and social services have regular representation, with other agencies being invited if they have a contribution to make to the meeting.

The wide representation envisaged by NAPO and the Home Office is not evident in practice. Within the 12 MARAC meetings observed the primary representation was from the Probation Service, with a consistent presence from the Public Protection Unit of the Police, Housing services and Victim Liaison. Many of these members were present for the whole of the meetings, whilst others attended for the cases that they were working with only. Those members that attended the entire meetings were: the chair (Senior Probation Officer); hostel representation (Hostel Manager and/or Deputy Hostel Manager); Housing Services Officer (from the MARAC within which the hostel is based, although the MARAC area covers two local authority areas); Public Protection Officer; and Victim Liaison Officer. Those members that regularly attended for specific cases were: probation officers from the 'field' or hostel, probation officer with responsibility for liaising with the police; and a second police officer from the Public Protection Unit. Those members that irregularly attended for specific cases (although they may have been invited to more cases than they attended) were: Social Services officer (from one of the local authority areas covered by the MARAC); Youth Offending Team officer; probation representation from other hostels in the probation area; Adult Mental Health Services officer; and a Housing Officer from a neighbouring local authority (consistently covered by the MARAC). No representatives from relevant voluntary services attended a MARAC within the

study period. No lay members or resident representatives were permitted access to the meetings.

The poor range of representation was not purely a result of the MARAC failing to invite officers of other agencies. Whilst no lay members or residents were permitted access to the meetings, others were invited but either declined to attend or simply did not turn up to the meeting. Social Services were often quoted as being invited to attend by probation officers with responsibility for specific cases or by the chair of the MARAC. On only two occasions did a representative attend the meeting, although on a number of occasions they were expected. Their absence was commented upon on occasion within MARACs, with specific reference to their duty to protect children and young people. For example, in the first MARAC observed, it was noted on two occasions that a representative from Social Services had been invited to attend, but only attended one case. Both cases concerned a sexual offender. The first, for whom no Social Services representative was present, regarded a man who had been twice convicted of indecently exposing himself at a 17 year old. In this case Social Services were required to be involved as he had a 9 year old son. The second case, for which three Social Services representatives were present, regarded a man convicted of multiple rapes on adult women and who was in a relationship with a woman known to be vulnerable, who had an administrative job within the Local Authority Social Services Department. The latter case was of particular concern to members of the MARAC as she was in a position to allow the offender access to a wide range of confidential information. Whilst the circumstances of the latter case clearly deserved attention, those of the first case also called for Social Services' input in any decision making regarding the offender's risk and move-on plans. Whilst Social Services were involved outside of the MARAC forum, they declined to be party to, and contribute to, the central decision-making apparatus designed to be the primary site for information sharing and management of high risk offenders. This incident raises questions regarding the perception of MARACs by Social Services, whether the multi-agency nature of MARACs is truly egalitarian, and what issues Social Services prioritises in their work.

That probation case officers regularly reported being in contact with Social Services to valuable effect outside of the MARACs underlines the effective working

relationships that can be developed and maintained without the enforced statutory structure. Social Services were more likely to attend a MARAC in those cases where the situation was particularly sensitive and required the co-operation of other agencies in order to move forward with the case. For example, in the case cited above Social Services were present to not only share information regarding the specific position of their employee, but to also find out about the offences of the offender and discuss the possibility of disclosing his offences to the employee. Although in this case Social Services attended the MARAC, it was still felt by the majority of probation and police officers present that Social Services were usually poor in their efforts to work across agencies. For example, in the 5th MARAC observed, a case involving a man convicted of two rapes on adult women was discussed. The second victim had been known to Social Services prior to her rape at the age of 18, but had ceased to be an active case when she turned 18 despite her continued vulnerability and known relationship with a convicted rapist. It was generally felt by the MARAC that Social Services should have maintained contact with her. Although it was accepted that this may not have helped the victim prevent the rape, it was a concern that she had remained in an abusive relationship because she felt unable to leave due to a lack of outside support.

Similarly to Social Services representation, health services rarely had an officer present within the MARACs. The most regular officer to attend was the Criminal Justice Mental Health Liaison Nurse who often worked with offenders on release from prison into the community and advised MARAC member agencies on the implications of mental health and other health conditions. As with most other members, the Liaison Nurse attended the MARAC to discuss specific cases, although she was permitted to be present in the MARAC for other cases too. She did not attend every MARAC or every case that she had been involved in. Often she sent a statement regarding her assessment of the offender, or discussed the case with the case probation officer outside of the MARAC forum. When asked she explained her choice as due to time constraints and that she did not feel her attendance at the MARAC was an effective use of her time.

Other than the Liaison Nurse one other representative from health services attended a MARAC for a single case. As before this was from the mental health sector, being a

representative of the Local Authority Adult Mental Health Services. This lack of a consistent health services representative is not unusual. Maguire *et al* (2001) also found that the incorporation of health services into the multi-agency representation of the MARAC was problematic, mainly due to the MARAC area covering more than one health services area. In the study area, the overall MARAC area (involving the three regional MARACs) covers five health service areas, corresponding to the Local Authority areas. The MARAC observed covered two health service areas regularly and a third on occasion (the latter area was mainly covered by a second 'central' MARAC, although a cross over occurred when offenders moved between areas).

Representation in the MARAC observed was not always poorer than in previous studies (although few studies have commented on the practice of MARAC representation), this was most notable in the regular and consistent presence of at least one housing officer. Maguire *et al* (2001) noted that the presence of Housing representation was problematic and variable as that of health services.

Although representatives invited to discuss specific cases were not normally present when other cases were discussed for reasons of confidentiality, in practice, representatives from police and probation related services were permitted to hear cases other than their own. Often, however, they declined this offer as the meetings were very time consuming. It was apparent that those people that attended the meeting for cases other than their own were well known to the consistent members of the MARAC, not only through their attendance at MARAC meetings, but through their normal working role as well. These close working links were reinforced as there were relatively few probation officers covering the MARAC area due to the sparseness of the population. It is not apparent that this informality would also be observable in all MARACs, especially those in areas of high population density, and with many more probation and statutory services officers. However, Maguire *et al* (2001) found that in the 6 MARAC/MAPPA areas studied, the level of formality ranged between reliance on interpersonal relationships and highly formalised procedure. The current MARAC under study appears to lay somewhere between these two extremes with the organisation of the MARAC being regular and formal, but the personal relationships within the meeting being informal and friendly.

From this it is noticeable that access to knowledge about offenders in the area can be restricted or granted at the behest of the chair or hostel manager (who acts as deputy chair in the absence of the chair). As knowledge and the acquisition of knowledge is, in practical terms, restricted to the Public Protection Unit and probation officers, then these agencies become not only the keepers of knowledge but redefined as 'expert' due to others' relative lack of knowledge. This is not an overtly discussed intention of the regular members of the MARAC, and may not even be a conscious outcome of their endeavours to maintain a close, confidential circle of 'inner' member of the MARAC, nevertheless, it is a strategy to maintain the officers position of power and authority over not only the offenders in their jurisdiction, but also other agencies. As the knowledge and expertise of consistent MARAC members increases to the relative detriment of other agencies and officers, so they become more solidly placed as the 'expert', their power unattainable, and their authority undeniable.

Despite members of key agencies being rarely present within MARAC meetings, decisions that are taken often require their co-operation in order to be carried out, and in many cases decisions are postponed until probation case officers have gathered information from these agencies regarding strategic concerns (such as, availability of accommodation, child protection or health assessments). It is notable from the MARAC meetings that in many cases discussions do not lead to decisions made on the future of the offender, but to action points for case probation officers to work on for the next month's MARAC meeting in order for a decision to be made then. However, as a month has passed in the interim, whilst the information gathered is still important, new issues have emerged that need to be considered, often postponing further decisions on the offender's future. Therefore the discussions tend to be reactive to the knowledge that is currently possessed by the members of the MARAC; the gathering of more knowledge a primary concern. Proactive decisions based on the observed behaviour, criminal offences, Pre-sentence and prison reports, and assessed risk levels are rare – with the 'ideal' move-on and management plan inevitably bowing to the realities of agency resource shortages, restricted housing availability, community protests and the offenders' own demands and changeable behaviour. In many cases the discussions of the MARAC are a sounding board to gather opinions regarding decisions the case officer has to make or to help plan a way of progressing with difficult cases. These are valuable roles of the MARAC, but results in much of

the discussions taking place outside of the forum of the MARACs and being fed back in an extremely summarized form at the next meeting. In real terms the MARAC becomes an advisory board for the case officers, rather than a multi-agency forum to decide upon the immediate future and management of offenders. That many agencies are only involved in the discussions at the MARAC meeting (or have little contact outside of the meetings) further enforces the gulf between the expert leaders and the useful assistants (the agencies other than probation and police). Knowledge is shared in MARAC's but only where essential, and often it is a one way process with probation and police representatives giving that information they think is required for the discussion of the case and requesting the aid of other services where they have a statutory duty to do so (for example, for Housing Services to complete a housing application, for victim liaison to contact victims). It is the case officers duty to speak to other relevant services, such as CAIS (a drug and alcohol treatment provider), back to work schemes or NACRO, if and when needed; they are not part of nor party to the MARAC discussions, receiving only that knowledge that the probation case officers feel it is necessary to impart.

That decisions are taken without representation from all interested parties, or in light of opinions of agencies with only partial knowledge themselves, may have an impact upon the quality of the decisions either made in, or as a result of, MARAC meetings. Furthermore, the imposed, artificial structure of the MARAC apparatus may, rather than facilitating effective multi-agency working, hinder rapid and timely decisions being made, resulting, on occasion, in poor relationships between agencies. For instance, in MARAC 9 probation officers failed to adequately consult with the police regarding the acceptance of an out-of-area⁵⁸ ROTL⁵⁹ case. The offender in this case had been convicted of murder (without sexual motive) and, therefore, considered to be high risk. Police officers were concerned that this offender, a high risk offender, was being unnecessarily released to the case hostel at a time when a number of other high risk offenders (including some sexual offenders) were also being admitted to the hostel. The Public Protection Officer stated strongly that he felt the MARAC should

⁵⁸ An offender being transferred from another probation area because either that area does not have any suitable accommodation for them, there are overwhelming victim issues necessitating the move or other risk issues that have been discussed.

⁵⁹ ROTL: Release on temporary licence. Life prisoners are released from prison to hostels for a few days leave two or more times before they are released on licence from prison.

consider refusing the offender, not only on risk grounds but also because the other probation area was moving him into their area very quickly without a MAPPP meeting to discuss the offender with them as the receiving area.

Our concern is that it appears that he's coming here lock, stock and barrel without going through proper processes.
(Police Public Protection Officer, MARAC 9).

Although a MAPPP (an impromptu, non-scheduled meeting) was arranged within the receiving area, the offender was nevertheless admitted to the hostel for his ROTL period. No concerns arose during his residence at the hostel.

That this example of poor communication, not only between different agencies, but between different teams of one agency (namely probation), occurred when considering the case of a violent offender with no sexual motivation, indicates that difficulties in communicating across teams and agencies is part of the working of those agencies, rather than confined to the supervision and management of any particular group of offenders. This is supported by another incident of poor communication, this time regarding a sex offender.

In the penultimate MARAC observed, a man convicted of domestic violence was being visited by young, female housing officers (singly) to his temporary residence where he lived alone. It was only in the MARAC meeting that it was mentioned (as an aside) that the original charge had been plea negotiated down from rape. The housing officer present was angry that they had not been informed as they had unknowingly been sending vulnerable officers to assess him. If they had been party to this information earlier they would have changed their working practices. Again, this restriction of information, even to consistent members of the MARAC, indicates the preciousness with which probation treats knowledge. They impart that knowledge which they believe is necessary to the other agency, even though they may not realise the consequences of this restriction.

It is especially apparent that probation regard themselves as the experts and key agencies within MARACs because on no occasion did any other agency have the opportunity to question their working practices other than to request information

from them, thereby reinforcing their position of power and control within the multi-agency working environment. That these instances of poor communication resulted in reduced trust and confidence in the probation service did not effect the probation service as a whole, as other agencies need to co-operate with probation in order to be privy to essential information for their own work and personal safety. It is notable that the only agency that probation regarded as being with them on an equal footing at any time is the police, and this was because, especially for those offenders residing within the community, they were reliant on the police for intelligence regarding the behaviour of the offenders outside of probation supervision meetings. The status of probation, the importance of information and who had access to knowledge is emphasised by the brief notes taken to record meetings, and the limited distribution of them. The notes comprised of action points for each case and were distributed to the MARAC members solely. Maguire *et al.* (2001) found that this practice was usual within MARAC meetings, leading to agencies and individuals on the periphery of public protection work lacking some knowledge and relying on the probation representatives for necessary information in order to perform their duties. Therefore, knowledge, and the acquisition and possession of knowledge, is the key to relationships between agencies and their representatives.

As the nature of the multi-agency representation and working relationships are delved into, it is clear that multi-agency working, and the MARAC forums in particular are far from egalitarian in either the sharing of knowledge or the hierarchical relationships evident within them. How this inequality effects the decisions made regarding offenders, or the implementation of these plans, needs to be explored. This inequality is not uncommon within other MARACs as found by Maguire *et al* (2001). In particular it was found that probation or police were likely to assume ownership of the MARAC, including the hosting and chairing of all the meetings. This was not considered to be simply a method of retaining control, but could be adopted in order to ensure accountability and a clear process and procedure to the committee meetings. This was clearly the case in the MARAC under study, irrespective of other outcomes of this organisation.

By maintaining probation's control over information probation are ensuring their position of power and authority within the multi-agency network of MARAC and

non-MARAC members who work with the offenders in their area. This sets them above other agencies with regard to the management of offenders in the community. In other respects, for example, the provision of housing, and returning to work, probation acknowledge the need to rely on other agencies' expertise. Although the knowledge of other agencies (or that knowledge which they impart) is required and expected through the MARACs, Probation only share that knowledge which is considered necessary to gain more knowledge from the other agencies. The sharing of knowledge is neither altruistic nor without the expectation of the reciprocation of knowledge. Within the study the probation service was the focus of the observation as the scope of the study did not include the working of other agencies outside of the MARAC. The level of knowledge shared by probation could be ascertained from a prior understanding of the knowledge that they held regarding offenders. It is not claimed that other agencies did not understand the nature of the multi-agency working relationship that they were part of, or that they were similarly tactical as this information was not gathered.

9.1.3. Purpose of MARAC and MAPPP meetings

The purpose of the meetings was not stated or questioned at any time within the fieldwork, however from the nature of the discussions and issues raised the priorities of the committee were evident, and the purpose of the MARAC, in practice, would be inferred.

The overall priority of the MARAC is to protect victims, potential victims and the general public. This aim was referred to regularly within MARACs, mainly within discussions regarding the risk considerations of offenders. MARAC members always considered the current risk levels of offenders, and the likely implications of differing risk management plans on the safety of victims and their family, the general public, the offender and their family, hostel staff and residents (if accommodated in a hostel). That the MARACs priorities were considered solely within a risk discourse was not unusual according to other studies (Kemshall and Maguire, 2001). Other issues discussed where relevant included: drug and alcohol use; mental, emotional and physical health and well being; treatment; and employment. All of these issues, whilst being about the offender and their behaviour, are focussed on how they effect the likelihood of recidivism. In this sense the objectives of the MARAC, through which

the safety of the public is achieved, only benefit the offender if in so doing they decrease the risks that they present.

Ensuring the safety of the public requires the MARAC to work strategically. The purpose of working between agencies is twofold:

1. To ensure a unified and coherent approach to the management of high risk offenders in the area, incorporating the specialisms of each agency to best effect.
2. To share information in order to make informed decisions, even if these decisions are taken by probation or/and police officers.

The MARAC, and probation in particular, want to at least appear to be utilising scientifically rigorous tools, assessments, treatments and decision-making processes. For example, in MARAC 11 an offender was being discussed who had been convicted of domestic assault but originally charged with rape. His behaviour was causing some consternation for his probation case officer who commented that:

We've all had a slight worry about him really. It doesn't sound very professional; unscientific.
(Probation Officer, MARAC 11)

This desire to be 'scientific' may result from a need to be able to justify or defend decisions using acceptable, objective terminology and language. As already discussed, probation and police officers are keen to protect their 'expert' role without relinquishing their knowledge and skills to other officers or agencies, although their involvement and help may be essential. This was apparent when a probation officer expressed concerns about the need to share printouts of OASys (Offender Assessment System, a computer assessment programme), within which probation officers give responses to pre-developed questions regarding the risk levels of the offender. Copies of offenders' OASys reports are not routinely shared within MARACs, but are on those occasions where the programme has given a higher than expected risk level, or where a section of the programme (for example, the offenders' background or attitudes) has prompted the case officer to consider complex issues.

I have a real problem about everybody having copies of OASys, because if you don't work in our system it doesn't mean anything.
(Probation case officer, MARAC 8)

That officers from other agencies may not understand the meaning of OASys reports (although the logic of the questions and resulting assessment are clear) is not a reason to withhold information from the MARAC, but rather indicates a need to share knowledge. That the officer also questioned which agencies they were able to give copies of OASys to emphasised the perception that the 'scientific' methods of probation are to be treasured and the traditional 'expert' role of probation protected.

The endeavour to frame the discussions and decisions of the MARAC and the wider probation service in terms of scientific rigour is interesting in light of the practice and operation of the MARAC meetings. The most noticeable characteristics of the discussions are that they are mainly about members' opinions and perceptions. This gives the nature of the MARAC in general a rather nebulous and subjective feel. That the subjective opinions of the members of the MARAC are couched in 'scientific' and objective terms may reflect the image the MARAC wishes to portray rather than the reality of the mechanisms used to reach decisions regarding risk management. The need to portray this image may result from the public acceptability of 'scientific' methods rather than decisions based on individuals' experience and 'instinct'. Ensuring the public are confident in the validity and robustness of the decisions made, and plans developed in the MARACs is essential to the Home Office endeavour to stem the moral panic surrounding 'stranger danger' and paedophilia in particular. This is especially important to the working of the MARAC as the MARAC and larger MAPPA system is hailed as not only a flagship of multi-agency working in the criminal and social fields, but is part of the government's effort to present a unified, solid and effective system to deal with sex offenders and other high risk offenders.

The MARACs unstructured and occasionally rambling discussions about an offender, whilst referring to scientific language and assessment was not unexpected as this aspect of MARAC decisions has been previously noted by Kemshall and Maguire (2001). In their study it was considered a strength that MARAC members utilised assessment tools without 'slavish acceptance' (Kemshall and Maguire, 2001: 248) of

their outcomes, and still placed importance on the experience and personal judgements of senior officers and case officers who worked with the offender. It was commented that this indicated the continuing need for 'experts' in the field, and may be an indication of why assessment and actuarial models have not replace traditional decision making and working within public protection work. However, in the study being reported here, there was little attempt by MARAC members to refer to scientific tools or language at all. This may be because the MARAC members studied used the MARAC forum as a mechanism to discuss action plans, rather than to determine risk levels of offenders (this was undertaken, but outside of the MARAC as a rule).

It was evident that MARAC members are concerned that the existing protocols and procedures are adhered to, which appears to be less an attempt to validate decisions through strict adherence to written procedure than a concern that these procedures ensure that the necessary decisions are made by those people who have the knowledge and experience to make difficult decisions in light of their experiences of how these decisions may play-out. This underscores that the MARACs primary concern is ensuring the safety of the public rather than bureaucratic procedure. However, the need to make decisions using the mechanisms that have been developed has meant that the process rarely moves quickly, except where emergencies require it to do so (and MAPPs have been arranged, conducted and the decisions acted upon within a matter of days when needed). However, the decisions of the MARAC are best made with a slow reflection of the information regarding the offender and a thorough understanding of the behaviour and motivations of the offender. It is difficult to make quick decisions while properly considering these issues:

Is a concern that MARACs do not move fast enough but counter-argument is that that would then be just processing people rather than managing risk. (deputy hostel manager, MARAC 6)

9.1.4. Cases Discussed

MARACs are charged with managing the risks presented by medium/high and high risk offenders. Kemshall and Maguire (2001) note that for most MARACs and MAPPAs sex offenders are the most frequently discussed type of offender, mainly

because the statutory multi-agency risk committee arrangements were responsive to fears around sex offenders, although many areas had developed informal arrangements to deal with potentially dangerous offenders. The definition of high risk and the categorisation of risk is poorly defined formally and operational definitions are developed in their absence. These are rarely discussed in the MARAC forum, however, on occasion they are alluded to, and inferences may be drawn from the nature of the offences committed and the characters of the offenders under discussion.

Within the twelve MARACs observed, a high proportion of the cases discussed (N=198) were convicted of sexual offences (41% of all cases). This was the most common type of offender to be brought to the MARAC, those whose offences were related to domestic violence were the next most frequent (23% of all cases). Note that 'case' refers to an individual, thus 198 individuals were discussed at some time throughout the 12 MARACs observed. Each individual may be discussed more than once; this is not included in the total figure.

Table 10: Cases discussed in MARAC.

Offence type	Totals	Percentage of all cases
Any sexual offence	82	41
Sexual offence against a child	62	31
Sexual offence against an adult	20	10
Domestic violence	45	23

With two exceptions all those people convicted of sexual offences had committed contact offences such as indecent assault or rape, this reflects the same pattern observed in the hostel.

The number of sex offenders discussed in MARAC is reflective of national figures. Bryan and Doyle (2003) found that in all MAPPAs in 2001/2, 39% of cases referred to MAPPAs were registered sex offenders. The predominance of sex offence cases may be explained by MARAC members considering sex offenders to be of high risk.

However, a large number of sex offenders are discussed who have no history of violence or absconding, or of multiple victims. This is supported by previous studies that have found, taken as a single group, that sex offenders have a low rate of reconviction, around 10%, even in studies that have tracked offenders for many years after release (Hood *et al.*, 2002). Therefore, high risk status may be ascribed to the sex offender due to the emotional and developmental harm caused to children or adults by their offence/s, particularly if the abuse is systematic. Unlike most other offences this harm caused through the offence is not usually an immediate physical consequence of the offence such as in an assault or burglary.

That sex offenders are considered to be of high risk with few of the usual risk indicators may be a result of the pressure felt by the MARAC members from the public, central government and probation/NOMS management. Sex offenders have become the modern moral panic, the folk devils that plague our fears (Cohen, 1972; Nash, 2006). To not consider them high risk would fail to reflect the concerns of the general public as well as the local communities within which the sex offenders are re-integrated.

Offenders are more likely to be discussed in the MARAC at particular points within their journey through the criminal justice system. This is because offenders are considered to pose more risks to the public at certain 'flashpoint' times: on leaving prison; the first few weeks in hostels or other community accommodation; finding employment; engaging in treatment or therapy programmes, starting the home leave process; leaving a hostel and finding other accommodation. This pattern has been noted by Kemshall and Maguire (2001) who commented that MARACs were at their most active when an offender entered a hostel or new area. These are the flashpoints because they are the periods when the offender is placed under stress, which has been linked to re-offending as the offender reverts to behaviours which they can control and are known to bring them satisfaction and pleasure (Ward and Hudson, 1996). They are also the points that probation officers, and other agency representatives, can not be certain about the reaction and behaviour of the offender. They are times when the offender has more control over the process than the MARAC members are comfortable with, but it is also a time when the MARAC members have less control over events, although this does not mean the offender has control either (for example,

the availability of suitable housing). Lack of control places stresses on the officers responsible for managing the offender who feel that without full control over the immediate future of the offender they will not be able to guarantee that the public (or specified individuals) will be protected. The elements that are controlled through MARAC decisions are those aspects of the offender's life that are controllable (for example, where they live and work, and who they can associate with).

These aspects, while possibly affecting the likelihood of re-offending, do not control whether the offender re-offends or not. If the offender is determined to re-offend the controlled aspects of the offenders' life can only put obstacles in their way. The success of controlling aspects of the offender's life depends upon the offender wanting help and to not re-offend. Therefore, the MARAC and probation service as a whole are facilitating the wish of the offender to change. For those who do not have this wish the probation service is trying to enforce change, an endeavour that is difficult to achieve lasting success.

That the success of the probation service is dependent upon the will of the offender changes the nature of the relationship between the offender and their probation officer into one of support and encouragement from one of coercion and force. On an individual basis these relationships exist within the service, and were observable within the hostel, however, in the MARAC the coercive relationship characterised the discourse and was characteristic of the decisions made. The attitude of the MARAC members was one of collective distrust of offenders and their willingness to not re-offend. This attitude may not be helpful for those offenders who wish to genuinely comply with the MARAC and their decisions, as aggressive and overly controlling measures may place the offender in a defensive position whereby they find it difficult to work with probation. However, the MARAC are subject to the critical eye of the public and government, who demand that high risk offenders, and sex offenders in particular, are dealt with in a manner that assumes deviancy and forces control. It is considered essential by these sectors that the MARAC rule with an iron grip, although the safety of the public may be more effectively achieved when this rule is less aggressively administered. The confrontational style of the MARAC may also have been because of the high risk nature of the offenders and that, except at flashpoints, they were only scheduled for discussion when the offender's behaviour

was deemed to be risky. It is less likely that offenders who are genuinely working with the system would be brought to the MARAC except briefly if the severity of their offence classified them as high risk.

9.1.5. Role in the management of offenders in the hostel

Initially the MARAC meetings exerted great influence over the management of offenders in the hostel in that they make the final decision as to whether to admit high risk offenders into the hostel. These decisions are based upon a number of risk factors:

- Likelihood of re-offending
- Severity of the offence if they did re-offend
- Likelihood of absconding or breaching bail/licence conditions
- Harm caused by re-offending
- Safety of the family if the offender returned home
- Safety of victims or others in the vicinity of suitable accommodation other than the hostel
- Safety of the offender if they return to the community in which they committed the offence/s
- Safety of staff in the hostel
- Licence conditions (for example not residing with people under 18 years)
- Whether the offender is homeless or in temporary accommodation.

These decisions are made primarily between senior probation officers (including the manager of the hostel), the case probation officer/s and the police Public Protection Officer. Information is usually considered from the Victim Liaison Officer, Pre-Sentence Report and prison reports. Notable, although an OASys was always carried out on the offender, this was rarely presented or discussed at MARAC. The clinical assessment by the key worker and perceptions from other professional staff was regarded as the most effective manner of deciding on risk. If OASys identified a high risk or did not accord with the key worker's assessment this was raised. This method effectively resolves (although with greater emphasis on clinical assessment) the debate between the role of actuarial and clinical assessment (Nash, 2006; see chapter

one, section 3.2.3), undertaking both where possible, with the clinical being used to supplement OASys in respect to a consideration of dynamic risk factors.

9.1.6. MARAC involvement in move-on arrangements

The MARAC is primarily concerned with the move-on of high risk offenders. This starts with their release from prison, and continues as they move through the hostel system into the community. All the issues that are considered in the MARAC, be that victim issues, home leave or management decisions, are related to the safe move-on of offenders and their resettlement in the community. Despite this primary focus of the MARAC, rarely do they make the final decision within the MARAC forum regarding the actual move of the offender from prison or hostel to community accommodation. This is normally the remit of the case probation officer or the hostel management. This decision and the development of a move-on plan is taken with reference to the issues discussed in the MARAC and with input of other agencies. The MARACs role is to provide the forum in which the complex and varied issues associated with moving-on high risk offenders and reintegrating them into the community can be discussed and specific action points decided upon. It is a way of allowing case managers to discuss their difficult cases with more senior probation officers and officers from agencies with specific areas of expertise in order to gain guidance and support from those officers.

9.1.7. MARAC involvement in Home Leave decisions

The MARAC has a direct influence on the home leave decisions of high risk offenders. Residents are allowed to apply for a home leave from the hostel after being resident in the hostel for a month and on condition of good behaviour and having a suitable address to stay at. In the first instance a resident would ordinarily be granted a single overnight stay, increasing by one night each time up to a maximum of 3 nights away from the hostel. The MARAC considers an application in light of the risks that might be presented by permitting the offender extended leave from the hostel.

Whilst the main decisions regarding home leaves depend upon the risks presented by the offender, and the ability of the police and probation to manage these risks, other agency representatives also fed into the decision-making process. Victim liaison

provided that information that is most considered at this stage⁶⁰, other than that provided by police and probation officers. This is because they have direct contact with the victim and their family, the people most known to be at risk from the offender under discussion. Similarly, input from Social Services is both valuable and highly regarded in relation to vulnerable children, particularly in cases of child sexual abusers who have access to children. For example, the case of an offender who had abused a young child was being considered for home leave, yet he had two children around the age of his victim. Social Services were already involved in this case as they were supervising weekly visits between the offender and his children. In regards to deciding on home leaves any decision was postponed until Social Services had conducted a risk assessment on his family's home and put into place any child protection plans they considered necessary (MARAC 3, Resident 3, sex offender).

Home leaves serve many purposes for the MARAC and the hostel. Firstly, and most politically correct, they are part of the rehabilitation of the offender. They are part of a controlled, staged return of the offender to either the community from which they were removed or to a new area. After being resident within a semi-secure hostel and prison, returning to living independently within what may be a hostile community can be daunting and isolating. Staged returns to the community in order to build family and social links can help avoid the offender feeling insecure or unstable, a situation that has been linked to the likelihood of re-offending (Atkinson *et al.*, 2005).

But [the case hostel] want him to have home leaves to 'rekindle family ties'... The MARAC wants him to go on a controlled home leave now as part of his re-integration process.
(MARAC 9, R34, violent offender)

Alternatively, home leaves may be a mechanism of control using the punishment and reward system. It may be considered that home leaves are refused as a consequence of MARAC members concern about the risks presented by the offender. However, it may alternatively be the case that home leaves are refused in order to persuade the offender to behave in accordance with the wishes of the MARAC in order to be permitted a home leave in the future.

⁶⁰ Information pertaining to the victim: such as where they live, whether they feel at risk or if they are concerned about the release of the offender.

Residents are not granted a home leave if their behaviour is not considered to be sufficiently compliant, or they are not making good progress on treatment programmes. In this respect home leave refusals become a form of punishment that MARAC and hostel management can impose upon residents they feel require greater control or censure. In the MARACs the granting of home leaves is not necessarily indicative that the offender is trusted or that their behaviour is believed to illustrate a reduction in risk; rather the home leave is often regarded as a test that the offender must pass in order to be considered for move-on out of the hostel into the community. This testing of the offender through home leaves is particularly common for those residents that are nearing their licence end date. Once this date is reached the control that the probation service or the police have over the offender is minimal. Sex offenders have greater controls over them due to their registration as a sex offender, however, the stringent controls exercised through their licence conditions are reduced when their licence ends. MARAC members occasionally made decisions based on the lack of control they knew they would have over an offender in the future:

R34 turns any opposition into a threat saying he will be able to do what he wants when off licence anyway. So the hostel want to 'maintain [their] management of him'.

S2 [senior probation officer]: 'look, we would be worth considering a staged return... here we can have a measure of control to manage,'

Case manager: 'test him out through home leaves, things like that'

Re-iterated by S2.

(MARAC 9, R34, domestic violence)

Although the motivation underpinning the purpose and granting of home leaves is different, they may not be exclusive. Home leaves may be used with more than one purposes in mind. MARACs may not grant home leaves to offenders that they fear they cannot control and guarantee the safety of the public, with the implicit promise that should they prove themselves to be more trust worthy then further home leave applications may be allowed. However, if the same offender is nearing his licence end date it becomes pressing that he be reintegrated into the community whilst the MARAC still has the power to recall him if he fails to abide by the conditions of his licence, or displays risky behaviours.

Did not grant home leave last time because MARAC felt it was too risky and he caused trouble in the hostel later.

- He has accepted this but was angry of the decision at first.
- He is now more co-operative.
- Decision not supported at the time because of the victim issues.
- S2 [senior probation officer] wants a controlled home leave visit because it allows probation to test him and his behaviour. Need to do this while he is on licence.
- Has said to police, hostel management and case officer that if he gets knocked back for home leave again he might as well go back to prison.
- The MARAC want him to go on a controlled home leave now as part of his re-integration process.
(MARAC 8, R34, violent offender).

9.1.8. Influence on the daily operation of the hostel and resident's lives.

The decisions that are made within the MARAC meetings directly affect the opportunities and lives of the residents of the hostel, although rarely on their daily lives or behaviour *within* the hostel. As already discussed the MARAC decide upon the granting of home leaves, the first step to move-on; they exchange information and gain co-operation to assess the suitability of move-on and specific locations; they consider the safety and necessary safeguards associated with the offender's family; they decide how best to deal with risk behaviours displayed and the timing of the move-on process. These are aspects that affect the immediate and long-term future of the residents, but usually do not effect what happens to them in the hostel whilst they are there. On occasion the MARAC (or MAPPA as may be the case) can decide on hostel issues. For example, on three occasions within the fieldwork period a resident was placed on enhanced supervision. This means that when the resident leaves the hostel and returns the local police have to be informed with an individual case reference number as well as being subject to higher levels of supervision and monitoring.

The MARACs lack of overt influence over the minutiae of the resident's lives may explain why they rarely talked about the MARAC or referred to them, even within conversations about their future and move-one. In these cases residents usually talked about the final decision being that of the hostel management, their probation officer and the police. In conversations and interviews with residents they tended to talk

about 'they' when referring to these agencies. This may be illustrative of the distance between the residents and staff members, as well as the confrontational nature of the groupings. Brittain (2004) discusses the use of the word 'they' in his study of the educational experiences of paralympians, noting that the word is a rhetorical tool to indicate, and possibly to reinforce, the distance that the speaker feels between themselves and the 'they' in question. This can be a mechanism for constructing the speaker's self-identity and the image they wish to portray to their audience. Similarly, Kromidas (2004) in her study of the talk of children about the September 11th terrorist attacks, found that the use of the word 'they' referred to the enemy and that 'they' created a strong distinction between the sides that the children perceived between the terrorists and Americans. That the residents refer to all officials of agencies as a singular group signifies that they do not perceive the agencies as being different (or perhaps do not consider the separation of the agencies as important). This may relate to their perception of the purposes of the agencies (for example, all of the agencies working together to curb their resident's freedom and ability to re-offend).

9.2 Summary

This chapter considered the MARAC as a mechanism of decision making in respect to the residents in the hostel and their management. MARACs are the primary way in which the hostel staff relate to wider probation work, that most hostel staff have little involvement with the MARAC or wider probation work may link to their feelings of isolation.

MARACs, although argued to be the future of cross-agency collaboration, were poorly attended by agencies other than the police, probation and housing, with probation consistently taking the lead (and expert) role in the discussions. Although housing services always maintained their presence they rarely contributed unless asked. Irregularly a Criminal Justice Liaison Nurse attended for specific cases, but there was only rare representation from Social Services or other services. This led to decisions in MARACs being undertaken based on information gained outside of the MARAC (this information was not always shared in the MARAC, leading to some tension between agencies), with the MARAC primarily serving as a forum for probation key workers to confer with line managers and agree action plans.

It is important to note that this poor representation has been found in previous studies, such as Maguire *et al.* (2001); however, the tendency to communicate and share information outside of the MARAC, instead using the forum as a means of developing action plans with line managers was unexpected. This led to agencies other than probation and police often becoming frustrated with the lack of information sharing and may have been a factor in why some agencies rarely attended the MARAC. On the other hand, the culture of working practice that had developed within the MARAC may have resulted from the poor representation.

PART THREE: REFLECTIONS

Chapter 10: REFLECTING ON THE FINDINGS

This section discusses the findings in context of the wider literature in the field of sex offenders and work undertaken with them. The findings chapters (Hostel Practice, Hostel Life and the Hostel in Context) are integrated, facilitating a consideration of the operation and practice of the hostel as a whole system rather than as distinct sections. The two main themes of this section are: the purpose and practice of the hostel, particularly in respect to the rehabilitation and reintegration of residents; and the relationship of the literature on sex offenders to hostel life.

10.1 Working towards rehabilitation and reintegration

The purpose of the hostel was described variously by the different categories of staff members as well as by residents. Rehabilitation and reintegration were generally considered to be important parts of work undertaken with residents in the hostel, although not necessarily the overarching purpose of probation work. From the comments of staff and residents in the case hostel, it is apparent that there is some consensus regarding the purpose and role of Probation Approved Premises. It was agreed that work in hostels involved elements of: assessment of risk; supervision and surveillance; rehabilitation and reintegration; control and management; accommodation; and public protection. However, differences arose in the way in which staff members and residents described the relationship of these aspects of work to each other.

Probation officers, particularly those in MARACs, echoed recently produced Home Office (2004a; 2004b) and NPD (2005a; 2005b) perspectives, reflecting the overall aim of public protection work and the supporting role of rehabilitation, reintegration, management and supervision of offenders. They also highlighted the central role of hostels as sites of detailed observation of offenders but, in contrast to other respondents, they regarded supervision as helping them to assess the risk of residents and to manage those risks presented to the public. The management of risk in terms of public protection principles was considered to be the key purpose of hostels within

wider probation work; as high level surveillance and supervision is facilitated by a controlled residential setting.

However, whereas probation officer respondents and centrally produced guidance emphasised public protection as the overarching purpose, residential hostel staff were more likely to prioritise traditional goals of support and supervision within their reflections; focussing on reintegration and rehabilitation. Supporting Cherry and Cheston's (2006) fears that surveillance work may overshadow other aspects, the majority of residential officers viewed reintegration work to be the primary role of probation hostels, with supervision and surveillance being the primary method through which they achieve this.

Residents, although using less politically-charged language, largely agreed with residential staff. Both emphasised the centrality of the management of offenders and all that this entailed: assessment, surveillance and hostel rules. Although residents preferred the term 'control' to 'management', it is clear that both refer to the same set of activities. However, residents were less likely to acknowledge the need for their management, disagreeing that it aided their personal rehabilitation or public protection in the long term (once released from the hostel). Unlike staff, residents regarded the primary purpose of hostels as being supervision, without linking this to an overarching role of either public protection or reintegration. This focus may be occasioned by their position in the hostel. They are not privy to official guidance accompanying hostel work, and tend to regard those aspects which they are most aware of as being indicative of the purpose of the hostel. In the hostel, residents are most aware of the supervision mechanisms (curfew, observation, signing in book, room searches, drug tests and so on) and are less aware of other aspects of probation work that do not directly act upon them. This may explain why residents have a narrower view of the purpose of hostel work than staff members, but may also indicate why there are differences between staff groups.

That differences were noted between groups of hostel staff differentiated by their seniority in the hostel suggests that, as with residents, differences in opinion may be determined by status in the hostel. Those staff in decision-making positions that require them to be familiar with probation principles and work within the community,

reflect central policy and guidance. Those members of staff whose work causes them to focus inwards on the minutiae of day-to-day work in the hostel and with residents, tend to talk about the role of the hostel in terms of the work that they undertake; thereby generalising to the hostel from their personal role. In this respect they have a narrower view of the work undertaken in hostels than other staff respondents because they have a narrower focus to their work.

Irrespective of the status of participants, it is clear that rehabilitation and reintegration, along with associated ways of achieving these, are key aspects of the overall aim of probation work to protect the public. Although rehabilitative and reintegrative work may not always be in line with efforts to protect the public in the short term, in the long term such work is invaluable. Residents may only reside at the hostel or in similar supervisory accommodation for a finite period, therefore effective reintegration and rehabilitative work must be a cornerstone of protecting the public once the resident moves on from the hostel into community accommodation. In light of this, work undertaken in the hostel and the environment of the hostel must comply with the principles of effective and safe reintegration.

10.1.1 Techniques of rehabilitation and reintegration

Within the hostel, a primary method of working towards rehabilitation and reintegration is that of normalisation. Normalisation principles are enshrined within offence-focussed work (for example, SOGP) as well as in daily contacts with residents through pro-social modelling. Normalisation in this context refers to processes addressing offenders' deviant behaviour and thought patterns, often in the form of psycho-social therapies. In order to achieve the rehabilitation and effective reintegration of offenders, residents are first removed from social stimuli that shape their offending behaviour or challenged on cognitive patterns that support offending, this stimuli is replaced by new stimuli to promote a change to law-abiding behaviour. This understanding of the work within hostels reflects both Foucault (1977, 1980a) and Goffman's (1957; 1991) work on institutions. Foucault (1977) used the prison as an example of the function of disciplinary power, that of conforming people it acts upon into socially productive, 'normal' beings (in that they can be classified as conforming to conventional knowledges' concepts of normality). Similarly, Goffman (1991) used the example of an asylum to discuss both the specific conforming

function of the institution and how residents operate within power discourses, resisting power through secondary adjustments. In many ways, Goffman can be said to complete Foucault's concept of the individual within power networks (although, of course, Goffman's work pre-dated that of Foucault). The case hostel can be argued to exemplify the intersection of Foucault and Goffman's work on institutions.

That surveillance is often stated as a focus of work in the hostel echoes Foucault's (1977) understanding of the function of observations and associated judgements. Frontline staff in the hostel are expected to observe the behaviour of residents, recording any actions or speech that indicates residents are failing to conform to social norms. Judgements are made on the basis of these observations. Most noticeably, the observations are fed into the decision making process of the MARAC meetings, where decisions are made based on the indications of risk posed by these observations (and static factors, including offence history and family, for example). Residents are 'examined' in that they are 'tested' through home leaves, through giving residents more freedom, more responsibility, and seeing if they continue to conform to social norms with less direct disciplinary power exerted on them. Furthermore, the judgements made on the basis of the observations form a risk matrix, OASys, which is sold as a scientific tool to measure the likelihood of residents re-offending, or if they do so, the severity of the offence they would commit (Horsefield, 2003). Although this tool is believed to add little more to reports developed by key workers (focussing on residents' behaviour, attitudes, childhood, background and offence history), it has the veneer of science to lend it greater credence and validity (Horsefield, 2003). Foucault refers to this development of scientific tools to validate decisions as the development of 'knowledges' surrounding the conforming (or disciplinary) power exerted on the individual (Nettleton, 1994).

10.1.2 Resistance to rehabilitation and reintegration

As Goffman describes (1957), residents are not passive actors but may resist disciplinary power. He notes that in some instances secondary adjustments may seem altruistic (such as the granting of favours), but that actually this behaviour has a longer-term pay off for the individual (Goffman, 1991). This is the case for members of social groups within the hostel. Grouping, as discussed in Part Two chapter 8.3, serves a mutually beneficial function in that the members of the group provide a

supportive structure and coping mechanisms within the hostel (Buunk, 1996). However, individuals appear to engage in the group only to the extent they consider is in their personal interests. If they feel that attachment to the group no longer serves these interests then they start to distance themselves from the group (see, the behaviour of R3 in Part Two chapter 8.3.2). Residents found it difficult to avoid alliance with a group because membership of the sex offender group accorded with the four main functions of grouping: to reduce uncertainty by comparing oneself to others, to obtain social stimulation, to gain praise and attention, and to gain emotional support (Buunk, 1996: 346). Therefore, in various degrees individuals found membership of the group comforting, supporting, stimulating and a stage for their construction of a public image and social role (see Part Two chapter 8.3.3). Although group membership was a mainly positive position in the hostel for residents, the Scottish Executive (2003) warns that being part of a group can help offenders normalise their behaviours and fantasies in respect to other members of the group, often in contradistinction to the values promoted by hostel and probation staff.

As noted in Part Two chapter 8.3.1, although the observed grouping tended to be based on offence type, age was also an important differentiating factor. The influence of age in the establishment and maintenance of group structures has been observed previously in offender populations and related to the development of social networks in order to cope with the stressors of the environment. Yorston and Taylor (2006) noted that older prisoners express a preference to be accommodated in specialist units away from younger prisoners. Of particular relevance to the sex offender population studied in the hostel, Crawley and Sparks (2006) also found that older prisoners with strong family and social attachments found it harder to cope with imprisonment than prisoners without these attachments. Therefore, an observed coping mechanism was to sever these ties on entering prison. Social attachments formed in the institution then became an important source of social and emotional support in addition to the normalising function discussed in Part Two chapter 8.3.3. Crawley and Sparks (2006) also noted that older prisoners relied on each other to help settle into institutional life, and drew upon shared experiences and reminiscent narratives of life before or outside of prison. The older sex offender group in the hostel displayed all these supportive roles. Their shared primary pastime was simply conversation that tended to either dwell on 'outside' issues that gave residents the opportunity to reminisce, or they

focussed on group members similarities in opposition to other resident groups or staff. These broad areas of activity illustrate the two primary functions of the group, that it provides a support mechanism for residents' survival in the hostel and helps them to normalise their behaviour and feel 'part of something'; a feeling that prisoners have been observed to strive for (Yorston and Taylor, 2006). Therefore, the observed grouping in the hostel functioned as much along lines of age as according to offence type, with both distinctions developing informal support structures as coping mechanisms in the hostel.

In terms of reintegration, the coping mechanisms noted amongst older offender populations gives cause for concern. Although severing social attachments on entry to prison may help the offender in the short term, once in the hostel and looking towards moving back into the community, this strategy makes reintegration not only more difficult practically, but also emotionally. Crawley and Sparks (2006) found that older prisoners being released into the community commonly expressed anxiety regardless of the offence they were convicted of. This anxiety mainly stemmed from prisoners' confusion about where they would live, who they would share accommodation with, and their mobility. These concerns were found to be related to offenders' overall fear for their personal safety and how they would establish social networks given that theirs were often lost. In support of this, those residents in the hostel who expressed concern with move-on plans tended to be older offenders (although not exclusively so), all of whom had few or very loose social attachments, often these had been lost because of their offences and long prison sentences. In these cases, the most commonly expressed issues that worried the resident was personal safety. This was unique to the sex offender population; however, as no older residents (over 40 in the study population) were convicted of anything other than a sexual offence, it is difficult to infer the impact of age, although fear was generally expressed in terms of people or communities discovering the nature of their offences. Younger sex offenders rarely reported fearing the police or community reaction to their offences. This may be because either they were not fearful, did not consider such potential consequences of their offending, were more concerned with short-term goals, or preferred not to verbalise their fears. Alternatively, younger residents convicted of a sexual offence may not recognise themselves as a 'sex offender' because they do not identify their personal identity with the label, maybe because they are earlier in the offending

career. From their talk and observations of their behaviour, it is suggested that resident sex offenders in their early 20s tended to focus on their present circumstances, aiming to return to the community without considering what this may mean in practice. These findings regarding social attachment and fear support previous research (for example, Crawley and Sparks, 2006, and Yorston and Taylor, 2006), and the finding that the establishment of strong family relationships is a central aspect of hostel staff work in respect to the reintegration of residents, although in the case of sex offenders this may be tempered by concerns for public safety.

Grouping in the hostel also relates to other forms of resistance, such as techniques of neutralisation. The relevance to groups of presentation of self and the use of forms of denial is explained in Festinger's (1957) seminal work on cognitive dissonance. In Part One chapter 5.2 and Part two chapter 8.4, the relationship of denial to cognitive distortions was discussed, however, these distortions can be developed as a result of cognitive dissonance (the holding of incompatible attitudes or accepting the truth and validity of incompatible evidence). Individuals seek to reduce cognitive dissonance; if this can be achieved through changing behaviour than the individual has cognitive consonance, however, it can be difficult to change behaviour, even if the individual should want to. Instead they may seek to change the knowledge causing the cognitive dissonance. This may be achieved through invalidating it or the person asserting it, or by surrounding themselves with like minded individuals (normalising attitudes) (Festinger, 1957). The latter form of reducing cognitive dissonance relates to grouping.

As discussed above, groups form social support networks that can provide individuals with emotional support and a forum to develop rationalisations for their attitudes and behaviour (and thereby develop a public image of themselves) (Buunk, 1996). This method of reducing dissonance can also result in the observable use of techniques of neutralisation. For example, an offender's attempts to invalidate the person causing the dissonance may be observed in the technique, condemning the condemners. In the talk of R7 and R8 in Part Two chapter 8.4.1, they criticized SOTP and SOTP facilitators, saying that they were inexperienced and failed to understand the residents that they were dealing with. By reducing the status and capability of the SOGP facilitators the residents were able to discredit their statements and attitudes.

Therefore, the facilitator was unable to create the dissonance within the residents required to challenge cognitive distortions because they did not accept the values that the facilitator represented. Furthermore, the sex offender group may, again, undermine staff attempts at rehabilitation and reintegration. Some residents spoke about the influence of the sex offender group as being more powerful than staff and SOGP, it is suggested that this was because the residents spent more time with other residents, therefore their influence was greater. This opinion accords with Festinger's (1957) who states that the larger the group and the more that their values (norms) are compatible with the pre-existing attitudes of the individual, the more powerful the individual will find those values. Therefore, staff are at a disadvantage to the sex offender group in respect to influencing attitude change in individual residents. Residents recognised this in the study, but staff did not. Furthermore, staff failed to acknowledge the denial paradox evident within SOGP provision. This paradox assumes that all sex offenders enter treatment in a state of denial or minimization (Worrall, 1997). It was observed that those offenders who claimed that there were mitigating circumstances surrounding their offence/s or that they were not in full control of what happened, as well as those who completely denied, were regarded as demonstrating high levels of risk and being in most need of therapy and challenge. Those offenders who agreed that they were fully responsible; that they planned the offence and were in full control, were regarded as evidencing greater compliance with offence work and presenting less risk. The paradox lies in that offenders may be telling the truth, but it is always assumed that they are not, and those who admit greater forethought are considered less risky than those who claim that the offence was unplanned. This paradox is not only a concern for SOGP facilitators, but impacted upon work undertaken with residents in the hostel and in MARAC decisions. Information about the level of offenders' compliance and progress in SOGP is fed back to both the hostel and MARAC; if a resident's behaviour is interpreted negatively this judgement directly affects decisions made about their risk, motivation, possible future behaviour, whether to grant home leaves, family visits, employment and move-on arrangements. Maybe most importantly for residents, it affects the way in which staff interact with the resident and how these staff members subsequently interpret their behaviour in the hostel.

The manner in which residents use grouping in the hostel and the SOGP to reinforce cognitive distortions or to normalise their behaviour can be argued to be an example of a secondary adjustment (Goffman, 1991). Goffman described secondary adjustments as actions or modes of behaviour that are intended either to circumvent the rules and work of the institution or to directly breach it. The function of the group to resist the challenges posed by hostel staff and SOGP facilitators falls under this definition. Other behaviours that may be termed secondary adjustments include the informal use of space. In Part Two chapter 8.2.2, it was observed that groups used space territorially, as also observed by Goffman within the asylum (1991). However, whereas Goffman referred to free space as being that space which residents could be free of the (disciplinary) gaze of staff and CCTV, only one sex offender territory (other than bedrooms) could be described in this way; the garden. The garden was used by sex offenders almost exclusively, however, only by a small and consistent proportion of them, characterised by similarity of age and offence type. The predominant space used territorially by the sex offender group was the foyer. This was one of the most open areas in the hostel in that it was opposite the staff general office and was the entrance to the hostel. This very openness may have been where the secondary adjustment nature of the space lies. By choosing this area, sex offenders effectively were not watched routinely precisely because they were in an open space; it was assumed that they would be compliant in this area. Therefore, the group managed to construct an image of compliance to hostel staff and rules and avoided being the attention of the 'gaze' whilst controlling a strong position of observation themselves. Out of all the resident areas in the hostel, this space provided them with the most opportunity to observe and listen to the staff and also visitors, and it was from this position that they learnt illicit information (see Part Two chapter 8.2.3).

10.1.3 *Barriers to rehabilitation and reintegration*

The informal use of space by residents and resident groups also evidences the way groups form and structure themselves in such a way that they are physically distanced from other groups, staff and the local community. This appears to be a product of having a group identity and territory that can be used to not only differentiate others from the group, but also to create an inclusive environment for members that is regarded as both safe and, to some extent, private. This was noticed in the way that the sex offender group often sat in the public foyer, yet spoke relatively openly about

issues relating to sexual offences generally or their own specific offences. However, the use of space can hinder residents' reintegration by creating an environment that group members may be reluctant to leave. Residents often spoke about their fear of re-entering the community, which has been noted in other research, most specifically U.S. studies, where the use of notification has been noted to raise offenders' fears and concerns, not without some merit (Levenson and Cotter, 2005a; Tewkesbury, 2006; 2005). Residents mostly feared their ability to establish social networks outside of the hostel (and without the support of agencies), including family networks, friendships, employment and housing. This concern not only stemmed from their worry about starting again after prison, but how people may react if they discovered they had been convicted of a sexual offence. The level of concern discussed by residents in the hostel did not match that raised in U.S. studies, as may be expected due to the implementation of Megan's Law (community notification), but the issues remained the same.

In the same way that the boundary of the group may make residents' less likely to easily reintegrate into the community, so may the physical structure and organisation of the hostel itself hinder reintegration by establishing physical boundaries between those resident in the hostel and the community outside. The building itself is the most tangible difference between living in the community and living in the hostel. The constraining influence of the rule structure on aspects of resident reintegration can be observed when considering issues of employment and family relationships. Both are encouraged within the hostel and within the wider hostel network (Home Office, 2004f), however, curfew times in particular restrict the types of employment that residents can gain and the amount of time that residents can spend with family members. Additionally, the stigma of being known as a sex offender or associated with a sex offender can reduce offenders' chances of employment and maintaining positive relationships (Tewkesbury, 2005; 2006). This forced distancing from the local community may further encourage residents to form strong social groups in the hostel. Conversely, it is these groups, once again, that can provide a supportive environment which may mean that residents do not feel the need to leave the hostel in order to gain or maintain social relationships. It was observed in the case of R4 that residents can feel that the hostel provides them with much of what they want – accommodation, social support, leisure activities, and practical support such as meals,

laundry facilitates, and security. Many of these aspects of hostel life provide the support that sex offenders feel they need in order to allay their fears about reintegrating into the community. Interestingly, although Foucault (1977) describes institutions as exerting a conforming influence on residents, Goffman (1991) argues that they perpetuate residents' abnormality and difference from outside society (he tempers this argument for hybrid institutions, acknowledging a possible conforming effect depending upon the purpose and organisation of the structure; Goffman, 1957). He claims that this is achieved through the same mechanisms that Foucault refers to; segregation, isolation and surveillance. The nature of the hybrid institution, falling between the conforming purpose and isolating purpose, may start to explain organisationally why the aims of reintegration and rehabilitation are difficult to achieve in a hostel setting.

Presenting a further barrier to the effective rehabilitation and reintegration of residents is the attitudes of staff members towards residents. It was observed that permanent staff members often referred to both their working time in the hostel and contact with residents as potentially dangerous. This attitude stemmed from their understanding of residents as presenting a continual risk of harm to themselves and other residents, and that this risk could not be effectively managed. Many staff often spoke about residents, especially sex offenders, as being without the capacity to change and manage their own offending inclinations in the long term. Short term compliance in the hostel was believed to be the product of the powerful conforming process in the hostel (disciplinary power); once the resident was free of these constraints it would only be a matter of time and opportunity before he would re-offend. That frontline staff working with residents on a daily basis expressed these views, and consistently used residents' index offence as their primary identifier, indicates that although staff professed to working towards the rehabilitation of residents, they did not believe that this was achievable in most cases. In this, important aspect of their work, staff felt that they could not succeed, although they still practised rehabilitative techniques (most of which were a contracted part of their job). Staff were conscious that their personal opinions should not effect or be reflected in their work with residents, however, these beliefs appeared to colour their interactions. For example, where residents may request items in the hostel, staff often interpreted the request as an effort to exercise control and power over staff. Similarly, where residents appeared to form friendships

in the hostel these were often viewed as indicating risk and believed to not be genuine. These relationships may or may not have been genuine friendships, but staff automatically assumed manipulative intent by sex offenders based on the assumption that all sex offenders are manipulative. The general dislike of sex offenders and the negative beliefs that many staff held regarding them was only observed being expressed in staff areas (with one exception, see Part two chapter 8.1.2). Despite this, residents overheard or inferred these beliefs and opinions, occasionally using this knowledge to discredit staff (either as a group or an individual) and the work undertaken with them in the hostel, in the same way that values expressed by SOGP facilitators were neutralised by discrediting the facilitators themselves.

In summary, it is notable that there are a number of aspects of hostel life and hostel work that undermine the work of staff to rehabilitate and safely reintegrate residents into the community. Grouping is the main aspect, but grouping cannot be considered in isolation from other issues such as techniques of neutralisation, use of space, attitudes of staff members and the rules of the hostel. In most cases the negative effect that these aspects of hostel life can have on the work of staff in the hostel was not recognised; the exception is the curfew period, but this was commonly accepted as being necessary to protect the public from the offender and to protect the image of the hostel.

10.2 The relationship of the literature to the practice of the hostel.

The literature on sex offenders in the community (in chapter one) tends to focus on a number of key issues, namely: registration, community notification, police and probation supervision work, housing in the community, treatment and MAPPA and MARAC arrangements. These concerns are generally poorly reflected in the central aspects of probation work observed in the hostel. This gap appears to lie in the difference between policy and media debates and daily work with offenders. Emotive debates such as the proposed 'Sarah's Law' were rarely mentioned in the hostel and did not feature in staff or MARAC discussions. Likewise, in the hostel, both staff and residents were primarily concerned with practical issues such as availability of suitable housing and the management of risk in the hostel; how to achieve these in practice (as opposed to policy) is rarely addressed in published work.

A dominant issue in the literature is the debate surrounding the sex offender register. All sex offenders resident in the hostel are subject to their licence conditions and registration which requires them to register their address, employment and other details with the police (Sexual Offences Act, 2003). These formal controls are intended to help manage residents' offending behaviour, yet in the hostel the sex offender register had little controlling influence because of two considerations. First, that residency in the hostel meant that the majority of registrable requirements were automatically recorded (for example, where the offender lives, where they visit, change of address or name), meaning that the offender did not have to consciously abide by the register. Secondly, licence conditions tend to be more restrictive than the register (for example, prohibiting contact with individuals or places, prescribing a place of accommodation such as the hostel where the offender can be observed daily rather than randomly). Furthermore, if an offender breaches their registration requirements the police must apply for the individual to be prosecuted for the breach, however a breach of licence can result in an immediate return to prison under the Criminal Justice and Court Services Act 2000 (Wincup, 2003). Therefore, the register is neither a deterrent to offenders, nor an aid to police or probation work for those offenders in the hostel. The register does, however, support the work of probation officers in the hostel and provides a means of control for those residents that either abscond from the hostel or remain in the hostel after their licence has expired (see the case of R1, Part Two chapter 7.1.2). Although the register is a means of supervising offenders when they leave the hostel, abiding by it was not a concern for residents who spoke about moving out of the hostel. Amongst those who were fearful of living in the community, registration was not cited as a source of concern; no offender talked about their behaviour or potential to re-offend as worrying them, they either did not mention their offending behaviour or asserted that they would not offend again, instead they always referred to the behaviour of others or general social isolation. This indicates that the potential disclosure of their offences is more of a concern than the register, despite 'Sarah's Law' not being statute to date. When asked what they thought about Sarah's Law, the majority of sex offender residents discussed ways that it may jeopardise successful reintegration into the community, although most accepted that those vulnerable to a sexual attack would appreciate the law (in a similar vein to that found in the U.S. in relation to community notification) (Levenson and Cotter, 2005a; Tewkesbury, 2006; 2005). Some residents also talked about how disclosure

may affect their behaviour in negative ways (other than the intended effect of conforming to social values) (Zevitz and Farkas, 2000). However, those sex offenders who still had contact with their children and partner were more likely to express some measure of support for 'Sarah's Law'. For example, R3, a sex offender convicted of gross indecency, was father to two young children and maintained a relationship with his partner, talked about how he would appreciate knowing that his children were safe. At no time in the conversation did he talk about notification in terms other than as a loving father. This may have been because he wished to portray himself in this light, ignoring his own status as a registered sex offender. However, it may be that this role, that of father, may have been the role that he most identified with, and therefore answered the question in relation to. This understanding of the social value of notification (for society, if not for the offender) supports U.S. studies, for example, Levenson and Cotter (2005a) found that 25% of their sex offender participants agreed that it was fair that communities should be informed about them, although they disagreed that the information released should include their work and home address, their vehicle registration, or phone number.

It has been noted in the literature that the location and type of housing for sex offenders is important to a number of interest groups, to public protection and to reintegration (Baldry *et al.*, 2002; Atkinson *et al.*, 2005). Types of housing favoured for sex offenders have included those with internal surveillance techniques such as concierges and CCTV (Cowen *et al.*, 2001), which can help police and probation services manage the risks posed by known sex offenders in the community. However, this use of accommodation can group sex offenders, and although only those hostels that are situated away from sites where people may be placed in danger by sex offenders admit such offenders, hostels can also be a site of grouping. It was observed that the case hostel, although mixed by gender and offence, comprised (over the entire fieldwork period) a high level of sex offenders, ranging from approximately 60-70%. Over 75% of those sex offenders in the fieldwork period were convicted of sex offences against children. These offenders tended to group naturally together, perhaps through shared interests and experiences (mediated by age factors), although it was noticeable that many offenders regarded the hostel as an extension of prison life (similar to Foucault's concept of the expanding carceral net [1977]). In prison, sex offenders tend to be segregated for their own safety, either on Rule 43 or in specialist

Vulnerable Prisoner Units (VPUs) (Worrall, 1997). This tendency for sex offenders to be so arranged in prisons may be why grouping is endemic to hostel life. For example, many sex offenders in the study had been accommodated under these conditions with each other and appeared to regard informal segregation as both an automatic and natural arrangement based on their prison experiences, but also because it served the same purpose of protecting members of the group. The efficacy of hostel accommodation needs to be considered from the point of view of residents as well as the criminal justice system. In line with the findings from this study, Silverman and Wilson (2002) found that hostels were organisationally similar to prisons and Baldry *et al.* (2002) also observed that hostels can perpetuate prison institutionalism, which accords with the literature on older offenders (Crawley and Sparks, 2006; Yorston and Taylor, 2006). On the one hand, sex offenders and other hostel residents may find this carceral expansion supportive and comfortable⁶¹, but it hinders a smooth transition into the community.

Therefore, while, superficially, accommodating a high proportion of sex offenders together seems risky, it facilitates more targeted offence focussed work to be undertaken, as well as ensuring that the offender is not in an environment where they are placed at risk. Therefore, the organisation of hostel accommodation for sex offenders is a balancing act between helping sex offenders to normalise their behaviour, and working more effectively with them.

The gap between work in the hostel and the literature on hostels is as divergent as that regarding sex offenders. Official guidance for the work and operation of hostels is outlined in the *Approved Premises Handbook* (Home Office, 2004f), which covers a comprehensive range of areas of work in hostels, including: the role of managers, staff training, health and safety, finance, admissions, regimes, drugs, tenancy rights, supervision and recording and monitoring. Although these areas were observable aspects of the work in the hostel, they are not a comprehensive list of those issues that are of importance in the hostel to either staff or residents. As discussed in the findings, informal issues such as the use of space, grouping and individuals' personal attitudes were all important and influential aspects of life in the hostel not addressed in the

⁶¹ Many offenders reported that they preferred prison, see Part Two chapter 5.2.2.

handbook. Herein lies a primary difference between much of the literature on probation hostels and observations in the hostel: the limited literature on hostels tends to discuss and critique policy whilst in the hostel policy was mainly taken for granted.

Therefore, the majority of the vast literature on sex offenders does not reflect the day-to-day or strategic priorities of work in the hostel. Also, the small amount of work undertaken in hostels often fails to reflect the practice and experiences of those people residing or working in them. An exception to this criticism is Emma Wincup's work on the experiences of staff working in four probation hostels, however, this study did not gain offenders' perspectives, and so the study reported here adds to the work undertaken by Wincup to give a more complete picture of hostel life. The lack of research in this area indicates that work and life in hostels has been under-researched to date, irrespective of the offender population, and that the literature on sex offenders leaving prison and entering community accommodation neglects this vital aspect of the criminal justice system.

Chapter 11: REFLECTIONS ON THE FIELDWORK

Gaining access to a research population or site can be a very delicate negotiation as indeed can terminating research relationships. Researchers, when reflecting upon their fieldwork, often write about how they accessed a population or site, but rarely reflect upon how they exited. This chapter reflects upon the process of undertaking fieldwork in the hostel and the challenges faced at different stages. This section is written in the first person to ensure clarity in the reflections.

11.1 Gaining Access

Recently, within reflective accounts, how access to a research site or population was gained is increasingly being discussed, however, it is still common for published accounts of research to deal only briefly with this issue (Sixsmith, Boneham and Goldring, 2003). Resistance to research may be met in the field, especially amongst participants for whom secrecy may be important, or for those who are wary of being observed (Kalir, 2006). Central elements of access are gatekeepers. These people can help or hinder research depending upon their personal thoughts on the validity of the research and its value, as well as their approach to the welfare of the people under their charge. Many researchers have found that if they have personal contacts with the study population or site then access is much easier to negotiate (Duke, 2002; Wilkes, 1999). Gaining access via managers or supervisors can be helpful to ensure unlimited access to a population (who may then consent to take part in the research or not) and gives the research credibility amongst staff working within the site. However, problems can arise as other people may regard the research and the researcher suspiciously (Lee-Treweek, 2000). Commonly gatekeepers may need to be negotiated with on a number of levels, for example, strategic managers, operational managers and informal leaders of the research population (Mulhall, 2003). These gatekeepers may be categorised as internal and external gatekeepers (Ortiz, 2004), or as formal and informal gatekeepers (Delamont, 1992), characterised by their control of access to the research site as a whole or the participants within the site. That various levels of gatekeepers may need to be approached indicates that gaining access is not a single event but part of an ongoing process that may need to be revisited over the course of the fieldwork (Duke, 2002).

11.1.1 *Accessing the Hostel*

In order to access the hostel setting I needed to obtain permission from a number of probation officers who acted as gatekeepers to the hostel site, hostel system and residents: the Area Probation Manager, MARAC chair and Hostel Manager. These individuals represented the formal level of gatekeepers. As Mulhall (2003) found, further informal gatekeepers also needed to be approached before staff and residents would fully participate in the research. Initial approaches were made to the Probation Hostel Manager six months before the planned commencement of research. He approached his line managers on my behalf and was extremely enthusiastic about being involved in the research, mainly because he valued the opportunity to engage in research and to gain insights into the functioning of the hostel. He was also able to facilitate access to members of the MARAC and acted as the point of contact for me within the hostel and with field probation officers. His enthusiasm in presenting the research proposal to other gatekeepers was undoubtedly key to their agreement to the work, especially as I was not introduced to them until after the fieldwork had commenced.

Initially, the support and encouragement given to me by the Hostel Manager was very welcome and made me feel that my research proposal was not only valid and viable but also useful. Despite this, I was surprised that although the literature, as outlined above, warned new researchers of the problems and pitfalls of gaining access, particularly to relatively closed institutions and to risky or vulnerable populations, I seemed to have achieved this process quickly with minimal effort. However, I came to learn that although formal access had been agreed quite easily, the relationship that had developed between myself, the research project and the hostel manager demonstrated the power that one gatekeeper may have over the research project and also in contacting other gatekeepers whose approval needed to be sought. I anticipated that a number of levels of gatekeepers would need to be approached, but I did not appreciate that the Hostel Manager could limit access to higher levels of gatekeepers so completely (the Area Probation Manager, for example). This degree of power over the transmission of information regarding myself and the project to other gatekeepers resulted in the Hostel Manager being the primary gatekeeper. That the manager was in contact with me on a daily basis while the fieldwork was being undertaken enhanced the power he could exercise over the project through his control

of information. Similar power differentials as observed between myself and the Hostel Manager regarding the research have been noted in other ethnographic reflections such as by Harris (1997) and Funder (2005). Harris similarly conducted fieldwork within a community based institutional setting. She was also unprepared for her powerlessness, discovering that she occupied a position of ‘absolutely no status, power or even credibility in the setting [...]’ (Harris, 1997; 7). My powerlessness in respect to accessing the hostel meant that throughout the fieldwork period other than my label of ‘researcher from the University’ (which was not always helpful as it identified me as an outsider), the only protection I and my fieldwork had in the hostel was the support of the hostel manager.

11.1.2 Negotiating staff gatekeepers

At the manager’s suggestion, I worked in the hostel in a paid casual role (providing cover for sickness, holidays and training) prior to the commencement of the formal research phase. This suggestion presented an immediate dilemma: it was an opportunity to uncover the inner workings of the hostel and the systems in place from the inside, but it could potentially undermine my position of neutral observer in the hostel. The strengths and weaknesses of this approach are outlined by Reiner (2000) in relation to his research on the police, particularly regarding the balance between objectivity and ethnocentricity and between subjectivity and understanding. Becoming a member of staff meant that access could be more easily negotiated, but could also mean I would be perceived as a ‘spy’ for management by front-line workers and residents. However, remaining an outsider researching the hostel might lead to the informal structure and practice of the hostel never being revealed. Therefore, this approach could afford me many opportunities, but could also present me with difficulties. In the end, I decided that in this instance it was worth the risk and accepted the role in order to gain an internal perspective of working in the hostel. In order to limit the dangers of the role, a compromise was reached; I worked in the hostel for four months, leaving a three month window before re-entering the hostel as an independent researcher. This allowed information gained through working within the hostel site to be gathered whilst, hopefully, allaying fears regarding my partiality. Only two residents were still in the hostel after this three month period; when explained to them, the differences in my role were understood. This process was facilitated by being open about the proposed research throughout my time working in

the hostel. My experiences contrast with those of Harris (1997) who found that she had great difficulty in explaining her 'other than staff' status. Her position in a rehabilitative, residential institution for people suffering from profound deafness is comparable to my own, and her strategies for ensuring people were aware of her status and research were likewise similar. Nevertheless, she states that her participants found it difficult to separate her from staff. This may have been because she took on a more staff-like role, undertaking staff duties and also residing at the hostel. She admits that she went a 'bit native' (Harris, 1997; 5), over identifying with staff, and this may have made her role unclear and affected her research relationships.

The time spent working in the hostel not only offered a greater and more detailed understanding of the role of the hostel, staff and Probation Service, it also allowed me to become thoroughly conversant with the systems in place to monitor the residents and the efficiency of the hostel. Importantly, it encouraged a more robust and genuine rapport to be established with staff working within the hostel and related agencies. This relationship with staff was valuable in terms of accessing information throughout the study and overcoming some of the difficulties of continually negotiating access to essential information, for example, reiterating the purpose and remit of the study and ensuring that gatekeepers are not alienated by the research process (Duke, 2002). Until the latter stages of the project, residential staff continued to regard me as 'one of them', talking openly and without concern in front of me, in response, at this time I felt comfortable with staff and was able to react to sensitive situations (such as staff joking about how they would like to kill residents) with greater ease than I may otherwise have done.

Initially I entered the hostel system with a view to exploring the experiences of the people charged or convicted of sexual offences who resided there. Over time the focus was revised and more specific questions emerged, for example, how people charged or convicted of sexual offences used forms of denial in their general behaviour as well as in relation to their offences. This exploratory approach helped to manage criticism (particularly from staff in the hostel) about the topic of sex offending, as it was understood that I was not testing an hypothesis or commencing the research with pre-conceived ideas about current working practices. Funder (2005) criticises how open a method can really be, asserting that no researcher can approach

any situation, however alien or familiar, without prior experiences, socialisation or theoretical understanding of the environment. I agree with this criticism in essence, however, I felt that I had few prior expectations about the operational working of the hostel, which developed into my primary research focus, perhaps because as I initially intended the sex offenders to be the focus of the project my pre-conceived views relating to sex offending overshadowed my thoughts about the hostel. Once I had decided to undertake research into the hostel, I continued to regard the hostel system as merely the setting, not the central issue it became, therefore giving it little consideration at first.

11.1.3 *Negotiating resident gatekeepers*

Once access to the hostel was achieved the consent of residents had to be negotiated, which was a challenging and ongoing process. Although the research was conducted solely within the lower floor of the hostel (the 'public' areas) I was aware that, for residents, the hostel was 'home', albeit temporarily. It was, therefore, necessary to explain the research clearly and on a regular basis. This helped to ensure that participants were conversant with the purpose of the study and the nature of their involvement without intruding unnecessarily in their everyday lives. It was difficult to ensure that participants were always aware or clearly remembered my role, but my repeated explanations did not disadvantage my fieldwork, rather I felt that it helped to remind participants that I was distinct from both staff (representing officialdom) and resident groups. It also helped me to clarify my thoughts about the direction that the project was taking, therefore, it acted as a prompt for me to further reflect upon my progress.

The hostel manager and I were aware of tensions between residents who had been convicted of sexual offences and those who had been convicted of other offences and were careful not to exacerbate these. Whilst I was keen to provide residents with as much information about the project as possible, it was decided, in consultation with the hostel manager, to present the project as a study into the experiences of residents *per se*, thus omitting the focus on those residents charged or convicted of sexual offences.

This approach worked well in practice as residents were willing to talk to a neutral party. However, the initial consent given by residents quickly became obsolete, not only because of the timescale of the research, but because the resident composition was constantly changing. Established residents who had lived in the hostel for many months acted as informal gatekeepers to other residents by introducing me to them, thereby giving the research some credibility and myself an 'other than staff' status. I ensured new residents understood the research by taking time to explain the purpose of the study after being introduced.

It was sometimes difficult to know to what extent consent from residents was truly voluntary. This concern was highlighted when a member of staff introduced a resident to me, commenting that they may be required to speak to me at some point, and that the resident's compliance with requests in the hostel was part of their conditions of release. I quickly took the resident to one side and explained that participation in the research was entirely voluntary. This incident illustrates how staff members could act as impromptu gatekeepers to a resident. Although their interventions were mostly intended to be helpful, they could easily undermine my presentation of the research and my position in the hostel. By linking me with hostel requirements of the residents I could become regarded as a spy of the staff, fostering suspicion within the resident population; a situation which would limit the co-operation of residents, and consequently the quality of data gathered.

Restricting my access to residents was not the only form of gatekeeping residents undertook. They could also restrict or skew the information that I was able to access. For example, residents became very interested in the project, enquiring about its progress and relating incidents that may have happened since my last visit. Whilst this was useful, selectivity bias in these instances was a concern, although over time it was evident that residents were often bored and related anything of note to a new audience. In these instances I learned not to rely on any one individual's account of incidents in case of bias of perspective; care was taken to discuss incidents with other residents and staff in an effort to not only establish commonalities, but also the differences in accounts and interpretations of events. These precautions aided my circumvention of the gatekeeping activities of individuals or interest groups.

11.2 Rapport

The main negative resulting from the primary role taken by the Hostel Manager was the large degree of control that he retained over the research study once access had been achieved. When negotiating access, it was initially agreed that I would have full access to all residents, staff and case files, but over time this was restricted to individuals at the manager's discretion. For example, when a male sex offender who targeted adult women was admitted I was asked not to approach him for interview as staff were concerned that he posed a considerable risk to women and they could not ensure my safety within an interview environment. Although this prohibition was in the interests of my personal safety I felt that I had little ability to resist the control that the manager exercised, as if I did not maintain a good relationship with the manager he was in a position to stop the fieldwork immediately by withdrawing his consent to my accessing the hostel. This meant that on occasion I found myself treading very carefully between the requirements of the hostel manager and my ethical position as a social researcher. I found this difficult at times because I felt that he was overly protective of me, maybe because I was a lone female working with high risk sex offenders, but also, as he admitted in conversation, because he had a responsibility to ensure the hostel maintained a positive public image within the local community.

The conflict between my research and the manager's demands was highlighted in a conversation with the hostel manager approximately half-way through the fieldwork, in which he asked that I inform him or the deputy hostel manager if I became aware of anything that might undermine their work with residents. This request encompassed a vast amount of behaviours and attitudes that were demonstrated by residents. Although, this placed me in an awkward position, I did my best to reassure him that if I became aware of any behaviours that indicated an escalation in risk of re-offending or of previously unknown offences relating to an individual resident I would inform him, however, in order to maintain confidentiality and anonymity of my participants I could do no more. This position was a reiteration of my original stance on disclosure and was already part of consent forms and information presented to participants undertaking formal interviews (both staff and residents). This position was accepted although towards the end of the fieldwork a similar request was made regarding an individual resident which I also refused. On each request I felt uncomfortable, although confident in my position. I was aware that the hostel

manager believed his requests were entirely reasonable, especially in the interests of public protection and risk management, however, I had guaranteed all my participants anonymity and a degree of confidentiality (as explained in Part One chapter 6) which I had to maintain.

Funder (2005) reflected upon his experiences of rapport, noting that the establishment of rapport is necessarily disingenuous in that it is purposeful, at least, though not always solely, from the perspective of the researcher. Funder implies that the researcher may not present their feelings or perceptions of people and events honestly, if at all. This was certainly true of my experiences in the hostel; I presented my emotions and reactions in ways that I felt would best serve my interests in terms of gathering reliable and rich data. I managed this presentation almost unconsciously, with little calculated thought. My personal reactions and emotions towards the hostel staff and residents were rarely considered at the time of the fieldwork, except when the emotions of others were data in themselves or prompted the restriction of data (gatekeeping activities).

However, rapport is not simply about the researcher presenting a less than honest, if not false, representation of their self, it is necessarily a further dimension of power relations between the researcher and the researched. Although it may be assumed that rapport favours the researcher this is not always so. Funder (2005) also comments that the researcher may be lulled into believing that, because they feel they have established rapport, their participants are frank and candid with them, but they may not be. I was aware of this in my field work as even where residents seemed comfortable with my presence and at ease in general conversation, it was apparent that they would tell me or other residents and staff half-truths, lies and stories in order to present an image they wished to portray or to gain greater status, either within the research, the hostel, or both. I endeavoured to manage this through triangulating my data and checking the veracity of individual accounts against each other. However, the way in which residents used my relationship with them and members of staff was interesting data in itself and has been mentioned in relevant sections of chapter two.

A further aspect of the use of rapport is that it could also be a mechanism for participants gaining power. The ability of researchers to gather rich and detailed data

depends upon the establishment and maintenance of positive relationships. Therefore, some degree of power over the research is passed to staff and residents as their trust in me is crucial to their choice to participate (Kalir, 2006). This was especially evident in my relationship with the hostel manager, but also notable with other hostel staff.

As I came to the end of the fieldwork phase of the research my personal feelings towards the hostel and the work undertaken within it, and towards individuals, became less easy to ignore. It was at this stage that I began to give them consideration. Delamont (1992) comments that often it is when a researcher becomes aware of changes in their attitudes towards their research population (perhaps recognising an inclination to turn native) that they start to consider leaving the field. For me it was when I felt that I could no longer face undertaking fieldwork in the hostel, finding my position increasingly uncomfortable and difficult to negotiate, that I started to ease out of the hostel (Taylor, 1991). When I considered the journey of emotions that I had come through I realised I had entered the hostel assuming I would have more in common with the staff, that I would naturally identify with them and have to consciously endeavour to 'see the residents' side'. However, the longer I stayed in the field the more I identified with the situation of residents in the hostel. I, like them, occupied a limbo world; but my world was an isolated one where I was the only one in a position of not-staff, but not-resident. Perhaps surprisingly, residents were more ready to accept me into their group, if only partially or temporarily, than staff. I felt this was because residents did not feel as threatened by me and my position as much as staff may have done. In conjunction with this greater acceptance by the sex offender group, I started to feel that the sex offenders that I was studying did not represent a dangerous or monstrous sub-group of society as presented by staff and media images, but they struck me as sad (unhappy), poorly socialised, slightly pathetic men (remember no female sex offenders were resident in the hostel during the study period). This impression was not universal, but it was common to the collective. The main difference in the group was that between child sexual abusers and those that offended against their peer group (mainly adults). The latter group tended to be more pro-active in trying to gain attention, sometimes negative attention if positive attention could not be achieved. I felt that this group were still unhappy, often with a low sense of self-esteem. Their poor socialisation was evident in their

often desperate attempts to impress and to be liked (or simply to gain attention) which normally backfired somewhat (as staff and other residents found them tiresome and difficult to tolerate). I felt that the child sexual abusers group possessed many of the same qualities but manifested differently; they often exhibited a general air of despondency and resignation, perhaps resulting from their loss of social status and relationships. They were less forceful in trying to gain attention, but often it was observed that actions that were obviously meant to be helpful resulted in others becoming exasperated or annoyed with the resident. In many ways I started to feel sorry for the sex offender group as a whole; to feel that they had little chance to start again after leaving the hostel. Yet, at the same time I understood the point of view of staff; these people had committed some very serious offences, they did not show remorse, they did not show a genuine inclination to address their offending behaviour and so deserved little sympathy or pity for the situation that they had got themselves in. I was also aware that the manner of some offenders was deliberately low key and understated in order to gain sympathy and eventually laxer supervision. Throughout the entire research project, this conflict haunted me; I have still to reconcile it.

11.2.1 *Gender*

It has been suggested to me by colleagues that a consideration of my position in the hostel and my research relationships in respect to gender may be valuable. The primary assumption tends to be that as a lone female researcher working with medium to high risk sex offenders I could have been placed in a position of danger or felt threatened. Occasionally I did feel uncomfortable with the way in which residents talked about their management by staff, their own offending behaviour and attitudes towards women, children and victims of sexual abuse, but I felt that my reaction was not so much do with my being female as feeling that the residents were reflecting attitudes and beliefs that continued to support their offending behaviours. I believed that I would feel the same had I been a man listening to these conversations, because the speech of the residents would have continued to reflect supportive cognitive distortions and techniques of neutralisation. I accept, however, that I may have been more sensitive to negative attitudes towards women, and perhaps children, because I am female and may have been socialised to notice the expression of such attitudes.

A further methodological concern stemmed from my position in a predominantly male environment researching male sex offenders. My gender (and theirs) may have influenced the way in which I responded to participants and also they to me (as Neff Gurney, 1991, notes, rapport is harder to establish and maintain if the characteristics of the researcher and researched are at odds). After much thought, I continue to feel that my gender did not have the impact that my colleagues imagined. I agree that as a female I may have been regarded as less threatening than a man (Neff Gurney, 1991), but that this was tempered by particularly residents' greater difficulty in identifying with me (and perhaps I with them). I was concerned that a male researcher may have gained greater confidences in respect to attitudes to offending behaviours, as residents may have believed that a man would be more likely to understand their offences or empathise with their attitudes and belief structures. However, given the lack of reflective accounts of conducting ethnographic research with sex offenders I have little on which to base this fear. I certainly did not observe residents generally favouring male staff over female.

Further consideration of the implications of gender in respect to not only methodological and practical research issues, but also the grouping in the hostel would be useful. Although not undertaken for this thesis, the data can be re-analysed to explore the significance of gender, most specifically, the importance of forms of masculinity to status in the hostel.

11.3 Exiting the site

How researchers leave study populations or sites can also be complex to negotiate, especially within ethnographic studies. McLaughlin (2005) emphasises the importance of developing an exit strategy during the design phase of the research, acknowledging the need to ensure that any strategy is flexible to the needs of the research and events in the research population or site.

Researchers may face challenges exiting research sites resulting from their own reluctance to leave, including issues arising from their research relationships with participants. It can be difficult, however the exit is approached, to leave the participants without feeling that there might be further questions to ask (Ortiz, 2004). Researchers need to be aware that leaving the field is not simply about ending the

fieldwork, it is about withdrawing from a population (Taylor, 1991). This can be an emotional time for both the researcher and the participants and need to be managed sensitively. Of particular concern is that people who have participated in the project can become attached to the researcher, especially if the research has been conducted over a lengthy time period and they have spoken to the researcher about personal and sensitive issues (Jacobsen and Landau, 2003). Therefore, a common method of leaving the field is 'easing out' (Taylor, 1991). However, it is noted that when to exit a study site may be chosen by the researcher or determined by other factors. Researchers choose when the time is best according to the data that they planned to gather and when it is politically appropriate to leave, however, on occasion researchers may find that they have little choice, being pressured by gatekeepers or issues of researcher safety (Calvey, 2000).

11.3.1 *The beginning of the end*

The participation of staff in the hostel needed to be negotiated on more than one occasion. In the observation phase staff could either withdraw their consent explicitly or implicitly by declining to engage with myself or the research. However, staff, who all knew the precise focus of the study, were usually willing to talk in detail about a subject they held strong views on. The attitude of most staff towards my presence in the hostel did not change over time. There were, however, three members of staff (from a sample of 21) whose attitude did change. One female casual staff member did not fully understand my neutral role, and once complained to the hostel management that I was not helping in the hostel enough; this was despite being informed about the project and method beforehand and not knowing me when I worked as a member of staff. In the other two cases this change was due to mistrust. One female permanent member of staff continually endeavoured to restrict access to residents, staff and information through being generally hostile and refusing access to staff areas. The third member of staff had also not known me when I worked in the hostel yet had been open and frank initially; his attitude declining into mistrust toward the end of the fieldwork. At the time I felt that this change was because I had already been in the hostel for twenty-one months and I had reached a point when staff were starting to become restless with my presence. Concerns were being raised regarding what data I was collecting and how I would present it. However, simultaneously I observed growing suspicion regarding the research purpose from hostel and MARAC

management. Initially I worried that I had managed my relationships with members of staff badly, but on reflection, I mostly attributed the changes to outside factors; in the last two months of the fieldwork the MARAC feared information was being leaked out of the hostel.

Concern regarding the leaking of information was connected to staff members' preparation for a Home Office inspection. Hostel management in particular were becoming increasingly interested in the opinions and likely comments of myself and outspoken residents, any one of which may be randomly chosen to speak to the inspection team. Primary gatekeepers (the hostel manager and MARAC chair) became concerned about the confidentiality of the data I had gathered and requested data security details be submitted in writing to the Probation and Police Services. Although this was easily done, the sudden nature of the request caused me to be concerned. Upon asking, the hostel manager and police representative in the MARAC reported that they were worried about information relating to the nature of the hostel and types of residents accommodated being leaked to the general public. The existence and nature of the hostel was by no means a secret to the local community and had been documented through many newspaper articles over time, however, I was worried that the concerns raised would jeopardise the fieldwork.

As many researchers have also found (*cf.* Calvey, 2000), exit from the hostel was driven by external factors rather than a planned strategy. However, the MARAC request for security information prompted me to reassess the amount and quality of the data I had gathered. In addition, I had, like Ortiz (2004), started to feel 'trapped' in the hostel; only continuing the fieldwork out of a sense of duty and habit. Although I had, up until this point, ignored these emotions I realised the data I was collecting was no longer adding anything to that already gathered and I was now in danger of compulsive data collection (Ortiz, 2004). This meant that I neither had the desire nor the reasons to further negotiate access to the hostel. At this time I had three months left of my planned fieldwork phase of twenty-four months. As I had reached data saturation I became concerned that undergoing sensitive negotiations to ensure that I gathered detailed and open data for the rest of the planned period was not only unnecessary but might endanger my relationship with hostel management. I, therefore, planned my exit from the hostel without fully resolving all these issues.

11.3.2 Leaving the hostel and participants

The manner in which I withdrew from the study site was particularly important, as many participants had disclosed personal information to me and I had been privy to highly sensitive data over a long period of time. These issues demanded that I exit the site with care and consideration for those participants still resident or working within the hostel because they were understandably concerned that data relating to them would be treated confidentially and with respect (Reiss, 2005). Leaving the hostel can cause participants to reassess their behaviour and comments; time and distance enabling them objectively to reflect upon themselves. At the same time that participants may be realising the value and effect of their involvement, the researcher is leaving, giving participants little further opportunity to shape their contribution. Until I reached the end of the fieldwork phase, both I and the participants had been focussing on the purpose of the research and the nature of the data gathered, suddenly how I would present them in my written work became a concern. Therefore, when exiting the site or resident population it was important to be sensitive to the fears of participants and assure them that their views would be presented honestly, fairly and anonymously. The closing stages of the project were explained to participants still in the hostel, taking time to outline the timing of my exit and the analysis of the data. As I did not know how long a resident or staff member would be in the hostel I found opportunities to explain how valuable their participation was to the research at all stages of their involvement, I also reiterated how the data would be stored and managed throughout the fieldwork.

Exiting the hostel and resident population was not only delicate in terms of the data, but also because of the relationships that had developed over the course of the fieldwork. These issues were highlighted because of the long data collection period. What I considered to be research relationships in which I was not personally invested, others considered to be tentative friendships or therapeutic relationships. These latter versions of my relationships with participants were particularly prevalent amongst the residents, for whom I had been a 'listener'. For many residents I had been their only opportunity to talk openly about themselves, their experiences within the hostel and, their fears and hopes for the future, without it being recorded in their files and being used to decide how they would be managed by the Probation service. The potential

for attachment to the researcher was noted by Ortiz (2004) who also occupied a cathartic role for his participants, many of whom similarly felt isolated from other members of their community. Because of their interpretations and experiences of the research relationship, some residents wanted to maintain a similar 'listening' relationship beyond the fieldwork, requesting that I visit them in the hostel after the fieldwork had ended. I explained to these participants that I had been allowed to enter the hostel whilst collecting data and that access to the hostel was withdrawn on completion of the fieldwork. Requests to meet outside the hostel were refused on the grounds that hostel management would have to be informed and consent would be unlikely.

Although I left the hostel site with no intentions to contact participants other than the hostel manager, a number of unplanned meetings with residents occurred nevertheless. This happened because at the time I conducted the fieldwork I lived in the same local area as the hostel and on occasion I would meet a resident in the street. Although I took the time to talk briefly about their progress in the hostel, I was careful not to divulge personal information about myself as these were potentially dangerous individuals. Over time these meetings were less frequent as the residents that I had known in the hostel were moved out of the area. Whilst the fieldwork was ongoing these meetings were useful as I could keep up to date with hostel events in between visits. However, once the fieldwork had ended some residents wanted to engage in conversation when we chanced to meet. I did not feel it appropriate to maintain relationships with residents from the hostel and, to my shame, felt uneasy about these encounters. My unease stemmed from my concern that I could possibly put myself or people I was close to at risk of victimisation. I also did not want to maintain research relationships once the fieldwork was over as these could blur the boundary with personal relationships, and I did not want to foster friendships with people I knew to pose a high risk of re-offending or causing harm. My shame arose because my original aim in the project was to not treat the offenders in the study as simply objects that I had drawn data from, I now felt that maybe I was using them in that way.

Chapter 12: CONCLUSIONS AND IMPLICATIONS

12.1 Conclusion

This thesis has discussed the undertaking of, and findings from an ethnographic study exploring the daily lived experiences of staff and residents charged or convicted of sexual offences within a single hostel over a two year period; setting the experiences and practice of residents and staff in the hostel into the context of work undertaken with sex offenders in the community. The study drew upon Foucauldian (Foucault, 1977) concepts of power relationships, Goffman's (1991) focus on the daily 'mundane' and Sykes and Matza's (1957) techniques of neutralisations. In this analysis, practice in the community (such as the sex offender register, housing policy, supervision and the hostel) is regarded as part of wider control mechanisms as envisaged by Foucault. Practice within the hostel, therefore, relates to control through the exercise of disciplinary power (see Part two chapter 7, 8.2.3 and 9), although residents may resist this control or endeavour to use mechanisms of disciplinary power for their own benefit (see Part two chapter 8).

The research focus on sex offenders and a probation hostel can, thus, be regarded as an example of similar populations and institutions in much the same way that Goffman and Foucault regarded their studies of the asylum and prison as exemplifying institutional life. The central issues drawn from this study illustrate that all individuals in the hostel institution, be they residents or staff, are acted upon by similar forces and demonstrated similar behavioural patterns, although these played out differently for different groups. Appreciating the significance of these behaviours can inform both practice and policy, not only in this specific institution, but in other hostels (Probation Approved Premises) and criminal justice institutions that are charged with managing offenders, and sex offenders in particular. The importance of this work is its contribution to understanding how residents in institutions live out their daily lives. This is significant because the residents considered are active agents who participate in the criminal justice system and the reintegration process. Research considering offenders largely regards their actions as responses to the system and society (and individual psychology); this study has demonstrated that this is not always the case. Residents' actions, behaviours and attitudes are more complex than a merely reactive response to the 'system'; they fulfil their own personal and social needs. Many of

these behaviours are born out of their interactions, not with staff or the wider rules of prison release, but themselves. The manner and spirit in which residents participate in the processes acting upon them is fundamental to achieving success through these processes.

The key observation that emerged was that all residents, and especially sex offender residents, experienced life within the hostel in terms of offence identification and social grouping based upon these divisions, as well as differences in age. This group separation shaped and coloured the experiences of all residents in the hostel: hostel spaces being territorially 'owned' and interactions with staff and other residents being premised by their offence identification. Thus, although aspects of hostel life were experienced by both sex offenders and non-sex offenders, the nature of these experiences was qualitatively different. Most significant was the functions of grouping for sex offender members. In conjunction with helping individuals cope with institutional life, the groups supported each other to resist offence-based work and the SOGP. In so doing they were not amenable to rehabilitative work and instead were supported in internalising and normalising pro-offending neutralisations and cognitive distortions. Crucially, staff were not aware of the functions of grouping, whether they were negative or positive functions, and thus were not able to reflect upon how the group structures could be managed to best effect (for example, a strong group leader or leaders may influence the group to work positively towards rehabilitation, enhancing the work of probation).

Although grouping amongst institutional residents (be it in hostels, prison or other settings where offenders come together) has been commonly observed, previous studies have not gone far enough in noting the implications of such grouping. Further research is needed into how these groups form, whether it varies in more open or closed conditions and, thus, how they may best be managed by staff in respect to risk management and effective reintegration. Due to recent changes in the use of hostel provision for enhanced regimes, especially for sex offenders, extending this work to consider how divisions within the sex offender group may be affected by higher numbers of sex offenders resident together, and lower numbers of the 'other' group is necessary. Given the strong division based on age it is likely that this would continue to be important, perhaps taking on an even greater significance. However,

considering that the younger sex offenders in this study had no, or few, other younger residents to associate with, the significance of the division may be reduced (it may not result in younger sex offenders being isolated in the hostel because it is more likely that there will be similar residents to themselves). The significance of the group structures, and their function of supporting members' resistance to probation work, is an area that all hostel workers need to recognise and manage effectively within the institutional setting. This suggests that training on institutional life as well as sex offending should be a requirement for all staff working in hostels and other similar institutions.

Ensuring that staff working with sex offenders in institutional settings understand how those residents live out their lives, and the implications of this for their own work necessarily implies that once working practices are understood to have counter-productive or unintended effects, these should be addressed. Of particular note was the status divisions present within the staff population that related to training and job role, which resulted in some staff groups being valued over others. This was particularly notable amongst Probation and Probation Services Officers who not only were separated from Residential Services Officers and relief staff in terms of their training but also in terms of their role within the hostel, probation work and the wider criminal justice system. There is a clear indication that policy led changes surrounding training structures for all staff would impact on working practices and culture. The consequences on hostel life for all residents is likely to be noticeable. That staff implement hostel rules and operations differently, perceive the aims of their work in different ways, consider hostel work to be of varying degrees of dangerousness, as well as respond to residents' inconsistently means that residents regard staff in terms of their different roles and attitudes, and respond to them accordingly. Thus, residents are not clear about the boundaries of hostel life, or how they should respond to staff when they are working with them. The use of pro-social modelling was particularly difficult for residents to understand, firstly because they were not informed of the process, but also because some staff used pro-social modelling and others did not. This resulted in residents' misdemeanours and breaches of hostel rules being dealt with differently by different members of staff, not only in terms of the punishment for the behaviour, but in the manner it was discussed with the offending resident. The differences between staff members' personal views about

sex offenders and the possible, unintentional, effects that these views may have on frontline work with sex offenders also needs to be explored. It was indicated in the observations that not only were residents aware of these views (or at least ascribed a group view to staff members), but that staff relationships and interactions with residents may be coloured by them. This may be especially important where staff hold particularly negative views about sex offenders' ability to be rehabilitated or to refrain from re-offending.

Training policies regarding institutional life should be rolled out to all those staff that have some role in deciding if an offender resides at an institution. In this case it would be appropriate for the MARAC members to have this enhanced understanding of the consequences of requiring an individual offender to reside at the hostel, not only for the individual but also for the dynamics of the hostel group structures. Above it was suggested that hostel staff need to be able to recognise the significance of the function of grouping for the members, and to manage this to best effect. Part of this management is controlling the membership of the groups; this can be most effectively achieved with involvement by hostel management who admit residents, and the MARAC members who decide on the need for residential requirements for individual offenders.

Connected to this detailed understanding of hostels and how they can be further used to aid probation work is an understanding of how hostels fit into the wider resettlement of offenders. The hostel studied worked in partnership with a sister hostel to manage the staged reintegration of offenders back into the communities from which they had come. Commonly this included returning to the communities in which they had committed their offences. On the one hand this is often desirable because of the pre-existence of supportive social networks that can help offenders return to a stable and settled life, in which they have a better chance of resisting re-offending. On the other hand, however, offenders may also be returning to criminogenic social networks or collusive relationships. Because of this probation staff need to assess the nature of an offender's networks and to have control over their social contacts. In order to achieve this, the MARAC commonly placed high risk offenders being released from prison in the hostel furthest away from their community, tested them through home leaves (which also allows offenders to develop

strong supportive connections), and later moved them to the nearer hostel once the MARAC and their key workers were satisfied that their risks relating to social networks had been managed or were manageable. The significance of this practice in terms of aiding resettlement, but also for the offender needs to be considered in more detail. It has been shown that for some residents the practice initially made maintaining family links more difficult than the resident felt was necessary or helpful.

One issue that was only touched upon in this thesis was that of gender. Amongst the resident population there were no female sex offenders, but there were a couple of female residents. Specific issues for them, or issues for more general hostel life and practice due to their presence, was not emphasised in this research and analysis, but it is an area deserving of consideration. Movement is towards having single sex hostels. This would increase the importance of considering the significance that masculinity/ies plays in respect to grouping and the use of techniques of neutralisation. The data gathered in this study can be re-analysed along these lines, but targeted research would be useful to gain a deeper insight into mechanisms of group formation and structure.

A further aspect of gender that was noted, but not fully explored in this work was the impact that the gender of the researcher had in terms of data collection and the development of rapport amongst research participants. Previous research has noted the potential of gender (particularly where there are gender differences) to effect data collection and subsequent analysis when conducting ethnographic and interview based research. The additional complications of conducting research on sex offenders is much less well documented in terms of gender issues, but has been noted. Again, such reflections can be undertaken with the data discussed here, which may then be used to inform future research.

The manner in which the fieldwork was undertaken influenced the type and depth of data gained and the consequent findings and discussion. Therefore, the contributions that this study makes are not confined to academic knowledge and work with sex offenders and institutional populations. The methodology and techniques employed augment the current literature on doing ethnographic research, especially that which is observational and with high risk participants. The approach undertaken is novel to the

study of sex offenders and has rarely been used within criminal justice institutional settings. It is evident that such an approach can provide a vast amount of rich data pertaining to sensitive and detailed issues. It was only by using an ethnographic, observational methodology that the daily lived experiences of the participants, focussing on the minutiae, was able to be noted and explored. Through interviews and directed conversations observations, meanings and interpretations could be checked, but these methods could not substitute for joining the participants and taking part (if only to a relatively limited degree) in their lives.

Chapter 11 notes my experiences in conducting the research in this way, discussing the advantages and disadvantages, challenges and opportunities that this approach afforded the research study. This discussion contributes to the literature on undertaking fieldwork, particularly in relation to accessing the site and ongoing negotiations to access participants and knowledge. It was highlighted, however, that a neglected area of discussion around ethnographic work is that of exiting research sites and leaving research participants. The difficulties encountered in gaining access and remaining in the field are well documented, but the end of the fieldwork process is much less so. The discussion in Chapter 11 adds to this discussion and notes that the issues that can be encountered are just as sensitive, important to the research and challenging as other aspects of fieldwork. To further this debate researchers undertaking similar ethnographic work need to recount their own experiences and discuss how they dealt with any issues that arose for them. It is by engaging in this process of reflection that the process of doing fieldwork can be taken forward and a deeper understanding of the influences of behaviours, attitudes and actions on data and studies can be achieved.

Appendix 1

Sexual Offences Act 2003, Schedule 3 Offences that are covered by Part II: the sex offender register

England and Wales

1. Rape
2. Sexual intercourse with a girl under 13
3. Sexual intercourse with a girl under 16 if the offender is 20 years or more
4. Incest by a man if the victim or other party was under 18 years
5. Buggery
 - a. If the offender was 20 years or more and
 - b. The victim or other party was under 18 years
6. Indecency between men
 - a. If the offender was 20 years or more and
 - b. The victim or other party was under 18 years
7. Indecent assault on a woman
 - a. If the victim or other party was under 18 years or
 - b. The offender, in respect to the offence or finding, is or has been
 - i. Sentenced to imprisonment for a term of at least 30 months or
 - ii. Admitted to a hospital subject to a restriction order
8. Indecent assault on a man
 - a. If the victim or other party was under 18 years or
 - b. The offender, in respect to the offence or finding, is or has been
 - i. Sentenced to imprisonment for a term of at least 30 months or
 - ii. Admitted to a hospital subject to a restriction order
9. Assault with intent to commit buggery if the victim or other party was under 18 years
10. Causing or encouraging the prostitution of, intercourse with or indecent assault on a girl under 16 years
11. Indecent conduct towards a young child
12. Inciting a girl under 16 years to have incestuous sexual intercourse
13. Indecent photographs of children under the age of 16 years and
 - a. The conviction, finding or caution was before the commencement of this Part, or
 - b. The offender
 - i. Was 18 years or more or
 - ii. Is sentenced in respect to the offence to imprisonment for a term of at least 12 months
14. An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc.) in relation to indecent or obscene articles, if these articles include indecent photographs of persons under 16 years and
 - a. If the victim or other party was under 18 years or
 - b. The offender, in respect to the offence or finding, is or has been
 - i. Sentenced to imprisonment for a term of at least 30 months or
 - ii. Admitted to a hospital subject to a restriction order
15. Possession of indecent photograph/s of a child

- a. If the victim or other party was under 18 years or
 - b. The offender, in respect to the offence or finding, is or has been
 - i. Sentenced to imprisonment for a term of at least 30 months or
 - ii. Admitted to a hospital subject to a restriction order
16. Abuse of a position of trust if the offender was 20 years or more
17. Assault by penetration
18. Sexual assault
- a. Where the offender was under 18 years, he is or has been sentenced in respect to the offence to imprisonment for a term of at least 12 months
 - b. In any other case
 - i. The victim was under 18 years
 - ii. The offender has been sentenced to term of imprisonment or detained in a hospital
19. Causing sexual activity without consent, rape of a child under 13 years, assault of a child under 13 years by penetration.
20. Sexual assault of a child under 13 years
- a. If the victim or other party was under 18 years or
 - b. The offender, in respect to the offence or finding, is or has been
 - i. Sentenced to imprisonment for a term of at least 30 months or
 - ii. Admitted to a hospital subject to a restriction order
21. Causing or inciting a child under 13 years to engage in sexual activity, child sex offences committed by adults
22. child sex offences committed by children or young persons if the offender is or has been sentenced in respect to the offence to imprisonment for a term of at least 12 months
23. Arranging or facilitating the commission of a child sex offence
- a. If the offender was 18 years or more or
 - b. The offender, in respect to the offence is or has been sentenced to imprisonment for a term of at least 12 months
24. Meeting a child following sexual grooming
25. Familial child sex offences
- a. If the offender was 18 years or more or
 - b. Is or has been sentenced in respect to the offence to imprisonment for a term of at least 12 months
26. Offences against persons with a mental disorder impeding choice
27. Paying for sexual services of a child
- a. If the offender was 18 years or more
 - b. Sentenced in respect to the offence to imprisonment for a term of at least of 12 months
28. Administering a substance with intent
29. Committing an offence or trespass with intent to commit a sexual offence
- a. Where the offender was under 18 years, he is or has been sentenced in respect to the offence to imprisonment for a term of at least 12 months
 - b. In any other case
 - i. The intended victim was under 18 years
 - ii. The offender has been sentenced to term of imprisonment or detained in a hospital
30. Sex with an adult relative
- a. Where the offender was under 18 years, he is or has been sentenced in respect to the offence to imprisonment for a term of at least 12 months

- b. In any other case
 - i. The victim was under 18 years
 - ii. The offender has been sentenced to term of imprisonment or detained in a hospital

31. Exposure

- a. Where the offender was under 18 years, he is or has been sentenced in respect to the offence to imprisonment for a term of at least 12 months
- b. In any other case
 - i. The victim was under 18 years
 - ii. The offender has been sentenced to term of imprisonment or detained in a hospital

32. Voyeurism

- a. Where the offender was under 18 years he is or has been sentenced in respect to the offence to imprisonment for a term of at least 12 months
- b. In any other case
 - i. The victim was under 18 years
 - ii. The offender has been sentenced to term of imprisonment or detained in a hospital

33. Intercourse with an animal

- a. Where the offender was under 18 years he is or has been sentenced in respect to the offence to imprisonment for a term of at least 12 months
- b. In any other case the offender has been sentenced to term of imprisonment or detained in a hospital

34. Sexual penetration of a corpse

- a. Where the offender was under 18 years he is or has been sentenced in respect to the offence to imprisonment for a term of at least 12 months
- b. In any other case the offender has been sentenced to term of imprisonment or detained in a hospital

Appendix 2

Offences covered by Part 1, Sex Offenders Act 1997 (for England and Wales)

1. Rape
2. Sexual intercourse with a girl under 13
3. Sexual intercourse with a girl between 13 and 16 (if the offender is over the age of 20)
4. Incest by a man (not applicable if both parties are over the age of 18)
5. Buggery (if the offender is over the age of 20)
6. Indecency between men (if the offender is over the age of 20)
7. Indecent assault on a woman
8. Indecent assault on a man
9. Assault with intent to commit buggery (not applicable if both parties are over the age of 18)
10. Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under 16
11. Indecent conduct towards a young child
12. Inciting a girl under 16 to have incestuous sexual intercourse
13. Taking indecent photographs of children
14. Importation (and other offences under s170 of the Customs and Excise Management Act 1979) of goods prohibited under s42 of the Customs Consolidation Act 1876 (where the goods prohibited include indecent photographs of children under 16)
15. Possession of indecent photographs of children

(Schedule 1 of the Sex Offenders Act 1997)

Appendix 3

Periods of registration under Part 1 of the Sex Offenders Act 1997

Periods of registration

Note: Schedule 1 refers to Schedule 1 of the Sex Offenders Act 1997

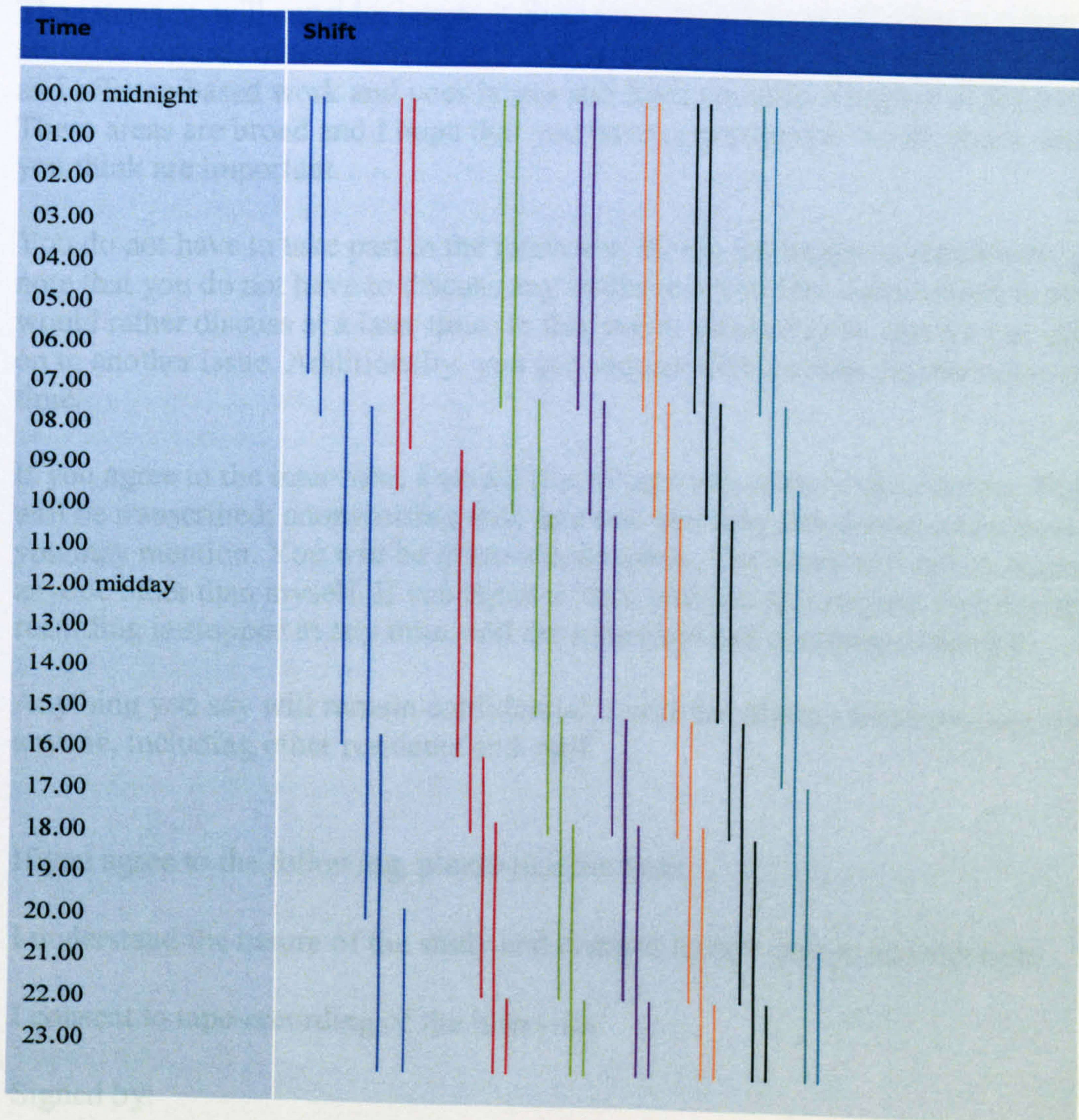
Description of person	Applicable period
Sentenced for Schedule 1 offence to life imprisonment or 30 months or more.	An indefinite period.
On sentence for Schedule 1 offence submitted to hospital subject to a restriction order.	An indefinite period.
Sentenced for Schedule 1 offence to a term of imprisonment longer than 6 months but less than 30 months.	A period of 10 years.
Sentenced for Schedule 1 offence to a term of imprisonment for less than 6 months.	A period of 7 years.
On sentence for Schedule 1 offence submitted to hospital without subject to a restriction order.	A period of 7 years.
Any other person sentenced for Schedule 1 offence.	A period of 5 years.

The period of registration begins at the date of conviction, finding or caution.

Appendix 4

Diagram of shift patterns

Key = Sunday – blue
 Monday – red
 Tuesday – green
 Wednesday – purple
 Thursday – orange
 Friday – black
 Saturday – light blue



Participant: _____

Interviewer: _____

Appendix 5

Consent form for formal interviews with residents

(printed on University of Bangor headed paper)

Dear

This interview is part of my doctoral study exploring the experiences of different categories of offenders living in [name of hostel] . The study involves observing how people interact in the hostel, including both residents and staff, and also interviews with individuals.

The interview will consider issues such as your experiences of living in a hostel, your attitudes towards other residents and staff members, your attitudes towards life-skills and offence-based work and your hopes and fears about moving out of the hostel. These areas are broad and I hope that you have opportunities to talk about issues that you think are important.

You do not have to take part in the interview. If you are happy to participate, please note that you do not have to discuss any issues that you feel uncomfortable about, or would rather discuss at a later time. In this event, please say so and we can just move on to another issue. Additionally, you can request that we stop the interview at any time.

If you agree to the interview, I would like to tape record the conversation. The tapes will be transcribed; anonymising you, any one you may talk about, and places that you may mention. You will be given a code name. The tapes will not be accessed by anyone other than myself. If you agree to this, you can still request that the tape recording is stopped at any time, and the interview can continue without it.

Anything you say will remain confidential. I will not discuss what you say with anyone, including other residents and staff.

If you agree to the following, please tick the box:

I understand the nature of the study and consent to take part in an interview

I consent to tape-recording of the interview

Signed by:

Participant: _____ date: _____

Interviewer: _____ date: _____

Consent form for formal interviews with staff

(printed on University of Bangor headed paper)

Dear

This interview is part of my doctoral study exploring the experiences of sex offenders accommodated in [name of hostel]. The study involves observing how people interact in the hostel, including both residents and staff, and also interviews with individuals.

This interview will cover issues such as your experiences of working in a hostel with sex offenders, your attitudes towards your work and towards the residents, and how you perceive sex offenders residing in the hostel. These areas are broad and I hope that you have opportunities to talk about issues that you feel are important.

You do not have to take part in the interview. If you are happy to participate, please note that you do not have to discuss any issues that you feel uncomfortable about, or would rather discuss at a later time. In this event, please say so and we can just move on to another issue. Additionally, you can request that we stop the interview at any time.

If you agree to the interview, I would like to tape record the conversation. The tapes will be transcribed; anonymising you, any one you may talk about, and places that you may mention. You will be given a code name. The tapes will not be accessed by anyone other than myself. If you agree to this, you can still request that the tape recording is stopped at any time, and the interview can continue without it.

Anything you say will remain confidential. I will not discuss what you say with anyone, including other residents and staff.

If you agree to the following, please tick the box:

I understand the nature of the study and consent to take part in an interview

I consent to tape-recording of the interview

Signed by:

Participant: _____ date: _____

Interviewer: _____ date: _____

Appendix 6

Security details provided to Hostel Manager and MARAC chair.

Centre for Criminology and Criminal Justice
School of Social Sciences
University of Wales, Bangor

11/11/04

Dear [Hostel Manager],

The following confirms my security arrangements for data regarding the hostel and MARAC meetings.

Paper information

- All paper information is kept in a locked filing cabinet (to which I have the only key) within the University buildings. This is a locked office in a building with double external doors, one locked via a key and the other by a digital door code. The building has an alarm system and 24 hour security guards for the site.
- Paper information includes **anonymised** printouts of interviews, observation notes and MARAC notes, as well as MARAC notes in the process of being typed and anonymised.
- All MARAC notes are anonymised as soon as possible, but in the meantime (as they are being typed) they are kept in the filing cabinet. The notes which include names are shredded immediately after they have been anonymised.

Electronic information

- All electronic information is anonymous. Confidential files are protected by separate passwords.
- The information is typed using a personal lap top computer which is not networked or accessed by any other person. The computer can only be turned on using a password.
- A code book for every individual (residents, staff, MARAC members and other offenders) is kept so that they are only referred to as a code name (a number initially, but a false name will be assigned in due course).
- While the research is ongoing it is necessary to maintain this code book, once the research is completed and the analysis phase commences this code book can be destroyed.

Confidentiality and anonymity

- Every individual is referred to as a code name – only I have access to who these people really are via the code book, and this will be destroyed when the research phase is completed.
- Only my supervisor has had updates about my research progress, all of which has been anonymised.
- The hostel will be anonymised in the final report and ‘Bangor’ will be dropped from University of Wales, Bangor in the final thesis (after *viva*; although I may need to include it on the draft submission prior to *viva* for examination purposes). The hostel will also be referred to via a code name, as will Bangor, Gwynedd and any other areas discussed.
- Cases will not be followed through in their entirety within the report but discussed in relation to issues so it will not be easy to work out who any individual may be.

If there are any other issues of concern please contact by mobile or e-mail.

Carla Reeves

Appendix 7

Nvivo Node Structure

Project: PhD User: Carla Reeves Date: 12/08/2007 - 11:44:45

NODE LISTING

Nodes in Set: All Free Nodes Number of Nodes: 27

- 1 assessment
- 2 childhood
- 3 compliance
- 4 control
- 5 Criminal Justice System
- 6 disclosure
- 7 employment
- 8 future
- 9 help
- 10 labelling
- 11 licence conditions
- 12 male
- 13 multi-agency working
- 14 my position
- 15 NOMS
- 16 non-sex offender
- 17 offence work
- 18 prison
- 19 public
- 20 residents
- 21 risky behaviour
- 22 Sarah's Law
- 23 sex offender
- 24 staff
- 25 training
- 26 underground
- 27 use of humour

Nodes in Set: All Tree Nodes

Created: 29/04/2004 - 09:20:05

Modified: 29/04/2004 - 09:20:05

Number of Nodes: 93

- 1 (1) /victims
- 2 (1 1) /victims/10-15
- 3 (1 2) /victims/0-5
- 4 (1 3) /victims/16 plus
- 5 (1 4) /victims/organisational protection
- 6 (1 5) /victims/6-9
- 7 (2) /hostel
- 8 (2 1) /hostel/rules
- 9 (2 2) /hostel/facilities

- 10 (2 3) /hostel/rights
- 11 (2 4) /hostel/relationships
- 12 (2 5) /hostel/behaviour within
- 13 (2 6) /hostel/purpose
- 14 (2 7) /hostel/refusals
- 15 (2 8) /hostel/grouping
- 16 (3) /move-on
- 17 (3 1) /move-on/help from others
- 18 (3 2) /move-on/type of accommodation
- 19 (3 3) /move-on/risk considerations
- 20 (3 4) /move-on/problems
- 21 (3 5) /move-on/Location
- 22 (3 6) /move-on/Home leaves
- 23 (4) /offence
- 24 (4 1) /offence/lies in hostel
- 25 (4 2) /offence/indecent assault
- 26 (4 3) /offence/gross indecency
- 27 (4 4) /offence/disclosing
- 28 (4 5) /offence/why (explanations given)
- 29 (4 6) /offence/rape
- 30 (4 7) /offence/keeping it quiet
- 31 (4 8) /offence/non-contact
- 32 (4 9) /offence/new offence
- 33 (5) /family
- 34 (6) /attitudes
- 35 (6 1) /attitudes/to other residents
- 36 (6 2) /attitudes/negative attitudes
- 37 (6 3) /attitudes/positive attitudes
- 38 (6 4) /attitudes/to females
- 39 (6 5) /attitudes/to sex offenders
- 40 (6 6) /attitudes/re types of offence
- 41 (6 7) /attitudes/to offence
- 42 (7) /denial
- 43 (7 1) /denial/of crime
- 44 (7 2) /denial/of responsibility
- 45 (7 3) /denial/social situation
- 46 (7 4) /denial/of severity
- 47 (7 5) /denial/purpose of denial
- 48 (7 6) /denial/distancing
- 49 (7 7) /denial/condemn condemners
- 50 (7 8) /denial/that behaviour is odd or wrong
- 51 (7 9) /denial/admits
- 52 (8) /health
- 53 (8 1) /health/emotional
- 54 (8 2) /health/physical
- 55 (8 3) /health/mental health
- 56 (8 4) /health/medication
- 57 (8 5) /health/addictions
- 58 (9) /stories
- 59 (10) /conversations

- 60 (12) /speaking about others
- 61 (12 1) /speaking about others/Staff speaking
- 62 (12 2) /speaking about others/sex offenders speaking
- 63 (12 3) /speaking about others/non-sex offenders speaking

LIST OF ACRONYMS

ASA:	Adult Sexual Abuser. Offenders who sexually abuse adults.
CSA:	Child Sexual Abuser. Offenders who sexually abuse children.
CCTV:	Closed Circuit TeleVision.
MAPPA:	Multi-Agency Public Protection Arrangements.
MAPPP:	Multi-Agency Public Protection Panels.
MARAC:	Multi-Agency Risk Assessment Committees.
NACRO:	National Association for the Care and Resettlement of Offenders.
NAPO:	National Association of Probation Officers.
NPS:	National Probation Service.
OASys:	Offender Assessment System.
PSO:	Probation Services Officer.
RSO:	Residential Services Officer.
SOGP:	Sex Offender Group Programme.
SOTP:	Sex Offender Treatment Programme.
ViSOR:	Violent and Sex Offender Register.

CASE LAW

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Doe v Poritz, 142 N.J. 46, 662 A.2D (1995)

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