PART I

INTRODUCTION
Chapter 1

HISTORY OF THE OFFENCE PARALLELING BEHAVIOUR CONSTRUCT AND RELATED CONCEPTS

LAWRENCE JONES
Consultant Clinical and Forensic Psychologist, Lead Psychologist, Peaks Unit, Rampton Hospital, Nottinghamshire Healthcare NHS Trust, UK.

INTRODUCTION

Constructs related to offence paralleling behaviour (OPB) have been around in the literature for many years. Indeed, Haynes (2001) reminds us that for the most part psychological assessment is based on analogue measures. He writes:

Most psychological assessment methods, such as questionnaires, interviews, and psychophysiological laboratory assessment, are analogue, in that inferences about a client are derived in an environment different from the environment of primary interest. (Haynes, 2001, p. 73)

Obviously, some forms of assessment involve direct observation of the phenomenon being studied. In the study and assessment of offending behaviour and the risk of offending, however, the context of assessment and intervention is generally significantly different from the context of the behaviour being examined. This difference between the context of assessment and the context of offending is a central problem for most assessments undertaken by forensic practitioners. Moreover, unlike many behaviours examined by psychologists, it is likely to be ethically problematic to deliberately create the contingencies that are liable to elicit the behaviour in the context of intervention or assessment.

A consequence of this is that forensic practitioners are presented with the problem of assessing something which they cannot observe or elicit deliberately in a context which is designed specifically to prevent the problem behaviour from being manifested. Both context and the phenomenon being assessed are out of bounds. Any solution to this problem is likely to be plagued with issues around validity and reliability. Faced with this problem, the practitioner can opt for one of two not mutually exclusive options:
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1. Find a proxy for the construct of interest.
2. Watch for naturally occurring contingencies – in the custodial setting – that mirror in some significant way the contingencies that were present at the time of the offence and see if these trigger offending behaviour or some functionally related behaviour.

Using self-report questionnaires makes the assumption that whatever construct is being assessed is a significant proxy measure for some process that contributed to the offence in the first place. It is usually a proxy for a criminogenic state or attitude/belief/intrapersonal process. As an assessment strategy, however, it does not attempt to mirror the contingencies that were around at the time of the offence or in any way assess the situational contribution to the state/attitude/belief being assessed.

The validity problems with using psychometric change as an index of clinically meaningful change in offending propensity are illustrated by Hanson and Wallace-Capretta (2000) who found that whilst most of the ‘batterers’ in their study showed significant in-treatment changes in criminogenic attitudes there was no relationship between positive changes in treatment and eventual reduced recidivism amongst male ‘batterers’; indeed, they found the reverse. They write, ‘Substance abuse and pro-abuse attitudes were positively related to recidivism at pre-treatment, but self-reported improvements were associated with increased (not decreased) recidivism’. Bowen et al. (2008) found a similar lack of correlation between in-treatment changes in psychometrics assessing criminogenic need with ‘batterers’ and eventual reconviction.

This is essentially a problem of validity. Is the proxy a valid measure of a propensity to offend (the hypothesized construct being measured)? When we examine this question more carefully, it becomes clear that the ‘propensity to offend’ is a nebulous construct and needs to be broken down into a set of hypothesized causal processes that drive offending before it can be usefully operationalized for an individual case.

Similarly with the behavioural observation solution, the question is one of the degree to which the custodial contingencies mirroring those at the time of the offence are actually a valid index of the contingencies that were around at the time of the offence. Typically, the validity of both measures of ‘criminogenic factors’ and risk assessments is established by predicting reconviction. Unfortunately, this is problematic in that reconviction is a poor measure of offending. What reconviction measures is detected – offending and as such it is biased towards identifying offenders who have failed to implement detection and conviction evasion skills (CES). Those individuals with these skills are not detected and do not get identified with the actuarial prediction paradigm. Much of the literature on clear-up rates for offending indicates that the majority of offending goes undetected (Jones, 2004).

Hanson and Wallace-Capretta (2000) also highlight this problem when they write:

The apparent similarity of risk predictors for male batterers and general offenders, however, could be attributed to a common outcome criterion (arrest). Some of the risk factors, such as young age and low verbal IQ, could be substantially related to the probability of getting caught and processed by the criminal justice system. (Hanson & Wallace-Capretta, 2000, p. 75)

These two factors, young age and low verbal IQ, could be related to increased probability of getting caught in a number of ways:

1. Young age could be related to lack of experience of the criminal justice system (CJS) and thus absence of DES.
2. Young age could be related to a reduced detection evasion context; that is, younger people may be exposed to higher levels of supervision and older people to more opportunities to offend without being detected.

3. Low verbal intelligence may also be associated with lack of DES skills in presenting a case against conviction.

Figure 1.1 highlights a number of sources of confusion about what is being explained by different theoretical models of risk. For instance, the argument that because an individual does not have a history of violent (convicted) offending but then is found to behave violently in a custodial context means that this violent behaviour is situationally specific to custodial contexts may be missing the point. One possible alternative explanation for the lack of violent behaviour outside custody might be simply that the behaviour was not caught out with the custodial context, but that, due to the increased levels of surveillance in custody, or simply the more specific surveillance of violence, the behaviour was detected and the individual’s DES and CES were not effective in custody. The reliance by researchers on reconviction as an outcome measure has been driven by the relative accessibility of these kinds of data but may have had a distorting impact on practice because it has not taken fully into account the difference between detected and undetected crime. ‘Effective’ interventions, as well as changing offending behaviour, could be, in part, inadvertently shaped up by DES and CES (Jones, 2004), for example, by becoming more self-regulated and less impulsive in the way they offend.

In defence of conviction as an outcome measure, it might be argued that getting convicted is probably a good index of severity and persistence of offending because ‘one off’ offenders or infrequent offenders are less likely to get caught. Prolific offenders may also be more likely to
get caught. Conviction might, clear-up rates notwithstanding, thus be a good index of general offensive behaviour, including offending. This is an empirical question and needs to be further explored.

Actuarial risk assessment methods do not typically take the step of developing an explanation for how psychological processes impact on offending and the risk of offending. The key feature of formulation-based attempts, some of which are explored in this chapter, at explaining offending and predicting risk – and essentially that is what an OPB account amounts to – is that they do make an effort to develop an account of the link between psychological processes and offending for the individual case, extrapolating from more general models developed to explain offending of a particular kind.

It is a curious phenomenon in the history of risk assessment and interventions targeting risk that intervention-based models of risk differ significantly from the models of risk used in the context of assessment. Most interventions targeting risk of reoffending use a combination of motivation, skill development, insight development and relapse prevention associated with developing approach goals (e.g. Marshall et al., 2005). The causal models of risk-related behaviour in this context differ significantly from the models implicit in risk assessments. Indeed, often the reasons for including variables in a risk assessment instrument are atheoretical and based on data-dredging exercises or meta-analyses of predictors of reoffending/reconviction. This lack of coherence between the two models of risk is puzzling. In this chapter the model of offence processes implicit in relapse prevention and related interventions will also be explored as they have much in common with the OPB construct. Types of risk assessment and offence analysis are first explored before the OPB construct is described and analysed.

**TYPES OF RISK ASSESSMENT AND OFFENCE ANALYSIS**

**Actuarial Risk Assessment**

Actuarial risk assessment focuses on one characteristic of the offender, their offence type, and then attempts to establish their risk of committing this offence again on the basis of a limited number of other defined variables using aggregated data for cases with the same characteristics. Actuarial risk assessment attempts to measure an underlying propensity using a number of historical (static) and more recently current changeable (dynamic) markers.

**Anamnestic Risk Assessment**

Anamnestic risk assessment makes use of individual data to identify factors contributing to risk. Elbogen and Tomkins (2000) write of anamnestic risk assessment as requiring the practitioner ‘... to determine unique risk factors and idiosyncratic patterns of relapse that are not captured by formal risk assessment instruments’ (p. 436). They go on to argue:

Anamnestic risk assessment supplements the actuarial based findings because the latter involve a fixed set of variables, which may not all apply in particular cases. Further, anamnestic assessments allow for clinicians to hone in on the specific circumstances that lead to relapse. For example, a patient might have a peculiar pattern of becoming increasingly anxious and paranoid after visiting a certain relative, which has, in the past, led to his becoming delusional, noncompliant with medications, and, subsequently, psychotic and dangerous. Anamnestic, but not actuarial, approaches to risk assessment would consider this type of important information. (Elbogen & Tomkins, 2000, p. 436)
Douglas and Kropp (2002) write of the anamnestic method:

Some authors have referred to the anamnestic approach to risk assessment . . . In this approach, the evaluator must ‘identify violence risk factors through a detailed examination of the individual’s history of violent and threatening behavior’ (Otto, 2000, p. 1241). In this way, the examiner attempts to identify violent themes, pathways, and risk factors unique to the individual in question . . . Hart (2001) has commented that the model assumes a behavioral chain that will repeat itself and thus be predictable. This assumption does not recognize the multifarious and dynamic nature of violence. That is, we should always remember that the same individual can be violent in many different ways and in many different circumstances. (Douglas & Kropp, 2002, p. 626)

The concerns identified here for anamnestic assessment are also true for OPB. The reification of a model of offending for an individual case can blind the clinician to alternative scenarios.

**Relapse Prevention and Offence Cycle Models**

The construct of an ‘offence cycle’ has been a central part of the way in which forensic practitioners have made sense of offending behaviour. This has typically been part of an intervention using the relapse prevention paradigm. A range of high-risk situations (involving external and internal stimuli previously associated with triggering a relapse process) are identified, and the individual is encouraged to develop alternative coping strategies for the situations identified. The relapse prevention model for intervening with offenders was originally developed for working with substance abuse by Marlatt and Gordon (1985) and later extended by forensic practitioners such as Laws (1989) to working with offenders. Essentially, this approach makes the assumption that the contingencies that were around at the time of the offence, if repeated, will increase the chances of relapse. It also makes the assumption that once an individual has offended in a particular way they can offend in the same way again in the future. Consequently, intervention focuses on developing strategies for pre-empting the range of factors that have been identified as antecedents to the offence, or offences in the case of multiple offenders, from happening again. Ward et al. (2007) have developed the emphasis of this model from one which was about ‘avoidance goals’, i.e. avoiding high-risk situations, to ‘approach goals’, setting up a lifestyle that enables the individual to meet the full range of their needs without offending. These models are similar to the OPB model in that they make links between a formulation of past offending and possible future offending. Any behaviour in the present that parallels that at the time of the offence can be seen as a high-risk situation and needs to be targeted for intervention.

**Addiction to Crime**

The ‘addiction to crime’ hypothesis, explored by Hodge (1997), highlights a pattern of increasingly repetitive offending characterized by the following processes: tolerance – the need for more to produce the same effect; withdrawal – distress after a period of non-engagement; craving – distress associated with desire to re-engage; salience – increasing importance of addiction in lifestyle; conflict – increasing awareness of negative consequences; relapse – reinstatement after a decision to stop or reduce. These developmental processes are very relevant to developing OPB hypotheses.
DIMENSIONS OF OPB ACCOUNTS

Whilst the term ‘OPB’ was first used by Jones (1997), there are a number of different ways in which the idea of current behaviour being similar to offending behaviour (or target behaviour in the context of other clinical problems) in a clinically significant way has been used in the literature. In this section a number of key dimensions differentiating different approaches to OPB are delineated.

WAYS OF ANALYSING EVENTS

Behaviour can be conceptualized as an event or as a sequence – a distinction similar to that between a categorical and a dimensional appraisal.

Single Events

Single-event accounts involve the identification of a simple event that was part of the development of the offence, which is also identified as occurring in the current context, for example, sexual arousal to children at the time of the offence and sexual arousal to children in custody associated with reading a catalogue with advertisements for children’s clothes. This model is largely the one proposed by McDougall and colleagues (1994). Similarly, Neville et al. (2007) have developed a behavioural checklist containing 35 ‘single-event’ variables that purportedly assists monitoring of both ‘positive’ and ‘negative’ behaviours throughout the course of therapy, paying particular attention to OPBs using content analysis of therapy notes.

Sequence of Events

A sequence of events and associated functions that were also evident in the development of the offence is also identified as occurring in the current context. An example of this could be a child sex offender in a relationship is rejected by his partner, becomes depressed and begins to seek out high-risk situations in which he might meet children, then meets a child and sexually offends against them. In custody they also experience rejection in a relationship, become depressed, seek out children’s television programmes and masturbate whilst watching these.

Jones (2004) proposed that the term ‘OPB’ be used for sequences of behaviour that were repeated in the lead-up to the offence. He argued that sequences are important clinically as they capture a developmental process. In addition, the function of individual events in a checklist might be less clear than the function of behaviour in a repeating chain. This conceptualization derives from the behaviour analytic concept of chain or task analysis (e.g. Miltenberger, 2004) where behaviour is analysed as a sequence.

‘LOW-LEVEL AGGRESSION’ AS A RISK FACTOR FOR ESCALATION

Goldstein (2002) consistently argued that ignoring the manifestation of ‘low-level aggression’ (LLA) when rewarded develops into much more ‘intractable high-level aggression’ (HLA). He proposed that intervention needs to ‘catch it small’ to prevent this escalation process. So, for example, his model of intervention highlights the importance of intervening with LLA in schools.
In order of seriousness in a school context: ‘horseplay’, rule violation, disruptiveness, cursing, bullying, sexual harassment, refusal/defiance, threats, vandalism, out-of-control behaviour, student–student fights, attacks on teachers, use of weapons, collective violence.

In this model, LLA is seen as a lagged indicator of HLA and as generating HLA if it is allowed to be reinforced. The construct of LLA is similar to OPB in that it is a measure of the extent to which an individual’s current state of learning is one that includes some degree of aggression as reinforcing. As such Goldstein’s model is a sequential model of offending behaviour that highlights a ‘within-incident chronology’ where LLA ‘escalates’ to become HLA. This is a very specific theoretical model of an offence paralleling process.

**KINDS OF LINKAGE**

There are several linkage tasks required in undertaking an OPB analysis:

1. Linking offences committed by an individual, both within offence types and across offence types
2. Identifying links between behaviour at time of offence and behaviour in the current context
3. Proposing possible links between behaviour at the time of offence and the present context and behaviour in other possible (e.g. future post-release) contexts

Hollin (2002) writes:

> … turning to the possibility of institutional behaviour to predict recidivism, the issue hinges on the degree of continuity of behaviour. In other words, does offending behaviour prior to imprisonment predict institutional (mis)behaviour? Then, does institutional behaviour predict recidivism post-release? (Hollin, 2002, p. 323)

The problem of ‘continuity’ of offending behaviour has been tackled in a number of different ways by clinicians engaged in risk assessment and interventions targeting risk, and by offender profilers trying to identify if offences belong to an offence series committed by a particular offender. In this section we explore different approaches to identify continuity.

**Topological Similarity**

Behaviour at the time of the offence is identified as being topographically similar to current behaviour simply because it has the same form or appearance as behaviour at the time of the offence. Checklist-based approaches such as McDougall and Clark’s (McDougall & Clark, 1991) and Neville’s (Neville et al., 2007) are topologically oriented and do not attempt to identify linkages based on function of behaviour or some other underlying psychological cause.

**Statistical Linkage Analysis**

There are a number of constructs in the forensic and clinical literatures that are similar to the construct of OPB. An individual’s modus operandi (Canter, 1995), for example, is his way of conducting an offence that is clearly recognizable. In this work, a linkage is drawn between offences.
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Linking offences using statistical procedures has increasingly been a feature of the offender-case linkage and profiling literature. This literature discusses two concepts: behavioural consistency and behavioural distinctiveness. A number of interesting suggestions have come out of this literature (Tonkin et al., 2008):

1. A distinction between situationally dependent and situationally independent behaviour (with the latter being more consistent across offences). It is suggested that situationally independent behaviours are also more in the ‘control’ of the actor.
2. Experience acts to increase some but not all offence behaviour.
3. Temporal proximity of acts enhances behavioural consistency.
4. Control behaviours (manner of getting control of victim) have been shown to have ‘significant consistency’ (Grubin et al., 2001; Woodhams & Toye, 2007).

Statistical procedures are used to identify if there is a link between the offences based on key topological characteristics of the offence. A number of linkage strategies have been identified in the literature, Jaccard’s coefficient being the most common. This is a measure of similarity for variables where the presence or absence of a feature is recorded as binary data. As a measure it does not take into account joint non-occurrences of behaviour. It is argued that this is useful for data where non-occurrence does not mean non-existence. A taxonomic similarity measure has recently been suggested (Woodhams & Toye, 2007) as potentially less sensitive to missing data.

Psychological Similarity

In contrast to the topographical framework, it is also possible to look at patterns in psychological motivations for offending. Behaviour at the time of the offence is identified as being similar to current behaviour simply because it has the same function, or is driven by the same psychological process, as behaviour at the time of the offence. For example, at the time of the offence the offender was experiencing humiliation in the context of a relationship. The offender then rapes a stranger, and this results in him experiencing relief from humiliation and a sense of power. In custody the offender experiences humiliation from a peer, and then he goes back to his room and fantasizes about raping a woman; this results in a reduction in the feelings of humiliation and an increase in feelings of power. Jones (2004) argued that functional similarity was a critical task to the practitioner attempting to validate a pattern of behaviour as OPB. Jones also highlighted the importance of a number of psychological drivers, such as interpersonal status and relationship projects, and psychological and cognitive states. Daffern et al. (2007a) and Miller and Fritzon (2007) also made the case for functional as opposed to topographical similarity.

Jones (2004) proposed that structural similarity, with behavioural sequences, was likely to reflect functional similarity. If a chain of behaviour has been repeated, then it is more likely that each step in the sequence has a similar function to similar steps in other chains. Jones (2004) also identifies the possibility that components of behaviour chains, aimed at other functions, may be similar to those at the time of the offence.

Funder (2008) cites Allport (1961) on personality traits as having ‘the capacity to render many stimuli functionally equivalent’ (p. 347). This highlights the role of personality in shaping the ways in which functional similarity is generated for different individuals. Personality traits of dominance, for example, might be linked with an increased tendency to see others as trying to challenge an individual’s authority or status.
Similarity in Single or Multiple Domains

Similarities can be drawn in a number of ways between sequences of behaviour. The number of different domains explored to identify possible parallels between offending behaviour and current behaviour is clearly dependent on the theoretical model of offending processes used by the practitioner.

One Domain OPB (e.g. Just Thoughts)

Behaviour at the time of the offence is identified as being similar to current behaviour in one domain only (e.g. just thoughts, just emotions or just behaviour). An example of this might be just identifying the behaviour of looking at a section of children's clothing catalogues as OPB for a child sex offender in prison.

Multiple Domains (Thoughts, Feelings, Behaviour)

Behaviour at the time of the offence is identified as being similar to current behaviour in multiple domains only (e.g. thoughts, emotions or behaviour). An example of this, building on that used in the previous section, might be the behaviour of looking at the section of children's clothing catalogues, feelings of being powerful and thoughts of the children in the images wanting to have sex with an adult, as OPB for a child sex offender in prison. This notion was developed by Shine and Morris (2000) in their paper describing the version of OPB they used as part of the prison service therapeutic community-accredited model, to include parallels in attachment themes evidenced by individuals undergoing therapy.

Jones (2004) highlighted the utility of identifying interpersonal processes and emotional states (proposing the use of instruments such as the (Gerald et al., 1990) University of Wales Institute of Science and Technology Mood Adjective Check List – see also Daffern et al., 2009 – or the standardized affective headings from Hermans, 1995) and cognitive (e.g. quality of attention) states in generating hypotheses about the function of behaviour during an offence process.

OFFENCE PARALLELING SITUATIONS

Ross and Nisbett (1991) argue that lay people tend to offer dispositional explanations for behaviour as opposed to situational ones in explaining others' behaviour (an error sometimes called the 'fundamental attribution error'; Ross, 1977). Developing an understanding of both the importance of situational factors in offending behaviour and ways in which dispositional thinking could bias the clinician is an important task for the clinician; however, it is equally important not to have situationist bias (see Chapter 6).

To make inferences about a particular behaviour being functionally similar to another behaviour, the context of the behaviour needs to be taken into account. Jones (2004) described the possibility that custodial contexts that do not have the same or similar features to that in which the offending behaviour evolved might be seen as 'damping' the possibility of OPB (see also Daffern et al., 2007b).

An offence paralleling situation is therefore a context that in some significant sense parallels that in which the offence originally occurred. Shoda and Lee Tiernan (2002) describe situations
as having both an *internal* (‘what one is thinking, feeling and doing at any given moment’, p. 266) and an *external* component. From this perspective the internal component (what the situation/stimulus context means and how it is perceived by the individual) is most important.

The literature on what kinds of situations impact on behaviour in what ways is suggestive of ways in which behavioural consistency could be greater or less in different circumstances. Buss (1989) presented evidence, for example, to support the contention that situations that were more novel, formal, public, with detailed/complete instructions where there is little choice of behaviour and which were of brief duration had a greater impact on behaviour than personality; whereas situations that were more familiar, informal, private, general or did not have instructions, with a considerable choice of behaviour and which last for a long time, were more conducive to the expression of personality traits and therefore behavioural consistency.

Mischel and Shoda (e.g. 1995, 1999) developed a framework for analysing situational contribution to behaviour as ‘if . . . then’ profiles. This involved developing an individual’s behavioural ‘signature’ using a series of ‘if . . . then’ statements of the form ‘if situation x then behaviour y’. Alison et al. (2002) argue persuasively to use this paradigm in offender profiling work.

Swann and Selye (2005) comment that a ‘full implementation of Mischel and Shoda’s (1999) innovative approach clearly requires the development of a comprehensive taxonomy of situations’ and go on to indicate that analysis of situations has made little progress since the early work of Wright and Barker (1950). However, more recent work on taxonomy of situations has been developed. Yang et al. (2006) suggested that people distinguish between situations in terms of goal processes, or what happened to people’s goals. Edwards and Templeton (2005) identified five factors from people’s assessments of qualities of situations: positivity, negativity, capacity to foster or hinder goal-related activities and ease of negotiation. Ten Berge and De Raad (2002) identified the following as qualities of situations: situations of pleasure, situations of individual adversity, situations of interpersonal conflict and situations of social demand. Saucier et al. (2007) suggested the following domains of description for situations: locations, associations, activities and passively experienced processes.

Work on the relationship between situations and behavioural consistency is essential to the task of identifying persistent offending. There are clear links to be made between the concepts of situationally dependent and independent behaviour from the behaviour linkage literature and the literature on types of situations (see above), particularly in terms of the extent to which situations inhibit or dampen an individual’s ‘agency’ or capacity to pursue goals that are internally as opposed to externally driven. In addition, the fundamentally interpersonal nature of situational impact on behaviour (suggested by Jones, 1997, 2004) needs to be recognized in a more systematic way (cf. Fournier et al., 2008).

**Contrived Analogue Situations and Analogue Behavioural Observation**

A particular kind of offence paralleling situation is one deliberately engineered by practitioners to test specific hypotheses about an individual’s behaviour. Haynes’ (Haynes, 2001; Haynes et al., 2008) extensive work on *analogue behaviour* exemplifies this approach. In this approach the practitioner deliberately engineers situations that parallel those in which the target behaviour occurred:

Analogue behavioral observation methods involve measurement of behavior and functional relations, often in multiple response modes (usually measuring overt/observable behavior but may focus on emotional, cognitive, and/or physiological events) in a contrived
setting . . . . To strengthen the generalizability of the findings to a subject’s natural environment, the observation situation incorporates elements that are similar to elements that are important in the subject’s natural environment . . . . As Heyman and Slep noted, ABO is primarily useful as a hypothesis-testing strategy. It allows researchers to observe low frequency or socially sensitive behaviors, or behaviors that are unlikely to occur in the presence of the assessors without establishing settings to increase their likelihood. The main object is to discover interactions that maintain behavior problems. (Haynes, 2001, pp. 27–28)

An early example of the idea that offence-related behaviour is likely to recur in analogous current settings is found in the work of Aichorn (1951). Aichorn was working with young offenders in the 1920s and set up a home for ‘wayward youth’. One of the clients in this home had been caught repeatedly stealing. Aichorn intentionally gave him work in the shop and monitored the money in the till anticipating that the problem would re-emerge in this context. When the young person eventually did steal money, he sat him down and discussed it with him in a non-punitive manner. In this intervention Aichorn was using past behaviour as a means of generating predictions about how the problem behaviour would manifest in the current contrived (treatment) setting and then testing this prediction.

Deliberately contriving situations in which offending behaviour can occur is generally ethically questionable. Clinicians should look at changing offending behaviour, not provoking it. As such forensic practitioners have to rely on observation of natural behaviour in situ. It is however conceivable that analogue situations can be ethically explored, particularly if they focus on setting up contingencies that were around in the lead-up to the offence as opposed to contingencies that were around at the point of the offence itself. Role-play, for instance, can be used to work on offence paralleling situations.

BASIC CONSISTENCY AND HIGHER ORDER CONSISTENCY

Work on consistency within intra-individual variation in behaviour has generated two concepts relevant to the study of OPB. The traditional idea of personality, which emphasizes temporal consistency, contrasts with the recent construct of higher order consistency (Shoda & Lee Tiernan, 2002). Larsen (1990) proposed the term ‘second-order consistency’ for the characteristic frequency with which an individual’s behaviour changes over time, and Shoda and Lee Tiernan (2002) offer the term ‘higher order consistency’ to describe both ‘second-order consistency’ and consistency in the way individuals vary their behaviour across situations. Mischel and Shoda (1995, 1999) and Shoda and Mischel (1998, 2000) developed the concept of a ‘behavioural signature’ which captures an individual’s characteristic way of evidencing variability and higher order consistency in behaviour across temporal and situational contexts.

Shoda and Lee Tiernan (2002) write:

Just as individuals’ responses to particular medications can be understood more fundamentally by considering the specific active ingredients rather than brand names, our analysis of situations focuses on the psychologically active features of situations. (Shoda & Lee Tiernan, 2002, p. 246)

Kinderman (2005) and Morton (2004) argue that psychological processes are the final common pathway mediating between biological, social and circumstantial factors and mental (and other) disorders. McGuire (2008) proposes that this claim can be extended to understanding violence by arguing that psychological processes are the final common pathway between biological, social
and circumstantial factors and violence. In the context of risk assessment, this highlights the importance of identifying the psychological processes mediating the impact of other variables on behaviour.

THE EXTENT TO WHICH THE VALIDITY OF THE OPB HYPOTHESIS HAS BEEN TESTED

A critical test of validity of a construct is to establish the degree to which it has predictive validity. An OPB that has been identified but has not been subjected to any test of veracity has a different clinical value from one that has not been subjected to this kind of testing. There are different ways in which this can happen:

1. A formulation that has been used to make very specific predictions about OPB and which has then been shown to be accurate in that the predicted behaviours have actually happened should warrant more confidence than one which has not been through this kind of testing process.
2. A formulation where a number of offences and offence-related episodes have been used to accumulate evidence in its support. This could indicate a higher degree of confirmation than examples based on just one offence. In the philosophy of science, the ‘degree of confirmation’ solution to the problem of induction is not without problems. If however we reframe it using Popper’s criteria of falsifiability, further evidence supporting the hypothesis would indicate that the hypothesis had survived exposure to the possibility of refutation on a number of occasions. Further, Epstein (1983) in responding to the situationist position argues that the ‘personality coefficient’ rises from 0.29 to 0.65 when aggregating over several occasions.

UNUSUAL BEHAVIOUR IS MORE USEFUL FOR DEVELOPING OPB FORMULATION

Behaviours that are relatively frequent and are exhibited by many individuals are often less likely to be more clinically useful than behaviours that are atypical and relatively infrequent. Behavioural sequences are more likely to be low frequency and atypical than individual behaviours because there is much more scope for variation in that context.

Funder (2008) describes Gilbert’s (1998) thinking on this in the following excerpt:

... dispositional attributions should be made only for an individual’s behavior that is unusual; that is, different from what most other people do. Thus, if everybody puts on a coat on a cold day, the cause of any one person’s behavior can be safely said to be the cold weather situation. The odd person (perhaps literally) who fails to wear a coat is doing so, presumably, because of something distinctive about himself or herself (e.g. an unusual immunity to or eccentric liking for cold). (Gilbert, 1998, p. 573)

Daffern et al. (2009) indicate that behaviour that is common is relatively useless for the purposes of OPB (e.g. he was breathing before and during the offence and he is breathing now; therefore, he is engaged in an OPB).
EMPHASIS ON SINGLE CASE HYPOTHESIS TESTING AND AVOIDING BIAS

In addition to the fundamental attribution bias identified by Nisbett and Ross (1980), there is a range of biases (cf. e.g. Tversky & Kahneman, 1974) that any clinical judgement is susceptible to that need to be systematically offset in work identifying OPB. Jones (2007) outlined some of these biases and suggested that clinicians need to be trained about them and about how they can be offset in the context of developing OPB formulations. Little work has been done on this, and this issue is further addressed in the final chapter.

RELATED CONSTRUCTS IN OTHER FIELDS OF APPLIED PSYCHOLOGY

Relapse Prodromes

Birchwood (1994) in work with psychosis has developed an intervention based on identifying, on a case-by-case basis, a ‘relapse prodrome’ or relapse signature. This pattern of behaviour can be then used by the individual to monitor the individual’s own behaviour with a view to intervening pre-emptively if some of the early warning signs are apparent. This literature is particularly interesting in that it raises the possibility that there are some moderate changes in cognitive capacities (such as attention and mood regulation), which could be interesting sources of hypotheses for predictors of offending/OPB. Birchwood does not place any emphasis on asking why a particular prodrome is relevant for a particular individual (he does not look for the function of a change in attentional capacity, for instance). Individualized prodrome markers are drawn initially from a checklist developed out of interviews with numbers of service users and which had been shown to have some degree of predictive validity.

Enactments

An enactment is a construct that has been developed within the psychodynamic literature (e.g. Ellman & Moskowitz, 1998; Shur, 1994). The enactment is a sequence of behaviours in an interpersonal context, which is repeated in a number of different contexts throughout an individual’s life. It is hypothesized that the repeating pattern is related to traumatic experiences which are played out in the present, sometimes with critical role reversals, such as the offender enacting aspects of their own abuse but in the role of the perpetrator. Therapists and staff are seen as unwittingly playing out and taking on aspects of the patient’s problems. The function of this behaviour, it is argued, is for the victim to experience in some way the trauma that the perpetrators experienced when they were victimized/traumatized (Pollock et al., 2006; Stoller, 1986). The experience of the trauma is passed on to the victim by the perpetrator, and this then temporarily alleviates a sense of being alone. Repetition of these role-reversal events is understood as an attempt on the part of the offender to process or overcome the trauma.

The literature on interpersonal theory also highlights the way in which offenders treat staff in custodial or residential settings as if they are (often abusive or neglecting) parents or significant people from their pasts (see Jones, 1997, 2004) in a way that sometimes provokes them into behaving in a reciprocating way (i.e. behaving abusively).
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SCHEMA THERAPY ‘REPISES’

Young et al. (2003), in discussing patterns of repeating behaviour associated with particular schemas (core beliefs), describe a pattern of repeating episodes or ‘repisodes’ (e.g. that constitute an individual’s maladaptive response to relationships and difficult life events). The hypothesized mechanisms for generating repetition in Young’s framework are underlying ‘schemas’ and ‘modes’; essentially, these are core ways of thinking and states that each individual holds and which then shape that individual’s behaviour. Schema therapists in the UK have used these constructs to develop an understanding of an individual’s offending and OPB (see Table 1.1).

THE RANGE OF CURRENT USES OF OPB

Using the Milieu and Identifying Positive Alternative Behaviours

The initial work on identifying offence-related behaviour in custody did so as a part of a risk assessment strategy (Clark et al., 1994). Jones (1997) advocated the utility of this kind of case conceptualization for interventions. Jones (2004) drew on the work of Kohlenberg and Tsai (1994) who had developed an intervention strategy called functional analytic psychotherapy (FAP) which advocated the use of in-session behaviour as a way of targeting clinically relevant behaviour. In this, they advocate working with various forms of ‘clinically relevant behaviour’, behaviours that reflect the presenting problem, but which emerge in the session, whether it is the problem behaviour itself or some form of changed behaviour emerging in the session; behaviours that evidence change in the underlying problem and finally behaviour that evidenced insight into the problem behaviour. FAP was also advocated, building on Jones (2004) by Daffern et al. (2007a) as a framework for working with OPB.

Jones (2004) highlighted the importance of working with positive behaviour that was not offence paralleling in a context where it might have been expected (more recently called positive alternative behaviour and given the acronym PAB; Daffern et al., 2007a). In the context of discussion related to analysing interpersonal behaviour associated with offending Jones (2004) wrote:

[This] allows people to ensure that the interpersonal project is explored and alternative behaviours introduced. It is also important that appropriate, non OPB behaviour is recognised and validated (Kohlenberg & Tsai, 1994; Linehan, 1993). This kind of attunement to the clinical relevance of behaviour can only be developed through building a milieu culture where all behaviour, on and off groups and individual interventions, are seen as relevant to the change initiative. (Jones, 2004, p. 61)

CONTEXTS IN WHICH THE CONSTRUCT OF OFFENCE PARALLELING BEHAVIOUR IS CURRENTLY BEING USED IN THE UK

The initial development and usage of the OPB construct was in the Max Glatt Centre, a small therapeutic community based in HMP Wormwood Scrubs. It was developed initially as a model to try to focus the interventions in the unit on the aim of reducing reconviction and as a way of articulating aspects of the way in which the therapeutic community functioned in order to
### Table 1.1 Differences in key dimensions of different assessment procedures

<table>
<thead>
<tr>
<th>Authors</th>
<th>Historical idiographic data used as a source of hypotheses</th>
<th>Usage</th>
<th>Frame of analysis</th>
<th>Kind of linkage between offence and current behaviour</th>
<th>Number of domains</th>
<th>Emphasis on single case testing and explicit procedures for avoiding bias</th>
<th>Contrived situations</th>
</tr>
</thead>
<tbody>
<tr>
<td>McDougall et al. (1994)</td>
<td>Yes</td>
<td>Risk assessment</td>
<td>Event sequences</td>
<td>Form</td>
<td>Unspecified multiple</td>
<td>Predictions</td>
<td>None</td>
</tr>
<tr>
<td>Jones (1997)</td>
<td>Yes</td>
<td>Risk assessment and intervention addressing positive and problematic behaviour</td>
<td>Event sequences</td>
<td>Form and function</td>
<td>Themes</td>
<td>Unspecified multiple</td>
<td>Prediction</td>
</tr>
<tr>
<td>Jones (2004)</td>
<td>Yes</td>
<td>Risk assessment and intervention addressing positive and problematic behaviour</td>
<td>Event sequences</td>
<td>Form and function</td>
<td>Themes</td>
<td>Unspecified multiple</td>
<td>Prediction</td>
</tr>
<tr>
<td>Shine and Morris (2000)</td>
<td>Yes</td>
<td>Intervention</td>
<td>Sequences</td>
<td>Unspecified</td>
<td>Specified multiple</td>
<td>Not emphasized</td>
<td>None</td>
</tr>
<tr>
<td>Neville et al. (2007)</td>
<td>Yes</td>
<td>Intervention shaping ‘positive and negative’ behaviour</td>
<td>Event</td>
<td>Function</td>
<td>Unspecified</td>
<td>Not emphasized</td>
<td>None</td>
</tr>
<tr>
<td>Woodhams and Toye (2007)</td>
<td>Lists of behaviours in offences</td>
<td>Offender profiling</td>
<td>Sequences as lists of behaviour</td>
<td>Statistical analysis of linkage between offences</td>
<td>Multiple</td>
<td>Not emphasized</td>
<td>N/A</td>
</tr>
<tr>
<td>Linkage analysis</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daffern et al. (2007a)</td>
<td>Yes</td>
<td>Risk assessment and intervention addressing positive and problematic behaviour</td>
<td>Sequences</td>
<td>Function</td>
<td>Multiple</td>
<td>Emphasized Predictions and clinical awareness of bias</td>
<td>None</td>
</tr>
<tr>
<td>Haynes (2001)</td>
<td>Yes</td>
<td>Intervention</td>
<td>Sequences and event</td>
<td>Not used for offence behaviour But uses function</td>
<td>Emphasis on behaviour</td>
<td>Some emphasis</td>
<td>Yes</td>
</tr>
<tr>
<td>Analogue assessment</td>
<td>Anamnestic assessment</td>
<td>Yes</td>
<td>Risk assessment</td>
<td>Not specified</td>
<td>Themes</td>
<td>Multiple</td>
<td>Not emphasized</td>
</tr>
<tr>
<td>Relapse prevention</td>
<td>Yes</td>
<td>Intervention addressing positive and problematic behaviour</td>
<td>Sequences</td>
<td>Function</td>
<td>Multiple</td>
<td>Not emphasized</td>
<td>None</td>
</tr>
<tr>
<td>Functional analytic therapy</td>
<td>Yes</td>
<td>Intervention addressing positive and problematic behaviour</td>
<td>Sequences</td>
<td>Function</td>
<td>Multiple</td>
<td>Not emphasized</td>
<td>Yes (role-play)</td>
</tr>
</tbody>
</table>
OFFENCE PARALLELING BEHAVIOUR

enable the unit to go through a process of accreditation. Following the departure of the author from this unit, the model was not sustained. However, it was incorporated into the accredited treatment model for prison-based therapeutic communities, starting with HMP Grendon and later HMP Dovegate and HMP Gartree.

The most recent account of the use of OPB in therapeutic community settings is Morris (2004) (building on earlier work by Jones, 1997, and Shine & Morris, 1999) who describes OPB as attenuated offence re-enactment and highlights the way in which this behaviour is repeated in the treatment setting and used as a focus for group intervention. He describes two components of this work: firstly, the identification of the OPB, and secondly, the ‘lateral linkage’ of behaviour across different settings (e.g. in community meetings and on the football pitch). ‘The notion of offence re-enactment’ proposes that the resident’s actual offences are not isolated events, but rather are a single manifestation of a longer cyclic repetitive process. The offence is one element of the cycle that has been more extreme or has come to the attention of the law. ‘Because the cycles are part of the characteristic repertoire of the individual, they can be expected to exhibit themselves in the resident’s everyday life’ (Morris, 2004, p. 81). Interestingly, Morris attempts to integrate behavioural with more psychodynamic constructs in an attempt to describe the complexity of the therapeutic community model of intervention with offending behaviour.

The model has been used to some extent by individual clinicians at Rampton Hospital (a high secure hospital in the United Kingdom) and has been included in the Rampton Hospital risk assessment documentation. OPB has been used as a tool for motivational assessment (Jones, 2002). The Offending Behaviour Programmes Unit, England and Wales prison service, has incorporated a version of the model into the structured assessment of risk and need for sex offender intervention needs and has recently developed some in-house training to implement this (Simone Wakama, personal communication). Some work using an OPB model has been undertaken at HMP Littlehey as part of the risk assessment reporting on lifers at the end of their tariffs.

UK SCHEMA THERAPY

The construct of OPB has been adopted, following Jones (1997), by the schema therapy model used at HMP Whitemoor (Murphy & McVey, 2010) and by the schema therapy model implemented at the Rampton Hospital personality disorder directorate (Beckley and Gordon, 2010). Central to both these models is work on current OPB, or offence paralleling processes, as it emerges in group settings. Unlike work in therapeutic community settings, this is then linked to core schemas which are seen to be driving the behaviour.

MISUSE OF THE MODEL AND ATTEMPTS TO REFINE THE DEFINITION OF OFFENCE PARALLELING BEHAVIOUR

Due in part to recent interest in the model (evidenced above) and in the light of possible misapplication, an attempt has been made to refine the definition to preclude some of the possibilities for misuse (Daffern et al., 2007a). In particular, more emphasis was placed on the importance of testing out hypotheses about OPB by making specific predictions and then monitoring to see if the predictions would materialize. This volume has been written partly to refine the practitioner’s clinical skills in developing testable hypotheses about OPB.
There are a number of ways in which the model is potentially open to misuse:

1. In its current state of development, it is more useful as a model for developing individualized treatment targets (alongside models such as the risk needs responsivity framework, developed by Andrews & Bonta, 2003) and as part of a risk management and intervention package. To use the model to make probabilistic statements about risk is probably unwarranted; however, it does have a role in informing risk assessment, management and scenario planning (e.g. Hart, 2009) assessments.

2. Making predictions of high frequency, naturally occurring behaviours is problematic (Daffern et al., 2009) in that the chances of confirmation of the hypothesis would be high. So, for example, saying that somebody would get angry after being told that they cannot have something on the ward because at the time of the offence they became angry when they were refused something is likely to be a behaviour that would be observed in just about any individual in a custodial setting at some time. If, however, there was a particular way in which the individual expressed their anger which was unique to them (e.g. threats to kill) and which was very much a feature of the offence, then this might warrant further exploration.

3. There is a danger of clinicians forcing everyday normal reactions to custody, or indeed any behaviour, in a procrustean manner into an OPB mould in a way that is potentially damaging for the client and which reinforces some of the more unpleasant aspects of seeing a person as their offence. This is also potentially true of the seemingly more positive psychology-oriented approach of looking at when an individual has been meeting needs in a prosocial manner, because this is still seeing a person in terms of their offending, not as a person who has offended.

CONCLUSIONS

The use of in-custody behaviour as a source of information about risk assessment, intervention and management is not a new concept; it is at the heart of what forensic practitioners do, and there is evidence of it being used in a number of ways by clinicians working in forensic contexts. Like other formulation (see e.g. Garb, 1998; Kuyken, 2006) strategies, behavioural analysis of offending behaviour has not yet been subjected to the same kinds of evaluation of validity and reliability as, for example, psychometric assessments (but cf. Daffern et al., 2009, for a recent exception).

The use of the term ‘offence paralleling behaviour’ is increasingly being used in different ways by different practitioners. The usage of the term in Jones (1997), and more particularly in Jones (2004) and Daffern et al. (2007a), was to describe an analysis of behaviour with a number of specific features:

1. Looking at sequences of behaviour, not single events
2. Using case formulation and functional analysis to identify the function of the behaviour or to look at the causal factors driving the behaviour in the offence and in the custodial context and attempting to justify the links between behaviour in the different contexts using this analysis
3. Identifying examples of behaviour that do not repeat past problematic behaviour
4. Making specific predictions and testing these to see if the formulation is robust
5. Intervening to address any factors identified as potentially problematic
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It is hoped that further clinical and empirical work can be done to refine this construct with a view to rendering it more clinically useful and reducing the twin possibilities of taking an overly dispositional or situational perspective (cf. Funder, 2008).

Useful constructs about what kinds of behaviour are likely to be linked across situations are suggested by the offender profiling literature on ‘linkage’, the personality literature and the recently emerging literature on attempting to identify taxonomies of situations and identifying what aspects of situations dampen or facilitate the expression of personality traits and other ‘person’ variables. In addition, the literature on working with ‘prodromes’ in psychosis is likely to offer useful suggestions for developing pre-emptive intervention strategies in the future.

REFERENCES


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