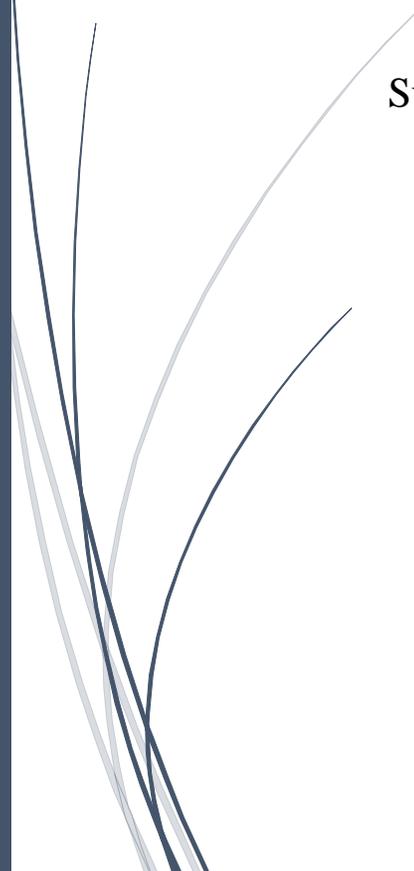




Introducing Risk Assessment to the Maltese Probation Service

‘The thesis is submitted in partial fulfilment of the requirements for
the award of the degree of Doctor of Psychology of the University of
Portsmouth.’



Submitted by Chantal Avellino

Submitted: September 2014

Supervisors: Prof Alan Costall

Dr Michelle Newberry

Dr Adrian Needs



The research work disclosed in this publication is partially funded by the Strategic Educational Pathways Scholarship (Malta). This Scholarship is part-financed by the European Union – European Social Fund (ESF) under Operational Programme II – Cohesion Policy 2007-2013, “Empowering People for More Jobs and a Better Quality Of Life”.



Operational Programme II – Cohesion Policy 2007-2013
*Empowering People for More Jobs and a Better Quality of
Life*

Scholarship part-financed by the European Union
European Social Fund (ESF)
Co-financing rate: 85% EU Funds; 15% National Funds



Declaration

‘Whilst registered as a candidate for the above degree, I have not been registered for any other research award. The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award’;

Total word count: 71,457

Contents

Declaration.....	3
List of figures.....	8
List of tables.....	9
Abbreviations.....	10
Acknowledgements and dedication	11
Dissemination	12
Submitted for publication	12
Publication	13
Presentation.....	13
Poster presentation	13
General introduction	14
Chapter 1: Constructing a new risk assessment and risk management strategy for the Maltese probation service.....	18
Abstract.....	18
The Changing Department of Probation and Parole (DPP) in Malta.....	19
Changes in Policy and Current Practice.....	19
Criminal Patterns and Emerging Trends in Malta.....	20
Summary of risk assessment practices in Malta	22
Utilising Best and Emerging Practice in Risk Assessment and Risk Management: A Review	22
Risk Assessment and Probation	22
Models of Rehabilitation.....	27
Devising a Risk Assessment and Risk Management Strategy	31
Risk at an Individual Level	31
Offence Paralleling Behaviour.....	33
Narratives.....	35
Personal Construct Theory.....	37
How do Narratives and Systems of Construct Apply to Offenders?.....	38
Readiness to Change	39
Motivation.....	40
Contextual and Situational Factors	41
Life Events	42
Organisational Aspects	47
Fundamental Aspects to Consider when Introducing a New Strategy.....	48
Heuristics and Biases	49
Conclusion	52
References.....	57

Chapter 2: A content analysis of pre-sentence reports in the Maltese probation service	70
Abstract.....	70
Introduction.....	71
The Role of Pre-sentence Reports in Malta	71
Reflections upon the Role of Risk Assessment in Pre-sentence Reports.....	73
Potential Ways Forward.....	75
Method	77
Design	77
Participants.....	78
Measures	79
Procedure	80
Coding data	80
Establishing reliability and validity	80
The coding process	81
Ethical considerations	82
Results.....	85
Demographic Characteristics of the Sample	85
Charges.	88
Identification of themes	92
Criminal influences.....	98
Discussion.....	109
Conclusion	113
References.....	120

Chapter 3: Towards a comprehensive theoretical and empirical base for the risk assessment and risk management of offenders.....	131
Abstract.....	131
The Role of Developmental and Situational Contexts in Offending	132
The Developmental Context	134
Integrated Cognitive Antisocial Potential Theory.....	134
Developmental Ecological Action Theory and Situational Action Theory	138
Adolescence-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy	141
The Situational Context of Offending.....	145
Life Events	146
Lifestyles.....	149
Protective factors and Resilience	150
The Personal ‘Narrative’	152
Class of Motives: An Adaptation of Ashforth’s Model of Psychological Motives in relation to the Offender	156
Self-Determination Theory	159
Conclusions.....	161
References.....	164

Chapter 4: Towards a new model of practice in risk assessment and risk management in the Maltese Probation Service.....	178
Abstract.....	178
Towards a New Model of Practice.....	179
Overview of the Maltese Probation Service and Why a New Model is Necessary	181
Towards a Decision Tree Approach to Risk Assessment	182
Case Formulation	187
Offence Paralleling Behaviours	188
Issues with Adopting an Offence Paralleling Behaviour Framework.....	197
The Good Lives Model of Rehabilitation	200
Towards a New Model of Practice in Risk Assessment and Risk Management in the Maltese Probation Service: A Brief Case Example	205
Iterative Classification Trees	205
Offence Paralleling Behaviour.....	206
Conclusion and Future Directions.....	210
References.....	214

Chapter 5: Implementing a new strategy for risk assessment and risk management in the Maltese probation service	224
Abstract.....	224
The Rationale Behind the Strategy	225
Issues with Implementing a New Strategy for Risk Assessment and Risk Management in the Maltese Probation Service	227
Understanding Offender Behaviour	229
Risk Assessment as a Means to Inform an Effective Risk Management Strategy.....	238
Formulation of Risk.....	238
Offence Paralleling Behavior.....	240
Practice algorithm	241
The role of theoretical models and themes	241
Functional analysis.....	242
Decision Trees	251
Proposing an Integrated Risk Assessment and Risk Management Model: A Case Example	256
First Stage: The Administration of a Standardised Risk Assessment Tool.....	256
Second Stage: The Collection of Information.....	257
Offence Paralleling Behaviour.....	266
Third Stage: The Development of the Risk Management Plan.....	269
Conclusion	272
References.....	277
General conclusion.....	287
Appendix.....	293
Letter from Ethics Committee.....	294
PR16 Form declaring the ethical conduct of the research.....	295

List of figures

Figure 1: Chapter 2- Demographic data illustrating the ages of the offenders	85
Figure 2: Chapter 4- Example of a decision tree approach.....	186
Figure 3: Chapter 4- Practice algorithm.....	199
Figure 4: Chapter 4- Good Lives Model Framework.....	204
Figure 5: Chapter 5- Risk assessment and risk management strategy	237
Figure 6: Chapter 5- A risk assessment and risk management strategy.....	271

List of tables

Table 1: Chapter 1: <i>DPP case-loads between the Year 2000 to 2010</i>	78
Table 2: Chapter 1: <i>Demographic characteristics of sample</i>	87
Table 3: Chapter 2: <i>Charges laid for the sample</i>	88
Table 4: Chapter 2: <i>Theme 1- Childhood adversity</i>	94
Table 5: Chapter 2: <i>Theme 2- Familial issues</i>	96
Table 6: Chapter 2: <i>Theme 3- Relationships</i>	97
Table 7: Chapter 2: <i>Theme 4- Criminal influences</i>	99
Table 8: Chapter 2: <i>Theme 5- Life events</i>	101
Table 9: Chapter 2: <i>Theme 6- Financial issues</i>	102
Table 10: Chapter 2: <i>Theme 7- Addiction</i>	103
Table 11: Chapter 2: <i>Theme 8- Personality issues</i>	104
Table 12: Chapter 2: <i>Theme 9- Mental health issues</i>	105
Table 13: Chapter 2: <i>Theme 10- Violence/sexual issues</i>	106
Table 14: Chapter 2: <i>Theme 11- Educational attainment</i>	107
Table 15: Chapter 2: <i>Theme 12- Personal interests/hobbies</i>	107
Table 16: Chapter 2: <i>Theme 13- Compliance</i>	108

Abbreviations

- Adolescent-limited offenders (AL), 141
Antisocial potential (AP), 135
Chi-squared Automatic Interaction Detector (CHAID), 183
Conviction Evasion Skills (CES), 32
Corradino Correctional Facility (CCF), 19
Department of Probation and Parole (DPP), 18
Detection Evasion Skills (DES), 32
Developmental Ecological Action Theory (DEAT), 138
Good Lives Model (GLM), 28
Integrated Cognitive Antisocial Potential (ICAP), 135
Integrated Theory of Sex Offending (ITSO), 188
Iterative Classification Trees (ICT), 180
Life-course persistent offenders (LCP), 141
Offence Paralleling Behaviour (OPB), 32
Offender Assessment System (OAsys), 73
Offender Group Reconviction Scale (OGRS3), 90
Personal Construct Theory (PCT), 37
Risk-Need-Responsivity Model (RNR), 28
Self-Determination Theory (SDT), 44, 234
Situational Action Theory (SAT), 139
Structured Professional Judgement (SPJ), 238
the Level of Service Inventory Revised (LSI-R), 73
Theory of Criminal Thinking and the Criminal Thinking Styles (PICTS), 137

Acknowledgements and dedication

First and foremost, I would like to express my gratitude to my tutors; Professor Alan Costall, Doctor Michelle Newberry and Doctor Adrian Needs, for guiding me throughout this journey of discovery, providing me with inspiration and giving me constant encouragement to persevere!

I would like to thank my family, for their continuous love and support. A special thanks goes towards my partner Julian, my parents, Marie and Robert, and my brother Blair. Thank you for being there for me, always.

I would also like to thank the Department of Probation and Parole for allowing me to conduct this study, and also for all their assistance throughout my research; in particular I would like to express my gratitude to my colleagues and friends who in some way or other showed their support.

Dissemination

A list of relevant publications, abstracts, presentations and posters is provided hereunder.

Submitted for publication

Avellino, C. (2014c). Towards a comprehensive theoretical and empirical base for the risk assessment and risk management of offenders. Unpublished paper. University of Portsmouth, Portsmouth.

Abstract

The role of developmental and situational factors in offender risk assessment and risk management has been largely ignored. This may be due to the fact that developmental and situational theories mainly focus upon explaining how offenders transition in and out of offending yet provide little information regarding the underlying process of change. Offender narratives, on the other hand, may provide insight into the manner in which offenders interpret and make sense of the world around them that may account for that change. This paper discusses the contributions of developmental and situational theories in understanding offending behaviour and how these can be understood through the offender's personal narrative to provide a comprehensive theoretical and empirical base for the risk assessment and risk management of offenders. The findings of this research have implications for both risk assessment and risk management, which until now have not fully considered the role of situational and developmental contexts and the importance of self as manifested through the personal narratives of offenders.

Publication

Avellino, C. (2014). Offender Rehabilitation: The Good Lives Model. In *NewBe- A learning partnership on Positive Psychology*. Retrieved from http://www.newbe-llp.eu/E-book_Newbe.htm.

Presentation

Avellino, C. (2014, May). *Strength-based approaches in Criminal Justice: The use of positive psychology in addressing offender behaviour*. Paper presented at the final conference of the NewBe, A Learning Partnership Programme, Malta.

Poster presentation

Avellino, C., Costall, A. Newberry, M. and Needs, A. (2011). *Introducing risk assessment to the Maltese Probation Services*. Poster presented at the University of Portsmouth, UK, July

General introduction

The Department of Probation and Parole in Malta has undergone significant changes over the last few, particularly through the introduction of Parole. This means that in addition to the Department's current responsibilities at the pre-sentencing stage, and with post-sentenced offenders, the Department of Probation and Parole is now also responsible for the assessment of prisoners eligible for parole and the management of parolees within the community. The scope of this research is to provide a new strategy for risk assessment and risk management in the Maltese probation service. The strategy is necessary both as a means to explore risk assessment within the Maltese context but also in a broader sense by discussing recent developments within the area of risk assessment and its wider application.

The research draws upon the experience of the author working within the department as a former senior probation officer and currently holding the post of psychologist within the Department of Probation and Parole. Real-life examples of problems with aspects of risk assessment are provided.

The research shall present a number of areas to consider when introducing a risk assessment and management strategy. Each area will be discussed as a self-contained chapter within this dissertation, and so some of these issues need to be addressed for the different purposes of the chapters. The first chapter shall discuss issues with constructing a new risk assessment and risk management strategy for the Maltese probation service. This chapter shall explore risk assessment within the Maltese context as well as in a broader sense, by discussing recent developments within the area of risk assessment and its broader application.

The second chapter shall discuss the role of pre-sentence reports in relation to risk assessment. Through the application of content analysis of pre-sentence reports, the author identifies several themes which describe the risk factors that probation officers identified as

potentially predictive of offending in Malta. The themes may be used by probation officers as a guide to explore offender narratives and provide a deeper understanding of the interaction between risk factors and the processes underlying offending behaviour. The wider implication of the findings suggest that an effective risk assessment and risk management strategy should go beyond the identification of singular risk factors, by highlighting the advantages of adopting an idiographic approach to risk assessment. Moreover the research also suggests the consideration of alternative methods of assessing risk, such as case formulation, as a means to reconceptualise pre-sentence reports and their role in assessing risk and subsequent risk management.

The third chapter shall provide a comprehensive theoretical and empirical overview of in risk assessment and risk management. This chapter discusses the contributions of developmental and situational theories in understanding offending behavior and the importance of self as manifested through the personal narratives of offenders. The findings of this research discuss the implications of considering the role of situational and developmental contexts and personal narratives of offenders in informing risk assessment and risk management.

The fourth paper shall propose a new model of practice in risk assessment and risk management in the Maltese Probation Service. The research specifically considers the role of adopting of a decision tree approach complemented with a case formulation approach that is sensitive to the personal and contextual aspects relevant to offending behavior. A case example is used to illustrate how the proposed model would enhance risk assessment and risk management within the Department of Probation and Parole is provided.

The final chapter shall propose a new strategy for implementing this risk assessment and risk management strategy for the Maltese Probation Service. This chapter provides a reflective overview of the implementation of a proposed new strategy for risk assessment and risk

management in the Department of Probation and Parole in Malta. The overall findings of this research indicate that there is scope in considering the introduction of a strategy to the Maltese probation service, offering a more comprehensive approach to risk assessment to inform effective risk management practices.

The overall research shall take a pragmatic approach towards risk assessment as a means to inform practitioners, managers and policy makers on the trials and tribulations of introducing a risk assessment and risk management strategy with a means towards suggesting “the way forward”.

Chapter 1: Constructing a new risk assessment and risk management strategy for the Maltese probation service

Chapter 1: Constructing a new risk assessment and risk management strategy for the Maltese probation service

Abstract

The Department of Probation and Parole (DPP) in Malta has undergone significant changes and can be considered to still be in a state of change, especially with the introduction of Parole. The lynchpin to this transient service is that the DPP is now also responsible for the assessment of prisoners eligible for parole and the management of parolees within the community, in addition to their current responsibilities at the pre-sentencing stage and with post-sentenced offenders. In view of these changes the Department has revisited its risk assessment and risk management policies and has now focused its attention upon introducing a more formal approach to risk assessment. This suggests that there needs to be a renewed look at the assessment and management of offenders on two distinct levels; specific to the DPP and within a wider context. This chapter shall therefore explore risk assessment within the Maltese context as well as in a broader sense by discussing recent developments within the area of risk assessment and its wider application.

The Changing Department of Probation and Parole (DPP) in Malta

In preparation for the much anticipated introduction of Parole in Malta, which was announced through the publication of the Restorative Justice Bill (Bill no. 73, Laws of Malta), Probation Services underwent a number of significant changes. Primarily it became independent from the Corradino Correctional Facility (CCF) in January 2012 to form the Department of Probation and Parole (DPP). Furthermore through the introduction of the Restorative Justice Act (Cap. 516, Laws of Malta) in December 2011 the Department took on additional duties relating to the assessment of prisoners eligible for Parole and the management of parolees. Because of this the DPP began to recognise the need to introduce a more formal approach to assessing and managing offenders.

Changes in Policy and Current Practice

A pilot project was launched by the Department of Probation and Parole in 2010 to evaluate the possibility of introducing a more formal approach and a standardised method to assess risk through the introduction of risk assessment tools¹. This led to the eventual introduction of these tools in September 2011 to be administered only at a post-sentencing stage and as part of the assessment of prisoners eligible for parole.

This evaluation can be said to have been viewed from a “micro” perspective where the focus was placed upon addressing specific concerns such as assessing what approach is most appropriate (actuarial or clinical approaches) and determining the reliability and validity of various risk assessment tools. However, for the successful implementation of a risk assessment and risk management strategy there needs to be a “macro” approach that places further emphasis on the issues surrounding risk assessment and risk management. This should take into consideration the realities of risk assessment both at an organisational level (such as heuristics

¹ The results of the pilot study indicated that 24 offenders out of 95 were identified as “high risk”

and biases and staff issues) and on an individual level (the offender within the “real world”). The potential influence of these factors on risk assessment will now be considered by exploring the manner in which these are influenced by changes in policy, current practice, patterns of crime in Malta and emerging trends.

Criminal Patterns and Emerging Trends in Malta

The DPP has seen a significant change from its inception in the late 1950s. Up until 1998, drug possession made up 75% of the case-load (Scicluna, 2008). However the annual reports of government departments have indicated that in 2010 there has been a 46% increase in violent offending over the last four years, mostly consisting of cases of grievous bodily harm or assault and domestic violence (for offenders on a community based sanction) (Office of the Prime Minister Malta, 2010). This increase has also become more pronounced for offences related to sexual offending (Office of the Prime Minister Malta (2010). This indicates that the Maltese Department of Probation and Parole is experiencing a shift “to more difficult and demanding offenders” over the last few years (Office of the Prime Minister Malta, 2011, p. 907). However this appears to be rather unusual considering that there has been a decrease in recorded crime across Europe over the last decade (European Union, 2013).

An overall decrease in total recorded crime, between 2005 to 2010, for the European Union, was noted (European Union, 2013). The number of recorded crimes related to drug trafficking, robbery, violent offences, and vehicle theft decreased significantly. The exception to this was domestic burglary (a 7% increase was noted when comparing 2007 reported cases to 2010) also across European Union (European Union, 2013). Malta was identified as an anomaly in relation to homicide rates. This is because whereas most countries registered a decrease in homicide (when comparing the ratios between 2005 and 2007 with ratios between 2008 and 2010) Malta registered an increase (European Union, 2013). Analysing the crimes recorded by

the police between 2004 and 2010, there is a downward trend observed with respect to Malta (European Union, 2013). In 2004, 18,384 crimes were reported to the police which when compared to the 13,296 crimes reported in 2010 might indicate that either there is indeed less crime being committed in Malta or alternatively less crime is being reported and recorded by the police.

Despite the criminal trends for reported crime across the European Union suggesting a decrease in offending or possibly in reported or recorded crime, Malta has registered an increase in imprisonment rates (European Union, 2013). This together with the figures reported by the DPP indicate that criminality in Malta has increased significantly, particularly in terms of diversity and severity. This has created a need for the Criminal Justice System in Malta to react by introducing Parole in Malta, which is expected to address the issue of prison overcrowding and the rehabilitation and re-integration of prisoners within society. Furthermore the overall case-loads being managed by probation officers seem to indicate a wide dispersion of types of offenders, which contrasts greatly with the high rate of drug related offences which was characteristic of probation “clients” in the past. This suggests that the DPP in particular needs to develop a risk assessment and risk management strategy designed to address this change in offenders (that may be accounted for by a change in culture), and change in client group (due to the introduction of Parole and the types of offenders managed by probation). This is particularly necessary as the service has been primarily shaped around managing drug addicts. The diversity in offenders may also indicate that this improved risk assessment and risk management framework needs to command a more realistic approach that takes into account the unique features of the offender.

Summary of risk assessment practices in Malta

In sum it appears that placing a heavy reliance upon statistics or rather historical factors, particularly as a means to predict future offending might not be the most effective and informed method by which to elicit the most reliable information. This is particularly relevant when considering the limited resources at the disposal of DPP as well as other entities within the criminal justice system, rendering any form of reliance upon official statistics, when made available, to be impractical and incomplete.

In addition, the information available through official sources may not take into account the motivations and precursors behind those behaviours, the decision process leading up to those behaviours, as well as not taking into consideration the crimes that have not been reported or processed as criminal acts or in cases where offenders have been let off with a warning altogether. Information derived from the “whole criminal justice process” (HM Inspectorate of Probation, 2006, p.71) that utilises a number of sources would provide a far more reliable and valid risk assessment appraisal and informed risk management plan than relying upon more traditional approaches to risk assessment, particularly if taking into account more positive approaches to risk assessment that incorporates the consideration of pro-social behaviours the individuals may engage in particularly as a means to avoid engaging in offending behaviours (e.g. Good Lives Model, Ward & Stewart, 2003, Offence Paralleling Behaviours, Jones, 2004).

Utilising Best and Emerging Practice in Risk Assessment and Risk Management:

A Review

Risk Assessment and Probation

Bonta and Andrews (2007) state that over the past 50 years risk assessment has moved from decision making about risk utilising professional judgment to an actuarial approach to clinical decision making. First, generation assessments, which originated in the mid 20th

century, are based upon unstructured clinical judgement or professional judgement (Campbell, French & Gendreau, 2007). The method by which the information is collected is in the form of an interview during which the assessor formulates a professional opinion. Second generation tools, were developed in the 1970s, introduced more structure into the way assessments were carried out (Raynor, 2004) and are largely based upon static factors (Hoge & Andrews, 2010). Third generation tools came about in the 1990s, and they introduced the risk-needs method of assessment that saw the combination of both static and dynamic factors (Bonta & Wormith, 2008).

Fourth generation assessment tools are the latest generation of tools that incorporate intervention targets, an assessment of rehabilitation progress and a case management plan (Andrews & Bonta, 2006; Bonta & Wormith, 2008). The emphasis of this generation of tools is placed upon case management and also recognises the importance of the offender's own strength (Andrews & Bonta, 2006). Recently there has also been a shift from focusing upon managing risks towards acknowledging the value of individual strength, indicating a more positivist approach in relating to offenders (see Fitzpatrick, 2011).

It seems nonetheless that over the last few decades research on risk assessment has centred upon predicting an outcome variable, yet the different pathways offenders choose to take has often been ignored. There has been over emphasis on the "final product" as providing a clear cut, irrefutable result, either expressing risk as low, medium or high or alternatively providing dichotomous "yes" or "no" responses (Steadman, 2000). However this suggests a very "clean" approach to risk assessment. This is particularly evident when the source of offending may be far more complex than standard "one size fits all" approaches particularly when dealing with offenders that do not "fit the mould" and present issues that do not fall within the remit of criminality but contribute to the offending in question. For example an offender may be

compliant towards his probation order yet due to social problems he may resort to offending. This suggests that a “one size fits all” approach offered by standard actuarial measures might not be suited to the Department of Probation and Parole.

Although some may argue that risk management is about attaining measurable results based upon reconviction rates (rather than the actual rate of re-offending), it is important to also have an understanding of the factors contributing to offending behaviour especially when trying to comprehend how it comes about that some individuals with the same risk factors go on to reoffend whereas others do not. To understand the reason why this happens assessors need to consider the role of protective factors and resilience.

Protective factors may consist of individual or situational factors that protect the individual from the effect of being exposed to risk factors that led towards offending (Jessor, Van Den Bos, Vanderryn, Costa & Turbin, 1995, Losel & Bliesener, 1990). Protective factors such as effective coping strategies, having positive role models or involvement in prosocial activities, may limit the possibility of an individual engaging in crime. Furthermore some authors also suggest that resilience, which is the individual’s ability to overcome duress, may also act as a protective factor (Doll & Lyon, 1998, Fougere & Daffern, 2011).

Luthar, Cicchetti and Becker (2000) have described resilience as being “a dynamic process encompassing positive adaptation within the context of significant adversity” (p.1). Fitzpatrick (2011) has drawn parallels between resilience and desistance, as both are desired outcomes for practitioners working within probation despite there being some disagreement over the true definition of resilience and in the manner in which desistance is the described (see Luther et al. 2000). However generically it seems that resilience involves overcoming adversity whereas desistance requires a behavioural change (Fitzpatrick, 2011).

Robertson, Campbell and McNeill (2006) have also compared resilience and desistance and concluded that both take a forward looking approach by attempting to develop the individual's own resources and by strengthening social resources. Practitioners emphasising the two could focus upon addressing the "turning points" (see Laub & Sampson, 2003) that may lead offenders to trigger the necessary change in order to build resilience (Fitzpatrick, 2011). However for this to occur there must be the consideration of context the offender is in, as desistance as described by Maruna (2001) is a maintenance process that is subject to change.

This has various implications with regards to the role of probation officers. Supervision is an integral aspect of probation work, which should not be limited to monitoring behavior but should also be about supporting change and motivating offenders to engage in change, essentially promoting desistance (see Maruna, 2001). A collaborative approach to promoting change may encourage an offender to be an agent of change rather than a passive recipient of change. From a practical point of view, offenders often describe that the advantage of being on probation is that they have a probation officer who is there to listen to them and provide advice. Furthermore approaches that foster self-efficacy (the individual's belief in his own ability to attain his goals) may also support change (McNeill, Farrall, Lightowler & Maruna, 2012). Establishing a collaborative relationship can serve to build the necessary trust in order to understand the person behind the offending. In fact, Maruna (2001) explained that when offenders engage in rehabilitation they form new narrative identities that reflect a prosocial lifestyle. Therefore probation officers may guide offenders to develop new prosocial identities through the exploration of offender narratives as described in Avellino (2014c, chapter 3, see below).

McNeill et al. (2012) emphasised that supporting change alone is not sufficient to attain rehabilitation as opportunities must also be sustained by the community itself. Offenders must

have access to both internal resources such as adaptive coping skills and external resources such as community-based support systems as a means to assist offenders to enhance desistance (McNeill et al., 2012). Similarly some offenders may be more resilient depending upon the situation they are in (Rutter, 2002). This indicates that the context in which the offender is in may increase or decrease resilience. This suggests that to help offenders build resilience and maintain desistance there must be a consideration of the context, which plays a crucial role in triggering change.

Therefore risk assessment should take into account the offender's context as a means to explore the internal and external resources available to the offender, but also as a means to take a "forward looking" approach that does not simply analyse the offenders past actions but seeks to explore the way forward in terms of assessing risks in the current setting. An example of this is when probation officers in Malta assess prisoners being considered for release on parole. A number of these prisoners' circumstances may have changed drastically from when they were incarcerated to when they are being considered for release. The reason behind this may be due to the many years that have gone by, the circumstances that may have led to incarceration such as specific life events that may not repeat themselves or even due to no longer being able to reside in the same premises and subsequently the same environment. On the other hand, the Maltese context provides an entirely different dimension to the concept of context. The Maltese Islands are 316 square kilometers² (122 square miles) in size, boasting a population of 421,364 inhabitants (with a population density of 1,333 persons per kilometers squared³). This means that the Maltese live in very close proximity to one another, and the distinctions between the various towns are almost non-existent in some parts of the island. Subsequently in terms of risk

² Government of Malta (2002). *Malta National Report*. Retrieved from http://www.um.edu.mt/data/assets/pdf_file/0006/63699/Malta_WSSD.pdf

³ National Statistics Office, Malta (2013). *Malta in Figures*. Retrieved from http://www.nso.gov.mt/statdoc/document_file.aspx?id=3780

assessment and risk management this creates difficulties. For example a number of countries such as America and the United Kingdom have adopted restrictions on sex offenders such as not residing in close proximity to schools or not entering a particular area (see Home Office, Office for National Statistics, 2013; Levenson, 2005). Therefore in Malta the offender's environment does not vary much which also means that the risk of re-offending may be more elevated due to the limited opportunities for change, as Malta is a relatively small country. This has various implications in terms of risk management, as offenders who are ready and willing to make a change are more likely to be known and labelled as criminal and subsequently are less likely to be provided the opportunity for change.

This indicates that for rehabilitation to be successful there needs to be a broader consideration of the factors that influence offending. Risk factors as well as protective factors need to be taken into consideration when formulating a strategy to reduce reoffending but also to support desistance. In addition, a consideration of the context is also important in order to promote resilience and desistance, as the context itself must also provide the opportunity for change through the provision of opportunities for employment within the community and the willingness of the community for re-integration. Both of these aspects are rather restrictive within Malta yet all these aspects may play a crucial role in the rehabilitation of offenders which is a central role of probation.

Models of Rehabilitation

Wade and de Jong (2000) have long made the call for the need for a universally agreed definition of rehabilitation however despite there being an absence of this, rehabilitation can be considered to involve assessment, goal setting, intervention (which includes treatment and support) and evaluation. This has implications even within the Criminal Justice system in Malta. An example of this is the manner in which policy-makers have attempted to introduce the

concept of rehabilitation in the Maltese prison. One of the main criticisms that can be made of the Corradino Correctional Facility, is the blatant absence of any form of therapeutic intervention. This has created issues with regards to releasing prisoners on parole and so many prisoners are being given the opportunity to engage in community work.

The result has been that these prisoners have no prior preparation for re-integration yet are now engaging within the community without a “safety net”. Amongst the many implications underlying this scheme it is clear that the concept of rehabilitation has been clearly misinterpreted as a “second chance” for the offender. Offenders should be given an opportunity to reform, however this needs to form part of a wider plan of rehabilitation and reintegration back into the community that would assist the prisoner in making the connection with living a “good” prosocial life. Unfortunately this seems to be a widespread misinterpretation within the criminal justice system that has created difficulties in the manner in which rehabilitation should be transposed into practice correctly.

The Maltese Criminal Justice System would greatly benefit from the adoption of a model of rehabilitation that would provide an overarching framework to support the offender in his rehabilitation whilst also providing a common language for practitioners and policy-makers alike. Two contemporary models of offender rehabilitation described in the literature are the Risk-Need-Responsivity Model (RNR; Andrews and Bonta, 2003) and the Good Lives Model (GLM; Ward & Stewart, 2003); with the first model focusing upon risk management and the second model taking a strength-based or “restorative” approach (Ward & Maruna, 2007).

The Risk-Need-Responsivity (RNR) Model of Rehabilitation.

The RNR is a widely acclaimed empirically-based model of risk management (e.g. Andrews, Bonta & Hoge, 1990, Andrews, Bonta & Wormith, 2011, Cullen and Gendreau, 2000, MacKenzie, 2006) that is focused upon estimating the risk an offender poses to society, and then

attempting to reduce these risks with the least expenditure possible (Ward & Maruna, 2007). This model proposes that interventions should be focused upon the level of risk, need and responsivity of offenders. Yet the RNR has been criticised for being far too focused upon the “deficits” or criminogenic needs presented by the offenders, which do not necessarily need to be the only targets for reducing the risk of reoffending (Maruna, 2001, Ward & Maruna, 2007).

The RNR has mostly been criticised for assuming a “one size fits all approach” to assessment, as it ignores individual differences that are necessary for behavioural change to occur. This results in essentially ignoring aspects such as low self-esteem or motivation to change and positive initiatives the offender may have engaged in order to avoid offending (Ward & Maruna, 2007). Andrews (2006) acknowledged this criticism and concluded that this is due to the “large scale” application of RNR (Andrews & Bonta, 2010, Andrews, Bonta & Wormith, 2011). Furthermore, Andrews et al. (2011) also confirmed the need to evaluate the individual characteristics as a means to improve the responsivity of offenders in treatment.

The Good Lives Model of Offender Rehabilitation.

With the introduction of the Restorative Justice Act (Cap. 516, Laws of Malta) regulating the Department of Probation and Parole in Malta, it appears that the Good Lives Model of Rehabilitation might provide the “right fit” in order to enhance the rehabilitation of offenders. The Good Lives Model (GLM; Ward & Stewart, 2003) of rehabilitation is a strength-based approach to dealing with offenders (e.g. Maruna & LeBel, 2003), which was developed as an alternative to the Risk-Needs-Responsivity (RNR; Andrews and Bonta, 2003, Andrews, Bonta, & Hoge, 1990). GLM has therefore two main purposes: promoting goods and managing or reducing risks to achieve these goals (Ward & Langlands, 2009). To achieve this, offenders would need to develop skills, values, attitudes, and resources necessary to develop a lifestyle

that is meaningful and does not impinge upon other (potential victims?) (Ward & Langlands, 2009).

This is very much reflected in the practices adopted by drug rehabilitation communities in Malta, where emphasis is placed upon equipping recovering addicts with the tools necessary to avoiding relapsing once they return to the community, thus building upon both self-reliance and resilience. The GLM is a relatively new theory of offender rehabilitation and has been criticised for being “weak” in theory and practicality (e.g. Andrews, Bonta & Wormith, 2011, McMurrin & Ward, 2004, Ward, Polaschek, & Beech, 2006). Nonetheless it appears that the GLM does provide “a relatively coherent, integrated rehabilitation approach with a clearly articulated set of fundamental assumptions and etiological commitments” (Ward & Maruna, 2007, p. 171). A more thorough description of this model is provided in Avellino (2014d, chapter 4).

Conclusions drawn from RNR and the GLM.

Andrews et al. (2011) indicated that GLM may be considered to be similar to RNR in principle, but still highlighted the need to focus upon addressing criminogenic needs as they contend that an over-emphasis on pursuing well-being does not sufficiently address the cause of offending. This is relevant to probation, as the role of the probation officer primarily entails addressing criminogenic needs in order to ensure public safety. However from a practical point of view probation officers who focus upon developing a relationship with offenders (creating a sense of well-being for both the practitioner and client), and subsequently build upon values relevant to the Maltese context, such as respect and honour, are more likely to achieve desistance or at least harm reduction. Ward and Maruna (2007) on the other hand acknowledged that GLM does incorporate many of the positive attributes of RNR, whilst “resolving” the many deficits

of this model, equally focusing on providing a safer community by casting a “wider net” through the analyses of the variables that can lead an offender towards desistance.

Both models, despite proposing alternative views on offender rehabilitation, provide some “food for thought” in terms of the way forward: an effective risk assessment and risk management strategy cannot focus on singular risk factors but rather a synergy of factors that may fluctuate over time and are influenced by mitigating circumstances. There needs to be consideration of the various risk factors and how they collectively contribute to offending and desistance, at an individual, community, contextual, situational and organisational level, that ultimately lead to the same goal- the rehabilitation of offenders. Moving forward from the “what works” literature (Martinson, 1974) to exploring aspects such as what works with whom, when, in what circumstance, might be more appropriate when assessing offenders, as this denotes a clearer need to explore the aspects that might lead a person towards offending or desistance from offending altogether.

Devising a Risk Assessment and Risk Management Strategy

Through the consideration of the literature reviewed in this paper comes the realisation that an effective risk assessment strategy needs to consider risk within a wider framework. The following section of this chapter considers the essentials in constructing an effective strategy: at an individual level, situational and contextual level and an organisational level, as a means to consider a more holistic approach to offender management.

Risk at an Individual Level

Traditional approaches to risk assessment have focused upon identifying specific aspects of offenders (e.g., substance abuse and mental health issues) (Cooke, 2000) and have looked at the offences that are predictive of reconviction (Robinson, 2003). Empirically driven risk assessment tools are representative of the particular cluster of offenders sharing similar

characteristics. In fact, a number of these tools are based upon cohorts of prisoners and may not necessarily be representative of the community at large or populations such as Malta (see the Violence and Risk Appraisal Guide (VRAG); Quinsey, Harris, Rice & Cornier, 2006). This takes a generic approach to risk assessment that may not provide the specific information necessary for the effective assessment of that individual's unique characteristics. These tools are also dependent upon reconviction rates and are based upon the premise that the offender has indeed been caught and processed, which as previously discussed may not always be the case. Offenders may also have developed Detection Evasion Skills (DES) and Conviction Evasion Skills (CES) techniques, which Jones (2004, 2010) explained allow offenders to evade detection altogether.

More recent developments in the field have focused upon utilising specific techniques such as case formulation (Davies, Jones & Howells, 2010; Jones, Daffern & Shine, 2010) in order to attempt to understand the complexities of individual risk. This is done by providing an understanding of the behaviours and decision-making processes offenders in which engage in order to offend. Case formulation is a generic skill that takes into account particular aspects of a case to then determine the most appropriate treatment plan for that particular offender (Haynes & O'Brien, 2000). This approach may also serve to unify relevant information that may be derived through the offender, by also taking into account the offender's views on offending behavior.

Case formulation is often used in combination with the Offence Paralleling Behaviour (OPB) model as a means to augment risk derived from methods based upon group data as it provides an individualised approach to risk (Robinson, 2003). Jones (2011) explained that OPBs offer practitioners the opportunity to devise risk assessment and risk management practices based upon "live" behaviours that have been linked to offending behavior for the eventual move

from leading a custodial “good life” to leading a “good life” upon release. This certainly has practical implications particularly for offenders being released on parole in Malta; as a means to identify behaviours that occur as a reaction to custodial settings as opposed to exploring behaviours that are actually linked to offending and attempt to reduce errors and heuristics biases that assessment may be prone to.

Offence Paralleling Behaviour

Daffern, Jones, Howells, Shine, Mikton and Tunbridge (2007) defined offence paralleling behaviour as a “behavioural sequence incorporating overt behaviours (that may be muted by environmental factors), appraisals, expectations, beliefs, affects, goals and behavioural scripts that is functionally similar to behavioural sequences involved in previous criminal acts.” (p. 267). Jones (2010) explained that OPB focuses upon the analysis of sequences of behaviours as a means to identify the relationship criminogenic risk factors. Links between behaviours are then established across different contexts.

Jones (2010) distinguished between offences that occur naturally within a given context such as at the scene of the crime and behaviours that are removed altogether from the context such as within prison. Jones (2010) recommended identifying “proxies” of the offending behavior in naturally occurring contexts by trying to identify behaviours that mimic one another across different environments such as prisons or secure units. This suggests that an assessor is essentially looking for patterns in behavior that occur across different contexts and through this identifying the triggers to the offending behavior whilst also identifying the situational aspects that may contribute towards offending (refer to Avellino, 2014d, chapter 4).

Maltese probation officers for example are at an advantage to other professionals working with offenders in Malta in that they are able to follow offenders both within the community and within various other “contained” contexts, such as rehabilitation centres.

Additionally this means that they also, for the most part, have access to the official documentation that follows offenders as they progress through their sentence or sanction. In contrast for example to the prison psychologists, probation officers have the possibility of developing OPBs and creating links between the various contexts adding more depth and dimension to the risk assessment process.

The context in which the offender is in may play an integral role in triggering and supporting change. The offender's existing support system within the community, consisting of family, friends as well as probation, for example, could act as the mechanism to achieve desistance. The relationship between the offender and his probation officer may be utilised in order to bring about a positive change, and may also serve as the means to achieve compliance (Burnett & McNeill, 2005, Canton, 2007).

A number of offenders indeed desist "naturally" as indicated by the "age crime curve" where offending can be seen to decrease as the offenders age (Canton, 2007). However Weaver and McNeill (2007) have suggested that it not simply a question of aging but the experience the offender goes through whilst growing up that plays a role in desistance. Age therefore should be considered in combination with associated biological factors, development milestones, life experiences, influences of social factors, cognitive thought processes and aspects intrinsic to the offender such as motivation or attitudes (Weaver & McNeill, 2007).

These factors alone may not be sufficient to explain when and why desistance occurs. It is the manner in which these experiences of life are internalised into the self (Maruna, 2000). Narratives may therefore be targeted in order to deconstruct the offender's past, as a means to influence the present and continue maintaining desistance in the future (Fitzpatrick, 2011). As narratives provide a subjective rendition of the offender's experiences they also provide an

account of the meaning attributed to these life events and the moment in which the offender chooses to desist or engage in offending behaviour.

Narratives

The concept that individuals' lives are shaped through the construction of personal narratives is one that has been explored before (Ward, 2012). The nomenclature by which it has been addressed has however been somewhat varied and often misleading; as each is referring to the same concept-narrative, self-narrative, narrative identity, personal stories, to name but a few (Ward, 2012). Nonetheless this area has been particularly helpful in explaining the etiology of offending behaviour (e.g. Maruna, 2001; McAdams, 1997, 2008; Ward, 2012, Presser, 2009).

McAdams (2008) explained that the self is made up of stories about an individual's relationships and given culture, subject to change, that vary over time and quality, whereas self-concept describes an individual's belief about himself. Both aspects provide an understanding of the offender and how this influences the decision making process (Ward, 2012). Narratives are stories that are a reflection of the offender's past experiences and future expectations that serve as a guide to the individual's future (Bruner, 1990). Woolfolk (1998) talks about individuals understanding themselves within their "remembered past and anticipated future" and as having a "sense of self" acting as "protagonist in a story or a collection of stories" (p.98).

This suggests that individuals are shaped by the understanding of the world around them, their (mis)remembered past, and expectations of the future, which may be influenced by their value system, personal ability, knowledge of the world around them, opportunities and resources available (Ward & Marshall, 2007). This also indicates that offenders' identities are affected by the meanings they attribute to their inner selves and the world around them. Thus, offenders who have maladaptive narrative identities may choose to offend as they lack the skills, attitude and resources to desist from offending (Ward & Marshall, 2007). Rehabilitation models such as

the GLM could be utilised to assist offenders in developing a new prosocial narrative identity by focusing upon how the offender sees himself, his value system and resources available to achieve a meaningful and rewarding “good life”.

Presser (2009) argued that narratives are the antecedents to offending behaviour and therefore could be targeted as part of the offender’s rehabilitation, yet these narratives are changeable and difficult to measure. This suggests that narratives must be considered within a specific context, that is, in the case of offenders, specific to the offence (Young & Canter, 2011). This would provide an understanding of the offender’s interpretation of an event in which he carried out an offence (or desisted) and inform practitioners of cognitive distortions and emotional states at the time of offending (Young & Canter, 2011). To some degree, therefore, there is some form of measurable component to narratives.

According to Young and Canter (2011) narratives may be held responsible for criminal behaviour and argue that a set of fixed narrative themes may be utilised in order to distinguish offenders. These “Narrative Offence Roles”, that includes the Professional, Victim, Tragic Hero and Revengeful Mission, offer practitioners the possibility of identifying criminal roles that are acted out during offending episodes. This also confirms McAdams (1993) assertion that there are fixed narratives across any culture which he asserts are dominated by the Potency and Intimacy dimension. Young and Canter’s (2011) narrative roles may indeed shed new light on the “direct and immediate psychological processes implicated in criminal action” (p.234).

Similarly Maruna (2001) distinguished between “desisters” and “persisters”, explaining that offenders who choose to desist construct new narrative identities that allow them to embrace a prosocial lifestyle. “Desisters” live according to a script of “redemption” allowing offenders the possibility of interpreting their past experiences in a manner that encourages them to move past their setbacks in life and engage in a “good life” whereas “persisters” follow a

“condemnation script” where offenders see themselves as victims and are deterministic in that they believe that are unable to control what happens in their life. This approach is also echoed by Ward and Marshall (2007) who asserted that rehabilitation occurs through the construction of adaptive narrative identities. This process could then be complemented by trying to identify Offence Paralleling Behaviours.

Personal Construct Theory

Narratives are subject to cognitive processing and as such have implicit meaning, which may be influenced by various thinking styles, biases and cognitive distortions (Presser, 2009, Young & Canter, 2012). This suggests that meaning also plays an important role in understanding individual narrative roles. According to Kelly's Personal Construct Theory (PCT), individuals have their own method by which to derive meaning and interpret what they see through the individual's “inner outlook” (Warren, 2012). According to Kelly, constructs or world-views may be derived from an individual's personal experiences and interpreted from other's world views (Kelly, 1955 as cited by Warren, 2012).

PCT views the person as a “scientist-psychologist” who gives meaning to the world around him, in an organised fashion (Warren, 2012). Kelly explained that “a person's processes are psychologically channelised by the ways in which he or she anticipates events” (Warren, 2012, p. 5). PCT therefore hypothesises processes that function across different spheres of humanity. Furthermore PCT suggests that individuals evaluate their past events as a means to predict future events. Individuals therefore build constructs of the world as they see it as a means to anticipate events. An example of this would be the manner by which individuals create stereotypes whereby they expect people to behave in a particular manner in a particular situation due to their own system of constructs. This system may be further explored through the

Repertory Grid which was developed as a means to help the individuals explore their own constructs of the world (Warren, 2012).

How do Narratives and Systems of Construct Apply to Offenders?

PCT may be utilised to understand offenders by comprehending the manner in which they construct their own systems in relation to their offending behaviours. Offenders, for example, may evaluate their past offending behaviours, so as to anticipate whether they will be apprehended or not by the police. An offender may also have preconceived views of how they anticipate their peer's response towards their offending - that is, if they carry out the offence they are more likely to be accepted by their criminogenic peers?

This may also suggest that offenders may also draw upon the experiences of others, through "narratives" that may be passed on through generations. This may "set the bar" in terms of what may be expected of offenders and how they should act (a sort of "modeling" of behaviour). These narratives could incorporate historic components, personal histories, or even memories. An example of these would be the large proportion of the tourists visiting Malta, many of which had parents who were war veteran. Many of which come to visit Malta having heard of the "Maltese story" and the war through their parent's recollections, and so they attempt to experience wartime Malta through their parent's narratives.

Offenders on the other hand may have heard stories or narratives (essentially normalising criminality, learning the "tricks of the trade" and adopting criminogenic attitudes towards crime and the criminal justice system) that may have encouraged them to internalise and adopt these narratives as their own (potentially influencing their value system) and therefore further enhanced the potential to engage in a criminogenic lifestyle.

Essentially this indicates that offenders are attempting to make sense of their past, present and anticipated future. Therefore this may all be dependent upon their interpretation of the past. So, for example, Markus and Nurius (1986) proposed the notion of *possible selves*, which suggests that offenders' create potential future versions of themselves. Subsequently individuals would then organise their thought processes, and direct their behaviors and emotions towards achieving their desired version of themselves or alternatively avoid becoming unwanted versions of themselves. This implies that practitioners wanting to bring about a change in offenders would need to look beyond criminogenic factors by exploring the "stories" behind those behaviours.

Readiness to Change

Change is also a key component to PCT, as through matrices such as repertory grids individuals are able to explore their own constructs and change to increase predictability of an anticipated future. Changing offender behaviour forms an integral part of the role of the probation officer, and yet it is often the hardest part of the job, as offenders may prove to be resistant to change. Through the years a few studies have focused exclusively on the motivations behind this resistance. Much of the research regarding motivation to change has focused upon exploring therapeutic settings, presumably as this is probably the predominant area where change would be expected to occur. The Transtheoretical Model of Change (Prochaska & DiClemente, 1982) has been widely cited in research particularly for its applicability to a number of areas concerned with interventions, such as substance misuse treatment, smoking cessation, or general offender programmes.

However resistance to change at times may be brought on by other factors, that are extrinsic to the offender and include issues such as lengthy waiting lists to receive treatment, fear of meeting other offenders within a rehabilitation programme, family problems or lack of

support from peers. Probation officers must therefore seek to explore the reasons or barriers as to why offenders may be resistant to change before attempting to commence the process of behaviour modification as part of offender management.

Burrowes and Needs (2009) proposed a framework for assessing readiness to change with offenders. This framework could prove to have practical utility for probation officers so as to determine whether offenders are ready to make a change in their lives. Specifically it can prove to have increased utility at a pre-sentencing stage, when probation officers need to make recommendations to the Court and assess whether offenders are ready to engage in a community based sanction. At a post-sentencing stage this could assist probation officers determine whether offenders are ready, for example, to engage in a drug rehabilitation programme, and with regards to parole, it would assist in determining whether offenders are ready to rehabilitate and reintegrate back into society upon release. Overall this could prove to greatly improve the role of probation officers in Malta, particularly as a means for assessing the offender's readiness to change by collaboratively exploring these barriers to change and propose a practical risk management plan incorporating these aspects.

Motivation

For change to occur an offender must possess some sense of motivation, an aspect that is key to the process of desistance. Ryan and Deci (2000) described four varieties of extrinsic motivation, which are differentiated by the degree of autonomy each has. For example "Externally regulated motivation", which is the least autonomous of the four, and as the name suggests the individual is motivated to act according to the amount of external pressure (therefore the pressure would be put upon the person rather than generated) such as a penalty or reprimand, placed upon the person. Whereas "Integrated regulation" which is the most autonomous form of extrinsic motivation is regulated by aspects within the self. Yet as Rumgay

(2004) suggested external constraints may contribute to initial participation yet offenders' continuing involvement calls for an internal commitment.

From a practical point of view, motivation to change may be very subjective and changeable, often due to contextual and situational factors present in the offender's life. Drawing from experience, motivation not only varies from offender to offender but also due to distal and proximal influence at a given point in time. Sometimes offenders are influenced by persons that are close to them or in some cases are motivated by an impending court hearing. Sometimes the motivation to change is brought on by the self - the offender's realisation that they are growing up or feeling that they are missing out in life (for example their children's milestones or feeling as if they haven't accomplished much in life).

Contextual and Situational Factors

Risk assessment that focuses upon individual risk factors tends to ignore altogether the relevance of contextual aspects and their role in managing risk. Often offending behaviours may occur due to the situation individuals find themselves in, and may have been avoided altogether had the individual found himself in different circumstances or at the very least may have limited the harm caused. Consider, for example, a situation where a woman receives a telephone call from her husband demanding that she moves his drug stash from their house before the police carry out a raid. In doing so the woman is apprehended by the police, outside the family home, and charged with trafficking drugs. The woman in question in a subsequent interview with her assigned probation officer states that all her troubles "started with a phone call"; she claimed that had she not taken that call she would have not found herself accused of trafficking or had any contact with the criminal justice system. This is reflected in Mischel and Shoda's (1995) "cognitive-affective personality system" which suggests that individual's behaviour occurs as a result of the interaction between the individual within a given situation. Furthermore the

“cognitive-affective personality system” proposed that situational cues act as triggers for mental representations of beliefs, memories of people and events, and strategies (McDougall, Pearson, Willoughby & Bowles, 2013).

Offending is often influenced by contextual and situational factors- only a child can be truant, only an elderly person may be subject to elderly abuse. At times offending results out of opportunity, the social context, or due to behavioural changes an individual has undergone with time. Offending may also be reflective of culture, identity, tradition, memory, and history. Understanding how the relationship between culture, context and self influences offending behaviours may prove to be highly informative since it is unique to the offender. Moreover understanding the underlying process of change, the context in which change occurs and the life events or processes that have led to a sequence of decision-making may also be significant in understanding why offending occurs.

Life Events

Life events may be described as significant events in an individual’s life that may influence offending (Loeber & LeBlanc, 1990). Life events may consist of both singular moments such as the death of a family member or may sometimes result as an ongoing experience such as getting married. Because of this enduring experience, the difference between risk factors (such as the loss of a significant person) and life events is often unclear (Farrington, 2005). Research on life events such as marriage, being employed in a satisfying job, moving to a good neighbourhood and joining the military, has been significant because of its correlation with desistance (Farrington, 2007, Horney, Osgood & Marshall, 1995, Laub & Sampson, 2001, 2003, Theobald & Farrington, 2009).

Much of the research concerning life events has emerged from the prospective longitudinal studies, particularly as they explore the connection between risk factors, life events,

and developmental issues (or life-course theory) in relation to offending (Farrington, 2007). Studies that have focused upon life events through the developmental pathways of an offender's career have primarily been concerned with "within-individual" differences on the contrary to most other research (or rather specifically the risk focused research) which tends to focus upon risk factors and essentially "between-individual" differences (Farrington, 2007).

Life events have been credited for interrupting the criminal pathway or offending trajectory which is a central point to life course research rendered popular by Moffitt's research on "adolescence-limited" and "life course persistent" offenders and Farrington's work on "criminal careers" (see Avellino, 2014c, chapter 3). Life-course theories tend to view individuals as following "pathways" or "trajectories" that start with the first offence an individual commits and follows them throughout their criminal career (Fraser, Burnam, Batchelor & McVie, 2010). Laub and Sampson (2001) postulated that trajectories could be influenced by periods of transitions, which are characterised by significant events in a person's life, and subsequently a change in trajectory, and so accordingly these events could be held accountable for offending or desistance. These "turning points" are key as they offer the individual with motivating choices and also act as decision making cues that might bring about the necessary change (Case & Haines, 2009).

Farrington (2007) argued that criminal careers may commence in childhood and progress into adulthood, yet may be significantly influenced by life events. The moment in which an important life event occurs as well as the quality of social bonds and social control also plays a considerable role in desistance (Newburn, 1997), which Laub and Sampson (2003) have argued may be accounted for by change and taking on social roles. Loeber and LeBlanc (1990) have placed an emphasis upon the strength of social ties and change as opposed to the timing of life events. Marriage for example is not about social control but about increasing emotional ties,

which may naturally lead to desistance. Sampson and Laub (2003) for this reason have stressed that social bonds, particularly in adulthood, employment and being in a stable relationship play a significant role in offending behaviour. They argued that offending and conformity are mediated by institutions of social control. So for example, within the Maltese context, conformity is maintained by the church and so the emotional ties could be maintained by family and friends within the community.

However it is hard to quantify life events and their impact on offending - they can occur at any point in time and may be unique to that particular individual (e.g. not all parents lose a child and not all offenders come from a background that fosters criminality). There may in fact be other conditions that influence crime. For example Ryan and Deci's (2000) Self-Determination Theory (SDT) stated that individuals have three main psychological needs or universal necessities which are the need for competence, relatedness and autonomy. According to SDT individuals attempt to satisfy these needs whilst avoiding situation that prohibit the access to these needs (see Avellino, 2014c, chapter 3). Therefore offenders may offend as a means to attain their goals. Similarly, the Good Lives' Model of Rehabilitation (Ward & Stewart, 2003) described offenders as having the same goals as "non criminals", yet they use criminogenic means to achieve their goals.

Farrington (2005) explained that life events are "contextual conditions that have only indirect effects on deviant behavior" (p. 157). What is clear however is that life events act as mediators of offending behavior, and therefore may be equally held responsible for an offender's decision to desist from offending (Farrington, 2005).

The role of life events has primarily been discussed in the literature in view of the developmental context in which offending occurs. This perspective is particularly useful with risk assessment as it provides assessors with the opportunity to explore areas such as attachment theory (see Farrington's Integrated Cognitive Antisocial Potential theory discussed in Avellino, 2014c, chapter 3) in relation to cognitive deficits which often present themselves in offenders demonstrating insecure attachments. However this has resulted in risk assessment ignoring the contributions that proximal antecedents, such as the influence of drug use or criminogenic peers, can offer in understanding offending behavior. This can have various implications in terms of the offender's sense-making processes.

An example of this is Davey, Day and Howells' (2005) exploration of anger, over-control and serious violent offending, where they argued that inhibited or unexpressed anger could act as an antecedent for some forms of violence. According to Davey et al. (1995), this subgroup of violent offenders contrasted with the more typical violent offenders who have a history of violent offending and are impulsive. They also stressed that this phenomenon of over-control may be linked to emotional regulation, a salient aspect of assessing and managing this subgroup of violent offenders. Davey et al. (1995) maintained that over-controlled violent offenders may initially attempt to avoid anger inducing cognitions such as provocation. This results in the offender engaging in persistent rumination and rehearsal of the events, that increases the cognitive load. Consequently offenders then engage in a maladaptive decision-making process that leads to violence and possibly also homicide.

In terms of risk assessment, predicting the likelihood of this reoccurring may be rather problematic given the specific circumstances that led to offending, such as the dissolution of a marriage or the loss of employment. This may also be affected by underlying intra-personal processes that reflect a deteriorating form of sense-making that the offender engages in prior to

offending (such as rumination over a life event, such as a spouse being unfaithful). This may also be influenced by the offender's perception of events given his state of distress. This highlights the importance of risk assessment going beyond the consideration of the identification of the presence of risk factors by exploring the sequences of behaviours that lead to offending, and determine the possibility of offending re-occurring. Approaches such as the OPB framework discussed above may be relevant in exploring offences such as homicide that are usually harder to assess using actuarial risk assessment due to low base rates and also as they tend to be precipitated by very specific events.

This is particularly relevant to the Maltese context, that over the last few years has experienced an increase in violent offending and homicide (see section titled Criminal Patterns and Emerging Trends in Malta), a phenomenon that was previously a rare occurrence. This clearly indicates the value of idiographic assessment that explores the reciprocal influence of circumstance and situation when attempting to evaluate these "unique" types of offenders.

Organisational Aspects

As indicated above careful consideration of the complexities of assessing and managing offenders may have a significant impact on the safety of the community. Therefore assessment rests upon the understanding and awareness assessors have regarding the risk that the offender may present, particularly when attempting assess complex cases. Assessors who are not conscious of the complexities of assessing risk, may engage in risk assessment for the sake of following organisational policy. Formulations may be developed upon preconceived notions of risk by “looking” for risk factors predictive of offending but missing altogether the specific factors that may have influenced the offender to engage in crime. This could also lead to the development of a cursory relationship between the assessor and the offender, which the offender may take as a lack of interest from the assessor and the repercussions could range from the offender feeling a sense of rejection to the offender developing a defensive narrative- a process that is obviously counterproductive to intervention. The outcome would of course be an inappropriate understanding of the formulation of risk and a mismatched risk management plan.

Therefore the assessment and management of risk also needs to take into account the organisational context as well as the offender’s context. This is because risk assessment is influenced by the offender’s sense-making of the offence, by the assessor’s sense-making of the assessment process but also to the organisation’s conceptualisation of risk. Ward’s (2009) Extended Mind Theory for example describes the mind as going beyond the physical structure by drawing upon the internal and external resources available within the individual’s environment when “engaged in cognitive tasks” (Ward, 2009, p. 253). Therefore assessors draw upon the resources available to them within the organization, in order to form their opinion about risk, which includes a reflection of their own skills as practitioners but also the manner in which assessment is carried out within the organisation. This may reflect a form of shared sense-making of risk and also denotes a shared responsibility in managing that risk.

A practical example of this is the preparation of parole reports in Malta. The assessment of risk is not limited to the process of drafting the parole report, but also includes the assessor's understanding of risk, supervision provided by senior parole officers, consultation with psychologists, case conferences held with other practitioners responsible for risk management and finally the actual submittal to the parole board the decides whether to release the prisoner on a parole license.

Fundamental Aspects to Consider when Introducing a New Strategy

The effectiveness of risk assessment is also dependent upon the organisation in which assessment takes place. An example of some of the considerations that need to be made when introducing a new risk assessment and risk management is given by Nonstad and Webster (2011) who provide a humorous yet satirical rendition on “how to fail in implementing a risk assessment scheme or any other new procedure in your organization”.(p.1) Through their “recipe for failure” they illustrated examples of procedures that organisations may implement without consideration of the practical and fundamental aspects in introducing new schemes or even policies within organisations.

The authors stressed the importance of these fundamentals by enlisting aspects such as consulting with staff, achieving cooperation, simplicity, integration with existing policies, providing resources, training staff, and providing support. In addition they also highlighted the need to measure reliability and validity, to take a positive approach by also assessing the strength of clients, to provide the encouragement necessary for staff to network and join relevant organisations as a support mechanism, to test new policies within their actual context, to avoid introducing entirely new policies (especially when existing policies are already in place) and finally circulate novel schemes only when there is evident scope and improvements being made to existing systems.

In practical terms, taking into account the above when introducing a new strategy to an organisation could serve to diminish any possible problems such the misapplication of a new strategy, reduce any conflict and ambiguity, increase confidence, provide a healthy atmosphere that promotes discussion, interest, shared responsibility and inclusion of all members of staff. This may lead to a better application of the new strategy and may yield a successful implementation. However the consideration of errors and biases that assessors may not be aware of may also influence the assessment of risk and should be taken into account.

Heuristics and Biases

Research has suggested that clinical decision making tends to be prone to particular heuristic biases and errors which increase the probability of decreasing accuracy when taking decisions (Tversky & Kahneman, 1981). Elbogen, Fuller, Johnson, Brooks, Kinneer, Calhoun and Beckham (2010) have highlighted that the following errors and biases may act as a cautionary tale when assessing offenders and may serve as a means to inform risk assessment practice.

Illusory Correlations (Chapman & Chapman, 1967) occur when clinicians identify correlations between risk factors irrespective of whether this correlation exists or not. Fundamental Attribution Error (Ross, 1977) occurs when clinicians do not take into consideration the environmental influences on the individual's behaviour when reaching a decision. So for example an offender may have carried out an uncharacteristic offense such as threatening his mother with a knife when the incident may have occurred due to the mother having been intoxicated at the time of the event and having wielded a knife first. Despite the act itself still being considered as an offense nonetheless taking into consideration the mother's behaviour both in terms of initiating the incident and also being intoxicated provides the assessor with far more information regarding the event than before.

How frequently a behaviour occurs within a given context also plays an important role in decision-making. Base rates provide a significant amount of information regarding the frequency with which specific behaviours occur within a particular setting. One would expect to find an increased mortality rate within a war zone but not within an urban setting. This example would suggest that base rates would provide an indication of whether it is a common occurrence to experience a particular behaviour within a given setting over another where the base rates would indicate a different scenario. Consider an offender being accused of assault whereby the victim was described as having sustained injuries during the fight. Initially the assessor may not have all the information at hand and may develop a treatment plan focused upon anger management. However subsequent investigation may uncover the fact that the incident occurred in a forensic ward where statistically there may a higher incidence of violence within this population thus providing more insight into why the event may have occurred. This also ties in with the fundamental attribution error that also highlights the importance of context in decision-making.

Availability Heuristics (Quinsey, 1995) refers to the error assessors make when utilising cues that are available without considering other factors or alternatively relying upon more obvious clues in order to arrive at a particular decision. An example of this is when assessing an offender accused of rape without knowing that the accused was residing within a long-term mental health institution when the offence occurred. Not having access to all the available information may provide a distorted version of events and may not provide the right setting for decision-making in terms devising a relevant care plan. This also indicates that contextual factors also play a significant role in assessing risk (Elbogen, Huss, Tomkins and Scalora, 2005).

It is evident that in light of the above, serious considerations need to be made when assessing risk particularly as these could have serious implications for risk management.

Nonetheless an awareness of these potential errors and biases could in itself serve to bring about the necessary knowledge in order to counteract these difficulties. In addition these errors may also be reduced by providing supervision as a means of support to all members of staff.

Conclusion

The DPP has undergone a series of changes over the years, primarily due to a change in legislation that introduced parole in Malta and also in the type and quantity of offenders being followed by the department. This resulted in the DPP recognising the need to re-evaluate its risk assessment policies and subsequently introduce formal risk assessment in order to improve the management of offenders.

Risk within the context of probation is seen as either involving the protection of victims particularly from dangerous offenders, which is statistically rare, however more serious in nature, or assessing an offender's risk of reconviction, particularly with repeat offenders, who despite being persistent offenders, are relatively low risk in terms of severity (Raynor, 2004). Yet this comes across as a rather simplistic rendition of risk assessment and certainly does not offer much in terms of managing risk. Risk assessment should be considered in a far broader sense by taking into consideration not only the individual risk factors, but also the contextual and situational factors, which may influence offending. This suggests that a "one size fits all" approach offered by standard actuarial measures might not be suited to the Department of Probation and Parole. The organisational milieu in which risk assessment is carried out is also relevant to the risk assessment process. The consideration of the above may serve to increase the effectiveness of risk assessment and subsequent management of that risk, thus leading to the rehabilitation of the offender.

Rehabilitation within the context of probation can be seen as requiring the careful balance between the needs of the offender, in order to lead a prosocial lifestyle whilst balancing the needs of society, and to ensure the safety of the community. This could be achieved by probation officers collaborating with offenders and focusing upon aspects such as building resilience and exploring protective factors. This concurs with Ward and Marshall's (2007)

recommendation that rehabilitation should act as a means to empower offenders with the necessary tools in order to live a meaningful prosocial life. This is dependent upon the acquisition of knowledge about the world around them, having an in-depth understanding of their own value system, having the capacity to attain a “good life” within their own context and maximising available resources in order to achieve their goals in a prosocial manner.

Risk assessment should therefore also consider the relevance of contextual and situational factors. In practical terms parole officers assessing prisoners eligible for parole would need to also consider the context and any situational factors that an offender may be exposed to when returning back to the community. Aspects such as life events, and human and social capital (Dolan, 2006) should also be considered as a means to support desistance. This contrasts greatly with the manner in which risk assessment has been oriented towards predicting a clear outcome variable. This also places more value on the role of contextual and situational factors in the rehabilitation of the offender.

New developments in the field have been focusing upon individualised risk assessment in order to understand the complexities behind offending behavior that is specific to the offender. Case formulation is one such example that takes into account the offender’s views on offending, and decision making process behind the offending, thus improving therapeutic alliance (Eells, 2007), summarising existing information (Gresswell & Hollin, 1992) and identifying the most suitable treatment plan for the offender (Haynes & O'Brien, 2000).

Case formulation is often augmented by identifying Offence Paralleling Behaviour (OPB) and can also be utilised in conjunction with more traditional approaches to assess risk. Nonetheless OPB may be used to devise risk management plans based upon “live” behavior. Within the context of parole this could serve to identify sequences of behaviours across different contexts in order to create a much needed link between a “custodial life” and a “good life” within

the community. Parole officers in Malta could benefit from such an approach as it allows for the development a risk management plan that focuses upon guiding offenders to recognise the triggers to their offending behavior, whilst also providing the necessary support in order to bring a positive change in the parolees' life. Change is however subject to the offender's readiness and motivation to change. Exploring the barriers to change may also form part of risk assessment and risk management framework. For example in Malta aspects such as lack of resources or year-long waiting lists have impacted greatly upon the reintegration and rehabilitation particularly in terms of the services at the department's disposal. This suggests that offenders must also have at their disposal the internal and external resources in order to make a positive change.

The manner in which individuals view their self-identity also serves an integral role in understanding desistance. This suggests that narratives may be targeted in order to explore these concepts of self and maintaining desistance (Maruna, 2001). Narratives are very relevant to the offenders' context as they are reflective of culture, identity, values and belief system. Therefore narratives may provide insight into the offender's past and expectations for the future. A practical example of their use could be the development of a prosocial narrative that seeks to achieve a desired goal. According to the Good Lives' Model of rehabilitation as offenders seek the same goals as "non criminals", yet it is the manner in which offenders' attempt to achieve these same goals is often problematic.

Therefore probation officers could guide offenders into forming new prosocial narratives and motivate them to achieve their goals through legitimate means. In addition, narratives may also act as antecedents to offending and therefore may also form part of a risk management strategy (Presser, 2009). Drawing upon Personal Construct Theory to understand the meaning and interpretation offenders derive from their experience may also serve to gain a deeper

understanding of the complexity behind these narratives. This could be carried out through the adoption of the Repertory Grid for offenders to explore their own constructs of the world (Warren, 2012).

The organisational context in which risk assessment takes place may also influence the risk assessment and risk management process. Yet some of the fundamental aspects to consider when introducing a new strategy include practical considerations such as consultancy with staff, training for staff and the provision of on-going support. In addition, the construction of a risk assessment and risk management strategy should also take account the role of biases and errors that assessors may be prone to. Research has suggested that clinical decision making tends to be prone to particular heuristic biases and errors which increase the probability of decreasing accuracy when taking decisions (Tversky & Kahneman, 1981). Errors and biases, such as Illusory Correlations (Chapman & Chapman, 1967), Fundamental Attribution Error (Ross, 1977), and Availability Heuristics (Quinsey, 1995) may act as a cautionary tale when assessing offenders and may serve as a means to inform risk assessment practice. An awareness of these potential errors and biases could in itself serve to bring about the necessary knowledge in order to counteract these difficulties. In addition these errors may also be reduced by providing supervision as a means of support to all members of staff.

Risk assessment may therefore be enhanced through the utilisation of best and emerging practices as identified in the literature that are sensitive to the uniqueness of the individual, take into account the context (that is reflective of a given culture, belief and value system) and is influenced by situational aspects found with the offender's immediate environment. This is particularly relevant given the context in which assessment takes place: Malta with its relatively homogenous small population and a distinctive rapidly changing culture. This individualised

approach to risk assessment should serve as a comprehensive and holistic approach to offender management that seeks to enhance well established methods of gauging risk.

References

- Andrews, D.A. (2006). Enhancing adherence to risk-need-responsivity: Making quality a matter of policy. *Criminology and Public Policy*, 5, 595-602.
- Andrews, D.A. & Bonta, J. (2003). *The psychology of criminal conduct (3rd ed.)*. Cincinnati, OH: Anderson.
- Andrews, D.A. & Bonta, J. (2006). *The psychology of criminal conduct (4th ed.)*. Newark, NJ: LexisNexis.
- Andrews, D.A. & Bonta, J. (2010). *The psychology of criminal conduct (5th ed.)*. New Providence, NJ: LewisNexis.
- Andrews, D.A., Bonta, J. & Hoge, R.D. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behaviour*, 17, 19-52.
- Andrews, D.A., Bonta J. & Wormith, J. (2008). *The level of service/risk, need, responsivity (LS/RNR): User's manual*. Toronto: Multi-Health Systems.
- Andrews, D.A., Bonta, J. & Wormith, S.J. (2011). The recent past and near future of risk/need assessment. *Crime and Delinquency*, 52, 7-27.
- Avellino, C. (2014c). *Towards a comprehensive theoretical and empirical base for the risk assessment and risk management of offenders*. Unpublished paper. University of Portsmouth, Portsmouth.
- Avellino, C. (2014d). *Towards a new model of practice in risk assessment and risk management in the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.

Bonta, J. & Andrews, D.A. (2007). *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation*. Ottawa: Public Safety Canada.

Bonta, J., & Wormith, S. J. (2008). Risk and need assessment. In G. McIvor, & P. Raynor, *Developments in social work with offenders* (pp. 131-152). London: Jessica Kingsley Publishers.

Bruner, J. (1990). *Acts of meaning*. Harvard: University Press.

Burnett, R. & McNeill, F. (2005). The place of the officer-offender relationship in assisting offenders to desist from crime. *Probation Journal*, 52, 247-268.

Burrowes, N. & Needs, A. (2009). Time to contemplate change? A framework for assessing readiness to change with offenders. *Aggression and Violent Behaviour*, 14, 39-49.

Campbell, M., French, S., & Gendreau, P. (2007). *Assessing the utility of risk assessment tools and personality measures in the prediction of violent recidivism for adult offenders* (User Report 2007-04). Ottawa: Public Safety Canada.

Canton, R. (2007). Probation and the tragedy of punishment. *The Howard Journal of Criminal Justice*, 46, 236–254.

Canton, R. (2011). *Probation: Working with offenders*. Abingdon: Routledge

Case, S. & Haines, K. (2007). *Understanding youth offending: Risk factor research, policy and practice*. Devon: Willan Publishing.

Chapman, L. & Chapman, J. (1967). Genesis of popular but erroneous psycho-diagnostic observations. *Journal of Abnormal Psychology*, 72(3), 193-204.

Cooke, D. J. (2000). Current Risk Assessment Instruments. *Annex 6 in Lord MacLean: a report of the Committee on Serious Violent and Sexual Offenders* (pp. 151-158). Edinburgh: Scottish Executive.

Cullen, F. T., & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice, and prospects. In J. Horney (Ed.). *National Institute of Justice Criminal Justice: Changes in decision making and discretion in the criminal justice system* (pp. 109-175). Washington, DC: Department of Justice, National Institute of Justice.

Daffern, M., Jones, L., Howells, K., Shine, J., Mikton, C. & Tunbridge, V. (2007). Redefining the definition of offence paralleling behaviour. *Criminal Behaviour and Mental Health*, 17(5), 265-273.

Davies, J., Jones, L. & Howells, K. (2010). Evaluating individual change. In M. Daffern, L. Jones, L. Shine (Eds.), *Offence paralleling behaviour: A case formulation approach to offender assessment and intervention* (pp.287-302). Chichester: Wiley & Sons.

Davey, L., Day, A., & Howells, K. (2005). Anger, over-control and serious violent offending. *Aggression and Violent Behavior*, 10, 625-635.

Deci, E. L. & Ryan, R. M. (2000). The "what" and "why" of goal pursuits: Human needs and the self-determination of behavior. *Psychological Inquiry*, 11, 227-268.

de Vogel, V., & de Ruiter, C. (2005). The HCR-20 in personality disordered female offenders: A comparison with a matched sample of males. *Clinical Psychology and Psychotherapy*, 12, 226–240.

Dolan, P. (2006). Assessment, intervention and self-appraisal tools for family support. In P.Dolan, J.Canavan & J.Pinkerton (Eds), *Family Support as Reflective Practice* (pp. 196–213). London: Jessica Kingsley.

Doll, B. and Lyon, M.A. (1998). Risk and resilience: Implications for the delivery of educational and mental health services in schools. *School Psychology Review*, 27(3), 348-363.

Elbogen, E., Fuller, S., Johnson, S., Brooks, S., Kinneer, P., Calhoun, P., & Beckham, J. (2010). Improving risk assessment of violence among military veterans: An empirical model for clinical decision-making. *Clinical Psychology Review*, 30, 595-607.

Elbogen, E., Huss, M. T., Tomkins, A. J., & Scalora, M. J. (2005). Clinical decision-making about psychopathy and violence risk assessment in public sector mental health settings. *Psychological Services*, 2, 133-141.

Eells, T.D. (2007). Psychotherapy case formulation: History and current status. In T.D. Eells (Ed.), *Handbook of Psychotherapy Case Formulation* (2nd, pp. 3-32). New York: Guilford Press.

European Union (2013). European Social Statistics. Luxembourg: Publications Office of the European Union retrieved from http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-FP-13-001/EN/KS-FP-13-001-EN.PDF.

Farrington, D. (2005). Childhood origins of antisocial behavior. *Clinical Psychology & Psychotherapy*, 12(3), 177-190.

Farrington D.P. (2007). Childhood risk factors and risk-focused prevention. In M.Maguire, R. Morgan & R.Reiner (Eds.), *The Oxford Handbook of Criminology* (4th Ed. pp.602-640). Oxford: Oxford University Press.

Fitzpatrick, C. (2011). What is the Difference between ‘Desistance’ and ‘Resilience’? Exploring the Relationship between Two Key Concepts. *Youth Justice*, 11(3), 221-234.

Fougere A. & Daffern, M.D. (2011). Resilience in young offenders. *International Journal of Forensic Mental Health*, 10(3), 244-253.

Fraser, A., Burman, M., Batchelor, S., & McVie, S. (2010). *Youth violence in Scotland: A literature review*. Project Report. Scottish Government, Edinburgh.

Government of Malta (2002). *Malta National Report*. Retrieved from http://www.um.edu.mt/_data/assets/pdf_file/0006/63699/Malta_WSSD.pdf.

Gresswell, D.M. & Hollin, C.R. (1992). Towards a new methodology for making sense of case material: An illustrative case involving attempted multiple murder. *Criminal Behaviour and Mental Health*, 2, 329-341.

Haynes, S. N. & O’Brien. W. O. (2000). *Principles of Behavioral Assessment: A Functional Approach to Psychological Assessment*. New York: Plenum Press.

HM Inspectorate of Probation (2006). *Putting risk of harm in context: Joint thematic inspection report promoting public protection*. London: Home Office.

Hoge, R. D., & Andrews, D. A. (2010). *Evaluation of risk for violence in juveniles*. New York: Oxford University Press.

Home Office, Office for National Statistics (2013). *An overview of sexual offending in England and Wales (Statistics Bulletin)*. Retrieved from

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214970/sexual-offending-overview-jan-2013.pdf.

Horney, J., Osgood W. & Marshall, I. (1995). Criminal careers in the short-term: Intra-individual variability in crime and its relation to local life circumstance. *American Sociological Review*, 60, 655-673.

Jessor, R., Van Den Bos, J., Vanderryn, J., Costa, F. & Turbin, M. (1995). Protective factors in adolescent problem behavior: Moderator effects and developmental change. *Developmental Psychology*, 31(6), 923-933.

Jones, L. (2004). Offence Paralleling Behaviour: A case formulation approach to offender assessment and intervention. In A. Needs & G. Towl (Eds.) *Applying Psychology to Forensic Practice*. Oxford: Blackwell.

Jones, L. (2007). Iatrogenic interventions with personality disordered offenders. *Psychology, Crime and Law*, 13(1), 69-79.

Jones, L. (2010). Approaches to developing OPB formulations. In M. Daffern, L. Jones & J. Shine (Eds.), *Offence paralleling behaviour: A case formulation approach to offender assessment and intervention* (pp. 71-87). Chichester: John Wiley & Sons, Ltd.

Jones, L. (2011). Case formulation for individuals with personality disorder. In P. Sturmey & M. McMurrin (Eds.), *Forensic case formulation* (pp. 257-279). Chichester: John Wiley & Sons, Ltd

Jones, L., Daffern, M., & Shine, J. (2010). Summary and future directions. In M. Daffern, L. Jones & J. Shine (Eds.), *Offence paralleling behaviour: A case formulation approach to offender assessment and intervention* (pp. 317-328). Chichester: Wiley-Blackwell.

Laub J.H. & Sampson, R.J. (2001). Understanding desistance from crime. In M. Tonry (Ed.), *Crime and Justice: An Annual Review of Research*, Vol. 28, pp. 1-69. Chicago: University of Chicago Press.

Laub J.H. & Sampson, R.J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, M.A.: Harvard University Press.

Levenson, J.S. (2005). Sex offender residence restrictions. *Sex offender law report*. Civil Research Institute. Retrieved <http://theparson.net/so/Levenson.pdf>.

Loeber, R. & LeBlanc, M. (1990). Towards a developmental criminology. In M. Tonry & N. Morris (Eds.), *Crime and Justice* (Vol. 12, pp. 375-473). Chicago: University of Chicago Press.

Losel, F. & Bliesener, T. (1990). Resilience in adolescence: A study on the generalisability of protective factors. In K. Hurrelmann & F. Losel (Eds.), *Health hazards in adolescence* (pp. 299-320). Germany: De Gruyter.

Luthar, S., Cicchetti, D. & Becker, B. (2000). The construct of resilience: A critical evaluation and guidelines for future work. *Child Development*, 71(3), 543-562.

MacKenzie, D. (2006). *What works in corrections: Reducing the criminal activities of offenders and delinquents*. New York: Cambridge University Press.

Martinson, R. (1974). What works- questions and answers about prison reform. *Public Interest*, 35, 22-54.

Maruna, S. (2000). Desistance from crime and offender rehabilitation: A tale of two research literatures. *Offender Programs Report*, 4(1), 1-13.

Maruna S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. Washington, DC.: American Psychological Association.

Maruna, S. & LeBel, T.P. (2003). Welcome home? Examining the reentry court concept from a strengths-based perspective. *Western Criminology Review*, 4 (2), 91–107.

McAdams, D.P. (1993). *The stories we live by: Personal myths and the making of the self*. New York: Morrow.

McAdams, D.P. (1997). A conceptual history of personality psychology. In R. Hogan, J. Johnson & S. Briggs, *Handbook of personality psychology* (pp.3-39). San Diego, CA; Academic Press.

McAdams, D.P. (2008). Personal narratives and the life story. In O.P. John, R.R. Robins & L.A. Pervin (Eds.), *Handbook of personality: Theory and research* (3rd ed., pp.241-261). New York: Guilford Press.

McDougall, C., Pearson, D., Willoughby, H. & Bowles, R. (2013). Evaluation of the ADViSOR project: Cross-situational monitoring of high-risk offenders in prison and the community. *Legal and Criminological Psychology*, 18(2), 205-228.

McMurrin, M. & Ward, T. (2004). Motivating offenders to change in therapy: An organizing framework. *Legal and Criminological Psychology*, 9(2), 295-311.

McNeill, F. (2012). Four forms of ‘offender’ rehabilitation: Towards an interdisciplinary perspective. *Legal and Criminological Psychology*, 17(1), 18-36.

McNeill, F., Farrall, S., Lightowler, C. & Maruna, S. (2012). How and why people stop offending: Discovering desistance. *IRISS Insights*, Vol.15. Retrieved by

<http://www.iriss.org.uk/resources/how-and-why-people-stop-offending-discovering-desistance>.

Mischel, W., & Shoda, Y. (1995). A cognitive system theory of personality: Reconceptualizing situations, dispositions, dynamics, and invariance in personality structure. *Psychological Review*, 102(2), 246–268.

National Statistics Office, Malta (2013). *Malta in figures*. Retrieved from http://www.nso.gov.mt/statdoc/document_file.aspx?id=3780.

Newburn, T. (1997) Youth, crime and justice. In Maguire, M., Morgan, R. and Reiner, R. (Eds.) *The Oxford Handbook of Criminology* (pp.182-205). Oxford, Clarendon Press.

Nonstad, K. & Webster, C.D. (2011). How to fail in the implementation of a risk assessment scheme or other new procedure in your organisation. *American Journal of Orthopsychiatry*, 81(1), 94-99.

Office of the Prime Minister Malta (2010). *Annual Reports of Government Departments*. Malta: Government Printing Press.

Office of the Prime Minister Malta (2011). *Annual Reports of Government Departments*. Malta: Government Printing Press.

Presser, L. (2009). The narratives of offenders. *Theoretical Criminology*, 13(2), 177-200.

Prochaska, J.O. & DiClemente, C.C. (1982). Transtheoretical therapy, towards a more integrative model of change. *Psychotherapy: Theory, Research and Practice*, 19(3), 276-287.

Quinsey, V. L. (1995). The prediction and explanation of criminal violence. *International Journal of Law and Psychiatry*, 18, 117-127.

- Quinsey, V.L, Harris, G.T., Rice, M. & Cormier, C.A. (Eds.) (2006). *Violent offenders: Appraising and managing risk* (2nd ed.). Washington D.C.: APA:
- Raynor, P. (2004). Seven Ways to Misunderstanding Evidence-Based Probation. In D. Smith, Research Highlights in Social Work 45: *Social Work and Evidence-Based Practice*. London: Jessica Kingsley Publishers.
- Raynor, P. (2007). Risk and need assessment in British probation: The contribution of the LSI-R. *Psychology, Crime and Law*, 13, 125-138.
- Robertson, L., Campbell, A., Hill, M. & McNeill, F. (2006). Promoting desistance and resilience in young people who offend. *The Scottish Journal of Crime and Justice Studies*, 12, 56-73.
- Robinson, G. (2003). Risk and risk assessment. In W.H. Chui & M. Nellis (Eds.) *Moving probation forward: Evidence, arguments and practice*. Harlow: Pearson Longman.
- Ross, L. (1977). The intuitive psychologist and his shortcomings: Distortions in the attribution process. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (Vol. 10, pp. 174-221). New York: Academic Press.
- Rumgay, J. (2004) Scripts for safer survival: Pathways out of female crime. *The Howard Journal of Criminal Justice*, 43(4), 405–419.
- Rutter, M. (2002). Nature, nurture and development: From evangelism through science toward policy and practice. *Child Development*, 73(1), 1–21.
- Ryan, R. M., & Deci, E. L. (2000). Self-determination theory and the facilitation of intrinsic motivation, social development, and well-being. *American Psychologist*, 55, 68-78.

Scicluna, S. (2008). Malta in Probation in Europe. In A.M. Van Kalmthout & J.T.M. Derks (Eds), *Probation in Europe* (pp. 615-638). The Netherlands: Wolf Legal Publications.

Steadman, H.J. (2000). From dangerousness to risk assessment of community violence: Taking stock at the turn of the century. *Journal of the American Academy of Psychiatry and the Law*, 28, 265-271.

Theobald D. & Farrington, D.P. (2009). Effects of getting married on offending: Results from a prospective study of males. *European Journal of Criminology*, 6, 496-516.

Tversky, D. & Kahneman, A. (1981). Judgement under uncertainty: Heuristics and biases. *Science*, 185, 1124-1131.

Wade, D.T & de Jong, B.A. (2000). Recent advances in rehabilitation. *British Medical Journal*, 320, 1385-1388.

Ward, T. (2012). Narrative identity and forensic psychology: A commentary on Youngs and Canter. *Legal and Criminological Psychology*, 17, 250-261.

Ward, T. & Langlands, R. (2009). Repairing the rupture: restorative justice and offender rehabilitation. *Aggression and Violent Behavior*, 14, 205–14.

Ward, T. & Marshall, W. L. (2007). Narrative identity and offender rehabilitation. *International Journal of Offender Therapy and Comparative Criminology*, 51, 279-297.

Ward, T. & Maruna, S. (2007). *Rehabilitation: Beyond the Risk Paradigm*. London: Routledge.

Ward, T., Polaschek, D.L.L. & Beech, A.R. (2006). *Theories of sexual offending*. Chichester: Wiley & Sons.

Ward T. & Stewart, C. (2003). Criminogenic needs and human needs: A theoretical model. *Psychology, Crime & Law*, 9(2), 125-143.

Warren, B. (2012). *Philosophical Dimensions of Personal Construct Psychology*. Taylor & Francis. Retrieved 17 July 2013, from <http://lib.myilibrary.com?ID=33479>

Weaver, B. and McNeill, F. (2007). Travelling hopefully: Desistance research and probation practice. In J. Brayford, F. Crowe & J. Deering (Eds.), *What else works? Creative work with offenders* (pp.36-60). Cullompton: Willan.

Weaver, B., & McNeill, F. (2007). Desistance. In R. Canton, & D. Hancock (Eds.), *The dictionary of probation and offender management*. (pp. 90-92). Devon: Willan.

Woolfolk, R. L. (1998). *The cure of souls: science, values and psychotherapy*. San Francisco: Jossey-Bass.

Youngs D. & Canter D. (2011). Narrative roles in criminal action: An integrative framework for differentiating offenders. *Legal and Criminological Psychology*, 17, 233-249.

Youngs, D. & Canter, D. (2012). Offenders' crime narratives as revealed by the narrative roles questionnaire. *International Journal of Offender Therapy and Comparative Criminology*, 1-23.

**Chapter 2: A content analysis of pre-sentence reports in the
Maltese probation service**

Chapter 2: A content analysis of pre-sentence reports in the Maltese probation service

Abstract

Most countries in Europe make use of pre-sentence reports within the Probation service in order to inform the Court about the risks presented by an offender. Yet, despite the important role of pre-sentence reports the research in this field is still rather restricted, particularly in Malta. This paper is the first of its kind to discuss the role of risk assessment in relation to pre-sentence reports in Malta. The research adopted the use of content analysis of pre-sentence reports, which offered the opportunity to identify the various themes and criminal patterns reflective of offending in Malta. The themes identified in this study include childhood variables, familial issues, relationships, criminal influences, life events, financial issues, addiction, personality issues, mental health issues, violence and sexual issues, educational attainment, personal interests, hobbies and compliance with the proposed risk management plan. These themes describe the risk factors that probation officers identified as potentially predictive of offending in Malta. Themes may be used by probation officers as a guide to explore offender narratives and subsequently provide a deeper understanding of the interaction between risk factors and the processes underlying offending behaviour. Moreover the wider implication of these findings suggest that an effective risk assessment and risk management strategy should go beyond the identification of singular risk factors, by highlighting the advantages of adopting an idiographic approach to risk assessment. The implications of this research include the consideration of alternative methods of assessing risk, such as case formulation, as a means to reconceptualise pre-sentence reports and their role in assessing risk and subsequent risk management.

Introduction

The Role of Pre-sentence Reports in Malta

A pre-sentence report (PSR) is, in accordance with the Probation Act as defined by Maltese Law, a written report prepared by the Department of Probation and Parole (DPP) at the request of the Court prior to the imposition of a sentence (Cap 446 of the Laws of Malta Art. 1). Through this the Court has the authority to order probation officers to prepare pre-sentence reports for the purpose of forming an opinion of the offender and to determine “the suitability of applying to an offender a sentence of imprisonment, a suspended sentence or any other measure allowed by the law on one or more of the following orders: (a) a probation order; or (b) a suspended sentence supervision order” (Cap 446 of the Laws of Malta, Art. 6(1)).

According to Maltese Law the purpose of these reports is two-fold: to aid the formulation of an opinion of the offender and to provide a sentence recommendation for the Court’s consideration. The law however does not stipulate what specific information it requires in order to form an opinion of the offender to determine the suitability of receiving a non-custodial sentence or otherwise. The DPP endeavours to provide more than is specified by law by attempting to provide a balanced argument that caters for the needs of the offender whilst also considering the protection of society (Scicluna, 2008).

Probation officers therefore interview the offender to explore the offender’s criminal history (e.g. index offence, pending criminal court cases and previous history of offending), presence of substance misuse, psychological functioning, developmental factors (such as the offender’s milestones and a discussion of any significant events that may have influenced them), educational attainment, socioeconomic background, sources of psychological and financial support (which would include an exploration of the family of origin, interactions with parents, siblings, or friends), and current situational factors (any factors that may be significant at this

stage, such as having employment issues or substance misuse). The information provided by the offender is verified through other sources, whenever possible, to include family members, other professionals, and official records.

Once compiled the pre-sentence reports are presented to the Court. The Court then expects to find a description of the offender's background and current situation, an indication of the risk of re-offending, a sentence recommendation (which must be concordant with the parameters stipulated by law) and a recommended risk management plan. At present, pre-sentence reports in Malta do not incorporate any standardised (actuarial) risk assessment scores. The assessment of risk is based upon the probation officer's professional judgement, indicating that PSRs may be subject to the same criticism as first generation risk assessments whose evaluations of risk are considered to be highly subjective and inaccurate (Clarke & Felton, 1993).

Pre-sentence reports in Malta are devised in a manner as to provide members of the Judiciary with a comprehensive document that is structured, informative and which is used in many instances to justify sentences. Yet reports also provide a holistic overview of the individual and the circumstances that led towards the offending behaviour. Unfortunately due to the time it takes to draft these reports the DPP is now in the process of re-evaluating the format of these reports in favour of a shortened version of these reports. This could mean that these reports will no longer provide an exploration of the individual, developmental, and situational aspects that may have contributed to the offending behavior. It is therefore evident that the DPP needs to reconsider the manner in which risk assessment is carried out and the manner in which this risk is communicated to Court and used to enhance risk management.

Reflections upon the Role of Risk Assessment in Pre-sentence Reports

Through the years actuarial risk assessment has, in some countries, been incorporated as part of pre-sentence reports, and this has led many countries to move away from the welfare system of report writing towards actuarial justice (Kemshall & Maguire, 2001; McNeill, Burns, Halliday, Hutton & Tata, 2009). In the United Kingdom, for example probation officers utilise the Offender Assessment System (OAsys; Home Office, 2001) and the Level of Service Inventory Revised (LSI-R; Andrews & Bonta, 1995) in order to assist probation officers in assessing risk in an objective and standardised manner.

Yet, as critics have argued, the focus upon these tools has resulted in a shift from welfare practices (Bonta, Bourgon, Jessemen & Yessine, 2005) to “an over rationalised criminal justice system” (Cheliotis, 2006, p. 314). Stinchcomb and Hippensteel (2001) have argued that these current trends favour “objectively quantified numbers, dates, and dispassionate descriptions of previous criminal convictions” which resulted in a loss of the “subjective insights into the social, educational, economic, and interpersonal profile of the offender’s past life” (p.172). Arguably these “subjective insights” are the aspects that have characterised and added value to PSRs. Should the DPP choose to adopt actuarial-based assessment this may mean that PSRs would lose the opportunity to explore the relationship between risk factors and the processes underlying offender behavior. Furthermore the Courts might come to rely on the risk assessment tool (potentially also undermining the role of the probation officer) and base their judgements upon the result of the risk assessment rather than the overall findings of the report.

On the other hand, the adoption of actuarial risk assessment tools to complement these reports could provide a number of advantages to the DPP. Namely a clear indication of risk of re-offending or level of risk presented, they are defensible, cost-effect, transparent, provide a standardised format, provide a “common language” to communicate risk, and appeals to

politicians. However there are a number of disadvantages that may have prompted many assessors to reconsider actuarial risk assessment in favour of idiographic approaches such as case formulation. This is because actuarial tools ignore the idiosyncratic aspects underlying offender behavior (see Casey, Day, Vess & Ward, 2012), place too much emphasis upon the assessor's ability to make reliable predictions (Cooke & Michie, 2013) and predictions are based upon generalising predictions based upon cohorts of offenders that may not share the same factors as the offenders being assessed (Robinson, 2003).

Case and Haines (2007) presented a strong critique of the risk factor paradigm, arguing that actuarial tools are ambiguous in nature, neglect developmental risk factors, are not applied appropriately, not specific about the risk presented, and unclear regarding the relationship between risk factors and how these relate to offending behavior. This suggests that the implications for risk management and subsequent interventions designed to meet the needs of specific offenders may be misguided should these be based solely upon actuarial risk assessment.

From a practical point of view, often when probation officers at the DPP utilise actuarial tools, it is clear that the classification of "low", "medium" or "high" is not sufficiently informative in order to manage the offender. This is because actuarial risk assessment focuses upon identifying the presence of specific risk factors but does not provide much insight the underlying process of risk or the interaction between various risk factors. This suggests that a "one size fits all" approach offered by standard actuarial measures might not be suited to the Department of Probation and Parole. It does not take into account the "unique" circumstances that may have led to the offending behavior, such as life events. Many probation officers have in fact indicted that actuarial risk assessment does not "add value" to the role of the probation officer, as even without the tool probation officers would still be able to identify the risk factors.

Furthermore actuarial risk assessment does not take into consideration the strengths the offender has, both in terms of internal resources such as effective coping skills as well as external sources, such as the support of family within the community. These are in fact salient points that must be included within the pre-sentence reports, particularly in terms of presenting a realistic risk management plan to Court.

Potential Ways Forward

There is a clear link between the assessment of offenders and subsequent risk management. An effective risk assessment and risk management should therefore be at the forefront of the Department's strategy towards reducing re-offending and enhancing rehabilitation. Whilst recognising the need to provide a standardised method by which to assess risk as a means to increase uniformity, reliability and validity of assessments, nonetheless it is evident that risk assessment should not be reduced to a "box ticking" exercise, where assessors simply determine the presence or absence of certain risk factors. An exploration of the various processes and the interaction of the various risk factors that may result in offending may provide a far more specific evaluation of risk. This is particularly relevant when considering the context in which assessment takes place: specifically Malta, which has a relatively homogenous, small population, with a distinctive rapidly changing culture.

For this reason the study focused upon exploring the various themes that characterise offending in Malta, to identify any emerging patterns that are uncovered by probation officers whilst drafting pre-sentence reports. The study has identified a number of common themes through the content analysis of pre-sentence reports, as described below. This offered the possibility of exploring the underlying processes behind the offending behaviour and the interaction of these various aspects that goes beyond exploring singular risk factors. On the basis of the findings of this study, I have sought to identify the way forward in terms of devising an

effective risk management and formulating a risk management strategy at the pre-sentencing stage. The implications of this research will also be presented as a means to stimulate the consideration of alternative methods of assessing risk, such as case formulation and subsequent reconceptualisation of pre-sentence reports.

Method

Design

Initially the current research adopted a mixed methods approach by carrying out the content analysis of pre-sentence reports and subsequently performing a quantitative analysis of the data collected. It was discovered that due to low base rates, the sample offered far too much variation, in the sense that there were too many different variables, in order to carry out the quantitative analysis that formed part of the original research design. This constituted a finding in itself as it stressed the importance of discussing the common (potential) risk factors found in this sample, further suggesting the need to go beyond looking at variables in isolation especially when considering that some variables may have a moderating effect on other variables. In addition the literature discussed above indicated that an over-reliance on risk factors has often resulted in overlooking the processes behind the behaviours related to offending. Therefore the adoption of a qualitative approach allowed for the deeper exploration of these nuances in data.

This suggested that a change in approach might be more appropriate to explore how the different variables together may form themes and subsequently patterns that describe offending within the Maltese context. The research therefore retained the mixed method approach by coding the pre-sentence reports, by identifying words or phrases which probation officers indicated as being linked to the individuals' offending behavior and subsequently computing the frequency of the occurrence of each unit identified. This was carried out using the following steps: the identification of the coding units, establishment of intra-reliability, and the analysis of data.

Participants

Sample selection.

The research involved the analysis of a sample of 300 offender pre-sentence reports. The reports were randomly selected from a ten year time-frame (see Table 1). This was identified as the ideal time-frame as a means to increase representativeness of the sample (See Table 2 for a detailed description of the sample).

Table 1

DPP case-loads between the Year 2000 to 2010

Year	Number of reports submitted to Court (per annum)	Total number of new cases (per annum)	Percentage of reports compiled (per annum)
2000	54	273	20
2001	80	337	24
2002	53	288	18
2003	78	247	32
2004	131	309	42
2005	97	314	31
2006	102	323	32
2007	79	330	24
2008	91	353	26
2009	98	375	26
2010	85	418	20
Total number of reports (across a 10 year span)		894	

Note. DPP = Department of Probation and Parole; A sample size of 300 reports was selected from a total of 894 reports, which guarantees a 5% margin of error assuming a 95% degree of confidence that the data is representative of the offenders supervised by the DPP.

Measures

Pre-sentence reports were selected for analysis due to the volume of information contained within these documents that specifically serves to assess the offender and therefore provides a substantial amount of information pertaining to the offender's background and mitigating circumstances which may be associated with their offending behaviour. In many cases this is the only document within the Department of Probation that provides comprehensive information about the offender. It is also important to note that most of the information contained within the report has also been verified against additional reliable sources. Access to pre-sentence reports was facilitated by the author's role within the Department of Probation and Parole, as these documents are usually restricted to either specified persons within the department or to the Court where the report has been presented.

The research necessitated the content analysis of PSRs as a means to explore and identify manifest "visible, surface content" and latent "underlying meaning" content that probation officers have identified as being relevant to offending behaviour. As these reports are characterised by historic and personal narratives of the offender, both the manifest and latent content that probation officers may have directly or indirectly identified as being linked with the offending behaviour were coded (both in relation to the index offence or any prior offending history). Manifest content consists of "elements that are physically present and countable" whereas latent content refers to "interpretative reading of the symbolism underlying the physical data" (Berg, 2001, p.242). Therefore the manifest messages involved the coding of the "surface structure" (Berg, 2001, p.242) that included straightforward descriptions of behaviours or events that probation officers identified as related to offending (such as instances where the offender himself may have highlighted triggers to offending). The latent messages were coded through "deep structural" analyses (Berg, 2001, p.242) that focused upon probation officers' inferences regarding offending behavior (such as a description of an offender as stating that during a

chaotic period in his life he resorted to drug use and subsequently would steal to sustain his habit. The probation officers identified these instances as precursors to offending behaviour).

Procedure

A content analysis of the pre-sentence reports was conducted to explore the risk factors that probation officers identified as contributors to the offender's offending behaviour. As previously described, the reports are compiled by recording offender narratives and therefore provide an insight into the offender's decision making processes, sense-making of the world, contextual and situational factors that may also be held responsible for offending behaviour. Nonetheless the research also applied an "*a priori* coding" method which involved the exploration of the various predictors of offending as found in the literature so as to increase the validity of findings.

Coding data

The research employed the "a priori coding" method which involves reviewing the literature in order to establish a set of categories descriptive of the analysed text (Coolican, 2004). These categories were reviewed throughout the content analysis of the reports so as to achieve an exclusive and exhaustive list of categories as proposed by Weber (1990).

The coding units utilised were word units (which describe or analyse instances or events that may have been held responsible for criminogenic behaviour) and theme units (which denote instances where the overarching theme was the exploration of criminogenic behaviour) (as defined by Coolican, 2004).

Establishing reliability and validity

Reliability may be established through two techniques; intra-rater and inter-rater reliability. The former refers to assessing whether the same rater is able to code the same

material in the same manner after a period of time (Coolican, 2004). The latter refers to assessing whether different raters are able to code and identify the same categories for the same material being reviewed. Sometimes a combination of the two is used to increase reliability (Krippendorff, 2004). However due to the confidential nature of the reports (and the absence of a coder who had been trained to carry out content analysis and who had access to the reports), intra-rater reliability was the only method that could be employed. This was established by having the rater re-evaluate the coding units for each report after three months. This also served the purpose of ensuring consistency as the same person carried out the coding for the entire project, which further enhanced reliability as the meaning attributed to each coding unit remained constant for each report.

Validity is also a key component of any robust research project. Often validation of qualitative research involves triangulation, which Erlandson, Harris, Skipper and Allen (1993) identify as the inclusion of additional sources of information that may be derived from other sources of data such as the utilisation of theories related to the matter being explored or investigated. For this reason the author compared the coding units identified in the reports with the variables identified by previous research and theories concerned with identifying the variables predictive of offending.

The coding process

Step 1: The coding units were initially coded within a spreadsheet, and each report was assigned a unique identifier code (this was an internal code allocated by the author in order to identify the report within the research for ease of reference). For each report the author recorded instances where the probation officer identified a risk factor for offending. For example in report 1 the author identified a series of coding units such as having unstable relationships and the presence of delinquent peers.

Step 2: These units were then reviewed in order to ensure intra-rater reliability ensuring that the same terminology was used for each coding unit throughout the spreadsheet (so for example terms such as “left school at an early age” was replaced with “truant”), thus maintaining clearly defined and non-mutually exclusive and exhaustive coding units. Subsequently, these coding units were colour-coded so as to facilitate the identification of any emergent themes (so for example the unit code entitled “not compliant with care plan” was highlighted in orange). These units were then grouped into over-arching superordinate themes.

Step 3: Once this process had been carried out for each item, these data were then recoded in SPSS to enable the subsequent analysis. For this reason the author then entered the data into the SPSS work sheet, case by case, identifying instances when the unit was present or not present for each report. The coding units considered to be the predictors of offending were then coded as either present or not present (with dichotomous yes or no responses). Additional information was also recorded which was later analysed using descriptive statistics (e.g. gender, age, level of educational attainment, marital status, religious affiliation, and locality where offender lived during the compilation of the report).

Ethical considerations

The author holds the post of Psychologist within the Department of Probation and Parole in Malta. To this end the author has access to all the records kept within the Department, and is also duty bound to maintain the strictest level of confidentiality and maintain the anonymity of all persons concerned. The research was ethically approved by the University of Portsmouth in accordance with the Guidelines of the British Psychological Society. The Principal Probation Officer granted the permission to carry out the research and have access to the information stored by Department of Probation and Parole.

Consent

In terms of participant consent, offenders who fall under the jurisdiction of the Maltese Department of Probation and Parole are asked to complete a consent form, which is a generic form regulated by the Data Protection Act in Malta, that both the offender and probation officer sign. This in essence allows the probation officers to access personal records, communicate information to other professionals and utilise the information provided throughout the sanction subject to their professional discretion. It is also understood that the information provided may be utilised for research purposes so long as the offenders remain anonymous and the probation officer abides by the expected code of conduct.

To avoid any legal and ethical issues with respect to research carried out on minors and differences in age of consent, the research only involved persons who at the time of giving their consent were 18 years or older.

Confidentiality

All the necessary precautions were taken to ensure participant anonymity. The findings shall be presented in a manner that would not give away any personal information or information that would give away the identity of the offender, victims, family members and other related persons. In addition no direct quotations were taken from the reports in order to further preserve anonymity.

Conflict of interest

Ethical issues relating to the multiple role of the author have also been taken into account: the author did not make use of reports or assessments that she herself had written in order to any form of bias or influence on the result of the research. As the research was based upon existing file information, the participants did not experience any form of distress and did

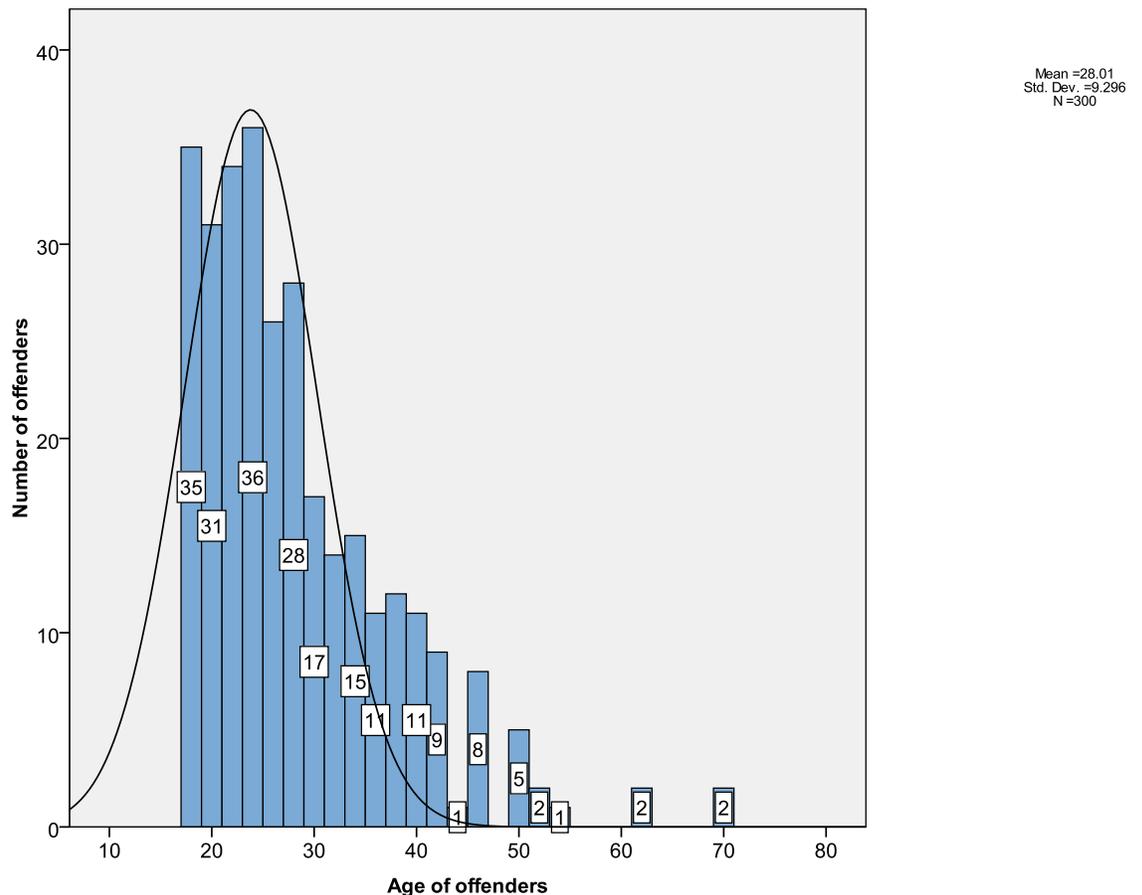
not require any form of debriefing. No provisions were required concerning the right to withdraw and to withdraw data. In addition the research did not involve any form of deception.

Results

Demographic Characteristics of the Sample

Table 2 provides a description of the demographic characteristics of the sample used in this research (see figure 1 for a histogram illustrating the ages of the offenders). Fifty percent of this sample consisted of participants aged 18 to 25 years with a mean age of 28.0. The standard deviation (9.30) indicated that there is a somewhat wide dispersion in the age distribution, as is also evidenced by the variance (86.41) and the range (52) as the offenders' ages varied between 18 to 70 years of age. The coefficient of skewness (1.43) is positive indicating that the age distribution is skewed to the right and the coefficient of kurtosis (2.664) is also positive indicating that the age distribution is narrow and high peaked.

Figure 1: Demographic data illustrating the ages of the offenders



With regards to the gender distribution, 93% of this sample were male. Although in Malta school is mandatory up to the age of 16, over half the sample did not complete secondary level schooling (66%). In addition a high proportion of offenders disclosed being single and not in a committed relationship (74%). The majority of offenders indicated that they considered themselves to be Catholic (97%). The research also recorded the locality where the offenders were living. No particular locality stood out, and the data suggested a wide dispersion in the sample in this regard. This may be due to Malta being densely populated and in some parts distinctions between different localities may not be evident.

Table 2

Demographic characteristics of sample

Age	Percentage
Age band	
18-25	50.3
26-35	31.3
36-45	13.7
46-55	3.3
56-70	1.3
<i>Mean age</i>	28.0
<i>Standard deviation</i>	9.3
Gender	
Male	93.0
Female	7.0
Level of education	
Did not complete school	25.0
Secondary education	66.0
Post-secondary education	8.0
Tertiary	1.0
Marital status	
Single	74.0
Married	15.0
Marital problems (separated, divorced or annulled)	10.0
Religious denomination	
Catholic	97.0
Muslim	2.0
Other (Jewish or atheist)	1.0
Total number of offenders	300

Charges.

Table 3

Charges laid for the sample

	Frequency	Percentage
Theft	147	49
Drug trafficking	55	18.3
Violent offending	20	6.7
Sexual offense (contact)	14	4.7
Drug possession	14	4.7
Fraud/ tax evasion	13	4.3
Sexual offense (non-contact)	9	3
Voluntary/ willful damage	7	2.3
Drug cultivation	4	1.3
Attempted murder	4	1.3
Arson	3	1
Threats	3	1
False report	2	0.7
Stalking	2	0.7
Traffic offence	1	0.3
Corruption of public	1	0.3
Domestic violence	1	0.3
Total number of offenders	300	100

Table 3 describes the sample distributed according to the charge laid on the offender. Almost 50% of the sample consisted of offenders who had been charged with committing theft, which may be accounted for by the large proportion of offenders in Malta who have a drug

problem⁴ (who may be caught stealing and are processed on charges of theft not necessarily due to drug possession for personal use). The second largest proportion of charges in fact consisted of drug trafficking (18%), with drug possession consisting of almost 5% and drug cultivation consisting of 1% of this sample. Cumulatively this suggests that a large proportion of pre-sentence reports are concerned with drug related offending.

Sexual offending was categorised into two types: contact and non-contact offending. The most prevalent of the two classifications was contact offending which consisted of almost 5% of the sample with non-contact sexual offending consisting of 3%. Violent offending (7%) was the third largest proportion of offences in this sample (which did not incorporate domestic violence as this was categorised separately). There was only one pre-sentence report that was prepared in conjunction with domestic violence within this sample. However this category did not include attempted murder charges (which consisted of 1% of this sample) that could also been violent in nature.

Notably 70% of the offenders in this sample had prior convictions. This figure was generated from the police records included within the report. Unfortunately this figure could not be compared to any statistics being recorded by the Department of Probation and Parole as despite keeping records of offenders who had previous contact with the department a statistic of this instance has not been maintained. This creates an issue when trying to assess and manage offenders within the community particularly as criminal history is an important static risk factor (fixed risk factors not amenable to change) for predicting re-offending (Andrews & Bonta,

⁴ The Ministry of Education, Employment and the Family co-funded with the EMCDDA (2011) reported an increase in drug related arrests over the previous year; 506 arrests were made in 2010 and 542 arrests in 2011. The DPP also reported an increase in offenders who had a known drug problem (an increase from 241 new cases in 2010 to 296 new cases in 2011), with 59% reporting a preference for heroin use (Ministry of Education, Employment and the Family co-funded with the EMCDDA 2011). This is a significant figure considering that the case-load for 2010 consisted of 418 new cases and 486 new cases in 2011, indicating that 61% of the DPP's new cases were identified as having made use of drugs.

2010). This is particularly significant when considering that offenders tend to be “generalists” as opposed to “specialists” (Corbet & Simon, 1992, Soothill, Francis, Sanderson, & Ackerley, 2000). The Offender Group Reconviction Scale (OGRS3; Copas & Marshall, 1998) for example is an actuarial tool that relies solely upon static risk factors to predict general reoffending and estimates the likelihood of reoffending within one to two years of the offender being placed in a community based sanction (Wakeling Howard & Barnett, 2011). This tool also considers actual convictions as well as cautions for new offences (Wakeling et al. 2011). The implications of not having access to this information are that the service lacks the necessary information to make accurate predictions of reoffending.

In conclusion, besides acknowledging the limitations related to the utilisation of official statistics such as the influence of the “dark figure” of unreported crime and issues described in Avellino (2014a, chapter 1), it is important to note that pre-sentence reports may reflect the method by which crime had been reported, collected and perceived by the general public (for example the police are pressured into pursuing specific types of offenders) at that point in time. This indicates that the prevalence of certain types of offences may indicate the trends or culture of that particular timeframe when the pre-sentence report is requested. For example the reported increase in sexual and violent offending (see Avellino, 2014a, chapter 1) may reflect the increased awareness of these crimes generated through the media and campaigns launched by various non-governmental entities. This also indicates a cultural influence in the manner in which crime is perceived in Malta. For example due to Malta’s strong Catholic influence, in the past, many victims would not report sexual offences carried out by priests (or even marital rape) for fear that the general public would not acknowledge that these crimes could have happened. This is particularly relevant considering the impact gossip has in Malta. Today, far more victims

are stepping forward with claims of abuse that happened many years ago⁵. The same can be said with regards to rape. Many women in Malta often did not report rape in the past⁶, or when they did women were often shamed and even blamed for the rape due to her attire.

Furthermore the manner in which data are collected has also changed throughout the years. Different countries may differ in the manner in which data are collected, even due to legal differences in qualifying offences or due to legislative changes. Cybercrime is an example of a newer form of offending that necessitated a change in the law in Malta. Another example of recent change in Malta came with the regulation of “khat”⁷. The plant “khat” is used in Somalia in religious and recreational contexts. The police arraigned a Somali residing in Malta over possession, importation and trafficking of cathine and cathinone. However at the time when the case was being heard khat was unscheduled according to the Dangerous Drugs Ordinance regulating drugs in Malta. On appeal, the Somali was released and the law was then revised in order to regulate khat.

This clearly indicates that a heavy emphasis upon official statistics may not provide the necessary information in order to understand offending behavior. England and Wales, for example, have attempted to address this issue by maintaining a record of crimes reported to the police and the victims’ experience of crime (see Office for National Statistics, 2014). This has led to the identification of a disproportionate number of crimes, such as sexual offences, not being reported to the police. In conclusion, it appears that the Department of Probation and Parole would benefit from an integrated e-database that monitors offenders from their first point

⁵ See Berkowitz, B. (2014, March 4). The Catholic Church’s worldwide sexual abuse scandal and cover-up. *Buzzflash at Truthout*. Retrieved from <http://www.truth-out.org/buzzflash/commentary/the-catholic-church-s-worldwide-sexual-abuse-scandal-and-cover-up/17838-the-catholic-church-s-worldwide-sexual-abuse-scandal-and-cover-up>.

⁶ See Said, M. (2013, February, 7). The greatest silence: Rape in Malta. *The Sunday Circle*. Retrieved from <http://www.sundaycircle.com/2013/02/the-greatest-silence/>

⁷ See Vella, M. (2009, July 15). Man liberated today on appeal from khat charges. *Maltatoday*. Retrieved from <http://archive.maltatoday.com.mt/2009/07/15/t7.html>.

of contact with the criminal justice system, as a means to provide a clearer indication of offending behavior (see Avellino, 2014e, chapter 5).

Identification of themes

The content analysis of the pre-sentence reports resulted in the identification of 13 overarching themes:

- childhood variables
- familial issues
- relationships
- criminal influences
- life events
- financial issues
- addiction
- personality issues
- mental health issues
- violence/sexual issues
- educational attainment
- personal interests/hobbies
- compliance with proposed risk management plan

Each theme will be described in its entirety according to the theme units identified by the author. Within these themes it is possible to identify and differentiate some of the nuances that may be left unexplored if assessors choose to assess risk based upon “ticking” the presence of specific risk factors. Furthermore it highlights the importance of considering the sometimes unique interaction between the various processes underlying offender behavior. This also further emphasises the need to consider the value of a qualitative approach over a purely quantitative approach which may not be amenable to the exploration of the more elaborate interacting and underlying processes of offending behavior.

Childhood adversity.

The first theme to be discussed in childhood adversity (see Table 4). Overall this theme suggested a predisposition to criminality due to instability and lack of secure attachments during childhood. An analysis of this particular theme would suggest that a number of reports identified some of the offenders as having had a history of living in a children’s home, been fostered or adopted, whereas other reports indicated that some offenders described leaving their home at an early age (some even ran away from home) due to experiencing severe problems at home.

Another aspect described by probation officers was the behavioural issues characterised by descriptions of severe behavioural difficulties experienced by their parents or primary care givers that in some cases may have led to the consideration of conduct disorder. Conversely, a number of offenders described being disciplined harshly.

Some of the offenders also disclosed having suffered through some form of abuse, whether physical or verbal. Other offenders described feeling affected by what they felt were poor parenting skills (for example one offender described his mother as having a severe drug problem which resulted with him being placed in a children’s home). Some offenders also described feeling a sense of abandonment as a child, either literal or psychological, where the

parent may have been physically present but may have emotionally withdrawn. On the other hand the same number of offenders also described being brought up by an overprotective parent or caregiver as being far too strict or more importantly the offender described not feeling able to connect with that person, resulting in the offender feeling the need to distance himself to protect himself. For example, a proportion of offenders reported having spent some time in a children’s home and also displaying behavioural problems. One particular offender stated that he tended as a child to act out as a form of survival mechanism. He stated that he attempted to connect to a number of “caregivers” whilst living in the home however most of these would eventually move on. Subsequently, he explained, he would do his utmost not to create an attachment with anyone so as to avoid disappointment. Similar recollections were also uncovered in other reports.

Table 4

Theme 1: Childhood adversity (N = 300)

Theme	Frequency		Percentage	
	Yes	No	Yes	No
1 Placed in a children’s home/fostered/adopted	37	263	12	88
2 Ran away from home/ left home suddenly due to severe family problems	16	284	5	95
3 Behavioural issues	70	230	23	77
4 Suffered some form of abuse (physical and/or verbal abuse)	38	262	13	87
5 Over protective caregiver	12	288	4	96
6 Abandoned as a child	13	287	4	96
7 Poor parental skills	40	260	13	87
8 Disciplined harshly	32	268	11	89
9 Cold parental attitude	17	283	6	94

Familial issues.

The second theme describes familial issues (see Table 5) which offenders described as having had a significant impact on their life. This theme provided examples of two extremes; instances where offenders felt that they were directly encouraged to engage in a criminal lifestyle by their family or those where offenders described feeling that that despite not originating from a criminogenic family, they still felt that their familial problems contributed to their criminal careers.

The subtheme “Attributes in relation to families” considered situations where offenders were greatly affected by their family’s problems. Examples of these were provided by the coding units that identified instances concerned with parental and familial problems. The coding unit described as parental problems was characterised by offenders disclosing that their parents had a problematic relationship that in many cases resulted in domestic violence, infidelity or separation. A number of offenders explained that their parent’s problematic relationship provided many problems growing up and even in their adulthood, particularly those that were witness to violent and abusive relationship.

“Familial problems” referred to situations where the offender explained that the family unit as a whole went through a difficult period that was considered to be a life changing event. One offender for example explained how his father had to undergo a major operation that led to being unable to work and provide for the family.

Within this theme, another coding unit was identified as offenders having experienced a problematic upbringing, where a number of offenders described their upbringing as characterised by turmoil and unhappiness. Some offenders explained that because they originated from a large family, this often created problems. A number of offenders explained that their parents had many children whilst in different relationships and this resulted in having

numerous siblings, some of whom were not aware of one another. Other offenders explained that having many siblings meant that money was tight and their standard of living was low, which eventually led towards the offender resorting to crime. Some offenders within this category also described how their families supported them to lead a criminogenic family. In some instances the offenders engaged in crime in order to support the family or as the family was already involved in crime. This led to the offender “inheriting” a criminogenic lifestyle. However there were offenders within this category who stated that despite their parents not actively encouraging them to engage in a criminal lifestyle they admitted that even when they were caught carrying out an offence, their families acted as enablers by supporting them and justified their actions. This was particularly common in families that described themselves as close-knit.

Table 5

Theme 2: Familial issues (N = 300)

	Theme	Frequencies		Percentage	
		Yes	No	Yes	No
1	Parental problems	69	231	23	77
2	Familial problems	74	226	25	75
3	Close-knit family	93	207	31	69
4	Problematic upbringing	76	224	35	75
5	Supported by family	70	230	23	77
6	Large family	52	248	17	83

Relationships.

The third theme explored the offender's ability to maintain a stable relationship (see Table 6) with their family and significant others. A large proportion of offenders were described as experiencing difficulty in maintaining a good relationship with their immediate families. This theme also explored the individual's ability to maintain a steady relationship with people the offender described as a significant other. Instances of bereavement were of course excluded. This theme highlighted that a large proportion of offenders experience difficulty in sustaining healthy and meaningful relationships suggesting that offenders may be unable to form stable relationships if they are still engaged in a criminogenic lifestyle.

Table 6

Theme 3: Relationships (N = 300)

	Theme	Frequency		Percentage	
		Yes	No	Yes	No
1	Described as having a good relationship with siblings	12	288	4	96
2	Described as getting on well with parents	18	282	6	94
3	Described the individual as unable to maintain stable relationships with significant others	54	246	18	82

Criminal influences.

The fourth theme explored the criminal influences (see Table 7) that offenders may have experienced throughout their life. This mostly comprised of close family, friends, significant partners (such as relationships that were described as meaningful but did not necessarily include spouses) and the influence of living in or having lived, for a significant period of time, within a criminogenic neighbourhood which was characterised by offenders living in an environment “known to the police”. This unit concerned the influence of living within a criminogenic environment and essentially whether culture played a significant role in influencing offenders to engage in criminality.

Offenders that were aware that they lived in an environment that fostered criminality were able to identify specific persons, such as their peers that encouraged them to engage in crime. Although a number of offenders did not identify themselves as living in a criminogenic neighbourhood, their probation officers did in some cases indicate that offenders came from an environment that fostered criminality, and further suggested that crime was either normalised due to family and friends also taking part in criminality or that the community itself was known to breed a sense of criminality (particularly in “slum” areas or areas known to be characterised by social problems). The influence of criminogenic peers was also fairly evident throughout the compilation of reports, however it might also be the case that offenders were less likely to disclose that members of their family were likely to have any criminal involvement.

Table 7

Theme 4: Criminal influences (N = 300)

	Theme	Frequency		Percentage	
		Yes	No	Yes	No
1	Described as having a criminogenic family	31	269	10	90
2	Described as having criminogenic siblings	17	283	6	94
3	Described as having criminogenic peers	118	182	39	61
4	Described as having a criminogenic partner	16	284	5	95
5	Described as living in or having lived, for a significant period of time, within a criminogenic neighbourhood	25	275	8	92

Life events.

This theme dealt with particular life events (see Table 8) that offenders stressed had a significant impact upon their life and in some cases may have even acted as a turning point for them and their family. The first unit described instances where the offender felt that a particular significant life event, that may not necessarily have criminogenic connections, marked a change in the person's life (that has not been coded elsewhere). One offender for example explained that his father was laid off work, which resulted in severe financial difficulties for his family. According to the offender this spurred a series of other unfortunate events, such as his father becoming depressed and unfit for work, which then led to the offender engaging in a criminal lifestyle.

A similar circumstance was identified in cases where offenders disclosed moving to Malta, (whether foreign or Maltese who had previously migrated), so as to start a new life. One offender disclosed having to move to Malta after his parents had separated and despite thinking

they would have a better life in Malta, the offender and his family still experienced hardship that also led towards eventually engaging in a crime.

Another unit related to life events involved that the unexpected death of a significant person. A number of offenders described having felt a sense of loss and despair when they lost someone close to them, in particular in instances where the event was unexpected or unnatural. One offender described losing his grandmother, who was the one person in his life that took care of him. After losing his grandmother due to illness, the offender described feeling of hopelessness which eventually led to using drugs.

There may also be a religious significance associated with death, since Malta is strongly influenced by the Roman Catholic Church (as can be seen even within this sample with almost all offenders having identified themselves as Catholic). This influence may have led individuals to feel that it is their duty and a sign of great respect to demonstrate to others within the community that someone is still grieving even after a significant number of years. An example of this demonstration was evidenced by an offender within this sample having his body tattooed with images of his father together with a symbol of the cross (despite not being a particularly religious person). Despite only 3% of the sample indicated that they had a strong religious influence, examples such as the one described above indicated an underlying religious influence which may suggest inherent belief system guiding by a form of scripts. As scripts consist of mental representations of sequences that direct behavior in expected situations, the offender in question might be guiding his behavior on how to grieve. These scripts are likely to become “automatic” the more they are rehearsed. Bushman and Anderson’s (2001) two-factor model of information processing for example distinguished between automatic and conscious information-processing related to aggressive behavior (see Avellino, 2014e, chapter 5).

Table 8

Theme 5: Life events (N = 300)

	Theme	Frequency		Percentage	
		Yes	No	Yes	No
1	Significant life events	30	270	10	90
2	Death of a significant person	50	250	17	83
3	Strong religious influence	10	290	3	97
4	Moved to Malta (foreigner who came to Malta to start a new life here)	20	280	7	93

Financial issues.

This particular theme explored the implications surrounding the offenders' financial issues (see Table 9). A number of individuals identified themselves as having experienced severe financial difficulties characterised by extreme situations such as homelessness or living in uninhabitable premises. A significant number of offenders were identified as experiencing chronic unemployment issues (within this category individuals who explained that they often worked without necessary work permits). Within this theme only a number of persons were identified as homeless nonetheless a number of offenders within this sample indicated living in substandard conditions.

Table 9

Theme 6: Financial issues (N = 300)

		Frequency		Percentage	
		Yes	No	Yes	No
Theme					
1	Financial problems	66	34	22	78
2	Homeless	7	293	2	98
3	Chronic unemployment	105	195	35	65

Addiction.

Addiction (see Table 10) was also another theme that emerged which considered individuals who were identified as making use of illegal substances. Over half the sample were identified as using drugs during the compilation of the report with a quarter indicating that they were alcoholics. A far smaller proportion of individuals identified themselves as having a problem with gambling. Nonetheless this figure may not be an accurate representation of the current climate with regards to gambling largely due to the fact that individuals are less likely to acknowledge or want to disclose that they have a gambling problem. A small proportion of offenders who identified themselves as drug addicts indicated that their parents also had some form of addiction.

Table 10

Theme 7: Addiction (N = 300)

	Theme	Frequency		Percentage	
		Yes	No	Yes	No
1	Alcoholism	46	254	15	85
2	Drug abuse	163	137	54	46
3	Gambling	12	288	4	96
4	Parents had some form of addiction	27	273	9	91

Personality issues.

The next theme analysed the issues in relation to the offenders' personality (see Table 11). A number of studies have indicated that having low self-esteem was partly responsible for offenders abusing of drugs; however, despite half this sample engaging in drug abuse, a very small number of offenders were identified as having a low self-esteem. This might be partly due to the fact that this aspect was overlooked altogether during the compilation of reports, as reports tend to focus upon social aspects as opposed to psychological factors. Nonetheless this finding might also suggest that offenders themselves are less likely to acknowledge that they have psychological issues that may be connected to their patterns of offending and may have more awareness of social influences such as the influence of peers or family. This was particularly evident when analysing other personality issues identified, specifically aspects such as impulsivity, immaturity, feeling a sense of rejection (which was characterised by specific events that led offenders to describe situations where they felt a sense of rejection that acted as a precursor to criminal activity).

Understanding the role of self-esteem is salient to probation officers instigating a positive change in offenders and should form part of risk assessment. This is because self-esteem

has been linked to insecure attachment and is an important aspect in generating change (Marshall, Fernandez, Settan, Mulloy, Thornton, Mann, & Anderson, 2003). Furthermore unstable self-esteem, which according to Baumeister (2005, p.257) is the “evaluative dimension” of the self-concept (the person’s belief about himself), may have an impact upon adjustment, hostility and even propensity for aggression (Baumeister, 2001, Kernis, Grannemann & Barclay, 1989).

A number of the descriptors identified in this theme were mostly obtained by probation officers during interviews with family members when describing the offender’s character. The coding units “introversion” and “extraversion traits” are drawn from Eysenck’s description as proposed in his P-E-N model of personality (see Eysenck & Eysenck, 1985). Therefore offenders were coded as either an extrovert or an introvert if probation officers indicated any extremes in behaviour or if specifically indicated in psychological or psychiatric evaluations found within the reports. This particular sample was characterised by almost a quarter of the offenders being identified as introverts.

Table 11

Theme 8: Personality issues (N = 300)

Theme		Frequency		Percentage	
		Yes	No	Yes	No
1	Low self-esteem	15	285	5	95
2	Extraversion	22	278	7	93
3	Introversion	70	230	23	77
4	Impulsivity	12	288	4	96
5	Immature	9	291	3	97

Mental health.

The research indicated that almost a quarter of the sample had a history of mental health issues (see Table 12). No distinction could be made regarding drug-induced mental health issues. The severity of the mental health problem could not be quantified either. However a number of offenders suffering from some mental health issue disclosed that a parent may have also had some form of diagnosis for mental illness. Not much detail could be provided here due to the report being offender-centric.

Table 12

Theme 9: Mental health issues (N = 300)

	Theme	Frequency		Percentage	
		Yes	No	Yes	No
1	Mental health issues	71	229	24	76
2	Parental mental health issues	24	274	8	92

Violence and sexual issues.

This theme considered issues pertaining to both a history of violence and offenders as victims of violence and sexual abuse (see Table 13). Within this theme almost a quarter of the offenders recognised that they had a history of violent behaviour (which some offenders identified as being domestic in nature). This was significant as a number of these individuals explained that they had also been recipients of violence (most offenders within this category described how their father would often be aggressive towards them or their mothers). A few offenders also described how they were subject to both physical and verbal abuse and some also disclosed having been sexually abused.

Table 13

Theme 10: Violence/sexual issues (N = 300)

Theme		Frequency		Percentage	
		Yes	No	Yes	No
1	History of violence	54	246	18	82
2	Aggressive/violent family (member of family also demonstrated aggressive traits)	30	270	10	90
3	Victim of domestic violence (both physical and verbal abuse)	8	292	3	97
4	Victim of sexual abuse	2	298	1	99

Issues with educational attainment.

The next theme explored the offenders' level of educational attainment (see Table 14). The findings indicated that a significant number of offenders found learning academic subjects far too difficult. A small number of offenders also indicated that they experienced general learning difficulties, characterised by the general ability to comprehend information or follow instructions. This resulted in a number of offenders being truant with a small number of offenders disclosing that they had been bullied at school due to their learning difficulties.

Table 14

Theme 11: Educational attainment (N = 300)

Theme		Frequency		Percentage	
		Yes	No	Yes	No
1	Academic difficulties	100	200	33	67
2	Learning difficulties	33	267	11	89
3	Truancy	48	252	16	84
4	Bullied at school	21	279	7	93

Personal interest and hobbies.

The theme explored personal interests and hobbies and focused upon identifying instances where the offenders had any “pro-social” interest (see Table 15). This sample was strongly characterised by offenders being involved in religious activities such as helping out with mass or involvement in village festas. This was particular consistent with findings identified in other themes; having a strong connection with religion did not serve as a deterrent for criminal activity.

Table 15

Theme 12: Personal interests/hobbies (N = 300)

Theme		Frequency		Percentage	
		Yes	No	Yes	No
1	Has pro-social interests	98	202	33	67

Compliance.

The sample indicated a high rate of compliance during the compilation of the pre-sentence report. However, this does not always guarantee compliance with a care plan at a post-sentencing stage, should a community based sanction be proposed (see Table 16).

Table 16

Theme 13: Compliance (N = 300)

		Frequency		Percentage	
		Yes	No	Yes	No
1	Compliant with risk management plan	270	30	90	10

Discussion

The research uncovered a number of themes that describe the risk factors that probation officers identified as potentially predictive of offending in offenders' pre-sentence reports. These comprised childhood variables, familial issues, relationships, criminal influences, life events, financial issues, addiction, personality issues, mental health issues, violence and sexual issues, educational attainment, personal interests and hobbies and compliance with the proposed risk management plan. Many of the risk factors identified in this study were reflective of established risk factors found in the literature, such as criminal history, low educational attainment, unemployment and socioeconomic difficulties, familial and marital issues, personality issues, substance misuse, history of violence and or sexual issues and criminogenic attitudes towards offending (Andrews & Bonta, 2001, Andrews, Bonta & Wormith, 2008, McGuire, 2008, Hanson & Harris, 2000, Quinsey, Harris, Rice & Cormier, 2006).

The theme that was most pronounced was "life events". The existing literature has suggested that life events may motivate offenders to lead a prosocial lifestyle and desist from offending (Farrington, 2007, Horney, Osgood & Marshall, 1995; Laub & Sampson, 2001, 2003; Theobald & Farrington, 2009). However this study found that offenders considered life events as having had a negative impact on their lives. For example a few offenders identified this life event as being the death of a significant person in their life (20%). The offenders were described as having spiraled out of control and developing erratic behaviours for many years after the life event. This may be a reflection of a script that guides offenders into developing what appears to them as an appropriate response to death. Moreover this reaction to death may also form part of a wider response to death prescribed in a sense by Maltese culture. Within Maltese culture, it is common to observe prolonged displays of mourning, often through the adoption of black somber attire and sometimes grandiose displays of emotion; the greater the perceived loss, the greater the display of emotion. For some this is a sign of great respect and indicates strong religious ties.

Religion may be considered to be an agent of social control and an important influence within Maltese culture. Literature regarding the role of religion in relation to offending has been rather ambiguous (Baier & Wright, 2001) particularly as it would be expected that persons with a strong religious influence would be deterred from offending. However this research indicated otherwise, as despite the majority of offenders having identified themselves as Catholic (97%), it is evident that this did not deter offending but did play a role in regulating offenders' attitudes and expectations. This could in a sense be reflective of a "possible" version of the self as described by Markus and Nurius (1986). Offenders may identify themselves as religious as possible alternate versions of themselves. To achieve this desired self they would need to organize their thought processes in order to bring about the necessary action and emotions that are reflective of their desired self (see Cross & Markus, 1994). However offenders may be unrealistic about their perception of themselves, seeing themselves as engaging in a lifestyle reflective of catholic values yet leading a life that only partially represents these values as a result of cognitive distortions. Ward (2009) for example discussed the importance of exploring cognitive distortions which may occur as a result of problems related to internal belief systems as well as external resources.

Family is a central part of Maltese culture and the Catholic Church is highly influential in this regard. This came across through the offenders feeling a responsibility towards their family, and expressing deep feelings of betrayal when they felt that their family did not care for them. This was reflected in the large proportion offenders stressing that they had a problematic relationship with their siblings (96%), parents (94%) and significant others (82%). Bowlby (1950) stressed the importance of attachment at an early age suggesting that if the attachment is disrupted through separation, deprivation and bereavement, this may result in the development of insecure attachments in adulthood. Many of the offenders within the sample indicated that they were unable to maintain stable relationships with significant others (20%). A number of

offenders also indicated that their parents had marital problems (23%) and that they seemed to be effected by these issues (25%). This may have resulted in offenders describing themselves as having had a “problematic upbringing”. Nonetheless 23% of this sample indicated that they felt supported by their family. Further analysis indicated that a number of offenders also inferred that their families were supportive of their criminal lifestyles as they were also often involved in crime or would benefit from the offending.

Childhood adversity was another theme uncovered in this research. Farrington (2005) identified “impulsiveness, low intelligence and low school achievement, poor parental supervision, child physical abuse, punitive or erratic parental discipline, cold parental attitude, parental conflict, disruptive families, antisocial parents, large family size, low family income, antisocial peers, high delinquency-rate schools and high crime neighborhoods” (p. 177) as being predictors of offending behaviour. These factors are very much confirmed in the present research and tie-in with various themes such as childhood adversity (being placed in a children’s home, fostered or adopted, ran away from home or left home due to severe family problems, poor parental skills, disciplined harshly), familial issues (parental problems, familial problems, large family), criminal influences (having a criminogenic family, criminogenic siblings, criminogenic peers, criminogenic neighbourhood), financial issues (financial problems), personality issues (impulsivity and feeling rejected which also transpired in adulthood), and educational attainment (academic and learning difficulties).

However, there were some discrepancies between the findings reported in this research and Farrington’s childhood predictors. Farrington (2005) indicated that a high delinquency rate at school and low intelligence were also predictors of crime. The present research did not specify either factor probably due to these records being absent or not available. It did, however, identify truancy (16%) which is a known predictor of crime (Gottfredson, 2001).

Probation officers also reported incidents where a small number of offenders felt that they had been bullied at school. Much of the research seems to indicate that offenders were usually the instigators of bullying not victims of bullying (see Farrington, 1993). This is particularly significant as young offenders tend to attempt to build their offender status amongst peers and would not readily admit to being victims of bullying (Ireland & Ireland, 2010). However this raises the question whether the offenders in this sample were actually victims of bullying or whether they perceived themselves as such. Young and Canter (2011) propose that offenders may enact fixed “narrative offence roles” such as the role of a victim. This further illustrates the role of narratives and their relevance towards the offenders’ world views and expectations of the future (Ward & Marshall, 2007). Further exploration on behalf of the probation officers may have provided more information about the circumstances in which the offenders felt that they were victims.

Other themes uncovered in this research included addiction, personality, mental health and violence and sexual issues. The link between these various risk factors is well documented (e.g. Farrington, 1995, Hare, 1991, 1996, McMurrin, 2002). From a practical point of view, many offenders under the care of Maltese probation officers present these issues. For example a number of offenders in this sample may have attempted to “self-medicate” through the use of drugs to alleviate mental distress, such as anxiety, which nonetheless may have resulted in aggressive behaviours. The interaction between the different risk factors may at times be unique to the offender and very problematic to manage within the community. Through the current method of assessment probation officers may indeed miss significant details such as those described above that may be indispensable to an effective risk management plan. Therefore a more structured approach that includes subsections reflective of the different offender typologies may be more effective.

In addition, although the research was mainly concerned with offender deficits nonetheless probation officers also tried to identify the offenders' positive attributes such as personal interests, hobbies and compliance with the probation officer. Sampson (2001) and Maruna (2001) also advocate strength-based approaches as a means to rehabilitation. The offender's strengths could be considered as resources. Drawing upon Ward's (2009) Extended Mind Theory "the boundaries of the mind extend beyond the boundaries of skull and skin, into the world beyond" (p.247), it is clear that the mind extends itself beyond the confines of physical matter to maximize the resources available with the offender's context. This is a relevant consideration when developing an effective risk management plan that ultimately should lead towards desistance. Furthermore, Polaschek (2012) for example argued that a strength-based approach to rehabilitation focuses on engaging with offenders as a deeper level, thus motivating offenders to want to engage in desistance and bring about a change. This therefore creates a further distinction between *having the capacity* to engage in change to *wanting to* engage in change.

Strengths, which consist of both personal strengths as well as resources found within the community, may be used to build resilience and subsequently work towards desistance. Risk management plans that are presented as part of pre-sentence reports may therefore also seek to identify these strengths in order to build appropriate intervention plans together with the offender. Subsequently, supervision would act as the mechanism that supports and assists the offender in developing his capabilities (Maruna & LeBel, 2003) and focuses upon assisting the offender maximize and develop the resources within his community.

Conclusion

This study has identified a number of themes which were childhood variables, familial issues, relationships, criminal influences, life events, financial issues, addiction, personality

issues, mental health issues, violence and sexual issues, educational attainment, personal interests, hobbies and compliance with the proposed risk management plan. The results indicated that the risk factors potentially predictive of offending in Malta as identified by the probation officers were very similar to the risk factors identified in the literature. Furthermore the themes may serve as a framework for probation officers to explore offender narratives and form a deeper understanding of the interaction between risk factors and the processes underlying offending behavior in Malta. However the wider implication of these findings suggests that an effective risk assessment and risk management strategy should go beyond the identification of singular risk factors, and highlights the benefits of adopting an idiographic approach to risk assessment.

The current method by which risk is assessed in Maltese pre-sentence reports is based upon professional judgement yet much of the research advocates that a more structured method is needed to gauge risk. Yet a “one size fits all” approach such as actuarial assessment may not be the solution; this approach may be far too generic as it based upon cohorts of offenders, rendering the results generalised towards that particular group of offenders. In addition different assessments may be required for different reasons; assessing offenders for their suitability to perform community service may be different to determining whether they will reoffend after they have completed their probation period. This suggests that a “one size fits all” approach offered by standard actuarial measures might not be suited to the Department of Probation and Parole. For this reason risk assessment should consider alternative approaches such as Offence Paralleling Behaviours (Daffern, Jones, Howells, Shine, Mikton & Tunbridge, 2007) and Good Lives Model of rehabilitation (Ward & Maruna, 2007) that may draw upon offender narratives. This type of formulation allows for the exploration of sequences of behaviours to provide an individualised approach to risk assessment (see Avellino, 2014d, chapter 4).

The method by which probation officers were able to identify the potential risk factors described in this study was primarily through the recording of offenders' narratives. These narratives provided the "story" behind these factors. According to Maruna (2001) offenders construct "life stories" or "personal narratives" in order to make sense of their own lives. The narratives in fact provided insight into the offenders' perceptions of crime, decision making processes, motivations, context and situational factors that led towards the offending. This suggests that offending may occur due to the interaction between these factors and may be unique to the offender.

Therefore narratives may provide the basis to informing risk assessment and more so to understand the *person* behind the offending and guide the person towards achieving his goals through more appropriate means. This approach places more emphasis on developing a relationship with the individual, seeking what the individual's life goals are and the resources necessary to achieve them. This should serve to motivate the offender to engage in a positive change and subsequently commence the process of desistance. Although in some cases, as indicated by Moffitt (1993) through her Dual Taxonomy theory, some offenders naturally desist from offending, the offenders that do continue to offend will require further attention by probation officers and will also be more likely to engage in offending at an earlier stage in their life. This indicates that their narratives are also more likely to support a continuation in offending.

The research has sought to demonstrate that despite the limited research concerning the role of pre-sentence reports in Malta, the role of effective risk assessment is salient in order to manage risk on a long term basis, particularly within the community. However it is clear the risk assessment should not be reduced to solely assessing the presence of pre-defined risk factors. The research also highlighted the need to consider the interaction between risk factors

at an individual level, a contextual level and a situational level. Understanding how the relationship between culture, the context and the self influences offending behaviour should be at the forefront of any strategy directed towards managing offenders. Additionally the research also demonstrated that there is a need to consider the identification of the individual's strengths through the utilisation of strength-based approaches to formulate a rehabilitative strategy.

A consideration of the context in which risk assessment takes place should also be at the forefront of any comprehensive strategy. This includes the consideration of the organisational milieu that may lead to heuristic biases and errors (Tversky & Kahneman, 1981). Heuristics are cognitive strategies or “rules of thumb” used to take “cognitive shortcuts” as means to reduce the effort necessary to reach a decision or solve a problem (Almond, Alison, Eyre, Crego & Goodwill, 2008). Kahneman and Tversky (1974) were among the first to describe various heuristics that incorporated: representativeness, availability and anchoring/ adjustment biases. Subsequent research highlighted a number of heuristics and biases that may influence decision making such as Illusory Correlations (Chapman & Chapman, 1967), Fundamental Attribution Error (Ross, 1977), the significance of base rates, and Availability Heuristics (Quinsey, 1995) (see Avellino, 2014a, chapter 1).

Although the organisational context is not the sole influence behind these heuristics, errors and biases, it could be considered as part of a wider context. As Malta is so small and densely populated, offenders and probation officers often share the same community and subsequently the same sociocultural experience. This may result in the two sharing the same belief-system, attitude and perception. Therefore probation officers may not be as far removed from the offender's context and so it may be harder for probation officers to identify the pervasive aspects that contributed to offending behaviour. Furthermore assessors may form impressions based upon incomplete information that they are presented with. Implicit

personality theory for example emphasised the influence of context upon impression formation (see Dwerk, Chiu & Hong, 1995). Therefore assessors may draw conclusions regarding the offenders based upon impressions they have formed but also based upon their own assumptions. Similarly offenders may also be likely to relate their story based upon their own interpretation of events. For example, Marshall and Barbaree (1990) have contended that cognitive distortions, which are reflective of an offender's belief-system, attitude and perception, are precursors to offending behaviour. This suggests that an offender's narrative may also be constructed in a way that reflects a perceived expectation that the offender has regarding what the assessor expects to hear. For example offenders may describe feeling remorse when discussing the impact their offences had on the victim due to their perception that the assessor expects to hear this, as opposed to actually feeling a sense of remorse.

This also suggests that the research may be subject to the same limitations indicated above due to being largely developed around the offender's narratives, as well the probation officer's interpretation of the offender's behaviours or events. Furthermore offenders, particularly those who have been previously come into contact may have developed Detection Evasion Skills (Jones, 2004) and may have learnt how to conceal offending behaviours or thoughts and may have learnt how to manipulate the criminal justice system in their favour. For example, offenders may have learnt how to respond "appropriately" to the questions asked or may have received guidance by their lawyers in order to influence the outcome of the report. On the other hand probation officers may be likely to engage in heuristic biases and errors (Tversky & Kahneman, 1981) such as Illusory Correlations (Chapman & Chapman, 1967), Fundamental Attribution Error (Ross, 1977), Availability Heuristic (Quinsey, 1995).

The author also acknowledges that there are several limitations with the use of content analysis. Orwin (1994) indicates that there are four potential areas of error when utilising content

analysis. Firstly, it could be argued that the text being analysed is inherently flawed, as pre-sentence reports are based upon probation officers drawing upon their professional judgement. Logically then, these reports may also be subject to the same criticisms as risk assessment methods based upon subjective interpretations. Secondly, there may be ambiguity in the manner in which coders may interpret the information. Another limitation is that the coder may be biased particularly as pre-conceived notions of what precedes offending behaviour may have influenced the author to favour certain coding units over others (Nickerson, 1998; Rabin & Schrag, 1999). The coder may have also made mistakes when coding the data.

However the use of content analysis allowed the author to capture the “spirit” of the narratives; offenders were able and willing to share their life stories and provide probation officers with a backdrop to their criminal lifestyles. Some offenders indicated that a particular life event acted as a trigger for their offending behaviors whereas others stressed that it was a combination of factors that led to them committing a crime. This suggests that risk factors may not be considered to be individual factors alone but rather a conglomeration of aspects unique to the individual. Through this research it transpired that each offender had their own story to tell and as at times the information provided by offenders was so unique that it might not have been identified through actuarial approaches.

Overall the current research has addressed two main issues; the consideration of the role of pre-sentence reports and how this relates to the assessment and the management of risk with respect to probation in Malta but also within a broader sense. The findings seem to specify a number of interacting individual factors potentially predictive of offending, grounded within the context the offender is in and influenced by situational aspects that are rather unique to the offender. This suggests that there is a need to consider the exploration of innovative approaches to assessing risk that are not limited to generic methods of gauging risk. The implications of the

study indicate that a consideration of these innovative approaches in re-conceptualising pre-sentence reports and providing a far more effective strategy to assess risk and devise risk management plans.

References

Almond, L. Alison, L. Eyre, M. Crego, J. & Goodwill, (2008). Heuristics and biases in decision making. In L. Alison & J. Crego (Eds). *Policing critical incidents: Leadership and critical incident management* (pp.151-180). Devon: Willan Publishing.

Andrews D.A. & Bonta, J. (1995). *LSI-R: The level of service inventory-revised user's manual*. Toronto: Multi-Health Systems.

Andrews D.A & Bonta, J. (2001). *LSI-R: The level of service-inventory-revised user's manual*. North Tonawanda, NY: Multi-Health Systems.

Andrews, D. A., & Bonta, J. (2010). *The psychology of criminal conduct* (5th ed.). New Providence, NJ: LexisNexis Matthew Bender.

Andrews, D.A. Bonta J. & Wormith, J. (2008). *The level of service/risk, need, responsivity (LS/RNR): User's manual*. Toronto: Multi-Health Systems.

Avellino, C. (2014a). *Constructing a new risk assessment and risk management strategy for the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.

Avellino, C. (2014d). *Towards a new model of practice in risk assessment and risk management in the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.

Avellino, C. (2014e). *Implementing a new strategy for risk assessment and risk management in the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.

Baier C. & Wright, B. (2001). "If you love me, keep my commandments": A meta-analysis of the effect of religion on crime". *Journal of Research in Crime and Delinquency*, 38, 3-21.

Baumeister, R. (2001). Violent Pride: Do people turn violent because of self-hate or self-love? *Scientific American*, 284(4), 96–101.

Baumeister, R. F. (2005). Self-concept, self-esteem, and identity. In V. Derlega, B. Winstead, & W. Jones (Eds.), *Personality: Contemporary theory and research* (3rd ed.) (pp. 246-280). San Francisco, CA: Wadsworth.

Beyens, K. & Scheirs, V. (2010). Encounters of a different kind: Social enquiry and sentencing in Belgium. *Punishment and Society* 12(5).

Berg, B.L. (2001). *Qualitative research methods for the social sciences* (4th ed). Boston: Allyn and Bacon.

Bonta, J. Bourgon, G. Jesseman, R. & Yessine, A.K. (2005). *Presentence reports in Canada* (User report 2005-03). Ottawa: Public Safety Canada.

Bowlby J. (1950). *Maternal care and mental health*. New York: Schocken books.

Bushman, B. & Anderson, C. (2001). Is it time to pull the plug on the hostile versus instrumental aggression dichotomy? *Psychological Review*, 108(1), 273-279.

Case, S. & Haines, K. (2007). *Understanding youth offending: Risk factor research, policy and practice*. Devon: Willan publishing.

Casey, S., Day, A., Vess, J. & Ward, T. (2012). *Foundations of offender rehabilitation*. London: Routledge.

Chapman L.J. & Chapman, J.P. (1967). Genesis of popular but erroneous diagnostic observations. *Journal of Abnormal Psychology*, 72, 193-204.

Cheliotis, L. K. (2006). How Iron is the Iron Cage of New Penology? The Role of Human Agency in the Implementation of Criminal Justice Policy. *Punishment Society*, 8(3), 313-340.

Clarke, R. & Felson, M. (Eds.) (1993). *Routine activity and rational choice*. London: Transaction Press.

Cole, D.P & Angus, G. (2003). Using pre-sentence reports to evaluate and respond to risk. *Criminal Law Quarterly*, 47, 302-357.

Cooke, D. J. (2000). Current risk assessment instruments. Annex 6 in Lord MacLean: A report of the Committee on Serious Violent and Sexual Offenders (pp. 151-158). Edinburgh: Scottish Executive.

Cooke, D. J. & Michie, C. (2013). Violence risk assessment: From prediction to understanding- or from what? To why? In C. Logan & L. Johnstone (Eds.), *Managing clinical risk: A guide to effective practice* (pp. 3–25). Abingdon: Routledge.

Coolican, H. (2004). *Research methods and statistics in psychology*. London: Hodder & Stoughton.

Copas, J., & Marshall, P. (1998). The offender group reconviction scale: a statistical reconviction score for use by probation officers. *Applied Statistics*, 47, 159-71.

Corbett, C., & Simon, F. (1992). Decisions to break or adhere to the rules of the road, viewed from the rational choice perspective. *British Journal of Criminology*, 32, 537-549.

Daffern, M., Jones, L., Howells, K., Shine, J., Mikton, C. & Tunbridge, V. (2007). Redefining the definition of offence paralleling behaviour. *Criminal Behaviour and Mental Health*, 17, 265-273.

Deane, H. (2000). The influence of pre-sentence reports on sentencing in a district court in New Zealand. *The Australian & New Zealand Journal of Criminology*, 33, 91-106.

Dwerck, C., Chiu, C. & Hong, Y. (1995). Implicit theories and their role in judgments and reactions: A world from two perspectives. *Psychological Inquiry*, 6(4), 267-285.

Erlandson, D., Harris, E., Skipper B. & Allen S. (1993). *Doing naturalistic inquiry: A guide to methods*. Newbury Park, CA: Sage.

European Union (2013). *European Social Statistics*. Luxembourg: Publications Office of the European Union retrieved from http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-FP-13-001/EN/KS-FP-13-001-EN.PDF

Eysenck, H. J., & Eysenck, M. W. (1985). *Personality and individual differences: A natural science approach*. New York: Plenum.

Farrington, D.P. (1993). Understanding and preventing bullying. In M. Tonry (Ed.). *Crime and Justice: A review of research* (Vol. 17, pp. 381-458). Chicago: University of Chicago Press.

Farrington, D.P (1995). The development of offending and antisocial behaviour from childhood: Key findings from the Cambridge study in delinquency development. *Journal of Child Psychology and Psychiatry*, 36, 929-964.

Farrington, D.P. (Eds.) (2005). *Integrated developmental and life-course theories of offending* (Advances in Criminological Theory, Vol. 14). New Brunswick, N.J.: Transaction.

Farrington D.P. (2007). Childhood risk factors and risk-focused prevention. In M.Maguire, R. Morgan & R.Reiner (Eds.), *The Oxford handbook of criminology* (4th Ed. pp.602-640). Oxford, UK: Oxford University Press.

Feld S. & Tata, C. (2010). Connecting legal and social justice in the neo-liberal world? The construction, interpretation and use of pre-sentence reports. *Punishment & Society*, 12(3), 235- 238.

Gottfredson, D.C. (2001). *Schools and delinquency*. Cambridge University Press: New York.

Hannah-Moffat, K. & Maurutto P. (2010). Restructuring Pre-sentence Reports Race, Risk, and the PSR. *Punishment and Society*, 12(3), 262–286.

Hanson R.K. & Harris, A.J.R. (2000). Where should we intervene? Dynamic predictors of sex offense recidivism. *Criminal Justice and Behaviour*, 27, 6-35.

Hare, R.D. (1991). *The Hare Psychopathy Checklist-Revised (PCL-R)*. Toronto: Multi-Health Systems.

Hare, R.D. (1996). Psychopathy and antisocial personality disorder: A case of diagnostic confusion. *Psychiatric Times*, 13(2), 39-40.

Holsti, O.R. (1968). Content analysis. In G.Lindzey & E.Aaronson (Eds.), *The handbook of social psychology* (pp.596-692). Reading, MA.: Addison-Wesley.

Home Office (2001). *Offender Assessment System OASys User Manual*. London: Home Office.

Horney, J. Osgood W. & Marshall, I. (1995). Criminal careers in the short-term: Intra-individual variability in crime and its relation to local life circumstances. *American Sociological Review*, 60, 655-673.

Ireland, J.L. and Ireland, C.A. (2003). How do offenders define bullying? A study of adult, young and juvenile male offenders. *Legal and Criminological Psychology*, 8, 159–173.

Jones, L. (2004). Offence paralleling behaviour (OPB) as a framework for assessment and intervention with offenders. In A. Needs and G. Towl (Eds.), *Applying Psychology to Forensic Practice* (pp.34-63). Oxford: Blackwell.

Justice Committee (2011). The Role of the Probation Service. United Kingdom: House of Commons retrieved from <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmjust/519/51905.htm#n17>

Kahneman D. & Tversky A. (1974). Judgement under uncertainty: Heuristics and biases. *Science*, 185, 1124-1131.

Kemshall, H. & Maguire, M. (2001). Public protection, partnership and risk penalty. The multi-agency risk management of sexual and dangerous offenders. *Punishment and Society*, 3(2), 237-264.

Kernis, M., Grannemann, B. & Barclay, L. (1989). Stability and level of self-esteem as predictors of anger arousal and hostility. *Journal of Personality and social Psychology*, 56(6), 1013-1022.

Krippendorff, K. (2004). *Content analysis: An introduction to its methodology* (2nd ed.). Thousand Oaks, CA: Sage.

Laub J.H. & Sampson, R.J. (2001). Understanding desistance from crime. In M.Tonry (Ed.), *Crime and justice: An annual review of research*, Vol. 28, pp. 1-69. Chicago: University of Chicago Press.

Laub J.H. & Sampson, R.J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, MA.: Harvard University Press.

Maruna S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. Washington, DC.: American Psychological Association.

Maruna, S. & LeBel, T.P. (2003). Welcome home? Examining the reentry court concept from a strengths-based perspective. *Western Criminology Review*, 4 (2), 91–107.

Marshall, W. L., & Barbaree, H. E. (1990). An integrated theory of the etiology of sexual offending. In W. L. Marshall, D. R. Laws, & H. E. Barbaree (Eds.), *Handbook of sexual assault: Issues, theories, and treatment of the offender* (pp. 257 – 275). New York: Plenum.

Marshall, W.L., Fernandez, Y.M., Settan, G.A., Mulloy, R., Thornton, D., Mann, R.E., & Anderson, D. (2003). Process variables in the treatment of sexual offenders: A review of the relevant literature. *Aggression and Violent Behaviour*, 8, 205-234.

McGuire, J. (2008). What works. In G. Towl, D.P. Farrington, D.A. Crighton & G. Hughes (Eds.), *Forensic psychology*. Cullompton: Willan Publishing.

McNeill, F., Burns, N. Halliday S., Hutton N. & Tata, C. (2009). Risk, responsibility and reconfiguration: Penal adaptation and misadaptation. *Punishment and Society*, 11(4), 419-4.

McMurrin, M. (2002). Motivation to change: selection criterion or treatment need? In M. McMurrin (Ed.), *Motivating offenders to change: A guide to enhancing engagement in therapy* (pp. 3-14). Chichester: John Wiley.

Ministry of Education, Employment and the Family co-funded with the EMCDDA (2011). *Malta: New Developments, Trends and In-depth Information on Selected Issues (2008-2010 National Report to the EMCDDA by the Reitox National Focal Point)*. Malta: Ministry of Education, Employment and the Family co-funded with the EMCDDA.

National Statistics Office (2010). *Malta in Figures 2010*. Valletta: Government Printing Press.

Nickerson, R. (1998). Confirmation bias: A ubiquitous phenomenon in many guises. *Review of General Psychology*, Vol. 2 (2), 175-220.

Office for National Statistics (2014). *Crime in England and Wales, Year ending March 2014*. Statistical Bulletin. Retrieved from http://www.ons.gov.uk/ons/dcp171778_371127.pdf.

Orwin, R.G. (1994). Evaluating coding decisions. In H. Cooper and L.V. Hedges. *The handbook of research synthesis* (pp.139-162). New York: Russell Sage Foundation.

Persson A. & Svensson, K. (2012). Shades of professionalism: Risk assessment in pre-sentence reports in Sweden. *European Journal of Criminology*, 9(2), 176-190.

Phoenix, J. (2010). Pre-sentence reports, magisterial discourse and agency in the Youth Courts in England and Wales. *Punishment & Society*, 12(3), 348-366.

Polaschek, D.L.L.(2012). An appraisal of the risk-need responsivity (RNR) model of offender rehabilitation and its application in correctional treatment. *Legal and Criminological Psychology*, 17, 1–17.

Quinsey, V. L. (1995). The prediction and explanation of criminal violence. *International Journal of Law and Psychiatry*, 18, 117-127.

Quinsey, V., Harris, G., Rice, M. & Cormier, C. (Eds.) (2006). Violence Risk Appraisal Guide (VRAG). In *Violent offenders: Appraising and managing risk* (2nd). Washington, DC.: American Psychological Association.

Rabin, M. & Schrag, J.L. (1999). First impressions matter: A model of confirmatory bias. *The Quarterly Journal of Economics*. Vol. 114(1), Feb.

Robinson, G. (2003). Risk and risk assessment. In W.H. Chui & M. Nellis (Eds.) *Moving probation forward: Evidence, arguments and practice*. Harlow: Pearson Longman.

Ross, L. (1977). The intuitive psychologist and his shortcomings: Distortions in the attribution process. In L. Berkowitz, *Advances in experimental social psychology*, 10, pp. 173-220. New York: Academic Press.

Sampson R.J. (2001). How do communities undergird or undermine human development? Relevant contexts and social mechanisms. In A. Booth, & N. Crouter (Eds.), *Does it take a village? Community effects on children, adolescents and families*. Mahwah, NJ: L. Erlbaum.

Scicluna, S. (2008). Malta. In A. M. van Kalmthout, & I. Durnescu, *Probation in Europe* (pp. 615-635). The Netherlands: Wolf Legal Publishers.

Stinchcomb, J. & Hippensteel, D. (2001). Presentence investigation reports: A relevant justice model tool or a medical model relic? *Criminal Justice Policy Review*, 12, 164-177.

Soothill, K., Francis, B. Sanderson, B. & Ackerley, E. (2000). Sex offenders: Specialists, generalists- or both? *British Journal of Criminology*, 40, 56-67.

Tata, C.T., Halliday, S., Hutton N. & McNeill N. (2007). *To inform and advise? The interpretation and use of pre-sentence reports in the sentencing process*. Paper presented at the Annual Conference of the International Society for the Reform of the Criminal Law 2007, 20th Anniversary Conference, Dublin, Ireland.

Theobald D. & Farrington, D.P. (2009). Effects of getting married on offending: Results from a prospective study of males. *European Journal of Criminology*, 6, 496-516.

Tversky A. & Kahneman D. (1981). The framing decisions and the psychology of choice. *Science*, 211, 453-458.

Wakeling H., Howard, P. & Barnett, G. (2011). Comparing the validity of the RM2000 scales and OGRS3 for predicting recidivism by internet sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 23, 146-168.

Ward T. & Marshall, W.L. (2007). Narrative identity and offender rehabilitation. *International Journal of Offender Therapy and Comparative Criminology*, 6 (51), 279-297.

Ward T. & Maruna, S. (2007). *Rehabilitation: Beyond the risk paradigm*. London: Routledge.

Weber R.P. (1990). *Basic content analysis*. Newbury Park, CA.: Sage Publications.

Youngs D. & Canter D. (2011). Narrative roles in criminal action: An integrative framework for differentiating offenders. *Legal and Criminological Psychology*, 17, 233-249.

**Chapter 3: Towards a comprehensive theoretical and empirical
base for the risk assessment and risk management of offenders**

Chapter 3: Towards a comprehensive theoretical and empirical base for the risk assessment and risk management of offenders

Abstract

The role of developmental and situational factors in offender risk assessment and risk management has been largely ignored. This may be due to the fact that developmental and situational theories mainly focus upon explaining how offenders transition in and out of offending yet provide little information regarding the underlying process of change. Offender narratives, on the other hand, may provide insight into the manner in which offenders interpret and make sense of the world around them that may account for that change. This paper discusses the contributions of developmental and situational theories in understanding offending behaviour and how these can be understood through the offender's personal narrative to provide a comprehensive theoretical and empirical base for the risk assessment and risk management of offenders. The findings of this research have implications for both risk assessment and risk management, which until now have not fully considered the role of situational and developmental contexts and the importance of self as manifested through the personal narratives of offenders.

The Role of Developmental and Situational Contexts in Offending

Integrated Developmental and Life-Course theories focus mainly upon analysing the development of offending and antisocial behaviour, risk and protective factors at different stages in life and the manner in which life events influence an offender's course of development (Farrington, 2005). Both integrated developmental and life-course theories recognise the importance of measuring the onset of offending behaviour, continuation and desistance in order to understand the development of criminal careers (Farrington, 1995). Emphasis is placed upon the importance of exploring within-individual changes in offending throughout the offender's lifespan as opposed to focusing on between-individual changes in offending (Farrington, 2005). This accentuates the change that may occur within an offender's life rather than focusing upon changes between different offenders.

Over time the Integrated Developmental and Life-Course theories began to include research on risk factors, developmental research and life-course criminology (Farrington, 1995). The risk factor research seeks to identify the risk factors predictive of offending (e.g. Loeber & Farrington, 1998), developmental criminology considers the role of risk factors upon development (e.g. LeBlanc & Loeber's (1998) Age-graded theory of crime) whereas life-course theories focus upon the importance of life events and how offender's transition into criminal careers (e.g. Laub & Sampson's (1993) research on life events). Furthermore the Integrated Developmental and Life-Course theories also incorporate the criminal career paradigm, which describes individuals as following pathways or trajectories throughout their lives (Fraser, Burnam, Batchelor & McVie, 2010) that are mediated life events.

So from a practical point of view, assessment drawing upon developmental and life-course theories would seek to explore the development of offending behavior across the offender's life course. This could be facilitated through the identification of the onset of

offending (focusing therefore upon identifying the triggers of offending as well as the first time when offending occurs), the continuation of offending (whether offending recurs as a repeated pattern or even escalation) and in some cases what led to desistance (as a means to maintain it). The collection of this information is however largely dependent upon the offender's perception of events, veracity of responses as well as assessor's ability to find out if the information is accurate. Furthermore this would be highly informative to practitioners as it provides a developmental backdrop to offending behavior but also provides an alternative to the risk factor paradigm that dominates risk assessment at present.

Situational aspects such as background circumstances, life events, and lifestyle, could be considered to be contextual elements that explain how offenders transition in and out of criminality. Situational factors have been linked to the life-course theories as they have explored the criminal pathways to offending (Farrington, 2005). These pathways are believed to be mediated by "transitional periods" or "turning points" that serve as deterrents or initiators of criminal careers. Life course theories such as Moffitt's (1993) dual taxonomy theory that introduced "adolescence-limited" and "life course persistent" offenders and Farrington's (2007) work on "criminal careers" have discussed at length the manner in which individuals follow pathways or trajectories throughout their lives (Fraser, Burnam, Batchelor & McVie, 2010). Risk assessment could therefore be augmented by developmental and situational theories in order to understand the manner in which offenders transition into offending, maintain offending behaviour or explore the impact of life events upon desistance. Furthermore this approach would provide a more idiographic approach to risk assessment. This will be discussed further in the sections below.

The Developmental Context

Developmental theorists argue that individuals follow developmental pathways in life, which commence even before birth and proceed throughout the life course (Cullen & Agnew, 2002). The developmental movement, despite being somewhat determinist in nature, highlights the role between the individual, and biological and social elements that could be held responsible for the development or the transition in and out of criminal careers (onset of offending behaviour, duration and transitioning out) (Cullen & Agnew, 2002). Although, criminal careers may commence at any time during an individual's life, most studies would suggest that criminality starts in adolescence (e.g. Moffitt, 1993; Sampson & Laub, 1997) and may in some instances progress into adulthood.

The transition out of these criminal careers is at times mediated by "turning points" that act as a catalyst for change leading to desistance from offending and the maintenance of a prosocial lifestyle that may indeed be dependent upon the individual's capacity for resilience (see Fitzpatrick, 2011). So for example, specific events such as finding employment, could lead to a prosocial lifestyle, as it may provide a sense of competence in his role, relatedness with other employees and autonomy such as financial independence (see Ryan and Deci, 2000, discussed below). However because developmental theories require longitudinal research, this creates measurement and logistical issues, due to the difficulties experienced by researchers following-up on participants. This also implies that understanding the underlying process of change has also been problematic, despite playing an important role in promoting desistance. The reasons why this might be the case will be explored in more details later.

Integrated Cognitive Antisocial Potential Theory

Much of the research regarding criminality has focused upon identifying explicit risk factors held responsible for offending behaviour. Yet actuarial approaches to risk assessment

for example assess for the presence of risk factors however they do not take into account *when* these risk factors may be active and the interaction between risk factors. Developmental theories on the other hand explore the differences between individuals (e.g. why do some individuals choose to offend whereas others within the same circumstance do not?) as a means to predict (re) offending.

Farrington (2005) developed the hypothetical 'Integrated Cognitive Antisocial Potential' (ICAP) theory to address individual differences in criminal potential and within-individual differences in the commission of offences. The main explanatory concept used by the ICAP theory is antisocial potential (AP) which refers to an individual's potential to commit an offence (Farrington, 2007). ICAP creates a distinction between long-term and short-term antisocial potential. Long-term antisocial potential refer to persisting, antisocial potential that is dependent upon aspects such as strain, impulsiveness, modelling and socialisation processes, and life events. So according to ICAP, aspects such as social attachment and the process of socialisation are likely to have a long-term effect on offenders (Casey, 2011). Therefore the offender's upbringing, which could have been influenced by parenting style or peer influences, could be key in determining the individual's potential for offending. Previous studies have also highlighted the importance of childhood factors. Some examples include earlier studies that explored the childhood risk factors predictive of aggression by Loeber, Wei, Stouthamer-Loeber, Huizinga, and Thornberry (1999) and Huesmann, Eron, Lefkowitz and Walder (1984).

Furthermore attachment may be seen to provide an understanding of the offender's cognitive and behavioural issues and subsequently could be an essential component to developing a comprehensive risk management strategy (see Ansbro, 2008). Avellino (2014b, chapter 2) discussed the role of attachment when discussing childhood adversity. The analysis of a particular offender's narrative suggested that he was unable to develop a secure attachment

with his caregivers as most of these often found employment elsewhere. As a result this affected his ability to develop subsequent attachments with others, which often resulted in him acting out as a means of “survival”. This analysis indicates that the development of a criminal career could stem from individual-specific events that may commence in childhood, such as not developing a secure attachment, that in combination with other more contextual elements present in the person’s life, contribute to offending. Although this one aspect may not be the determining factor that leads to offending, it could however act as a precipitator to other aspects such as relatedness or difficulty in establishing secure and healthy relationships as an adult. Thus establishing the long-term potential for offending.

Short-term antisocial potential on the other hand refers to within-individual variations which are influenced by motivating aspects such as unemployment and financial difficulties which are activated by aspects such as alcohol abuse and peer influences and situational aspects such as opportunity to commit an offence or exposure to ‘potential’ victims (Farrington, 2005). According to Farrington antisocial potential becomes activated by the individual’s need for material wealth, status, sexual satisfaction or excitement (Case & Haines, 2007; Farrington, 2007). Furthermore it may be diminished by positive aspects such as positive attachment, life events such as marriage, and prosocial socialisation (Case & Haines, 2007). Therefore individuals attempt to compare the benefits (e.g. material wealth) against the losses (e.g. being caught) of the immediate situational factors in order to reach a decision whether to commit the offence or not. This process can be considered to be reflective of cognitive processing guided by scripts of behavior (see Avellino, 2014e, chapter 5). Scripts are mental representations of sequences that direct behavior in expected situations. The more an offender engages in this process, which denotes the use of this offence script, the more likely this becomes an automatic thought process. Bushman and Anderson (2001) for example proposed model of information-processing related to aggressive behavior. According to this model offenders who engage in

“automatic cognitive information-processing” are likely to engage in hostile impulsive aggression. This form of behavior is motivated by a need to cause harm to others. The offender subsequently does not require much cognitive processing. On the other hand when the offender participates in “conscious cognitive-processing” he is engaging in premeditated instrumental aggression. This behaviour that is planned in advance.

Therefore from a practical point of view offenders may consider the possibility of stealing from a shop by establishing whether the item is worth the effort, or it allows for instant gratification (for example as a means to sustain a drug habit) against the risk of being caught by the police. However according to Walter’s (1995) theory of criminal thinking, some offenders are not capable of rational thought. Walters (1995) for example proposed the Theory of Criminal Thinking and the Criminal Thinking Styles (PICTS). The PICTS is an 80-item self-report measure of the criminal cognitions and thinking styles, comprised of eight scales (Walters, 1995). These scales include: mollification (the offender rationalises the deviant behavior); cut-off (the offender quickly “cuts off” deterrents of crime such as feelings of fear and anxiety); entitlement (the offender feels a sense of ownership and justifies his actions); power orientation (the offender acts aggressively as a means to control others); sentimentality (the offender attempts to compensate for his actions through prosocial actions); super-optimism (the offender engages in an over-estimation of his ability to avoid the negative implications of a criminogenic lifestyle); cognitive indolence (the offender demonstrates a credulous attitude in relation to his thought-processes, plans and problem-solving skills) and discontinuity (where the offender has disordered thought processes with poor self-discipline, despite having good intentions) (Egan, 2000; Walters & Geyer, 2004). In addition the PICTS also includes two validity scales that includes “confusion” in understanding the items and “defensiveness” which relates to the offender’s lack of insight in relation to the offending behaviour (Egan, 2000). Walter’s (1995) research clearly demonstrates that some offenders do not consider the consequence of

committing offending behavior. An example of this is the “cut-off” measure where the offender literally shuts off deterrents of crime.

Farrington has explained offending as the interaction between risk factors, agency, cognitive processes (rational decision to engage in crime) and situational factors (Case & Haines, 2007). Nonetheless antisocial potential varies from individual to individual, and changes with time (Farrington, 2005). From a practical point of view assessments may therefore focus upon exploring the offender’s short and long-term potential to commit an offence, which also considers the offender’s perspective or worldview at that point in time, that may be mediated by the offender’s intra- and intrapersonal factors (see Avellino, 2014e, chapter 5). Furthermore the identification of the offender’s needs may also serve to explore the triggers for antisocial potential. Assessors could focus upon the identification of specific triggers such as material gain or status amongst peers. This could be further explored through the identification of primary goods (the offender’s goals) and instrumental goods (the means used to achieve these goals) as discussed through the Good Lives Model (Maruna & Ward, 2007) (which is briefly discussed below).

Developmental Ecological Action Theory and Situational Action Theory

Wikstrom’s (2005, 2008) Developmental Ecological Action Theory (DEAT) interpreted offending as an interaction between the individual and the setting (which could consist of people, objects, events, locations which offenders form part of and respond to) (Wikstrom, 2008). According to this theory causal mechanisms, that link risk factors to offending, are the interactions that occur between risk factors, and they provide information regarding the process underlying the conversion of risk factors into offending behaviour (Case & Haines, 2007). Similarly the Cognitive-Affective Personality System Theory of Personality (Mischel & Shoda, 1995) discussed the influence of the situation upon the individual, by explaining that despite

personality being stable it is likely to fluctuate according to the situation the individual encounters. This variation in personality may be due to the individual's method of encoding information, expectations, beliefs, affects, goals, values, competencies and self-regulatory plans (Mischel & Shoda, 1995).

Wikstrom (2005) also emphasised the influence of the context in which offending occurs. Assessors may therefore seek to explore the offender's relationship with "explanatory factors" which include the offender's familial social status, the social situation (i.e. the family and social bonds), the individual's predisposition to offend (regulated by aspects such as morality and self-control), and the offender's lifestyle (by exploring the offender's involvement with delinquent peers or even substance abuse) as a means to predict re-offending (Wikstrom & Butterworth, 2006). This approach stresses the importance of exploring the causes of offending rather than focusing exclusively upon the identification of risk factors, particularly when engaging in risk assessment.

Wikstrom and Butterworth (2006) have developed the Situational Action Theory (SAT) which is a general theory of moral action which seeks to determine why offenders choose to engage in moral rule breaking (this refers to individuals not following general norms or social rules by for example wearing colourful attire at a catholic funeral or even rules defined by law) (Wikstrom & Treiber, 2009). The SAT is based upon the premise that individuals are driven by social order and generally adhere to the rules imposed by society. Therefore SAT seeks to explore the relationship between the rules that govern society and the individuals' moral rules that shape his actions.

Offending can be understood to occur as a result of the action-alternatives that the offender perceives to have at his disposition. This implies that offending behaviour results as an interaction between the offender's characteristics (propensity to offend) and the offender's

context (which provides the opportunities that present action-alternatives). The offender's perception of 'action alternatives' regulates the decision-making process behind the choice to engage in offending. For example an offender may justify stealing as a means to provide food for his family. This further emphasizes the relevance of considering the interaction between the offender's propensity to offend and the offender's context when engaging in risk assessment. Furthermore changes may occur throughout the offender's development which may affect the offender's moral context, subsequently influencing the offender's decision to continue offending or desist altogether.

The DEAT and SAT have attempted to provide a framework for an integrated understanding of risk factors. Different influences that occur during different stages in life (in terms of age but also stages in a criminal career) may influence the offender's decision to desist or persist in offending. This implies that assessment should focus upon exploring the offender's moral construct and perception of the world around him. For example, Kelly's Personal Construct Theory (PCT) described individuals as having their own method by which to give meaning and interpret the world around them, through their "inner outlook" (Warren, 2012). This means that an individual's personal experiences and interpretations serve to shape their worldview (Kelly, 1955 as cited by Warren, 2012). Therefore the offender's perception of the world is shaped by the meaning attributed to past experiences and will influence the manner in which he anticipated future events. This means that practitioners seeking to bring about a change within the offender, must first explore his past experiences in order to determine the manner in which he will anticipate future events. For example a sex offender may avoid engaging in adult relationships in favour of forming relationships with children, due to his experience of rejection as a child.

This implies that an understanding of the offender's intra- and interpersonal influences should be considered in relation to the offender's interaction with the context (and subsequently opportunities it provides for offending). Risk assessment may therefore focus upon exploring offender narratives as a means to further the understanding of underlying individual processes of offending behavior. This could lead to the development of risk management strategies that focus on exploring offender perceptions and sense-making as a means to develop prosocial moral values. This will be explored further in the section "Narratives" found below.

Adolescence-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy

The relationship between age and crime has been an area of contention for many scholars yet has been recognised by many as providing an important contribution. Generally, the age-crime curve indicates that many offenders commence their criminal careers at a young age, they increase their rate of offending significantly during adolescence, and then a steady drop is observed as they transition into young adulthood (Moffitt, 2010). Yet there have been differences in opinion regarding whether the age-crime curve is the same for all offenders and therefore does not vary according to the individual as proposed by Hirschi and Gottfredson (1983). Whereas Farrington (2007) emphasised the importance of individual differences (Moffitt, 2010). Subsequently Moffitt (1993) provided an alternative perspective on the age-crime curve by proposing a "dual taxonomy" theory to explain why antisocial behaviour tends to demonstrate continuity over time yet undergoes a dramatic change with age.

Moffitt (1993) identified two types of offenders who follow their own distinct pattern of offending; adolescent-limited offenders (AL), who tend to engage in crime in their youth and desist from crime once they reach adulthood whereas life-course persistent offenders (LCP) persist with their offending across the lifespan. Moffitt, Caspi, Harrington and Milne (2002)

explained that the reason why some adolescents choose to desist, particularly as they approach adulthood, is due to maturity and due to having experienced a stable socialisation process although the environmental factors that stimulate desistance are still unknown (Fougere & Daffern, 2011). This however would imply that individuals who have not had a stable upbringing, such as in cases of parental marital discord are likely to offend, however those individuals who on the contrary have had a stable upbringing would not. Avellino (2014b) however noted that some offenders indicated that at times their “close-knit” families, that is families that provided a supportive environment, would often also inadvertently encourage them to engage in crime. This was due to the families being described as over-protective to a point that the offenders themselves acknowledged that their family minimised their deviant behavior. This however may be reflective of Maltese culture (as families which often include extended families tend to be characterised by strong emotional ties) than a general trend with offenders, nonetheless indicating the potential of contextual aspects in relation to offending.

Moffitt (2010) explained that LCPs tend to display neuropsychological issues around birth (e.g. maternal substance abuse, lack of prenatal care or genetics), which in turn result in negative interactions with the environment throughout childhood. This may result in early delinquency and subsequently evolve into persistent criminal careers (Barnes & Beaver, 2010). Moffitt (1993) also stressed that most offenders may be classified as ALs as the delinquency offenders engage is usually “normative” (for example struggling to gain independence from their parents), as a result of proximal factors⁸ and limited to adolescence whereas LCPs are far less common despite resulting in a lifespan of criminality. ALs offender are therefore, from a practical point of view, reflective of the “typical” offenders that probation officers follow in Malta. They might be at as stage where they are rebelling against their parents and authorities

⁸ Proximal risk factors occur “within” (or in close proximity to) the individual (see discussion below).

as a means of asserting themselves and establishing an identity for themselves. Whereas LCPs may be reflective of problematic, long-term “clients” followed by probation officers that find themselves returning to probation, as aging clients.

Although Moffitt’s research was met with much support (Kratzer & Hodgins, 1999; Moffitt, Caspi, Dickson, Silva & Stanton, 1996; Wiesner, 2007) yet Sampson and Laub (2005) have questioned certain aspects of the Moffitt’s “dual taxonomy”, suggesting that the different patterns of offending are due to differences in offender typologies. On the other hand, Sampson and Laub (2005) argued that criminal careers are altered by changes that occur through informal social controls, therefore life events that act as turning points whereas Moffitt emphasized the role of different factors and developmental issues.

Generally longitudinal studies, such as Moffitt’s dual taxonomy, have provided a clearer understanding of why and how offenders continue to offend or desist altogether. Furthermore, as Farrington (1994) posited it is important to understand the underlying processes that occurred even prior to the offending behavior. Longitudinal studies have also highlighted the role of protective factors in understanding why some individuals despite being exposed to the same risk factors do not engage in offending whereas others do. Moreover developmental theories such as Moffitt’s dual taxonomy have indicated that risk assessment should not be restricted to a “tick box” exercise that seeks to identify the presence of pre-determined risk factors but should seek to explore the interaction between risk factors, the role of individual propensity as well as the context which may exacerbate offending or encourage desistance.

This is particularly relevant when trying to understand the interaction between these various aspects. For example, the pervasive influence of culture in Malta is clearly denoted by the family dynamic. The family unit is highly valued in Maltese society, and is highly relevant

when probation officers attempt to work⁹ together with offenders. Often probation officers when engaging in risk assessment at a pre-sentence stage would need to provide a backdrop explaining the relationships and influences between family members, this is because the influence of the family may determine the success or otherwise of an offender's engagement on rehabilitation. Typically family members would also form a part of a risk management plan that would range from family members supporting the offender in attending regular appointments with his probation officer to providing feedback regarding the offender's progress. This involvement of family member relates to both adolescents and adults, as Maltese typically live within close proximity to one another.

Moreover Moffitt's theory has raised an important point; most offenders will naturally desist as they reach maturity, possibly also due to a change in the manner offenders start to perceive themselves within their criminal lifestyle (see Giordano, Cernkovich, & Rudolph, 2002). Offenders may develop new skills to avoid detection, lose interest in offending or develop alternative methods by which to achieve their goals (for example an offender may choose to work to attain material things as opposed to stealing). However the offenders that do continue to offend are more likely to require intense supervision. This is because these offenders usually engage in offending at an earlier age and persist in their offending.

Furthermore offenders may transition into new roles as they grow older such as engaging in the role of parent or even as they enter the job market. Therefore change may be brought on by individuals transitioning into new roles but also through the manner in which offenders perceive themselves within these new roles. Ashforth's (2000) model of psychological motives for example attempted to explore the process through which individuals transition in and out of

⁹ The term "work" is used intentionally here to denote a collaborative dynamic between probation officer and the offender, as opposed to the official term dictated that by Maltese law "supervise".

these roles. In brief, according to Ashforth (2000), the four psychological motives that drive these transitions (and maintenance of these roles) are identity, meaning, control and belonging. These motives are related both to the individual's context but also to the individual's intrapersonal process, indicating that individuals are driven by both internal and external motives to enter and retain their role within their environment. Ashford's model will be discussed further in the "narratives" section.

Therefore change, that occurs across an individual's lifespan, plays an important role in understanding the development of offending. Changes may occur as offenders mature (as young offenders are likely to make different choices than adults due to changes in perspective) (Moffitt, 1993), due to the influence of life events, that may be related to morality and social bonds within the community, that also may fluctuate with time (Farrington, 1995). These instances may in fact provide key turning points to address through risk assessment and may form part of a therapeutic process aimed at bringing about a positive change that encourages desistance.

The Situational Context of Offending

Laub and Sampson (1993) argued that situational factors could encourage or even inhibit the potential for criminogenic behaviours to occur. There are numerous situational factors which may influence offending; since they are found within the offender's immediate environment (and may include both proximal and distal factors), and are specific to the individual. Offending behaviour can be partly seen as a result of the interaction between individual and situational factors. The situational context in which offending occurs may be influenced by various factors such as culture, tradition or even a specific event. Taking Malta as an example, the local village *fiesta* provides the opportunity for persons to indulge in copious amounts of alcohol, sometimes resulting in violence despite it being a religious occasion. This suggests that offending may

occur when an individual finds himself in a specific circumstance which then triggers a specific individual response to that situation. Therefore situational factors such as the individual's background circumstances, life events, lifestyle and the role of proximal factors may play a significant role in offending behavior or equally significant, desistance from offending.

Life Events

Criminal career paths, according to Laub and Sampson (1993) and Farrington (2007) may be influenced by significant life events that may occur at a fixed point in time or over a period of time (Loeber & LeBlanc, 1990). Life events have in fact been linked with desistance from offending as they are characterised by significant events in life, such as marriage and being employed, that may encourage offenders to lead a prosocial lifestyle (Farrington, 2007, Horney, Osgood & Marshall, 1995; Laub & Sampson, 2001, 2003; Theobald & Farrington, 2009). Laub and Sampson (1993) argued that life trajectories could be changed during “turning points” characterised by periods of transition in a person's life such as getting married or having a baby, since these turning points serve to motivate offenders to make the necessary choices in order to desist from offending (Case & Haines, 2007).

Newburn (1997) argued that desistance from offending may be mediated by the role life events plays in relation to the type of social bonds and social control that is exerted upon the offender. An example of this is the role of gossip that in Malta acts as a form of social control. Most people in Malta would avoid offending due to the shame attributed to the individual and his family. A practical example of this would be that prisoners often do not tell their friends and sometimes their family that they have been incarcerated but prefer to explain their absence by stating that they have travelled overseas for work purposes.

Laub and Sampson (1993) explained that individuals taking on social responsibilities may also be strengthening their social bonds within the community, particularly in adulthood,

which may act as a deterrent of offending. Therefore according to Laub and Sampson (1993) desistance is regulated by institutions of social control that become stronger as individuals enter into adulthood. The church is an example of an institution that regulates society in Malta. Loeber and LeBlanc (1990) have further argued that it is the strength of social ties that regulates the offender's behaviour as opposed to *when* the life event occurs.

Research on life events has stemmed from longitudinal studies that explore the link between risk factors and life course theory in relation to offending behaviour (Farrington, 2007). Yet Farrington (2005) argued that the distinction between risk factors and life events may be blurred. This is due to the fact that life events sometimes occur over a period of time rather than within a distinct moment in time and so the two are somewhat similar. An example of this is getting married- the act of getting married is expected to be a life-long commitment. An important distinction that has been made in the research concerning life events is that risk-oriented research has focused upon the "between-individual" differences in offenders whereas research that explored the developmental pathways of an offender's career viewed "within-individual" differences (Farrington, 2007).

Proximal and distal factors

Ward and Beech (2006) distinguished between "proximal" and "distal" factors. Proximal factors are risk factors that occur "within" (or in close proximity to) the individual that are characterised by specific circumstances such as mental health issues, drug use or family problems. On the other hand, distal factors are "external" to the offender in that they offer specific environmental challenges that would increase the prospect for criminogenic behaviour. These may be considered to be community-based factors that operate in the wider context of the offender but still influence offending behaviour (Wundersitz, 2010). Examples include socioeconomic difficulties, political influences or socio-historic aspects.

The role of life events may be subjective to the individual (and their interpretation of the life events as being significant). For example some offenders find the experience of having their first child as being a life changing experience and which may deter the offender from a criminal career, yet other offenders might be, on the contrary, may be unaffected and proceed along a criminal career path. As Farrington (2005) suggested life events are based within an existing context and therefore may have an indirect influence on offending behaviour. This resonates with Ward and Beech's (2006) argument regarding distal factors, in that communities play a role in supporting or inhibiting criminal behaviours. These in conjunction with proximal factors may also have a determining effect on the transition away from a criminal lifestyle. Proximal antecedents of offending play a significant role in criminogenic behaviour, as individuals may often go through events, such as separating from a partner or losing a child that may act as a trigger of offending behaviours.

So for example in Malta family unity is highly valued, to a point that despite recent legislative changes regulating divorce indicate a change in mentality within Maltese culture, divorce is still considered by many as taboo, as it goes against the teachings of the church. Some families will go so far as to disown divorcees. In terms of risk assessment these family dynamics often influence the process of rehabilitation as offenders who go through a marital breakup might find themselves conflicted between staying in an unhappy marriage or being rejected by their family and subsequent support system. In addition this situation may also permeate into the community dynamic, given the role of gossip in Malta (see O'Reilly Mizzi, 1994). This then relates to the manner in which the individual attempts to make sense of this situation through his own belief system. Therefore these situational factors, together with the manner in which offenders interpret these events through their own sense making of the event, can often be explored through offender's narratives (this will be explored further in the final section of this paper) and form an integral part of offender management.

Lifestyles

An analysis of an offender's lifestyle may help identify the motives behind the offender's decision-making process and may also reflect upon the offender's choice of lifestyle. Lifestyle aspects such as drug abuse or having criminogenic peers may also act as triggers to offending behaviour. Wikstrom and Sampson (2003) have defined lifestyles as the "individual's preference for and active seeking out of particular sets of activities and related attributes" (p. 133). However they also stressed that the information regarding lifestyles is incomplete as research has yet to provide a thorough understanding of the manner in which lifestyles are affected and how they develop within communities, particularly given that there tends to be variation between communities. Nonetheless Wikstrom and Sampson (2003) explained that community capital¹⁰ and collective efficacy¹¹ influence lifestyle together with available resources and rules regulating behaviours that constitute these lifestyles.

Wikstrom and Sampson (2003) indicated that pathways into criminality may be determined by the frequency of exposure to offending behaviours and active engagement in crime. This would suggest that as much as individuals who are less exposed to crime are less likely to engage in crime, offenders who are exposed to offending are more likely to engage in a criminal pathway and furthermore continue or even escalate in their offending. This criminogenic behaviour may be further enhanced by the absence of community capital and collective efficacy (Wikstrom & Sampson, 2003). For example, Cutajar, Formosa, and Calafato (2013) demonstrated that the sociohistoric influence on crime in the town of Bormla, Malta, may be traced back to World War II. During World War II Bormla's British naval shipyard

¹⁰ Community capital is defined as the level of community resources available within the community (Wikstrom, 1998)

¹¹ Collective efficacy is defined as the readiness of the community to intercede for the common good which is driven by shared expectations and a common trust in the community (Sampson, Morenoff, & Earls, 1999).

suffered extensive damage, and so its previous flourishing population dwindled greatly as many residents sought shelter elsewhere (Cutajar et al. 2013). The residents who did not have the means remained within a now socioeconomically deprived area and there was an increased crime rate. Although through the years many attempts were made to revive this socially deprived town (subsequently reducing the crime rate), Bormla today is considered to be a hotspot for criminal activity (Cutajar et al. 2013).

From a practical point of view this would explain how many offenders hailing from socially deprived areas in Malta tend to share similar criminogenic lifestyles. Furthermore this further emphasises the relevance of distal factors on offending, as both community capital and collective efficacy form part of the offender's immediate context and therefore an absence of either could result in offending. In addition, due to the challenges within the offender's environment this is more likely to impact upon the proximal factors (for example by increasing the potential for depression due to living within a socially deprived neighbourhood).

Protective factors and Resilience

There has been a trend in recent years to focus on the individual's strengths as evidenced by Ward's Good Lives Model (GLM; Ward & Stewart, 2003) of rehabilitation as opposed to deficit based approaches such as Andrew and Bonta's (1997) Risk-Needs-Responsivity (RNR) Model. Despite the GLM being criticised for lacking in theory and practicality (e.g. Andrews, Bonta & Wormith, 2011, McMurrin & Ward, 2004; Ward, Polaschek, & Beech, 2006), it has been praised for providing "a relatively coherent, integrated rehabilitation approach with a clearly articulated set of fundamental assumptions and etiological commitments" (Ward & Maruna, 2007, p 171).

The Good Lives Model (GLM; Ward & Stewart, 2003) is a strengths-based approach to dealing with offenders (e.g. Maruna & LeBel, 2003), that focuses upon assisting offenders to

achieve their goals as a means to manage the risk they pose to society (Ward & Stewart, 2003). Ward and Maruna (2007) argued that offenders seek the same primary human goods (such as such as relationships, a sense of belonging, autonomy) as any other persons however it is the means used to achieve these goals (secondary goods) that may lead them to engage in a criminal lifestyle. Ward and Stewart (2003) proposed guiding offenders towards achieving their potential, by focusing upon the attainment of their needs and interests, to achieve a fulfilling life (Ward & Maruna, 2007). Therefore the purpose of this model is to “ask not what a person’s deficits are, but rather what positive contribution the person can make” (Maruna & Lebel, 2003, p. 97). Offenders are therefore encouraged to develop skills, values, attitudes, and resources that are necessary in order to develop a meaningful lifestyle, without harming society (Ward & Langlands, 2009).

This suggests that drawing from the example provided above, offenders in Bormla may have the same goals as any other person, but may resort to offending as a means to achieving these goals. Subsequently, the persons who did not have the means to move out of Bormla, were left in a town that lacked both the community capital, therefore the resources within the community to rebuild the town but also the collective efficacy, the readiness of the community to rebuild the town, based upon a common trust. This may have instigated feelings of rejection experienced by the residents who had been left behind. Furthermore this may have had a long-lasting effect on the community, which today is reflected in the social divide between persons who hail from the north and the south, despite the relatively small size of the island.

The development of strength-based approaches to rehabilitation brought about the exploration of protective factors (Fougere & Daffern, 2011). Protective factors are individual and situational factors that can minimise the potential for criminogenic behaviour or moderate the effects of being exposed to risk factors (Jessor, Van Den Bos, Vanderryn, Costa & Turbin,

1995). Examples of protective factors include effective coping strategies, having positive role models or involvement in prosocial activities. This provides insight into why individuals who despite having being exposed to risk factors that are conducive to criminogenic behaviour do not engage in offending behaviour.

This may be due to an individual's level of resilience which is also believed to be a protective factor (Fougere & Daffern, 2011). Doll and Lyon (1998) have characterised resilience as "successfully coping with or overcoming risk and adversity or the development of competence in the face of severe stress and hardship" (p. 349). However there seems to be a disagreement in the literature as regards to the definition of resilience, due to issues of conceptualisation and quantification (Efta-Breitbach & Freeman, 2005). Protective factors, such as resilience, may be offender-specific and therefore subject to the individual's background, circumstance, life history, and interpretation of the world around him. These may be harder to quantify, resulting in diversions in opinion by scholars and practitioners alike regarding definition and measurability.

The Personal 'Narrative'

The role of the self has been a somewhat unexplored area in relation to assessing and managing risk. Ward (2012) has explained that individuals shape their lives through the creation of personal narratives to understand the etiology of offending behaviour (e.g. Maruna, 2001; McAdams, 1997, 2008; Ward, 2012; Presser, 2009). The terms used to describe narratives appear to be wide-ranging and include: narrative, self-narrative, narrative identity, and personal stories; thus creating ambiguity in the literature as to what narratives are (Ward, 2012). Nonetheless it seems that narratives are interpreted by most studies as consisting of stories that provide a reflection of the offender's experiences and expectations for the future, which serve as a road map to the future (Bruner, 1990).

Woolfolk (1998) suggested that as individuals act as “protagonist in a story or a collection of stories” expressed through their “sense of self” within a “remembered past and anticipated future” (p.98). The self, according to McAdams (2008), consists of stories that provide insight into the individual’s relationships, culture, and may vary with time and in quality over a person’s life. An example of this would be the narratives that are passed on from generation to generation and would account for intergenerational crime. Another example relates to how these stories that are passed down from generation to generation have sometimes led to violence in Malta¹². Politics has a strong influence on culture in Malta as demonstrated by the high voter turnout throughout Maltese history. According to the International Institute for Democracy and Electoral Assistance (2014) the number of voters for the 2013 election in Malta was 92.95%. Although the stories themselves relate to maybe past violence and justifications of “hurt”, owing to personal involvement in Malta’s history, and due to strong political opinions, these narratives might evoke feelings of hatred for followers of opposing parties today and subsequently result in inciting violence.

Presser (2009) described narratives as precursors to offending behaviour which Young and Canter (2011) argued should be considered within the context in which the offending behaviour takes place. Young and Canter (2011) proposed “Narrative Offence Roles” (the Professional, Victim, Tragic Hero and Revengeful Mission) which offer a number of fixed narratives that may be utilised to identify different types of criminal roles that offenders enact during episodes of offending. This suggests that narratives may be to some extent measurable in nature, similar across different cultures, and may provide an indication behind the psychological processes underlying offending behaviours (Young & Canter, 2011). This also

¹² Pre-1987 election violence “product of PN militancy” (2012, May, 6). *The Malta Independent*. Retrieved from <http://www.independent.com.mt/articles/2012-05-06/news/pre-1987-election-violence-product-of-pn-militancy-309698/>

indicates that narratives are subject to cognitive processing and hold meaning to the offenders, which may be affected by varying thought processes, cognitive biases and distortions (Presser, 2009; Young & Canter, 2012). Similarly Markus and Nurius (1986) presented the notion of *possible selves* which proposes that offenders' create potential future versions of themselves (that could be either desired or unwanted selves). Offenders may then set goals designed to either embrace this possible self or reject it altogether. So for example offenders who view themselves as tragic heroes may engage in crime as a means to fulfill this role. Furthermore McAdams (2008) explained that self-concept relates to the individual's belief-system about himself, which Ward (2012) stressed as important factor in understanding the self and subsequently relevant to the individual's decision-making process.

Similarly, Maruna (2001) has also discussed the relevance of scripts by distinguishing between "desisters" (who live according to a script of redemption where offenders are seen as interpreters of their own experiences and are able to engage in a good life by coming to terms with their negative experiences) and "persisters" (who follow a script of condemnation as they see themselves as victims and therefore have no control over their life). According to Maruna (2001) offenders who engage in rehabilitation would have created new narrative identities in order to embrace a prosocial lifestyle. Rehabilitation may therefore occur through the creation of adaptive narrative identities (Ward & Marshall, 2007).

This new narrative identity may be influenced by the manner in which offenders interpret the world around them through their past and their expectations of the future. Furthermore this influences their value system, abilities, world-knowledge, opportunities and resources (Ward & Marshall, 2007). Offenders therefore shape their identities according to the meanings they give to the world around them and their selves. Maladaptive narrative identities may therefore form due to offenders' problematic value-systems, ability to offend (or their belief of their inability

to lead a pro-social life), knowledge of the world around them (e.g. only the rich succeed) and available resources (e.g. there are no job opportunities).

This interpretation of an offender's world views is also echoed in Kelly's Personal Construct Theory (PCT), where individuals are seen as deriving meaning and interpreting the world around them through their "inner outlook" (Warren, 2012). According to PCT the individual is a "scientist-psychologist" who provides meaning to the world (Warren, 2012). Warren (2012) further explained that the individual's psychological processes are "channelised by the ways in which he or she anticipates events" (p.5).

Narratives therefore may be targeted as part of a risk assessment and risk management strategy as they provide insight into the manner in which offender's interpret the context in which the offending behaviour occurred, decision-making processes the offender engaged in and emotional states that may have influenced the offender's decision to offend or desist altogether. In practice this means that assessors may draw upon rehabilitation models such as the Good Lives Model in order to guide offenders in developing positive narrative identities. An emerging framework used to evaluate risk has been proposed by Daffern, Jones, and Shine (2010), that utilises case formulation to identify Offence Paralleling Behaviours (OPB). This may also provide the framework by which to identify the factors that are responsible for criminogenic behaviours and to identify the links between the same behaviours across different contexts (Jones, 2010). Moreover this approach could also be utilised to explore narratives or scripts that are also reflective of maladaptive narrative identities that are associated with criminogenic behaviours. A comprehensive discussion of the manner in which Offence Paralleling Behaviours and the Good Lives Model of rehabilitation may enhance risk assessment is provided in Avellino (2014d, paper 4).

Class of Motives: An Adaptation of Ashforth's Model of Psychological Motives in relation to the Offender

Developmental theories have attempted to explain how offenders' transition in and out of offending by focusing upon the offender's process of maturation (Moffitt, 1993). In addition, as the process of maturation includes taking on responsibilities, desistance has been proposed as a result of social control (Farrington, 1992). Situational theories on the other hand have indicated that offenders may be faced with "turning points" or life events that usually result in desistance. Yet as Laub and Sampson (1993) indicated these specific life events such as marriage are not necessarily predictors of desistance. This is particularly relevant when taking into account individual responses to specific events. For example, marrying a person who is involved in crime may exacerbate the potential for offending rather than act as a turning point that results in desistance. This indicates that the experience of these turning points may not be the same for all offenders (Laub & Sampson, 1993). Therefore the underlying internal individual process of change that regulates desistance could be seen as the result of transitioning from one role to another but also as a result of different life experiences. This is further exemplified by Case and Haines (2007) critique of risk factor research for having neglected the role of offender experience as influenced by both context and circumstance.

Ashforth (2000) proposed a model for understanding the process of transitioning into a given role (and exiting) which is particularly insightful as it also attempts to formulate the psychological motives behind this process but also emphasises the importance of individual experience. Although this model has been developed to explain the manner by which individuals transition in and out of roles within organisations, however there is scope in evaluating its application to offenders. Ashforth (2000) explained that there is link between role transition and the self. The transition from a 'current' role to a new role commences with 'role entry' that may be either anticipated or actual. This in turn arouses psychological motives (identity, meaning,

control and belonging), which if met may lead to role identification that would result in the individual enacting this role identity.

The four psychological motives described by Ashforth (2000) include the motive for *identity* which is what helps individuals define themselves within a given context, *meaning* consists of a combination of making sense of the role ("what is my role?") and identification of a purpose ("why do I need this role?"), *control* is what pushes the person to excel at that particular task and to exert authority upon others, and the final motive is the need for *belonging* and subsequently the need to attach with others. The four motives interact together concurrently as opposed to working on an individual basis.

Lambert, Stillman, Hicks, Kamble, Baumeister and Fincham (2013) stressed that there is a positive correlation between belonging and meaning. Belonging according to Baumeister and Leary (1995) is a "fundamental need motivation" (p. 497) as individuals need to interact with others and these interactions must instill a sense of concern for one's welfare. This interpersonal process may be linked with attachment (see Bowlby, 1969). For example Hartwell, McMackin, Tansi and Bartlett (2010) reported that young offenders who engaged in a form of community-based treatment felt that peer relationships facilitated their reintegration and subsequent rehabilitation. Conversely studies regarding rejection and social exclusion have indicated that there is a high correlation with delinquency (e.g. Palmer & Hollin, 2000). For example a study by Webster, Simpson, MacDonald, Abbas, Cieslik, Shildrek, and Simpson (2004) examining social exclusion and youth transitions, indicated that whilst risk assessment focused exclusively on identifying the presence of specific risk factors, it ignored the role of idiosyncratic aspects and context. Furthermore the youths in the study were greatly impacted by their environment specifically the influence of sociohistorical, cultural and socioeconomic

conditions. Subsequently a number of youths who felt excluded from their environment often resorted to truancy as a means of carving out masculine identities for themselves.

Ashforth's class of motives, particularly when applied to the understanding of context and offender membership, provides a very unique perspective on both the internal and external motives of why an offender may be influenced by the community he is in and why he chooses to retain his role within a community. Context plays a very important role in determining the individual's identity and as seen through the class of motives provides a sound explanation as to why individuals internalise the values, goals, norms of a particular context, despite many attempts to reform offenders. Furthermore the underlying process regulating change seems to be also regulated by the offender's perception of need. This has clear implications for policy makers and practitioners alike; both in terms of going beyond risk factors but also exploring the underlying processes of offending.

When examining the Maltese context, for example, Grixti (2006) highlighted the manner in which youths were influenced by what they perceived as advances in countries such as Britain or United Kingdom. In this study a number of these youths chose not to speak Maltese (and subsequently watched British or American television programmes over Maltese programmes) to set themselves apart from Maltese traditions (that are influenced by political and religious beliefs). This clearly showcases the manner in which the youths in Malta attempt to transition into new roles; moving from traditionally inspired roles to what they perceive to be modern individuals and subsequently a "desired" status. Although this could be viewed as a form of secularisation, from my practical experience a number of young offenders are influenced by the media and many choose to almost disown Maltese culture entirely by engaging in street fights or gang related crime, which they associate with American culture (almost as a desired possible self as described by Markus and Nurius above). Moreover some offenders have also indicated

that they aspired to living the lifestyle that often offenders were seen to promote particularly through reality television, which would in turn serve to increase their perceived status amongst peers.

This relates to a key point raised by Butler (2008). The role of self may be a determining factor that relates to offending. Butler's (2008) research examining offender narratives indicated that male prisoners who were insecure about their self-identity were found to be more likely to engage in aggression. This is because, according to Butler (2008), low self-esteem relates to hypersensitivity and subsequently prisoners often engaged in violence as a means of defending their identity. As demonstrated by that study, the interaction between situation and personal aspects, serve to provide a deeper understanding of the processes underlying offender behavior. However this also suggests that the meaning attributed to negative experiences or life events could actually encourage offending. This could be considered to be contrary to the manner in which needs are perceived in Ryan and Deci's (2000) Self-Determination Theory (SDT) discussed below.

Self-Determination Theory

According to Self-Determination Theory (SDT, Ryan & Deci, 2000) individuals have three main psychological needs or universal necessities: the need for competence (for individuals to manage their environment in an effective manner), relatedness (for individuals to identify with the environment around them by interacting with the individuals forming part of that context) and autonomy (for the individual to be in control of his or his own self) (Deci and Vansteenkiste, 2004, Ryan, 1993). Needs act as the catalysts that promote positive activity, positive development and psychological well-being (Vansteenkiste et al., 2010). Deci and Vansteenkiste (2004) surmised that individuals tend to gravitate towards situations that satisfy their needs and avoid situations that prevent the satisfaction of their needs.

Subsequently according to SDT the basic psychological needs, competence, relatedness and autonomy, are influenced by the individual's context (Sheldon, Ryan, Deci & Kasser, 2004). Contexts which provide for support and allow for the emphasis of intrinsic goals are associated with greater satisfaction and subsequently increased well-being. Conversely contexts which emphasise control and extrinsic goal attainment may have the opposite effect (Ryan, 1995; Sheldon et al. 2004). This concept of need and goal attainment is relevant to risk assessment and risk management as strategies addressing goal attainment may also focus upon the available resources within the offender's context (both innate and external) in order to achieve desistance, as promoted by the Good Lives Model of Rehabilitation (as discussed above).

Conclusions

This chapter has focused upon examining the contributions of developmental and situational theories in understanding offending behavior. Despite the role of developmental and situational factors in offender risk assessment and risk management being largely ignored, the underpinning argument behind this study is that developmental, situational and personal aspects can be understood through the offender's personal narrative. This is because narratives may provide insight into the manner in which offenders interpret and make sense of the world around them that may account for that change.

An overview of the literature discussed here suggests that an effective risk assessment and risk management strategy cannot rely exclusively upon isolated predictors of offending but should provide a synergy of developmental, situational and personal aspects, that may be subject to change and may be influenced by mitigating circumstances. Whilst developmental theories have attempted to explain how offenders' transition in and out of offending by focusing upon the offender's process of maturation and the influence of social control (Moffitt, 1993), situational theories have proposed that offending occurs due to the influence of contextual aspects that act as "turning points" in the offender's life.

There is however a link between the two, somewhat overlapping theories, in that they combine three distinct aspects: they both point to the importance of age and maturation, they acknowledge the impact of the offender's life transition and also highlight the role of social bonds (see Maruna, 2001). These aspects, together with the role of change, may be addressed through risk assessment and may be relevant to the promotion of desistance (see Farrall, Sharpe, Hunter & Calverley, 2011).

Narratives provide insight into the processes behind the variables and may provide a comprehensive approach to offender risk assessment and risk management. The consideration

of the various situational, developmental and individual aspects related to offending behavior and the risk for offending need to be grounded within a context which considers the cultural and historical implications of offending (Kemshall, Marsland, Boeck, & Dunkerton, 2007). This is particularly relevant when taking in account the context in which risk assessment takes place; such as Malta, with a homogenous relatively small population with a rapidly evolving culture.

Therefore risk assessment should encapsulate an individualised approach to risk, which does not assume that specific risk factors are necessary indicative of that specific offender's level of risk solely on the basis of statistical correlations alone. This perspective encourages assessors to consider risk as a dynamic process across an individual's lifespan. So for example this approach could be useful when exploring why some risk factors may remain "dormant" at certain periods during the offender's life whereas in other occasions they may become "active". This is often observed in cases of domestic violence or even alcoholism. Drawing from practical experience when these offenders are incarcerated they often do not pose a threat to others and seem to adjust well to the prison regime however once they are released into the community these risk factors seem to become active once again.

This is evident particularly when exploring the individual's pattern of offending in relation to time (when the offence or trigger for the offending or decision to offend occurs) and space (the context in which the offending occurs) that tends to be specific and possibly unique to that individual. Risk may also have different meanings for different individuals. For example one offender might describe their experience of drug use with indifference despite having resulted in him being incarcerated on the other hand some offenders may acknowledge their history with drug use as the cause of their problems with the law.

Different studies and subsequently different approaches have focusing exclusively upon the identification of specific risk factors predictive of offending yet few studies have offered a

comprehensive overview of the research which also focuses upon the interaction between these different factors in an integrated manner (see Case & Haines, 2007). A comprehensive analysis would serve to provide insight into the multifaceted nature of the factors related to the offending with a consideration of the interaction of these factors in relation to offending and desistence. Furthermore an exploration of protective factors and what renders an individual more resilient than another could also be beneficial.

However this also needs to be grounded within a more thorough understanding of the self, by exploring what motivates an offender to engage a criminogenic life, and recognition of the importance of personal narratives. This approach could serve to inform practitioners regarding the various risk factors and their interactions at different points within an individuals' lifespan as well as provide policy makers with a theoretical and empirical base from which to implement new policies and practices.

References

- Andrews, D. & Bonta, J. (1997). *The psychology of criminal conduct* (4th Ed). Cincinnati: Anderson Publishing.
- Andrews, D.A., Bonta J. & Wormith, J. (2008). *The level of service/risk, need, responsivity (LS/RNR): User's manual*. Toronto: Multi-Health Systems.
- Ansbro, M. (2008). Using attachment theory with offenders. *Probation Journal*, 55(3), 231-233.
- Ashforth, B. (2000). *Role transitions in organizational life: An identity-based perspective*. London: Routledge
- Avellino, C. (2014a). *Constructing a new risk assessment and risk management strategy for the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.
- Avellino, C. (2014b). *A content analysis of pre-sentence reports in the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.
- Avellino, C. (2014d). *Towards a new model of practice in risk assessment and risk management in the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.
- Avellino, C. (2014e). *Implementing a new strategy for risk assessment and risk management in the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.
- Barnes, J.C., & Beaver, K.M. (2010). An empirical examination of adolescence-limited offending: A direct test of Moffitt's maturity gap thesis. *Journal of Criminal Justice*, 38, 1176-1185.

Baumeister, R. F. & Leary, M. R. (1995). The need to belong: Desire for interpersonal attachments as a fundamental human motivation. *Psychological Bulletin*, 117, 497-529.

Bowlby, J. (1969). Attachment and loss: Vol. 1. *Attachment*. New York: Basic Books.

Bruner, J. (1990). *Acts of Meaning*. Harvard: University Press.

Butler, M. (2008). What are you looking at? Prisoner confrontations and the search for respect. *British Journal of Criminology*, 48(6), 856-873.

Bushman, B. & Anderson, C. (2001). Is it time to pull the plug on the hostile versus instrumental aggression dichotomy? *Psychological Review*, 108(1), 273-279.

Cameron, J. & Pierce, W.D. (1996). The debate about rewards and intrinsic motivation: Protests and accusations do not alter the results. *Review of Educational Research*, 66, 39-52.

Case, S. & Haines, K. (2007). *Understanding youth offending: Risk factor research, policy and practice*. Devon: Willan publishing.

Casey, S. (2011). Understanding young offenders: Developmental criminology. *The Open Criminology Journal*, 4 (Special issue), 13-22.

Chirkov, V. I., Vansteenkiste, M., Tao, R., & Lynch, M. F. (2007). The role of self-determined motivation and goals for the study abroad in the adaptation of international students. *International Journal of Intercultural Relations*, 31, 199-222.

Cullen & Agnew (2002). *Criminological Theory: Past to present (Essential Readings)*. Los Angeles, CA: Roxbury.

Cutajar, J., Formosa, S., Calafato, T. (2013). Community perception of criminality: The case of the Maltese walled city of Bormla. *Social Sciences*, 2(2), 62-77.

Daffern, M., Jones, L. & Shine, J (Eds.)(2010). *Offence paralleling behaviour: A case formulation approach to offender assessment and intervention*. Chichester: John Wiley & Sons.

Deci, E. L. & Ryan, R. M. (1991). A motivational approach to self: Integration in personality. In R. Dienstbier (Ed.) *Nebraska symposium on motivation: Perspectives on motivation, Vol. 38* (pp. 237-288). Lincoln, NE: University Of Nebraska Press.

Deci, E. L. & Ryan, R. M. (2000). The "what" and "why" of goal pursuits: Human needs and the self-determination of behavior. *Psychological Inquiry, 11*, pp. 227-268.

Deci, E. L. & Ryan, R. M. (2012). Motivation, personality, and development within embedded social contexts: An overview of self-determination theory. In R. M. Ryan (Ed.), *Oxford Handbook of Human Motivation* (pp. 85-107). Oxford, UK: Oxford University Press.

Deci, E. L. & Vansteenkiste, M. (2004). Self-determination theory and basic need satisfaction: Understanding human development in positive psychology. *Ricerche di Psicologia, 27*, 17–34.

Doll, B. & Lyon, M.A. (1998). Risk and resilience: Implications for the delivery of educational and mental health services in schools. *School Psychology Review, 27*(3), 348-363.

Efta-Breitbach, J., & Freeman, K. A. (2005). Treatment of juveniles who sexually offend: An overview. *Journal of Child Sexual Abuse, 13*(3-4), 125-138.

Egan, V. (2000). Criminal cognitions and personality: What does the PICTS really measure? *Criminal Behaviour and Mental Health, 10*, 170-184.

Farrall, S., Sharpe, G., Hunter, B. & Calverley, A. (2011). Theorizing structural and individual-level processes in desistance and persistence: Outlining an integrated perspective. *Australian & New Zealand Journal of Criminology*, 44, 218-234.

Farrington, D. P. (1992). Criminal career research in the United Kingdom. *British Journal of Criminology*, 32, 521-536.

Farrington, D. P.(1993). Have any individual, family or neighbourhood influences on offending been demonstrated conclusively? In D.P. Farrington, R.J. Sampson, and P.H. Wikstrom (Eds.) *Integrating individual and ecological aspects of crime* (pp. 7-37). Stockholm: National Council for Crime Prevention.

Farrington, D. P. (1994). Childhood, adolescent and adult features of violent males. In L.R. Huesmann (Ed.) *Aggressive Behaviour: Current Perspectives* (pp. 215-240). New York: Plenum.

Farrington, D.P (1995). The development of offending and antisocial behaviour from childhood: Key findings from the Cambridge study in delinquency development. *Journal of Child Psychology and Psychiatry*, 36, 929-964.

Farrington, D. (2005). Childhood origins of antisocial behavior. *Clinical Psychology & Psychotherapy*, 12(3), 177-190.

Farrington D.P. (2007). Childhood risk factors and risk-focused prevention. In M.Maguire, R. Morgan & R.Reiner (Eds.), *The Oxford handbook of criminology* (4th Ed. pp.602-640). Oxford: Oxford University Press.

Fitzpatrick, C. (2011). What is the difference between 'Desistance' and 'Resilience'? Exploring the relationship between two key concepts. *Youth Justice*, 11(3), 221-234.

Fougere A. & Daffern, M.D. (2011). Resilience in young offenders. *International Journal of Forensic Mental Health*, 10(3), 244-253.

Fraser, A., Burman, M., Batchelor, S., & McVie, S. (2010). *Youth violence in Scotland: A literature review*. Project Report. Scottish Government, Edinburgh.

Giordano, P. C., Cernkovich, S. A., & Rudolph, J. L. (2002). Gender, crime and desistance: Toward a theory of cognitive transformation. *American Journal of Sociology*, 107, 990–1064.

Grixti, J. (2006). Growing up between cultures: Linguistic and cultural identity among Maltese youth and their ethnic counterparts in Australia. *Mediterranean Journal of Educational Studies*, 11 (2), 1-15.

Hartwell, S., McMackin, R., Tansi, R. & Bartlett, N. (2010). I grew up too fast for my age: Postdischarge issues and experiences of male juvenile offenders. *Journal of Offender Rehabilitation*, 49, 495-515.

Hirshi, T. & Gottfredson, M. (1983). Age and the explanation of crime. *American Journal of Sociology*, 89, 552-584.

Horney, J., Osgood W. & Marshall, I. (1995). Criminal careers in the short-term: Intra-individual variability in crime and its relation to local life circumstance. *American Sociological Review*, 60, 655-673.

Huesmann, L.R., Eron, L.D., Lefkowitz, M.M., Walder, L.O. (1984). The stability of aggression over time and generations. *Developmental Psychology*, 20, 1120–1134.

Huta, V., & Ryan, R. M. (2010). Pursuing pleasure or virtue: The differential and overlapping well-being benefits of hedonic and eudaimonic motives. *Journal of Happiness Studies*, 11, 735-762.

International Institute for Democracy and Electoral Assistance (2014). *Voter turnout data for Malta*. Retrieved from <http://www.idea.int/vt/countryview.cfm?CountryCode=MT>

Jessor, R., Van Den Bos, J., Vanderryn, J., Costa, F. & Turbin, M. (1995). Protective factors in adolescent behavior: Moderator effects and developmental change. *Developmental Psychology*, 31(6), 923-933.

Jones, L. (2010). Approaches to developing OPB formulations. In M. Daffern, L. Jones & J. Shine (Eds.), *Offence paralleling behaviour: A case formulation approach to offender assessment and intervention* (pp. 71-87). Chichester: John Wiley & Sons, Ltd.

Judge, T. A., Erez, A., Bono, J.E., Thoresen, C.J. (2002). Are measures of self-esteem, neuroticism, locus of control, and generalized self-efficacy indicators of a common core construct? *Journal of Personality and Social Psychology*, 83 (3), 693–710.

Kemshall, H., Marsland, L., Boeck, T. & Dunkerton, L. (2007). Young people, pathways and crime: Beyond risk factors. In A. France and R. Homel (Eds.), *Pathways and crime prevention. Theory, policy and practice*. Cullompton: Willan Publishing.

Lambert, N., Stillman, T., Hicks, J., Kamble, S., Baumeister, R. & Fincham, F. (2013). To belong is to matter: Sense of belonging enhances meaning in life. *Personality and Social Psychology Bulletin*, 39(11), 1418-1427.

Laub, J.H. & Sampson, R.J. (1993). Turning points in the life course: Why change matters to the study of crime. *Criminology*, 31(3), 301-325.

Laub J.H. & Sampson, R.J. (2001). Understanding desistance from crime. In M. Tonry (Ed.), *Crime and Justice: An Annual Review of Research*, Vol. 28, pp. 1-69. Chicago: University of Chicago Press.

Laub J.H. & Sampson, R.J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, M.A.: Harvard University Press.

Le Blanc, M., & Loeber, R. (1998). Developmental criminology updated. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 23, pp. 115–198) Chicago: University of Chicago Press.

Loeber, R., & Farrington, D. P. (1998) (Eds.) *Serious and violent juvenile offenders: Risk factors and successful interventions*. Thousand Oaks, CA: Sage.

Loeber, R. & LeBlanc, M. (1990). Toward a Developmental Criminology. In M. Tonry & N. Morris (Eds), *Crime and Justice* (volume 12, pp.375-437). Chicago: University of Chicago Press.

Loeber, R., Wei, E., Stouthamer-Loeber, M., Huizinga, D., & Thornberry, T.P. (1999). Behavioral antecedents to serious and violent offending: Joint analyses from the Denver Youth Survey and the Rochester Youth Development Study. *Studies on Crime and Crime Prevention*, 8, 245–263.

Lynch, M. (2010). *Basic needs and well-being: A self-determination theory view*. Retrieved from http://counselingoutfitters.com/vistas/vistas10/Article_70.pdf

Lynch, M. F., Plant, R. W., & Ryan, R. M. (2005). Psychological needs and threat to safety: Implications for staff and patients in a psychiatric hospital for youth. *Professional Psychology*, 36, 415-425.

Markus, H. and Nurius, P. (1986). Possible selves. *American Psychologist*, 41, 954-969.

Maruna S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. Washington, DC.: American Psychological Association.

Maruna, S. & Ward, T. (2007). *Rehabilitation: Beyond the Risk-Paradigm*. London: Routledge.

Maruna, S. & LeBel, T.P. (2003). Welcome home? Examining the reentry court concept from a strengths-based perspective. *Western Criminology Review*, 4 (2), 91–107.

McAdams, D.P. (1997). A conceptual history of personality psychology. In R. Hogan, J. Johnson & S. Briggs, *Handbook of personality psychology* (pp.3-39). San Diego, CA; Academic Press.

McAdams, D.P. (2008). Personal narratives and the life story. In O.P. John, R.R. Robins & L.A. Pervin (Eds.), *Handbook of personality: Theory and research* (3rd ed., pp.241-261). New York: Guilford Press.

McMurrin, M. & Ward, T. (2004). Motivating offenders to change in therapy: An organizing framework. *Legal and Criminological Psychology*, 9(2), 295-311.

Moffitt, T. (1993). Adolescence-limited and life-course persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100, 674-701.

Moffitt, T. E. (2010). A developmental model of life-course persistent offending. *Encyclopedia of Criminological Theory*. Thousand Oaks: Sage Publications.

Moffitt, T. E., Caspi, A., Harrington, H., & Milne, B. (2002). Males on the life-course persistent and adolescence-limited antisocial pathways: Follow-up at age 26. *Development and Psychopathology*, 14, 179–206.

- Nagin, D. & Farrington, D. (1992). The onset and persistence of offending. *Criminology*, 30, 501-528.
- Newburn, T. (1997). Youth, Crime and Justice, in M. Maguire, M. Morgan, and R. Reiner (Eds.) *The Oxford handbook of criminology (pp.182-205)*. Oxford, Clarendon Press.
- O'Reilly Mizzi, S. (1994). Gossip: A Means of Social Control. In R. G. Sultana & G. Baldacchino (Eds.). *Maltese Society: A Sociological Inquiry*. Msida: Mireva, 1994.
- Palmer, E. & Hollin, C. (2000). The interrelations of socio-moral reasoning, perceptions of own parenting and attributions of intent with self-reported delinquency. *Legal and Criminological Psychology*, 5 201-218.
- Presser, L. (2009). The narratives of offenders. *Theoretical Criminology*, 13(2), 177-200.
- Ryan, R. M. (1993). Agency and organization: Intrinsic motivation, autonomy and the self in psychological development. In J. Jacobs (Ed.), *Nebraska symposium on motivation: Developmental perspectives on motivation* (vol. 40, pp. 1-56). Lincoln, NE: University Of Nebraska Press.
- Ryan, R. M., Bernstein, J. H., & Brown, K. W. (2010). Weekends, work, and well-being: Psychological need satisfactions and day of the week effects on mood, vitality, and physical symptoms. *Journal of Social and Clinical Psychology*, 29, 95-122.
- Ryan, R. M., & Deci, E. L. (2000). Self-determination theory and the facilitation of intrinsic motivation, social development, and well-being. *American Psychologist*, 55, 68-78.
- Ryan, R. M., & Deci, E. L. (2007). Active human nature: Self-determination theory and the promotion and maintenance of sport, exercise, and health. In M. S. Hagger & N. L. D.

Chatzisarantis (Eds.), *Intrinsic motivation and self-determination in exercise and sport* (pp. 1-19). Champaign, IL: Human Kinetics.

Ryan, R. M., & Deci, E. L. (2009). Promoting self-determined school engagement: Motivation, learning, and well-being. In K. R. Wentzel & A. Wigfield (Eds.), *Handbook on motivation at school* (pp. 171-196). New York: Routledge.

Ryan, R. M., Kuhl, J., & Deci, E. L. (1997). Nature and autonomy: An organizational view on the social and neurobiological aspects of self-regulation in behavior and development. *Development and Psychopathology*, *9*, 701-728.

Ryan, R. M., Patrick, H., Deci, E. L., & Williams, G. C. (2008). Facilitating health behaviour change and its maintenance: Interventions based on self-determination theory. *The European Health Psychologist*, *10*, 2-5.

Ryan, R. M., Weinstein, N., Bernstein, J. H., Brown, K. W., Mistretta, L., & Gagné, M. (2010). Vitalizing effects of being outdoors and in nature. *Journal of Environmental Psychology*, *30*, 159-168.

Sampson, R.J. & Laub, J.H. (1997). A life-course theory of cumulative disadvantage and the stability of delinquency. In T. Thornberry (Eds.), *Developmental theories of crime and delinquency*. New Brunswick, N.J.: Transaction.

Sampson, R.J., Morenoff, J.D., & Earls, F. (1999). Beyond social capital: Spatial dynamics of collective efficacy for children. *American Sociological Review*, *64*, 633-660.

Sheldon, K. M., Ryan, R., Deci, E., & Kasser, T. (2004). The independent effects of goal contents and motives on well-being: It's both what you pursue and why you pursue it. *Personality and Social Psychology Bulletin*, *30*, 475-486.

Theobald D. & Farrington, D.P. (2009). Effects of getting married on offending: Results from a prospective study of males. *European Journal of Criminology*, 6, 496-516.

Vansteenkiste, M., Niemiec, C., & Soenens, B. (2010). The development of the five mini-theories of self-determination theory: An historical overview, emerging trends, and future directions. In T. Urdan & S. Karabenick (Eds.). *Advances in Motivation and Achievement, vol. 16: The decade ahead* (pp. 105-166). UK: Emerald Publishing.

Vansteenkiste, M., Lens, W., & Deci, E.L. (2006). Intrinsic versus extrinsic goal contents in self-determination theory: another look at the quality of academic motivation. *Educational Psychologist*, 41, 19-31.

Vansteenkiste, M., Lens, W., De Witte, S., De Witte, H., & Deci, E. L. (2004). The “why” and “why not” of job search behavior: Their relation to searching, unemployment experience, and well-being. *European Journal of Social Psychology*, 34, 345-363.

Walters, G. D. (1995). The psychological inventory of criminal thinking styles Part I: reliability and preliminary validity. *Criminal Justice and Behavior*, 22(3), 307-325.

Walters, G. D. & Geyer, M. D. (2004). Criminal thinking and identity in male white-collar offenders. *Criminal Justice and Behaviour*, 31(3), 263-281.

Ward, T. (2012). Narrative identity and forensic psychology: A commentary on Youngs and Canter. *Legal and Criminological Psychology*, 17, 250-261.

Ward, T. & Beech, T. (2006). An integrated theory of sexual offending. *Aggression and Violent Behavior*, 11(1), 44-63.

Ward, T. & Langlands, R. (2009). Repairing the rupture: restorative justice and offender rehabilitation. *Aggression and Violent Behavior*, 14, 205–14.

Ward, T. & Marshall, W. L. (2007). Narrative identity and offender rehabilitation. *International Journal of Offender Therapy and Comparative Criminology*, 51, 279-297.

Ward, T. & Maruna, S. (2007). *Rehabilitation: Beyond the Risk Paradigm*. London: Routledge.

Ward, T., Polaschek, D.L.L. & Beech, A.R. (2006). *Theories of sexual offending*. Chichester: Wiley & Sons.

Ward T. & Stewart, C. (2003). Criminogenic needs and human needs: A theoretical model. *Psychology, Crime & Law*, 9(2), 125-143.

Webster, C., Simpson, D., MacDonald, R., Abbas, A., Cieslik, M., Shildrick, T. & Simpson, M., (2004). *Poor transitions: Young adults and social exclusion*. Bristol: Policy Press.

Wikstrom, P.O. (1998). Communities and crime. In M. Tonry (Eds.), *The handbook of crime and punishment* (pp. 269-301). New York: Oxford University Press.

Wikstrom, P-O. H. (2005). The social origins of pathways in crime: Towards a developmental ecological action theory of crime involvement and its changes. In D. Farrington (Ed.), *Integrated developmental and life-course theories of offending*. New Brunswick, NJ.: Transaction.

Wikstrom, P-O. H. (2008). In search of causes and explanations of crime. In R. King and E. Wincup (Eds.), *Doing research on crime and justice*. Oxford: Oxford University Press.

Wikstrom, P-O. H. & Butterworth, D. (2006). *Adolescent crime: Individual differences and lifestyles*. Cullompton: Willan Publishing.

Wikstrom, P-O. H. & Sampson, R. J. (2003). Social mechanisms of community influences on crime and pathways in criminality. In B. Lahey, T. Moffitt & A. Caspi (Eds.),

Causes of conduct disorder and juvenile delinquency (pp.118-148). New York: The Guildford Press.

Wikstrom, P-O H. & Treiber, K. (2009). Violence as situational action. *International Journal of Conflict and Violence*, 3(1), 75-96.

Woolfolk, R. L. (1998). *The cure of souls: science, values and psychotherapy*. San Francisco: Jossey-Bass.

Wundersitz, J., (2010). Indigenous perpetrators of violence: prevalence and risk factors for reoffending. *Australian Institute of Criminology Reports: Research and Public Policy Series 105*. Canberra: Australian Institute of Criminology. Retrieved from <http://www.aic.gov.au/publications>.

Youngs D. & Canter D. (2011). Narrative roles in criminal action: An integrative framework for differentiating offenders. *Legal and Criminological Psychology*, 17, 233-249.

Youngs, D. & Canter, D. (2012). Offenders' crime narratives as revealed by the narrative roles questionnaire. *International Journal of Offender Therapy and Comparative Criminology*, 1-23.

**Chapter 4: Towards a new model of practice in risk assessment
and risk management in the Maltese probation service**

Chapter 4: Towards a new model of practice in risk assessment and risk management in the Maltese Probation Service

Abstract

The Maltese probation service has undergone a series of significant changes over recent years primarily as a response to the increased number of more diverse offenders followed by the Department of Probation and Parole, especially with the introduction of parole in Malta. This has brought on the need to reconsider the risk assessment and risk management practices adopted by the Department of Probation and Parole. This chapter discusses the benefits of adopting a new model of practice that considers the individual aspects relevant to the offender rather than taking a “one size fits all” approach to managing offenders. The research specifically considers the role of adopting of a decision tree approach complemented with a case formulation approach that is sensitive to the personal and contextual aspects relevant to offending behavior. The research also examines the practical issues to be considered in order to implement the proposed strategy by providing a case example. This illustrates how the proposed model would enhance risk assessment within the Department of Probation and Parole. The overall findings of this research seem to suggest that risk assessment would be greatly ameliorated by the proposed new model of practice that seeks to provide a holistic and individual approach to risk assessment and risk management.

Towards a New Model of Practice

Case formulation allows for the exploration of the interaction between the interpersonal, intrapersonal, developmental, contextual as well as situational aspects relevant to offender behavior, which may be explored through the offender's narratives. Ward and Maruna (2007) explained that narratives guide offender behaviours particularly as they provide a reflection of the self within a personal life story (Young & Canter, 2009). Individuals derive meaning from the world around them and subsequently construct their world-view according to their life-experience (Warren, 2010). This is because according to Kelly's Personal Construct Theory (Kelly, 1955, as cited by Warren, 2010) individuals are scientists that test the world around them to validate or reformulate their knowledge about the world. This results in the formation of theories or stereotypes about the world around them by evaluating past events as a means to predict future events. The development of these theories could in fact be compared to schemas which consist of scripts that serve as mental representations of sequences that direct behavior in expected situations. Therefore narratives could provide a deeper understanding of the manner in which offenders interpret their world and subsequently the assessor may attempt to uncover the decision-making processes underlying offending behavior.

A strategic manner in which to consider risk assessment and the management of this risk therefore requires adopting an approach that takes into account the uniqueness of the individual. Over the years forensic risk assessment has moved towards the adoption of risk assessment instruments to complement clinical judgement (Haynes & O'Brien, 2000). Yet Cooke and Michie (2013) argued that approaches such as actuarial instruments have been utilised inappropriately, particularly as actuarial risk assessment overestimates the assessor's ability to make reliable predictions. Risk assessment tools such as actuarial measures are heavily reliant upon official statistics despite the problem of "dark figure crime" where crimes go unreported, offenders evade detection or are not convicted (e.g. Farrington, 2007; Jones, 2010). Several of

these tools may be subject to errors resulting in inaccuracies when predicting re-offending (see Towl & Crighton, 1995, Tversky & Kahneman, 1981).

In addition, heavy reliance upon traditional methods of gauging risk may be problematic as it does not take into account individual aspects underlying offender behavior (see Casey, Day, Vess & Ward, 2012). This is particularly relevant when taking into account the context in which risk assessment takes place. Specifically when considering that Malta has a relatively homogenous and small population, with a distinctive rapidly evolving culture. In terms of risk, this implies that actuarial tools that generalise predictions based upon cohorts of offenders sharing similar traits (see Jones, 2010, Robinson, 2003) do not take into account individual aspects underlying offender behavior (see Casey, Day, Vess & Ward, 2012).

This indicates that a more comprehensive approach to risk assessment and risk management may be more appropriate. This approach should seek to consider offender-specific offending behaviours by collaboratively addressing the offender's patterns of offending. Furthermore it seems that due to the limitations identified utilising actuarial risk assessment tools, many assessors are favouring case formulation as a means to enhance their understanding of risk. This "era of risk formulation" (Cooke and Michie, 2013, p.3) provides the opportunity for assessors to understand the unique aspects relevant to offender behaviour, and translate the findings of the assessment into an effective risk management plan (Casey et al., 2012). This is enabled through the systematic approach by which information regarding the offender is collected, integrated and evaluated (Casey et al., 2012). Furthermore formulations provide the "underlying mechanism and proposes hypotheses regarding action to facilitate change" (Hart and Logan, 2011, p.84).

Both Iterative Classification Trees (ICT, Monahan, Steadman, Robbins, Silver, Appelbaum, Grisso, Mulvey, & Roth, 2000) and Offence Paralleling Behavior (OPB, Jones,

2004) provide the necessary framework to allow for the exploration of individual aspects influencing offender behaviours. Assessors may also draw upon existing literature or theoretical models in order to substantiate their understanding of the behaviour either related to the specific behaviour observed or broader theories of psychology. Furthermore both approaches allow for the consideration of the individual aspects relevant to offending and so may enhance risk assessment in Malta. Therefore the following chapter shall discuss the advantages of the combined adoption of ICTs and OPB framework to augment risk management. Reference will be made to the Department of Probation and Parole in Malta to illustrate the practical application of a new model of practice.

Overview of the Maltese Probation Service and Why a New Model is Necessary

With the introduction of the Restorative Justice Act (Cap. 516, Laws of Malta) in December 2011, the Department of Probation and Parole (DPP) in Malta was made responsible for the assessment and management of parolees together with their previous responsibilities at the pre-sentencing stage and with post-sentenced offenders. This has brought a myriad of changes for the Department including its independence from the Corradino Correctional Facility (CCF) in January 2012, organisational restructuring to complement the introduction of Parole and Victim Support services, and the reconsideration of risk assessment and risk management policies.

Prior to 2010, risk assessment was based upon the professional judgement of probation officers. This all changed with the commissioning of a pilot project evaluating the possibility of introducing a more structured approach to risk assessment that indicated that 25% (n=95) of offenders followed at a post-sentencing stage were identified as high risk. The results of the pilot project provided the necessary mechanism to launch the introduction of risk assessment tools at a post-sentencing stage, for prisoners who have applied for parole, and those on a parole

license. The findings of the study however brought on a series of questions with regards to the type of offenders being followed by the Department; whether the adoption of actuarial risk assessment was sufficient in order to effectively manage offenders whilst safeguarding the public and whether risk assessment based upon aggregate data could sufficiently assess risk without the consideration of additional factors that may influence risk such as the offender's intra- and interpersonal, developmental, contextual, and situational factors relevant to offending. This clearly indicates that entities such as DPP would need to consider offender-specific approaches that provide an in-depth analysis of risk specific to the offender being assessed as a means to devise an effective risk management strategy. This could include the consideration of alternative methods to traditional risk assessment tools, such as iterative classification trees and case formulation in order to augment risk assessment.

Towards a Decision Tree Approach to Risk Assessment

Iterative Classification Trees (ICTs) were originally developed as part of the MacArthur risk assessment study (Monahan, 2001) to increase the clinical utility of actuarial approaches (Crighton, 2005). Furthermore ICTs provided an alternative to traditional actuarial risk assessment, as actuarial instruments tend to be rather cumbersome and time consuming to score (Gardner, Lidz, Mulvey & Shaw, 1996). On the other hand ICTs are quicker and easier to complete which may reduce the propensity for error. Another advantage of using the ICT approach is that it tends to integrate well with other forms of risk assessment and allows assessors to make more accurate predictions for more specific groups of offenders as opposed to most mainstream assessment instruments that tend to make broader predictions (Crighton, 2005). Therefore ICTs could in actual fact enhance the role of formulation in understanding the underlying processes of offender behaviour. However further research is necessary in order to assess its suitability to the DPP.

Actuarial instruments determine risk by asking a set number of questions for all the offenders being assessed each with a particular weighted score whereas a tree-based approach asks questions that are dependent upon the previous answers provided. This means that the method of assessing risk adopted by ICTs contrasts greatly with traditional structured approaches. This is because unlike actuarial tools the assessor commences the assessment by asking an initial question that is common to all offenders being assessed. According to the response provided, the assessor will then be able to determine which question needs to be answered next as the second question to be asked may vary according to the offender being assessed (the answer provided in the first instance) (kindly refer to figure 2 for an example of a decision tree approach). The assessor would proceed with this method of questioning until each individual is classified as either low or high risk.

This process results in the identification of a number of groups or profiles of offenders sharing the same risk factors that have been classified as either low or high risk, thus producing a “unique” set of responses for each offender (see Monahan, et al., 2000). This creates a clearer distinction between the manner in which high or low risk behaviour is defined. Moreover further distinctions can be made within this subgroup which means that over-simplification of the data can be avoided (see Monahan et al., 2000). Cut-off points for high or low risk groups according to Monahan et al. (2000) must be determined according to policy or legal frameworks, irrespective of the methodology applied.

A tree-based approach is developed by grouping variables according to type of offender so for example if sex offenders tend to have similar traits these will be grouped together and coded as reconvicted or not. These variables may be then run through the Chi-squared Automatic Interaction Detector (CHAID) software, available through SPSS (SPSS inc, 1993). This may then be used to determine the risk factors associated with reconviction (Steadman,

Silver, Monahan, Robbins, Mulvey, Grisso, Roth & Banks, 2000). Traditional actuarial methods of determining risk of re-offending are developed around linear regression models methods whereas classification trees adopt “an interactive and contingent model...that allows many different combinations of risk factors to classify people as high or low risk” (Steadman et al., 2000, p. 84). With linear regression models assessors are restricted to assessing offenders through a specific set of questions, where every item then results in a score to be used for categorising offenders into tiers, according to low, medium or high risk. Because of this difference in methodology Steadman et al. (2000) argued that classification trees improve the accuracy regarding the risk of re-offending.

Assessment carried out through the adoption of a classification tree requires far less time than traditional actuarial methods and so provides practitioners with more time to focus upon forming a therapeutic alliance or developing upon the findings uncovered through the initial assessment through a more individualised approach to risk assessment. This suggests that practitioners such as probation officers would find that decision trees would greatly ameliorate their work by allowing them to carry out efficient assessments that are tailor-made to that particular population, in this case Malta. The difficulty with trying to implement such a system within the Department of Probation and Parole would be that it requires less diversity in the type of offenders in order to identify specific profiles of offenders and a considerably large sample in order to develop a decision tree based upon a sample of probationers in Malta (see Avellino, 2014b, chapter 2). The Department would also necessitate access to an e-data management system that tracks the offender from his first contact with the criminal justice system (see Avellino, 2014e, chapter 5).

However, a decision tree could be developed by focusing upon on offenders with drug-related offences as this comprises the greatest proportion of offenders within the DPP caseload

(although it might be the case that there is far more awareness and knowledge about drug users than other types of offenders in Malta). A decision tree could be developed by potentially profiling different types of drug users to focus on categories such as social users, drug traffickers or “career” drug-users.

Despite the many advantages which the ICT approach provides, research (e.g. Monahan et al., 2000) has indicated that some individuals may remain “unclassified” and therefore the assessor may require further assistance in assessing the risk of re-offending (Cooke, 2000). Another difficulty with utilising such a system is that it relies upon the offender’s responses, therefore self-reported information, which may in fact be an inaccurate and thus especially if the first question is answered incorrectly, prone to error. However this “error” may also occur when using more traditional modes of assessment.

Decision classification trees provide an individualised approach to assessment. There are a number of studies that have used decision trees to aide in decision-making. Many of these studies have come from the medical field (e.g. Levy, Caronna & Singer, 1985) although within a forensic context decision trees have been mostly used to determine risk of violence (Steadman, Mulvey, Monahan, Robbins, Appelbaum, Grisso, Roth & Silver, 1998). Unfortunately to date it appears that research regarding the application of decision trees to offenders has been sparse, despite its promise to increase clinical utility of actuarial-informed judgement.

Figure 2: Example of a decision tree approach

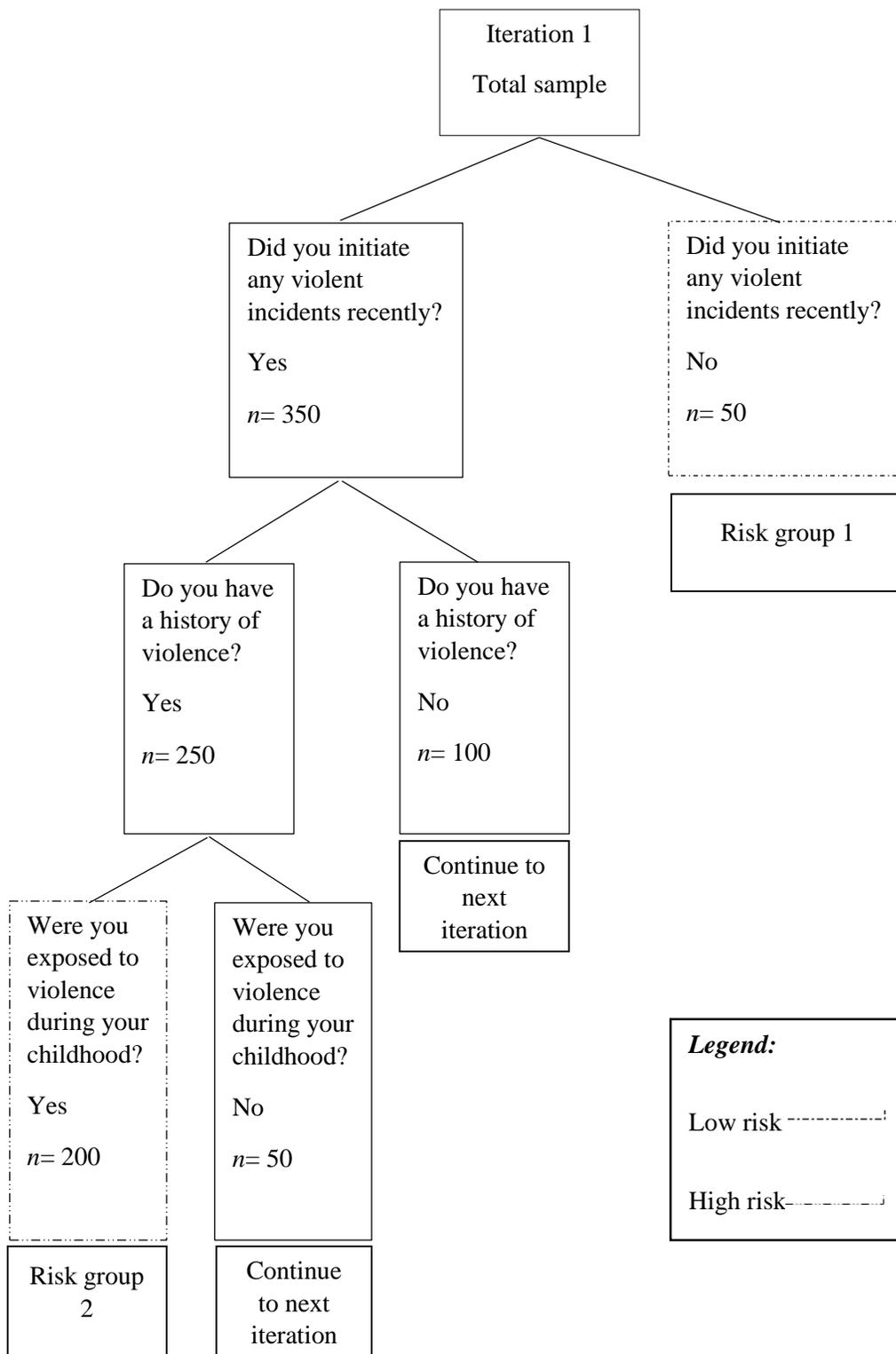


Figure 1: Example of a Decision Tree indicating the manner in which an assessor may reach a decision regarding the level of risk the offender presents

Decision trees may be complemented by case formulation as a means to elaborate upon offender narratives that provide insight into individual aspects underlying offender behaviour. Case formulation may be used to further the probation officer's understanding of the link between "psychological processes and offending for the individual case" (Jones, 2010, p.6). Therefore this new model of practice could provide probation officers with the possibility of exploring the idiographic factors uncovered through case formulation whilst also providing a structured risk assessment tool that is characteristic of traditional actuarial risk assessment tools. In addition, as discussed above, decision trees have improved clinical efficiency, are easy and quick to score, provide an indication of the offender's level of risk and integrate well with other forms of risk assessment.

On the other hand, formulation provides assessors with the possibility of exploring the interaction of various factors such as the intra- and inter-personal, developmental, situational, and contextual elements underlying offender behaviour, which may otherwise be left uncovered through actuarial risk assessment tools. This could provide assessors with a holistic understanding of the underlying psychological processes influencing offenders to engage in crime.

Case Formulation

Hart (2003) stressed the need for a different approach to risk assessment, by moving beyond "formulas to formulation" (Hart, 2008, Hart, 2010, xvii). Practitioners seeking to assess risk should adopt methods that do not rely solely upon the use of group data or "one size fits all" approach (see Latessa & Lovins, 2010) but should consider the use of case formulations as a means to provide a more offender-specific oriented risk assessment and risk management strategy. Eells (2007) argued that there are a number of reasons why a case formulation approach could be adopted.

Case formulation serves the purpose of organising information a person presents in a systematic manner and therefore provides for the effective management of this information. It also serves the scope of formulating and executing a treatment plan. Formulation makes it possible to identify and measure change and allows for the understanding of the individual within his own environment, which would also entail the consideration of situational and contextual factors. Furthermore Kuyken, Padesky and Dudley (2009) suggested that case formulation fulfills an additional dimension as it entails a collaborative process where both practitioner and client are engaging in the process so as to uncover issues that a client is undergoing and focus upon building resilience to stress and adversity.

Forensic case formulation has now established itself as a “core skill” (Division of Clinical Psychology, 2001) as it marries both theory and empirical knowledge from different areas of expertise and applies this to the treatment and intervention of the individual (whether as a singular recipient or as part of a group) (Eells & Lombart, 2011). For example, Ward and Beech (2006) suggested complementing case formulation with a theoretical framework such as the Integrated Theory of Sex Offending (ITSO). This could also increase the validity and reliability of formulations. Therefore this clearly indicates that formulation goes beyond simply identifying the problem by uncovering the cause of why the behaviour occurs, what maintains the behaviour and what triggers it (Eells & Lombart, 2011). Probation officers would therefore draw upon theoretical frameworks as a means to enhance their formulations but also to render their decisions regarding risk more defensible.

Offence Paralleling Behaviours

Offence Paralleling Behaviour (OPB; Jones, 2004) is a more recent variation of case formulation and allows assessors to map sequences of offending behaviour. Daffern, Jones, and Shine (2010) described OPBs as providing a new and emerging framework used to evaluate

risk. Jones (2010) explained that this process involves the analyses of sequences of behaviour as opposed to looking at single events that utilises case formulation and functional analysis to identify the function of the behaviour or the causal factors. Functional analysis draws upon the examination of the *antecedents* (A) to the offending behaviour, the *behaviour* itself (B) and the *consequence* (C) of the offending behaviour (Casey et al. 2012). Therefore functional analysis serves to analyse singular behaviours by exploring the precursors and consequences to offending behavior.

Once functional analysis has been carried out, assessors then attempt to validate these links between behaviours across different contexts through the exploration of the antecedents and consequences related to the offending behavior (see Avellino, 2014e, chapter 5 for a detailed explanation of functional analysis). OPB identifies examples of behaviour that do not repeat past problematic behaviour, allows assessors the possibility of making specific predictions and testing these to see if the formulation is robust, and finally it addresses problematic factors (Jones, 2010). The behaviours may occur at any stage; prior to or after an offence is carried out (Gredecki, 2007).

The emphasis of this model is to acknowledge the relevance of the offender's current state of functioning (Atkinson & Mann, 2012). McDougall and Clark (1991) initially developed a model that considered assessment of current behaviours yet was met with much criticism (e.g. Towl & Crighton, 1995). Jones (2004) drew upon this model to develop the concept of OPBs which he defined as "any form of offence-related behavioural (or fantasised behaviour) pattern that emerges at any point before or after an offence" (p.38). This suggested that current behavioural patterns may parallel the offender's initial pattern of offending, creating an OPB, that once identified may be used to identify the psychological mechanism that may be responsible for persistent offending (Atkinson & Mann, 2012). This would provide probation

officers to also explore “near misses”, that is behavior that may have resulted in offending but did not. The importance of exploring these near misses lies in the reasons *why* the behavior did not occur. Did the offender choose not to offend? What were the reasons behind this? Did he engage in alternative behavior such as a prosocial behavior instead? All these aspects may be explored through the laddering technique described in Avellino (2014e, chapter 5), which facilitates the process used to understand individual’s constructs.

Daffern, Jones, Howells, Shine, Mikton and Tunbridge (2007) however argued that the definition used to define OPBs may be far too wide since it encompasses and includes many facets which may result in the incorrect application of OPBs. The implications of its incorrect application may have detrimental consequences particularly to the offender. Therefore Daffern et al. (2007) redefined offence paralleling behaviour “as a behavioural sequence incorporating overt behaviours (that may be muted by environmental factors), appraisals, expectations, beliefs, affects, goals and behavioural scripts that is functionally similar to behavioural sequences involved in previous criminal acts” (p. 267). Therefore OPB may be considered to be a developmental process that seeks to explore the behavioural links, that occur within offence types and across offence types, and behaviours occurring at the time of offending and within the context being observed; so as to predict future offending that may occur across different contexts (Jones, 2004). Emphasis here is placed upon identifying behaviours that are functionally similar in both contexts; at the time of offending and the current context. For example mapping out an OPB with a violent offender would involve the analysis of the offence which resulted in incarceration and the aggressive behaviours displayed whilst incarcerated (Jones, 2010). Behaviours may also consist of fantasised behaviours.

Probation officers in Malta follow offenders across various contexts and have access to both official and “unofficial” sources of information regarding offender behavior. The unofficial

information, is information obtained from the staff and even family who are in a position to observe the offender his day-to-day routine. Probations officers in Malta often conduct field visit within the establishments that are also in some way involved in the management of the offenders. These contexts vary from the family home to community service placement providers that may be able to provide specific details regarding aspects such as antecedents to behaviours as well as the specific behaviours. The advantage of utilising unofficial information is that at times it is more veritable as it provides a description of “live” behaviours which may sometimes be lost in the hierarchy of organisations.

How are OPBs formulated?

There appears to be no universal procedure for structuring a formulation as it is somewhat dependent upon the professional using it. Gredecki (2007) suggested that the behaviours utilised to carry the offence can be identified as a starting point for the development of a formulation (Gredecki, 2007). These behaviours are then compared to the behaviours observed within the context in which the assessment is taking place (Gredecki, 2007).

West and Greenall (2011) carried out research exploring “index offence analysis” as a means of enhancing risk assessment. They explained that structured analysis entails the understanding of the “events, circumstances and behaviours that occurred before, during, and after the last set of actions that brought the offender into contact with the criminal justice system” (West and Greenall, 2011, p. 144). They concluded that an analysis of the index offence would provide a far deeper understanding of the underlying processes related to the interaction between intra-personal, interpersonal, and situational influences relevant to offending (West & Greenall, 2011). This approach to assessment that places emphasis on the index offence and the events that occur prior to offending, is also indicated when construing offence paralleling behaviour. Both approaches therefore highlighted the importance of assessing the index offence

in order to understand offending behaviour yet the role of index offence analysis has been somewhat overlooked by the Department of Probation and Parole. The DPP provides a general description of offending at the pre-sentencing stage, yet the formulation of behaviour otherwise is not given much importance. Therefore approaches such as OPBs also emphasise the need to understand the offending behaviour together with the precipitators that occurred prior to offending would greatly enhance the assessment of offenders followed by DPP, particularly as a means to provide more specific predictions of offending behaviour.

The process of determining OPBs involves the identification of sets or sequences of behaviour that appear similar in terms of function or developmental structure (Jones, 2004). Once these behaviours are identified links between these behaviours that follow the same function may be explored. Links between the offence and the OPB may consist of actions, bodily sensations, cognitions, events or feelings (Jones, 2011). Once these chains have been identified, Jones (2011) recommended generating hypothesis to explore behaviours across contexts- within the current context being explored and the behaviours identified prior or after offending. These hypotheses may then be used to question whether certain behaviours were present or missing in different instances or determine whether more information is required. Hypothesis testing therefore may be used to link current behaviours with offence behaviours and anchoring these within their context (Jones, 2011). In practice, this means that assessors should test their formulations, by comparing these to other offences, try-outs or even “near-miss” offences. At times, assessors may also need to try to falsify their hypothesis in order to verify their authenticity (see Jones, 2007). So for example assessors could attempt to formulate alternative explanations to offending behavior.

The OBP framework draws upon the functional analytical literature to deconstruct offending behaviours. Functional analysis involves the identification of the antecedents or

triggers of offending behaviours, the behaviour itself and the consequence of the behaviour (Haynes & O'Brien, 2000). Furthermore Jones (2010) suggested exploring the role of “relapse prodromes” or “relapse signatures” (as identified in the literature on personality) that are unique predictors that act as a warning sign to psychotic episodes. The identification of these triggers as well as prodromes (which could be compared to the “pre-triggers” to offending behaviour) may form the basis of an individualised care plan. This is similar to Mischel and Shoda (1995) discussion of cross-situational consistency of behaviour that describes personality as varying according to the situation the offender is in. This is consistency in what may appear to be an inconsistency in personality may be identified through the offender’s “behavioural signatures” (p. 246). This will be discussed in more detail below.

“Enactments”, which Jones (2010) derives from the psychodynamic literature, are sequences of behaviours that are repeated across different contexts. According to this field of study, traumatic experiences may result in repeated behaviours where the re-enactment may also become a reversal of roles- where the victim becomes the offender- which the offender engages in as a means to surmount the trauma experienced (Jones, 2010). Furthermore the cognitive process behind the behaviours may be as a result of “schemas” or core belief systems that the offender follows (Young, Klosko, & Weishaar, 2003). The repetition of behaviours or “reisodes” may be a reflection of these core beliefs and may influence offenders to behave in a criminogenic manner (Jones, 2010). This suggests that repeated behaviours may occur as a result of the offender’s belief that he has been through traumatic experiences and therefore feels the need to redress this wrongful behaviour by making others undergo the same trauma he experienced. Therefore maladaptive schemas as well as a functional analysis of the behaviours, that includes an exploration of these enactments, cognitive processes and situational influences that may result in offending need also to be targeted as part of a holistic intervention plan.

A probation officer for example carrying out an assessment of a prisoner who has applied for parole could analyse the index offence and identify the functional behaviours utilised to carry out the offence. The probation officer, together with the prisoner, would then formulate an OPB based upon similar behaviours that have also been observed whilst incarcerated. The hypothesis generated could be used to explore further the triggers to offending behaviour or identify areas that need further exploration in order to generate a more concise understanding of the offending behaviour. Differences between identified sequences of behaviour may also be revised or withdrawn altogether should the differences be great. The OPB could then be used to devise a risk management plan in preparation for the offender's release back into the community. This approach could provide a more thorough and offender-specific risk assessment that focuses upon the development of behaviours as opposed to discrete episodes of offending behaviour (Gredecki, 2007). Furthermore this approach could provide probation officers with a clearer indication of the specific triggers of specific behaviours over traditional risk assessment tools.

Jones (2010) also explained that the behaviours in question do not necessarily require the act to result in offending; however it must mimic the sequential behaviours that result in the offence. Behaviours may include the index offence, offences disclosed by the offender himself or information obtained from additional sources such as files or family members (Daffern et al., 2007; Jones, 2010). These behaviours need to be grounded within their context and therefore a consideration of distal and proximal factors that may have been present prior to the offending may also prove to be useful (Jones, 2010). These sequences of behaviour may sometimes result in a Pro-social Alternative Behaviour (PAB) which involves behaviours that are similar to offence paralleling behaviours with the difference that they result in pro-social behaviours instead (Daffern et al., 2007). For this purpose, Daffern et al. (2007) recommend carrying out a functional analysis of the behaviour so as to determine whether this may be considered to be an

OPB or a PAB. Similarly the Good Lives Model of Rehabilitation (GLM; Ward, 2003) for example emphasises the need to identify the offender's strengths in order to reduce the risk of re-offending. Therefore probation officers may draw upon the GLM model in order to augment the OPB framework, by identifying the Pro-social Alternative Behaviours as a means of enhancing desistance (see the section "The Good Lives Model of Rehabilitation" for further information).

Jones (2010) cautioned however that at times offenders might come across as not engaging in any crime whereas they may in actual fact be concealing their offending behaviours. This highlights the relevance of identifying the use of Detection Evasion Skills (DES). These are skills that the offender develops in order to conceal behaviours associated with criminogenic thinking or criminogenic behaviours, thereby avoiding detection altogether, and appearing, instead, to be doing well in treatment. Jones (2011) described how some factors found within the offender's environment may actually mute offending behaviours and so at times criminogenic attitudes may not be that evident as the environment the offender is in limits the possibility of acting out. An example of this would be having an offender incarcerated for domestic violence displaying non-violent behaviours whilst in prison. Once the offender is released and he is once again within an intimate relationship, he becomes violent once again. The differences in behaviour between custody and the community may be down to the opportunity or availability of the target or the absence of triggers for that behaviour.

This has implications in terms of establishing the consistency of formulations when construing OPBs and highlights the need to explore cross-situational consistency. For example individuals may demonstrate a form of cross-situation consistency that is reflective of the offender's behavioural signature which is characterised by "distinctive and stable patterns" of situation-behaviour relations (e.g. "if A then she X, but if B then she Y") (Mischel & Shoda,

1995, p. 246). The Cognitive-Affective Personality System Theory of Personality (Mischel and Shoda, 1995) posited that behaviour does not occur as a result of a global personality trait but is subject to the individual's interpretation of the situation. This is because personality is somewhat stable in the manner it processes information regarding the different situations the individual is in, yet variations in behaviours may be influenced by the method by which the individual encodes information, his expectations and beliefs, affects, goals, values, competencies and self-regulatory plans (Mischel & Shoda, 1995). A practical example is when offenders tend to act aggressively before figures of authority such as police officers or probation officers but immediately act passively when faced with a Judge.

This hypothesis regarding situation-behaviour consistency is one that is also supported by the literature exploring linkage analysis and profiling (Canter, 1995, Woodhams, Bull, & Hollin, 2007). Despite the need for further research, this clearly indicates the importance of considering the interaction between the individual and the situation, in order to facilitate the process of identifying these behavioural signatures. The offender may interpret the situation of being in Court as being one that will result in an immediate consequence whereas the offender interprets the situation differently when faced with the police or his probation officer, as the consequence for his actions may occur at a much later stage. Therefore in this scenario, the offender's interpretation of the potential consequence may his behavioural signature. This is similar to Jones' (2010) description of relapse signatures that may be explored in order to identify the triggers to offender behaviour. Nonetheless this approach may be subject to criticism due to its subjectivity in interpretation. A similar point was raised by Alison, Smith, and Morgan (2003); in their study police officers were found to accept ambiguous statements by offenders influenced by the "barnum" effect. This term describes the effect of personal validation, were "individuals tend to construct meaning around ambiguous statements" (Alison et al. 2003, p.185) as "specific to themselves" (p. 193). This indicates the need to consider the

issues surrounding the adoption of an OPB framework as a means to improve the validity and reliability of formulations.

Issues with Adopting an Offence Paralleling Behaviour Framework

The concept of OPB, despite still being in its early stages of development, may be used in a variety of settings, and may be used to augment structured risk assessment (Daffern, Jones & Shine, 2010). The advantage of using this method, should assessors correctly identify the sequence of offending, could prove to be an effective method of reducing risk particularly if used in conjunction with more traditional methods of gauging risk (Mann, Thornton, Wakama, Dyson, and Atkinson, 2010). This method would also be particularly useful when trying to assess unusual behaviours that would otherwise be difficult to assess through traditional risk assessment tools (Jones, 2007).

However there are several disadvantages or concerns that practitioners need to be mindful of when formulating OPBs. These concerns are mainly with regards to the reliability and validity of OPBs, which could also be a reflection of the general issues with case formulation and the anamnestic approach to risk assessment (as this provides limited structure to risk assessment derived from a clinical interview) (Hart & Logan, 2011). Kuyken (2006) highlighted a number of issues with respect to validity and reliability with case formulation, most of the issues raised echo Towl and Crighton (1995) and Tversky and Kahneman (1981) (see Avellino, 2014a, chapter 1). Kuyken (2006) furthermore stressed that different practitioners may arrive at different conclusions when carrying out a formulation. This may depend upon the manner in which information is obtained (offender narratives may not necessarily be a true representation of behaviours either due to differences in perspectives or the offender wanting to portray a particular scenario), offenders (and their families) may have developed detection evasion skills or even sometimes due to differences between offenders and practitioners (for

example some offenders will describe practitioners as being far too removed from their lifestyle to understand the experiences the offender has been through and so they may be unwilling to share their life story with the practitioner) (see Avellino, 2014e, chapter 5).

In practice there could also be issues regarding the probation officers' own biases towards the offender that may be reflected through the probation officers narratives (see Avellino 2014e, chapter 5). Other influences or biases include the probation officer's personal decision-making style, personal issues influencing the practitioner's role or practice, knowledge of the literature regarding that particular type of offender, awareness of the contextual relevance of the offender's background, or even time-management skills. Other practical aspects could relate to the organisational climate (how interested is the organisational or management in carrying out offender-specific risk assessment? Is assessment being carried for the sake of appearances or is there a genuine interest and knowledge base for this to occur? What are the current issues that are affecting the day-to-day practices of practitioners?). Some of these issues are also highlighted in Nonstad and Webster's (2011) satirical rendition of how to fail in implementing a risk assessment strategy which highlighted the importance of the consideration of the organisation before introducing a new strategy (see Avellino, 2014e, chapter 5). Nevertheless, OPB is a major contributor to the field of risk assessment, whose limitations may be overcome through more research.

Jones (2010) acknowledged the limitations of OPBs with regards to reliability and validity. He subsequently proposed reducing these issues by carrying out a "practice algorithm" which involves the utilisation of the literature in order to generate hypotheses that may be tested and reformulated through revisions and triangulations (see figure 3 for an illustration of a practice algorithm). Jones (2011) also stressed the importance of carrying out peer-reviews to validate any OPBs that have been constructed. Additionally he recommended identifying

persons who have some relevant expertise, so that they may be in a better position to contribute to the OPB developed. He also suggested trying to then achieve a consensus on any revisions that need to be made and subsequently review the OPB periodically in order to make any adjustments (see Avellino, 2014e, chapter 5 for an example of the practical application of a practice algorithm).

Figure 3: Practice algorithm

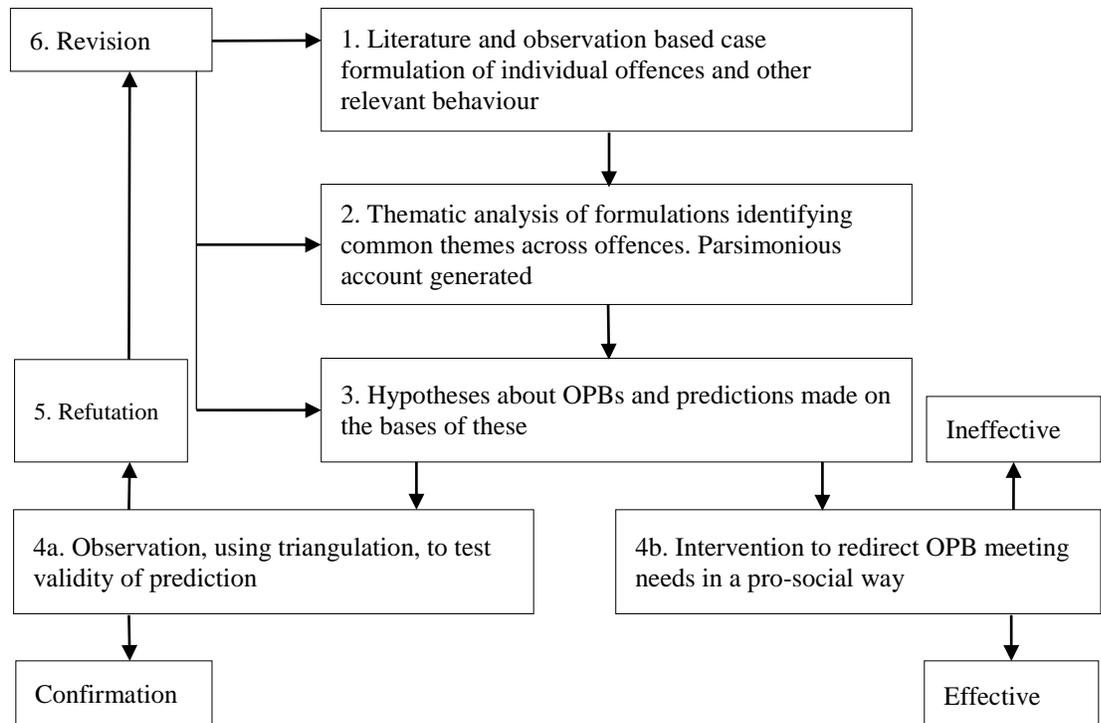


Figure 2: Practice Algorithm as described by Jones (2010, p.73) as a means to increase the validity and reliability of Offence Paralleling Behaviours. Adapted from “Approaches to developing OPB formulations,” by L. Jones, 2010, *Offence Paralleling Behaviour: A Case Formulation Approach to Offender Assessment and Intervention*, p. 73.

Multidisciplinary working and sharing of information may be crucial to ensuring reliability and validity of OPB formulations, as the sharing of information may serve to provide a more informed translation of the risk presented (Gredecki, 2007). This would be especially relevant when prisoners are being considered for release on a parole license within the Maltese

context. The Law regulating Parole in Malta provides for the mechanism necessary for the contribution of different practitioners to the assessment of offenders (through the dossier file that contains all the practitioner reports that have followed the prisoner throughout the sentence). Practitioners such as probation officers may use this forum so as to present formulations that, together with other practitioners, automatically allow for the sharing of information. Multidisciplinary teams, consisting of probation officers, psychologists, social workers and educational officers, could therefore be set up to discuss these formulations and make any changes if necessary. As at present it appears that there is no universal framework by which to develop a formulation, assessors could also combine this approach with structured risk assessment tools such as ICTs as previously described as a means of increasing reliability and validity of risk assessment.

The Good Lives Model of Rehabilitation

The OPB framework may be augmented through the Good Lives Model of Rehabilitation (GLM; Ward, 2003). The GLM offers a strength-based approach to dealing with offenders (Ward & Marshall, 2004). This method encourages practitioners to emphasise the positive attributes an individual may possess in order to achieve a meaningful life and general well-being. The GLM provides a holistic approach to rehabilitation, which was developed as an alternative to the Risk-Needs-Responsivity model (Andrews & Bonta, 1997) as a means to resolve some of the issues blighting current approaches.

GLM proposes three main components to rehabilitation theory: principles, aims and values of GLM, etiology of offending, and implications for practice (Ward & Maruna, 2007). Ward and Maruna (2007) surmised that offenders share the same goals or primary goods (natural desires or basic needs) as “non-offenders”, such as relationships or achieving a sense of belonging. This is also reflected in Ryan and Deci’s (2000) Self-Determination Theory which

also proposes that humans are goal-oriented and so are naturally predisposed to have certain needs, such as autonomy, relatedness and competence. Furthermore according to the GLM, offenders are mistaken in the manner in which they attempt to attain these goals. The *means (secondary or instrumental goods)* used to achieve these (primary) goals are seen to be flawed not the actual goals. According to the GLM by focusing upon developing the capabilities and strengths in offenders we may reduce their risk of re-offending.

Ward and Gannon (2006) identify two routes towards offending: the direct pathway where the offender's goals are achieved directly through criminality and the second route is the indirect pathway where offending occurs in the course of attempting to pursue a set of goals, that due to unforeseen circumstances, result in an increased pressure to offend (for example drinking alcohol to alleviate stress (goal) and then driving home drunk (potential for offending)).

In contrast to the criminogenic needs identified by the RNR model, criminogenic needs are seen to be the obstacles that limit the possibility of achieving *primary human goods*¹³. Risk factors are regarded as *internal* and *external* obstacles that make it difficult for an individual to implement a good lives plan (Ward & Marshall, 2004). Internal obstacles may include difficulties related to the offender's skills and capabilities and external obstacles constitute the offender's access to resources, support and opportunities.

The implications for practice are several. By adopting a GLM framework, probation officers target the means by which offenders attempt to achieve their goals. Interventions focus upon equipping offenders with the internal and external conditions as a means to desist from offending and securing a Good Life Plan. Interventions are also individualised. This provides

¹³ Ward and Maruna (2007) described the primary goods as areas related to life, knowledge, excellence in play, excellence in work, excellence in agency, inner peace, relatedness, community, spirituality, pleasure and creativity.

probation officers with the possibility of forming a therapeutic alliance by working collaboratively with the offenders to focus upon building the offender's strengths, interests, values, with the offender's own social, personal and environmental context. Offenders are therefore seen as immersed within a belief-system, reflective of a value-laden society, and naturally interacting with the environment. These social factors are likely to influence their decision to engage in crime or engage in activities that will lead them to offending. This is because offenders are viewed as evolving individuals with a capacity for decision making. Emphasis is therefore placed upon the role of values in addressing change, which also takes into account the role of culture, existent belief systems and the offender's world-view. This approach to assessment provides an opportunity to explore the offender's sense-making as discussed succinctly in Avellino (2014a, chapter 1). Furthermore it also highlights the importance of exploring offender narratives as a mean to provide a deeper understanding of the offender's constructs in relation to offending.

Pennington (2002) argued that goals and values influence an individual's perception of the world around him (and influences his interaction with the environment he is in). An offender's perception may be reflective of a problematic value-system, belief-system and negativistic attitude (Gannon & Polaschek, 2006; Ward, Gannon, & Keown, 2007). This implies that individuals who find difficulty in perceiving and interpreting the world "correctly" may develop maladaptive belief systems, subsequently enforcing any criminogenic attitudes. For example a sex offender may develop an attitude where he views women as sexual objects and this may lead to the offender developing offence-supportive cognitions, thus justifying his decision to rape (see Avellino, 2014e, chapter 5; Thornton, 2002).

Interventions that draw upon the GLM therefore would take into account the offender's perspective (and subsequently would influence the manner in which decisions are taken) and

focus upon motivating offenders to explore more appropriate methods by which to achieve their goals and bring about a change. This is especially relevant to the offender's identity formation which evolves through the process of formulating a Good Life. GLM could therefore be used to enhance current approaches as a means to develop long-term solutions to offending behaviour and promote desistance.

Figure 4: Good Lives Model Framework

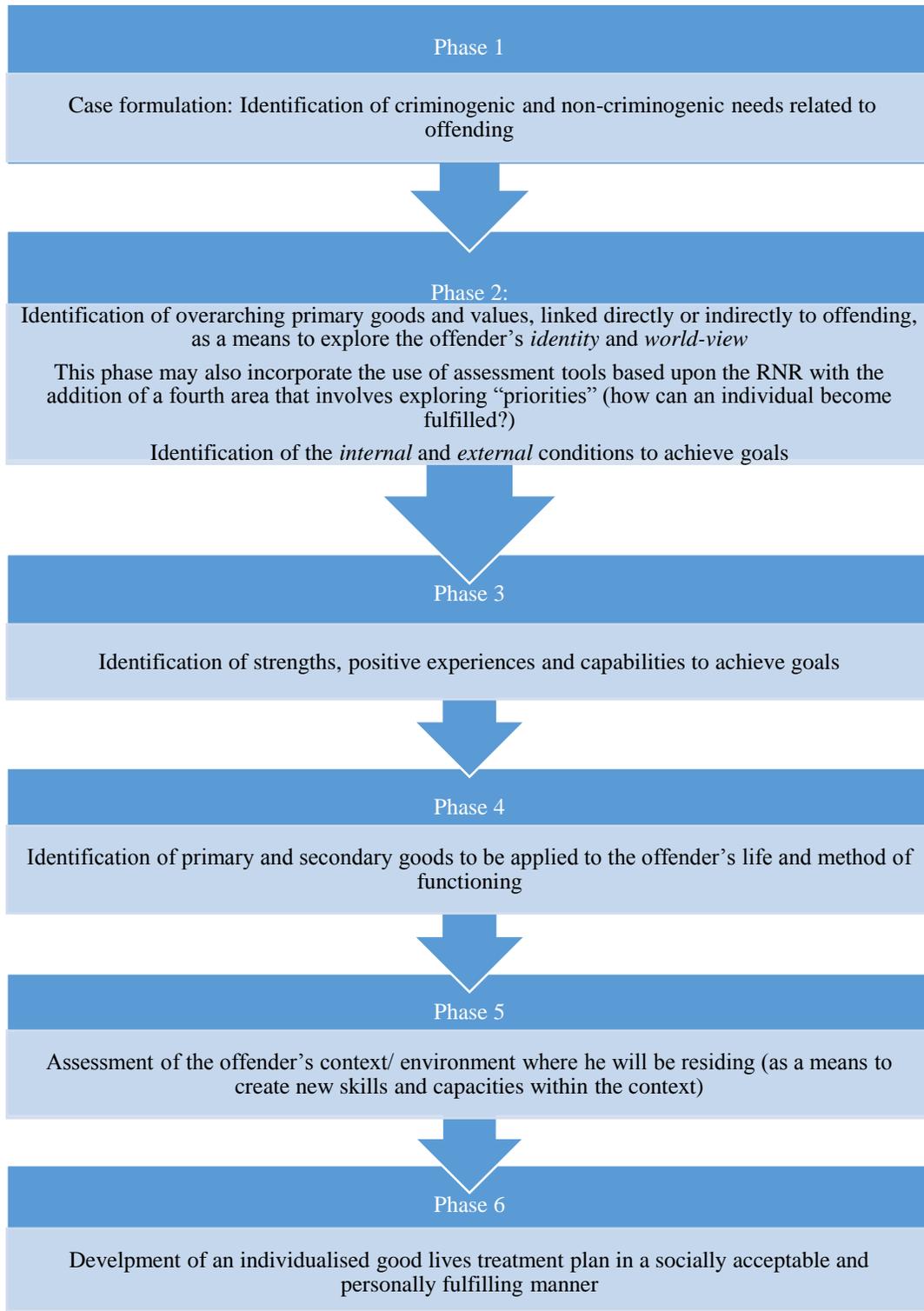


Figure 4: The framework provides the opportunity for assessors to engage in a collaborative risk assessment process using GLM (adapted from Ward & Maruna, 2007).

Towards a New Model of Practice in Risk Assessment and Risk Management in the Maltese Probation Service: A Brief Case Example

The following provides a hypothetical case example, "Joe" who is being assessed by his assigned probation officer. A more detailed description of this case is provided in Avellino (2014e, chapter 5). This case is intended to demonstrate how probation officers within the DPP may combine the use of Iterative Classification Trees and the Offence Paralleling Behaviour approach as a new model of practice. As discussed above assessors drawing upon ICTs are able to make more accurate predictions for more specific groups of offenders as profiles of offenders sharing the same risk factors. Furthermore offenders may still be classified as either low or high risk, which may facilitate case management for probation officers. Assessment drawing upon ICTs may then be complemented with the Offence Paralleling Behaviour framework in order to understand the underlying processes of offending behaviour through the analysis of offence chains and the functions of offending behaviour in order to find meaning in behaviours being observed (Gredecki, 2007). The OPB framework may also draw upon the Good Lives Model framework (see figure 4 for Good Lives Model Framework) to elicit the offenders strengths and place further emphasis upon the positive attributes an individual may possess in order to achieve a meaningful life and general well-being.

Iterative Classification Trees

Joe is a 35-year-old male, who has a history of violent offending. He was incarcerated for assaulting a 60-year-old neighbour over a parking issue (index offence). When Joe was 30 years old, he assaulted a 60-year-old man after becoming enraged that his neighbour would not remove his car from in front of Joe's garage. This event was precipitated by a prior offence when Joe was 21 years old and engaged in his first offence. Joe found himself caught in traffic

and assaulted the driver following a traffic collision. In addition, during Joe's incarceration he got into an argument with another inmate who refused to clean his side of the cell.

Joe applied to be considered for release on parole and subsequently a probation officer was assigned in order to determine Joe's suitability to be released into the community. The assessment commenced with the probation officer asking Joe a series of questions provided by the ICT. The response to each question determined the probation officer's subsequent question. This resulted with Joe being classified as high risk of re-offending and included a short description or profile of offenders sharing the same risk factors. This facilitated the understanding of Joe's behaviour in comparison to other offenders classified as high risk within the DPP. As the ICT was developing using a sample of offenders also followed by the department, this approach was also sensitive to the socio-cultural aspects relevant to offending.

Offence Paralleling Behaviour

The formulation carried out by Joe's probation officer involved the comparison of the various episodes in order to generate links across the three contexts. The probation officer attempted to note any patterns in behaviour. To facilitate the process of exploration, the probation officer utilised the table found below in order to facilitate the process of identifying OPBs (see table 1).

Table 1

Example of an OBP

Situation	Antecedents	Behaviour	Consequence
Joe as a child (till age 16)	Joe in the presence of his father who was often verbally aggressive & bullied Joe, feeling emasculated which affected his self-identity, questioning his masculinity	No offence, yet father was verbally aggressive, felt belittled and cannot form part of “the big boys” club, generated feelings of shame	Short-term: lowered self-esteem that developed into a long-term sense of frustration & inadequacy when faced with paternal male figures
Offence 1 (age 21)	Feeling a sense of frustration due to traffic, anger at motorist/ verbal confrontation, feels that motorist might perceive him as inferior, feeling disconnected from others	Assault on motorist (unable to resolve conflict), instant gratification	Short-term: relief from frustration, as he has proven his masculinity, self-esteem is high. Long term: probation order
Offence 2 (index offense) (age 31)	Feeling a sense of frustration at neighbour who parked outside Joe’s garage, verbal confrontation, perceived neighbour as belittling him, feeling disconnected	Assault on neighbour (unable to resolve conflict), feels sense of entitlement	Short-term relief from frustration, as he has proven his masculinity. Long term: incarceration
In custody (age 34)	Feeling a sense of frustration/ verbal confrontation, feeling the need to prove to other prisoners that he is “the man”, asserting his masculinity	Assault on inmate (unable to resolve conflict), proves his worth	Short-term relief from frustration, reprimand from prison officer

Themes: links across all three contexts indicate a theme of violence, which could be linked to childhood variables, familial issues, life events, relationships with the people around him, and significant life events (potential trauma induced by father’s aggression)

The probation officer's hypothesis regarding Joe's violent behaviour was that a sense of frustration acts as a precursor to violent behavior but violence is triggered when Joe is confronted by male paternal figures. Links across all three contexts indicate an over-arching theme of violence that has been precipitated by childhood variables, familial issues, life events, relationships with the people around him, and significant life events that includes potential trauma induced by his father's aggression (see Avellino, 2014e, chapter 5).

A deeper exploration of Joe's narrative indicated that he was likely to use aggression when he felt his masculinity was being challenged. At this point the laddering technique described above may be adopted here to facilitate the process of exploring these deeper meanings. A link was established between Joe's feelings of insecurity with his self-identity. This seems to have also manifested itself as Joe feeling disconnected from others prior to offending. Subsequently Joe would attempt to assert his masculinity "like a man" and would endeavor to resolve conflict by being aggressive. This generated feelings of frustration. Joe described feeling a similar sense of frustration when in the presence of his father, as Joe explained that his father generated feelings of inadequacy. Furthermore Joe described feeling the need to prove his masculinity, just as his father did, through aggression. Furthermore it appears that this may have resulted in Joe feeling a sense of resentment towards his father due to not having been emotionally present in his life, resulting in frustration, that till today still manifest themselves as violent behaviour towards older males that Joe perceives as a threat.

In conclusion an analysis of the information indicated that the victims in all three contexts were older males had threatened his masculinity. Further analysis indicated that Joe's violent offences are a reflection of displaced anger towards his father, resulting in a form of projection onto paternal male figures who he perceives as similar to his father. This, combined with Joe's experience of observing his own father's history of violence, may have resulted in a

build-up of unresolved issues and subsequent sense of frustration. Furthermore Joe's coping strategy seems to indicate a maladaptive belief-system that reflects an aggressive approach towards anger management that has deep-rooted cultural implications.

Drawing upon the GLM framework, the probation officer noted that Joe demonstrated a sense of awareness regarding his need to resolve conflict in a pro-social manner but also his readiness to engage in change. Joe also indicated his need to connect to others and also acknowledged his wish to achieve an inner sense of peace. Therefore an effective risk management plan could seek to assist Joe in achieving his goal of inner peace as a means to guide Joe into engaging in desistance. This could be achieved through Joe commencing an individualised anger management programme currently offered by DPP to equip Joe with prosocial coping skills, effective communication, the identification of negativistic thinking that triggers offending behavior and address schema regarding violence.

As suggested by Jones (2010) a practice algorithm may at this point be utilised in order to increase the reliability and validity of the proposed formulation. Furthermore a case conference may also be held in order to discuss the analysis provided by the probation officer and devise a risk management plan together with the offender (see Avellino, 2014e, chapter 5).

Conclusion and Future Directions

The introduction of a new model of practice to the Department of Probation and Parole could provide an integrated framework in order to enhance risk assessment and risk management of offenders followed by the Department. This is particularly significant given the Maltese context: a homogenous and small population, with a distinctive rapidly changing culture. The model has proposed the adoption of a decision tree approach complemented with a case formulation approach, such as the Offence Paralleling Behaviour framework, as an alternative to standard actuarial risk assessment. This approach to risk assessment would allow for the analysis of the interaction between the interpersonal, intrapersonal, developmental, contextual as well as situational aspects relevant to offender behavior. Furthermore the adoption of the Good Lives Model of rehabilitation would serve to enhance the proposed model of practice by focusing on the offender strengths as a means to guide offenders to embrace a “good life” and subsequently promote desistance.

A new model of practice such as the one being proposed would provide the Department of Probation and Parole in Malta with framework by which to carry out an individualised assessment strategy. Utilising a decision tree approach may provide the advantages offered by actuarial risk assessment, whilst also accounting for an individualised approach to risk assessment. This may act as a platform from which to develop case formulation by drawing upon the Offence Paralleling Behavior framework. The analysis of the processes underlying offender behavior may be facilitated by the exploration of the offender narrative. Furthermore the combined adoption of the Iterative Classification Tree together with the Offence Paralleling Behavior framework could add incremental validity and reliability to formulations as it allows probation officers to draw upon more than one approach in order to form their professional opinions regarding risk. Furthermore probation officers are encouraged to develop risk management plans, formulated in collaboration with offenders that considers the unique aspects

that may be responsible for offending behaviour; such as cultural influences and proximal factors.

This method of assessing risk is relevant to probation officers in Malta, who are faced on a daily basis, with trying to balance their duties towards public protection whilst also balancing the rehabilitation of offenders. OPB formulations may be used to create and manage this balance as they provide a basis on which probation officers may develop a risk management plan. This also incorporates an emphasis on rehabilitation and an indication of the treatment plan indicated for that specific offender. Simultaneously offenders may be encouraged and motivated to participate within the formulation and assessment process in order to collaboratively devise a risk management plan. This may also increase the motivation for an offender to comply with their risk management plan, rendering this more achievable, and increasing overall compliance, possibly as offenders may be encouraged to feel a sense of ownership and personal investment. Positive reinforcement by probation officers may also increase the opportunity for offenders to succeed in completing their community based sanctions.

Probation officers could also focus upon exploring behaviours that avoid offending behaviour that may be as a result of the development of skills to avoid detection or may suggest the engagement of prosocial behaviour. Addressing these patterns of criminogenic behaviours and prosocial behaviours would serve to motivate the offenders to engage in a “good life” as proposed by Ward and Maruna (1997). Identifying positive behaviours may also be part of a risk management plan which would steer offenders towards engaging in a prosocial lifestyle, build resilience and subsequently desist from offending altogether. This approach could incorporate the exploration internal and external resources found within the offender’s immediate context as well as situational aspects as a means to enhance rehabilitation.

Access to reliable information is an integral part of an effective risk assessment and risk management strategy. The Department of Probation and Parole requires an integrated electronic database that tracks the offender from his first contact with the criminal justice system and maintains a record of any changes the offender may experience. This may include information regarding any pending Court cases to therapy the offender may have received whilst incarcerated. This database may also include annotations from staff who have had contact with the offender. For example Atkinson and Mann (2012) described the advantage of utilising “untapped” resources; prison officers who through their own interactions with prisoners were able to supplement additional information to formulate OPBs. Besides serving the basis of the development of an ICT to be used by probation officers in Malta, an integrated data management system would also provide the necessary information in order to increase the reliability and validity of formulations.

This integrated management system would also serve to share information amongst other professionals and encourage multidisciplinary working for the responsible management of offenders. Furthermore this approach would also serve to enhance communication, a key feature of an effective risk assessment and risk management strategy. An example of an existing system designed to facilitate the communication of this information is the ADViSOR project (McDougall, Pearson, Bowles & Cornick, 2010). ADViSOR, which was set up by the National Probation Service and HMP Acklington, was developed exclusively so as to act as the link between prison and the community (McDougall, et al., 2010). The scope of this project was to provide the mechanism for the transfer of information concerning offender behaviours within prison to community offender managers (McDougall et al., 2010). The information concerning offence-related behaviours was collected through a behavioural checklist and this information was made available to community offender managers, through MAPPA, so as to enable effective risk management of high risk offenders within the community (McDougall et al., 2010).

An integrated data management system could also serve to monitor changes in offender behavior. The Wakefield risk assessment model (McDougall, Clarke, & Woodward, 1995), for example, similarly to the OPB framework, attempts to monitor changes in behaviour whilst offenders are incarcerated however also unlike the OPB the model, it may not be utilised once the prisoner has been released into the community. Nonetheless, the community is the “real-life test” to determine whether previous predictions for offending behaviours were indeed correct, and it is therefore information that is relevant to probation officers responsible for the supervision of parolees. More research concerning offenders within the community, such as at a pre-sentencing stage or when assessing prisoners being considered for release on a parole license, is necessary, especially given that parole has only recently been introduced in Malta.

A new model of practice would also necessitate on-going training, supervision, intra- and inter-departmental multidisciplinary working, and effective communication to facilitate the formulation of risk at a practitioner level. Moreover commitment on an organisational level, at senior management level and above, both in terms of practitioner needs with the technical support and mechanism necessary to facilitate the risk assessment process and support from management to carry out formulations, is necessary in order to introduce and commit to a new model of practice.

References

- Alison L., Smith M., & Morgan, K. (2003). Interpreting the accuracy of offender profiles. *Psychology, Crime & Law*, 9(2), 185-195.
- Andrews, D. & Bonta, J. (1997). *The psychology of criminal conduct* (4th Ed). Cincinnati: Anderson Publishing.
- Atkinson, D. & Mann, R. (2012). Prison officers as observers of offence paralleling behaviours: An untapped resource? *The Journal of Forensic Psychiatry & Psychology*, 23(2), 139-155.
- Avellino, C. (2014a). *Constructing a new risk assessment and risk management strategy for the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.
- Avellino, C. (2014b). *A content analysis of pre-sentence reports in the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.
- Avellino, C. (2014e). *Implementing a new strategy for risk assessment and risk management in the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.
- Butler, G. (1998). Clinical formulation. In A.S. Bellack and M. Hersen (Eds.), *Comprehensive Clinical Psychology*. Oxford: Pergamon.
- Canter, D. (1995). Psychology of offender profiling. In R. Bull & D. Carson (Eds.), *Handbook of psychology in legal contexts* (pp. 343-355). Chichester: John Wiley and Sons.
- Casey, S., Day, A., Vess, J. & Ward, T. (2012). *Foundations of offender rehabilitation*. London: Routledge.

Cooke, D. J. (2000). *Current risk assessment instruments. Annex 6 in Lord MacLean: A report of the Committee on Serious Violent and Sexual Offenders* (pp. 151-158). Edinburgh: Scottish Executive.

Cooke, D. J. & Michie, C. (2013). Violence risk assessment: From prediction to understanding- or from what? To why? In C. Logan & L. Johnstone (Eds.), *Managing clinical risk: A guide to effective practice* (pp. 3–25). London: Routledge.

Crighton, D.A. (2005). Risk assessment. In D.A. Crighton & G.J. Towl (Eds.), *Psychology in probation services*. Oxford: Blackwell.

Daffern, M., Jones, L., Howells, K., Shine, J., Mikton, C. & Tunbridge, V. (2007). Redefining the definition of offence paralleling behaviour. *Criminal Behaviour and Mental Health*, 17(5), 265-273.

Daffern, M., Jones, L. & Shine, J (Eds.)(2010). *Offence Paralleling Behaviour: A case formulation approach to offender assessment and intervention*. Chichester: John Wiley & Sons.

Division of Clinical Psychology (2001). *The core purpose and philosophy of the profession*. Leicester: The British Psychological Society.

Eells, T.D. (2007). Psychotherapy case formulation: History and current status. In T.D. Eells (Ed.), *Handbook of psychotherapy case formulation* (2nd, pp. 3-32). New York: Guilford Press.

Eells, T.D. (2009). Contemporary themes in case formulation. In P. Sturmey (Eds.) *Clinical case formulation: Varieties of approaches* (pp. 293-315). Chichester: Wiley & Sons Ltd.

Eells, T.D. & Lombart, K.G. (2011). Case formulation: Determining the focus in brief dynamic psychotherapy. In D.P. Charman (Ed.) *Core processes in brief psychodynamic psychotherapy* (pp. 119-144). Mahwah, New Jersey: Lawrence Erlbaum Associates.

Farrington D.P. (2007). Childhood risk factors and risk-focused prevention. In M.Maguire, R. Morgan & R.Reiner (Eds.), *The Oxford handbook of criminology* (4th Ed. pp.602-640). Oxford: Oxford University Press.

Gannon, T. A., & Polaschek, D. L. L. (2006). Cognitive distortions in child molesters: A re-examination of key theories and research. *Clinical Psychology Review*, 26, 1000-1019.

Gardner, W., Lidz, C. W., Mulvey, E.P. & Shaw, E.C. (1996). Clinical versus actuarial predictions of violence in patients with mental illnesses. *Journal of Consulting and Clinical Psychology*, 64(3), 602-609.

Gordon, A. & Wong, S. C. P. (2010). Offence analogue behaviours as indicators of criminogenic need and treatment progress in custodial settings. In M. Daffern, L. Jones, & J. Shine (Eds.), *Offence Paralleling Behaviour: A case formulation approach to offender assessment and intervention* (pp. 171–183). Chichester: John Wiley & Sons Ltd.

Gredecki, N. (2007). Using offence paralleling behaviour to inform the management and assessment of clients in secure forensic settings. *Forensic Update*, 89, 33-38.

Hart, S.D. (2003). Violence risk assessment: An anchored narrative approach. In M. Vanderhallen, G. Vervaeke, P.J. Van Koppen and J. Goethals (Eds.), *Much ado about crime. Chapters on psychology and law* (pp. 209-230). Brussels: Uitgeverij Politeia NV.

Hart, S.D. (2008). *The future of violence risk assessment and management: From prediction to prevention, from formula to formulation*. Keynote speech, International association for Forensic Mental Health Conference, Vienna.

Hart, S. D. (2010). Foreword. In M. Daffern, L. Jones, & J. Shine (Eds.), *Offence Paralleling Behaviour: A case formulation approach to offender assessment and intervention* (pp. xvii–xix). Chichester: John Wiley & Sons Ltd.

Hart, S. & Logan, C. (2011). Formulation of violence risk using evidence-based assessments: The structured professional judgement approach. In P. Sturmey & M. McMurrin (Eds.), *Forensic case formulation* (pp.83-106). Chichester: John Wiley & Sons Ltd.

Haynes, S. N. & O'Brien. W. O. (2000). *Principles of behavioral assessment: A functional approach to psychological assessment*. New York: Plenum Press.

Jones, L. (2004). Offence paralleling behaviour (OPB) as a framework for assessment and interventions with offenders. In A. Needs & G. Towl (Eds), *Applying psychology to forensic practice* (pp.34-63). Oxford: BPS Blackwell.

Jones, L. (2010). Approaches to developing OPB formulations. *Offence Paralleling Behaviour: A case formulation approach to offender assessment and intervention* (pp. 71-87). Chichester: John Wiley & Sons, Ltd.

Jones, L. (2011). Case formulation for individuals with personality disorder. In P. Sturmey & M. McMurrin (Eds.), *Forensic case formulation* (pp. 257-279). Chichester: John Wiley & Sons, Ltd

Jones, L., Daffern, M., & Shine, J. (2010). Summary and future directions. In M. Daffern, L. Jones & J. Shine (Eds.), *Offence Paralleling Behaviour: A case formulation approach to offender assessment and intervention* (pp. 317–328). Chichester: Wiley-Blackwell.

Kuyken, W. (2006). Evidence-based case formulation, is the emperor clothed? In N. Tarrow (Ed.) *Case formulation in cognitive behaviour therapy: The treatment of challenging and complex cases*. Hove: Routledge.

Kuyken, W., Padesky, C. A., & Dudley, R. (2009). *Collaborative case conceptualisation: Working effectively with clients in cognitive-behavioral therapy*. UK: Guildford Press.

Latessa, E. & Lovins, B. (2010). The role of offender risk assessment: A policy guide. *Victims & Offenders*, 5, 203-219.

Levy, D., Caronna, J., Singer, B., Lapinski, R., Frydman, H. & Plum, F. (1985). Predicting outcome from hypoxic-ischemic coma. *Journal of the American Medical Association*, 253, 1420-1426.

Lindsay, W. (2011). Formulating offending behavior with people with mild learning disabilities. In P. Sturmey & M. McMurrin (Eds.), *Forensic case formulation* (pp. 237-255). Chichester: John Wiley & Sons, Ltd.

Mann, R., Thornton, D., Wakama, S., Dyson, M. and Atkinson, D. (2010). Applying the concept of offence paralleling behaviour to sex offender assessment in secure settings. In M. Daffern, L. Jones, & J. Shine (Eds.), *Offence Paralleling Behaviour: A case formulation approach to offender assessment and intervention* (pp. 121–135). Chichester: John Wiley & Sons Ltd.

McDougall, C. & Clark, D. (1991). A risk assessment model. In S. Boddis (Ed.), *Proceedings of the Prison Psychology Conference*. London: Her Majesty's Stationery Office.

McDougall, C., Clark, D. & Woodward, R. (1995). Application of operational psychology to assessment of inmates. *Psychology, Crime and Law*, 2, 85-99.

McDougall, C. Pearson, D., Bowles, R. & Cornick, J. (2010). Institutional Offence Behaviour Monitoring as an aid to community supervision of high-risk offenders: Experience from multi-agency public protection arrangement. In M. Daffern, L. Jones, & J. Shine (Eds.), *Offence Paralleling Behaviour: A case formulation approach to offender assessment and intervention* (pp. 185–202). Chichester: John Wiley & Sons Ltd.

Mischel, W., & Shoda, Y. (1995). A cognitive system theory of personality: Reconceptualizing situations, dispositions, dynamics, and invariance in personality structure. *Psychological Review*, 102(2), 246–268.

Monahan J. (2001). Major mental disorder and violence: Epidemiology and risk assessment. In GF. Pinard & L. Pagani (Eds), *Clinical Assessment of Dangerousness: Empirical Contributions* (pp. 89-102). New York: Cambridge University Press.

Monahan, J., Steadman, H., Robbins, P., Silver, E., Appelbaum, P., Grisso, T., Mulvey, E. & Roth, L. (2000). Developing a clinically useful actuarial tool for assessing violence risk. *British Journal of Psychiatry*, 176, 312-319.

Nonstad, K. & Webster, C.D. (2011). How to fail in the implementation of a risk assessment scheme or other new procedure in your organisation. *American Journal of Orthopsychiatry*, 81(1), 94-99.

Pennington, M. (1992). Reflecting on Teaching and Learning: a developmental focus for the second language classroom. In J. Flowerdew & M. Brock & S. Hsia (Eds.), *Perspectives on Second Language Teacher Education*. Hong Kong: City Polytechnic.

Persons, J. (2008). *The case formulation approach to cognitive-behaviour therapy: Guides to individualised evidence treatment*. New York: Guilford Press.

Piaget, J. (1952). *The origins of intelligence in children*. New York: International Universities Press.

Rich, P. (2011). Forensic case formulation with children and adolescents. In P. Sturmey & M. McMurrin (Eds.), *Forensic case formulation* (pp. 217-235). Chichester: John Wiley & Sons, Ltd.

Robinson, G. (2003). Risk and risk assessment. In W.H. Chui & M. Nellis (Eds.) *Moving Probation Forward: Evidence, arguments and practice* (pp. 108-129). Harlow: Pearson Longman.

Ryan, R.M. & Deci, E.L. (2000). Self-determination theory and the facilitation of intrinsic motivation, social development and well-being. *American Psychologist*, 55, 68-78.

Shine, J. (2010). In M. Daffern, L. Jones, & J. Shine (Eds.), *Offence Paralleling Behaviour: A case formulation approach to offender assessment and intervention* (pp. 203–229). Chichester: John Wiley & Sons Ltd.

Shipley, S. & Arrigo, B. (2011). Sexual offences against adults. In P. Sturmey & M. McMurrin (Eds.), *Forensic case formulation* (pp. 195-213). Chichester: John Wiley & Sons, Ltd.

SPSS inc. (1993). *SPSS for Windows*. Chicago, LL: SPSS inc.

Steadman, H., Mulvey, E., Monahan, J., Robbins, P., Appelbaum, P., Grisso, T., Roth, L., & Silver, E. (1998). Violence by people discharged from acute psychiatric inpatient facilities and by others in the same neighborhoods. *Archives of General Psychiatry*, 55(5), 393-401.

Steadman, H., Silver, E., Monahan, J., Robbins, P., Mulvey, E., Grisso, T., Roth L. and Banks, S. (2000). A classification tree approach to the development of actuarial violence risk assessment tools. *Law and Human Behavior*, 24(1), 83-100.

Sturmey, P. (2010). Case formulation in forensic psychology. In M. Daffern, L. Jones, J. Shine (Eds.), *Offence Paralleling Behaviour: A case formulation approach to offender assessment and intervention* (pp. 25-52). Chichester, UK: John Wiley & Sons.

Tarrier, N. and Calam, R. (2002). New developments in cognitive-behavioural case formulation. Epidemiological, systematic and social context: An integrative approach. *Behavioural and Cognitive Psychotherapy*, 30(3), 311-328.

Thornton, D. (2002). Constructing and testing a framework for dynamic risk assessment. *Sexual Abuse: A Journal of Research and Treatment*, 14(2), 137-151.

Towl, G.J, & Crighton, D.A. (1995). Risk assessment in prisons: a psychological critique. *Forensic Update*, 40, 6-14.

Tversky, D. & Kahneman, A. (1981). Judgement under uncertainty: Heuristics and biases. *Science*, 185, 1124-1131.

Ward, T. (2003). The explanation, assessment, and treatment of child sexual abuse. *International Journal of Forensic Psychology*, 1, 10–25.

Ward T. & Gannon, T. (2006). Rehabilitation, etiology and self-regulation: The Good Lives Model of sexual offender treatment. *Aggression and Violent Behaviour*, 11(1), 77-94.

Ward, T., Gannon, T. & Keown, K. (2007). Child sexual abuse-related cognition: Current research. In T.A. Gannon, T. Ward, A.R. Beech & D. Fisher (Eds.), *Aggressive offenders' cognition: Theory, research and practice* (pp.71-89). Chichester, UK: John Wiley.

Ward T. & Marshall, W.L. (2004). Good lives, aetiology and the rehabilitation of sex offenders: A bridging theory. *Journal of Sexual Aggression (Special Issue): Treatment & Treatability*, 10(2), 153-169.

Ward T. & Maruna, S. (2007). *Rehabilitation: Beyond the risk paradigm*. London: Routledge.

Warren, B. (2010). Kelly's personal construct psychology and Dewey's pragmatism. *Personal Construct Theory and Practice*, 7, 32-40.

West, A. & Greenall, P. (2011). Incorporating index offence analysis into forensic clinical assessment. *Legal & Criminological Psychology*, 12(2), 233-249.

Young, D. & Canter, D. (2009). Personality and crime. In *The Cambridge handbook of personality psychology* (pp.780-798). Cambridge, UK: Cambridge University Press.

Young, J., Klosko, J. & Weishaar, M. (2003). *Schema Therapy: A Practitioner's Guide*. New York: Guilford Press.

**Chapter 5: Implementing a new strategy for risk assessment and
risk management in the Maltese probation service**

Chapter 5: Implementing a new strategy for risk assessment and risk management in the Maltese probation service

Abstract

Drawing upon the findings of the previous research conducted by the author, this final chapter provides a reflective overview of the implementation of a proposed new strategy for risk assessment and risk management in the Department of Probation and Parole in Malta. The main themes identified in the previous research have highlighted the benefits of a holistic approach to risk management that considers the idiosyncratic aspects relevant to the offender rather than taking a “one size fits all” approach to managing offenders. The rationale behind the proposed strategy has stemmed from the fact that over the years the department has become responsible for an increased number of more diverse offenders, especially with the recent introduction of parole in Malta. In addition the research also examined the practical issues to be considered in order to implement the proposed strategy. The overall findings of this research indicate that there is scope in considering the introduction of a strategy to the Maltese probation service, as a means to offer a more comprehensive approach to risk assessment to inform effective risk management practices.

The Rationale Behind the Strategy

The purpose of the present research has been to devise a risk assessment and risk management strategy to be introduced to the Department of Probation and Parole (DPP) in Malta. Prior to the commencement of this research in 2010, the DPP began to review its risk assessment policies, partially due to the introduction of an evidenced-based approach to Parole in Malta (see Avellino, 2014a; chapter 1). Prior to 2010, probation officers would determine risk according to their own professional judgement and assessment was largely limited to pre-sentence reports. By 2010, probation officers had begun conducting actuarial risk assessments for offenders at a post-sentencing stage; for offenders supervised through a probation order, a suspended sentence with supervision or through a combination order (i.e. community service order together with a probation order).

Shortly after, in December 2011, parole was enacted by the Restorative Justice Act (Cap. 516, Laws of Malta), and so the DPP became responsible for the assessment of prisoners eligible for Parole and subsequently the management of parolees. Once the Restorative Justice Act came into force in January 2012, the DPP began receiving applications from prisoners for release on a parole license. To this end, parole officers began drawing up parole reports that also incorporated the actuarial risk assessment procedures.

According to 2013 DPP records, out of a total of 177 offenders that were assessed for the risk of general re-offending, 37% were identified as high risk, 40% were classified as medium risk and 23% were determined as low risk. A large proportion of the offenders reported here were offenders on probation (80%). The majority of offenders on probation who were also assessed during 2013 were classified as medium risk (43%) with 36% of offenders being classified as high risk. Nonetheless it seems that despite the introduction of an actuarial risk assessment to guide probation officers with their risk assessment, many probation officers have

found that the risk assessment tools adopted by the department have not sufficiently captured the aspects that characterise the offending behaviour of specific individuals.

Although probation officers have indicated that they found no difficulty in administering the tool, they indicated that it did not sufficiently explain the unique factors that characterise risk, that little attention is given to the progress or the positive aspects that offenders may have achieved and that there is little distinction between offenders (and so they ignore the idiographic elements that characterise the offending behaviour). This was particularly evident when developing a risk management plan that catered for the specific needs of the offender, which did not make a distinction between the varying needs of different types of offenders to enhance their rehabilitation. Andrews and Bonta (1997) stressed that for treatment to be effective, it should be tailored to the needs of the offender.

A practical example of this would be that after scoring two assessments, one for a sex offender and the other for a drug addict, both resulted in being classified as high risk. The needs of both offenders are different, if not unique, and the risk management plan has to be tailored to reflect these differences even though both offenders are considered to present the same risk, if not identical risk factors. Officers often refer to the effect of the interaction of these factors and also found that the manner by which the presence of certain risk factors was identified was not necessarily reflective of Maltese culture. An example of this would be when considering whether the offender has any criminal acquaintances. In such a small context as Malta, and also due to cultural implications, distinctions between acquaintances and friends are often difficult to determine. This is particularly the case when assessing prisoners. This led many probation officers to conclude that current practices within the DPP, whilst acknowledging that they offer structure and standardisation, are too focused upon establishing the presence of risk factors

(often resulting in a “tick box exercise”), in order to predict reoffending. In fact many felt that they considered this approach to be insufficient in order to develop a risk management plan.

All the reasons indicated above suggest the need for a holistic approach to risk assessment and risk management strategy as an alternative to a standard actuarial risk assessment approach that might not be suited to the Department of Probation and Parole. Furthermore, as Malta has a relatively homogenous small population, with a distinctive rapidly changing culture, the implications for this in terms developing a comprehensive strategy, would include the emphasis on the context in which the assessment takes place (see Avellino, 2014a; chapter 1). Cultural influences such as belief systems, values, politics or even the history of the island may play a significant role both in terms of how assessors engage in risk assessment but also in terms of the manner in which the offender interprets the world around him. This would also play a contributing role in devising effective interventions that promote desistance.

Issues with Implementing a New Strategy for Risk Assessment and Risk Management in the Maltese Probation Service

Whilst conducting this research it was evident that “simply” devising a strategy was not sufficient, as it was also necessary to consider the groundwork necessary before the implementation of any strategy as well as its long-term maintenance. The implementation of a new strategy should be instituted using a top-down approach, by first targeting senior management, senior probation officers and finally probation officers. The reasoning behind this approach is that for the successful implementation of any new strategy, management must be informed of the overall concept being introduced and must be on-board with the entire project. This would serve to increase the sustainability of the strategy, provide support for the introduction of a risk assessment strategy as well as provide the necessary resources to sustain the strategy on a long-term basis. Once senior management has understood the rationale behind

the strategy, the concept should be presented to senior probation officers and probation officers. Supervision offered by a psychologist would also be an integral aspect of introducing and maintaining a reliable risk assessment and risk management strategy.

As discussed in Avellino (2014a; chapter 1), a consideration of the context in which the assessment is carried out is a significant aspect of the implementation and long-term maintenance of a strategy. Drawing from Nonstad and Webster's (2011) satirical rendition of how to fail in implementing a risk assessment strategy, a consideration of the organisational context when implementing a new strategy would involve consulting with staff, cooperation, simplicity, integration with existing policies, providing the necessary resources, training staff, and providing regular support of staff (see Avellino, 2014a; chapter 1).

In addition, Nonstad and Webster (2011) discussed the importance of taking into account reliability and validity issues, the assessment of offender strengths, placing value in networking between practitioners, reviewing new policies within their actual context, providing a gradual introduction of new policies rather than introducing entirely new policies, and not making improvements to the existing system for the sake of introducing a new venture. This could therefore include periodic evaluations of risk assessment procedures as a means to increase reliability and validity of risk assessment and risk management policies.

An awareness of the heuristic biases and errors (Tversky & Kahneman, 1981) that may occur whilst assessing risk may also be reduced through the evaluation and supervision provided to staff. Errors and biases, such as Illusory Correlations (Chapman & Chapman, 1967), Fundamental Attribution Error (Ross, 1977), Availability Heuristics (Quinsey, 1995) may decrease accuracy of decisions regarding the assessment of risk (see Avellino, 2014a; chapter 1). Probation officers' narratives could be reflective of these biases towards offenders. For example, a probation officer may have strong reservations about working with a paedophile

because of the nature of the offence, which would subsequently influence the offender's potential for rehabilitation. In this example the probation officer's narrative may be reflective of a religious background which could be in conflict with his role as a probation officer. Furthermore narratives may also be reflective of roles probation officers fulfil in their own lives, for example the role of mother, which may lead the probation officer to "mother" young offenders. Therefore it is evident that supervision plays a significant role in addressing these errors and biases that probation officers themselves may not be aware of.

A consideration of the willingness of staff to engage in change and the general attitude towards the change would also be beneficial. This is because risk assessment procedures may be influenced by other underlying processes such as the lack of confidence in administering assessments or specific issues pertaining to the organisation. This may also influence the success or otherwise of introducing a strategy, and determine the readiness of the organisation to engage in change. Issues regarding reliability and validity are discussed in more detail below.

Understanding Offender Behaviour

As discussed succinctly in Avellino (2014a; chapter 1) and drawing from the themes¹⁴ identified by Avellino (2014b; chapter 2) an effective risk assessment strategy should go beyond the identification of the presence of pre-defined risk factors. A holistic approach to assessment should take into account the idiographic aspects related to past offending, distal variables (e.g. belief-systems and value systems) and proximal variables found within the offender's environment (e.g. cultural and political influences) that are likely to influence offending behaviour (see Avellino, 2014a; chapter 1). This suggested that risk assessment should consider

¹⁴ The themes uncovered through the content analysis of pre-sentence reports were childhood variables, familial issues, relationships, criminal influences, life events, financial issues, addiction, personality issues, mental health issues, violence and sexual issues, educational attainment, personal interests, hobbies and compliance.

the interaction between the individual, developmental, and situational influences upon offending behaviour. Furthermore as discussed above the context in which the offender is managed is also relevant to the risk management process (see figure 5 for an illustration of the various components necessary for a holistic rendition of risk assessment and risk management).

Formulations provide a framework to understand the etiology of offending, and the process behind the offending may be a far more informative approach to inform a risk management plan. Hart and Logan (2011) described formulation as the “organisational framework for producing a narrative that explains the underlying mechanism and proposes hypotheses regarding action to facilitate change” (p.84). Therefore, narratives could serve as the basis to understand the interaction between individual influences (intra- and interpersonal), situational and contextual factors underlying offending behavior. The consideration of the developmental process that led to a criminal career may also be significant in understanding the offending behaviour being assessed.

As discussed in Avellino (2014c; chapter 3) developmental theories such as Farrington’s (2005) Integrated Cognitive Antisocial Potential (ICAP) or Moffitt’s (1993) Dual Taxonomy theory describe offending as a result of individuals choosing different pathways in life. For example, Farrington (2005) discussed the role of antisocial potential in influencing an individual’s decision to engage in crime that varies throughout the individual’s lifespan. According to Farrington (2005) offenders have short-term and long-term antisocial potential. Long-term antisocial potentials refers to persisting, antisocial potential that is dependent upon aspects such as strain, impulsiveness, social modelling, socialisation processes and life events. Therefore the ICAP theory indicates that aspects such as social attachment and the process of socialisation are likely to have a long-term effect on the offender’s potential for offending (Casey, 2011). So for example in practice a number of Maltese offenders who have been brought

up in care have described their experience of feeling neglected by their families and subsequently have not been able to form secure attachments as children. This has led to a number of offenders exhibiting difficulty in establishing secure attachments even as adults. This has contributed to the offender's instability in their lifestyle and has contributed to their decision to offend.

On the other hand, short-term antisocial potential refers to within-individual variations which are influenced by motivating aspects such as unemployment and financial difficulties. Short-term potential may become activated by factors such as alcohol abuse, peer influences and situational aspects such as opportunities to commit offences or being exposed to potential victims (Farrington, 2005). Antisocial potential may also be activated by the offender's needs for material wealth, status, sexual satisfaction or excitement (Case & Haines, 2007; Farrington, 2007). This ties-in closely with the Good Lives Model of rehabilitation (Maruna & Ward, 2007) that explained that offenders seek the same primary goods or needs as individuals who do not offend yet the means used to achieve these goals (instrumental goods) may be problematic.

Conversely antisocial potential may be reduced by positive influences such as positive attachment, life events such as marriage, and prosocial socialisation (Case & Haines, 2007). As discussed in Avellino (2014c, chapter 3), offenders decide whether to engage in offending by weighing the benefits against the costs of offending and subsequently offending occurs as result of the interaction between rational choice, presence of risk factors and situational influences. This indicates that there is a significant degree of overlap between individual factors (such as the individual's perception of insecure attachments at a young age), developmental aspects (such as transitioning in or out of offending) and situational factors (such as the opportunity to commit crime) that influence offending behaviour or may promote desistance. Furthermore developmental theories such as the ICAP that emphasize the offender's potential for offending,

indicate a personal life story behind the offending behaviour. Assessors may therefore attempt to understand these underlying processes through the exploration of offender narratives.

As offenders construct narratives as a means to guide their behaviours (Ward & Maruna, 2007), narratives could be considered to be a reflection of self within a personal life story (Young & Canter, 2009). Moreover, narratives may form the basis of the exploration of these various interacting factors, in order to understand the underlying psychological processes influencing offenders to engage in crime (see Butler, 2008). It is important to note however that narratives are manifestations of the manner in which individuals interpret their life experience as opposed to a reflection of reality (see Canter, 1994). For example, offenders may describe their experience based upon the manner in which they perceived an event, as opposed to how an event unfolded in reality. This suggests that narratives may also be influenced by the personal meaning offenders attribute to offending. For example the manner by which offenders make sense of the world around them is organised according to schema, which consist of knowledge that is organised in a manner that directs an individual's behavior.

Schemas provide offenders with scripts which are mental representations of sequences that direct behavior in expected situations. The more these scripts are rehearsed the more likely they are to become "automatic" thought processes. An example of this is Bushman and Anderson's (2001) two-factor model of information processing describing automatic and conscious information-processing related to aggressive behavior. "Automatic cognitive information-processing" accounts for hostile impulsive aggression, which is behavior that is motivated by a need to cause harm to others and requires little cognitive processing. Conversely, "conscious cognitive-processing" is responsible for premeditated instrumental aggression, which is behaviour that is planned in advance. So therefore offenders who resort to hostile aggression as a means to resolve conflict are most likely engaging in aggression as an automatic

thought process that follows a script. The script acts a set of instructions that directs the offender's behavior. Conversely offenders engaging in instrumental aggression adopt conscious information-processing as a means to plan their aggression.

Furthermore aggressive behavior may also be maintained by the situational factors which interact with the offender's personality. The Cognitive-Affective Personality System Theory of Personality (Mischel & Shoda, 1995) for example explores the interaction between the individual and the situation. Behaviour according to this theory does not reflect a global personality trait but is determined by the individual's perception of the situation. Although personality is stable in the manner that it processes information related to different situations the individual encounters, nonetheless, according to Mischel and Shoda (1995) behaviours vary according to the situation the individual is exposed to. This variation may be due to the manner the individual encodes information, expectations and beliefs, affects, goals, values, competencies and self-regulatory plans (Mischel & Shoda, 1995).

This variability in behavior is the individual's behavioural signature. This means that individuals display a stable pattern of different behaviours according to the situation. So for example generally an offender abstains from offending except when in the presence of criminogenic peers. This results in the development of behavior signatures that reflect personality and subsequently are unique to the individual. Assessors could then seek to identify these behavioural signatures as a means of identifying the scripts related to the specific offending behavior.

Furthermore, the self is also maintained by the social context. For example, a study examining prisoners narratives, demonstrated that male prisoners who were insecure in their self-identity were more likely to engage in aggression (Butler, 2008). This according to Butler (2008) is because individuals that feel that their identity is being challenged, may be more

sensitive and likely to use aggression as a form of defense of the self-identity. This suggests that the interaction between situational factors and individual aspects are significant aspects of understanding the underlying psychological processes sustaining offender behavior. Specifically it indicates that the meaning attributed to negative experiences or life events may in fact be perceived to encourage offending and subsequently be contrary to the attainment of the goals as described in Ryan and Deci's (2000) Self-Determination Theory (SDT) (described below and succinctly in Avellino (2014c; chapter 3) or the primary human goods described by Ward (2003) in the Good Lives Model (GLM) (described succinctly in Avellino (2014d; chapter 4).

This also indicates that the context may “trigger” the enactment of specific scripts. A study by Batchelor (2005) followed a number of girls that formed part of gangs. The study demonstrated that if the girls perceived that someone was disloyal towards them they had an obligation to retaliate using aggressive behavior. This honour-based culture is also observed in young offenders in Malta that often describe themselves as forming part of a gang and explain that they must engage in violence in order to prove their worth. Both situations indicate that offenders resort to scripts of violence that maintain aggressive behavior. So for example, the girls may resort to a “disloyalty” script or similarly gangs in Malta may resort to aggression as means to assert their authority through a “status” script. This also provides an example of early maladaptive schemas (Young, Klosko & Weishaar, 2003). Offenders may develop maladaptive schemas during their childhood and elaborate upon them as the offender reaches adulthood, providing the basis for developing a criminal career. This clearly indicates that the context may influence the manner by which individuals construe the self and subsequently maintain offending behavior.

The implications in terms of practice suggest the need to consider the offender's context in developing an efficient risk management plan. Ward (2009) highlighted the importance of determining the offender's internal and external resources perceived as the extension of the mind. According to Ward's (2009) Extended Mind Theory "the boundaries of the mind extend beyond the boundaries of skull and skin, into the world beyond" (p.247). The principle of the extended mind theory indicates that the mind goes beyond its physical limitations by utilising internal and external resources available within the individual's environment when "engaged in cognitive tasks" (Ward, 2009, p. 253). Not only does this suggest that individuals utilise a hybrid of internal resources (i.e. physical brain matter) together with external resources (such as computers) to help them engage in logical analysis but this also suggests that individuals also draw upon cultural and societal influences when engaging in their decision making processes.

So for example offenders in Malta may draw upon physical manifestations of cultural belief systems such as religious symbols found within the community. Symbolically the teachings of the church in Malta are viewed by many as conducive towards a good life, therefore traditionally individuals are encouraged to lead a life according to the teachings of the church (Savona-Ventura, 1995, 2007). Drawing from the author's experience working with recovering addicts, following the 12-steps programme, often indicated that they found purpose in life once they found God. Following this new found insight, offenders often proceeded to engage in prosocial activities such as attending prayer meetings or even settled down to have a family. It is interesting to note that offenders' discourse is often reflective of this "expected" way of life.

This could be interpreted as a reflection of Markus and Nurius (1986) "possible selves", which refers to representations of what individuals could become in an expected future. This anticipated future could be either desired or feared. Individuals would therefore attempt to achieve their goal of either becoming their desired self (for example becoming a church-abiding

person) or take the necessary steps in order to avoid this unwanted version of themselves (such as a drug-addict). Therefore offenders may wish to become better persons and by drawing upon the traditions of Maltese society, where value is placed upon engaging in traditional roles such as getting married and having children. Subsequently offenders may organize their thought processes in order to stimulate action and emotions that are reflective of their desired self (see Cross & Markus, 1994). Offenders would therefore set goals that would lead them to attaining this possible self. However these goals may only be achieved should the offender have access to the resources necessary to achieve these goals.

Research by Ward (2009) which dealt with cognitive distortions in sex offenders emphasized the importance of recognizing the resources available to the offender as part of treatment. Ward (2009) recommended that assessors would seek to explore cognitive distortions that reflect problems within internal belief systems as well as external resources. For example a pedophile may draw upon internal belief systems that justify his attraction towards children (“children respond to me when I approach them”) as well as external resources (“there are others like me who are attracted to children”). This would result in the offender confirming that his interest in children is normal and justified. This according to Ward (2009) would suggest that the lack of resources or problematic resources may be responsible for the offender’s cognitive distortions.

As these cognitive distortions may be reflected in the offender’s narrative, assessors should seek to identify the offender’s resources, as proposed by the Good Lives Model (discussed in Avellino, 2014d; chapter 4). Subsequently interventions could focus upon developing, collaboratively with the offender, “adaptive extended cognitive systems” (Ward, 2009, p. 255) that include sociocultural resources conducive to a prosocial lifestyle. This would encourage offenders to reformulate their view of the world in a more adaptive manner.

Furthermore this could be seen as a strength-based approach to address offending behavior as it focuses upon addressing the needs of the offender (and society) whilst also taking into the account the offender’s goals as part of a “Good Lives” plan.

This suggests that in practical terms an effective risk assessment and risk management strategy should focus upon exploring the interaction between individual, developmental, situational and organisational influences to enhance risk management. Specifically, narratives, which may be seen as a reflection of the self, may form the basis of the exploration of these various interacting factors, in order to understand the underlying psychological processes influencing offenders to engage in crime. Assessors would therefore go beyond the identification of influences by exploring the manner in which offenders, through the various underlying processes, construct their narratives in order to make sense of the world.

Figure 5: Risk assessment and risk management strategy

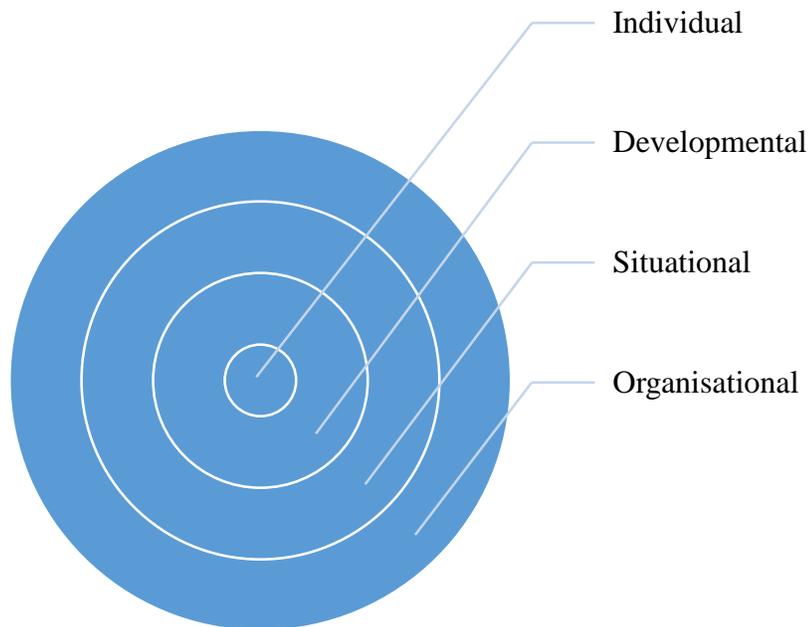


Figure 5: Illustration of the components necessary for the implementation of risk assessment and risk management strategy.

Risk Assessment as a Means to Inform an Effective Risk Management Strategy

Risk assessment essentially should be about understanding risk in order to inform a risk management strategy that serves to prevent or at least reduce offending behaviour. Cooke and Michie (2013) described risk assessment today as “the era of risk formulation” (p.3) that has been precipitated by “the era of unstructured professional judgement, the actuarial era, and the era of risk management through structured professional judgement” (p.3). According to Cooke and Michie (2013) the actuarial model of risk have been utilised inappropriately as too much emphasis has been placed upon the assessor’s ability to make reliable predictions. This again is reflective of the heuristic biases and errors described by Tversky and Kahneman (1981). This is also based upon the premise that actuarial tools are unable to provide “fail-safe” results concerning risk, especially as predictions are based or compared to cohorts of individual sharing similar traits and do not account for the uniqueness of the individual (see Casey, Day, Vess & Ward, 2012). In addition, Cooke and Michie (2013) suggested that risk assessment should focus more upon risk formulations that are reflective of the individual risk processes and that are augmented by a systematic approach to formulation.

Formulation of Risk

Case formulation according to Weerasekera (1996) is “a provisional explanation or hypothesis of how a client comes to present with a certain difficulty at a particular point in time” (p.4). As previously discussed in Avellino (2014d; chapter 4) case formulation may be used in order to develop an understanding of the offender’s problematic behaviours over a span of time. Hart and Logan (2011) have identified four distinct approaches that draw upon risk formulation in order to assess offenders: Offence Paralleling Behaviour (OPB; Jones, 2010), Good Lives Model (GLM; Ward, 2003), Risk-Needs-Responsivity Model (RNR; Andrews & Bonta, 1997) and Structured Professional Judgement (SPJ). The purpose of these approaches is to develop an

understanding of the underlying risk processes as a means to identify the key areas that contribute to offending behaviour and subsequently identify the manner by which to manage the risk presented. For example Towl and Crighton (1997) proposed the Cambridge framework for risk assessment and risk management, in order to provide a structure by which to address risk management practices and integrate ICT. This framework comes about in recognition of the various issues surrounding risk assessment tools and seeks to assist practitioners to recognise the points where risk assessment is necessary and managing the risks presented in an on-going manner. This framework highlighted the need to carry out an analysis of the offender's narrative of events that is corroborated through additional sources of information. Furthermore the framework also indicated the need to monitor any changes in behavior over times.

Cooke and Michie (2013) indicated that the process of risk assessment commences at the design stage that would form part of a standardised approach used to assess all offenders. This is then followed by the collection stage, where evidence is gathered in order to verify information through multiple sources and identify a pattern or sequence in offending behaviour. The final step in the process would entail the formulation of risk. This should aim to provide an explanation of offending behaviours, confirmation or otherwise of the hypothesis built at the commencement of the assessment or through the referral question and the formulation of a risk management plan.

Case formulation provides a framework for the manner in which this information is collected, integrated and evaluated (Casey et al., 2012). Furthermore case formulation may be used to understand how the offending behaviour occurs and to determine the manner in which risk is best managed (Casey et al., 2012). Therefore, according to Casey et al. (2012) assessment provides a *description* of the offending behaviour whereas case formulation provides an *explanation* of offending behavior. Nonetheless it is important to stress that case formulation is

largely dependent upon the offenders understanding, perception, and interpretation of offending behavior and willingness to share his story. Despite there being cross over between description and explanation, case formulation provides the offender with the opportunity to relate his story in his own words. Furthermore it places further emphasis upon understanding the mechanisms underlying the offending behavior in a collaboratively with the assessor, rather than limiting the assessment to the providing a description of the behavior.

Offence Paralleling Behavior

As described in Avellino (2014d; chapter 4) Offence Paralleling Behaviour (OPB; Jones, 2010) draws upon case formulation in order to provide an understanding of offender behaviour that takes into account various facets that are not usually considered through more traditional approaches to risk assessment. Jones (2010) described OPB as a process that examines sequences of behaviours that are functionally similar (they share a similar function as opposed to being typographically similar). Case formulation serves as a means to identify and modify behavioural patterns that repeat themselves to fulfil the same function (Hart, 2010).

A formulation may commence by identifying the behaviours the offender engaged in to carry out the offence (Gredecki, 2007). The behaviour is then compared to the behaviours observed with the context in which the assessment is taking place (Gredecki, 2007). Links are then established between the two contexts resulting in the identification of sets or sequences of behaviour that are functionally similar in nature (Jones, 2010). The links may consist of actions, bodily sensations (e.g. anger often produces a physical response to triggers), cognitions (such as negativistic thoughts in sex offenders), events or feelings (Jones, 2011). Hypotheses may then be generated in order to explore these links across the different contexts (Jones, 2011). Furthermore any hypotheses that have been generated may also be used to question the presence or absence of specific behaviours in anticipated circumstances.

Practice algorithm

As discussed comprehensively in Avellino (2014d; chapter 4), Jones (2010) recommended adopting a practice algorithm in order to assist in the identification of offence paralleling behaviours. A practice algorithm consists of six steps: drawing upon the literature and observation of the offender's behaviour (or other relevant behaviours such as try outs or near misses, see Jones, 2010) in order to develop a formulation; identification of common themes across different contexts; generate hypothesis about potential OPBs and subsequent predictions; information derived from other sources (such as prison wardens, social workers or psychologists may be used) and feedback regarding the effectiveness or otherwise of strength-based approaches interventions; confirming or refuting the OPB generated, and the final step involves making revisions to the OPBs.

The role of theoretical models and themes

Ward and Beech (2006) suggested complementing case formulation with a theoretical framework. They recommend using a theoretical model to help reconstruct the offender's offending behaviour such as the Integrated Theory of Sex Offending (ITSO). Persons (2008) indicated that there two types of theoretical models: the first type may be behavior-specific such as the one described above or the second type which is generic. Both according to Persons (2008) may be used in order to develop a formulation. Yet Jones (2010) argued that an idiographic approach to formulation should identify themes for each offender and subsequently develop a theory to describe offending behaviour. Subsequently assessors may then generate hypotheses and attempt to test these. Through this approach assessors may then be able to attempt either to determine whether the formulation "fits" within a generic model of offending behaviour or alternatively to provide a truly idiographic formulation. Jones (2010) suggested

further exploration through a nomothetic approach. This could be therefore complemented with Iterative Classification Trees as indicated below (see Avellino, 2014d, chapter 4).

Functional analysis

As discussed in Avellino (2014d; chapter 4) the OPB framework draws upon functional analysis in order to deconstruct the behaviours which the offender engages in. Functional analysis is utilised to identify the function of problematic behaviour (Casey et al., 2012). Functional analysis may involve both single-case analysis and multiple sequential analysis of offending behavior (see Gresswell & Dawson, 2010). This form of assessment draws upon the analysis of the antecedents (A) to the offending behaviour, the behaviour (B) and the consequence (C) of the behaviour and should be repeated for each offence.

Grant, Townend, Mills and Cocks (2008) suggested that assessors engaging in functional analysis should first define the offending behaviour (B) as concisely as possible and subsequently engage in the identification of the antecedents (A) to the offending behaviour. Furthermore this analysis is enhanced through the examination of the offender's context that considers the offender's previous experience and formative events leading to the offence in conjunction with the offender's belief-system, emotion and behaviour (Casey et al. 2012). Multiple sequential analysis would take a "developmental" route towards functional analysis, as would commence with the onset of offending (with an individual function analysis) working towards the index offence. West and Greenall (2011) also stressed the need to provide a structured analysis of the behaviours that occur prior, during and after offending in order to understand the underlying processes that lead towards offending. Therefore a developmental dimension to functional analysis is also necessary in order to develop a better understanding of the offender's background as well as the aetiology of offending (see Avellino, 2014d; chapter 4).

Antecedents. According to Gresswell and Dawson (2010) antecedents consist, but are not limited to, triggers to offending, cues and environmental events. In addition to the more conventional aspects of functional analysis, Gresswell and Dawson (2010), similarly to the principles advocated by the OPB framework, also consider the internal events that may also trigger offending. This aspect of the formulation may be facilitated by the themes identified in Avellino (2014b; chapter 2) as a means to prompt the offender into exploring various aspects of his life (both past aspects as well as within the present) that may influence his decision to offend or desist.

Casey et al. (2012) explained that when identifying the antecedents, assessors would need to determine the frequency, intensity, duration and the type of offending. Furthermore assessors would also need to identify the triggers to the offending behaviour found within the offender's environment. This is very relevant when attempting to determine the offender's potential for offending, as not all offenders are "at risk" of re-offending, at all times. In addition to the identification of the triggers to offending, Jones (2010) also suggested identifying "relapse prodromes" or "relapse signatures" (as identified in the literature on personality) that provide a unique prediction of psychotic episodes which could be considered to be the "pre-triggers" to offending behaviour.

Douglas and Skeem (2005) posited that the level of risk will fluctuate with time and according to the context the offender is in. As discussed briefly in Avellino (2014a; chapter 1), offenders may be motivated to offend in situations where there is the presence of specific state risk factors (specific dynamic risk factors that are likely to influence the offender's likelihood of reoffending such as access to drugs in a specific neighbourhood) (Douglas and Skeem, 2005) that are likely to be influenced by triggers specific to the offender. The overall implications of this in terms of risk management are that through the risk assessment, assessors such as

probation officers may identify specific triggers of offending behaviour such as state factors and subsequently design intervention measures tailored to the individual.

As described in Avellino (2014a; chapter 1) assessors may also attempt to identify any protective factors (which are factors that protect the individual from offending) in order to predict desistance and promotive factors (which are factors that according to Loeber, Farrington, Stouthamer-Loeber and White (2008) may predict a low probability of later offending) to predict the absence of offending. The importance of protective factors is further highlighted when assessors take into account the relationship between risk and protective factors- the presence of protective factors tends to reduce the effect of risk factors (Wikstrom & Loeber, 2000). More research on promotive risk factors however is necessary especially in order to create a clearer distinction between promotive and protective risk factors especially considering that some factors may be classified as both promotive and risk factors simultaneously (see Loeber et al. 2008).

Howells (1998) also stressed the importance of identifying the antecedents that lead up to the behaviour, across a period of time, through an “offence chain”. Jones (2004) described the OPB as a developmental sequence of behaviour which is a process that resembles closely an offence chain (Daffern, Jones, Howells, Shine, Mikton, & Tunbridge, 2007). Through this the OPB framework prompts assessors to explore sequences of behaviours that mimic one another across different contexts (Daffern et al., 2007).

According to Casey et al. (2012) the exploration of antecedents would result in the consideration of the proximal antecedents of offending. The consideration of the distal aspects, could be on the other hand relevant when attempting to determine the onset of offending (Casey et al. 2012). Assessors as discussed in Avellino (2014c; chapter 3) may at this stage draw upon integrated developmental and life-course theories in order to augment the risk assessment

process as a means to explore within-individual changes in offending throughout the offender's lifespan (as opposed to focusing on between-individual changes in offending) (Farrington, 1995). This may also assist in understanding the onset of offending behaviour, continuation and desistance in relation to the development of the offender's criminal career.

This should be followed by the exploration of cognitive, affective and physiological antecedents. Any mental or personality disorders would also be noted here. Moreover any strengths would also be assessed at this point, an approach that is strongly advocated by the GLM framework (Ward & Maruna, 2007) described in the section titled "Strength-based approaches to assessing risk". Furthermore this aspect of the formulation may also provide assessors with the opportunity to explore the offender's protective factors.

Behaviour. Risk assessment involves the systematic gathering of reliable information for the purposes of informing risk management interventions. Therefore the exploration of the behaviours that lead to offending should be central to the risk assessment process yet most assessment tools seem to focus solely upon the identification of factors predictive of offending (see West & Greenall, 2011). An understanding of the behaviour that brought the individual into contact with the criminal justice system may bring to light the aspects regarding the motivations, triggers or even the decision-process behind the behaviour that would be indispensable in forming an effective risk management plan.

Despite the importance of understanding the index offence, generally its relevance towards understanding the underlying process of offender behavior has been somewhat overlooked by the Department of Probation and Parole. Although offenders are questioned about their motivations to offend or explore the circumstances that may have led to offending, the DPP does not provide an in-depth exploration of the index offence. This has clear implications in terms of intervention planning as the index offence provides a link between the circumstances

that lead to offending to the identification of the issues that contribute towards offending behaviour.

West and Greenall (2011) stressed the need to provide a structured analysis of the “events, circumstances and behaviours that occurred before, during, and after the last set of actions that brought the offender into contact with the criminal justice system” (p. 144). This could provide an understanding of the underlying processes related to the interaction between intra-personal, interpersonal, and situational influences relevant to offending (West & Greenall, 2011).

In a study by West and Greenall (2011) the index offence analysis was also developed through the utilisation of offender narratives. The analysis was also complemented with additional information regarding the offender characteristics together with the offence committed. The research emphasised the need to analyse the index offence to enhance risk assessment, provide an in-depth understanding of the dynamics underlying offending behaviour and as a means to devise a relevant risk management plans. The importance of assessing the index offence and the events that occur prior to offending is also highlighted when construing offence paralleling behavior.

Consequences.

The consequences (C) are considered as functions of the offending behaviour and so this aspect of the analysis focuses upon exploring the gains and losses associated with the offending behaviour. Drawing upon the GLM framework, this section of the analysis allows for the exploration of the primary goods or goals the offender seeks to obtain through the offending behaviour. The assessors may also choose to draw upon the themes identified in Avellino

(2014b; chapter 2) in order to explore any aspects that may be linked to the offender's perspectives on the consequences of offending.

As part of the functional analysis, Grant et al. (2008) also recommended that assessors identify the offender's criminogenic needs, by prioritising the areas targeted for change (which would therefore focus on how offending behaviour is maintained), and subsequently develop a risk management plan (that is clearly communicated to the offender and stipulates the manner by which the risk identified may be reduced). Once the treatment plan has been enacted Grant et al. (2008) also recommended reviewing and make any necessary changes accordingly. Furthermore, Casey et. al. (2012) stressed the importance of taking into account the immediate environmental factors characterised by "immediate and contextual antecedents for the offence, as well as the functional consequences" (p.89). Intrapersonal aspects were also given prominence and these included "dispositions and traits" related to mental health, "patterns of cognition, appraisal, belief and interpersonal behaviour" (p. 90) and substance misuse.

Cognition is an area that has received a significant degree of interest over the last few years as this relates to the offender's understanding of the world and the manner in which he or she view themselves within it (e.g. Thornton, 2002, Ward, 2010). As discussed in Avellino (2014a; chapter 1) there is scope in exploring the role of narratives and perception in understanding offender behaviour. The offender's perception may in fact be linked directly with the manner in which the offender behaves and subsequently engages in offending behaviour (see Ward, 2000). As discussed above individuals are characterised by "distinctive and stable patterns" of situation-behaviour relations (e.g. "if A then she X, but if B then she Y") (Mischel & Shoda, 1995, p. 246). Therefore individuals may vary their perceptions according to the situations they find themselves in. Furthermore the cognitive processes that guide maladaptive behaviours may in fact be a representation of the schemas or core belief systems that lead to

offence-supportive behaviours (Young et. al., 2003). Jones (2010) in fact posited that repetitive behaviours or “repsisodes” may be considered to be manifestations of these core beliefs.

Marshall and Barbaree (1990) have in fact argued that cognitive distortions are precursors to offending behaviours, possibly due to cognitive distortions being a reflection of the offender’s belief-system, attitude and perception. However Maruna and Mann (2006) argued that cognitive distortions may also be present after the offence has been carried and subsequently offenders often justify their actions which result in offence supportive attitudes. Therefore Maruna and Mann (2006) recommended that interventions should be focus upon assisting offenders take responsibility for their behavior in the future rather than focus upon insisting offenders take responsibility for their past actions.

This further emphasises that narratives may in fact provide insight into the offender’s framing of the world and preconceived notions of how they must behave in order to interact within their environment. For example, as discussed above, Ward’s (2009) Extended Mind Theory described the mind as going beyond the physicals structure by drawing upon the internal and external resources available within the individual’s environment when “engaged in cognitive tasks” (Ward, 2009, p. 253). Therefore individuals are also likely to be influenced by the subculture influences available within their context. This indicates that the offender’s social context may also be included in enhancing risk management.

Moreover risk assessment may draw upon offender narratives as a means to explore the offender’s identity and cognitive process that leads to criminogenic behaviour. Risk management plans may therefore aim to identify and utilise these schemas and negative thoughts and bring these to the offender’s awareness. In a sense, assessors attempting to identify these schemas would seek to bring these to the offender’s attention and challenge them. Subsequently challenging offenders about negativistic schemas may also result in the offender questioning his

own belief-system, value-system and perception about the world. This in itself may serve to encourage the offender to commence the process of change and engagement in desistance possibly through the identification of Jones (2004) Pro-social Alternative Behaviours as described in Avellino, 2014d, chapter 4).

In addition, Daffern et al. (2007) also advocated the use of “immediate informed responses” (p. 266) by practitioners such as prison officers at the point when the OPB behaviours are observed, as a means to increase the potency and generalisability of findings. Daffern et al. (2007) warned of the often pre-rehearsed responses or scripts that may transpire through offender narratives. Nonetheless probation officers are often in direct contact with members of staff such as prison officers or psychiatric nurses who are in a position to provide specific information about episodes that occur on the ward or within a division. Probation officers may therefore combine the information derived from staff in order to augment the formulations rather than be limited by the information derived from narratives alone. This is particularly relevant to the Maltese culture as many professionals are often dependent upon the informal relationships built across the various contexts.

Applications of Offence Paralleling Behaviours in Probation

Literature regarding the application of OPBs seems to be restricted to secure, closed contexts such as within therapeutic communities (e.g. Dowdswell, Akerman & Lawrence, 2010) or custodial settings (e.g. Gordon & Wong, 2010). Therefore this research seems to be a first of its kind, both in terms of its application to probation and also specific to the Maltese Department of Probation and Parole. Despite being up until now an “unexplored” territory, OPBs may be well suited to introduce a strategy that adopts the OPB framework in various aspects of probation work either by probation officers supervising prisoners applying to be considered for a parole license or even when following offenders on a community-based sanction.

Probation officers are actually well placed to identify OBPs as they follow offenders across a number of different contexts and subsequently this may facilitate the process of mapping behaviours in order to gain an understanding of criminogenic behaviours. Practical examples of this include adopting an OPB framework in cases where offenders have spent time within a closed setting such as a drug rehabilitation facility and are subsequently released back into the community. Furthermore the OPB framework may also be implemented when assessing prisoners being considered for release on a parole license, although there may be limitations regarding access to case notes or information regarding the prisoner's behaviour. Practice algorithms could be at this point be utilised in order to assess the validity and reliability of formulations generated across contexts. Mischel and Shoda (1995) indicated cross-situational variability with regards to behavior, which would require the correct identification of behavioural signatures, probation officers have the advantage of being able to observe behaviours across different contexts. This in itself may provide the advantage of providing additional information on which to build a holistic risk management plan. Furthermore practice algorithms are also dependent upon access to reliable information. Therefore probation officers may utilise the different sources of information to corroborate formulations which may be enhanced through structures that sustain information sharing. Therefore systems such as the ADViSOR project serves as an "end-to-end" management of offenders transitioning between custody to the community, currently being tested within Probation (see discussion below and Avellino, 2014d, chapter 4).

Currently, the Restorative Justice Act (2011) regulating parole in Malta states that probation officers should have access to the dossier that contains all the offender's prison records. Unfortunately to date this dossier does not contain all the documents necessary to generate a professional opinion regarding the prisoner. This inconsistency is also affected by the absence, in most cases, of a care plan, that should be drafted at the commencement of a

sentence and then updated accordingly. Having a unified and shared electronic database may facilitate the process of devising a care plan for each offender as it would provide access to all the documentation relevant to the offender in a “one-stop-shop” rather than having to request this information from the various professionals that may have this information. An OPB framework would benefit from such a system as it would also increase the reliability and validity of formulations.

This further emphasises the need to create an electronic database shared across the various professionals, that follows the offender from his first contact with the Criminal Justice System throughout his sentence or community based sanction. This would also serve as a means to monitor the offender’s progress or otherwise. It would also serve to strengthen existing risk management structures, facilitate data sharing (across various criminal justice entities as well as within the various entities) and provide a sense of continuity for the offender (and the management of the risk he presents, as he progresses through the various stages within the Criminal Justice system). The existing Restorative Justice Act would need to be amended in order to incorporate the management of the e-database and strengthen existing structures so as to increase effectiveness of offender management.

Decision Trees

As discussed previously in Avellino (2014d; chapter 4), the OPB framework provides an individualised approach to risk assessment and may be used to augment other structured risk assessment approaches (Daffern, Jones & Shine, 2010). Iterative Classification Trees (ICTs) are known for their application to the field of forensic psychology through the MacArthur violence risk assessment approach (Monahan, 2001). ICTs are developed using a decision tree method by which to classify offenders- as opposed to linear regression models which are typically used

to develop actuarial risk assessment tools (Monahan, Steadman, Appelbaum, Robbins, Mulvey, Silver, Roth & Grisso, 2000).

ICTs provide an alternative route to assessing risk over traditional actuarial instruments, as they produce a unique set of responses for each offender. This is because an ICT approach assessment is based upon the assessor asking a series of questions, where each question is dependent upon the previous response, to ultimately lead to a set of responses specific to the offender. This provides a customised risk assessment (Monahan et al, 2000) which culminates in a dichotomous result, expressed as either high or low high risk cases (Monahan, 2001).

ICTs offer certain advantages over traditional actuarial instruments as they are faster to complete, provide an individualised approach to risk assessment, and are easy to integrate within a risk assessment strategy (see Avellino, 2014d; chapter 4). The advantages provided by ICTs serve to provide greater clinical utility and increased accuracy of risk assessment particularly for specific types of offenders (Crighton, 2005, Monahan et al., 2000). Yet from practical experience (see Avellino, 2014b) developing ICTs requires access to criminal records for all offenders, and a large sample of offender records would be required in order to establish risk factors reflective of the various offender typologies.

Until now, research regarding ICTs has been rather restricted to violent offending (see Gardner, Lidz, Mulvey & Shaw, 1996, Monahan, 2001, Monahan et al, 2000, Steadman, Mulvey, Monahan, Robbins, Appelbaum, Grisso, Roth & Silver, 1998). Nonetheless it would be interesting to explore the development of ICTs to be used within the DPP and therefore research is necessary in order to assess the effectiveness of introducing such an approach as part of a risk assessment strategy. This strategy could be enhanced by developing a classification tree that is developed according to the different types followed by the department (such as female offenders, violent offenders or sex offenders). This would need to be developed using a

large sample of offenders in order to establish validity, reliability and also be able to extrapolate the various offender typologies. As the type of offenders followed by the department have also changed substantially over the last few years, it would be necessary to place emphasis upon analysing offenders who have come into contact with department in recent years to reflect the recent changes in criminal trends (see Avellino, 2014a; chapter 1).

For Malta to introduce or develop ICTs to assess offenders would necessitate access to the offender's criminal records and again this would be greatly facilitated by the introduction of a common electronic database that is shared across the Criminal Justice System. This is because ICTs are developed by coding offenders as recidivists or otherwise in order to classify offenders as high or low risk. Presently the Maltese probation service does not have access to criminal records for every offender who comes into contact with DPP. Probation officers must liaise with the different criminal justice structures in order to attain this information, namely the Court (which provides documents related to the specific case rather than information regarding any pending cases), the Police Force (police records and the Prison in order to ask for police conduct sheet) and the prison (to ask for a record of the prisoner's incarceration history) to ask for a copy of the offender's records. This clearly indicates that existent information regarding the offender's criminal history and current involvement with the Criminal Justice System is limited to information that is shared on a need-to-know basis and the willingness of the professional to share this information as data-sharing protocols currently in place are somewhat unclear.

Strength-Based Approaches to Assessing Risk

Rehabilitation within the Criminal Justice System tends to be viewed as a means to reduce harm to society and so the well-being of the offender is often considered to be secondary (Ward & Maruna, 2007). Current approaches within Criminal Justice tend to focus upon the deficits the offender presents (mostly presented as singular risk factors such as criminal history or age of first offence) and this is reflected within the discourse used-terms such as risk, relapse prevention and risk management. The severity of risk is dependent upon the criminogenic needs of the offender and concern is placed upon attaining irrefutable results obtained through measurable attributes such as tiered indications of risk (low, medium or high risk) or “yes” or “no” predictions of re-offending. Yet “recidivism may be further reduced through helping offenders to live better lives, not simply targeting isolated risk factors” (Ward & Gannon, 2006, p. 391).

Therefore if offenders are viewed to be engaging in crime as a result of the method they choose to achieve their goals, a reduction in crime may be attained by attempting to guide offenders in acquiring these goals without impinging upon the rest of society. Ward and Stewart (2003) in fact argued that the reduction of crime may be achieved by equipping offenders with the resources necessary to lead a good life. This is very much in keeping with the principles advocated by positive psychology, such as achieving fulfilment and maintaining a good life, thus focusing on the strengths the individual possesses. The “good life” entails finding personal happiness and achieving meaning in life, which may be brought about by achieving our full potential (see Ward & Maruna, 2007). The concept of achieving our full potential which is a concept that has been discussed before in similar studies and has also been linked to the concept of need.

As discussed in Avellino (2014c; chapter 3) Ryan and Deci (2000) in their theory on Self-Determination (SDT) stressed that humans are goal-oriented and so are naturally predisposed to have certain needs seek autonomy, relatedness and competence. According to SDT if individuals are unable to attain these needs, they are more likely to experience distress and because of this they are likely to develop maladaptive defences as opposed to achieving well-being in a good life. The concept of need and the route to goal attainment are therefore very relevant to addressing offending behaviour- both in terms of uniqueness of the offender, as different individuals may have specific needs and also the manner in which goals are attained may vary. In addition the strategies addressing goal attainment may also focus upon the resources (both innate and external) available to the offender in order to achieve desistance, as promoted by the Good Lives Model of Rehabilitation. A comprehensive description of the GLM is provided in Avellino (2014d; chapter 4) together with a GLM framework in order to aid in the identification of the offender's strengths. This serves towards identifying the offender's capabilities and strengths in order to reduce their risk of reoffending.

Furthermore an example of a similar strategy such as the one being proposed here is offered by Ward and Hudson (2000) who stressed the need for a relapse prevention process that identifies a number of pathways offenders may take to then take into account the different goals an offender may have. Interventions would then be developed specific to the offender. This relapse prevention process should also contain mechanisms that integrate the factors, such as cognitive and behavioural factors, that contribute to the offence process. Dynamic aspects are also relevant to the offence process as they also provide an indication of time frames. The identification of the different phases of the offence process and various influences such as distal factors or decision-making process should also be taken into account as well as their relevance to future offending. Therefore all of these aspects, according to Ward and Hudson (2000) are necessary considerations to providing a comprehensive guide for practitioners.

Proposing an Integrated Risk Assessment and Risk Management Model: A Case

Example

Drawing upon Cooke and Michie's (2013) approach to risk assessment described in the section titled "Formulation of risk" it is anticipated that the proposed risk assessment strategy would consist of three distinct stages. These are as follows: the administration of a standardised risk assessment tool; the collection of information pertaining to the offender which leads to the development of a hypotheses and the identification of patterns in offending behaviour; and finally the formulation of risk and the development of risk management plan. A hypothetical case example will be provided in order to illustrate the manner in which the strategy will follow.

First Stage: The Administration of a Standardised Risk Assessment Tool

The first stage would involve the administration of a standardised risk assessment tool as a means to provide some structure and standardisation to the risk assessment process. This could involve the use of an Iterative Classification Tree (ICT). This approach to risk assessment has been defined by Helfgott (2013) as "the most ambitious attempt to bridge the clinical-actuarial divide" (p.12). According to Helfgott (2013) ICTs provided a more "nuanced and interactive" (p.12) approach to risk assessment, that also takes into account the causes of the offending behavior. In addition, the advantage of the utilisation of ICTs over actuarial methods is that it departs from linear regression models and subsequently allows for the exploration of differences between cohorts of offenders (Helfgott, 2013). Yet similarly to actuarial risk assessment tools, ICTs also indicate whether the offender falls within the low or high risk group of reoffending (see Steadman et al., 2000) and so this facilitates the management of offenders even in terms of administration of the offenders and targeting the appropriate interventions. ICTs could be viewed as a complement to the case formulation process as case formulation tends to focus on understanding what led to the offending behavior in the first place whereas

actuarial risk assessment tends to focus on predicting re-offending. Both aspects are relevant to the DPP, in terms of determining whether the offender will re-offend and what are the triggers to re-offending.

An example of the application of an ICT is provided by taking into consideration a hypothetical case. Joe is a 35-year-old male, who has applied to be considered for a parole license. He has a history of violent offending and his index offence is also related to assault. Through an ICT, Joe would be asked a series of questions and according to his response to each question, this would determine which question the assessor would ask next. Ultimately the result would be an iteration consisting of a unique set of responses that are specific to Joe and would result in the indication of whether Joe could be classified as high or low risk of re-offending (which would ultimately be based upon a tailor-made risk assessment of Joe). This aspect of the strategy could come either before or after the case formulation process due to the consideration of a holistic approach to the risk assessment strategy.

Second Stage: The Collection of Information

This stage would involve the collection of information pertaining to the offender and subsequent verification of the information in order to add validity and reliability to the hypothesis formulated. In addition this approach should also seek to identify aspects that may not fit in with the hypothesis generated, in a sense also as a means to reduce confirmation bias. Similarly, Lilienfeld, Ammirati and Landfield (2009) discussed the role psychologists have in promoting debiasing techniques as a means to also reduce the intensity or frequency of the biases people may engage in. This not only suggests the important role psychologists play in recognising biases but also indicates that psychologists may also be in an excellent position to support assessors such as probation officers in recognising sources of bias. An example of the practical implementation of such a system would be adopting a practice algorithm and then

sharing findings within a multidisciplinary team that also includes a psychologist in order to reduce any biases (see Avellino, 2014d; chapter 4).

This stage of the assessment would commence with the case formulation which focuses upon the generation of a hypothesis and identification of patterns in offending behavior. This would be facilitated by the identification of offence paralleling behaviors in order to systematically determine patterns in offending behavior which will be complemented by the Good Lives Model of rehabilitation framework discussed in Avellino (2014d; chapter 4). The verification of the information can be attained by drawing upon multiple sources of information throughout the entire process specifically through the probation officer's interactions with the offender's family, other professionals involved, the home visit and case conferences.

Functional analysis.

The OPB framework utilises functional analysis to identify the function of the offending behaviour. Functional analysis involves first defining the offending behaviour (B) (as described in the onset of this section), the identification of antecedents (A) leading up to the behaviour and finally the identification of the consequences (C) following the behaviour. The themes identified in Avellino (2014b; chapter 2) could at this point be useful in exploring together with the offender the various aspects that may have influenced the offender to engage in criminogenic behavior as well as seek to identify any protective factors or resources that may promote desistance. This may contribute towards developing a holistic risk management plan that takes into account the idiosyncratic aspects relevant to the offender's behaviour. For the purposes of this exercise, a hypothetical case shall be used in order to illustrate how this strategy could work in an actual context.

The behaviour related to offending.

Assessors may first start the formulation by identifying the behaviours that the offender adopted that led towards offending (Gredecki, 2007). So for example, in our hypothetical case, Joe is a 35-year-old male, who has applied to be considered for a parole license. He has a history of violent offending and his index offence is also related to assault.

Joe was incarcerated for assaulting a 60-year-old neighbour over a parking issue (index offence). This came after he had been given prior opportunities by the Court to reform (a probation order for assault following a car accident). This behaviour is then compared to the behaviour observed in the offender's present day context, and therefore in Joe's case, the behaviour in question would be the assault on a fellow inmate.

The different episodes could then be compared in order to generate links across contexts. The assessor would then attempt to note any patterns in behaviour. So for example in each context the trigger for Joe's behaviour may have been spurred by the presence of another male, whom he identified as a threat to his masculinity. The hypothesis may therefore start to be formulated: Joe is triggered to engage in violence, in both cases, a fight with another male, when he feels an emotional stimulus, frustration. The trigger to violent behaviour is a male paternal figure. Further exploration may result in determining that Joe's father was often violent towards him as a child and because of this, often when Joe feels threatened he resorts to solving his problems by getting into fights. The victim in both instances was an older male who seemed to possess similar qualities to Joe's dad. Subsequently Joe associated these older men with his violent father.

Drawing upon the themes identified in Avellino (2014b; chapter 2), it appears that some of the themes described in the previous study are also reflected in Joe's case. As the formulation unfolds, the assessor may attempt to home in on the various themes that may have influenced

the offender. So for example the themes identified in Joe's case include childhood variables, familial issues, life events (specifically Joe's experience of being physically abused by his father) and violence. Furthermore it is important to note the feelings and emotions that Joe may have experienced in relation to these events, in order to identify the meaning that he may have attributed to these events and note any parallels across contexts. Again the themes may not be limited to offending in Malta alone but really illustrate the relevance of considering the interaction of these different variables. Additionally an exploration of the offender's "unique story" illustrating the offender's life course or criminal career path that may have been influenced by developmental and situational aspects may be relevant to understanding the offender's behaviour (as discussed in Avellino (2014c; chapter 3).

Case formulation may also be complemented by a theoretical model in order to understand the offender as behaviour. As discussed above, Bushman and Anderson's (2001) two-factor model of information processing differentiates between two forms of information processing. "Automatic cognitive information-processing" is hostile impulsive aggression driven by the need to cause harm to others and results in little cognitive processing. Conversely, "conscious cognitive-processing" is characterised by premeditated instrumental aggression with significant cognitive processing. According to his own accounts, it appears that Joe in each of the episodes would seem to have engaged in "automatic cognitive information-processing. This suggests that the context has acted as a form of "trigger" for the enactment of a specific script of aggression.

Antecedents.

Defining the frequency, intensity, duration and type of offending. An analysis of Joe's criminal history suggests a history of violence-related offences (prior offence related to assault). In addition, during his incarceration it seems that Joe often got into trouble for assaulting other

inmates. It appears that the incidents occur between one to three years apart. Episodes typically lasted a few minutes.

During these episodes Joe often got involved in a verbal confrontation before engaging in a physical fight. Verbal escalation often acted as a precipitator to engaging in violence which could be considered to be Joe's relapse signature (see Jones, 2010). A deeper exploration of Joe's narrative indicated that he was likely to use aggression when he felt his masculinity was being challenged. The laddering technique may be adopted here to facilitate the process of exploring these deeper meanings. Laddering is an interview technique used in semi-structured interviews and facilitates the process of eliciting abstractions regarding concepts individuals used to understand individual's constructs.

Further analysis indicated a link between Joe's feelings of insecurity with his self-identity, which seems to have also manifested itself as Joe feeling disconnected from others prior to offending. As a means of asserting his masculinity Joe would often resolve conflict by resorting to aggression. Joe also described feeling the same sense of frustration when in the presence of his father. This is because Joe explained that his father generated feelings of inadequacy and subsequently Joe described feeling the need to prove his masculinity, as his father also resorted to demonstrate his masculinity through aggressiveness.

This method of drawing upon offender narratives in order to explore, at a deeper level, the motives behind offending behavior is also reflected in Butler's (2008) study which highlighted the role of self-identity in relation to prisoners. Butler (2008) demonstrated that through an analysis of violence in prison which was explored through prisoner narratives, males often resorted to aggression when they felt that their self-identity was being challenged. Furthermore Butler's research highlighted the manner in which theoretical analysis combined with a deeper exploration of the analysis of violence in prison may inform practice.

Developmental factors (including trauma-related events). The offender's developmental aspects could include a consideration of the offender's familial background (Casey et al. 2012). This would provide the necessary information in order to interpret the offender's criminogenic behaviour. It appears that Joe experienced violence from a young age as his father often demonstrated aggressive behaviour towards Joe and his siblings. As previously explained it appears that Joe's anger was precipitated by his feelings of insecurity, as Joe's father generated feelings of inadequacy and subsequently Joe described feeling the need to prove his masculinity, through aggression.

Joe was 21 years old when he engaged in his first offence. Joe had borrowed his father's car and as he was caught in a traffic jam, a car bumped into his rear bumper. Subsequently, Joe got out of the car and assaulted the driver.

The next offence occurred when Joe was in his early thirties. Joe was at home when he noticed that his neighbour had just parked in front of his garage. Joe approached the man, who explained that he would only be a few minutes and that Joe need not get so heated. Joe felt enraged that his neighbour refused to remove his car and subsequently pushed him towards the car. The man attempted to retaliate and Joe assaulted the older man. Joe was eventually incarcerated.

Joe's latest (reported) violent episode occurred whilst incarcerated. It appears that Joe got into an argument with another inmate. Joe described how he had wanted the other inmate to clean his side of the cell, yet the other inmate refused and a scuffle ensued. The guards intervened.

Situational/ contextual triggers. Often Joe finds himself in situations where he feels compelled to resort to aggressive behavior. The trigger to his violence is usually when he finds himself within a verbal confrontation with another male, whom he feels threatened by.

Cognitive antecedents. Joe's maladaptive behaviors are reflective of his belief-system that is reflective of his need to prove that he is superior to other males by exerting his sense of power over others. Although this assertion of authority may be a reflection of the fact that he feels that he needs to create a name for himself, this may in actual fact be a reflection of low self-esteem which he compensates for by being aggressive. Moreover this aggression may also be a reflection of scripts Joe follows where he believes that older males are likely to also engage in aggressive behavior in order to resolve conflict. The schema is also reflective of the underlying traditional Maltese culture where men are expected to prove their masculinity often by sorting out their problems "like real men". Batchelor's (2005) research also suggested that the girls who formed part of gangs described feeling a sense of obligation to retaliate using aggression when they felt that someone was disloyal towards them. This honour-based culture could also be reflective of Joe's perception that he needs to resort to violence to resolve conflict possibly also as a reflection of an honour-based culture.

In fact, the distal factors to be considered include Joe's belief-system that focuses upon his view of males as needing to resort to aggression in order to solve conflict (that potentially reflects his upbringing and exposure to his father's own abusive behaviour). The proximal variables found within the offender's environment (e.g. cultural, political) reflect Joe's family background (where the element of aggression is also reflected in other family members (his father and brother also have a history of violent behaviour) and criminogenic community where Joe originates from and currently resides in, in which that are likely to influence offending behaviour.

Affective antecedents. Joe often described himself feeling frustrated when he felt he could not express himself as clearly as he wanted to. This frustration often led to an escalation in aggression resulting in assault.

Physiological antecedents. The offender does not appear to make use of any drugs. Moreover although Joe does not view himself as an alcoholic, he has often resorted to alcohol as a means of alleviating his frustration.

Presence of any mental or personality disorders. Joe does not meet the criteria for a specific diagnosis, however he does demonstrate traits or elements indicative of personality disorder specifically in relation to his belief-system. Further exploration is necessary.

Good Lives Model Framework: identification of primary goods and strengths. Joe is a man of average intelligence that has a significant degree of insight into his anger management issues. This strength allows him to acknowledge and create awareness regarding his difficulties in attaining a number of primary goods necessary to lead a good life; especially related to attaining inner peace and community-related aspects. He recognised and explained that he found great difficulty in attaining the primary goods necessary to lead a good life.

Primarily Joe also acknowledged that he found it difficult to express himself in a socially appropriate manner and so the manner in which he attempted to achieve his goals (communicating how he feels and experiencing a sense of frustration when people don't understand him) was often problematic (secondary goods). He also explained that he wishes to return back to the community and lead a prosocial life as a means to feel accepted by others (primary goods). Through a GLM framework we can therefore conclude that Joe's violent behaviour has been maintained by his desire to attain his primary goods, which consist of achieving a sense of belonging specifically with people he wants to feel accepted by, such as

his father and other males that Joe perceives as similar to his father. Furthermore Joe may also desire to achieve a sense of inner peace as a means of achieving a sense of relief from frustration due to him constantly struggling to assert and prove himself as a male. Therefore Joe would need to overcome his obstacles of feeling disconnected from others prior to being aggressive.

Consequences.

Joe's violent outbursts have led to both short and long-term consequences. The immediate consequence of the aggressive episode results in Joe experiencing a temporary sense of relief as he has proved his worth as a man. However this sense of relief is usually short-term. Often besides the long term consequence of getting into trouble with the law, Joe experiences "being shunned by family and friends" (his father doesn't seem to be involved in Joe's life and does not seem to have an opinion regarding Joe's aggression). This subsequently seems to result in Joe feeling a sense of alienation and lowered self-esteem. This also appears to have affected his self-concept as he views himself and identifies himself as a criminal (during his offence narrative he often referred back to this sense "this is what an offender does"). However conversely Joe engages in these aggressive episodes as he wishes to assert himself as "one of the boys" and subsequently attempts to achieve a sense of belonging.

Offence Paralleling Behaviour

Therefore it appears that through the case formulation we can surmise the following (see table 1 as adapted from Jones, 2010):

Table 1

Example of an OBP

Situation	Antecedents	Behaviour	Consequence
Joe as a child (till age 16)	Joe in the presence of his father who was often verbally aggressive & bullied Joe, feeling emasculated which affected his self-identity, questioning his masculinity	No offence, yet father was verbally aggressive, felt belittled and cannot form part of “the big boys” club, generated feelings of shame	Short-term: lowered self-esteem that developed into a long-term sense of frustration & inadequacy when faced with paternal male figures
Offence 1 (age 21)	Feeling a sense of frustration due to traffic, anger at motorist/ verbal confrontation, feels that motorist might perceive him as inferior, feeling disconnected from others	Assault on motorist (unable to resolve conflict), instant gratification	Short-term: relief from frustration, as he has proven his masculinity, self-esteem is high. Long term: probation order
Offence 2 (index offense) (age 31)	Feeling a sense of frustration at neighbour who parked outside Joe’s garage, verbal confrontation, perceived neighbour as belittling him, feeling disconnected	Assault on neighbour (unable to resolve conflict), feels sense of entitlement	Short-term relief from frustration, as he has proven his masculinity. Long term: incarceration
In custody (age 34)	Feeling a sense of frustration/ verbal confrontation, feeling the need to prove to other prisoners that he is “the man”, asserting his masculinity	Assault on inmate (unable to resolve conflict), proves his worth	Short-term relief from frustration, reprimand from prison officer

Themes: links across all three contexts indicate a theme of violence, which could be linked to childhood variables, familial issues, life events, relationships with the people around him, and significant life events (potential trauma induced by father’s aggression)

Analysis and discussion of the common themes.

An analysis of the sequence of events, which is based upon the offender narratives and additional information derived from additional sources such as other professionals, family or even through the home visit leading up to the index offence, indicates that Joe feels a sense of frustration towards other males. Verbal escalation usually ensues and results in physical confrontation. Further exploration with Joe has uncovered that he often finds it difficult to communicate effectively (particularly his feelings) with others, which results in Joe feeling frustrated that he is unable to resolve conflict in a socially acceptable manner.

Joe's difficulty in expressing himself is also exhibited whilst Joe is incarcerated. Prison officers often noted that Joe resorted to violence in order to resolve conflict with other inmates. Because of the context that Joe is in, it is more likely for Joe to engage in violent confrontation with other males. However, Joe has indicated that his previous offence also involved assault on another man. Joe explained that he usually clashes with older males who remind him of his father. Furthermore it appears that the function of these behaviours is to alleviate frustration (rather than Joe wanting to get into a fight).

Predictions and conclusions.

An analysis of the information uncovered above therefore seems to also suggest that Joe's offences may be as a result of displaced anger towards his father, combined with his experience of observing his father's violent behaviour. This therefore confirms our original hypothesis that Joe probably has displaced his anger towards his father onto persons whom he perceives as similar to his father. As much of Joe's anger towards his father has never been addressed, this may have resulted in a build-up of unresolved issues such as his resentment towards his father due to not having been emotionally present in his life, resulting in frustration, that till today still manifest themselves as violent behaviour towards older males that Joe

perceives as a threat. The pattern of violent behaviours seems to also reflect a learnt behaviour (developed as a child observing his father's behaviour) and subsequent maladaptive belief-system that reflects an aggressive approach towards anger management (with deep-rooted cultural implications).

His risk of re-offending therefore appears to be high, particularly when in the presence of older males whom Joe perceives as a threat to his identity and possibly also as a reflection of his need to belong in the "boys club" and feel accepted by other paternal males, possibly as he felt rejected by his own father. This need for belonging is also reflected in Ryan and Deci's (2000) Self-determination theory that explained that individuals are predisposed to having needs such as autonomy, relatedness and competence. Subsequently should the individual be unable to attain these needs he is more likely to experience distress and seek maladaptive defenses. Joe seems to exhibit a need for relatedness, possibly his need to relate to other males who are parental figures, as a means to feeling accepted. This in itself may also be linked to his sense of identity, so possibly related to his need to be perceived as a competent man whilst simultaneously belonging with other males as he is accepted as a man.

To date, due to the lack of resources within the prison, Joe has never received any form of intervention to address his offending behaviour. A risk management plan would therefore primarily seek to address Joe's unresolved issues regarding his father's violent behaviour. However Joe appears to be aware of his difficulties in resolving conflict in a prosocial manner as well as the impact of his past on his behaviours today. The GLM framework identified Joe's desire to connect with others and achieving a sense of inner peace that Joe associates with feeling a sense of belonging with other older males. Therefore a Good Lives plan could focus upon helping Joe achieve a sense of security. Furthermore, Joe's awareness of his anger management

issues, would act as Joe's strengths, which could motivate Joe to embrace the path towards desistance.

Furthermore should Joe be granted release on parole, he may benefit from an anger management programme (offered by the DPP) so as to equip him with the necessary skills in order to control his anger and resolve conflict as he often finds it hard to communicate with others in a socially acceptable manner. The programme may also help Joe identify negativistic thinking that triggers offending behavior and addressing schema regarding violence.

Third Stage: The Development of the Risk Management Plan

Once the formulation of risk has been established, an exploration of the offender's readiness to change should be carried out and subsequently the identification of any barriers that may impede the offender from engaging in change, as discussed in Avellino (2014d; chapter 4).

The next step in the process involves holding a case conference with other professionals in order to present the case formulation (and make adjustments accordingly). Although assessors such as probation officers would have access to information from other sources such as prison wardens or psychologists throughout the process, nonetheless the case conference may provide another opportunity to validate the information obtained. In addition other professionals may also contribute any additional feedback regarding the conclusions drawn from the formulation of risk or even towards the proposed risk management plan. The case conference should also conclude by establishing a time-frame for the re-evaluation of the risk management plan.

A final draft of the risk management should be concluded at this stage. It is recommended that the risk management plan would also be discussed with the offender in order to encourage a collaborative approach towards risk management. A discussion of this stage of

the process is provided in Avellino (2014d; chapter 4). Furthermore a diagram illustrating the various stages of the proposed strategy is provided in figure 6.

Figure 6: A risk assessment and risk management strategy

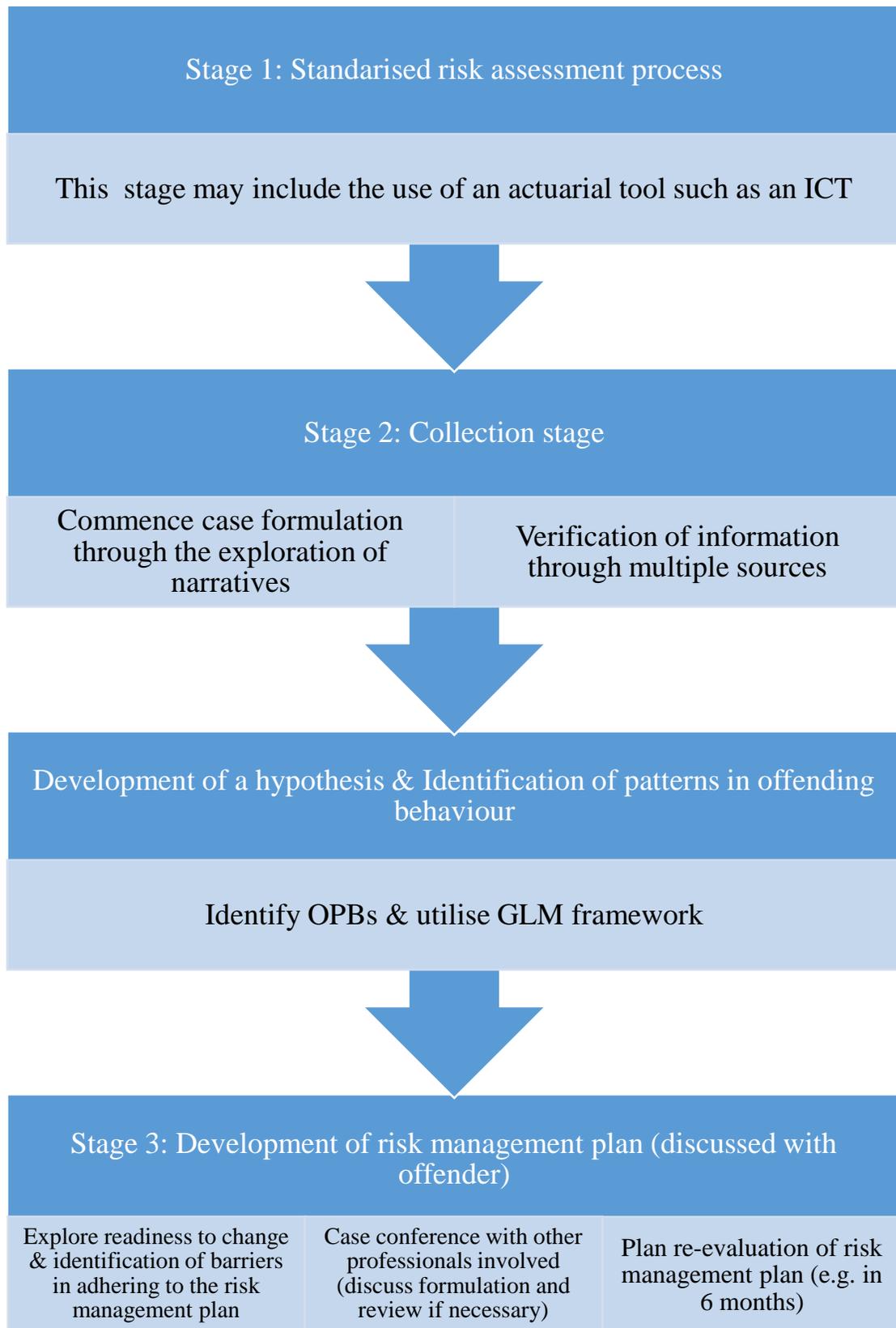


Figure 6: A diagram illustrating the various stages of the risk assessment and risk management strategy

Conclusion

This final chapter has sought to provide a reflective overview of the implementation of a risk assessment and risk management strategy in the Department of Probation and Parole in Malta. This has been complemented with a hypothetical case example in order to illustrate how the proposed strategy would work in practice. The findings of this research indicate that the implementation of a comprehensive risk assessment and risk management strategy should go beyond the identification of empirically-based risk factors and draw upon various sources of information in order to develop a holistic understanding of offending behaviour. This approach seeks to move away from a nomothetic approach to assessment by focusing upon the idiographic aspects relevant to offending. Specifically, it suggests that a “one size fits all” approach offered by standard actuarial risk assessment might not be suited to the Department of Probation and Parole. The consideration of the context in which risk assessment takes place, specifically Malta, with its relatively homogenous small population, with a distinctive rapidly changing culture, should also be taken into account.

The proposed strategy emphasised the role of the underlying processes relevant to offending, by exploring the interaction between the interpersonal, intrapersonal, developmental, contextual as well as situational aspects relevant to the offender. Furthermore it also emphasised the need to identify the offender’s strengths in order to develop an effective risk management strategy that could focus upon a long-term commitment to maintaining a pro-social lifestyle. This is enabled through the exploration of offender narratives. Narratives play a central role in exploring underlying psychological processes that influence offending behavior unique to the offender. Furthermore narratives may provide insight into the manner offenders construct offender narratives, so assessors may utilise narratives in order to elicit meanings and themes contributing to offender behavior. Yet an awareness of the limitations of utilising narratives is necessary.

Case formulation involves the systematic review of available information in order to provide an in-depth understanding of risk that includes the exploration of offender narratives. Jones (2010) proposed the OPB framework as a structured approach to case formulation that provides assessors with the necessary information to develop an understanding of the underlying processes behind offending behaviors. The OPB framework is not actually a risk assessment tool and so it will not provide assessors with a “risk score”. This approach emphasises idiographic risk assessment that allows for the exploration of the unique underlying processes behind offending behaviour. It is a clinically relevant approach by which to establish causal hypotheses, delineating the links between behaviours within the offender’s current context, past offending to possible futures (Jones, 2010). However more research is necessary to allow for “further refinement and testing of the framework” (Jones, Daffern & Shine, 2010, p.323).

Despite the advantages of adopting an OPB framework assessors must be aware of the limitations of such an approach that may compromise the reliability and validity of formulations. At times, OPBs may be harder to identify as Jones (2010) explained, the context in which the offender may “mute” behaviours or in cases offenders may have developed Detection Evasion Skills (DES). OPBs are also dependent upon the exploration of behaviours across situations. For example Mischel and Shoda (1995) discussed the role of cross-situational consistency of behaviour. Mischel and Shoda (1995) explained that individuals are characterised by “distinctive and stable patterns” of situation-behaviour relations (e.g. “if A then she X, but if B then she Y”) (Mischel & Shoda, 1995, p. 246). These “patterns of variability” according to Mischel and Shoda (1995) should not be perceived as errors but rather are reflective of an “underlying stable personality” that are considered to be “behavioural signatures” (p. 246).

This raises questions regarding the reliability and validity of the consistency of OPBs generated across different contexts, as different situations may elicit different responses from

the same offender. For example can an OPB generated in a therapeutic community predict behaviours within the community? This suggests that assessors would need to attempt to identify the behavioural signature specific to the offender within that specific context. For example as probation officers supervise offenders across different contexts, they are in a unique position to explore these behaviours “in vivo” as appointments with offenders are held in the offender’s varying contexts such as at home or whilst incarcerated. Probation officers are also able to obtain additional information through their contact with the offenders’ families, prison officers or even other probation officers who may have followed the offender in the past. This could facilitate the process of identifying these behavioural signatures.

Much like most criticisms towards utilising “unaided” judgements, approaches drawing upon case formulation may be limited both in terms of inter-rater agreement and accuracy, due to the level of subjectivity the assessor may be prone to when interpreting the information, at his disposal (see Hart, Michie & Cooke, 2007, Kuyken, 2006). The importance of utilising reliable data is highlighted by a study conducted by Alison, Smith, and Morgan (2003). The study demonstrated that due to the “barnum” effect, a term that describes the effect of personal validation, police officers were found to accept ambiguous statements as according to Alison et al. (2003) “individuals tend to construct meaning around ambiguous statements” (p.185) as “specific to themselves” (p. 193). This resulted in assessors questioning the validity of their judgements in relation to offender profiles. Therefore an awareness of biases that the assessors may be prone to play is necessary but also the need to have access to reliable data. This awareness could be generated through regular supervision of staff as well as regular training that would seek to ensure that assessors have a form of standardised method by which to assess offenders. Furthermore regular group supervision that focuses on discussing specific cases could serve as a learning experience for all.

The success of an effective risk assessment and risk management strategy in Malta would be determined by access to reliable information. For example the DPP would greatly benefit from an integrated electronic database that records the relevant information that follows the offender's first contact with the criminal justice system and could be used to identify any changes that may have occurred over time and across different contexts. An example of the role of data-sharing across various criminal justice entities is the ADViSOR project (McDougall, Pearson, Willoughby, & Bowles, 2013). ADViSOR serves as an "end-to-end" management of offenders transitioning between custody to the community. The information related to offender behaviour is obtained periodically from front-line staff whilst the offender is in custody and is then used to inform risk management within the community.

Despite these limitations in adopting the OPB framework the author has implemented a number of "safeguards" in order to limit reliability and validity issues. As recommended by Jones (2010) assessors may utilise practice algorithms in order to increase the validity and reliability of their hypotheses. Practice algorithms utilise a form of triangulation, an approach utilised in qualitative research methods in order to increase reliability and validity of research findings (Flick, 1992). The triangulation of resources would strengthen hypothesis, by drawing upon multiple resources available, using a combination of theoretical models, and verify formulations through information obtained from other professionals, peer review and the results of additional tools such as ICTs. Again formulations should be discussed with the offender as a means of verifying that the formulations are correct and enhance collaboration.

The effectiveness of a risk assessment and risk management strategy is also dependent upon the organisation itself. The implementation and maintenance of the strategy is influenced by the organisation's commitment to the strategy. Issues such as an awareness of errors and biases which must be addressed through regular supervision, support of the staff through

training and encouragement are also crucial to the success of the strategy. Furthermore the organisation must also provide a climate that supports staff in engaging in effective risk assessment and risk management to include access to the resources necessary in order to assess risk and be able to develop an informed risk management plan.

In conclusion, the author proposes a strategy that could improve risk assessment and risk management within the Department of Probation and Parole. Although the limitations of the strategy have been highlighted, the author has attempted to integrate possible solutions within the proposed framework in order to mitigate the misapplication of the OPB framework, and to ensure the standardisation of the overall strategy. This includes training that specifically relates to the utilisation of the OPB framework (see Jones, 2010), as well as supervision of the overall strategy. The strategy would also benefit from an underlying data management structure, as a means of increasing the validity and reliability of formulations. Furthermore an e-data management system in Malta could serve to develop ICTs for the various types of offenders followed by the DPP. More longitudinal research is however necessary in order to evaluate the effectiveness of such a strategy on a long-term basis but also to identify any improvements that can be made in order to enhance the effectiveness of the risk assessment and risk management strategy within the DPP.

References

- Alison L., Smith M., & Morgan, K. (2003). Interpreting the accuracy of offender profiles. *Psychology, Crime & Law*, 9(2), 185-195.
- Andrews, D. & Bonta, J. (1997). *The psychology of criminal conduct* (4th Ed). Cincinnati: Anderson Publishing.
- Avellino, C. (2014a). *Constructing a new risk assessment and risk management strategy for the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.
- Avellino, C. (2014b). *A content analysis of pre-sentence reports in the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.
- Avellino, C. (2014c). *Towards a comprehensive theoretical and empirical base for the risk assessment and risk management of offenders*. Unpublished paper. University of Portsmouth, Portsmouth.
- Avellino, C. (2014d). *Towards a new model of practice in risk assessment and risk management in the Maltese probation service*. Unpublished paper. University of Portsmouth, Portsmouth.
- Bandura, A. (1978). Social learning theory of aggression. *Journal of Communication*, 28(3), 12-29.
- Batchelor, S. (2005). "Prove me the bam!": Victimization and agency in the lives of young women who commit violent offences. *Probation Journal*, 52(4), 385-375.
- Bushman, B. & Anderson, C. (2001). Is it time to pull the plug on the hostile versus instrumental aggression dichotomy? *Psychological Review*, 108(1), 273-279.

Butler, M. (2008). What are you looking at? Prisoner confrontations and the search for respect. *British Journal of Criminology*, 48(6), 856-873.

Canter, D. (1994). *Criminal Shadows*. London: Harper Collins.

Case, S. & Haines, K. (2007). *Understanding youth offending: Risk factor research, policy and practice*. Devon: Willan Publishing.

Casey, S. (2011). Understanding young offenders: Developmental criminology. *The Open Criminology Journal*, 4 (Special issue) pp. 13-22.

Casey, S., Day, A., Vess, J. & Ward, T. (2012). *Foundations of offender rehabilitation*. London: Routledge.

Chapman, L. & Chapman, J. (1967). Genesis of popular but erroneous psycho-diagnostic observations. *Journal of Abnormal Psychology*, 72(3), 193-204.

Cooke, D. J. & Michie, C. (2013). Violence risk assessment: From prediction to understanding- or from what? To why? In C. Logan & L. Johnstone (Eds.), *Managing clinical risk: A guide to effective practice* (pp. 3–25). Abingdon: Routledge.

Crighton, D.A. (2005). Risk assessment. In D.A. Crighton & G.J. Towl (Eds.), *Psychology in Probation Services* (pp. 52-66). Oxford: Blackwell.

Cross, S. & Markus, H. (1994). Self-schema, possible selves, and competent performance. *Journal of Educational Psychology*, 86(3), 423-438.

Daffern, M., Jones, L. & Shine, J (Eds.)(2010). *Offence paralleling behaviour: A case formulation approach to offender assessment and intervention*. Chichester: John Wiley & Sons.

Daffern, M., Jones, L., Howells, K., Shine, J., Mikton, C. & Tunbridge, V. (2007). Redefining the definition of offence paralleling behaviour. *Criminal Behaviour and Mental Health*, 17(5), 265-273.

Douglas, K. S. & Skeem, J. L. (2005) Violence risk assessment: getting specific about being dynamic. *Psychology, Public Policy, and Law*, 11(3), 347-383.

Dowdswell, H., Akerman, G., & 'Lawrence' (2010). Unlocking offence paralleling behaviour in a custodial setting-A personal perspective from members of staff and a resident in a forensic therapeutic community. In. M. Daffern. L. Jones & J. Shine (Eds).*Offence Paralleling Behavior* (pp.231-243). Chichester: John Wiley & Sons, Ltd.

Farrington, D. (1995). The development of offending and antisocial behaviour from childhood: Key findings from the Cambridge study in delinquent development. *Journal of Child Psychology and Psychiatry*, 36, 929-964.

Farrington, D. (2005). Childhood origins of antisocial behavior. *Clinical Psychology & Psychotherapy*, 12(3), 177-190.

Farrington D.P. (2007). Childhood risk factors and risk-focused prevention. In M.Maguire, R. Morgan & R.Reiner (Eds.), *The Oxford handbook of criminology* (4th Ed. pp.602-640). Oxford: Oxford University Press.

Flick, U. (1992). Triangulation revisited: strategy of or alternative to validation of qualitative data. *Journal of the Theory of Social Behaviour*, 22(2), 175-197.

Gardner, W., Lidz, C. W., Mulvey, E.P. & Shaw, E.C. (1996). Clinical versus actuarial predictions of violence in patients with mental illnesses. *Journal of Consulting and Clinical Psychology*, 64(3), 602-609.

Gordon, A. & Wong, S. C. P. (2010). Offence analogue behaviours as indicators of criminogenic need and treatment progress in custodial settings. In M. Daffern, L. Jones, & J. Shine (Eds.), *Offence paralleling behaviour: A case formulation approach to offender assessment and intervention* (pp. 171–183). Chichester: John Wiley & Sons Ltd.

Grant, A., Townend, M., Mills, J. & Cocks, A. (2008). *Assessment and case formulation in CBT*. London: Sage.

Gredecki, N. (2007). Using offence paralleling behaviour to inform the management and assessment of clients in secure forensic settings. *Forensic Update*, 89, 33-38.

Gresswell, D. M., & Dawson, D. L. (2010). Offence paralleling behaviour and multiple sequential functional analysis. *Offence paralleling behaviour* (pp. 89-104). Chichester: John Wiley & Sons, Ltd.

Guerra, N. G., Rowell Huesmann, L., & Spindler, A. (2003). Community violence exposure, social cognition, and aggression among urban elementary school children. *Child Development*, 74(5), 1561-1576.

Hart, S. D. (2010). Foreword. In M. Daffern, L. Jones, & J. Shine (Eds.), *Offence paralleling behaviour: A case formulation approach to offender assessment and intervention* (pp. xvii–xix). Chichester: John Wiley & Sons Ltd.

Hart, S. & Logan, C. (2011). Formulation of violence risk using evidence-based assessments: The structured professional judgement approach. In P. Sturmey & M. McMurrin (Eds.) *Forensic Case Formulation* (pp.83-106). Chichester: John Wiley & Sons Ltd.

Hart, S., Michie, C. & Cooke, D. (2007). Precision of actuarial risk assessment instruments: Evaluating the 'margins of error' of group v. individual predictions of violence. *The British Journal of Psychiatry*, 190, 60-65.

Helfgott, J. B. (2013). *Criminal Psychology*. Santa Barbara: Praeger.

Howells, K. (1998). Cognitive behavioural interventions for anger, aggression and violence. In N. Tarrier, A. Welsh & G. Haddock (Ed.), *Treating complex cases: The cognitive behavioural approach* (pp.295-318). Chichester: John Wiley & Sons Ltd.

Huesmann, L. R. & Miller, L. S. (1994). Long-term effects of repeated exposure to media violence in childhood. In L. R. Huesmann (Ed.), *Aggressive behavior: Current perspectives* (pp. 153–186). New York: Plenum Press.

Jones, L. (2004). Offence paralleling behaviour (OPB) as a framework for assessment and interventions with offenders. In A. Needs & G. Towl (Eds), *Applying Psychology to Forensic Practice* (pp.34-63). Oxford: BPS Blackwell.

Jones, L. (2007). Iatrogenic interventions with personality disordered offenders. *Psychology, Crime and Law*, 13(1), 69-79.

Jones, L. (2010). Approaches to developing OPB formulations. *Offence paralleling behaviour: A case formulation approach to offender assessment and intervention* (pp. 71-87). Chichester: John Wiley & Sons, Ltd.

Jones, L. (2011). Case formulation for individuals with personality disorder. In P. Sturmeay & M. McMurrin (Eds.), *Forensic case formulation* (pp. 257-279). Chichester: John Wiley & Sons, Ltd

Jones, L., Daffern, M., & Shine, J. (2010). Summary and future directions. In M. Daffern, L. Jones & J. Shine (Eds.), *Offence paralleling behaviour: A case formulation approach to offender assessment and intervention* (pp. 317–328). Chichester: Wiley-Blackwell.

Kuyken, W. (2006). Evidence-based case formulation, is the emperor clothed? In N. Tarrier (Ed.) *Case Formulation in Cognitive Behaviour Therapy: The Treatment of Challenging and Complex Cases*. Hove: Routledge.

Lilienfeld, S., Ammirati, R. & Landfield, K. (2009). Giving debiasing away: Can psychological research on correcting cognitive errors promote human welfare? *Perspectives on Psychological Science*, 4(4), 390-398.

Loeber, R., Farrington, D. P., Stouthamer-Loeber, M. and White, H. R. (2008). *Violence and Serious Theft: Development and Prediction from Childhood to Adulthood*. New York: Routledge.

Markus, H., & Nurius, P. (1986). Possible selves. *American Psychologist*, 41, 954-969.

Marshall, W. L., & Barbaree, H. E. (1990). An integrated theory of the etiology of sexual offending. In W. L. Marshall, D. R. Laws, & H. E. Barbaree (Eds.), *Handbook of sexual assault: Issues, theories, and treatment of the offender* (pp. 257 – 275). New York: Plenum.

Maruna, S & Mann, R. (2006). A fundamental attribution error: Cognitive distortions? *Legal and Criminological Psychology*, 11, 155-177.

McDougall, C., Pearson, D., Willoughby, H. & Bowles, R. (2013). Evaluation of the ADViSOR project: Cross-situational monitoring of high-risk offenders in prison and the community. *Legal and Criminological Psychology*, Vol. 18(2), 205-228.

Mischel, W., & Shoda, Y. (1995). A cognitive system theory of personality: Reconceptualizing situations, dispositions, dynamics, and invariance in personality structure. *Psychological Review*, 102(2), 246–268.

Moffitt, T. (1993). Adolescence-limited and life-course persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100, 674-701.

Monahan J. (2001). Major mental disorder and violence: Epidemiology and risk assessment. In GF. Pinard & L. Pagani (Eds), *Clinical assessment of dangerousness: Empirical contributions* (pp. 89-102). New York: Cambridge University Press.

Monahan, J., Steadman, H., Appelbaum, P., Robbins, P., Mulvey, E., Silver, E., Roth, L., & Grisso, T. (2000). Developing a clinically useful actuarial tool for assessing violence risk. *British Journal of Psychiatry*, 176, 312-319.

Nonstad, K. & Webster, C.D. (2011). How to fail in the implementation of a risk assessment scheme or other new procedure in your organisation. *American Journal of Orthopsychiatry*, 81(1), 94-99.

Persons, J. (2008). *The case formulation approach to cognitive-behaviour therapy: Guides to individualized evidence treatment*. New York: Guilford Press.

Piaget, J. (1952). *The origins of intelligence in children*. New York: International Universities Press.

Quinsey, V.L. (1995). The prediction and explanation of criminal violence. *International Journal of Law and Psychiatry*, 18, 117-127.

Quinsey, V. L., Rice, M. E. & Harris, G. T. (1995). Actuarial prediction of sexual recidivism. *Journal of Interpersonal Violence*, 10, 85–105.

Ross, L. (1977). The intuitive psychologist and his shortcomings: Distortions in the attribution process. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (Vol. 10, pp. 174-221). New York: Academic Press.

Ryan, R.M. & Deci, E.L. (2000). Self-determination theory and the facilitation of intrinsic motivation, social development and well-being. *American Psychologist*, 55, 68-78.

Savona-Ventura, C. (1995). The influence of the Roman Catholic Church on midwifery practice in Malta. *Medical History*, 39(1), 18–34.

Savona-Ventura, C. (1995). Catholic family values civil marriages & marriage breakdown. *Institute for Research on the Signs of the Times*. Retrieved http://www.discern-malta.org/research_pdfs/marriage.pdf.

Steadman, H., Mulvey, E., Monahan, J., Robbins, P., Appelbaum, P., Grisso, T., Roth, L., & Silver, E. (1998). Violence by people discharged from acute psychiatric inpatient facilities and by others in the same neighborhoods. *Archives of General Psychiatry*, 55(5), 393-401.

Steadman, H., Silver, E., Monahan, J., Robbins, P., Mulvey, E. Grisso, T., Roth L. and Banks, S. (2000). A classification tree approach to the development of actuarial violence risk assessment tools. *Law and Human Behavior*, 24(1), 83-100.

Thornton, D. (2002). Constructing and testing a framework for dynamic risk assessment. *Sexual Abuse: A Journal of Research and Treatment*, 14(2), 137-151.

Towl, G.J. & Crighton, D.A. (1997). Risk assessment with offenders. *International Review of Psychiatry*, 9, 187-193.

Tversky, D. & Kahneman, A. (1981). Judgement under uncertainty: Heuristics and biases. *Science*, 185, 1124-1131.

Ward, T. (2000). Sexual offenders' cognitive distortions as implicit theories. *Aggression and Violent Behavior*, 5, 491-507.

Ward, T. (2003). The explanation, assessment, and treatment of child sexual abuse. *International Journal of Forensic Psychology*, 1, 10-25.

Ward, T. (2009). The extended mind theory of cognitive distortions in sex offenders. *Journal of Sexual Aggression*, 15(3), 247-259.

Ward, T. & Beech, T. (2006). An integrated theory of sexual offending. *Aggression and Violent Behavior*, 11(1), 44-63.

Ward T. & Gannon, T. (2006). Rehabilitation, etiology and self-regulation: The Good Lives Model of sexual offender treatment. *Aggression and Violent Behaviour*, 11(1), 77-94.

Ward, T. & Hudson, (2000). Self-regulation model of relapse prevention. In T.Ward, S. Hudson & R. Laws (Eds), *Remaking Relapse Prevention with Sex Offenders: A Sourcebook* (pp. 70-101). Newbury Park, CA: Sage.

Ward T. & Marshall, W.L. (2004). Good lives, aetiology and the rehabilitation of sex offenders: A bridging theory. *Journal of Sexual Aggression (Special Issue): Treatment & Treatability*, 10(2), 153-169

Ward T. & Maruna, S. (2007). *Rehabilitation: Beyond the risk paradigm*. London: Routledge.

Ward T. & Stewart, C. (2003). Criminogenic needs and human needs: A theoretical model. *Psychology, Crime & Law*, 9(2), 125-143.

Weerasekera, P. (1996). *Multiperspective case formulation: A step towards treatment integration*. Malabar, FL: Krieger Publishing Company.

West, A. & Greenall, P. (2011). Incorporating index offence analysis into forensic clinical assessment. *Legal & Criminological Psychology*, 12(2), 233-249.

Wikström, P.O. & Loeber, R. (2000). Do disadvantaged neighborhoods cause well-adjusted children to become adolescent delinquents? *Criminology*, 38(4), 1109–1142.

Young, D. & Canter, D. (2009). Personal narratives of crime. In D. Canter & D. Young (Eds). *Investigative Psychology: Offender Profiling and the Analysis of Criminal Action* (pp.780-798). Chichester: John Wiley & Sons.

Young, J., Klosko, J. & Weishaar, M. (2003). *Schema therapy: A practitioner's guide*. New York: Guilford Press.

General conclusion

The scope of this research is to propose a new strategy for the risk assessment and risk management of offenders followed by the Department of Probation and Parole. This was motivated by the need to provide a distinct approach to risk assessment that takes into account the individual processes underlying offender behavior as opposed to simply assessing for the presence of risk factors. This is particularly significant given the numerous changes that have taken place within the Department over the last few years. As discussed in Avellino (2014a, chapter 1) these changes were mostly due to the introduction of Parole but also owing to the changes in criminal trends experienced in Malta. Furthermore the intention behind the research was to provide a strategy that was sensitive to the context in which assessment takes place. Specifically Malta, which has a relatively homogenous small population, with a distinctive rapidly changing culture (see Avellino, 2014a; chapter 1).

Therefore the strategy has focused upon considering the role of risk assessment as applied to the Department of Probation and Parole, but also within a wider sense by discussing the more recent developments within risk assessment. The research highlighted the need to explore the interaction between individual, developmental, contextual and situational factors primarily through offender narratives, in order to uncover the processes underlying offender behaviour. This is particularly relevant to the Maltese context due to the intricate factors behind the behaviours, such as the influence of culture or belief-systems, that influence offending, which might be lost when utilising standard actuarial risk assessment. This suggests that a “one size fits all” approach offered by standard actuarial measures might not be suited to the Department of Probation and Parole.

The strategy proposed the utilisation of narratives as they provide the opportunity for assessors to understand the offender's perspective on offending behaviour and identify the

situations that are likely to lead to offending. This may include the exploration of self through the offender's sense-making, cultural influences, belief-systems, and the influence of life events. This is particularly significant as placing further emphasis upon the offender's perspective, encourages the offender to participate in the risk assessment process in order to identify risks but also to determine his resources in order to engage in desistance. This contrasts greatly to the Risk-Needs-Responsivity model (Andrews & Bonta, 1997) that takes a deficit-oriented approach to offending, which deconstructs offending and presents it as a list of separate risk factors as opposed to a more strength-based approach, such as the Good Lives Model (Ward & Stewart, 2003) that emphasizes the role of human agency and social capital, as a means to achieve desistance.

As discussed in Avellino (2014c, chapter 3) the role of developmental and situational theories of crime have been largely ignored in informing risk assessment. Developmental theories have explained the manner in which offenders transition in and out of offending, therefore focusing upon the offender's process of maturation and the influence of social control (as discussed by Moffitt, 1993). Situational theories on the other hand described offending as mediated by the "turning points" in the offender's life (see Farrington, 1995). Both approaches stress the relevance of age and maturation. This is particularly significant given that most offenders naturally desist from offending yet those that do continue to offend are more difficult to manage (see Avellino, 2014c, chapter 3). Both approaches may further the understanding of the offender's life transitions and the impact of social bonds (see Maruna, 2001) in relation to change.

As discussed throughout the research, the Department of Probation and Parole requires a framework in order to engage in a systematic approach to risk assessment. The research has in fact highlighted the advantages of adopting an individualised approach to risk assessment

through the consideration of Iterative Classification Trees, the Offence Paralleling Behaviour framework, and the Good Lives Model of Rehabilitation. These complementary approaches could serve to enhance risk management within the Department of Probation and Parole as they provide the opportunity to explore the individual and possibly unique aspects relevant to offending behaviour that goes beyond a “box ticking” exercise.

Yet an awareness of the limitations of the study must be highlighted for the effective implementation of the proposed risk assessment and risk management strategy. A significant limitation of this study includes the need to see the strategy “in vivo” in order to assess its utility within the Department of Probation and Parole. Furthermore the limitations in relation to introducing Iterative Classification Trees, the Offence Paralleling Behaviour framework, and the Good Lives Model of Rehabilitation is highlighted. Generally it appears that in all three approaches, the assessment depends upon the assessor’s ability to conduct the assessment in a professional manner as well as the subsequent interpretation of results. Probation officers would also need to be aware of their own biases when assessing risk. Biases may be reflected through the probation officer’s own narratives and sense-making regarding offending as described in Avellino (2014e, chapter 5). Furthermore an awareness of heuristic biases and errors (Tversky & Kahneman, 1981) that assessors may engage in whilst assessing risk is also necessary. This indicates that probation officers must be provided with adequate training and on-going supervision in order to raise awareness and avoid these errors altogether.

Furthermore the assessment also depends on the assessor’s ability to communicate the results in an effective manner. The principle limitation to adopting the proposed strategy is that it is reliant upon the consistency of the information at hand. These issues with reliability and validity could be attributed to the limitations of drawing upon offender narratives but also due to the need for an integrated information sharing system that follows the offender throughout

his contact with the Criminal Justice System. Furthermore this approach could also be useful in monitoring and evaluating changes in offender behaviour. Nonetheless information sharing systems do not remove the potential for error due to various aspects such as human error that can occur when inputting the information within the system or even due to the “dark figure” of crime. However an integrated e-data management system could serve to reduce the potential for inconsistency in the information obtained and ameliorate risk assessment and risk management within the Department of Probation and Parole.

The effectiveness of the proposed strategy is dependent upon the support of the Department in order to introduce and sustain the strategy. Furthermore it is also dependent upon the availability of resources such as an electronic database or information sharing protocols in order to enhance communication of risk to practitioners outside of the Department. Examples of these approaches include ADViSOR and the Wakefield model as discussed in Avellino (2014d, chapter 4), that would be beneficial to the Department of Probation and Parole. This also highlights the importance of using a common language to communicate findings that specifies predictions of *when* re-offending will occur, under *what* conditions and stipulates the level of *severity*.

Although recent developments in the field of rehabilitation have shifted from a deficit-oriented model of criminality to a strength-based approach that considers the offender’s strengths, the community itself must also provide the necessary support in order to facilitate the rehabilitation process. This includes support from family and friends but also opportunities for work and re-integration. This approach could also serve to provide the offender with the psychological support necessary to encourage desistance through addressing the offender’s need for relatedness, competence and autonomy as described by Deci and Ryan (2000). This would

facilitate the probation officer's role in focusing upon reducing re-offending but also enhancing the offender's well-being.

This highlights the significant role of the organisation in which risk assessment and risk management takes place. The research has in fact discussed Nonstad and Webster's (2011) satirical rendition of how to fail in implementing a risk assessment strategy, when considering the organisational context (see Avellino, 2014a). This emphasizes the importance of including the staff in the process of change, support through training and on-going communication. Risk assessment may also be influenced by the manner in which the assessor perceives himself within the organisational context but also the organisation's ability to provide a climate that fosters a positive work ethic in engaging in risk assessment.

Furthermore, the relationship between the probation officer and the offender plays a strong role in assessing risk, by forging a therapeutic relationship that supports the offender to embrace change and the formation of a new prosocial identity (see Avellino, 2014a, chapter 1). The relationship between the probation officer and the offender is often compromised by the ambiguity in determining who the client is. Probation officers in Malta often find themselves experiencing role conflict when dealing with offenders. In Court, for example, probation officers use the term *offender* however in other occasions they use the term *client*. This seemingly subtle distinction may determine the manner in which the probation officer and the offender relate to one another. This is also reflected in the terminology used: are these "clients" or "offenders/probationers"?

Overall the research has attempted to suggest the "way forward" by taking a pragmatic approach towards risk assessment as a means to inform practitioners, managers and policy makers on the obstacles that may present themselves when introducing a risk assessment and risk management strategy. The implications of the research are that the Department of Probation

and Parole requires a new risk assessment and risk management strategy that does not rely exclusively upon isolated predictors of offending but considers the interaction between individual, developmental, situational and contextual aspects, that are subject to change and influenced by mitigating circumstances. More longitudinal research is necessary in order to evaluate the effectiveness of the strategy but also to identify any improvements that may enhance the overall strategy. Furthermore a consideration of its application beyond the Department of Probation and Parole would also be interesting, both locally within the Corradino Correctional Facility but also on an international level.

Appendix

Letter from Ethics Committee

Part C Information for Submissions to the Ethics Committee for Full Review

Title of proposed research: Introducing a Risk Assessment & Management Strategy to the
Name of researcher(s): Natasha Robinson Services
Chantal Avallino

This Ethics submission is for (please tick one of the following two options):

- 1) Full review for the first time
- 2) Expedited review (please tick one box)
 - A revision in response to Ethics Committee feedback. Please attach an additional sheet that details your responses to the concerns listed previously, along with the original submission.
 - Modification of already approved project – attach full previously approved proposal with a list of modifications or changes on a separate sheet
 - Departmentally-funded summer bursaries (or equivalent)
 - Practicals (i.e. 1st or 2nd year undergraduate)
 - M.Sc. unit with short deadlines (N.B. This does **not** include the dissertation)

Checklist for expedited and full reviews: Check that each of the following documents is enclosed with this form:

- (a) Written responses to the items 1-19,
- (b) Recruitment information (e.g. letters to parents, information sheet, Participant Pool poster, if applicable),
- (c) Informed Consent Form (required),
- (d) Debriefing Form (required),
- (e) All questionnaires / Interview schedule – (if applicable).

Decision of Ethics Committee: Clare Noel Date: 12/3/12

- Favourable opinion
- Favourable opinion with provision [make the changes indicated on the proposal – no need to re-submit].
- Unfavourable opinion - consult with your supervisor, tutor and/or mentor to rectify or address the concerns noted on the proposal, then resubmit following the instructions below.
- No opinion possible [see proposal for details and resubmit following the instructions below]

N.B. Revised proposals should be submitted in the departmental Office, Floor 1 King Henry Building. Remember to tick the first box under 2 above, tick the front sheet (Expedited review) and include (i) **the original submission**, (ii) **the revised proposal (including a new cover sheet)**, and (iii) **a list of your responses to the feedback.**

UPR16 FORM



RESEARCH ETHICS REVIEW CHECKLIST

Name of Postgraduate Research Degree Student (PGRDS) OR Professional Doctorate Student (PD)		Chantal Avellino	
Thesis Title		Introducing risk assessment to the Maltese Probation service	
Thesis Word Count (excluding ancillary data)		71,457	
First Supervisor		Prof Alan Costall	
Other members of supervision team		Dr Michelle Newberry, Dr Adrian Needs	
Faculty		Science	
Department / School / Institute		Psychology	
Start Date		Full time	PhD

(* Delete as appropriate)

Please complete this form and return to the Research Section, Quality Management Division, Academic Registry, University House, with your thesis prior to examination.

If you are unsure about any of the following, please contact the local representative on your Faculty Ethics Committee for advice. Please note that it is your responsibility to follow the University's Ethics Policy and any relevant University, academic or professional guidelines in the conduct of your study

Although the Ethics Committee may have given your study a favourable opinion, the final responsibility for the ethical conduct of this work lies with the researcher(s).

I have considered the ethical dimensions of the above named research project, and have successfully obtained the necessary ethical approval(s): Ethical review number(s) from Faculty Ethics Committee (or from NRES/SCREC):		
Signed (PGRDS / PD Student)		Date 21st September 2014

UKRIO* finished research checklist	Yes	No
(1) Have all of your research and findings been reported accurately, honestly and within a reasonable time frame?	X	
(2) Have all contributions to knowledge been acknowledged?	X	
(3) Have you complied with all agreements relating to intellectual property, publication and authorship?	X	
(4) Has your research data been retained in a secure and accessible form and will it remain so for the required duration?	X	
(5) Does your research comply with all legal, ethical, and contractual requirements?	X	

*UKIRO checklist. If you would like to know more about the checklist, please see your Faculty or Departmental ethics committee rep or see the online version of the full checklist at: <http://www.ukrio.org/resources/UKRIO%20Recommended%20Checklist%20for%20Researchers.pdf>