The ‘pains of probation’ on young adults males with a sexual conviction: an exploratory study

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Explorations of the experiences of incarceration have revealed the ‘pains of imprisonment’ (Sykes, 1958, Crewe, 2011). The ‘pains of punishment’ discourse has only recently shifted its attention to community punishments, with few explorations revealing that probation can be experienced as painful (Durnescu, 2011, Hayes, 2015). Understanding community punishment, in terms of the pains it produces on the lives of probationers, is useful for evaluating the effect and effectiveness of penal practice and policy (Hayes, 2015). Existing ‘pains of probation’ studies have tended to treat probationers as a homogenous group, but I wanted to understand how demographic variations and offence shape community punishment experiences.

Studies have found the stigma and punitive risk management practices associated with sex convictions creates barriers to, gaining and maintaining employment (Brown, Spencer and Deakin, 2007), maintaining family ties (Mann, Devendran and Lundrigan, 2019), securing accommodation (Mann et al, 2019), and the wider development and maintenance of pro-social networks (Wood and Kemshall, 2010). There has been little academic attention on ‘Young Adults’ aged between 18 and 24 (HMI Probation, 2021), and even less research with young adults with a sexual conviction (Eastman, Craissati and Shaw, 2019). For young adults their bio-psycho-social outlook and functioning is characterised by a period of developmental transition, immaturity, and exploration of their identity and the world (Arnett, 2000, Prior et al, 2011). Both academic research and policy advocates treating 18- to 24-year-olds as a distinct group (Eastman et at, 2019, HMIP, 2021).

I interviewed 17 young adult men with a sexual conviction, who were subject to both Community Orders (CO) and Suspended Sentence Orders (SSO). The participants in this study experienced an array of pains, which were pervasive, impacted across the life of young adults and extended beyond the boundaries of the Order. These pains affected both inward and outward facing aspects of their life. There was an acuteness and distinctiveness to the ‘pains of probation’ because of participants’ ages and offence type.

Whilst participant experiences varied, it was possible to group pains into three main groups. The first were ‘Pains of Conviction’: the impact of community punishment within the context of having a sexual conviction. These pains related to social rejection and judgement, supervisory management processes by probation and police, and the internal struggle young adults faced as they tried to validate who they were.
A distinguishing feature of participants in this study was their dependence on their parents/close family, with whom a number lived and relied upon for practical and emotional support. By visiting young adults at home, probation and the police indirectly visited those they lived with. This placed participants in an uncomfortable position when expected to discuss personal topics:

*They say, “what are your sexual fantasies?”, “how many times do you masturbate?”, “do you like this, that and the other?”, while my brother’s just in the other room…and I’m feeling like, you don’t need to really ask these questions at the moment.*

Max, (24)

These pains were exacerbated by not always understanding the need for private information to be discussed. Having to talk about private sexual fantasies and deviant sexual interests as well as the offence caused shame and led to participants questioning their identity and self-perception. Given young adults are still forming their identity, these experiences could encourage internalisation of a ‘sex offender’ label (Mann et al, 2019), impeding attempts at constructing a non-offending self-identity.

The second group of pains were the ‘Pains of Liberty Deprivation’, relating to restrictions on participants freedom, choices and movements and being required to attend probation appointments. Such restrictions created barriers for securing employment and maintaining family relationships and friendships (Brown et al, 2007, Mann et al, 2019). Restrictions disrupted family dynamics, hindering families’ abilities, and possibly their desire, to provide and maintain strong, supportive relationships with their young adult relatives (Kilmer and Leon, 2017). Restrictions placed on young adults’ use of social media, internet and software were equally burdensome, impacting on lifestyle choices, hobbies and aggravating feelings of isolation. Perceived as a rite of passage at their age, participants inability (due to their community punishment) to travel and explore the world left them feeling as if their life was on pause, contributing to a feeling that time was being lost, wasted, or suspended. Positively, obligations to attend appointments brought stability to a life stage that is characterised by instability, in the form of a routine. Participants did not always understand why certain restrictions were placed on them, perceiving some conditions as disproportionate to their offence. This left them frustrated, questioning the fairness of their sentence. Participants felt trapped by their restrictions, likening them to a ‘weight on their shoulders’:

*[the restrictions are] always there…It’s not necessarily a sharp sudden pain, it’s just constant. It’s like an emotional version of an eternally lasting tattoo…constant needles pricking*

Chris, (22)

The third group of pains were ‘Penal Welfare Issues’, relating to participants needs and vulnerabilities, especially in relation to wellbeing (physical, emotional and mental health), education and employment, and relationships (family, friends and partners). When asked whether they would describe the experience of being on a probation order as painful, nearly half indicated that they consider it mentally or emotionally painful:

*Totally agree [that probation is painful. It’s an] emotional pain…you know when you’re in that much emotional pain that it actually turns into physical pain in your chest. I get that all the time, squeezing my heart*  

Georgie, (21)
Participants experienced acute and persistent stigma, exclusion and social rejection from the public, employers, education providers and family and friends (with the notable exception of ‘close’ friends/family), due to the nature of their offence:

As far as the legal system is concerned, I’m not a person, I’m a sex offender...The entire world perceives me as someone that’s worse
Drew, (23)

Social media platforms - used by young adults as a dominant communication medium - aggravated the pains of stigma, with participants fearful that social media posts would result in more people becoming aware of their conviction, fuelling retributive action. Being unable to obtain a level of education or employment experience due to restrictions and social rejection “affects the foundations for [young adults] incomes and occupational achievements for the remainder of their adult work lives” (Arnett, 2000, p.469).

Young adults adopted a range strategies and mechanisms, both helpful and unhelpful to cope with the impacts of community punishment. They comprised internal (‘Focusing on the Positives’, ‘Resigned Acceptance’) and external (‘Maladaptive’, ‘Personal Support’, ‘Professional Support’) approaches and were broadly utilised by most participants across all experienced pains. A positive probation supervisory relationship was characterised by trust, being non-judgmental and personable, where meaningful support is given:

There’s a clear idea of non-judgment in the room, clear idea of trust...She’ll tell me about her [animals] that she’s got, just a little scrape of inside her life, which might not seem a lot but she’s just letting me into her life, so it’s building that sort of trust slowly
Alex, (23)

Such positive supervisory relationships were used frequently by participants and appeared to alleviate some ‘pains of probation’ and increased participants’ hopes for the future.

What does this mean for probation practice?

This study had a relatively small sample size, which limits the generalisability of the findings. Female, and black, Asian and minority ethnic experiences were not represented, overlooking differences in probationer experiences arising from marginalised demographic positions. That said, the findings of my research suggest that probation practitioners should ensure young adult probationers understand the requirements of their Order “adopting an approach that considers individual maturity” (MoJ, 2022, p.9) in order to improve compliance. Moreover, this research supports the MoJ’s (2022) policy on the management of young adults in which the “maturity of Young Adults must be assessed”, to better support engagement and compliance.

The findings of this study indicate that if Probation Practitioners understand how the bio-psycho-social developmental traits of young adults impact their community punishment experience, they can take steps to alleviate any resultant pains. Such an approach will facilitate both public protection and reduced re-offending because some pains acted as barriers to building and maintaining informal social controls and bonds, and developing a non-criminal identity, associated with promoting desistance from crime.