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Reducing Reoffending: Choices and Challenges

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Summary

Recent European research suggests a number of approaches that appear to be effective in terms of reducing recidivism. These include substituting suspended sentences or community service for short terms of imprisonment, ensuring employment opportunities are available for those who wish to turn away from crime, and providing cognitive behavioural treatment in both community and custodial settings. In addition, there is evidence that procedural fairness, parole, and peer support work within prisons may promote law-abiding behaviour. There are lessons here that could be learned in Ireland where the infrastructure for criminological research remains underdeveloped, the debate about crime and punishment has a staccato quality, and policy formulation can be grindingly slow. What is required as a matter of priority is a serious and sustained commitment to an adequately funded multiannual programme of high-quality research.

Key words

Recidivism / sentencing / cognitive behavioural treatment / procedural justice / imprisonment / sex offenders / White Paper on crime

Introduction

I was delighted to be invited to give this lecture as part of the twentieth birthday celebrations of the UCD Institute of Criminology and Criminal Justice. Our programme of events got underway with a symposium in February in Mountjoy Prison on the theme of translating research into law, policy, and practice. This was followed, in early March, by a distinguished

guest lecture in the UCD School of Law, and the launch of a major report on the jury system in the Courts of Criminal Justice. Unfortunately, the remaining events – including a festival, various workshops, and a film screening – had to be cancelled due to the Covid-19 pandemic, but we would hope to resuscitate some, or all, of them next year.

To begin, a comment on the man we are remembering today. I got to know Martin Tansey towards the end of 1997, when I returned to Dublin from Oxford to become the first full-time executive director of the Irish Penal Reform Trust. We were in regular contact during the three years that I held this job and our discussions tended to centre on two main themes. First, how to reduce the rate of imprisonment and promote community sanctions and measures, and secondly, how to create a context where decisions about crime and punishment were driven by research findings rather than hunches or expediency.

When I moved to University College Dublin we remained in touch and Martin was very helpful to me when one of my PhD students, Deirdre Healy, required access to probation staff and their clients for her work on desistance. Deirdre is now director of the UCD Institute of Criminology and Criminal Justice and the book that emerged from the doctoral research that Martin facilitated – *The Dynamics of Desistance: Charting Pathways Through Change* – has become a leading text in the field (Healy, 2010).

I attended the inaugural lecture in this series, which was given by Seán Aylward, Secretary General of the Department of Justice, Equality and Law Reform, on 21 May 2008. I would wholeheartedly concur with Seán's account of how Martin managed to combine influence on the policy and legislative stages at home, with leadership at the international level (as a founding member, and past president of the body now known as the Confederation of European Probation), at the same time as "maintaining a very low, almost subterranean, public profile throughout his career". Martin was a public servant of the old school, who prized caution and discretion, and eschewed flamboyance.

While mulling over what to speak about today I thought that I might highlight some of the issues raised in my book *Prisoners, Solitude, and Time* (O'Donnell, 2014) which explores how prisoners cope with solitary confinement. There are lessons here, I think, for all of us about dealing with the prolonged denial of company (especially the adverse mental health consequences that can follow) during a public health emergency. Another possibility was to

revisit some of the themes addressed in *Justice, Mercy, and Caprice* (O'Donnell, 2017) which reviews how the Irish state used capital punishment and says something about the role of the probation service in providing post-release support to convicted murderers who were shown clemency. A third option was to give an early view of my current project on how prisoner societies organise themselves in Africa, the US, and Europe. But, on reflection, I thought it would chime better with the theme of the lecture series if I focused on the kinds of issues that Martin and myself tended to discuss, namely de-emphasising the prison and emphasising research, and the associated choices and challenges.

Martin Tansey understood the importance of good quality evidence to sound decision making. He was skilled at gathering information and overseeing its dissemination. One issue that he was particularly concerned about was recidivism and how it might be reduced or prevented. He was keen to show that non-custodial penalties had a vital role to play in addressing repeat offending and protecting society.

Recidivism

Breaking the cycle of offending is a pressing challenge for societies everywhere. It is essential for promoting community safety and vitality, controlling expenditure on the criminal justice system, and minimising the collateral consequences for offenders and their families that accompany repeat convictions. A research report recently published by the Department of Justice and Equality provides a critical assessment of the evidence pertaining to recidivism (O'Donnell, 2020). It aims to be a state-of-the-art review that can be periodically updated and that might set the parameters for a piece of empirical research in due course. It identifies the limitations of existing studies (and how they might be rectified) as well as highlighting deficits in understanding (and how they might be filled). It brings things up to date since the publication, more than a decade ago, of the findings of a major study carried out by the UCD Institute of Criminology and Criminal Justice (O'Donnell et al., 2007; O'Donnell et al., 2008; Baumer et al., 2009).

An Evidence Review of Recidivism and Policy Responses is the third in a series of reports that the Department of Justice and Equality has commissioned. The others addressed the role of the victim in the criminal justice system (Healy, 2019) and the factors associated with public confidence in the criminal justice process (Hamilton and Black, 2019). In combination, these

reports, and others that are underway, will contribute towards advancing the mission of the ACJRD – an organisation that Martin Tansey co-founded and later chaired, and which hosts this annual lecture in his memory – which is "to promote reform, development and effective operation of the criminal justice system".

There may be lessons in my review for the legislature (regarding possible law reform), for the judiciary (about the relative efficacy of different sentencing options), and for policy makers and practitioners (regarding what works, how, and for whom). Knowing the characteristics of recidivism-prone offenders or situations will allow interventions to be targeted with greater precision and confidence. This is not only to the advantage of the individuals concerned and their families, but there is a potential diffusion of benefits to the wider community. Social inclusion is promoted. Trust and civic participation are increased.

Those of us with an interest in criminology and criminal justice in Ireland – mine stretches back more than 30 years at this stage – have long been frustrated by the lack of research infrastructure, reliable data, and expert analysis. This has adversely impacted the quality of the debate about crime and punishment and puts us a great disadvantage when it comes to, first, deciding how to respond and, secondly, deciding whether any response has had the desired effect.

I will return to the question of research infrastructure later in this paper. But to begin with I want to share some of the findings from my analysis of the evidence on recidivism. First, I will say a little about my search strategy – how I located the material that forms the basis of the review. Then I will move on to definitions – what do we mean by recidivism? There is a great deal of flexibility in how the term is used and so too is there variation in what constitutes an adequate follow-up period. We cannot monitor people forever in case they reoffend, so what might be an appropriate cut-off?

I will give examples of several approaches that seem to work well and several that are promising and might repay closer examination. I will conclude by drawing out some of the lessons that might be relevant in an Irish context. My emphasis throughout is on approaches that, in the language of Hopkins and Wickson (2013: 596), are plausible (i.e., likely to have the desired effect), doable (i.e., could be carried out within reasonable temporal and financial parameters and are in accord with prevailing political priorities), and testable (i.e., the

underlying theory of change has been properly articulated in advance and is amenable to rigorous and meaningful evaluation). To this I would add a fourth and final component, namely that the initiative must be translatable (i.e., there is potential for transplanting what has proven successful elsewhere to an Irish context).

<u>Search strategy</u>

It is important to say that what I am describing is not a piece of empirical research. Nor is it a meta-analysis. It is a much more modest undertaking altogether, being no more than a literature review carried out within tight financial and time constraints with a view to providing a snapshot of the state of play in recidivism research. It is the first stage in a process rather than its culmination.

There is a long tradition in the criminal justice arena of limiting the focus to developments in the UK and to a lesser extent the US and to imitating what is done there, sometimes without giving sufficient thought to the suitability for an Irish context. As John Kelly remarked in the Dáil in 1983 when the Community Service Order was being introduced, this was: "simply one more example in the ignominious parade of legislation masquerading under an Irish title … which is a British legislative idea taken over here and given a green outfit with silver buttons to make it look native".

The UK and US are easy comparators – we share a language and legal tradition after all – but they are not necessarily good ones given their punitive approach to criminal justice, as illustrated by the striking upward momentum in their prison populations. The latest edition of the World Prison Population List shows that Ireland's imprisonment rate is around half that of Scotland or England and Wales and one eighth that of the US (Walmsley, 2018).

One of the aims of *An Evidence Review of Recidivism and Policy Responses* was to shift the focus, which has been widened to include developments right across Europe. My argument is not that we should substitute laws, policies, or practices from say Norway or the Netherlands and give them some "silver buttons" that can be shined up, but rather that we should look more widely for inspiration than we have tended to. Indeed, there is nothing to prevent us from designing our own solutions without external reference points and this is something we may do with less caution as the knowledge base develops.

My search was limited to articles written in English that related to a member state of the Council of Europe and were published between January 1990 and May 2019. To identify potentially relevant studies, a search of 12 major electronic databases was carried out. These captured recidivism research from criminological, sociological, psychological and medical perspectives, ensuring that a diverse and interdisciplinary range of material was included.

This is an area where there has been an explosion of interest in recent years and the volume of subject-specific material is very large. For example, an all-fields search of SCOPUS – one of the databases included – for the word 'recidivism' yielded 33,000 hits. By limiting the search term to article titles only and eliminating anything not written in English or European in focus, this came down to 1,273 hits across all the databases. These were cross-checked to remove duplicates, leaving 766.

Articles were then sorted based on their journal of publication, and these journal titles were cross-checked with the Criminology and Penology Journal List of the Social Sciences Citation Index. This index is limited to leading, internationally recognised academic journals. If the article in question appeared in one of the 65 journals ranked on this list, this was taken as a benchmark of quality, ensuring that only refereed articles exemplifying academic excellence were included in the sample. This reduced the tally to 310 articles.

Three academics with significant collective expertise in the field of criminology rated the 310 articles with a score of zero or one based on stipulated guidelines. Each reviewer undertook this rating independently then convened for a workshop during which the scores were collated by a colleague who had not been involved in the review process. Every article received an aggregate score of between zero and three. Only articles which received scores of two or three were included in the final sample which comprised 89 articles, containing studies from Austria, Denmark, Iceland, Malta, the Netherlands, Norway, Spain, Sweden, Switzerland, and the UK as well as Ireland. These form the basis of *An Evidence Review of Recidivism and Policy Responses*.

While it must be acknowledged that a different selection strategy may have generated a different final sample, the articles identified for this report would likely form the core of any review in the area. My approach allowed me to strike a balance between making the project

manageable at the same time as ensuring that the report was based upon unambiguously high-quality material.

<u>Definitions</u>

Simply stated, recidivism is reversion to criminal conduct. It is defined variously as reoffending, rearrest, reconviction or reimprisonment. It is measured through self-report and data captured by police, prosecutors, courts, and agencies involved in sentence administration. When interpreted sceptically, it is a relevant measure of the performance of a criminal justice system.

In the reviewed research, follow-up periods ranged from six to 216 months. It is clear that while initially steep, the overall rate of recidivism soon reaches a plateau and then tapers off. There is some variation according to offence type. Rates tend to be low for homicide and sex crime and high for property offences.

A two-year follow-up period will generally suffice for analytical purposes, except for sex offenders, whose base rate of reoffending is low, and for whom extended monitoring may be necessary. Despite their low recidivism rates, sex offenders remain the focus of a great deal of research. The high concern that they excite, which is amplified by media coverage, may help to explain why the evidence of low recidivism rates does not redound to their advantage in terms of a more generous approach towards early release. (The ninth Martin Tansey Memorial Lecture addressed the reintegration of sex offenders; McAlinden, 2016).

We need to be clear about what is being measured. For example, if one study defined recidivism as reimprisonment for a specific type of offence within two years, the results would be very different from another study that looked at reconviction for any matter (including violations of supervision conditions) over the same period. Greater disparities would emerge if the duration of follow-up were extended or the definition of recidivism broadened to include rearrest (or soft information that indicated an escalation of risk). These choices about research design have ramifications for the data generated by any study and its interpretation.

Next, I would like to turn my attention to some examples of approaches that have proven to be successful or where the results are sufficiently promising to merit closer scrutiny. I will give three of each.

<u>What works?</u>

Here I will say something about what we can learn with respect to sentencing, employment supports, and cognitive behavioural treatment programmes.

Community penalties vs. short prison terms

There is a growing body of evidence that short terms of imprisonment are less effective in terms of reducing recidivism than suspended sentences or community service. They are also much more expensive to administer. This would have delighted, but not surprised, Martin Tansey who led the Irish probation service for 30 years until his retirement in 2002.

A major study in the Netherlands followed up more than 4,000 offenders, half of whom had received community service and the other half a short term of imprisonment (Wermink et al., 2010). The Dutch researchers found significantly lower rates of recidivism (measured by the average annual number of convictions) for those sentenced to community service as opposed to those who were imprisoned. "In relative terms", they concluded, over a five-year follow up, "community service leads to a reduction in recidivism of 46.8 per cent compared to recidivism after imprisonment" (p. 343). This effect was also strongly evident in the short-term (one year) and in the long term (eight years), for all offences and for violent and property offences separately.

The policy and sentencing implications are clear: if prison or community service is being considered, the evidence strongly suggests that the latter will have the greater impact in terms of future community safety. If prison is criminogenic, as the evidence suggests, the arguments in favour of using it less are persuasive. While necessary as a last resort, the desirability of a more parsimonious approach is indicated, especially for those facing their first sentence.

Employment

A Norwegian study found that having a financially and socially productive way to fill the day was significantly associated with reduced recidivism (Skardhamar and Telle, 2012). Being

idle and in receipt of benefits was not a protective factor. The message is to give ex-prisoners a stake in conformity so that they can become (or remain) ex-offenders. Having a job provides a legal source of income, a measure of social control, a structure to the day, and a route to the creation of a new identity as a law-abiding and productive citizen. All these effects are magnified if the job is stable, the work is satisfying, and the conditions are good.

The direction of causality was not entirely clear and Skardhamar and Savolainen (2014: 286) found that the decision to cease offending preceded job entry: "employment should not be treated as a causal factor but as a consequence of 'going straight'." In other words, it would be not be correct to state, for this sample at least, that that recidivism rates fell because of the protective factors offered by employment.

The message here seems to be that employment opportunities are grasped by those who have decided to turn away from crime. This does not lessen the importance of ensuring that such opportunities are widely available, but it means that we must not think that finding jobs for offenders will automatically trigger a cessation in criminal activity. For those ready to change, the right incentives need to be readily available. (Maruna (2017) considered the desistance process in the tenth Martin Tansey Memorial Lecture.)

Treatment programmes

Moving now to specific treatment programmes, one of the most popular is called Reasoning and Rehabilitation. This programme addresses deficits in self-control, critical reasoning, cognitive style, interpersonal problem-solving, social perspective-taking, empathy and values. The theory is that the acquisition of these attributes will better equip the individual to make prosocial decisions and to withstand pressures towards criminal behaviour. The programme is typically delivered in 36 two-hour group sessions at a rate of two to four sessions per week.

A meta-analysis of 16 evaluations of the effectiveness of Reasoning and Rehabilitation found an overall decrease in recidivism (defined as rearrest or reconviction) of 14 per cent for programme participants compared with controls (Joy Tong and Farrington, 2006). The programme was effective for low-risk and high-risk offenders, when delivered in custodial or community settings, and regardless of whether or not participants were volunteers. The strength of meta-analysis is that it can amalgamate the results of numerous studies, of varying

sizes, and come to an accurate estimate of efficacy. The results of this meta-analysis are encouraging.

What's promising?

In terms of areas where closer attention is indicated I have a few brief comments on fairness, early release, and how sex offenders are treated in prison.

Fairness

A study carried out among prisoners in the Netherlands revealed that the way they felt they had been treated influenced their future behaviour: "Although the effect was small, prisoners who felt treated in a procedurally just manner during imprisonment were less likely to be reconvicted in the 18 months after release" (Beijersbergen et al., 2016: 63). Fairness and decency are important, and it is within the power of those who work within the criminal justice system to provide (and enhance) them.

If prisoners feel that the rules are clear and that they are applied consistently and without bias, that they are treated with dignity and respect and their views are heard, they are more likely to comply with the law. A procedurally fair system demonstrates to those subjected to it that they are of value, no matter what they may have done. Procedural unfairness communicates disrespect and disregard and leads to further alienation, resistance and noncompliance. In other words, there are potential gains associated with treating offenders fairly and expecting good behaviour in return.

Early release

There are two possible reasons why prisoners released on parole may reoffend less frequently. The first is because the Parole Board has successfully identified the low risk cases. The second is that the act of placing trust in prisoners and holding them to their word leads to an improvement in behaviour. It is difficult to disentangle what might be called the 'selection effect' from the 'parole effect'. To overcome this difficulty a study in England and Wales calculated predicted reconviction rates – based on factors such as number of previous convictions, age at first conviction and current offence – for released prisoners (Ellis and Marshall, 2000). The predicted rates were compared with the actual rates for each group. This allowed the 'parole effect' to be isolated.

The study found "a small but consistent difference" (p. 306) in favour of parole, with lower proportions of parolees reconvicted than would be expected based on their criminal history. It also found that prisoners on parole were reconvicted on significantly fewer occasions than prisoners released at the end of their sentences. Looking at time to reconviction it found that parole exercised a positive effect, significantly delaying the onset of reoffending.

The study is somewhat dated. But it suggests that early release may have a role to play in crime prevention. The next step is to identify what underlies this reductive effect. Is it probation supervision? Or the threat of recall to prison? Or the repayment of trust with improved behaviour?

Sex offenders in prison

An interesting qualitative study was carried out with a small sample of imprisoned sex offenders (Perrin et al., 2018). These were men who had taken on peer support roles such as being a Listener trained by the Samaritans to offer face-to-face emotional support to those in crisis, or acting as a mentor to newly arrived prisoners or those who were experiencing victimisation or bullying, or acting as a literacy tutor. It seemed that these roles made the men's lives meaningful, imbued their everyday activities with a sense of purpose, stimulated reflection, helped them to develop self-control, and encouraged the type of active citizenship that is thought to be associated with law-abiding life post-release by giving people the kind of stake in society that promotes conformity.

By engaging with their less fortunate peers in a constructive way, they were able to develop a more positive self-image and an identity as someone who could redefine themselves in a prosocial direction. They were keen to repay the trust shown in them (both by the authorities and other prisoners) by demonstrating an ability to make a worthwhile contribution to their environment. In the right circumstances this can promote a virtuous cycle of improved thinking and acting.

In a group as denigrated and despised as sex offenders, it is particularly important to take seriously any opportunity to reinforce the kind of behaviour that might promote successful reintegration. If the reduction of stigma and self-loathing is associated with reduced recidivism and if it can be promoted through peer support work, then this is an idea worth pursuing. So too if peer support activity can assist in compliance with the authorities and

better emotional regulation, these are factors that would be beneficial if they persisted after release.

These encouraging findings merit further study – and indeed extension – to probe the degree to which prosocial changes wrought within penal institutions persist outside and depress recidivism rates.

Now, what might we learn from all this? What choices and challenges are indicated by *An Evidence Review of Recidivism and Policy Responses*?

Lessons for Ireland

National criminal justice arrangements vary considerably, and it is important to be realistic about the likelihood that an intervention found to bear fruit in one jurisdiction will be successfully transplanted to another. Any conclusions must be sensitive to context and tentative. In addition, findings are always out of date by the time they are published in a peer-reviewed journal. Sometimes the lag is considerable and, in the interim, the legislative and policy environment may have changed considerably. In other words, we must be sensitive to time as well as place.

There are challenges extrapolating from countries where the data are more reliable, the linkages across agencies are better, the system has different priorities, and the administration of justice is organised in a way that has no obvious parallel in Ireland. In Scandinavian countries, for example, residents are issued with a unique identification number which allows records to be linked easily and effectively. This permits researchers to explore possible relationships between criminal justice data and various indices of health, education, employment, income, social welfare and mortality. Such data linkages cannot be made in Ireland.

In the absence of a personal identifier, it is crucial that criminal justice agencies collect data that can be connected across the system. Unfortunately, there is little confidence in the crime figures in Ireland which, for some time, have been published 'under reservation' (Central Statistics Office, 2018). This means that there are obstacles to be overcome before research based on administrative data alone can reach a satisfactory quality threshold. These concerns are long-standing and have persisted since the minority report of the Expert Group on Crime

Statistics, which I wrote in 2004, expressed a lack of confidence in the "quality, reliability and accuracy of Garda data" (http://www.justice.ie/en/JELR/MinorityReport.pdf/Files/MinorityReport.pdf, accessed 29 June 2020; see also O'Donnell, 2002).

But there are some important lessons. The first is about setting expectations at an appropriate level.

Setting realistic expectations

It would be a lot to expect that any programme, however well-designed, well-intentioned and well-implemented could trump the practical challenges associated with returning to an environment characterised by unstable housing, negligible employment prospects, poor family and community ties, and antisocial peers. If substance misuse is added to the mix the odds are heavily stacked against even the most highly motivated offender.

Quite simply, it is unrealistic to think that years and even decades of socialisation will be reversed by a programme delivered over a number of weeks or months in a criminal justice setting. In other words, evaluations that focus on a single metric as crude as recidivism are inherently limited. There is no denying that treatment programmes may offer a hook for those who are ready to change, but for young people who find a life of crime exciting and rewarding – or whose lives are chaotic and lived under the burden of multiple layers of disadvantage – it is unlikely that any short-term intervention that does not take account of external circumstances will have a radically transformative effect.

Modifying an offender's cognitive style is of little value if he or she cannot find work or accommodation and continues to struggle with addiction and social isolation. Care is required not to personalise the causes of crime without taking account of the wider social and economic context.

Another lesson is about programme design and implementation.

Non-completion

In assessments of programme effectiveness, it is essential to take account of those who do not complete treatment, for whom outcomes are typically less favourable. This may be because

non-completers share characteristics with those who are prone to recidivism in that they are younger, have higher risk profiles, more convictions and fewer community ties. However, it is also possible that non-completion itself is detrimental with respect to future offending and, in some cases, it may be better to do nothing than to begin, but drop out of, a programme.

It is necessary to distinguish between programme completers, non-completers, and non-starters; collapsing these groups might mean that important effects are missed. Only including participants who completed a programme can lead to bias as it is likely to contain a disproportionate number of the most motivated offenders. A good study should report the outcomes for all participants; evaluators cannot simply omit those who drop out. If non-completers are more likely to reoffend and are omitted this creates a selection bias, independent of any treatment effect, which increases the chances of finding a lower level of recidivism.

It is not entirely clear why non-completion has adverse consequences. There are several possibilities. First, removal from a programme may reinforce an anti-authority disposition. Secondly, important issues may have been raised for the offender but because the programme was interrupted, he or she may not have acquired the skills required to address them. Thirdly, individuals may feel confused, excluded and worthless; a further erosion of confidence in a group where this quality is often lacking, another example of failure in a life where there may have been few triumphs.

The lessons here are obvious. What is necessary is careful selection of programme participants followed by extra support for those who are struggling and specialist referral where needed. Strenuous efforts are required to ensure that all participants move as far through the programme as possible, ideally to a conclusion. Also necessary is a wider margin of tolerance so that people are not expelled from programmes for displaying a variant of the problematic behaviour that led to their enrolment in the first place. In some cases, a pragmatic approach may be more beneficial in the long term than one based on unbending rule enforcement.

There is no doubt that running programmes which are not completed by participants is economically disadvantageous. But it is perhaps a matter of greater concern if it is criminogenic.

Finally, those who deliver treatment programmes play an important role in the success or otherwise of their clients and analyses should not be limited to the client group (Raynor et al., 2014). Just as it might be too optimistic to expect a short cognitive behavioural intervention to negate a lifetime of adversity and a return to instability and criminal peers, so too might it be unfair to castigate offenders who have not completed a treatment programme for their future behaviour if they have been let down by a skills deficit on the part of the professionals responsible for programme delivery. In other words, drop out may be explained by organisational ineffectiveness as well as a lack of individual motivation.

Sometimes it might be preferable to do nothing than to implement a programme badly.

Research infrastructure

In conclusion, I will turn briefly to the second issue about which Martin Tansey and myself conversed, namely, how to bolster the evidence base upon which criminal justice policies should be founded. There has been some progress on this front and the creation of a data analytics unit within the Department of Justice and Equality is a development that will be welcomed by everyone in the research community.

What is required next is a serious and sustained commitment to an adequately funded multiannual programme of work. It is fair to say that the criminal justice policy debate in Ireland remains characterised by deficits of urgency, follow through, structure, and critical scrutiny (O'Donnell, 2013). It tends to have a staccato quality and many worthwhile initiatives have been allowed to expire quietly after an initial flurry of interest.

To take just one example, consider the progress of the White Paper on Crime which was to incorporate a national anti-crime strategy. This high-level statement of Government policy, its rationale, and the strategies to give it effect was promised for 1998. A personal communication in September 2001 with one of the officials charged with drafting it revealed that the White Paper "continues to be under preparation, but publication is not imminent. No date has, as yet, been set" (O'Donnell, 2008: 127). This has proven to be a masterpiece of understatement.

The White Paper remained an objective in the Department of Justice, Equality and Law Reform's *Strategy Statement 2003–2005* where it was described as "a significant task in the coming period" (Department of Justice, Equality and Law Reform, 2003: 25). However, it did not appear and when the *Strategy Statement 2005–2007* was published it was silent on the question of the White Paper (Department of Justice, Equality and Law Reform, 2005). In 2009, and again in 2011, there was renewed public commitment by the minister of the day to the production of the White Paper.

According to a check of the Department of Justice and Equality website this morning, the White Paper – by now 22 years in arrears – is "due for publication in 2015 [sic]" (http://www.justice.ie/en/JELR/Pages/OverviewOfWPOC, accessed 29 June 2020). It is awaited with ever-reducing anticipation. The fact that the website has not been updated in so long says a great deal about the seriousness with which the analysis of crime and punishment is taken.

Also, remember the establishment of a National Crime Council in 1999 and its abolition in 2008? Despite some initial enthusiasm the Council generated little of enduring value and its demise was scarcely noticed. Nor has there ever been a formal, or consistent, mechanism for funding independent criminological research. On the rare occasions when money is made available the amounts are modest, the focus narrow, and the timeframe short. Official statistics and policy papers appear infrequently and are subjected to little scrutiny. As previously mentioned, there remain serious concerns about data quality and inter-agency linkages.

Although there is a burgeoning interest in criminological studies at third level, a critical research mass has not yet been attained, and the impetus seems to be towards the provision of undergraduate courses (driven by a desire to increase student numbers and capture the associated funding, rather than for sound pedagogical reasons) which is unlikely to advance the research agenda in any appreciable way.

I think it is fair to say that the underdeveloped research capacity of the state frustrates innovation. So too does the strength of organised labour across the various agencies of the criminal justice system, which slows progress considerably. Where there has been investment it is not in better policy formulation, decision making, and research but in prison building,

Garda recruitment, overtime pay, and the creation of new administrative structures. (Various aspects of the 'culture' of Irish criminal justice were the subject of the fourth (Kilcommins, 2011), fifth (Rogan, 2012), and twelfth (Hamilton, 2019) Martin Tansey Memorial Lectures).

As I have argued elsewhere, the inertia that characterises so many aspects of criminal justice may provide a buffer against sudden change and this may have partially insulated Ireland from the worst excesses of the punitive chill that is evident elsewhere (see O'Donnell, 2011). Earlier, I compared the imprisonment rate in Ireland with that of the UK and US. If we locked people up with the same enthusiasm as they do in the US, we would have a prison population of around 31,000 rather than 3,700 (https://www.irishprisons.ie/wp-content/uploads/documents_pdf/26-June-2020.pdf, accessed 29 June 2020; the prison population is perhaps unusually low at present as a result of the strategic use of early release to prevent the spread of the coronavirus). Clearly this is not a situation we would wish to imitate.

The slow pace of change, and its contradictory effects, is perhaps best exemplified by the fact that the Probation Service continues to operate under a legislative framework that predates Independence, namely the Probation of Offenders Act, 1907, which defines its role as to 'advise, assist, and befriend'. These noble sentiments were somewhat dated when Martin Tansey began work as a prison welfare officer in 1965 and it is not clear how well they capture the realities of probation practice as we enter the third decade of the twenty-first century.

I think that Martin would have appreciated the constancy at the heart of the organisation he served for so long as well as the inevitable tensions between stasis and progress, between inertia and unfocused momentum, between cautious optimism and well-grounded reform. How we resolve these tensions will be central to the task of reducing reoffending and alleviating the burden of crime on society. These are the choices and challenges for the period ahead.

Acknowledgements

References

Baumer, E., O'Donnell, I. and Hughes, N. (2009) 'The Porous Prison: A Note on the Rehabilitative Potential of Visits Home', *The Prison Journal*, 89(1): 119-26.

Beijersbergen, K., Dirkzwager, A. and Nieuwbeerta, P. (2016) 'Reoffending after Release: Does Procedural Justice During Imprisonment Matter?', *Criminal Justice and Behavior*, 43(1): 63-82.

Central Statistics Office (2018) *Review of the Quality of Recorded Crime Statistics: Based on 2017 Data Provided by An Garda Síochána*. Cork: CSO.

Department of Justice, Equality and Law Reform (2003) *Strategy Statement 2003–2005*. Dublin: Department of Justice, Equality and Law Reform.

Department of Justice, Equality and Law Reform (2005) *Strategy Statement 2005–2007*. Dublin: Department of Justice, Equality and Law Reform.

Ellis, T. and Marshall, P. (2000) 'Does Parole Work? A Post-release Comparison of Reconviction Rates for Paroled and Non-paroled Prisoners', *Australian and New Zealand Journal of Criminology*, 33(3): 300-317.

Hamilton, C. (2019) 'Criminal Justice Culture(s) in Ireland: Quo Vadis?', *Irish Probation Journal*, 16: 6-21.

Hamilton, C. and Black, L. (2019) *An Evidence Review of Confidence in Criminal Justice Systems*. Dublin: Department of Justice and Equality.

Healy, D. (2010) *The Dynamics of Desistance: Charting Pathways Through Change*. Willan Publishing.

Healy, D. (2019) *Exploring Victims' Interactions with the Criminal Justice System: A Literature Review*. Dublin: Department of Justice and Equality.

Hopkins, M. and Wickson, J. (2013) 'Targeting Prolific and Other Priority Offenders and Promoting Pathways to Desistance: Some Reflections on the PPO Programme Using a Theory of Change Framework', *Criminology & Criminal Justice*, 13(5): 594-614.

Joy Tong, L.S. and Farrington, D. (2006) 'How Effective is the "Reasoning and Rehabilitation" Programme in Reducing Reoffending? A Meta-analysis of Evaluations in Four Countries', *Psychology, Crime & Law*, 12(1): 3-24.

Kilcommins, S. (2011) 'Where Is Our Criminal Justice System Going?', *Irish Probation Journal*, 8: 69-81.

McAlinden, A.M. (2016) 'The Reintegration of Sexual Offenders', *Irish Probation Journal*, 13: 5-21.

Maruna, S. (2017) 'Desistance as a Social Movement, *Irish Probation Journal*, 14: 5-20.

O'Donnell, I (2002) 'Interpreting Crime Trends', *Irish Criminal Law Journal*, 12(1): 10-16.

O'Donnell, I. (2008) 'Stagnation and Change in Irish Penal Policy', *The Howard Journal of Criminal Justice*, 47(2): 121-33.

O'Donnell, I. (2011). 'Criminology, Bureaucracy and Unfinished Business', in M. Bosworth and C. Hoyle (eds.) *What is Criminology?* Oxford University Press.

O'Donnell, I. (2013). 'Penal Policy in Ireland: The Malign Effect of Sustained Neglect', *Studies: An Irish Quarterly Review*, 102: 315-23.

O'Donnell, I. (2014) *Prisoners, Solitude, and Time*. Oxford University Press.

O'Donnell, I. (2017) *Justice, Mercy, and Caprice: Clemency and the Death Penalty in Ireland*. Oxford University Press.

O'Donnell, I. (2020) *An Evidence Review of Recidivism and Policy Responses*. Dublin: Department of Justice and Equality.

O'Donnell, I., Teljeur, C., Hughes, N., Baumer, E. and Kelly, A. (2007) 'When Prisoners Go Home: Punishment, Social Deprivation and the Geography of Reintegration', *Irish Criminal Law Journal*, 17(4): 3-9.

O'Donnell, I., Baumer, E. and Hughes, N. (2008) 'Recidivism in the Republic of Ireland', *Criminology and Criminal Justice*, 8(2): 123-46.

Perrin, C., Blagden, N., Winder, B. and Dillon, G. (2018) '"It's Sort of Reaffirmed to Me That I'm Not a Monster, I'm Not a Terrible Person": Sex Offenders' Movements toward Desistance via Peer-Support Roles in Prison', *Sexual Abuse*, 30(7): 759-780.

Raynor, P., Ugwudike, P. and Vanstone, M. (2014) 'The Impact of Skills in Probation Work: A Reconviction Study', *Criminology & Criminal Justice*, 14(2): 235-249.

Rogan, M. (2012) 'Rehabilitation, Research and Reform: Prison Policy in Ireland', *Irish Probation Journal*, 9: 6-32.

Skardhamar, T. and Telle, K. (2012) 'Post-release Employment and Recidivism in Norway', *Journal of Quantitative Criminology*, 28(4): 629-649.

Skardhamar, T. and Savolainen, J. (2014) 'Changes in Criminal Offending around the Time of Job Entry: A Study of Employment and Desistance', *Criminology*, 52(2): 263-291.

Walmsley, R. (2018) *World Prison Population List*. 12th Edition. Institute for Crime & Justice Policy Research, Birkbeck, University of London.

Wermink, H., Blokland, A., Nieuwbeerta, P., Nagin, D. and Tollenaar, N. (2010) 'Comparing the Effects of Community Service and Short-term Imprisonment on Recidivism: A Matched Samples Approach', *Journal of Experimental Criminology*, 6(3): 325-349.