



This is a repository copy of *Desistance from crime and probation supervision: Comparing experiences of English and French probationers*.

White Rose Research Online URL for this paper:
<https://eprints.whiterose.ac.uk/173804/>

Version: Published Version

Article:

Fernando, R. orcid.org/0000-0002-4346-2200 (2021) *Desistance from crime and probation supervision: Comparing experiences of English and French probationers*. *Probation Journal*, 68 (2). pp. 224-242. ISSN 0264-5505

<https://doi.org/10.1177/02645505211012062>

Reuse

This article is distributed under the terms of the Creative Commons Attribution-NonCommercial (CC BY-NC) licence. This licence allows you to remix, tweak, and build upon this work non-commercially, and any new works must also acknowledge the authors and be non-commercial. You don't have to license any derivative works on the same terms. More information and the full terms of the licence here:
<https://creativecommons.org/licenses/>

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.



eprints@whiterose.ac.uk
<https://eprints.whiterose.ac.uk/>

Desistance from crime and probation supervision: Comparing experiences of English and French probationers

Probation Journal

1–19

© The Author(s) 2021



Article reuse guidelines:

sagepub.com/journals-permissions

DOI: 10.1177/02645505211012062

journals.sagepub.com/home/prb**Ruwani Fernando** 

University of Sheffield, UK

Abstract

This research compares how English and French desisters experience and perceive probation supervision. In this qualitative study, desisters of both countries were interviewed to collect narratives of change within the context of punishment in the community. The aim of this research was to explore and compare the role of probation in desistance processes, in different national, socio-economic, and criminal justice settings. The findings demonstrate similarities in perceptions of probation officers as people with resources. Differences emerged in the types of resources engaged with and the perceived punitiveness of mandatory supervision.

Keywords

desistance, offender management, probation, rehabilitation, supervision

Introduction

The role of criminal justice interventions in desistance processes has been extensively researched. There are now valuable findings on the influence of probation upon behavioural change (Farrall et al., 2014; King, 2013; Leibrich, 1993; McCulloch, 2005; Rex, 1999; Villeneuve et al., 2020). Probation supervision has the potential for creating conditions that make behavioural change more likely

Corresponding Author:

Ruwani Fernando, School of Law, University of Sheffield, Sheffield S37ND, UK.

Email: rfernando1@sheffield.ac.uk

(Healy, 2012; King, 2013). The work completed during probation can have long lasting impact (Farrall et al., 2014), and the quality of the supervisory relationship has been cited as crucial in promoting change (Leibrich, 1993; Shapland et al., 2012). Researchers have recommended desistance-focussed probation practice, to encourage behavioural change (McNeill, 2006). What is more, desistance research has highlighted the role of social structures, institutions, and other societal characteristics in behavioural change (Farrall et al., 2011). Herein lies the value in comparative work on desistance within criminal justice systems, across different societies.

However, little is known on the role of probation in desistance processes in a comparative perspective. Moreover, empirical work on desistance in the French context is scarce (see Benazeth, 2020; Gaïa, 2020). This article offers to address these gaps in the literature, by providing a cross-national comparison of English and French desisters' experiences and perspectives of probation supervision. Since much is already known on the design and evolution of probation in England and Wales (Robinson, 2016b; Tidmarsh, 2020) and its impact on desistance processes (Farrall et al., 2014; King, 2013; Segev, 2020; Shapland et al., 2012), it is assumed that the readership is familiar with the English context of this research. For this reason, the relevant background information will be given only about the French context before a discussion on assisting desistance and the value of cross-national comparative work. First, findings on relationships with probation officers and the type of support people engage with when supervised will be analysed. Secondly, there will be an exploration of desisters' experiences and perspectives of probation as a punishment in the community.

Community sentences in France

In France, evolutions in non-custodial measures resulted from efforts to decrease the prison population as well as to legitimise and give value to punishments in the community (de Larminat, 2014). Probation supervision is often accompanied by 'obligations' which are measures to be carried out in the community, in the context of a sentence or amendment to an existing sentence. These are much like requirements of English community sentences, and include compulsory actions towards looking for employment, addressing health/addiction problems, completing accredited programmes, respecting curfews and restriction measures (Mair et al., 2007: 11).

The aims of the French probation services in non-custodial settings, as stated by the Penal Procedure Code¹ are as follows:

- Assist judges in pre-sentence reports and in anticipation of sentence modifications.
- Carry out follow-ups, and ensure measures are understood and respected.
- Assist with 'reinsertion' or rehabilitation into society, facilitating access to relevant services.

'Reinsertion' into society is the wording used in French, which refers to processes of social inclusion and resolving social marginalisation, focusing on welfare and social issues, which is assumed to lower the likelihood of reoffending. A focus on social inclusion as an objective in efforts for rehabilitation stems from a culture of social work that is at the root of French probation (Herzog-Evans, 2019).

An important difference in French and English penal process is the presence of sentence implementation judges. They follow-up people during their sentences through probation officers' reports and have the power to modify measures. The burden of proof for the alleviation of measures is on the convicted individual who must work towards accumulating evidence demonstrating worthiness for measures to be modified. As a result, sentences are not static but adapted with time and according to progress shown (Herzog-Evans, 2019). This way of 'doing' probation reflects a will to responsabilise people with convictions, as they are in control of their progress, to be demonstrated in supervisions (de Larminat, 2014). This is also found in English probation, whereby institutional changes have led to individual responsabilisation for their social circumstances and for efforts to prevent their own likelihood of reoffending (King, 2011).

Both English and French probation have increasingly focused on notions of risk and managerialism while maintaining aims of reducing reoffending. In England and Wales, empirical research has shown that these changes have altered the relationship between probation officer and service user, shifting from 'advise, assist, befriend' to a more managerial style of supervision (Hope and Sparks, 2000; King, 2013; Robinson, 2016a). Moreover, the implementation of *Transforming Rehabilitation* and the partial privatisation of probation services further disrupted the landscape of community punishment (Millings et al., 2018; Walker et al., 2019). The notion of risk has been institutionalised (Robinson, 2016b) through a rationale of public protection and cost effectiveness (Robinson, 2016a). While French probation services remain state-run, they function under similar rationales and unproductive emphasis on risk at the expense of needs (Herzog-Evans, 2019).

While the delivery of probation work in England and Wales has taken a risk-management perspective in efforts for effective practice, supervision has nonetheless evolved to incorporate elements of a desistance approach (McNeill, 2006). In contrast, French probation remains reticent to evidence-based practice. A study that has gathered insight from French probation officers in 2009–2010 has highlighted their lack of knowledge both of criminological literature generally and of the concept of desistance (Herzog-Evans, 2011). Since then, the notion of desistance has been added to the penitentiary administration guidelines but was not accompanied by changes in practice (Herzog-Evans, 2019).

Assisting desistance in probation

The role of community supervision and interventions in supporting desistance has been explored in criminological research. The literature suggests that relationships between probation officers and probationers can be influential in processes of change in different manners (Burnett and McNeill, 2005; Farrall, 2002; Shapland

et al., 2012). Probationers' perceptions of their probation officers has the potential to encourage desistance, if these involve engagement and genuine concern for the people supervised (Rex, 1999). Building a good rapport with probation officers has been cited as an element of effective practice which could encourage behavioural change (Barry, 2007). What is more, the impact of probation supervision on processes of desistance can also emerge with time and impact behaviours long after the meetings have taken place (Farrall, 2016). Considering all these findings, it is relevant to analyse desisters' perspectives on probation and accounts of relationships with their probation officers to better understand how desistance unfolds within a punitive criminal justice setting.

There are a number of benefits to the inclusion of a desistance approach in offender management (McNeill, 2006). Reflecting on changes in probation philosophies in the UK, McNeill suggests incorporating desistance research into practice. A desistance approach derived from empirical research may serve to alleviate the impact of logics of risk and public protection. Indeed, McNeill argues for shaping practice, not from the starting point of figuring out how interventions can encourage change but rather from beginning with understanding processes of change in the first place. Framing practice by drawing from understandings of change allows the implementation of an evidence-based desistance approach in practice. In McNeill's words: 'building an understanding of the human processes and social contexts in and through which desistance occurs is a necessary precursor to developing practice paradigms' (2006: 46). A comparative analysis of desistance accounts within the context of probation therefore allows for a deeper understanding of the processes and social contexts. McNeill's suggestion is supported by research which demonstrates the potential of probation to support behavioural change, notably that relational aspects of probation supervision can increase the likelihood of behavioural change (Burnett and McNeill, 2005; McCulloch, 2005; Rex, 1999; Shapland et al., 2012).

The literature mentioned in this section is in majority Anglophone, as research on assisted desistance in probation is largely absent in the French context. This is due to the lack of recognition of criminology as a discipline in French academia. The notion of desistance from crime in French academia has only recently been studied empirically (see: Benazeth, 2020). Empirical, qualitative study into probation conducted in France is rare, but has shown that probation officers tend to be hostile to the inclusion of methods derived from international research (Herzog-Evans, 2019). As a result, institutional knowledge, and inclusion of notions of desistance has largely been absent from probation work in France (Herzog-Evans, 2011). It is to be noted that these studies were conducted a few years ago, and the present reality might have evolved since then. A weak culture for evaluation and the lack of more recent data highlights the necessity for empirical research in the French context.

Comparing desistance processes

Although there have been studies on desistance from crime based in different countries (for example Benazeth, 2020 in France; Villagra, 2016 in Chile; Healy,

2010 in Ireland), few have taken a cross-national comparative approach (see Österman, 2018; Segev, 2020). Research has explored processes of desistance from crime and provided explanations for change, accounting for structural and individual levels factors. Mechanisms of change have been thoroughly mapped out. At present, factors influencing how people stop offending – structural influences and individual processes – are widely known.

Structural factors refer to socio-economic contexts pertaining to social norms, availability of opportunities, and scope for change (Sampson and Laub, 2003). These include factors such as the influence of institutions, the state of the labour market, cultural norms, public policies, and other elements which are beyond individual control (Farrall et al., 2011). Studies on internal dynamics of change have added to understandings of desistance by highlighting the role of identities in shaping pathways out of crime (Farrall et al., 2011; Giordano et al., 2002; Healy, 2010; Maruna, 2001). More recently though, the theoretical framework of desistance has been consolidated to an integrated understanding of change (Farrall et al., 2011). Processes of desistance are understood as resulting from ongoing interactions of structural factors and internal dynamics, accounting for a more complete array of explanations and factors of change (Bottoms and Shapland, 2011; Farrall et al., 2011).

Over the years, desistance research has increasingly explored processes of change within different groups of people and types of offences (Calverley, 2013; Chu and Sung, 2009; Giordano et al., 2002). These have revealed the variety of ways in which people desist and contributed to understanding change according to socio-structural contexts. Nuances in pathways out of crime can be highlighted with cross-national comparative research, thanks to qualitative analyses between groups in different settings. Research and theory have evolved towards a more comprehensive and complete understanding of processes of change, accounting for factors on macro, meso and individual levels (Farrall et al., 2011). Comparing desistance experiences of people in England and France therefore provides insight into the ways in which characteristics of societies and criminal justice systems shape individual pathways out of crime (Farrall, 2016).

In recent years, there has been more interest and research on comparing desistance from crime across countries (Österman, 2018; Segev, 2020). Whilst comparative examinations of community sanctions and measures continue to gather pace across Europe (see McNeill and Beyens, 2013), there is a gap in the literature in terms of cross-national comparisons of experiences of probation in processes of desistance. What is more, little is known on processes of desistance and subjective experiences of probation supervision in the French context, so this research contributes to understanding change in this setting. Cross-cultural comparisons of processes of desistance have yielded interesting findings contrasting experiences across different social groups (Calverley, 2013; Segev, 2020). These studies underlined the variety of ways in which cultural factors shape pathways out of crime. While a cross-national comparison could inform us on different cultural dynamics of desistance, this present study focuses on contrasting the context of probation delivery and policy in the narrations of desisters.

The roles of institutions and socio-economic contexts are better understood with qualitative comparative research as it highlights structural inequalities, institutional efforts to support change and how these shape individual pathways out of crime. Comparative work on desistance in the context of probation supervision therefore allows us to better understand interactions between criminal justice institutions and individual change. Individual change is subject to wider social forces – of which probation practice – and comparative research may shine a light onto processes of change as interactions between various factors and influences. This article aims to address the gap in the literature by providing a comparative approach to processes of desistance in an institutional setting.

Methods and sample

The findings in this article are part of a doctoral thesis comparing processes of desistance in England and France. The subjective aspect of the research meant an in-depth qualitative method was most appropriate to address the aims of the study. 40 semi-structured interviews were conducted with English and French men who expressed motivations to stop offending. They were recruited during their supervisions in the community, in order to gather narratives as they were negotiating processes of desistance rather than retroactively recalling change. Probation officers were given sampling criteria (men with at least two convictions – barring exclusively motor offences – who expressed a will to desist) from which they recruited participants. Data were gathered from 20 interviews conducted in Paris between November 2018 and April 2019 followed by 20 interviews conducted in Sheffield between July 2019 and January 2020. Interviews were transcribed soon after they were conducted, at which point patterns in the narrations started to emerge. Data were thematically analysed and coded into categories which emerged from the literature on desistance from crime, and into recurrent themes that arose from the interviews. The thematic analysis involved identifying key themes and recurrent patterns from the narrations (Braun and Clarke, 2006). Careful consideration was given to distinguishing between linguistic specificities and narrative differences. This was made possible by the author's familiarity with both English and French cultures and languages.

The research was approved by the University of Sheffield School of Law's Ethics Committee. When designing the method of data collection, there were a number of ethical considerations that shaped the interviews. Participants' wellbeing was a central consideration, along with maintaining their confidentiality. I was mindful that the topics in the interview were sensitive, as they involved discussions of childhood, relationships, hardships, penal punishment, and other personal subjects. It was expected that the interviews would touch on emotions, as the topic of desistance from crime entails hopes, fears and desires. The sensitive nature of the interview was therefore accounted for in its design, to minimise potential distress.

The range of offences participants were being punished for was broadly similar and included drug-related offences, violent offences, property related offences, motor offences, fraud and harassment. There were nevertheless certain differences,

such as a higher proportion of drug-related offences in the French sample and more motor-related offences in the English one. Offences in the French data tended to be more severe than in the English one. This is to be expected, as the French probation services are not divided according to perceived risk like the English services are. The split between Community Rehabilitation Companies (CRCs) and the National Probation Service (NPS) brought about by *Transforming Rehabilitation* means that people perceived as low-medium risk are dealt with by the former while people assessed as high-risk are supervised by the latter. As the fieldwork was conducted in a CRC, differences in the severity of offences committed was to be expected. All participants in the English sample were serving either a Suspended Sentence Order or a Community Sentence Order, while the French sample had a mix of people sentenced to various community measures, on licence, or serving a custodial sentence in the community.

The mean age of participants is similar: 37 years old for the English sample and 38 years old for the French one. Moreover, similar proportions of participants in each country had started offending in their youth. The number of participants having started offending before 21 years old is 15 in the English sample and 16 in the French one. English and French participants had been supervised on probation for a similar amount of time, on average 3 months. In terms of ethnicity, the English sample was broadly homogenous, with 18 participants being White British. The sample included a man of Jamaican descent and another man of Pakistani descent. The French sample was more varied in terms of ethnicity, reflecting the diversity of the capital city. The final sample included 5 White French men and 15 men of Black African and North African descents. Two homogenous samples in terms of ethnicity would have provided insight into the role of cultural norms and the specific experiences of desisters according to ethnicity. That is out of the scope of the present study, which for its sample demographics, does not account for ethnic variations in desistance. Similarly, a sample including only White French men would not have been representative of desisting men supervised on probation in Paris.

Resources and supervisory relationships in probation

Relationships with probation officers

The working relationship between probationers and probation officers has been identified as central to the efficacy of probation work (Burnett and McNeill, 2005). The majority of desisters in this study have reported positive relationships with probation officers (13 for English sample; 15 for French sample). These results reflect existing findings exploring desistance in probation (Farrall, 2002; King, 2013; Rex, 1999) and the traits that probationers value in their probation officers (Burnett and McNeill, 2005). This finding confirms previous research in that listening skills and availability are considered positive traits of probation officers (Burnett, 2004; McCulloch, 2005; Rex, 1999). It also echoes Benazeth's (2020) research which found that French desisters also value being treated with respect and dignity in spaces that typically are degrading and denigrating. Good relationships

with probation officers are valued and impact desisters beyond any practical support received, as they feel humanised and understood (Leibrich, 1993):

What is good is that [probation officer's name] she is . . . she has a human rapport you know, it's not just procedure and all that, we feel that there's . . . yeah there's an interest, what we want, who we are. (French participant 11)

They expressed a lot of empathy you know (. . .) I think that is important because they're trying to look from your view point you know, don't mean that they agree with ya, but they will . . . that's what they're there for. You know they're not there trying to create obstacles they're there to try and progress you forward. (English participant 8)

These positive results may reflect the selection bias in the study, whereby those who had good relationships with their probation officers might have been more likely to accept participation in the study. This finding can also be interpreted in that people who are motivated to stop offending tend to maintain good relationships with their probation officers. Indeed, it has been shown that desistance is likely to occur with individual motivation (Farrall, 2002). Participation in a study suggested by one's probation officer might be considered as a way to signal change. Nevertheless, the study aims to understand desistance, so data reflect experiences of men who do express motivation for change.

Good relationships with probation officers mean that they are at times considered as people who can vouch for probationers. During interviews, four English desisters spoke of their probation officers as having knowledge on their situation and progress. This suggests officers are considered trustworthy and reliable enough to be given this information in the first place. While French participants did not relate to their probation officers as people who could vouch for their stories, they did illustrate their relationships through examples of support they received, which improved their situations, as discussed below. Probation officers vouching for the four English desisters was mentioned to evidence change: 'I'm good now, ask [PO]' (English participant 13), and to express limitations to their progress, through challenges they encountered, for example with regards to the continuous consumption of cannabis or relapse in addictions:

I've still got urges to gamble, I'm not gonna lie, if I think that there's summit [something] worth gambling on, I'll gamble, but [PO] knows all of that. (English participant 20)

Probation officers therefore 'bear witness' to positive change (Anderson, 2016) which in turn fosters their legitimacy as agents in the rehabilitative process, but also trust in the relationship with the probationer. This type of honesty with probation officers and trust towards them is expressed in anticipation of potential further convictions for the behaviours mentioned, in which case the officers can testify to change and not 'lose' progress. In expressing this trust, the men demonstrate that desistance occurs as 'zigzag' and a gradual decline in offending behaviour (Burnett, 2004), while highlighting the importance of institutional support during this

process. Trust and respect from probation officer is important to successful desistance (Leibrich, 1993).

Scope of support

A notable difference emerging from the data is that the English desisters tended to experience probation as a sort of check-up, while the French men recalled specific actions their officers carried out. The scope of support English and French desisters engage with on probation is therefore not the same. Probation meetings were described by 12 English participants as a place to *have a bit of a chat* (English participant 15) and generally where they would answer their officers' questions. This was expressed as a positive aspect of supervision, framed as an opportunity for the men to have someone to exchange with. Talking things through and addressing issues verbally in probation were recurrent themes in English narratives. This confirms previous Anglophone research which found that probationers mention 'talking methods' as a common way of dealing with problems during supervision (McCulloch, 2005; Rex, 1999; Shapland et al., 2012). The conversational aspect of probation supervision, which is absent from the French narratives, allows for probation officers to 'bear witness' to desistance as was discussed above. That being said, it can be argued that conversational approaches in probation delivery may be at the expense of work on personal and social issues (Farrall, 2002). This is the case for the French participants, who did not mention the desire, or value, in talking things through with their probation officers. In contrast, support regarding personal and social issues were valued.

She is rooting for me, she advises me (...) how to make my CV, how to try to work, in what sector, how to do things correctly. (French participant 10)

Among French desisters, anecdotes involving probation officers were used to illustrate the scope of support provided. Nine French participants have reported examples where their officers did something for them. This includes referring them to external organisations, lifting judicial requirements, visits to the hospital and general administrative support, all of which leading to favourable outcomes for desisters. Help with filling out paperwork and administrative procedures in and out of the criminal justice setting has been noted as valuable.

That being said, the overwhelming nature of administrative tasks in the French context during probation in itself is to be challenged. French probation practice has many times been described as essentially a 'tick-boxing' exercise which neglects people's actual needs (Dindo, 2011) and can at times consist purely in administrative work itself (Herzog-Evans, 2014). Only recently have certain evidence-based practices been incorporated in French probation, and probation officers' knowledge of desistance literature remains limited (Herzog-Evans, 2011).

The scope of the support therefore goes beyond administrative help and includes general guidance, advice on posture, presentation and general social 'life skills' that are useful for integration into civil society and therefore desistance. The French

narratives indicated that the men perceived their probation officers went 'above any beyond' their institutional responsibilities, leading to strengthened relationships. These acts of support are gestures that contribute to perceptions of probation officers as 'kind' people who are 'on their side'. Examples of these gestures include impromptu phone calls to see how a meeting has gone, visits to hospital in cases of relapse or advice on posture and speech in anticipation of a job interview.

She [PO] helps me in the sense that she gets informed, she tries to learn about my projects, I communicate with her a lot, she calls me often to know about my meetings. Last time I had a meeting with the job centre and she called me (...) normally I see her about once a month but she called me the day of my meeting to see if everything went well, and she didn't have to, honestly probation officers don't have to do that. That she did, it means that myself I want to be serious towards her. (French participant 4)

These gestures encourage mutual engagement in supervisions, whereby desisters and probation officers actively contribute to progress, leading to what Robinson and McNeill (2008) call substantive compliance. Substantive compliance refers to the active engagement of probationers in their supervisions, beyond what is required of them. Indeed, narratives of French desisters indicate substantive compliance and active engagement to be 'serious' in completing probation supervision. In contrast, English desisters have reported more passive and relaxed supervisions with little active requirements expected of them, hence the recurrence of the conversational aspect in their narratives.

What is more, the type of support mentioned by French desisters and progress through substantive compliance is limited to short-term help, which is not conducive to the co-production of rehabilitative efforts and long-term change. French probationers are therefore left to fend for themselves when it comes to more drastic measures to improve their social circumstances, which is where the third sector intervenes. As found in the literature on the third sector's involvement in French probation, much of the rehabilitative efforts are produced by charity organisations (Herzog-Evans, 2011). There is, therefore, a gap between the institutional aims of probation and the delivery of rehabilitative work (Herzog-Evans, 2019), which these findings confirm. French probation services contain elements of both 'thick' and 'thin' models of supervision in the administrative focus and the availability of capable networks (Dominey, 2019). As discussed below, this might not be favourable to supervision facilitating change because of certain 'pains of probation' associated.

Resources of the probation officer

In the French sample, the value of probation officers was largely attributed to the institutional and organisational links they provided to participants. Probation officers were understood as the link with sentencing judges, public sector agencies and third sector charities that provide socio-legal or even medical assistance. The third sector is omnipresent in the French criminal justice system (Herzog-Evans, 2014), so

it is unsurprising that 11 French participants reported being in contact with a charity organisation at some point. The main reasons desisters contacted charities were to address employment or housing issues. In some cases, desisters reached out for support regarding addictions, mental health issues or to participate in cultural activities. The scope of third sector organisations in France is therefore very wide, and at times not limited to people who go through the criminal justice system. This is valuable to desisters as their pro-social networks widen and opportunities for practical change increase.

Part of the role of the French probation officer is to direct people to the relevant organisations in order to facilitate changes in social circumstances. In getting help with employment or training prospects, addressing medical issues, or sorting out housing, the French men gain stability, autonomy, and develop their social capital, which in turn supports desistance. It has been argued that the work carried out by third sector organisations corresponds to work that French probation officers are 'unable' or 'unwilling' to do (Herzog-Evans, 2014). Third sector support also provides a platform for assistance that is more rehabilitative and not necessarily punitive like probation. There are, however, in both English and French third sector organisations, exclusionary mechanisms whereby some interventions could be experienced as punitive or disciplinary (Tomczak and Thompson, 2017). This underlines that the potential of forging pro-social links has varying impact according to organisations excluding involvement based on criminal convictions for instance. The impact of third sector intervention upon desistance also depends on people's desires to change. Probation officers referring probationers to third sector organisations can therefore allow desisters to address collateral consequences or elements of 'social and civic death' brought about by penal punishment itself (Henley, 2018). Interestingly, four of the English participants mentioned getting support from charity organisations, all of which provided moral support through a social network. None of them were referrals from probation officers and three of them were unrelated to offending or the criminal justice system.

Therefore, a different institutional landscape of third sector involvement in community sentences explains in part this specificity in the French data, compared to the English sample. There is also a pattern in the English data of men considering probation officers as a resourceful people, but this is framed differently than in French narratives. English participants consider their probation officers as resourceful and have them in mind in case they need something (N = 8). This indicates instrumental compliance, whereby attendance to probation meetings is encouraged by the availability of support (Robinson and McNeill, 2008). Some English participants (N = 3) did report getting practical support from their probation officers, in finding training, employment or authorising holidays abroad. In these instances, the probation officer was the one to assist, in comparison to the French officers who tend to refer people to third sector organisations. While there was no expression of probation officers going above and beyond like in the French data, English desisters did note that they value their probation officer being there for them if needed. This might be in part explained by the relatively less bureaucratic aspect of English life compared to the notoriously paperwork-heavy French public administration.

Probation as punishment in the community

Pains of punishment

Accounts of generally positive experiences of supervision were accompanied with mentions of certain 'pains' of probation. The concept of pains of probation was identified by Durnescu (2011), who in a study based in Romania, identified a range of recurrent pains associated with penal punishment, specifically probation. Loss of time, the costs of travel, threat of breach and rescheduling appointments were among difficulties mentioned by the Romanian probationers. This section of the article will analyse how pains of probation expressed by desisters vary by country.

One of the institutional aims of probation in France is to ensure measures pronounced alongside sentences are being respected. These measures include for instance active job searching, unpaid work, restrictions on locations, or an obligation to address addiction issues. For some of the measures that can be pronounced, there can be administrative 'work' and paperwork involved. Some of the participants have explained that they were never 'good' with administrative tasks to start with, and others mentioned their dependence to cannabis as hindering their ability to complete such tasks. A recurrent theme in the French narratives is the pressure of fulfilling the bureaucratic aspects of judicial requirements (N = 5). Concerns for respecting judicial measures and appearing serious to probation officers are linked with certain aims of probation practice in France which are to instil autonomy and encourage individual responsibility (de Larminat, 2014). Referring to his state of mind with regards to probation supervision, one French participant stated:

I always tell myself when I have a meeting with the PO 'shit I need to bring my pay sheet, I need to show that everything is in order when he writes his report [to the sentence implementation judge]' that's how I think. (French participant 19)

In contrast, there is a certain passivity in narratives of English desisters, who – as mentioned above – expressed experiencing probation as a 'check in', where they are expected to talk informally with their officers and bring up issues if there are any. Nevertheless, certain pains of probation were expressed by English desisters. A recurrent theme in English narratives was that desisters could not be bothered with their supervisory meetings, and particularly with the inconvenience of attending them in the first place (N = 5). While the legitimacy of their sentence is not necessarily challenged, supervisions are often considered as disrupting English desisters' routine, as one participant expressed:

I've done the crime I'm doing my time do you know what I mean, I'll just be happier when I don't have to get out of bed or leave work early to go to probation cause it's money out of my pocket. (English participant 11)

Out of town locations (which is the case of the CRC in this study) are a key problem to compliance (Ugwudike and Phillips, 2019). The results for English

desisters here confirms Ugwudike's (2017) findings of formal compliance, that consists in the attendance to probation meetings, which is the minimum required from the men. In contrast, the French desisters' supervision meetings took place in the city centre, easier to access. They consider compliance as a more active task, in fulfilling the administrative requirements set by the probation officer and the sentencing judge. In both groups, probation officers' qualities in listening and providing resources may encourage compliance, in that attendance is also motivated by what the desisters can get out of supervision, as well as the threat of breach. The impact of compliance to desistance is to be challenged, as research has produced mixed results (Robinson and Ugwudike, 2012).

Signalling dynamism in the French context

Perceptions of punishment for those being sentenced have been thoroughly explored, particularly in the context of imprisonment (Ashkar and Kenny, 2008). Such research is limited in the context of probation (Van Ginneken and Hayes, 2016). Community sentences have been found to be perceived as less punitive than imprisonment (Applegate et al., 2009). This section aims to delve into the desisters' perceptions of probation and what meaning they attribute to mandatory probation supervision. Data analysed here pertain to how desisters make sense of probation.

Earlier in the article, it was demonstrated that English desisters consider their probation officers as people who could vouch for their stories and any progress towards rehabilitation they will have achieved. This was absent in the French narratives, perhaps because of the more active rehabilitative approach expected from them. As mentioned previously, one of the institutional aims of French probation is to have probation officers monitor the respect of measures pronounced by judges. This is apparent in the narratives of desisters, when they expressed what being on probation meant to them. As discussed above, some French participants mentioned requirements specific to their sentences when relevant, particularly as 'pains of probation' for the pressure they feel to comply to them. Seven of the French participants explicitly referred to probation as the place where the monitoring of these requirements takes place. In line with institutional objectives, these French desisters perceived their probation officers as the people they have to demonstrate compliance and justify rehabilitative efforts to. A French participant summed it up:

It's [probation] mostly the control of obligations that the judge has given us to do... [PO] is there to put that together and see if I move forward. (French participant 11)

Probation officers in the French sample were not reported to vouch for behavioural change like in the English one, but for the respect of measures. The respect of obligations imposed on French probationers corresponds to substantive compliance and what is considered successful supervisions. Unlike the pressures of attendance found in English narratives that is concerned with the threat of breach if the men do not show up for their mandatory meetings, the pressure that emerges from the

French narratives are that of demonstrating to their officers that they are complying to the judge's measures. By continually respecting their measures throughout their time on probation, desisters 'signal' change to both their officers and the sentencing judge, who has the power to modify or shorten their sentence if they are deemed worthy. As Maruna (2012: 81) stated, 'signals are supposed to make visible some invisible quality'. The words of one participant demonstrates their understanding of the stake they have in signalling their efforts to fulfilling requirements:

She [PO] does the relay between me and the judge, she's the relay between myself and my judicial problems so if it goes wrong with my PO, it goes wrong with the justice system, so the goal is for it to go well with the justice system, to move things forward. (French participant 4)

While respecting measures may not signal desistance in itself, it supposedly shows the men are worthy of 'things moving forward' because of the visible efforts they display to their probation officer, which are to be relayed to the judge in charge of sentence implementation. These findings reflect expectations for French prisoners to demonstrate enough dynamism and active efforts to rehabilitate *themselves* in order to successfully apply for release (Herzog-Evans, 2019). Modification of sentences decided by the sentence implementation judge is guided in theory to prepare for the convicted person's social integration (Herzog-Evans, 2019). This focus on social integration and the managerial aspect of the delivery of probation work, can be at the expense of a desistance approach in practice (Anderson, 2016). This managerialist aspect of the delivery of probation is also found in the English context, and in both countries is increasingly a means to 'sort' people into groups swiftly rather than genuine institutional efforts for rehabilitating people (Herzog-Evans, 2020). More broadly speaking, a responsabilisation rationale in French probation considers the convicted person as main drivers of their own sentence, and 'sorting' themselves out (de Larminat, 2014). Men are therefore expected to rehabilitate themselves in probation and stop offending as result, rather than co-producing rehabilitative efforts like the institutional aims would suggest.

The reality is even more bleak as the criminal justice system takes less and less accountability for delivering and providing rehabilitation. Financial strains on the French criminal justice system means probation officers have unmanageable caseloads and are unable to allocate enough resources to probationers anyway (Herzog-Evans, 2019). Individual responsibility is encouraged, and probationers are left to address their criminogenic needs outside of the criminal justice setting. Respecting requirements shows individual responsibility and signals worthiness for sentence modification but does not necessarily entail addressing people's needs. The French probation services therefore are not directly concerned with neither providing rehabilitative efforts nor facilitating change. Instead, compliance is monitored through the control of 'obligations', individuals are encouraged to demonstrate dynamism and criminogenic needs are left to third sector organisations to deal with.

Discussion

The impact of changes and evolutions in probation has been thoroughly researched and debated in the English context (Tidmarsh, 2020). Similarly, much is known on the impact of probation supervision upon processes of desistance in England (King, 2013). A lack of empirical research in France and the absence of a culture of evaluation in public institutions means that comparatively, little is known on processes of change. This research has contributed to understanding processes of desistance in the French context, by providing a comparative framework with the English setting, in which there is already rich data and solid comprehension of how people desist. This article has shown that English and French desisters have broadly similar positive relationships with their probation officers and value similar characteristics in the people supervising them. Existing Anglophone research on the preferred characteristics of probation officers by probationers are in part valid in the French context. Differences have been noted, however, in the scope of the support provided by probation officers. Experiences of probation supervision differ, both in what desisters can gain, and in the pains of punishment. These correspond to tensions between rehabilitative and punitive aspects of probation. Beyond the relational experience with probation officers, narratives have informed on the scope of support desisters received and what being on probation meant to them. From the English data is apparent that loss of time and costs of travel are the prevalent pains of mandatory supervision. The French data, however, indicates that some men are under pressure to respect measures set by the judge and controlled by their probation officer.

Another difference is that probation was experienced as a more salient punitive measure in the French narratives than in the English ones, as the latter tended to interpret it as a second chance before imprisonment. English desisters tended to be more concerned about maintaining a sense of normalcy despite their ongoing sentence. In contrast, the French participants were actively engaged in carrying out their punishment 'correctly' and in a 'serious' way, which entails demonstrating to their probation officers that their judicial measures are being respected. Pressures to comply and the lack of a meaningful conversational element to French probation supervision constitute tensions between the rehabilitative and punitive aspects of probation. In the English sample, probation officers were considered as the institutional agents who 'bear witness' to change (Anderson, 2016), while the French men in contrast, felt they had to actively demonstrate change to their officers. These findings highlight the different ways in which probation is delivered and lived, in that English probation is comparatively more passive, as probationers are *being* supervised. In contrast, the French supervision is experienced as more demanding since it requires effort from the men to demonstrate and signal change to their probation officers.

These findings have provided deeper insight into the role of probation in processes of desistance and how this differs in England and France. In each country, there is a discrepancy between institutional criminal justice aims and the reality of men's experiences, as well as tension between rehabilitative and punitive aspects of

probation. In France, the focus of community sentences is to support social inclusion, but the lack of resources lead to efforts for rehabilitation being one sided, and probation being limited to the monitoring of measures. Similarly, a lack of resources in the English probation means that supervision is experienced as passive, to the detriment of addressing social issues. These findings highlight similar institutional tendencies of considering individuals as being responsible for their own progress towards desistance and held accountable for the likelihood of possible reoffending.

Declaration of conflicting interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: The research was funded by the University of Sheffield School of Law Postgraduate Research Scholarship.

ORCID iD

Ruwani Fernando  <https://orcid.org/0000-0002-4346-2200>

Note

1. Penal Procedure Code https://www.legifrance.gouv.fr/affichCode.do;jsessionid=32EDEBA6C8F3195954D1AD9F8108EE32.tplgfr33s_2?cidTexte=LEGITEXT000006071154&dateTexte=20200608.

References

- Anderson S (2016) The value of 'bearing witness' to desistance. *Probation Journal* 63(4): 408–424.
- Applegate B, Smith H, Sitren A, et al. (2009) From the inside: the meaning of probation to probationers. *Criminal Justice Review* 34(1): 80–95.
- Ashkar PJ and Kenny DT (2008) Views from the inside: young offenders' subjective experiences of incarceration. *International Journal of Offender Therapy and Comparative Criminology* 52(5): 584–597.
- Barry M (2007) Listening and learning: the reciprocal relationship between worker and client. *Probation Journal* 54(4): 407–422.
- Benazeth V (2020) Désistance et institutions: le paradoxe d'un effet limité de l'intervention institutionnelle sur les processus de désistance. In: Gaïa A, de Larminat X and Benazeth V (eds) *Comment Sort-on de la Délinquance? Comprendre le Processus de Désistance*. Villeneuve-d'Ascq: Médecine & Hygiène, collection Déviance et Société.
- Bottoms A and Shapland J (2011) Steps towards desistance among male young adult recidivists. In: Farrall S, Sparks R, Maruna S and Hough M (eds) *Escape Routes: Contemporary Perspectives on Life After Punishment*. Abingdon: Routledge, pp. 43–80.
- Braun V and Clarke V (2006) Using thematic analysis in psychology. *Qualitative Research in Psychology* 3(2): 77–101.

- Burnett R (2004) To reoffend or not to reoffend? The ambivalence of convicted property offenders. In: Shadd M and Russ I (eds) *After Crime and Punishment*. Abingdon: Routledge.
- Burnett R and McNeill F (2005) The place of the officer-offender relationship in assisting offenders to desist from crime. *Probation Journal* 52: 221–242.
- Calverley A (2013) *Cultures of Desistance: Rehabilitation, Reintegration and Ethnic Minorities*. Abingdon: Routledge.
- Chu DC and Sung HE (2009) Racial differences in desistance from substance abuse: the impact of religious involvement on recovery. *International Journal of Offender Therapy and Comparative Criminology* 53(6): 696–716.
- de Larminat X (2014) Un continuum pénal hybride: Discipline, contrôle, responsabilisation. *Champs Pénal* 11(1): 2–23.
- Dindo S (2011) Sursis avec mise à l'épreuve: la peine méconnue. Une analyse des pratiques de probation en France. Etude pour la Direction de l'administration pénitentiaire, bureau PMJ1, Mai.
- Dominey J (2019) Probation supervision as a network of relationships: aiming to be thick not thin. *Probation Journal* 66(3): 283–302.
- Durnescu I (2011) Pains of probation: effective practice and human rights. *International Journal of Offender Therapy and Comparative Criminology* 55(4): 530–545.
- Farrall S (2016) Understanding desistance in an assisted context: key findings from tracking progress on probation. In: Shapland J, Farrall S and Bottoms A (eds) *Global Perspectives on Desistance: Reviewing What We Know and Looking to the Future*. London: Routledge.
- Farrall S (2002) *Rethinking What Works with Offenders: Probation, Social Context and Desistance from Crime*. Willan: Cullompton.
- Farrall S, Hunter B, Sharpe G, et al. (2014) *Criminal Careers in Transition: The Social Context of Desistance from Crime*. Oxford: Oxford University Press.
- Farrall S, Sharpe G, Hunter B, et al. (2011) Theorising structural and individual-level processes in desistance and persistence: outlining an integrated perspective. *Australian and New Zealand Journal of Criminology* 44: 218–234.
- Gaïa A (2020) L'art de la « débrouille »: les sorties de délinquance juvénile par intermittence. In: Gaïa A, de Larminat X and Benazeth V (eds) *Comment Sort-on de la Délinquance? Comprendre le Processus de Désistance*. Villeneuve-d'Ascq: Médecine & Hygiène, collection Déviance et Société.
- Giordano PC, Cernkovich SA and Rudolph JL (2002) Gender, crime, and desistance: toward a theory of cognitive transformation. *American Journal of Sociology* 107: 990–1064.
- Healy D (2010) *The Dynamics of Desistance: Charting the Pathway through Change*. Abingdon: Routledge.
- Healy D (2012) Advise, assist, and befriend: Can probation supervision support desistance? *Social Policy & Administration* 46: 377–394.
- Henley A (2018) Civil and social death: criminal background and the loss of the self. In: Read S, Santatzoglou S and Wrigley A (eds) *Loss, Dying and Bereavement in the Criminal Justice System*. London: Routledge, pp. 76–84.
- Herzog-Evans M (2011) Desisting in France: what probation officers know and do. A first approach. *European Journal of Probation* 3(3): 29–46.

- Herzog-Evans M (2014) Explaining French probation: social work in a prison administration. In: Durnescu I and McNeill F (eds) *Understanding Penal Practice*. Abingdon: Routledge, pp. 63–76.
- Herzog-Evans M (2019) Managerialism, ‘get off your butts’ and de facto not-for-profit privatization in prisoner resettlement in France. In: Dünkel F, Pruin I, Storgaard A and Weber J (eds) *Prisoner Resettlement in Europe*. Abingdon: Routledge.
- Herzog-Evans M (2020) Probation française: comparaison analytique internationale et européenne. *Cahiers de la Sécurité et de la Justice* 48–49. Available at: <https://www.ihemi.fr/articles/probation-francaise-comparaison-analytique-internationale-et-europeenne> (Accessed April 14, 2021).
- Hope T and Sparks R (eds) (2000) *Crime, Risk and Insecurity*. Abingdon: Routledge.
- King S (2011) *Going Straight on Probation: Desistance Transitions and the Impact of Probation*. Thesis, University of Birmingham, UK.
- King S (2013) Assisted desistance and experiences of probation supervision. *Probation Journal* 60(2): 136–141.
- Leibrich J (1993) *Straight to the Point: Angles on Giving Up Crime*. Otago: University of Otago Press.
- Mair G, Cross N and Taylor S (2007) *The Use and Impact of the Community Order and the Suspended Sentence Order*. London: Centre for Crime and Justice Studies, King’s College, London.
- Maruna S (2001) *Making Good: How Ex-Convicts Reform and Rebuild their Lives*. Washington, DC: American Psychological Association.
- Maruna S (2012) Elements of successful desistance Signalling. *Criminology & Public Policy* 11: 73–86.
- McCulloch T (2005) Probation, social context, and desistance: retracing the relationship. *Probation Journal* 52(1): 8–22.
- McNeill F (2006) A desistance paradigm for offender management. *Criminology and Criminal Justice* 6(1): 39–62.
- McNeill F and Beyens K (2013) *Offender Supervision in Europe*. London: Palgrave MacMillan.
- Millings M, Burke L and Robinson G (2018) Lost in transition? The personal and professional challenges for probation leaders engaged in delivering public sector reform. *Probation Journal* 66(1): 60–76.
- Österman L (2018) *Penal Cultures and Female Desistance*. Abingdon: Routledge.
- Rex S (1999) Desistance from offending: experiences of probation. *The Howard Journal of Criminal Justice* 38(4): 366–383.
- Robinson G (2016a) Three narratives and a funeral: community punishment in England and Wales. In: Robinson G and McNeill F (eds) *Community Punishment: European Perspectives*. Abingdon: Routledge.
- Robinson G (2016b) Patrolling the borders of risk: the new bifurcation of probation services in England and Wales. In: Bosworth M, Hoyle C and Zedner L (eds) *Changing Contours of Criminal Justice*. Oxford: Oxford University Press.
- Robinson G and McNeill F (2008) Exploring the dynamics of compliance with community penalties. *Theoretical Criminology* 12(4): 431–449.

- Robinson G and Ugwudike P (2012) Investing in 'toughness': probation enforcement and legitimacy. *The Howard Journal of Criminal Justice* 51(3): 300–316.
- Sampson RJ and Laub JH (2003) Life-course desisters? Trajectories of crime among delinquent boys followed to age 70. *Criminology* 41(3): 301–340.
- Segev D (2020) *Desistance and Societies in Comparative Perspective*. Abingdon: Routledge.
- Shapland J, Bottoms A, Farrall S, et al. (2012) The quality of probation supervision: a literature review. Centre for Criminological Research Occasional Paper 3, University of Sheffield, UK.
- Tidmarsh M (2020) 'If the cap fits'? Probation staff and the changing nature of supervision in a Community Rehabilitation Company. *Probation Journal* 67(2): 98–117.
- Tomczak P and Thompson D (2017) Inclusionary control? Theorizing the effects of penal voluntary organizations' work. *Theoretical Criminology* 23(1): 4–24.
- Ugwudike P (2017) Understanding compliance dynamics in community justice settings: the relevance of Bourdieu's habitus, field, and capital. *International Criminal Justice Review* 27(1): 40–59.
- Ugwudike P and Phillips J (2019) Compliance during community-based penal supervision. In: Ugwudike P, Graham H, McNeill F, Raynor P, Taxman FS and Trotter C (eds) *Routledge Companion to Rehabilitative Work in Criminal Justice*. Abingdon: Routledge.
- Van Ginneken E and Hayes D (2016) 'Just' punishment? Offenders' views on the meaning and severity of punishment. *Criminology & Criminal Justice* 17(1): 62–78.
- Villagra C (2016) *Socio-historical contexts, identity, and change: A study of desistance from crime in Chile*. Thesis, University of Leicester, UK.
- Villeneuve M, Dufour I and Farrall S (2020) Assisted desistance in formal settings: a scoping review. *The Howard Journal of Crime and Justice* 60(1): 75–100.
- Walker S, Annison J and Beckett S (2019) Transforming Rehabilitation: The impact of austerity and privatisation on day-to-day cultures and working practices in 'probation'. *Probation Journal* 66(1): 113–130.