HM Inspectorate of Probation

Desistance, recovery, and justice capital: Putting it all together

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HM Inspectorate of Probation

Academic Insights 2022/10

OCTOBER 2022

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Foreword

HM Inspectorate of Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth offending services. *Academic Insights* are aimed at all those with an interest in the evidence base. We commission leading academics to present their views on specific topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth offending services.

This report was kindly produced by Hazel Kemshall and Kieran McCartan, highlighting the importance of recovery capital and justice capital to desistance and community integration. Recovery capital is made up of social, physical, human, and cultural capital, recognising the importance of the context that an individual finds themselves in, and how responses need to be holistic and person-centred, paying attention to the individual, interpersonal, community, and societal levels. Justice capital highlights the specific role of justice organisations and practitioners in delivering recovery capital in an equitable and responsive way, with a focus on how best to work with all individuals, and how to prepare, support and develop staff. Crucially, access to the required capital for desistance can be improved or damaged by the operation of the criminal justice system and the way its key agencies deliver services. Within the inspectorate, we remain focused on promoting high-quality services that change people's lives for the better.

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The views expressed in this publication do not necessarily reflect the policy position of HM Inspectorate of Probation

1. Introduction

Over recent years, we have seen an increased focus on those intervention measures, systems and processes likely to promote and enhance **desistance** (Rocque, 2017; Maruna and Mann, 2019). Various interventions have been discussed in the contemporary research literature, most notably supervision skills, reframing goals, and choices, building and sustaining protective factors, positive use of social capital, and enhancement of personal resilience (see Kemshall, 2021; and Ulber, 2021 for a review). Underpinning this collection of interventions is the useful notion of **recovery capital**, defined as: 'the total sum of resources which individuals can draw on to overcome substance misuse' (Cloud and Granfield, 2009, p.1792; Hennessy, 2017; McCartan and Kemshall, 2020, p.90). The concept has been applied to offending and desistance (Best, Irving and Albertson, 2017; McCartan and Kemshall, 2020), helping practitioners to think about and review the full range of capital available to any given individual in their rehabilitation/desistance journey.

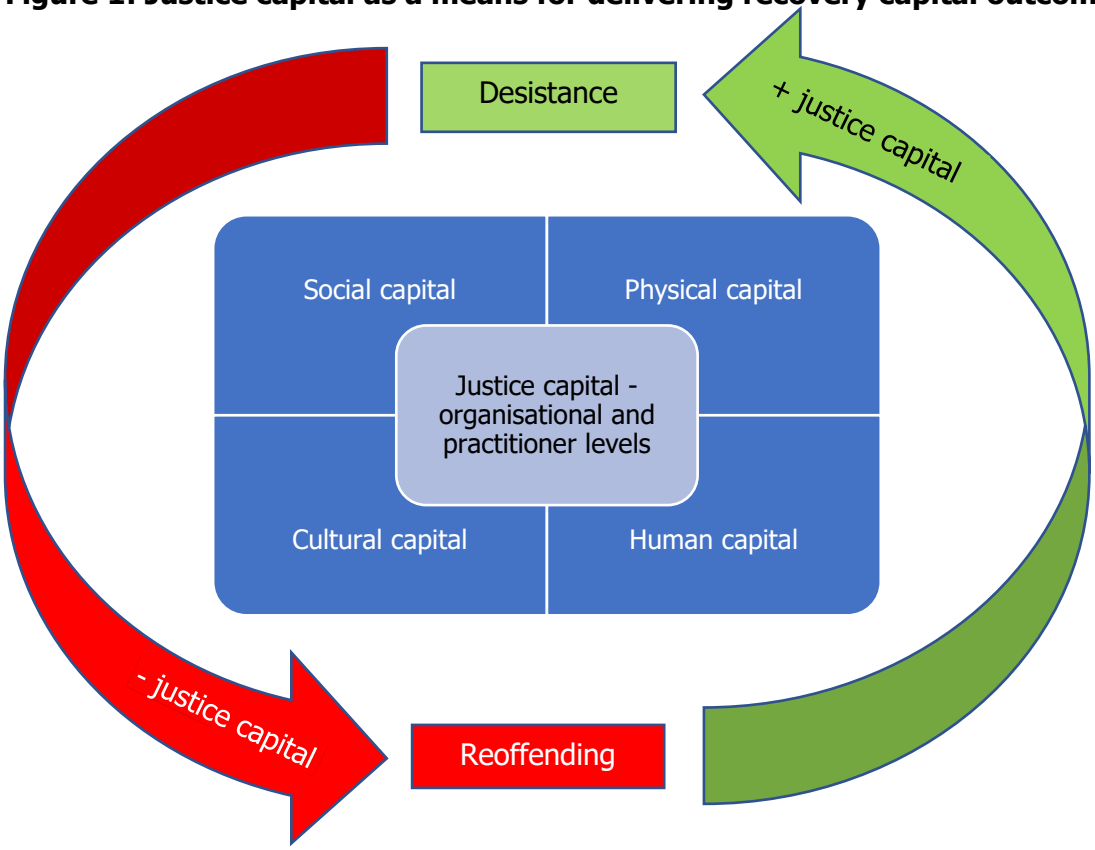
Recovery capital highlights the importance of the context that the individual finds themselves in and how their risk factors and existing/developing protective factors link to desistance from criminogenic behaviour. In brief, the core components of recovery capital are as follows:

- *social capital* is defined as the sum of resources that each person has because of their relationships, including support from, and obligations to, groups to which they belong
- *physical capital* is understood as income, property and assets that can be used to increase recovery options (e.g. paying for treatment, detox, relocating, etc)
- *human capital* includes skills, and personal resources, such as coping mechanisms, resilience, hope, and positive aspirations towards a 'good life'. Such capital is often linked to higher educational attainment and positive problem-solving skills that aid the recovery journey
- *cultural capital* includes pro-social values, beliefs and attitudes that can promote and sustain recovery and enhance social conformity and rule compliance.

(Cloud and Granfield, 2009; McCartan and Kemshall, 2020, pp.90-91).

This *Academic Insights* paper will explore the potential contribution of recovery capital to desistance, but also the ethos, values, practices, and institutional processes likely to enable the delivery of recovery capital. Recently, Best et al. (2021) have made a significant contribution to the evolving concept of recovery capital through their inclusion of, and focus on, **justice capital**. Justice capital is the role that justice organisations/institutions, and more specifically staff, provide in 'supporting or suppressing' access to the required capital for desistance, particularly for marginalised groups (p. 206). They define institutional justice capital (IJC) as the 'structures, systems, processes, and relationships within institutions that create the conditions for access to social and community capital, which in turn can nurture or hinder the development of personal skills and resources' (Best et al., 2021, p.209). Thus, recovery capital is not just about the individual's competence and capacity to desist, and how to enhance this through one-to-one work; it is also about equity of access to necessary capital for individuals and groups, and a recognition that structural determinants if left unaddressed can constrain individual access to capital (Farrall, 2019).

Figure 1: Justice capital as a means for delivering recovery capital outcomes



Building on Best et al. (2021), negative justice capital can be understood as:

- stigmatising institutions
- discriminatory practices and institutional reinforcement of structural constraints
- practices that consolidate negative social capital such as belonging to negative, pro-crime groups/networks/gangs
- lack of access to bridging social capital and access to new, positive opportunities for change
- lack of access to rehabilitative resources and lack of community acceptance resulting in exclusion.

Addressing and reducing negative justice capital within key justice institutions has been seen as crucial to improving effective service delivery, particularly for marginalised groups (Kemshall, 2022a forthcoming; MoJ, 2022; McCartan 2021,2022). Conversely, positive ethos, values, practices, standards, processes, and systems are critical to the effective operation of justice capital, with a focus on staff training and development, and the principles of recognition, compassion, and supportive integration. Ultimately, it is about:

- what practitioners believe, deliver, model, and promote
- the institutional practices, ethos and values that support equitable and responsive access to the capital required for desistance.

Recovery capital is essential to effective desistance and community integration, with justice capital being a principal component in delivering recovery capital. Justice capital is the conduit through which desistance, harm reduction and effective risk management are delivered. Effective pro-social justice capital reinforces and expands upon social, physical, human and cultural capital to enable harm reduction as well as community integration.

2. The importance of recovery and justice capital

2.1 How can recovery capital aid desistance?

Desistance is seen as central to the way that we think about rehabilitation and risk management in the criminal justice system, not only in the UK but internationally (Maruna and Mann, 2019). The idea that people can turn their lives around, stop offending, build on their strengths, and create, as well as reinforce, protective factors has increasingly defined the work of the criminal justice system over the last 15 to 20 years.

Recovery capital contributes to desistance in the following ways:

Social capital

- Positive social capital enabling reintegration and resettlement, especially of stigmatised and marginalised groups such as sexual offenders (Albertson, 2021; Best et al., 2018; Burchfield and Mingus, 2014; Tolson and Klein, 2015).
- Provision of stable, pro-social networks of support (Brankley, Monson, and Seto, 2017; Harris, 2017; McCartan, 2016; Wilson and Sandler, 2017).
- Provision of 'bridging social capital' to new, pro-social networks of opportunity (Claridge, 2018).
- The reduction of negative social capital such as membership of pro-criminal groups (Kay, 2020), and the reduction of stigma and exclusion (Best and Savic, 2015; McCartan and Gotch, 2020).
- Practitioner recognition of the differing types of social capital and how they can be built and deployed (Albertson and Hall, 2019; Albertson, 2021 for the key distinctions between the types of social capital).

Physical capital

- Physical assets (such as finances, social supports) that can enable positive re-integration into the community (McCartan, 2016; Thompson et al., 2017).

Human capital

- Development of personal agency and enhancement of resilience to adversity (Fougere and Daffern, 2011; Gomm, 2015; Hodgkinson et al., 2020).
- Development of positive choice making (Healey, 2016).
- Acquisition of skills, health and wellbeing, and aspiration and hope (Mann and Maruna, 2017).
- Problem solving and thinking skills (Bonta and Andrews, 2017; Laws and O'Donohue, 2016; Wilson and Sandler, 2017).
- Developing and accessing resources (such as education, employment) to integrate back into the community (McCartan, 2016).

Cultural capital

- Acquisition of appropriate social values, beliefs and behaviours 'that allow them to fit into, and function within, the accepted social norms of society (McCartan and Kemshall, 2020, p.97).
- Reframing distorted beliefs, aspirations, and goals (Szumski, Bartels, Beech and Fisher, 2018).

Practitioners can sometimes struggle to translate recovery capital into helpful practice activities, or to consider a mode of service delivery and engagement that can support its

effective implementation to achieve desistance (Kemshall, 2022b forthcoming). The following practices are supported by research:

- Modelling and encouraging reciprocity, that is, mutual exchange rather than merely appropriating things. Social norms and the smooth running of society is rooted in reciprocity so it is important service users can implement it (Best, Musgrove and Hall, 2018; Kemshall, 2021; Weaver, 2015).
- Identifying and accessing routes to building trust between the service user and others, and between the service user and the key groups that can afford opportunities to change (Christakis and Fowler, 2009).
- Providing dignity and value to the service user combined with appropriate boundaries on conduct and behaviour (Bush et al., 2016; Rex and Hosking, 2016).
- Fairness and justice in applying legitimate sanctions and the appropriate use of 'supportive authority' (Bush et al., 2016; Maruna, 2012).
- Hearing the service user 'voice' and offering individualised service delivery based on a comprehensive and holistic assessment (McNeill, 2006).
- Partnership with the service user where possible, realistically recognising the barriers to joint working, and accepting that, at times, particularly in the early stages of supervision, the practitioner may have to be the 'senior partner'. The practitioner should be an 'enabler' not a 'rescuer' (Kemshall, 2022b; Rex and Hosking, 2016).
- Creation of positive networks of opportunity and routes to change (Christakis and Fowler, 2009; Kemshall, 2021; McKnight and Block, 2010).
- The importance of recognising trauma and adverse experiences in the lives of service users; taking a trauma-informed approach recognises the importance of the life course in people's pathways into and out of criminogenic behaviour practice (McCartan, 2020).
- Recognition of the impact of stigma, marginalisation, structural disadvantage, and intersectionality on service users (Alliance for Women and Girls at Risk, 2017; Barlow and Weare, 2019; Byrne and Trew, 2008; Farrall, 2019). It is important to see the individual in the socio-ecological environment that they exist in, and to understand that the different levels of this environment all contribute to preventing reoffending, successful risk management, and desistance.

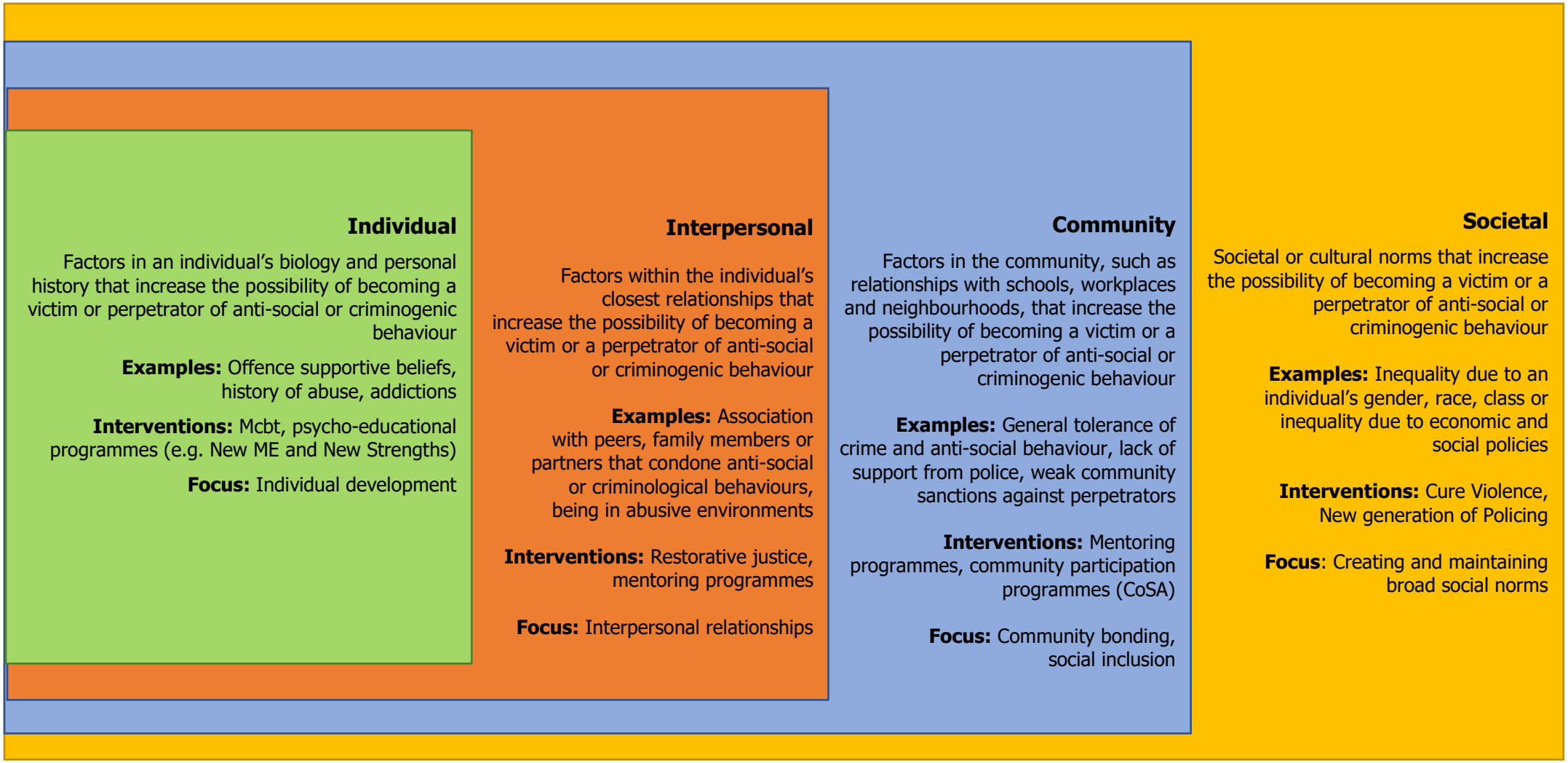
It is accepted that 'Broadening interventions… to include recovery capital… can assist in 'transitioning out of offending' (Best et al., 2016)' (McCartan and Kemshall, 2020, p.101). This requires multi-level interventions at individual, interpersonal/group, community, and societal levels. The next section looks at some examples.

2.2 Multi-level interventions to promote recovery capital

Understanding offending behaviour means understanding the contexts in which that behaviour exists, and recognising that offending behaviour can be tied to interactions between an individual's environment, their biology, and their psychology (Walton, Ramsay, Cunningham and Henfrey, 2017). The context that individuals find themselves in, and its impact upon them, plays a key role in their behaviour. Therefore, in developing rehabilitative responses to criminogenic behaviour, we need to consider more than just the individuals biology and psychology, we must consider their environment as well.

The socio-ecological framework indicates that the context that individuals find themselves in can be supportive, or condemnatory, of offending behaviour. Negative features may exacerbate risk factors while positive ones are likely to reinforce protective factors. This means that to realise the full potential of recovery capital, we need to understand what it looks like at each of the four socio-ecological stages.

Figure 2: The four socio-ecological stages and their links to criminogenic behaviour



Individual-level interventions

Practitioners have a key role in enabling skill building, assisting with cognitive reframing, promoting effective problem-solving, employing effective use of authority, and 'advocacy brokerage' (Bonta and Andrews, 2017; Christakis and Fowler, 2009; McKnight and Block, 2010). These all contribute to the building of personal recovery capital and facilitate the building of positive social relations and networks. Practitioners can provide further support through modelling reciprocity, positive social modelling, and the building and sustaining of positive social relationships (Rex and Hosking, 2016; Kemshall, 2021, 2022b; McCartan, 2016, 2020, 2022). Importantly, practitioners have a role in ensuring equitable access to services and resources (Best et al., 2021), including culturally relevant services and interventions which are sensitive to the impact of structural disadvantage including the intersectionality of class, race, and gender (Henne and Troshynski, 2019).

Across the criminal justice system, there are many examples of individual-level programmes, cognitive-behavioural or psycho-educational in nature (Ministry of Justice and HM Prison and Probation Service, 2022), which work to address the individual and personal aspects of offending behaviour by getting the service user to understand the triggers and how to neutralise them (e.g. New Me and New Strengths programmes – for more information, see EuroPris and Confederation of European Probation, 2022).

Interpersonal-level interventions

Understanding and responding to interpersonal dynamics is essential to the desistance and rehabilitative process, especially in respect to offences linked to interpersonal violence, sexual abuse and domestic abuse. By its very nature, crime and offending behaviour is interpersonal, and often impacts other people, many of whom are known to the person committing the offence. Interpersonal interventions are therefore important in the desistance, rehabilitation, and (re)integration processes.

The interpersonal level focuses on person-to-person bonding, promoting a greater understanding of individual interactions, the positive management of personal relationships and improved communication, and enhanced cognitive thinking and decision making. At this level, practitioners can focus on improving communication skills and positive social interactions, identification of and appropriate management of trigger situations, and the formation and sustaining of healthy relationships.

Examples of interpersonal interventions, include:

- interventions to reduce and mitigate the impact of negative bonded social capital, e.g. gangs and pro-criminal families (Gebo and Bond, 2022; Jump and Horan, 2021; Lantz and Hutchinson, 2015; for practical advice, see Home Office, 2015)
- promoting linking and bridging social capital (Albertson, 2021), including, for example, through mentoring programmes (George and Twyford, 2021)
- developing safe access to positive networks and sense of belonging (Hall, 2019).
- 'advocacy brokerage' to facilitate service user safe access to, and use of, positive groups of new opportunity (Gebo and Bond, 2022; Jump and Horan, 2021)
- using groups and 'belonging' to facilitate 'identity shift' and transition to non-offending lifestyles (Best et al., 2021; Best et al., 2017; Best, Musgrove and Hall, 2018)
- restorative justice interventions that look to explain, examine, and understand the root causes of interpersonal crime so that the victim and person who has committed the offence both understand it and are able to process as well as move beyond its impact (see, for example, Circles of Support and Accountability, McCartan, 2016; Richards, Death and McCartan, 2020).

Community-level interventions

Genuine and meaningful integration back into communities as a full citizen has been seen as critical to the desistance process (Best and Savic, 2015; McCartan and Kemshall, 2021), including support post-sentence to live a pro-social life (Maruna and Mann, 2019). Crime and offending behaviour are community issues, and communities must thus play a role in preventing and responding to them. Communities are central to the desistance process as they encourage and affirm prosocial, non-offending behaviour as well as reward progress in harm reduction. However, framing criminogenic behaviour within a community context can be challenging, with often no clear policy or practice path as communities can be ill-defined and difficult to engage with. Therefore, when thinking about community responses, we need to consider what the community is and how we engage. Individuals can be members of multiple communities, often with different messages, and this means that we need to consider an individual's engagement with community(ies) in an intersectional way that allows for nuanced debate and fit for purpose responses.

In terms of desistance from offending behaviour, we need to consider community interventions from a policy and practice gaze **beyond** immediate re-entry and focus on better transition management from custody to community (Best, 2019; Kemshall, 2022b; McCartan and Kemshall, 2021). Long-term sustainability of an offence-free life requires becoming part of a community rather than merely being placed within it. The latter can be a challenge as people often lose touch with their pro-social communities because of their offending behaviour and it is easier to reattach to anti-social/problematic communities linked to their offending behaviour. Community integration is not about picking up the pieces and continuing, it is often about **starting over** with communities in different ways. Mentoring, Circles of Support and Accountability, and safe membership of positive social groups can all assist (McCartan and Kemshall, 2020, 2021), alongside educational access, employment, and suitable housing (McCartan and Kemshall, 2020; Harris, 2017; Fox and Frater, 2019). Practitioners and criminal justice agencies have a key role in enabling safe access to such groups (e.g. faith groups), and partnership arrangements can help to nurture and sustain such supportive community networks over time.

Improving access to community-level interventions is important to the desistance process as it allows people to understand and mirror pro-social community dynamics, as well as understand what an integrated, non-offending lifestyle means for them. Community participation and access for a person with an offending history can provide a 'reflective mirror' of acceptable norms, behaviour, and conduct, thus supporting the desistance transition. This community contact reinforces how to access, achieve, and use relevant social, physical, human, and cultural capital to transition out of crime, achieve (re)integration, and lead an offence-free life. Such community participation for service users needs to be achieved through participation in pro-social groups, and opportunities to 'join in' that are safe, tangible, and achievable for the individual person.

Societal-level interventions

Work at the societal level should address the causes and consequences of offending behaviour using a Public Health Approach (Centers for Disease Control and Prevention, 2004a, 2004b, 2015; McCartan and Kemshall, 2021), which focuses on harm reduction and the development of preventative strategies aimed at reducing offending and criminogenic behaviour across the population (Centers for Disease Control and Prevention, 2004a, 2004b, 2015). These approaches are referred to as Epidemiological Criminology (EpiCrim) (McCartan and Kemshall, 2021).

An EpiCrim approach is about framing crime and offending behaviour as a population-level issue which often results in the need for structural change and the requirement for higher-

level policy and practice. In terms of offending behaviour, we are talking about social and cultural norms around the acceptance, or unacceptance, for certain behaviour or actions which can take a long time to shift, with progress being seen as slower here than at the previous three levels. A good example of this is the #METOO campaign with evidence indicating that the social and cultural norms around sexual abuse and harassment are taking longer to change than the individual, interpersonal, and some community responses (Fileburn and Loney-Howes, 2019).

Recent responses to violent crime in places such as Chicago, Los Angeles, Philadelphia (USA), Merseyside (Merseyside's Violence Reduction Partnership, 2022) and London (London's Violence Reduction Unit, 2022), and the Violence Reduction Programme in Scotland (Violence Reduction Unit, 2022), have used EpiCrim methodologies to identify population-level data on criminal activities and potential causation to develop public health informed strategies for crime reduction. The *Cure Violence* (2022) public health initiative on a criminal justice issue has now spread to over 20 countries worldwide, including the UK. The initiative takes a health-based approach to prevent and respond to violence, as well as violent crime, working at individual, interpersonal, community, and societal levels. The approach importantly contextualises the causes and responses to violence and then works to change individual and social norms around it. In recent years, *Cure violence* has developed to the point where it sees violence as a global epidemic that requires a structured population-level response. In addition, interventions at the societal level, particularly through social and criminal justice policies, have more recently focused on developmental factors and the reduction of adverse life events (Public Health England, 2019; Public Health Wales, 2015; Scottish Government, 2018); and interventions targeted at life-course events and mitigating crime trajectories (McCartan, 2020).

At the policy level, greater analysis of, and response to, intersectionality of structural disadvantage (for example of race, class and gender) would help to better understand pathways into crime (Henne and Troshynski, 2019), and importantly how to construct pathways **out** of crime (Gueta, 2020). A clear example of this is the *New Generation in Policing* project by Revolving Doors (2022) which looks to create wholesale change in the polices of engagement with youths and young adults by promoting the importance of diversion programmes. The project works with police policy and practice leads to connect them with young people so that they can better understand their issues and challenges, especially those linked to discrimination and dysfunction which may result in offending behaviour as well as why pure punishment alone will not improve matters for them.

Increased understanding can help both practitioners and policy makers to increase more equitable access to those capital resources likely to facilitate desistance. The '*Whole Systems*' approach towards women offenders (Ministry of Justice, 2018) and the 2020 *Concordat* indicate positive moves in this direction, exemplifying how whole systems approaches might work in practice (Ministry of Justice, 2020b). These approaches should be combined with policies and actions to reduce structural disadvantage and discrimination, including practice and organisational responses designed to avoid over-criminalisation (Kelly, 2018; McCartan, 2020).

An entire system approach

It is important to recognise that while the four levels of the socio-ecological framework exist independently of each other, they also combine in terms of impacts upon the individual. The impact is personal, very much governed by an individual's biology and psychology, which is why there is a need for different desistance pathways and harm reduction strategies. It is important to recognise that in taking a recovery capital approach, we are advocating for a 'what works' approach with some clear frameworks that help us adapt to individual need.

A whole systems approach emphasises the importance of the mechanisms through which it is delivered, in this case the criminal justice system and related partners. Having an approach that recognises the need for a range of different activities that speak to diverse types of capital at various levels of the socio-ecological model is essential, especially when rooted in a strengths-based, person-first, trauma-informed way that works with individual need. Best et al. (2021) have described institutions and organisations that create 'the conditions and context for growth and for building personal and social capital' (p. 211) as 'justice capital'. The next section will consider the key features of 'justice capital'.

2.3 Organisational/institutional practices supportive of justice capital

Justice capital is framed as working practices by professionals within the system to facilitate the recovery process. In short, it is good working practices that encourage desistance and enable people to integrate themselves into society. Across the criminal justice system, both in terms of statutory services and third sector organisations, there are many examples of good practice as well as evolving practice that puts the service user and their journey at the heart of the work undertaken. Justice capital involves not only understanding how to better work with service users, but also how to prepare, support and develop staff; it is as much about process as it is outcome. Some of the key components of good justice capital are as follows:

- placing the service user at the centre of all activity; personalised and individualised service delivery; and listening to the 'voice' of the user
- understanding the importance of the life course in service users' lives, in terms of their journey into and out of offending behaviour, and recognising that all aspects of life, and therefore the service users' journey, are intertwined
- the importance of a trauma-informed understanding by staff, and the organisation as whole
- positive values and beliefs of all staff, including the expectation of change, modelling of hope and aspiration, and enhancement of personal efficacy
- the centrality of compassion as a concept in working with service users and in supporting staff in their daily activities
- an awareness of the inherent structural inequities and discriminations in the system
- commitment of all in the organisation to equitable and culturally relevant access to resources and services; more specifically, a commitment to reflect upon and adapt practices with individuals, groups or communities disadvantaged by the system because of gender, sex, race, ethnicity, neurodiversity, and/or mental health
- partnership working to promote access to positive and safe groups and networks, and to initiate and sustain new services, and recognising the need to communicate with each other and be on the same page
- the need for compassionate leadership that understands the challenges faced by service users, staff, the organisation, and partners, and which understands and allows for flexibility in responses, and trusts staff to do their jobs
- a willingness to hold the system and all its employees and service users to account, and the ability to reflect upon, change, and respond to poor practice in a compassionate, understanding, and ethical way.

3. Conclusion

In this *Academic Insights* paper, we have discussed the relevance of **recovery capital** to an individual's **desistance** and community integration journey. Although recovery capital started life in the drug rehabilitation field, it has relevance for people convicted of an array of offences. At its core, recovery capital highlights the need for a holistic, person-centred approach to working with individuals, arguing that the context that individuals find themselves in (the social) has as much impact on their journey to desistance as their internal processes, behaviours, and rationales (the biological and the psychological).

In recent publications, Best et al. (2021) have introduced the concept of **justice capital**, which is critical to the successful access and use of recovery capital in the desistance process. Justice capital is a component part of recovery capital that provides an important route in the effective delivery of the other four aspects of recovery capital (social, physical, human, and cultural) in an equitable, just, and fair way. Practice informed by a commitment to justice capital recognises inequitable access to recovery resources and attempts to mitigate this to enhance and sustain desistance journeys out of crime.

Key features of such practice are likely to be the delivery of positive, ethical, and person-centred assessment and interventions that are trauma-informed, compassionate, and cognisant of the contextual issues surrounding the person, including issues of multiple disadvantage. A commitment to justice capital is also more likely to enhance positive and effective multi-agency working, particularly at community and societal levels to deliver innovative policy and practice responses (e.g. Cure Violence). For those individuals subject to criminal justice interventions, it may result in increased wellbeing, safe reintegration, and social inclusion, and more compassionate responses from communities.

Justice capital should not be considered a totally new concept; rather it is a different way of discussing existing practice. It is everything that staff deliver in frontline services, but it is about doing it well and in the most effective way, and recognising that good practice can lead to desistance and effective integration, whereas poor practice can lead to reoffending. Justice capital is as central to the service user's desistance journey as social, physical, human, and cultural capital, but, unlike these other forms of capital, it is a form over which the system has direct control and for which accountability can be applied. Justice capital can be improved or damaged by the operation of the criminal justice system and the way its key agencies deliver services. The goal is to make sure that individuals come out of the system no worse than when they entered it and, whenever possible, very much better.

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This publication is available for download at:
www.justiceinspectorates.gov.uk/hmiprobation

Published by:

HM Inspectorate of Probation
1st Floor Civil Justice Centre
1 Bridge Street West
Manchester
M3 3FX

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ISBN: 978-1-915468-30-7