



Improving Criminal Justice Workplaces: Translating theory and research into evidence-based practice

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Chapter 1 Introduction

Introduction

Workplaces have over the last four decades changed dramatically (Sparks, Faragher and Cooper, 2001). There has been the information technology (IT) revolution; introduction of techniques into the public sector from commercial businesses (New Public Management); and more recently the catastrophic failures of the global banking system resulting in reduction of staff numbers and pressure on service delivery. There can be little doubt that the criminal justice system (CJS) and its agencies are affected by the present turbulence. Many Governments are engaging in reform programmes and responding to the stark realities of the economic downturn. Private companies are now running prisons (Andrews, 2006) and are involved in delivering policing services (Cheer, 2013; Rhodes, 2013).

King and Levy (2012) identified external politics as a key environmental stressor and the uncertainty this creates increases psychological strain in employees. As part of the economic downturn they suggested that major organisational transformations have been accompanied by changes in how employees interact with each other on a daily basis, in addition to concerns about their continued employment. Under conditions of uncertainty and job insecurity people are more likely to withdraw both from their job and the organisation as a way of reducing the psychological impact of perceived or actual impacts of austerity. It is not surprising then, that staff employed within the CJS are feeling anxious and confused by the magnitude and pace of new ways of working, while many managers are overwhelmed by having not only to deliver organisational changes, but also to respond to the operational demands of achieving more for less when delivering public services.

Researchers report job insecurity, lowered morale and erosion of motivation and loyalty amongst the workforce generally (O'Driscoll & Brough, 2010). They also point out that managers in organisations may themselves, intentionally or unintentionally, cause stress in employees and adversely impact their well-being and productivity. When under strain, managers may react by exhibiting an inconsiderate or bullying management style whilst members of the senior management team may, in conditions of crisis, become focused on self-preservation, limiting the flow of information to rank and file staff, and constraining their decision options (Webster, Brough, & Daly; in press). Quick et al (2004) ventured that executives have a tendency to adopt a de-personalised management style and reduce the variations in processes within organisational systems. In other words, they seek to control outcomes and results and limit the span of control exercised by their employees. Such an approach may place senior staff in a continuous state of struggle with employees; characterised by bullying behaviour, discrimination and angry outbursts that threatens subordinates' personal autonomy. Limiting control at work can, in turn, engender bad feeling and toxic emotions which, if ignored, can hamper productivity and learning. This is of course, contrary to the working environments that most senior executives

aim to build; i.e., a supportive and positive work environment constructed upon compassionate and humane employment conditions.

Organisational productivity is closely intertwined with the health of its members. There is a marked difference between over controlling and potentially abusive behaviours which produce disengagement and distress, in contrast to motivating and challenging employees for the release of human capital. There is a long history of evidence demonstrating that engaged and motivated employees are prepared to contribute discretionary effort (organisational citizenship behaviours) in achieving the organisation's goals (e.g., Brough, O'Driscoll, Kalliath, Cooper, & Poelmans, 2009; Webster, Brough, & Daly; in press).

Increasingly, private and public sector organisations are seeking research evidence in order to improve their respective workplaces and the qualities of services they deliver. However, it is often difficult to effectively translate research findings into organisational policies or to design best-practice interventions. This is especially relevant in the current time when public sectors are facing significant funding cuts. There is an urgent requirement to create optimal workplace strategies to maintain front-line services and preserve the well-being of the work force in the current times of transition. As we describe in chapter 13, professionals in the justice sector are experiencing a widespread demoralisation of staff through the impacts of austerity and correspondingly greater levels of both work disengagement, and occupational stress.

This book is divided into three sections. In the first section, current theoretical discussions of occupational culture, employee engagement, procedural justice, leadership, communication and professionalisation are described as the conceptual bases underpinning organisational behaviours. The second section describes the essential research tools that form the basis of empirical evidence, including conducting organisational evaluations, focus groups, and surveys. Finally, in the third section we address five current key issues for CJS organisations (work-life balance, occupational stress, leadership, bullying, and discrimination) and clearly translate research findings into implementation strategies within each chapter.

Strategic foresight

Given the operational and organisational upheavals besetting the CJS, it seems timely not only to review the current situation faced by criminal justice organisations, but to also engage in forward-looking thinking optimising the welfare and well-being of those working in its agencies. In taking the criminal justice system as a whole, the strategic foresight framework (Hines and Bishop, 2006) provides a useful means to identify challenges and prepare for possible eventualities. We employ Hines and Bishop's six steps to outline the context and plan of the book: framing, scanning, forecasting, visioning, planning and action.

Step 1. Framing

Framing the issue involves clear identification of the organisational problem requiring attention and is an antidote to the restricted attentional focus which may be adopted when under pressure or experiencing crises. A recurring theme of analyses of criminal justice reform and change (as well as resistance to change) has been the concept of the

organisational culture. Mawby and Worrell (2013) declared that an analysis of organisational culture is important for the following five reasons:-

1. To identify what really matters and how things are done (formally and informally) in an organisation.
2. To provide insight into how professionals perceive their occupation.
3. To reveal the influences on how work is done and how effective it will be.
4. To show how new members are introduced into ways of working (and how exiting members may resist new ways of working).
5. Finally, to locate the stable resources in periods of change and to identify the key obstacles to reform.

Thus in Chapter 2 we present an analysis of organisational culture and its supportive and problematic aspects. In chapter 15 we provide a more detailed account of bullying and harassment that often occurs within Criminal Justice agencies, whilst in Chapter 16 we describe the problems associated with discrimination. Chapter 13 examines how toxic aspects of the working environment can lead to experiences of stress that may take place, especially in gendered workforces such as policing and prisons. In Chapter 3 we demonstrate the adverse effects of all these issues upon levels of employee engagement.

In recent years, much interest has been extended to employee engagement (Saks, 2005). As this has been a rather confused concept, Chapter 3 provides some clarification and discusses current research to show this has been linked to organisational success and performance as well as individuals' job satisfaction and their intention to stay or quit their job. Saks (2005) suggested that many of those in work are not fully engaged and estimates in America alone the "engagement gap" is costing \$300 billion a year in lost productivity. Generally taken to mean the degree to which an individual is attentive and absorbed in and by their work, associations have been found between engagement and the fairness of the distribution of rewards and perceived levels of supervisor support. In addition, Richman et al (2008) showed that supportive work-life balance policies to be positively correlated with employee engagement. Chapter 12 provides the practice dimension giving consideration to the implementation of policies that promote full engagement.

As implied above, leadership style is another crucial concept that can directly influence a workplace in a positive or negative way. As Quick et al (2004:362) noted *"organisational leaders, [and] executives have a responsibility to exercise power and influence in constructive ways to achieve positive organizational outcome and failure to do so is a failure of leadership"*. In Chapter 4 we therefore, review, the literature on effective leadership and the importance of instilling trust and confidence. Erosion of employee confidence undermines the legitimacy of the leader's authority and may result in active or passive resistance, especially under conditions of organisational change. Chapter 14 is the reciprocal practice discussion that takes the theoretical ideas and transforms them into ways of promoting effective leadership.

Another key framing issue is organisational communication. An unintended consequence of closed and controlled communications is a growth of the rumour mill and hidden agendas where people feel they cannot express their views or offer suggestions without recrimination or retribution (Quick et al, 2004). Ways of cultivating open communication are through reflective listening and non-defensive

consultation. This requires treating employees with dignity and respect. These ideas are discussed in Chapter 5 and the different modes of enacting consultation are described in Chapter 9. Finally we look at the concept of professionalisation in Chapter 6. This has featured significantly in discussions about reforming aspects of the Criminal Justice System particularly in relation to policing (Neyroud, 2013) and probation (Fitzgibbon and Lea, 2010).

Step 2. Scanning

Resources that provide the evidence base to reveal what is already known, is on the horizon or represents an area for which, as yet, little is known can be accessed through a scanning process. The second section of the book provides details of the key tools used for scanning (gathering evidence). In Chapter 9 we describe the method of rapid assessment evaluation whereby published sources are analysed to provide a clear summary of the already available information. Hearing directly from the affected constituencies is also an important part of scanning and we describe best practice techniques in the areas of focus groups (Chapter 8), consultation (Chapter 9) and surveys (Chapter 10). Chapter 11 provides a detailed case study of the Delphi technique which is a way to achieve a consensual solution to an organisational question: how to achieve a procedurally just working environment. As part of the scanning process, it is important to be aware of five core external trends:

a) Economic:

The systemic failure of the global banking system and countries' balance of payment deficits have contributed to the current period of economic austerity. The police, courts and prison system are facing present and future pressures on their funding (e.g., Horan and Maine, 2014; Independent Police Commission, 2013). Cuts are likely to be a continual feature of the Criminal Justice System for the foreseeable future and so efforts to improve organisational functioning are going to have to be cost-neutral at a minimum and cost-saving at best.

b) Social:

Patterns of migration and social mobility, increasing fragmentation of families and communities and increasing levels of inequality have contributed to a transformation of the social conditions in which criminal justice agencies work. The internet and social media have created opportunities for new types of crime. The public generally are more sceptical and have a higher expectation about being consulted over changes in policy. The 24 hour news media coverage creates a spotlight in which managers and chief executives have to deal with ongoing operations and organisational failures within a public arena.

c) Changing levels of crime:

There has been a global trend of decreases in levels of crime. Tseloni et al (2010) undertook a secondary analysis of European victimisation data, and found that between 1995 and 2004 the mean international crime reductions were 77% for theft from cars; 60% theft from a person; 26% burglary; 21% assaults and 17% theft of cars. Similar trends are observed in other western countries. This general trend in decreasing crime levels reverses the upward trend which marked much of the twentieth century. The implications for criminal justice agencies in operating within climates of reduced crime are only just beginning to emerge.

d) Scientific and technical trends:

The considerable scientific developments especially in the forensic science field indicate that technological advances will lead to new forms of crime prevention and suspect identification. These technological advances place new demands on police investigations and pressure on prosecutors, expert witnesses, juries and judicial functions (Horan and Maine, 2014). Emerging developments for example, include the use of digital technologies to reconstruct three dimensional crime scenes for juries, and the closer integrated networking of criminal justice agencies. These scientific developments will have a significant impact on current working practices. Neyroud and Weisburd (2014) for example, argued that policing must: value science and its potential contribution to policing; have knowledge about scientific methods; and be actively engaged in the advancement of science. Neyroud and Weisburd suggested there needs to be a greater valuing of scientific norms and procedures. We have taken this to mean an adoption of academic ethical practices and an awareness of the levels of rigor accompanying different scientific methods. We discuss these methods further in Section 2 of this book.

e) Threats to legitimacy and trust:

The catalogue of corruption scandals and operational failures (including the discrediting of victims and doctoring of police witness statements in the case of the Hillsborough football disaster, which has resulted in a new inquest being conducted in the UK) erode the contract between public and agencies of criminal justice. Bradford, Quinton, Myhill and Porter, (2013) suggested that the perceived fairness of legal authorities is clearly linked to the public's propensities to both defer to and co-operate with those authorities. Moreover, just procedures generate a sense of legitimacy for those authorities to wield the power that they have been granted. Undermining people's belief in the trustworthiness of criminal justice agencies threatens the co-operative contact, without which people may be reluctant to come forward as witnesses, or be prepared to give evidence in court. Bradford and colleagues also noted that a sense of legitimacy is as important for senior staff to exert their authority and engage their respective workforces in a fair-minded way. Threats here may undermine the psychological contract between staff and senior managers.

Step 3. Forecasting alternatives

The forecasting step of this framework requires that attention be given to potential alternative scenarios in response to issues of identification and problem analysis. There are a number of ways in which CJS organisations could respond. The first is strengthening the personal resilience of the workforce, the second proposes the creation of a fair and just workplace, the third seeks greater professionalisation of the workforce (this last affects policing, probation and prison whilst ironically lawyers are facing a potential de-professionalisation crisis.) Finally, applying principles from rational choice models such as stiffening of control, strengthening performance regimes and introducing performance-related pay may offer another pathway.

a) Increased resilience of workers

The idea of psychological resilience proposes that people have the capacity to move on in a positive way from negative or stressful experiences (Jackson, Firtko and Edenborough, 2007; Shochet, Shakespeare-Finch, Craig, Roos, Wurfl, Hoge, Young, & Brough, 2011). Resilience differs from recovery in that the latter implies a period of suspended normal functioning, whereas resilience involves the maintenance of

performance with no loss of functioning. Qualities associated with resilience include resourcefulness, self-confidence and flexibility. Vulnerability, on the other hand, is likely to predict an adverse response to organisational stressors. Given the likelihood of people in the criminal justice system being exposed to human suffering and cruelty as well as turbulence in their working environments, recruiting employees with high levels of personal resilience and also enhancing personal resilience at work to reduce vulnerabilities, are important strategies to be considered.

b) Introduction of organisational justice

Organisational justice consists of four key elements:

1. Distributive justice: Perceived fairness of the distribution of inputs and rewards in the workplace;
2. Procedural-perceived fairness of decision-making processes in the workplace (e.g. consistency in decision-making and having a voice in the process);
3. Informational justice: The perceived fairness of information informing decision-making (e.g. clarity, completeness and truthfulness);
4. Interpersonal justice: Perceived fairness of interpersonal interactions (i.e. being treated respectfully and with dignity; Bradford, Quinton, Myhill and Porter, 2014).

Bradford, Jackson and Hough, (2013) proposed that procedural justice is vitally important within policing organisations, while Tyler, (2013) argued the same for prison staff. Bradford and colleagues proposed that perceptions of workplace procedural justice (particularly fairness of procedures, communications, and the quality of interactions with senior staff) are directly associated with compliance with organisational goals and demonstration of organisational citizenship behaviours (OCB) i.e., willingness to exert discretionary effort in dealings with the public. Perceived unfairness erodes internal legitimacy and discourages positive attitudes.

c) Rational choice models

Government and private companies veer towards rational choice models. This is an instrumental approach to staff management based on the premise that employees make choices, and are motivated by their own self-interests. Thus people are said to respond to the risk of sanction because it may inflict pain (e.g., penalties for periods of sickness absence) or promote rewards (e.g., performance-related pay). In essence this logic proposes that on the one hand people comply with the rules of an organisation because they believe they may be punished in some way if they do not, while they will take on extra work because they are offered bonuses or other incentives. The introduction of payment by results regime in the British Probation Service is an example of such an instrumental approach (Fox and Albertson, 2013).

Such approaches resonate with the discussion above about the exercise of controlling regimes in workplaces. In recent years, Governments have sought to introduce performance indicators and targets as ways of directing activity and there is a danger that the cottage industry which develops to measure performance can be subverted. Munro (2011) suggested that managerial attention can thus become excessively focussed on the *process* rather than actual practice outcomes.

d) (De)professionalisation and (de)regulation

Professionalisation and regulation represent two intertwined but somewhat contradictory trends. Recent contemporary discussions have occurred about methods to increase the accountability of police, probation and prison officers that to some extent mimic the processes of the professional practice of the Law. Thus lawyers are bound by professional and ethical codes of conduct. They are a regulated profession and can be struck off for misconduct. The newly established College of Policing in England and Wales, as a priority, issued a code of ethics for police officers, as part of a wider ambition to professionalise the police. This involves the development of a corpus of knowledge and the identification of evidence-based practices that contribute to police officers exercising their discretionary skills as autonomous, self-regulated professionals (Tilley and Laycock, 2013). Similar arguments have also been aired for prison officers (Crewe, Bennett, & Wahidin, 2008; Shepherd, 2012)

A related trend has been through the privatisation agenda. Thus Savage (2007), suggested as Governments sought to de-centralise the provision of public services by inviting the private sector to deliver those services, they concomitantly introduced centralised oversight agencies. Thus, with the increase in the plurality of service provision, central control of public services is maintained through the regulatory machinery rather than through direct provision of those services.

Yet, to some degree there appears to be an opposite trend in the provision of legal services. Sherr and Thompson (2013) described how the Legal Services Act (2003) set about creating a new regulator in England and Wales, the *Legal Services Board*, taking away from the legal professions their ability to regulate themselves and open up new ways of delivering legal services. Some take this to be a 'dumbing down' of the profession and it has been colloquially referred to as "Tesco Law", as in cheaper legal services being commodified and literally supplied through a supermarket by lesser qualified legal executives. So on the one hand there has been an aspiration to improve the quality of services of CJS occupations such as policing, by attempts to enhance their professional status through the creation of chartered professionals (Independent Police Commission, 2013). Whilst on the other hand, through de-regulation of legal provision, there is a belief by some, that this represents a de-professionalisation of lawyers.

Step 4. Visioning preferred futures

What evidence is available to assist in choosing between the various options identified above? Bradford and colleagues (2014) undertook an empirical test of the efficacy of the rational choice model compared to an organisational procedural justice model. Their study of officers in the Durham Constabulary in the North of England revealed that police officers' motivations across a whole range of positive behaviours were associated with their perceptions of fairness. This in turn, was linked to the officer's sense of identification and loyalty to the force and predicted their greater likelihood of taking on discretionary activities (in other words showing greater organisational citizenship behaviours and contributing to the organisation's stock of social capital). Instrumental rewards and the threat of sanctions were not related to positive behaviours. Bradford et al. (2014) concluded that: "the emphasis traditionally placed on instrumental incentives in performance management regimes seems misplaced. Positive orientation towards organisational goals in Durham was seemingly not fostered by threatening officers with sanctions for non-compliance" (p. 110). Similarly, Lambert, Hogan, and Griffin (2007) demonstrated positive associations

between distributive and procedural justice and stress outcomes, organisational commitment and job satisfaction with U.S. correctional employees.

Incentives such as performance related pay has been a feature of New Public Management. Perry, Engbers and Jun, (2009) reviewed the key publications between 1977–2008 assessing performance-related pay outcomes. They found:

- Where goals were clear, compensation adequate and staff support for merit pay existed, there were positive outcomes. However, more often research reported little relationship between performance and compensation and a distaste amongst employees for the divisive side effects;
- Schemes in the public sector are frequently poorly implemented, which are exacerbated by a lack of transparency and doubts about the fairness of the schemes;
- There is the potential for a public backlash when senior executives receive what the public perceives to be an excessive bonus relative to the average pay of the organisation.

Perry et al. concluded from the available research evidence that performance-related pay failed to produce significant performance improvements. Boosting employee resilience or only employing those having greater natural resilience might appear on its face value as a reasonable strategy, but this fails to address the structural and recurring problems that the workforce may encounter. “Fixing” the individual employee to withstand inherently difficult working conditions or increasing their capacity to cope with problematic managers are only short-term strategies.

Professionalisation has been held to be an antidote to corruption and a way to improve delivery of service amongst the CJS’s blue collar workers (Fleming, 2013). Kakar (1998) found that police officers with a higher education perceive themselves as performing better in several performance categories including ethics and honesty. Paterson (2011: 294) concluded: “higher education adds value to the training and development of police in a number of areas and enhances the ability of officers to perform their role.” It is therefore, apparent that the more promising candidate interventions to improve workplace performance and individual well-being is a combination of person-focused interventions (i.e., increased professionalisation and organizational focused strategies) to encourage a procedural justice style of management.

Step 5. Planning and action

The translation on conceptual ideas and drawing the lessons from empirical research is an essential part of this book. The five chapters in the second section of this book describing key tools that CJS organisations adopt, provides the means to identify relevant issues and work towards developing solutions. The case studies in the chapters also act as demonstration projects of how to implement interventions.

Conclusions

We recognise that many of the problems identified in this book are currently affecting criminal justice agencies globally. By drawing on our own research experiences in Australia and the United Kingdom as well as reviewing the literature from other jurisdictions, we have written this book with a strong international focus to appeal to criminal justice organisations around the world. We aim to provide a direct bridge

between the available academic research of organisational behaviour and the management of workers' well-being within criminal justice workplaces (i.e., police, corrections/prison services, prosecution and other justice services). Importantly, as well as describing research and explaining the underlying concepts, our coverage includes accessible accounts of tools that will provide managers with knowledge about key research methods, thereby enabling them more readily to understand and apply academic findings to their workplaces. We also provide some best practice case study examples of these methods. Thus this book describes current thinking by drawing on the available research evidence, partnered with chapters translating this research evidence into practice.

We tackle the research-practice translation problem, by articulating theoretical ideas to inform criminal justice organisations about critical psychological and behavioural processes that may inhibit or facilitate the achievement of organisational goals. Each chapter identifies these processes which are most conducive to the good health and well-being of CJS employees particularly in times of austerity and the challenges this brings.

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