

Innovation and Criminal Justice

Editorial Introduction to *European Journal of Probation* [Special Issue on 'Innovation'](#), Volume 9, Issue 3, December 2017

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Abstract

This Special Issue of the *European Journal of Probation* considers examples and influences of innovation within criminal justice and community contexts. It offers some timely and insightful contributions from different countries to broader discussions of innovation in this field, a multi-faceted topic which piques significant interest but has perhaps not yet received the level of sustained critical analytical engagement it warrants. This editorial introduction critically reflects on a series of questions and problematisations of innovation and criminal justice. Questions about the forms and functions ('what', 'where' and 'how') of innovation in criminal justice should not be divorced from questions about its architects and beneficiaries, including their intentions and ideologies ('who' and 'why'). Following this, a brief overview of the Special Issue is provided. There is much more yet to be done, as well as celebrated in this area.

Key words

Innovation; criminal justice; probation; community justice; change

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Introduction

This [Special Issue](#) of the *European Journal of Probation* (December 2017) considers examples and influences of innovation within criminal justice and community contexts. It offers some modest but timely and insightful contributions to broader discussions of innovation in this field, a multi-faceted topic which piques significant interest but has perhaps not yet received the level of sustained critical analytical engagement it warrants. This editorial introduction critically reflects on a series of questions and problematisations of innovation and criminal justice, followed by a brief overview of this Special Issue.

Reflexive questions, gentle problematisations and explorations

Introducing this Special Issue presents an apt opportunity to raise questions and gently problematise innovation so as to go deeper in our understanding of it. This is an exploratory exercise which invites imaginative and vibrant discussions, in the hope of learning from international empirical evidence and diverse forms of practice wisdom and lived experiences. The questions which follow (and their potential real-world applications and implications) are not the type of questions that criminologists (or any other kind of scholar) can or should try to answer in isolation. These are matters for grappling, together, and learning from one another in the process.

The first gentle problematisation offered here is to highlight the importance of interrogating definitions of innovation, especially where there is an ascendant focus on what is new. Arguably, any relationship or connection between something being new and being innovative is best understood as contingent and contextual. Just because something is new does not necessarily mean it is innovative (Graham and White, 2015, 2016). Where something is innovative, it may not be entirely new. Lol Burke (2013: 223) observes a tendency, in some contexts and countries at least, for traditions of innovative practices in probation to be ‘shamefully overlooked’ by governments, yet, historically, ‘the concept of probation was itself seen as a radical innovation when introduced.’ A sense of renaissance, rather than ‘new’ as replacement for old rises to the fore, interconnecting the past with the present and future. In a Special Issue of the *Probation Journal* on innovation and probation, Jill Annison (2013), Ioan Durnescu (2013) and Paul Senior (2013) take care to situate positive developments and policy and practice initiatives in their historical, social and penological contexts. Senior (2013: 254) argues that the bases of recent positive developments and approaches to community engagement are, in fact, not necessarily entirely new but are predicated on ‘the re-emergence of relationships’ and ‘getting back out into the community.’

In problematising any intrinsic assumptions of innovations having to be ‘new’, some questions warrant further exploration. What are the fundamentally important values and foundations of probation that need to be kept and built upon in an era of increasing preoccupation with new interventions,

programmes and practice orientations? Moreover, what contextual features and practice cultures are important pre-conditions for ethical and effective innovations to flourish? In the UK, Annison (2013: 229, 227) is veracious in saying that ‘probation and innovation have a long and honourable heritage’ with ‘a strong legacy to take forwards’, and that this holds true without unduly retrospectively seeing probation histories and practices idealistically through rose-tinted glasses.

Yet, context matters because, in contrast to England & Wales and the Netherlands for example, in some European jurisdictions the establishment and design of probation services and systems are a *very* recent phenomenon, inviting opportunities to share knowledge and be innovative and creative from the beginning. With new probation services being set up in the last 10 years, with the support of others (for example, the Confederation of European Probation (CEP), as well as EU support for ‘twinning projects’ and capacity building supports), some of these services are initiating ideas and approaches which promote probation in creative and potentially innovative ways (for example, see Špero, 2015, 2016 on Croatia).

Having thought, researched and written about innovation and criminal justice over the course of recent years, a series of further questions are worth sharing here for consideration:

- What do we mean by innovation in criminal justice, and who or what is being reformed? Innovative according to whom and to benefit whom? (Graham and White, 2014, 2016)
- What makes advances in criminal justice just? What are the relationships between innovation and criminal justice and other related forms – social justice and social innovation, digital justice and digital innovation, or ecological justice and ‘greening justice’ innovations, and so on? (Graham and White, 2015; White and Graham, 2015)
- How can we know whether an innovation is advancing innovative *justice* or innovative *punishment*? How should innovation be understood in places and times which have a backdrop of the proliferation of punishment and control – mass supervision, mass incarceration, and mass surveillance? How might the principle of proportionality curtail or place necessary ethical constraints on the entrepreneurial and pioneering impulse to innovate in criminal justice?
- In pursuit of innovation within probation and community justice contexts, what happens if a penal expansionist logic of ‘more’ (which carries a risk of net-widening) overtakes a penal exceptionalist logic of ‘better’ (quality, standards, better for the benefit of one and all)?
- Do innovative initiatives and approaches engender and build trust, coproduction, solidarity? Perceptions of procedural justice and legitimacy? If so, how? (Weaver, 2011; Graham, 2015a)
- How do practitioners engage in ‘intrapreneurship’ and pioneer innovation, together with others, from within probation and other justice-related services? What is the meaning of this for their

work, sense of job satisfaction and identity, and for practice cultures? (Mawby and Worrall, 2013; Graham, 2016)

- How is innovation recognised, evidenced and celebrated? What are the meanings and influences of ‘good news stories’ in this field? (Graham and White, 2015)
- What are the relationships between innovation, justice and influencing change and transformation at different levels, from individual to societal? (Graham and White, 2016)
- How might an innovation not only promote community and civic engagement, but be more transformative in renewing the civility of civil society towards people with criminal convictions as citizens? (Graham, Graham and Field, 2015; Graham and White, 2015, 2016)
- How can we sustain and mainstream innovation in probation and community justice? What are the opportunities and inherent challenges of mainstreaming innovation in community contexts? (Graham, 2015b; Graham and White, 2015)

As one who continues to learn about and research innovation and the ethics of innovation in criminal justice, there is a sense of duty in drawing attention to the ethical and political dimensions of innovation (including its potential (mis)appropriation) in probation and community justice. We have warned elsewhere about the risks of innovation becoming a form of ‘decorative justice’, a term coined by Cheliotis (2012, 2014). In considering the place of the arts and creativity in prisons, Cheliotis (2014) considers instances of ‘decorative justice,’ where positive and even innovative arts and creative initiatives might be serving implicit purposes of decorating conditions, penal systems and carceral regimes which are not positive or innovative. This is especially salient in a time where, in some jurisdictions more than others, narratives of ‘transformation’ and ‘revolution’ are being appropriated and misappropriated to serve political agendas, often in the midst of penal crises and poor conditions.

The need to avoid ‘decorative justice’ is relevant to discussions of the ethics of innovation in probation and community justice as well. Innovation is not morally or politically neutral, and not all that is ‘innovative’ is necessarily good or just (Graham and White, 2014, 2015, 2016). Just because a particular use of a community sanction or measure or a particular initiative is ‘not prison’ does not mean it is necessarily innovative or good. Questions about the forms and functions (‘what’, ‘where’ and ‘how’) of innovation in criminal justice should not be divorced from questions about its architects and beneficiaries, including their intentions and ideologies (‘who’ and ‘why’).

It is a firm hope that questions and explorations of innovation will have positive implications not only for the benefits of people and communities and for practice development, but also for research agendas and scholarship, particularly with regard to epistemology and methodology. Rigorous empirical evidence is a priority in being able to analyse innovation; there is substantial room for research agendas in this area to be further developed. Innovation is a multi-faceted topic that has the

capacity to researched and celebrated in inclusive and emancipatory ways, making the knowledge base more epistemologically open and co-produced by hearing voices, experiences and expertise that may not have been included or valued as much in the past. Complementary to traditional methods and methodologies, more innovative and creative methodologies may help in this way. For example, the methods featured in the Special Issue of the *European Journal of Probation* 7(3) December 2015 on ‘Innovative methods for comparative research on offender supervision practice’ (see Robinson and Svensson, 2015) are likely to be well suited to research agendas seeking to examine innovation.

Introduction to this Special Issue

In releasing a call for papers for this Special Issue and subsequent communications with those considering potential contributions over the course of a year with a variety of colleagues in different countries, there has been significantly more resonance and interest in this Issue and topic than is reflected in the final numbers of article submissions published. In the call for papers for this Special Issue, empirical and theoretical papers on a range of topics were invited: from social innovation initiatives involving people with criminal convictions; to innovative practice initiatives, for example, involving animals; a focus on the environment; or the arts and creativity; through to intrapreneurship and practitioner-led innovation: catalytic ideas and dynamic ways of realising positive change from the inside, promoting better thinking, language, processes, policies, practices, uses of technology, systems, or outcomes for the mutual benefit of those involved.

Thinking about innovative and utopian ways of supporting innovation and community integration implicates thinking about better, different futures, including better societies and social conditions as well as rights, rather than decontextualised ways of considering things in isolation (see Senior, 2013; Graham and McNeill, 2017). The aims of social justice and social change are highlighted here as integral to the notion of innovation in probation and *community* justice, alongside more common aims of service-level and systemic change and innovation across the field of criminal justice. A positive thread running through the articles in this Special Issue is their attention to the relational, social and community dimensions of an initiative, intervention or movement. In particular, the themes of community, citizenship and civic engagement as well as the need for shared envisioning of better, more just futures are central to Trish McCulloch and Mark Smith’s article (this Issue) about creating spaces for change in Scotland. Their adoption of a macro-level of focus about problems (which are too often essentialised and the subject of individual responsabilisation and stigmatisation) and the need for change is welcome. Anna Clancy and Mike Maguire’s article (this Issue) focuses on innovative ‘whole of family’ supports for prisoners, their children and partners by presenting research on a multi-agency ‘through the gate’ project in HMP Parc, South Wales. Anna and Mike skilfully identify issues and opportunities in their relational, intergenerational context, emphasising community inclusion and holistic supports for wellbeing alongside the aim of reducing reoffending.

Lorana Bartels' article (this Issue) about Hawaii's Opportunity Probation with Enforcement (HOPE) offers fresh insights into a project and approach that is distinctive, interesting and controversial. Building on her recent research and book *Swift, Certain and Fair: Does Project HOPE Provide a Therapeutic Paradigm for Managing Offenders?* (Bartels, 2017), Lorana's article here focuses on a particular area which has not received extensive exploration: the extent to which project HOPE coheres with desistance principles and may foster or enable desistance, as well as its implications for communities in which desistance and reintegration processes take place. Inclusion of an article which explores 'swift, certain and fair' approaches to punishment in a Special Issue on innovation raises expedient questions for further reflection about how innovations in community sanctions and measures or in probation service provision and community-based projects may incorporate punitive and controlling elements alongside other elements?

A great book review by Brian Stout of Maurice Vanstone and Philip Priestley's (2016) edited collection on *Probation and Politics* completes this Special Issue. This is a unique and welcome book which brings to the fore the practice wisdom and experiences of former probation practitioners who now work in academia, and Brian complements this with his own wisdom in reviewing it.

Conclusion

Why innovate? Why listen, research, think and write about innovation? There are many good reasons, including those arising from a humanitarian impulse to see change. The series of questions posed here are indeed critical in the analytical sense, but they are offered from a place of moderate hope and tenacity. In his seminal book, *Making Good*, Shadd Maruna (2001: 664) is apt in saying that 'the negative is easier than the positive, but the positive is more important.' Much more can and should be written on this subject of innovation. There is also much more to be recognised and celebrated. This is an invitation to reflect and converse, creatively and collectively. Submissions to the *European Journal of Probation* which seek to advance knowledge of innovation are welcome.

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