

Social Innovation Narrative

Article Title: The Police as Formal Agents of Change: Assisting Desistance in Individuals
Convicted of Sexual Offences

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- Abstract: Comprehensive and multi-disciplinary public health approaches are necessary to prevent sexual re-offending, as noted by Kewley et al. (2021). However, criminal justice solutions continue to dominate (McCartan & Richards, 2021) and the arrangement in England and Wales is no exception to this. The introduction of the Multi Agency Public Protection Arrangements (MAPPA) in 2003 brought together the work of the police, prison and probation services in order to manage violent and sexual offenders. This paper focuses specifically on the work of the specialist police officers who are tasked under MAPPA with the Management of Sexual or Violent Offenders (MOSOVO) and whether or not they can assist desistance in those who have been convicted of a sexual offence. We argue that the risk-based, highly politicalised model of public protection that MOSOVOs operate within creates tensions more likely to hinder rather than facilitate desistance. Echoed by findings in an independent review of the *Police's Management of Registered Sex Offenders (2023)* successful desistance journeys are found in people who are supported by formal agents who actively promote hope and optimism and convey a belief that the person attempting desistance can change. In conclusion, we recommend that MOSOVOs must be willing and resourced to help individuals with sexual convictions develop a non-offending lifestyle and identity and support them in achieving this goal which requires the provision comprehensive support beyond risk management.

Key words: Management of Sexual or Violent Offenders (MOSOVO); Multi Agency Public Protection Arrangements (MAPPA); Assisted Desistance; People who have Sexually Offended; Risk Management, Police as Formal Agents.

Tweetable Abstract: Preventing sexual re-offending requires comprehensive public health approaches, not just criminal justice solutions. MOSOVOS' risk-based model may hinder desistance. Successful desistance journeys require hope and support. MOSOVOS should support those who sexually offend to develop a non-offending lifestyle and identity
#MAPPA#MOSOVO#assisted-desistance#creedon@DrPembers@S_Kewley@Leonamylo

Understanding how to prevent sexual re-offending requires comprehensive and multi-disciplinary public health approaches (Kewley et al., 2021), yet criminal justice solutions continue to dominate (McCartan & Richards, 2021). Across England and Wales, the Criminal Justice Act 2003 saw the establishment of Multi-Agency Public Protection Arrangements (MAPPA) that bring together the work of the police, prison, and probation services. Statutory agencies (and when required - health, education, housing and so forth) work jointly to protect the public from serious sexual and violent harm. While official data appears to demonstrate success in this aim; sexual recidivism rates are notoriously low. Indeed, the large majority of those convicted of a sexual crime will within 10 to 15 years of living in the community offence free, be no more of a risk of sexual offending than people who have never been convicted of a sexual offence at all (Hanson et al., 2018). However, caution is needed when interpreting official data, as not all sexual assaults (including re-offences) are reported or result in a conviction, and as such official data is likely to not represent the true scale of sexual recidivism. Thus, sustained efforts to improve and strengthen approaches (including criminal justice ones) to prevent sexual re-offending must ensue.

Management of Sexual or Violent Offenders (MOSOVO)

As such, we turn to a group of specialist police officers tasked under MAPPA with the *Management of Sexual or Violent Offenders* (MOSOVO). MOSOVO offender managers carry caseloads of people convicted of sexual and violent offences and are responsible for the risk assessment and management of MAPPA cases while living in the community. Little empirical analysis of these specialist police teams exists with attention centring on the development of risk tools (Kewley & Blandford, 2017), the quality of risk assessment and management plans (Kewley et al., 2020), the effectiveness of police training (Mydlowski & Turner-Moore, 2023), the experiences of men subject to MOSOVO offender management

(Mann et al., 2019) alongside that of practitioners during a climate of austerity (Mann et al., 2018).

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

This is of concern, because to effectively help people desist from sexual offending, MOSOVO policy and practice must respond to individual risk and need while appreciating intersections between the individual/agentive, social/structural, and situational (Weaver, 2019) factors related to sexual re-offending. To prevent sexual re-offending, MOSOVO offender managers need to work within a contextual framework that allows for the implementation of comprehensive risk management strategies. These strategies should promote individual level change and reintegration, facilitate the development of healthy social relationship and networks, and foster a supportive community and society that enables meaningful contributions from all members. By supporting MOSOVO offender managers to control known risks while at the same time promote protective factors in people convicted of sexual offences, outcomes beyond public protection could be achieved, including the a) prevention of further harm to future victims, b) reduced social and economic costs to society, and c) the safe reintegration of people back into society.

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

Assisting Desistance

Desistance is a process by which people cease criminal behaviour; although not a distinct one-off linear event, people zigzag into desistance (Maruna, 2001) with periods of intermittency, indecisiveness, ambivalence, lapse and even, relapse (Ouellet, 2019; Piquero et

al., 2013). With at least two distinguishable phases to successful desistance a blend of internal and social shifts is required (LeBel et al., 2008). The initial primary phase sees crime cease; this is purely behavioural and so requires a secondary cognitive phase in which the person shifts their identity from one of 'offender' to 'non-offender'. This phase requires both an internal psychological transformation in which the person disassociates with the 'offender' label as well as external validation from others (Farrall et al., 2010; Giordano et al., 2002; Maruna, 2001). Both internal and external validation assists with the process of de-labelling, as both the desister and those interacting with them no longer perceive them as an 'offender' thus, the person re-gains a sense of belonging to a/the community (McNeill, 2016). Thus, in order for people to 'go straight' cognitive and behavioral changes made at the individual level, are only fortified, and realised by and within the social structures and networks in which they exist (Bronfenbrenner, 1977; Weaver, 2016).

An authentic sense of agency and self-determination (coupled with external opportunities) provides the bedrock to which identity transformation, behaviour change, and ultimately desistance can be realised (Giordano et al., 2008; King, 2014). This can sometimes be realised *in spite* of external controls and sanctions, however, pervasive criminal justice controls (McNeill, 2019), punitive legal restrictions (Thomas & Marshall, 2021) and hostile attitudes towards people who have committed sexual offences (McCartan et al., 2015) will likely hinder this process and reinforce feelings of shame and stigma (Bailey & Klein, 2018). Of particular concern, is that any interaction that reinforces stigma, has the potential to undermine positive working relationships and prevent people seeking help, making it harder to help them desist from crime (Grady et al., 2019). When shame is stigmatised, that is, the person is degraded, labelled (in this case 'sex offender' or 'deviant'), and excluded, cognitive transformation becomes more difficult. Whereas shame that is reintegrative, meaning feelings of remorse and guilt are still felt, but the persons' sense of worth is preserved and not

labelled, desistance is more likely (Braithwaite, 1989). True desistance is experienced when the new non-offending identity is both internalised and fully accepted and recognised by others (either informally and/or formally) (Buchanan & Krohn, 2020).

Thus, interactions with formal agents are powerful as they can, both reduce and reinforce stigma. Reports of the nature of formal interactions between MOSOVOs and people with sexual convictions across England and Wales are inconsistent. MOSOVOs perceive the provision of welfare and support as a detraction from their core proactive policing duties (Christensen et al., 2022; Nash, 2019), they view people with sexual convictions as *monsters* (Nash, 2016); who should be managed closely because they are dangerous, untrustworthy, and manipulative (Kewley, 2017); and if given the opportunity their risk would escalate (Mann et al., 2018). Such stigmatised attitudes are likely to permeate interactions between the MOSOVO and the people they supervise and so do little to promote agency or identity transformation. This practice is incongruous with the factors needed to promote the desistance process (Mann et al., 2019) and indeed, where this occurs, people with sexual convictions report feelings of prejudice, not feeling trusted, feeling judged (Kras, 2019), experiencing hostile supervisory tactics that create resistance and fear their crimes repel staff (Farmer et al., 2015). However, non-stigmatising practice can be experienced even for people with sexual convictions, and many report feeling supported by their offender manager (Mann et al., 2018); who they state expressed care, concern, and had a personal interest in them (Farmer et al., 2015); and believed they could change (Blagden et al., 2016) so felt safe to discuss sensitive matters without feeling judged (Winder et al., 2020). These instances demonstrate the potential for positive relationships in which formal agents can promote the desistance process and help to reduce stigma.

Desistance is best fostered when formal agents actively promote hope and optimism and convey a belief that the person attempting to desist can change (McAlinden et al., 2017).

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

Kemshall’s “4 Pillars of Risk Management” (*Public Protection Group. Risk of Serious Harm Guidance* 2020, 2022) requires MOSOVOs to develop risk management plans that include rehabilitative strategies that help people successfully desist from future offending. However, MOSOVOs report having little desire or sufficient resources to work in a rehabilitative way (Kewley, 2017; Nash, 2016) this is unsurprising given that to help a person develop a positive future self, through for example, seeking employment, moving house, starting new relationships arguably requires a ‘welfare’ rather than a ‘control-orientated’ role (Blagden et al., 2016). A genuine tension, therefore, exists for MOSOVOs who despite efforts are caught between correctional policy that dictate a moral code to protect the public (prevent and manage risk) and professional norms and values that endorse the belief that people have

the autonomy to change (Ward et al., 2021). Without some shift, the aim to protect the public may be somewhat compromised, because “interventions designed solely to control and manage behaviours should be avoided, as they do not support motivation to change” (Villeneuve et al., 2021, p. 92), thus, while MOSOVOs focus solely on surveillance and risk management, relapse and persistence is likely (Ricciardelli, 2018). While MOSOVOs can, and many do, work with people convicted of sexual offences in a respectful non-stigmatising manner, the dominance of punitive and pervasive restrictions and requirements are likely to impede the development of trusting relationships and severely interrupt the desistance process (Willis, 2018).

MOSOVOs are however, well positioned to assist desistance by helping people manoeuvre this complex transition (Villeneuve et al., 2021) as they spend time with people in their homes during home visits, while monitoring court ordered conditions, and developing and implementing risk management plans. Indeed, adopting a risk management approach that considers both the risk and strengths is supported across most criminal justice agencies. For example, *The HMPPS Approach to the Management and Rehabilitation of People Convicted of Sexual Offending* (2021) outlines a strengths-based approach that both helps formal agents overcome and reduce risk as well as develop and promote a person’s strengths. It does this by drawing on the bio-psycho-social model of behaviour (Carter & Mann, 2016) that requires offender managers to help people build biological capability (e.g., understand neurological differences in people, teach new skills); strengthen psychological capability (e.g., challenge offence related thinking, expose them to new ways of thinking, teach problem solving or emotional coping skills); and strengthen peoples social capability (e.g., teaching intimacy or relationship skills, help develop new relationships, help find meaningful employment). To support the planning of appropriate selection and implementation of interventions, MOSOVOs use a structured risk management tool known as the Active Risk Management

System (ARMS) (Kewley & Blandford, 2017). This tool requires MOSOVs to consider and evaluate both risk and protective factors so that risk management plans help to prevent further offending by drawing on both restrictive and constructive interventions (College of Policing, 2020b). MOSOVs face challenges here though as there are a plethora of restrictive interventions and controls to draw upon, examples include residing at approved premises, home visits, restrictions on associations/residence/movement/activities, curfew checks, tagging, satellite tracking, covert surveillance and use of Automatic Number Plate Recognition (College of Policing, 2020b). The options available for strategies that support change are fewer, less specific, and on occasions not available/suitable for all. Interventions deemed constructive, include attending accredited programmes (only available for people subject to licence or community order conditions), sharing information with appropriate agents/agencies, the provision of diversion activities such as employment, psychological or psychiatric input and the use of support groups in the community (College of Policing, 2020b). It is therefore unsurprising in a recent examination of the quality of ARMS assessments, inconsistencies between risk and protective factors and subsequent risk management plans, as well as a failure by assessors to provide meaningful actions to support the risks identified were found (Kewley et al., 2020).

MOSOVs are tasked with both managing risk and promoting desistance, yet as offender managers, they face structural and role barriers preventing them from promoting protective factors, building individual strengths and strengthening pro-social bonds. In a context such as this assisted desistance is difficult, as stigmatised interactions in which offending identities are reinforced, and a focus on managing risk and monitoring compliance are likely to stimulate a Pygmalion effect that only reinforces *offender* labels (Mann et al., 2019; Stout, 2018). The process of desistance like public health approaches must be multi-level and collaborative; while individual and internal changes from within the person

desisting are needed, so too are social and structural changes. Successful desistance journeys are found in people who are supported by formal agents who work collaboratively across all socioecological levels; they are responsive to the unique and diverse needs of people and the communities they live in. Thus, to assist desistance MOSOVs themselves must be supported and willing to not only help people with sexual convictions develop an alternative (non-offending) lifestyle and identity, but help them detail *how* this could be achieved (King, 2013). They must provide safe, non-stigmatising and stable interactions that not only explore a future possible self but sets goals and consider appropriate 'hooks for change' (Giordano, 2016) in conjunction with community integration strategies (McCartan & Richards, 2021).

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