

Offender Managers Matter

New research highlights the key role of professional recommendations in parole decisions for domestic abuser

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No-one ever said parole decisions were simple or easy, but the current climate may be making them more complex and more difficult. In my research on parole decisions for perpetrators of domestic violence (Dyke, 2022), I was struck by the role played not by individual case characteristics, but by the complex system of interactions between parole board members, professionals, the individual case, and their wider environment.

While public opinion has never been sympathetic to prospective parolees, recent political developments have placed more pressure on parole boards to be risk-averse in their decisions (Annison and Guiney, 2022). This complicates what is already a challenging task of gauging a prisoner's risk of reoffending if released – it exacerbates the existing conflation of 'societal risk' (the risk that an offender will cause future harm) with 'organisational/institutional risk' (the risk that an organisation will suffer reputational damage) (Rothstein, Huber and Gaskell, 2006). This pressure in a risk-averse direction was evident in my interviews with serving parole board members – while the formal guidance (Parole Board, 2019) requires them to consider release in each case unless further incarceration is necessary, members are unavoidably aware of public and political pressure to err on the side of rejecting release. This creates a de facto situation where the parole board's starting position is to keep the prisoner detained unless provided with a persuasive 'hook' on which to hang a release decision. My research suggested an interesting hypothesis (which my interviewees certainly seemed to believe) that less-experienced parole board members tended to be more risk-averse, particularly when they come from a non-legal background – I would need more data on the backgrounds of parole board members and their decisions to test this idea.

When analysing the factors associated with release in actual parole board decisions (137 cases involving domestic violence over an eighteen-month period), the most significant



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'hook' for release was the recommendations of professionals. If the psychologist, offender manager and offender supervisor didn't recommend release, this acted as an effective 'veto' on release – the parole board only released 1 prisoner out of 45 cases where professionals opposed release. The reverse effect was not as pronounced, but still significant: if those professionals recommended release, the parole board approved release in 77 out of 90 cases. Parole boards were conscious of the way the psychologist is often 'placed on a pedestal' and bemoaned the way other professionals tended to defer to their judgement. Members were consistently far more impressed by a probation officer who had reached their own conclusion based on their experience of working with the prisoner, than by a psychologist who had met the prisoner once. Nevertheless, they noticed to their disappointment how offender supervisors and offender managers often deferred to the psychologist.

My research highlighted just how important the offender manager has often been in a parole decision – rather than feeling disempowered and sidelined by the process, offender managers should remember that their evidence and professionalism is key, even after recent changes to what they are allowed to present to the board. Not only has it been rare for parole boards to overrule the probation officer's recommendation (especially where the recommendation is against release), but in marginal cases the parole board's decision often rests on their confidence in the probation officer. While the offender manager can no longer provide a recommendation in their report, following recent reforms, the parole board are still paying close attention to their analysis of the prisoner and to their ability to manage them in the community. Crucially, the parole board is less interested in how *high* a risk the offender poses, than by how *manageable* that risk is. Risk manageability is partly a function of the offending itself – interestingly, while my interviewees felt that the 'history of offending' was the most important factor in their decisions, my analysis of decision letters found that the decision to release an offender was not significantly predicted by whether the offender had a history of violence, but by the *nature* of that violence. Parole boards were more likely to release a domestic abuser where their abuse (no matter how serious) had been dysfunctional and chaotic – what Johnson (2006) called 'situational couple violence' – than an offender who had been calculated and controlling in their abuse – what Johnson called 'intimate terrorism'. This distinction interacts with the professional skill of the probation officer: a more chaotic offender might leave a trail of breadcrumbs pre-empting future offending: if they miss appointments, fail drug tests, and come to notice for generally chaotic behaviour, these can act as red flags allowing a probation officer to recall them to prison before they commit further violence.

However, a controlling, calculated perpetrator of intimate terrorism might be far more adept at concealing a relationship and any abuse within that relationship, even from the most capable offender manager. But while some of the risk manageability is inherent to the prisoner themselves, some is relative to the offender manager – parole board members reflected the 'luck' that Padfield (2019) highlighted: the same prisoner may or may not be released, depending on the confidence parole boards have in their probation officer. In marginal cases a comprehensive risk management plan often formed the final 'hook' on which parole boards felt comfortable hanging a release decision.

My research sheds new light on the role of programmes for perpetrators in parole decisions. Parole board members' ambivalence about the effectiveness of such programmes echoes research that finds limited impact on reoffending rates (Babcock, Green and Robie, 2004; Gondolf, 2011; Vigurs *et al.*, 2016; Haggård *et al.*, 2017), and yet they were more likely to release prisoners who had completed a programme. This seemed to be less of a reflection on the inherent value of the programme in reducing offending, and more of a reflection of the characteristics of those who are likely to complete a programme. While the board was sceptical of a programme's ability to reform an abusive offender, they were understandably more concerned when a prisoner had refused to complete such an intervention – they saw the latter as posing a higher risk of reoffending. In studies of education, this is called 'signalling' (Spence, 1978) – just as Spence found that the value of a university degree was less about what students learned on the programme and more about what the decision to pursue a degree signalled about students' existing capability, my research suggests that the value of a perpetrator programme is more about what the decision to attend the programme suggests about the offender's willingness to reflect and change.

These findings have increased salience in the context of recent changes (Ministry of Justice, 2022) that removed professional recommendations from the parole decision. Given the key role of these recommendations as a 'hook' for release, I anticipate the impact of denying them to parole board members would significantly reduce their inclination to release an offender, even when they are otherwise satisfied that their risk of reoffending is manageable – which of course may be the point.

These findings also demonstrate the significance of a probation officer's contribution to the parole decision, and how much weight the parole board attach to an offender manager who comes across as capable and knowledgeable about the case, and produces a thorough risk management plan.

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