

## **PARADIGMS FOR REHABILITATION IN AUSTRALIA AND THE SYDNEY DESISTANCE PROJECT**

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### ***Abstract***

In this paper I reflect on the extent to which Australian jurisdictions have used various theoretical paradigms to inform their rehabilitative practice in recent years and I explore reasons why one approach appears more extensively used than others. In doing so I draw on my experience as Director of Offender Programs in New South Wales between 2004 and 2013. To describe the Australian context, I briefly outline the current Australian criminal justice system and describe how prison and community supervision services are organised. Each theoretical approach to rehabilitation programs is discussed and I then describe the Sydney Desistance Project, an attempt to redress the balance and stimulate work in a relatively neglected area.

### ***Keywords***

Correctional programs; rehabilitation; desistance research

## **Criminal Justice and Corrections in Australia**

The settlement of Australia arose in part from the efforts of the British Government to deal with crime and keep their citizens safe by reducing the risk that those who had committed crime would do so again, at least in their native land. Over time, approaches to the issue of reducing this risk have included exposure, punishment, deterrence, incapacitation and rehabilitation (Allen, 2002; Applegate et al., 1997; Freiberg, 1999), and public policy settings have reflected the weighted values of these elements. But in 1788 when the British government began offloading its surplus felons on the shores of the east coast of New South Wales, the policy was not devised on the advice of criminologists but of a gentleman botanist from Yorkshire, Sir Joseph Banks. It continued the practice on and off until 1868 when the last shipment of Irish rebels was brought to Western Australia. The states of Victoria and South Australia were settled by free settlers and did not have convict purposes.

The Commonwealth of Australia is now a federation of six States and two Territories. State and territory courts have jurisdiction in all matters brought under state or territory laws (Commonwealth of Australia, 2013) and handle most criminal matters. Each state and territory legislates independently, with the High Court as the arbiter of the constitutionality of the legislation in cases of dispute. Prison and probation services are constituted and run by states and territories: there is no separate federal or Commonwealth prison or probation services. Where an offender has been convicted of a federal offence, their custody and/or community supervision are the responsibility of the state or territory where the offender resides. According to the Australian Bureau of Statistics, there were 30,775 prisoners (sentenced and unsentenced) in Australian prisons on June 30<sup>th</sup> 2013, an increase of 5% (1,394 prisoners) from 30 June 2012. This represented a national imprisonment rate of 170 prisoners per 100,000 of the adult population, compared to 165 prisoners per 100,000 of the adult population in 2012. Figures for those under supervision in the community for the corresponding period are not available, but in the June quarter 2011, there were, on average, 54,609 people in adult community-based corrections in Australia, a rate of 314 people per 100,000 adult persons (Australian Bureau of Statistics, 2013). As a comparison, in England and Wales there were around 88,000 inmates in custody in June 2013, a rate of about 145 per 100,000 of population, and some 225,000 persons under the supervision of the probation service, a rate of about 370 per 100,000.

Australian states and territories usually have an agency called variously 'Corrective Services', 'Correctional Services' or 'Corrections'. This agency may or may not have a Minister and may or may not be part of a wider Department of Justice or of an Attorney General's Department. The excellent review by Heseltine, Day and Sarre (2011) gives an overview of the mandates and guidelines for rehabilitative programs in the legislation of each state and territory.

As with other jurisdictions, several of the Australian states and territories have recently sought an evidence base on which to construct programs and services for offenders. The stated purpose of these programs and services varies from jurisdiction to jurisdiction but they are by and large designed to reduce the risk of re-offending and increase the

likelihood of integration into society for ex-offenders. The approaches that Australian jurisdictions have used fall under four headings: 1. The Risk-Needs-Responsivity paradigm; 2. The Good Lives Model; 3. Therapeutic Jurisprudence; 4. Desistance from crime. We will describe each of these in turn and comment briefly on how they have been used in an Australian context. The comments that follow rely on information posted on the public websites of Australian jurisdictions and on knowledge of state and territory systems gained by the author as a former clinician and service manager. For a critique of the adequacy of these approaches the reader is directed to such scholarly accounts as Gendreau, Smith and Theriault, (2009), McNeill (2012) or Polashek (2012).

### **The Risk-Needs-Responsivity Paradigm**

Two hundred years after the landing in Sydney Cove, and in another ex-penal colony, Robert Martinson surveyed the rehabilitation literature as he saw it in 1974 and concluded that there was no evidence that anything that was being done was working to stop offenders who had already offended from committing crime again. It is well known how his seminal paper gave rise to a re-examination of the efforts to encourage rehabilitation, and how that re-examination led to what has come to be called the 'what works' literature. This crystallised into the Risk-Needs-Responsivity (RNR) model described by Andrews and Bonta (1994 and five subsequent editions up to 2010).

In the decades following Martinson's paper, researchers began to examine the truth of the finding that nothing worked, and a literature emerged that indicated how interventions targeting the right clients with the right content, the right duration and the right delivery could impact on rates of reoffending. Meta-analytical techniques were employed to examine series of studies and determine an effect size in studies deemed to meet best practice in terms of design and implementation. Lipsey (1989) and Andrews, Zinger et al. (1990) undertook landmark meta-analyses that showed very significant reductions in re-offending rates with well-designed and conducted programs. Lipsey reviewed programs for juveniles and Andrews and colleagues reviewed programs for adults. Hand in hand with this went the development of a psychology of criminal conduct (Andrews, Bonta & Hoge, 1990; Andrews & Bonta, 1994) in contrast to the sociological criminology that 'located the cause of crime in the social structure and was more interested in explained aggregated crime rates than individual criminal behaviour' (Andrews & Bonta, 2010 p.44).

Briefly, the RNR model entails directing interventions to those at highest risk of re-offending, targeting known criminogenic needs, and delivering interventions in such a way as to maximise the client's possibility of responding to them. It is broadly a deficit model of intervention: the client is found wanting in some way, the service applies an intervention and waits to see whether the client 'gets better'. If the intervention works and the client gets better, the service measures the time that the improvement lasts. If the improvement is temporary, another dose of intervention may be applied to see whether the client simply needed more. In medicine, where this paradigm originated and prevails, it is tested and validated by the use of randomised controlled trials (RCTs) to avoid causal bias. In correctional intervention literature there are almost no RCTs that this author knows. In correctional terms 'getting better' means that the client does not re-offend. The service can measure this outcome in a number of ways: whether the offender

re-offends within a given time band (12 months, 24 months), the actual time until the offender re-offends, the frequency of offending, the relative severity of the re-offence, whether it is violent or not, or whether it is sexual or not.

In Australia in 2003, the New South Wales Department of Corrective Services (now called Corrective Services New South Wales) adopted a set of program accreditation criteria in the Strategic Accreditation Framework (DCS, 2003). These criteria were based on previous sets of criteria from England and Wales, Scotland, Canada and New Zealand and were to ensure that group programs aligned with the findings of the 'what works' literature and specifically the RNR paradigm. In 2004 New South Wales also established the Offender Programs Unit (O'Sullivan, 2006) to oversee the implementation of evidence-based group programs across custodial and community settings. At about the same time attempts were made under the aegis of the Australian Correctional Services Administrators' Conference to compile a set of group program standards to be applicable to all correctional programs in Australia, but although considerable work was done to design and test these, they have not been adopted at the time of writing, nor have most other Australian jurisdictions published criteria for program accreditation. However, a search of the websites of all Australian state and territory correctional agencies using the term Risk-Needs-Responsivity yielded a total of 921 posts, indicating that the terminology has penetrated widely.

### **The Good Lives Model**

The Good Lives Model (GLM) focuses on the reasonable desire of the person to achieve 'goods' for him or herself, with crime being largely a perversion of the means by which to achieve them. 'Goods' are understood here as 'good things' of whatever nature to be enjoyed, rather than objects to be acquired. Ward and Stewart assert that: *'an enriched concept of needs embedded in the notion of human well being can provide a coherent conceptual basis for rehabilitation and also avoid the problems apparent in the concept of criminogenic needs'* (Ward & Stewart, 2003a:125).

Ward and Brown (2004) and Ward and Marshall (2004) identified eleven 'primary goods'. These include such items as knowledge, excellence in play, excellence in work, excellence in agency, pleasure and others. The GLM holds that all people aspire to all the primary goods in some way, but that they weight the relative importance of each according to personal values.

In this model, the successful pursuit of the primary goods leads to increased psychological well-being (Ward and Brown, 2004). The clinician questions the client about their commitments and values and attempts to understand what can be gleaned about these from the offending behavior itself. Once the clinician understands the client's (in the case of Corrections, the offender's) view of what would constitute a 'good life', a rehabilitation plan is constructed which allows the client to achieve goals in a socially acceptable way. At the same time, the client is helped to address criminogenic needs that might get in the way of achieving positive outcome. The GLM approach has been largely elaborated in Australasia, with its principal proponent, Professor Tony Ward, occupying positions at universities in New Zealand (Victoria, Canterbury) and Australia (Deakin, Melbourne). Its

presence has been most obviously felt in sex offender programs. The GLM has influenced a number of sex offender programs in Australia and has also informed the culture of the Hopkins Correctional Centre in Victoria under the guise of the Better Living Model. In recent years, some authors (for example Ward & Maruna, 2007) have emphasised the practical links, rather than the differences, between the RNR and GLM approach. These links are perhaps more obvious to clinicians than to theoreticians.

A search of the websites of all Australian state and territory correctional agencies using the term 'Good Lives Model' yielded a total of 365 posts with 163 of these coming from Victoria.

### **Therapeutic Jurisprudence**

The third area of enquiry that informs action on re-offending in Australia concerns therapeutic jurisprudence (TJ). This is an approach to the role of the law proposed by David Wexler and Bruce Winick (1991) in which the legal process itself is considered as an agent that can effect therapeutic or anti-therapeutic outcomes. The act of administering the law is not seen as a mechanism external to the parties and simply delivering judgment, but as a potentially powerful mover in achieving desired change. TJ is 'a framework for the study of the role of law' (Birgden, 2002:182) or 'the use of social science to study the extent to which a legal rule or practice promotes the psychological or physical well-being of the people it affects' (Slobogin, 1995, p.196). It considers in what way the legal system contributes to a therapeutic intervention with the offender. 'Therapeutic' here is used in the sense of being helpful to positive change.

There are several initiatives in Australia that come under the rubric of therapeutic jurisprudence. The first Australian drug court was established in New South Wales in 1999, followed by similar courts in South Australia, Western Australia and Queensland (Indermaur & Roberts, 2013). A follow-up evaluation of the New South Wales drug court (Weatherburn, Jones, Snowball & Hua, 2008) found that it was more cost-effective than prison in reducing the rate of re-offending among offenders whose crime is drug related and that participants had significantly lower recidivism rates than a matched comparison group. An evaluation of the Domestic Violence Integrated Court Model (Birdsey & Smith, 2012), also in New South Wales, found that the court achieved some of its objectives (such as time to finalise matters) but not others (such as the proportions of guilty pleas, bonds or imprisonment).

A related initiative is the Compulsory Drug Treatment Correctional Centre (Birgden & Grant, 2010) set up in Sydney in 2006. Birgden and Grant point out that whilst 'compulsory treatment law is inconsistent with a therapeutic jurisprudence approach', a rehabilitation framework has been established at the centre that supports autonomous decision-making as well as physical, social and psychological needs and that has an ongoing judicial input to support progress of participants through the program. An evaluation is awaited.

A search of the websites of all Australian state and territory correctional agencies using the term 'Therapeutic jurisprudence' yielded a total of 18 posts.

### **The Desistance Paradigm**

While psychologists focused on actuarial prediction of re-offending risk and the RNR and GLM intervention models, criminology and social work approached the issue of re-offending from the point of view of desistance. If it is true that there is no commonly agreed definition of desistance as an outcome (i.e., how long does the offender have to be crime-free to be considered to have desisted?), there is a greater degree of consensus about its processes. Over time, research into desistance has focused on one of two approaches: the ontogenic (maturational) approach or the sociogenic (life course / life event) approach (McNeill & Weaver, 2010). Maturational approaches stress the importance of age and life stage in growing out of crime. Life event approaches stress the importance of significant social turning points such as relationships, parenthood or employment. Since 2001 with the publication of *Making Good: How ex offenders reform their lives* (Maruna, 2001), a third line of research has explored the role of self-narrative in the desistance process. Desistance as a narrative process has to do with the efforts that a person makes, having ceased offending, to establish for him or herself a non-criminal identity in society, to be a 'regular person' as opposed to being an 'offender' or an 'ex-offender'. Many scholars are now describing ways in which these phenomena interact in a more integrated fashion (see for example Vaughan, 2007). Fergus McNeill puts it thus: '...it is not just getting older, getting married or getting a job, it is about what these kinds of developments mean...to offenders themselves and whether they represent compelling enough reasons for and opportunities to change the patterns of one's life' (McNeill, 2009:27).

Research into desistance from crime is an area that is growing fast. Over the last twenty years the number of papers published about desistance from crime has at least doubled in each five-year period. A search of the term 'desistance from crime' using Google Scholar on December 1<sup>st</sup> 2013, shows that between 1993 and 1997 there were 420 publications and from 1998 to 2002 this number doubled to 840 items. This jumped to 2330 between 2003 and 2007, and in the last five years, 2009 to 2012, the number has again doubled to 4740.

Desistance is perhaps of particular interest to community-based corrections professionals rather than to their custody-based colleagues, as many of the variables that have been associated with desistance (such as accommodation, employment and relationships) are potentially available to the offender in the community rather than to the offender in jail. Desistance research provides an alternative paradigm to the Risk-Needs-Responsivity approach described above. It is difficult to identify any initiatives in Australian correctional practice that are explicitly informed by the desistance paradigm and a search of the websites of all Australian state and territory correctional agencies using the term 'desistance' yielded a total of 10 posts.

## The Penetration of Theory in Australian Jurisdictions: Concept Salience Testing

A comprehensive review of program-related policy-making around Australia is outside the scope of this paper, but concept salience testing may give some indication of how present the theoretical approaches we have just discussed are to those writing and posting documents about the management of offenders and the issue of re-offending. Each Australian state and territory correctional agency has a publicly accessible website on which items of interest or relevance to the operation of the agency are posted. It is reasonable to suppose that posts on these websites concerning theoretical approaches may provide a proxy marker for the relevance of that approach to the policy and operation of the agency. Entering the words ‘risk needs responsivity’, ‘good lives model’, ‘therapeutic jurisprudence’ or ‘desistance’ into the search engine of each website given below on December 13<sup>th</sup> 2013 yielded the responses which are given in Table 1. New Zealand and England and Wales are included by way of comparison.

**Table 1: Concept Salience of RNR, GLM, TJ and Desistance in Australasian Correctional Websites**

State or Territory	RNR	GLM	TJ	Desistance	Website searched
New South Wales	545	41	1	3	<a href="http://www.dcs.nsw.gov.au">www.dcs.nsw.gov.au</a>
Victoria	291	163	15	5	<a href="http://www.corrections.vic.gov.au">www.corrections.vic.gov.au</a>
Queensland	73	153	2	2	<a href="http://www.queenslandcorrections.qld.gov.au">www.queenslandcorrections.qld.gov.au</a>
South Australia	0	0	0	0	<a href="http://www.corrections.sa.gov.au">www.corrections.sa.gov.au</a>
Tasmania	12	8	0	0	<a href="http://www.justice.tas.gov.au">www.justice.tas.gov.au</a>
Western Australia	0	0	0	0	<a href="http://www.correctiveservices.wa.gov.au">www.correctiveservices.wa.gov.au</a>
Northern Territory (*)	0	0	0	0	<a href="http://www.correctionalservices.nt.gov.au">www.correctionalservices.nt.gov.au</a>
Australian Capital Territory	0	0	0	0	<a href="http://www.cs.act.gov.au">www.cs.act.gov.au</a>
New Zealand	52	2	0	5	<a href="http://www.corrections.govt.nz">www.corrections.govt.nz</a>
England and Wales	72	87	1	84	<a href="http://www.justice.gov.uk">www.justice.gov.uk</a>

Note: (\*) Search engine did not appear to work

Table 1 points to two issues that may be of interest and deserving of further research. Firstly, it indicates that of the eight Australian jurisdictions, only four publicly acknowledge a theoretical basis described in the literature as being related to reducing reoffending. In the other cases, it may be that such a theoretical basis exists but is not mentioned. In the instance of the Northern Territory where, as noted, the search engine did not appear to respond to the enquiry, the author examined the Annual Report for 2013 and found no mention of any theoretical framework despite there being a newly-created Directorate of *Offender Services, Programs and Indigenous Affairs* (Northern Territory Government, 2013). Secondly, with the exception of Queensland, results indicate that the most prevalent model by far is the RNR paradigm. The GLM is well-represented in Victoria and Queensland, but references to TJ and the desistance paradigm are negligible. This deserves some discussion.

A comprehensive analysis of the use and adoption of different theoretical approaches to repeat offending would be useful to give some clarity to the issue of how the various jurisdictions view their task and the means of accomplishing it. In the present, brief,

review an examination of some posts indicates that in the case of RNR and GLM, there are abundant explanations of what these mean and how they apply in practice. References to TJ and desistance, by contrast, usually amount to passing mentions of the term. Only one post about desistance (Graffam, Shinkfield, Mihailides & Lavelle, 2005) includes a discussion of the meaning and complexity of the approach. More typically, for example, an evaluation of a cognitive skills program for indigenous offenders in Victoria asserts that 'stable post-release environments contribute to desistance' without further explanation (Atkinson & Jones, 2005).

There are several possible factors contributing to the way in which the risk-based RNR approach has attained this pervasive presence. The first is that risk-based approaches are attractive to public agencies in that they use a language that is intuitively acceptable to the general public who appear sceptical about the ability of justice agencies to influence offending or promote integration. At a time when more is being written than ever before about how to carry out successful interventions in corrections aimed at reducing re-offending, confidence in the ability of correctional agencies to achieve positive outcomes is extraordinarily low. In a recent Australian survey, Roberts and Indermaur (2009) found that a 'majority of survey respondents had *very little* or *no* confidence in the prison system in terms of rehabilitating prisoners (88%)'. Interestingly, a large majority also reported little or no confidence in the system's ability to deter future offending, teach skills, or even to provide a form of punishment (Roberts & Indermaur, 2009 p.4).

Some recent examples of public policy initiatives in Australia emphasise risk over management. In New South Wales, the *Crimes (High Risk Offenders) Act, 2006* introduced 'extended supervision and continuing detention' for high-risk sexual and violent offenders in New South Wales. The stated objects of the Act are 'to ensure the safety and protection of the community' and 'to encourage high risk sex offenders and high risk violent offenders to undertake rehabilitation' (Section 3:1). The *Criminal Code (Criminal Organisations) Regulation 2013* in the State of Queensland declares 26 named motorcycle clubs to be criminal organisations. Associating with members of these gangs places citizens at risk of committing a criminal offence.

The second reason for the popular, almost hegemonic status of RNR is that when, in the mid to late nineties, jurisdictions around the English-speaking world moved to implement evidence-driven approaches to rehabilitation programs, the prevailing paradigm was RNR. In 1999 the UK government created the Joint Accreditation Panel (later the Correctional Services Accreditation Panel) and other English-speaking jurisdictions followed suit. This gave rise to the creation of dedicated units like the Offending Behaviour Programs Unit in the UK (see [www.gov.uk](http://www.gov.uk)) or the Directorate of Reintegration Programs in Canada (<http://www.csc-scc.gc.ca/text/plcy/cdshtm/726-1gl-eng.shtml>) and later on in Australia, the Offender Programs Unit described above. One of the principal tasks of these bodies was to create and implement a set of criteria against which programs could be accredited for use and to monitor compliance in practice. Perhaps chief among these criteria was the stipulation that programs should be based on a model of change supported by published evidence. Given that these operational measures coincided with the dissemination of the RNR model, the evidence criterion was addressed by explicit reference to the 'what works' literature, meaning the RNR model.



The third reason may be that RNR appears to translate easily into correctional programs that can be designed and conducted along the lines of the medical model referred to above. These can be quality controlled and evaluated (although many of them are not): they can be neat and contained. While demonstrably valuable and fruitful in both heuristic and clinical terms, such programs have some limitations. For example, although a number of the criminogenic needs the model proposes are socio-economic (like education, poor pro-social friendship networks and others), the content of interventions offered by this approach tend to target the individual's thinking about crime. These programs generally use psycho-educational approaches and variants of cognitive therapy. This means that structured interventions such as can be provided by a correctional system can only ever address a small number of identified needs.

### **The Sydney Desistance Project – work in progress**

From the foregoing remarks, it will be clear that research and practice in the desistance paradigm appear to be uncommon in Australia. The Sydney Desistance Project (SDP) will contribute work to this field and is based in the Wentworth Forensic Clinic in central Sydney, a joint initiative of the School of Psychology of the University of New South Wales and Corrective Services New South Wales. The project will provide an ongoing base for researchers with an interest in desistance from crime and its mechanisms. The SDP will focus on so-called 'secondary' desistance (Farrall & Maruna, 2004) meaning not just a cessation of criminal activity, but a change in the self-narrative of the ex-offender. We will test the 'belief in redeemability' both in the public as in Maruna and King (2009), and also in the desisting and persisting offender populations. We are also mindful of McNeill's (2009) caution to attend to social capital as well as human capital. The former refers to the capacities that the ex-offender needs to build, the latter to the opportunities that have to be present for him or her to be able to enact their capacities and succeed. In raising the profile of desistance research, the SDP seeks over time to build a database that will permit the longitudinal studies required to test the stability of change in offenders' lives. A number of studies are in progress.

#### **Study 1 – A narrative study of how clients change their lives**

This study explores how people view change in their lives specifically in their attempts to change from committing crime to leading a law-abiding life.

This study is similar to a number of other studies (Maruna, 2001; Presser, 2008) but we believe it is the first to be undertaken in Australia. It is based on life-history interviews with offenders under supervision in the community, whether on parole or on community bonds. Interviews last a minimum of one hour and take place by preference in a neutral setting or in the participant's home. Interviewees are invited to talk about how they deal with challenging events in their lives and about how change happens in their context. Interviewees are asked to talk about 'some good things that have happened to you and how you view them', 'some difficult or negative things that have happened and how you view them', and 'what has helped most to make a difference in your effort to change and make a good life'. They are told that there is no need to discuss their offences in any detail.

Interviews are transcribed and analysed using the Content Analysis of Verbatim Expression (CAVE) methodology (Schulman, Castellon & Seligman, 1989). This is a structured way of analysing text based on the Attributional Style Questionnaire (Peterson et al., 1982). Causal attributions ('this happened because that happened') are extracted from the text and coded for the dimensions of stability, globality and internality. The stable versus unstable explanations indicates whether the speaker believes that the cause persists over time. Globality versus specificity reflects the degree to which the causal link affects all domains and outcomes or is limited to specific occurrences. Internality versus externality indicates whether the speaker believes the cause relates to a characteristic of the speaker versus situational characteristics. This study is in preparation and will be submitted for publication in 2015.

### **Study 2 – Questionnaire construction: pilot study**

Life history-based studies such as Maruna (2001) and Presser (2008) yield rich narratives and an abundance of detail but are obviously time consuming. Correctional systems around the world deal with large numbers of clients and have relatively small numbers of offender management staff. The SDP is attempting to provide a quantitative alternative to life history studies by constructing an index to gauge the respondent's view of the prospects of change. For the first stage of this project, a questionnaire was constructed using phrases reported in the literature. Phrases were gleaned from the published literature supplemented by phrases recorded in interviews with ex-offenders in the qualitative study described above. The phrases were chosen for their face-value relation to the idea of 'redeemability', that is, the idea that ex-offenders can somehow 'buy back' their place in society through changing their lives. Before use in the questionnaire, the phrases were reviewed for readability and altered where necessary. Thirty seven phrases were listed in the pilot questionnaire with a five-point Likert scale indicating 'Strongly agree, Agree, Not sure, Disagree, Strongly disagree'. The explanatory note at the top of the questionnaire read: *'Here are some things that men and women have said about 'going straight' and staying away from crime. Please tick the number that best describes how strongly you agree or disagree with each statement in your own life'*. Data were collected from attendees at offender group programs in Community Corrections offices. Fifty sets of data were collected for the pilot study and the results are being prepared for publication. Analysis of the pilot data yielded a brief, 10-item questionnaire that will be used in a planned large-scale study with offenders to examine whether patterns of scoring are related to desistance from crime.

### **Study 3 – Australian public attitudes to desistance from crime**

The ability of offenders to make good lives and integrate with the community may well be influenced by the views of the community as to whether they are capable of, and should be allowed to attempt, such integration. Using the 10-item questionnaire from Study 2 as a basis, we constructed a 10-item questionnaire aimed at canvassing opinions about desistance from the general public. The questions aimed to elicit views about: 1) the possibility of change from 'offender' to 'ordinary citizen'; 2) the part that the ex-offender's own efforts play in this transformation; 3) whether someone who is an offender is in some sense 'worthy' to be welcomed back into the community. In January 2014 this was included in an omnibus poll conducted by Newspoll, an Australian market research

company. Over 1200 sets of responses were obtained and are currently being analysed for publication.

Other studies are planned and the project welcomes collaborative projects with practitioners and academics in the field.

## **Conclusion**

Judging by posts on the jurisdictions' websites, four jurisdictions in Australia show signs of having accessed the literature on rehabilitation to inform their practice. In the case of the other four there is no readily available evidence that this has happened, although it may be the case. The approach that appears most frequently is the Risk-Needs-Responsivity approach followed by the Good Lives Model.

However, it is hard to estimate the impact of these approaches in Australia in terms of program outcomes given the dearth of published evaluations. A major recent Australian review of Correctional Offender Rehabilitation Programs (Heseltine, Day & Sarre, 2011), which was a follow-up study to a previous review from 2004 (Howells, Heseltine, Sarre, Davey & Day, 2004) alludes to a number of program evaluations planned or under way, but very few of these appear to have been made public. If jurisdictions have seriously espoused a theory-driven approach or approaches, one can reasonably expect the measurement of predicted outcomes as part of the scientific method. It is possible that although an evidence-based terminology has been adopted, the reality of implementation does not always match the aspiration (O'Sullivan, 2014). Further, more detailed, studies are needed to understand how jurisdictions have used the various theoretical approaches to inform their practice and how they have evaluated the process and the outcomes.

In the case of the desistance paradigm, the Sydney Desistance Project is designed to offer a research-based approach to explore the promotion of desistance from crime in Australia. A number of studies are already under way and publications will be submitted over the coming years. The project welcomes the interest and collaboration of practitioners and researchers.

## References

- Allen, R. (2002). 'What do the public feel about non-custodial penalties?' *Rethinking Crime and Punishment*. London: Esmee Fairbairn Foundation.
- Ayllon, T. & Azrin, N. (1968). *The token economy: A motivational system for therapy and rehabilitation*. East Norwalk, CT, US: Appleton-Century-Crofts.
- Andrews, D. & Bonta, J. (1994). *The Psychology of Criminal Conduct*. Matthew Bender: New Providence, NJ.
- Andrews, D., Bonta, J. & Hoge, R.D. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior*, 17, 19-52.
- Andrews, D.A., Zinger, I., Hoge, R.D., Bonta J., Gendreau P. & Cullen F.T. (1990). Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis. *Criminology*, 28, 369-404.
- Applegate, B.K., Cullen F.T., Fisher B.T. (1997). 'Public support for correctional treatment: the continuing appeal of the retributive ideal'. *The Prison Journal*, 77, 237-258.
- Atkinson, G. & Jones, R. (2005) *An Evaluation of the Koori Cognitive Skills Program Pilots*. Atkinson, Melbourne, Kerr and Associates, October 24<sup>th</sup> 2005.
- Australian Bureau of Statistics (2013). Download from <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4517.0>.
- Barrie, J. (1958). *Alexander Maconochie of Norfolk Island. A study of a pioneer in penal reform*. Oxford University Press, Melbourne.
- Birgden, A. (2002) Therapeutic Jurisprudence and Good Lives: a rehabilitation framework for corrections. *Australian Psychologist*, 37(3), 180-186.
- Birgden, A. & Grant, L. (2010). Establishing a compulsory drug treatment prison: Therapeutic policy, principles, and practices in addressing offender rights and rehabilitation. *International Journal of Law and Psychiatry* 33, 341-349.
- Birdsey, E. & Smith, N. (2012). The Domestic Violence Intervention Court Model: A follow-up study. *Contemporary Issues in Crime and Justice*, number 155. Sydney, Bureau of Crime Statistics and Research.
- Clay, J. (2001). *Maconochie's Experiment. How one man's extraordinary vision saved transported convicts from degradation and despair*. London, John Murray Commonwealth of Australia (2013). Download from [http://www.dfat.gov.au/facts/legal\\_system.html](http://www.dfat.gov.au/facts/legal_system.html) Retrieved December 8th, 2013.
- DCS (2003). Strategic Accreditation Framework. Download from <http://www.correctiveservices.nsw.gov.au/offender-management/offender-services-and-programs/offender-programs-unit>.
- Freiberg, A. (1999). 'Affective versus effective justice: instrumentalism and emotionalism in criminal justice'. *Punishment and Society* 3(2), 265-278.
- Garland, D. (2001). *The Culture of Control: Crime and social order in contemporary society*. Oxford University Press.
- Gendreau, P., Smith, P. & Theriault, Y. (2009) Chaos Theory and Correctional Treatment. Common Sense, Correctional Quackery and the Law of Fartcatchers. *Journal of Contemporary Criminal Justice* 25 (4), 384-396.
- Graffam, J., Shinkfield, A., Mihailides, S. & Lavelle, B. (2005). *Creating a Pathway to Reintegration: The Correctional Services Employment Pilot Program (CSEPP)*. School of Health and Social Development, Faculty of Health and Behavioural Science Deakin University, Burwood VIC.

- Heseltine, K., Sarre, R. & Day, A. (2011). Prison-based correctional rehabilitation: An overview of intensive interventions for moderate to high-risk offenders. *Trends & Issues in Crime and Criminal Justice no. 412*. Canberra: Australian Institute of Criminology.
- Howells, K., Heseltine, K., Sarre, R., Davey, L. & Day, A. (2004). *Correctional Offender Rehabilitation Programs: The National Picture in Australia*. Centre for Applied Psychological Research, University of Adelaide.
- Hughes, R. (1986). *The Fatal Shore*. New York: Vintage Books.
- Indermaur, D. & Roberts, L. (2003). Drug Courts in Australia: The First Generation. *Current Issues in Criminal Justice*, 15 (2), 136-154.
- Lipsey, M.W. (1989). *The efficacy of intervention for juvenile delinquency: Results from 400 studies*. Paper presented at the 412st Annual Meeting of the American Society of Criminology, November, Reno, Nevada.
- Martinson, R. (1974). 'What works -questions and answers about prison reform', *Public Interest*, Spring 1974, 22-54.
- Maruna, S. (2001). *Making Good. How ex-convicts reform and rebuild their lives*. Washington D.C. American Psychological Association.
- Maruna, S. & King, A. (2009). Once a Criminal, Always a Criminal?: 'Redeemability' and the Psychology of Punitive Public Attitudes. *European Journal on Criminal Policy and Research*, Vol.15(1), 7-2.
- McNeill, F. (2009). What works and what's just? *European Journal of Probation*, 1 (1), 21-40.
- McNeill, F. (2012). Four forms of 'offender' rehabilitation: Towards an interdisciplinary perspective. *Legal and Criminological Psychology* (17) 1, 18–36.
- McNeill, F. & Weaver, B. (2010). Changing Lives? Desistance Research and Offender Management. Report 03/2010. The Scottish Centre for Crime and Justice Research.
- Ministry of Justice (2013.) *Accredited Programmes Annual Bulletin – England and Wales.*, Ministry of Justice Statistics Bulletin, July 25<sup>th</sup> 2013, UK Government, London.
- Retrieved from [www.gov.uk](http://www.gov.uk), December 13<sup>th</sup> 2013.
- New South Wales Government (2006). Crimes (High Risk Offenders) Act 2006 No 7  
Download from <http://www.legislation.nsw.gov.au/inforcepdf/2006-7.pdf?id=31c6a380-1182-e277-f2dd-ffd931b294d3>.
- Northern Territory Government (2013). Northern Territory Department of Correctional Services Annual Report 2012-2013.  
[www.correctionalservices.nt.gov.au/AboutUs/Publications/Pages/default.aspx](http://www.correctionalservices.nt.gov.au/AboutUs/Publications/Pages/default.aspx)
- O'Sullivan K. (2006) Introducing evidence-based correctional programs in New South Wales: What worked. Practice Development Report Series no. 1. Download from <http://csa.intersearch.com.au/csajspui/bitstream/10627/179/1/>.
- O'Sullivan, K. (2014). Group programs in corrections: Best practice meets real world. Some reflections on being neat in messy places. *Journal of Practice Teaching and Learning* 12(3), 48-64.
- Peterson, C., Semmel, A., von Baeyer, C., Abramson, L., Metalsky, G., Seligman, M. (1982). The Attributional Style Questionnaire. *Cognitive Therapy Research* 6, 287-300.
- Polashek, D. (2012). An appraisal of the risk-need-responsivity (RNR) model of offender rehabilitation and its application in correctional treatment. *Legal and Criminological Psychology* (17) 1, 1-17.
- Presser, L. (2008). *Been a heavy life*. Chicago: University of Illinois Press.

- Queensland Government (2013). *Criminal Code (Criminal Organisations) Regulation 2013*.  
Download from  
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CriminCodeCOR13.pdf>.
- Ramsland, J. (1996). *With just but relentless discipline*. Sydney: Kangaroo Press.
- Roberts, L. & Indermaur, D. (2009). *What Australians think about crime and justice: Results from the 2007 Survey of Social Attitudes*. Canberra, Australian Institute of Criminology.
- Rodwell, L. & Smith, N. (2013). An evaluation of the New South Wales Domestic Violence Integrated Court Model. Bureau of Crime Statistics and Research, Sydney, NSW.
- Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson G. and Sorsby, A. (2008). Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes. New Zealand Ministry of Justice Research Series 10/08.
- Schulman, P., Castellon, A. & Seligman, M. (1989). Assessing Explanatory Style: The Content Analysis of Verbatim Explanations and the Attributional Style Questionnaire. *Behaviour Research and Therapy* 27(5), 505-512.
- Slobogin, C. (1995). Therapeutic jurisprudence: Five dilemmas to ponder. *Psychology, Public Policy, and Law*, 1(1), 193-219.
- Vaughan, B. (2007). The internal narrative of desistance. *British Journal of Criminology* 47, 309-404.
- Ward, T. & Brown, M. (2004). The good lives model and conceptual issues in offender rehabilitation. *Psychology, Crime, & Law*, 10, 243-257.
- Ward, T. & Maruna, S. (2007). *Rehabilitation*. Oxford: Routledge.
- Ward, T. & Marshall, W, L. (2004). Good lives, etiology and the rehabilitation of sex offenders: A bridging theory. *Journal of Sexual Aggression*, 10, 153-169.
- Ward T & Stewart C. (2003a) Criminogenic Needs and Human Needs: A Theoretical Model, *Psychology, Crime and Law*, 9(2)125-143.
- Weatherburn, D., Jones, C., Snowball, L. & Hua J., (2008). The NSW Drug Court: A re-evaluation of its effectiveness. *Crime and Justice Bulletin no. 121*. Bureau of Crime Statistics and Research, Sydney, NSW.
- Wexler, David B. and Winick, Bruce J., (2001). *Essays in Therapeutic Jurisprudence*. Carolina Academic press.