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'WELL-KENT FACES': POLICING PERSISTENT OFFENDERS AND THE POSSIBILITIES FOR DESISTANCE

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This article focuses on the policing of adult persistent offenders and its implications for desistance. It integrates the findings from two qualitative studies undertaken in Scotland on the experiences of those considered 'persistent offenders' and the police. The article's contribution lies in its close analysis of how adult persistent offenders and the police interact, examining factors before, during and after their encounter. We show that the police's enforcement focus is a significant obstacle to desistance, especially as enacted through intelligence-led policing and the lack of positive discretion towards 'well-kent faces'. However, we also note that frustration with this approach is emerging within Scottish policing and argue for a relatively modest re-orientation of police practice towards a recognition of signals of desistance.

Key Words: policing, desistance, persistent offenders, construction of crime

Introduction

In contemporary Scotland, as in many other jurisdictions, persistent offending remains a persistent problem. The requirement to address the issue of persistent offending has been recognized by the Scottish Government, and its strategy to 'reduce reoffending' acknowledges the need to support desistance pathways (see Scottish Government 2016; 2017). The attention of much of the recent academic literature in this area has been afforded to the interplay of labelling, identities and desistance of young offenders, including their interactions with the police (see McNeill and Batchelor 2002; Soothill *et al.* 2003; McAra and McVie 2005; Fraser and Atkinson 2014). In comparison, there is a relative paucity of research on adult persistent offenders or how their experiences of policing impact upon their desistance pathways. This neglect is particularly puzzling when one considers the extensive literature on the potential influence of *other* criminal justice practitioners on desistance processes, including sentencers (Weaver 2009; Birgden 2015; Marchetti and Daly 2017), defence agents (Wexler 2005), those who supervise offenders in the community (King 2013; Farrall *et al.* 2014; Robinson *et al.* 2014; Evans 2016) and prison staff (Scottish Prison Service 2013; Schinkel 2015).

This article addresses these issues by drawing together findings from two separate, but complementary research studies undertaken in Scotland. It seeks to explore how adults who are labelled, policed and punished as persistent offenders understand and attribute meaning to their social status, and navigate the sometimes treacherous social spaces in which they live. Through its integrated analysis of data and synthesized findings, this article highlights how 'the policed' and 'the police' in Scotland encounter

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one another as 'well-kent faces'.[1] Particular empirical and analytical attention is paid to those individuals who are on the cusp of desistance, but who may find their move away from crime hindered by the police. In considering such issues, this research uniquely brings the role of the police into the criminological purview, uncovering the cultural attitudes, routine practices, organizational systems and policing strategies that contribute to creating and sustaining 'persistent offenders' as a particular social category, with concomitant impact upon the life chances of those categorized as such. Informed by an interactionist perspective, this article presents a unique insight into the ways in which classifying labels such as 'persistent offender' are applied to and interpreted by those who live with them, and the policing strategies and practices that are important in the creation of such labels and classifications. In doing so, however, it also documents emerging perspectives in Scottish policing that seek to move beyond a well-established intelligence-led, enforcement-based 'arrest mentality'; instead seeking to address persistent offending through alternative approaches. In our conclusion, we explore the promise of a more desistance-informed policing and highlight the ways in which some modest re-orientation of police practice could improve the possibilities for desistance.

Literature review

Desistance from persistent offending

Despite an 'explosion' in desistance research over the last 15 years, there is no consensus on a comprehensive definition of the concept beyond the fundamental criteria of the cessation of offending (Shapland and Bottoms 2017: 744–5). There is some emerging agreement, however, on two important issues. First, that desistance cannot be reduced to the level of individual psychology or decision-making. Instead desistance must be considered more broadly as incorporating legal, social and moral factors that affect both the would-be desister and their relationship with the society with which they seek to re-connect (see McNeill 2012). Second, that desistance is a zigzag *process* and cannot be considered as a single moment of Damascene conversion (Burnett 2004). The motivation, opportunity and ability to desist rarely align, with offending often reducing in frequency and seriousness over time. Moreover, different aspects of desistance have been distinguished: maintenance of a crime-free period (primary or act desistance), the development of a new non-offending identity (secondary or identity desistance) and the recognition of change—and with it re-acceptance—by others, including family, friends, the local community, professionals, prospective employers and general society (tertiary or relational desistance) (Maruna and Farrall 2004; McNeill and Schinkel 2016; Nugent and Schinkel 2016). All three aspects are inter-dependent across time: without continued act desistance, identity and relational desistance are difficult to maintain, but refraining from offending long-term will also be difficult for any offender when the world still expects them to offend at every opportunity (see also Maruna *et al.* 2004). Unpacking desistance in such a fashion is analytically useful, but desistance in practice

[1]The Scottish phrase a 'well-kent face' means a 'well-known person'. With origins in 18th-century Scottish poetry, it remains in general, although not overly frequent, use today. It provides a useful shorthand for the familiarity with which the police recognize particular individuals in communities (especially those rendered visible to the police or who frequently come to their attention), and the reciprocal recognition that those individuals have for police officers as a result of their regular interaction.

is likely to be a messy mosaic of such factors, particularly for the most persistent offenders, who will likely experience some of the most complex desistance pathways. Despite this, little research has been conducted on the desistance of this group (Wright 2015).

Shapland and Bottoms (2017) have recently remarked upon the tantalizing, but as yet unrealized, promise of the criminal justice system to hasten desistance. Certainly, despite the centrality of the police as gatekeeper to the criminal justice system (see Loftus 2016: 714), little attention has been paid thus far to the impact of police strategies and practices on desistance journeys. The limited academic engagement with this topic spans the promising and the problematic. Promisingly, Graham (2012) identified multi-agency strategies and initiatives involving the police that she assessed had potential to support the desistance of drug-using offenders. More problematically, Lawrence Sherman's (2012) 'offender-desistance policing' approach represents an attempt to involve the police service more directly in efforts to foster desistance from crime. The tactics he suggests include the provision of 'warnings', subsequently enforced by routine surveillance (effectively threatening would-be desisters with the ever-present peril of a 'Damocles' sword'), and offender relocation as the 'method of choice' for some persistent offenders (Sherman 2012: 214–5). Such a proposal has more in common with theories of deterrence than with any recognizable version of desistance theory as rooted in contemporary research on this subject.[2] Despite such concerns, the intersection of desistance research with the literature on policing represents an interesting nexus for development, particularly the role of everyday routine policing in such contexts, much of which concerns those who are well-kent faces.

Policing persistent offenders and intelligence-led policing

Since the turn of the millennium, there has been a renewed focus on the policing of persistent offenders in the United Kingdom. In 2004, Her Majesty's Inspectorate of Constabulary (HMIC)—with input from the Audit Commission, courts, prisons and probations services—defined a 'core' persistent offender as an individual who is 18 years or older and has been convicted of six or more recordable offences within the previous 12 months (Her Majesty's Inspectorate of Constabulary 2004: 11). Also in 2004, the Prolific and Other Priority Offender (PPO) programme was launched in England and Wales. While several projects targeted 'persistent' offenders prior to this, the PPO programme heralded the first statutory obligation for local Community Safety Partnerships to implement such activity in their area. Yet it is notable that even the literature on the PPO projects has not led to a clear understanding of the desistance journeys taking place within these initiatives (Hopkins and Wickson 2013).

In the absence of a statutory requirement in Scotland, and besides pockets of local problem-solving practice such as the Persistent Offender Project in Glasgow, the Violent Offender Watch project in Edinburgh, and the Highland Persistent Offenders Project, the targeting of persistent offenders north of the border has been influenced by the strategy of intelligence-led policing that has prevailed across the United Kingdom through the National Intelligence Model (NIM) (see

[2]Sherman's work, while extreme in its suggestion of offender relocation, does resonate with pre-existing police involvement in PPO projects, where the role of the police officer has been to effectively symbolize deterrence through the threat of enforcement (see Williams and Ariel 2012).

John and Maguire 2003; Maguire and John 2006; Donnelly and Scott 2011; Bullock 2014). The NIM was itself influenced by the 1993 Audit Commission report *Helping with Enquiries: Tackling Crime Effectively*, which developed a system of policing based upon the founding principle that 'a relatively small number of individuals account for a substantial proportion of detected crime', and which in turn prioritized the proactive, intelligence-led targeting of the 'serious and prolific criminal' and not simply the crime (Audit Commission 1993: 54). Implementation of the NIM institutionalized intelligence-led policing in the United Kingdom, thus embedding the targeting of prolific and persistent offenders into everyday routine policing practice.

Mike Maguire (2000: 318) explained how this system of targeted policing extended proactive systems and methods from the investigation and control of major and organized crime to also incorporate petty persistent offending. Nick Tilley (2008: 389) has noted how 'success' in intelligence-led policing very much involves the 'good arrest' of serious and prolific offenders and their subsequent severe punishment. It has been recognized for some time now that this proactive intelligence-led approach, targeting a 'criminally active sub-population', has spread from the United Kingdom to a variety of jurisdictions, including Canada, New Zealand and Australia (Ratcliffe and Guidetti 2008: 111–2). The underlying philosophy and principles of intelligence-led policing—including the privileging of the detection, arrest or disruption of 'known' criminals—resonate firmly with the wider crime-fighting mentality that is inherent in police culture and which privileges masculine, street-based and action-orientated policing (see Reiner 2010: 118–32). Yet while police officers in Scotland are routinely directed towards engaging with persistent offenders through intelligence-led practices, any resultant encounter between the police and the policed is a personal one, within which the exercise of discretion by the police officer is critical to any recording of a crime or offence.

Discretion in policing and police culture

Discretion, a concept that has deep roots in both police culture and the history of police research, is integral to the argument developed in this article. The police officer who encounters the adult persistent offender can be understood as a street-level bureaucrat for whom discretion—the ability, albeit in a circumscribed fashion, to decide whether or not to exercise authority in any encounter—is a central, defining characteristic of their work (Lipsky 2010). In his pioneering sociological work *The Policeman in the Community*, published in 1964, Michael Banton found some officers 'temperamentally lenient, whilst others strict' (Banton 1964: 128), with a propensity for strict enforcement more common in 'rougher neighbourhoods' and towards 'known criminals' (Banton 1964: 131). Banton and his contemporaries found that policing was not simply about enforcing the law, but in deciding in which contexts authority would be exercised, or not. This account of discretion resonates with contemporary research. Eric Miller, summarizing the US context, highlighted how,

> Law enforcement officials have tremendous discretion to determine the amount and style of policing that occurs in their jurisdiction. They decide which crimes or suspects to pursue, which communities or locations to target for policing, the best methods to prevent or respond to crime, and how best to balance prevention and detection. These policy decisions have a tremendous impact on the public. (Miller 2015: 521).

Crucially, research has long disclosed how the discretionary power of the individual police officer increases the 'lower down' the officer is placed in the police hierarchy (Wilson 1968: 7–8), and is a particularly important resource for those police officers whose everyday work involves a large degree of interaction with the public. It has been argued that police discretion in encounters with the public is unavoidable, given limited police resources for 'total enforcement' and the ambiguity that permeates policing in practice (Reiner 2010). Such dispositions, however, contrast with calls to reform, limit or control officer discretion, particularly given the controversy that can surround such low-visibility, but high-impact, street-based decision-making (see Mastrofski 2004; Poyser 2004). Yet, adding a unique contribution to the literature in this area, our analysis indicates scope for further development of the *positive* use of discretion in encounters between the police and adult persistent offenders, which may, in turn, enhance the possibilities for desistance.

Methods

This article draws on data from two separate research studies, carried out by the first two authors in Scotland during distinct but overlapping time periods. The first study, the Lives Sentenced project, examined the punishment careers of those who have experienced multiple short-term prison sentences, with a particular interest in how those considered as 'persistent offenders' attribute meaning to their lives and punishments. Life-history interviews with 22 men and 15 women conducted in prisons and communities from 2013 to 2016 enabled exploration of the meaning of the accumulation of punishment in their lives. Interviews traversed participants' experiences of accumulated punishment, how their life outside prison was influenced by and influenced the meaning of these sentences, and their hopes and fears for the future. Where possible, follow-up interviews were undertaken two years later, facilitating a life-course criminological perspective capturing changes in offending patterns as people move through time and place, resulting in 17 further interviews. Experiences of policing, and in particular the interaction with police officers on the street, emerged as a theme in the initial coding of data from this study.

The second study explored how a range of policing actors, both within Scotland's still nascent national police service and (to a lesser extent) in criminal justice and other agencies beyond the police, view and understand persistent offending, with a particular focus on adult offenders. In doing so this second study sought to uncover practices and strategies that create, sustain, challenge or otherwise address this particular social category of people. Fieldwork was undertaken from 2016 to 2018 and incorporated 14 qualitative interviews and two focus groups (with nine and four participants, respectively) with practitioners across Scotland's policing, community safety and justice landscape, supplemented by observational fieldwork of policing in two large urban communities in the west of Scotland. The latter stages of this study took forward, and further explored, some of the first study's emergent findings, creating a dialogue between the voices and experiences of persistent offenders and the police. Consequently, both studies gathered retrospective accounts of interactions between police and those labelled as persistent offenders, while the second study also involved directly observing such interactions (as well as other street-based policing interactions). Fieldwork for both studies took

place in multiple locations across central Scotland and after the introduction of Police Scotland in 2013, when the previous eight regional police forces were merged. Both studies solicited experiences from before and after this introduction, as participants were describing past experiences as well as more recent ones. There was no indication from either study that the formation of Police Scotland had made a significant difference to the experiences of either group of participants.

Recognizing the equal contribution of both studies to the explanation of the subject in question, a process of 'analytic integration' was followed (see Moran-Ellis *et al.* 2006; Cronin *et al.* 2012) whereby data collection was undertaken separately, with both data sets becoming increasingly integrated and interwoven at the stages of analysis and theorization. Initial themes were inductively identified (undertaken by first author for the first study; second author for the second study). The emerging themes were brought together and iteratively revised in the light of both data sub-sets, which led to the identification of relevant theoretical perspectives. Informed by an interactionist lens, this sub-set of data from each study was then re-analysed and themes were reviewed (in a process involving all three authors) with regard to the micro-interactional dynamics between the police and people labelled as persistent offenders; attending to individual and institutional practices and behaviours, and the ascription of meanings to those practices and behaviours, that shaped these encounters in the periods before, during and after.

In this article, we follow the insights of Goffman and other social interactionists that the meaning of acts and the identities of actors are co-constructed through social interaction, narrowly defined by Goffman as 'that which uniquely transpires in social situations, that is, environments in which two or more individuals are physically in one another's response presence' (Goffman 1983: 2). Goffman directs our study to everyday encounters (1956) and to micro-analysis of this 'face-to-face domain' (1983: 2), which he terms the 'interaction order', attending to verbal and bodily communication or exchanges in such encounters. Moreover, Goffman demonstrates that some features of the interaction order 'directly bear upon the macroscopic worlds beyond the interaction in which these features are found' and 'the direct impact of situational effects upon social structures' (Goffman 1983: 8). Importantly for our study, social interactionists emphasize the critical role of *both players* in an interaction in establishing meaning. Within this, labelling or social reaction theories draw attention to the critical role played by the audience in the interpretation of, and response to, behaviours, including the application of labels (such as 'deviant') to acts and actors (Kitsuse 1962; Becker 1963). Social interactionists argue that this labelling process informs both immediate and subsequent responses to the act and the actor (such as exclusion), which can inform the person's own self-identity and subsequent actions.

Our article presents the results of this analysis and theorization, considering each stage of the encounter between the police and policed in turn. However, to fully understand the contours of experiences of policing and its impact, we believe that it is important to look at these experiences in the context of participants' lives. Therefore, we progress with a case study of a participant encountered during fieldwork as part of the first study, illustrating in greater detail how interactions with the police impacted on one man's attempts at change. Scott's case was chosen as he, when interviewed in the community during the first interview round of the Lives Sentenced study, was the furthest along in his desistance journey, and therefore showed the impact of persistent

policing on attempts at desistance most starkly. However, his experiences were not atypical and can be taken as exemplar of how being a 'well-kent face' can impact on people's offending, punishment and thus desistance more generally.

Case study: Scott

Scott, interviewed in the community, described a long history of offending, which initially revolved around the thrills of driving fast cars (without insurance or a licence), progressing to the stealing and 'cloning' of cars for financial gain, and eventual involvement in low-level drug offending. Having served many short sentences and one long-term sentence (for an accumulation of charges), he characterized himself as desisting through focusing on his young sons, volunteering activities, and having decided on turning 30 that he should 'grow up'. He had received significant support for mental health problems and learned new coping strategies. He was on a probation order at the time of the interview for a driving offence, of which he maintained he was innocent. Scott considered policing as the main obstacle to his desistance:

> I feel that *I'm* trying, I feel that I'm making an effort but I feel that I'm not getting the chance fae the police.

He described his most recent, and most serious, confrontation with the police, who approached him as he was walking down the street:

> The way that they approached me, in front of ma children, in front of ma partner, was terrible. They ended up taking a grab at me, manhandling me and saying that someone had made a call and said that they'd seen someone carrying a knife. I've never ever, ever, ever carried a knife in ma life. I've never been known to carry a knife. So they manhandled me, they threw me about and I've ended up losing the head and shouting and swearing at them because I was like 'What's going on?' They threw me on the ground, they split ma head open. I was black and blue, I was a mess.

Whereas on other encounters with the police he had stayed calm, on this occasion Scott said the presence of his children provoked resistance, alongside his perception that such police attention was arbitrary and undeserved. He challenged the fairness of the resulting charges of breach of the peace and assault of a police officer, given the circumstances:

> I didn't hit them, I didn't lash out or punch at them or nothing, it was just they slammed me tae the ground and obviously you're on the ground, you're kicking out and struggling and stuff, eh. And that's what they put down as police assault.

Due in court the next day for these charges, Scott had lodged a complaint against the police, but did not know whether this had progressed or not. He anticipated being found guilty, despite feeling that he was not the (only) one to blame for this instance of offending.

The co-construction of persistent offending

The sections that follow highlight the processes through which persistent offending is constructed in the interaction of 'the policed' and 'the police', rooted in the interplay

between people, practitioners, cultures, circumstances, practices, places, organizations and the systems that underpin such encounters. Adopting such a position points to the ways in which both police officers and offenders are agentic in creating the types of offending outcomes many view to be problematic for the criminal justice system, communities, and those members of the community who have previous convictions. However, proposing that persistent offending is co-constructed is not necessarily a negative or regressive perspective, pointing instead to parallel possibilities for the co-construction of *desistance*. The close correspondence between persistence and desistance has been recently recognized in academic literature, and cognizant of the complexities in such contexts, Shapland *et al.* (2016) have reflected upon how criminal justice agencies can support or impede desistance:

> Fundamentally, that question boils down to how criminal justice regards and is oriented towards offenders, whether as those likely to desist (but may not, and may periodically offend in any event), or as those who are 'dangerous', 'risky' or 'troublesome'. From the answers to that question stems a further question about whether the state wishes to put 'sticky labels' onto offenders or take them off and find ways to make them 'constructive labels'. The answers to these questions embody how the state and criminal justice systems (and other social systems) will see offenders, and so, to some extent, how they will see themselves and their role in what might be termed the 'co-production of desistance'. (Shapland *et al.* 2016: 292).

Our research adopts a similar perspective to Shapland *et al.* in that we are interested in how policing is 'oriented towards' persistent offenders and how those labelled as such respond in kind. However, in recognizing the particular application of the term 'co-production' in the criminological literature—where it is used to signal a more positive practice or approach—we have instead opted to use the term 'co-construction' to avoid any misappropriation or misapplication of the existing concept. In reflecting upon the future of desistance, the following analysis seeks to explore the contours and characteristics of 'the encounter' between persistent offenders and the police. In doing so, it considers the ways in which the interplay of precipitating factors creates the particular conditions, at least under current configurations, to systematically produce 'persistent offenders' and limit the present possibilities for desistance. The analysis seeks to report, but not to reify, such conditions and precipitating factors, understanding them as socially constructed and thus open to change or transformation.

Before the encounter

Encounters between police officers and the public, or perhaps more accurately between police officers and *particular* members of the public, do not generally occur by chance. Police engagement with persistent offenders is instead oftentimes planned, with such individuals purposively targeted by the police for particular attention. Crucially, those with previous convictions are 'well-kent' through two mutually constitutive practices: the construction of an individual's overall data-image (see Lyon 1994: 99) through the range of information stored on police intelligence systems, and traditional street-based recognition by the police officer that is embedded within the wider schema of police culture. Such systemic and micro-level cultural practices particularly converge in the police briefing room prior to the commencement of a shift. Briefing styles vary between shifts, but the common format involves the use of presentation slides that document the

priorities for that particular place and time; usually the array of criminals and other persons and subjects of interest. Persistent offenders feature frequently within shift briefing, to raise awareness of their presence and to encourage further enforcement activity. For Jacen, a police inspector responsible for managing a shift,

> I want an officer to walk out of that briefing going 'I know where I'm going today, he's going to get arrested' … We mostly pick out the ones we are regularly going to see. (Jacen, police officer, study 2)

Jacen further remarked upon how the intelligence unit provided information to populate the presentation slides, in this case commenting upon prisoner release,

> The intel unit will pick the ones they know, because every time they [the offender] come out of prison they commit like 100 crimes, so they will stick it on the briefing. 'This person is on day release', 'this person is getting released from prison tomorrow'. (Jacen, police officer, study 2)

Police officers recognized that the briefing was useful in understanding the intelligence picture around persistent offenders, but also noted the significance of engaging with such individuals face-to-face:

> It's the same names over and over again. And you do see pictures but it isn't until you see them in real life that you get to know them. (Louisa, police officer, study 2)

This type of experiential knowledge is valued by police officers (see Atkinson 2017), and this was emphasized by a sergeant who delivers shift briefing on a routine basis. He recognized the value of intelligence and analytical input into shift briefing, but also asserted,

> There's no getting away from the fact that the best information comes from the officers themselves, their knowledge, being out there on the beat. (Ian, police officer, study 2).

Experiential knowledge around persistent offenders will oftentimes be shared between officers in the briefing room, and the active sharing of such information was encouraged by supervisors as it was perceived to enhance and invigorate the briefing process. Ultimately, this symbiosis in the briefing room between an individual's data-image from police intelligence systems and traditional street-based recognition informed the ways in which persistent offenders would be routinely and proactively policed.

In the policing that followed, the men from the first study, those categorized and considered as persistent offenders, felt hectored and harassed by their experiences of being approached. Police contact was perceived as unpredictable, difficult to avoid and affected by factors beyond their direct control, such as whether a crime had been committed in their local area. Some perceived police motivations for approach to be managerial, in that approaching someone with a record of breach of the peace or police assault was perceived to be attractive to the police, because resistance to this approach and subsequent successful prosecution was likely:

> The polis, once they know you, they've got a grip on you, they know exactly how many previous convictions you've got, they know where they can get a sentence oot ae somebody. (Jim, study 1)

Whether or not Jim was correct in his perception of managerialist motivations, he was able to describe the way in which his criminal record rendered him 'known' to the police. This was experienced by him as being 'gripped'. Those who reflected on the motivations behind the persistent policing they experienced felt it was partly due to

individual officers not liking them and subsequently 'picking on' them, often because of their previous record of police assault. They saw it as the officer's personal mission to get them back behind bars as soon as possible:

> The police would lift us for stupid wee things … there was certain officers that were just trying to do us for everything and there was one day that I was up against these officers and I got a not guilty, and on the way down the stairs, they were like 'Aye, but you won't be out for long … we'll make sure of that.' And my solicitor wrote it down, what they were saying and all that, and I was lucky my solicitor was there, because I was back in court about a week later. (Andrew, study 1)

The previous interactional history between particular officers and those they consider to be persistent offenders certainly influences the officer's overall approach to any interaction. An officer in the second study noted how he would often 'look out for someone' he had 'previous dealings with', with such interactions characterized as 'alright, unless you've had a previous roll about with them or if they've got something to hide' (Gregor, police officer, study 2). This brings our analysis more firmly to the encounter itself.

The encounter

The outcome of any resultant encounter between the police officer and the persistent offender often depends on the offender passing the 'attitude test', which can only be achieved where appropriate respect towards, or deference to the authority of, the police officer is shown (see Loftus 2009: 112–4). In the second study, police officers readily recognized the importance of the attitude test in their encounters with adult persistent offenders, particularly in the context of exercising discretion over whether or not to arrest them. Importantly, any subsequent use of discretion by the police officer in such encounters extended beyond the display of respect and incorporated the *respectability* of the offender within a given context. A police officer acknowledged this broader range of factors,

> Discretion is a great tool [but] there a whole load of factors involved. Attitude test. Are they a decent hard-working person who has just made a mistake? Are they remorseful for their actions? (Gregor, police officer, study 2).

Passing the attitude test, therefore, is dependent not only on the level of individual respect shown—'what is said, and how it is said'—but also on further elements of respectability, on being a 'decent hard-working person'. As 'well-kent faces' this is a test that adult persistent offenders have difficulty passing.

The particular geographic areas that persistent offenders frequent are important in communicating (dis)respectability, especially where they are perceived to not belong or arouse suspicion. Police officers are well-known for their disposition to look for the 'out of place' in a particular context, a characteristic that fits well with the cultural tendency towards suspicion (see Reiner 2010: 121–2). Further developing the view of the importance of experiential knowledge, a police officer recounted the value of community police officers dedicated to a specific geography, who will 'know every face and skull in that area' and be aware of who 'doesn't live in that area or hasn't been seen there for a while' (Henry, police officer, study 2). Data from the first study indicated how Dan felt he was made visible to the police in a new town through his presence in public spaces

in the company of others who were 'well-kent' there. After this, his criminal record initiated persistent police approaches, very similar to those he had encountered in his home town:

> If you're seen wi' them, in that place and the police don't know you, the police'll stop, dae a log check on you. As soon as they find oot the log check, as soon as it comes back wi' your history, they're just on your case constant. Just constant stopping you, searching you, stopping you, searching you … they started tae jail me for anything else just tae get me off the streets. (Dan, study 1).

This proves problematic where police officers fail to recognize the situational context of desistance. Someone aspiring to desist, like Scott, might well be engaged in an activity that, in Farrall *et al.*'s (2014) terms, would be indicative of desistance (shopping in town with his family), but might still be subject to forms of police attention that can ultimately result in them being charged with a crime. Situational contexts that are generally portrayed as neutral (train station) or as being suggestive of desistance (spending time with family) do not send these signals to the police, meaning that public spaces become potential sites of confrontation. Moreover, given that some of the participants in the first study were homeless and none were employed, they had nowhere other than public space in which to constructively spend their time. The ensuing visibility was considered problematic,

> They don't need tae go and look for it, you know what I mean? 'Cos you're an easy target, I mean that's the way I looked at it. I was oot in the open, they didnae need tae go looking for me, you know? They could get me whenever they wanted tae, you know? It was just like 'There he is, he's got a drink in him, right, go!' (Jim, study 1)

As their personal background, their criminal record and the wider economic downturn made employment seem unattainable, home (where available) provided the only refuge. However, other research has found that avoiding police confrontations (and further offending) by confining oneself to the home leads to isolation, negatively impacting on opportunities to establish positive social networks and new identities to support any desistance journey (see also Nugent and Schinkel 2016).

Participants in the first study described the severe consequences for them of failing the attitude test (e.g. through swearing or displaying a negative attitude). In Scott's experience, swearing led to escalation of conflict on both sides. This escalation was interpreted differently by the person perceived as a persistent offender, the police officer(s) involved and the criminal justice system. Demonstrating such divergent perspectives on a particular incident one man, Parker, explained:

> I've attacked a couple of police like, in the past, but it's more or less been resisting arrest and they call it a police assault. All it is is struggling. (Parker, study 1)

Having charges filed against them that were not reflective of their own experience of the event was made worse by the perception that they would have no realistic chance to challenge this in court. Several participants expressed the (highly plausible) belief that police officers were more likely to be trusted than someone known to the courts for persistent offending:

> The judge is gonnae believe a police officer that's been a constable for 22 year over me. That uniform gie's him a lot of fucking [power] (Alex, study 1)

The standard of respectability extends into the courtroom, where it affects the formal interpretation of the encounter and its consequences. The participants in the first study felt disempowered in the light of their formal interactional history with the criminal justice system (and resulting failure to adhere to the standard of respectability), which was seen as downgrading their interpretation of the event. Moreover, once the criminal justice process had adjudicated against them, formally discrediting their interpretation, their criminal history engendered a more punitive response. Those with a record of police assault or those who were in the community under specific conditions perceived themselves as especially vulnerable to strict enforcement when confronted by the police:

> So every charge you get doubles. I could get a breach of the peace, usually folk won't get jailed for breach of the peace, but I will. Because I've got breach of ASBO and all, so it gives them more reason to jail you. Plus, there's officers down my end that don't like me. (Allan, study 1)

The participants recognized that being a well-kent face resulted in increased costs at every stage of the criminal justice process. The resulting fatalism about likely outcomes of police encounters could also shape their demeanour and actions within the encounter itself:

> The coppers stopped me and I just attacked them. Because they're not finding a knife, they're not finding drugs, they're going to accuse me of police assault and a breach of the peace and I'm going to jail anyway, so I just attacked them. (Dan, study 1)

For Halsey *et al.* (2016: 1049), such moments are evidence of attempts, through crime, to temporarily overturn the precariousness of their current situation and return to a realm in which they can exert agency. Completing a vicious circle, such action seems to justify the original intelligence-led practices, which singled out those with well-kent faces for the types of particular police attention that lead to enforcement and arrest.

Appetite for change

Data from the second study found an emerging frustration among some police officers in Scotland with the limitations of a culturally conservative policing paradigm that simply targets offenders, and persistent offenders in particular, for enforcement or arrest. Some of this dissatisfaction is rooted in a pragmatic perspective upon the lack of organizational resources to comprehensively maintain any suppressive effect of an enforcement-based approach. For example, during fieldwork, a police sergeant commented upon how, in considering the tactics of 'the carrot and the stick', the necessary 'sticks' for enforcement were in short supply when addressing persistent offending. Senior police officers in particular remarked upon the limitations of an approach based solely on enforcement. They noted their 'relative success' but also the 'short-term impact' of proactive targeting and arrest as supported through the intelligence cycle, even where sustained enforcement measures were possible. Discussing the police response to adult persistent offenders one senior police officer remarked upon the requirement to move beyond the existing arrest mentality and promote the necessary conditions to support both prevention and desistance and 'break that cycle of ingrained behaviour' (George, police officer, study 2). Another senior police officer, discussing the issue of persistent,

low-level drug offending and the harms that result, further remarked on the limitations of an enforcement-based, or even a solely policing-based, approach to such challenges,

> We will never arrest our way out of that problem. That is not the answer. It's about what are all the other partners doing and what can we do collectively to make things better? … Success can only be a reduction in harm. (Donald, police officer, study 2)

Such progressive perspectives were not exclusive to senior officers. Some police officers working in frontline roles, including those comparatively young in service, expressed similar frustrations with 'seeing the same faces day-in, day-out' and the ineffectiveness of traditional tactics in the production of enduring or meaningful responses to persistent offending. As a community police officer remarked, the continued focus on 'just locking people up' is a tactic that 'doesn't really get you anywhere' in the long run (Meg, police officer, study 2). The emergence of progressive views on responses to persistent offending does not, therefore, fall neatly into a clear distinction between the code and culture of the frontline 'street cop' and the contrasting values and approach of the 'management cop' (see Reuss Ianni 1983), but instead reflects the percolation of cultural change across divergent ranks and roles, and according to varying levels of service and experience. There is also a practical element to the appetite for change, with officers seeking to more effectively target already stretched police resources to where they are needed most. As one police officer reflected,

> I've got two folk coming out of the jail, and the frustration of some of my local officers was supervisors saying to the troops, 'if he steps on the cracks of the pavement, he gets the jail again', instead of saying 'we've got no new intelligence, ICM [integrated case management] in the prison, he's being supported by housing, got a third sector mentor, a bit of employment—well let's go and target resources elsewhere'. (Michael, police officer, study 2)

Perspectives such as this challenge the current configuration of intelligence-led policing and some of the core characteristics of police culture (see Reiner 2010: 118–32) that underpin such approaches. They suggest an appetite exists in policing for alternative, innovative and creative approaches to address persistent offending, without necessarily demonstrating an ability to readily identify and implement such problem-solving strategies in practice.

Discussion

Focusing upon the interaction between police officers and those considered adult persistent offenders this article has shown how being 'well-kent' to the police—through both street-based recognition and data-construction from police intelligence systems—can increase the frequency and intensity of police encounters. Moreover, this research has shown how being 'well-kent' to each other results in both the police and the person being policed each bringing a set of expectations to their encounters, which affects behaviour and its interpretation on both sides. We argue that, at least in some cases, this actually changes the outcome of the encounter, leading to the co-construction of persistent offending. Paraphrasing Becker's commentary on deviance (Becker 1963: 4), and applying it to 'persistence', we contend that while persistent offending is undoubtedly rooted in the nature of particular acts, it is further contingent upon, and constructed through, *what other people do about it*. Police use of discretion is exercised

through employing an implicit attitude test that those labelled as persistent offenders (seemingly justifiably) feel they have little hope of passing, with any defensive 'face-saving' response to being approached by the police, despite hard-fought efforts to desist, itself becoming the target of punishment. In some cases, this merely included a lack of deference, but in more extreme examples, perceptions of likely procedural *in*justice by the police resulted in the employment of pre-emptive strikes against the police such as assault, further endorsing previous findings that perceptions of legitimacy may play a role in desistance (Wallace *et al.* 2016; Walters 2018). In turn, the defensive response justifies the initial approach, sustaining and endorsing intelligence-led practices which construct 'persistent offenders' as a category of people requiring distinct policing practices. The cycle continues.

One of the consequences of this co-construction of persistent offending, however, is that it brings both the offender and the police into the purview of desistance. This article takes up the call of Wright (2017: 31) to attend to the role played by specific forms of 'criminal justice activity in "derailing" and "frustrating" naturally occurring desistance processes'. This raises the issue of whether policing practice can be reoriented to recognize and support intentions and efforts to desist from crime. How might a different approach help, not hinder, Scott? The emergence of both pragmatic and progressive perspectives in policing indicate a welcome desire for change, but also disclose a continued proclivity to formulate the problem through an individual behavioural lens, as opposed to an interactional outlook through which the responsibility to recognize and foster desistance is shared across society. Consequently, there is a pressing requirement for cultural and organizational shift in policing which recognizes the active role the police play in the production of persistence and instead seeks to promote desistance in a responsible, sensitive and ethical manner.

As outlined earlier, existing desistance theory and empirical research suggests three mutually supporting aspects of desistance: act, identity and relational desistance (Nugent and Schinkel 2016). While the police are understandably focused on act desistance, understood as the cessation of offending by an individual, the findings of this research suggest that the way that police officers—individually and organizationally—view, label and categorize people matters. Without recognition and acceptance of intentions and efforts to change from the police (relational desistance), it is challenging to sustain the motivation and belief in one's abilities to desist, both of which have been shown to be critical in making and sustaining positive change (act desistance). Moreover, the circumstances in which people like Scott are approached, in front of their families and neighbours, affect how other people see them, and so how they see themselves, trapping them in their offending past and inhibiting identity desistance. Goffman's dramaturgical approach emphasizes that identities—such as that of the *ex*-offender going straight—not only have to be performed, that performance also has to be accepted (relational desistance). In performing desistance, the men need to convey signals of their conformity, and yet the accounts here suggest that attempts to do so can be seen as futile. While Goffman was particularly concerned with physical bodily cues, Bushway and Apel (2012) have noted that signals such as completion of intensive employability programmes might enable people with criminal histories to actively communicate to employers that they are committed to change. Yet while acknowledging the possibilities in Bushway and Apel's signalling approach to desistance, Shadd Maruna

(2012) has noted that people trying to desist suffer from a poverty of 'good signals' that are imbued with appropriate 'symbolic capital'.

The synthesized findings of this article suggest that people trying to desist require appropriate mechanisms to signal their intention to the police and, in turn, the police service must recognize and become receptive to such signals. Moreover, the need for police officers to recognize and accept signs of change is not just *indirectly* important for act desistance. Rather, the absence of recognition and acceptance by the police, organizationally and individually, of change-efforts plays an important role in bringing new acts of offending into being during the encounter. This can be discerned in remarks from Scott and Parker around escalating conflict within such interactions, and the (contested) interpretation of 'swearing' or 'struggling' as behaviour worthy of criminalization. Observations such as this highlight that while act and relational desistance are always related; in some cases, these may be almost impossible to disentangle.[3]

If signals of desistance could be incorporated into intelligence-led policing, then it may be possible to create understandings of 'well-kent faces' that recognize positive change. Embedding such systems in everyday policing may reduce adversarial encounters and assist in creating the necessary space and time for desistance to occur. Nevertheless, it is important to caution that any such changes must not be implemented in order to extend the surveillance powers of the police into areas beyond direct criminal activity, or form the basis of any reductive or rudimentary risk assessment procedure related to desistance. Simply encouraging the appropriate communication of desistance efforts, and ensuring that the police service is ready to recognize these and incorporate them into their policing, seems like an appropriate reconfiguration of existing organizational practice. Given the high levels of police discretion in encounters, change is also required at the level of the individual officer. Intelligence briefings that draw attention to change signals offer one possibility, but cultural shift to recognize the possibility of change and an awareness of each officer's own role in perpetuating (and more positively, preventing) the cycle of reoffending will be required. Such developments, while undoubtedly challenging, would move policing from the 'periphery' of desistance (Healy 2012: 19) and towards a more central role where the police can be, along with partners, dynamic agents for change in recognizing and nurturing 'turning points' for offenders (Williams and Ariel 2012: 123).

Conclusion

This article began by situating persistent offenders and the police as mutually 'well-kent faces', a phrase that traces its roots to eighteenth-century Scottish poetry. Labouring this lineage somewhat, and concluding the discussion, the musing of Robert Burns in his famous poem *Auld Lang Syne*—'should auld acquaintance be forgot and never brought to mind?'—remains a critical question for the future of desistance journeys and the reduction of reoffending in Scotland. How the police and persistent offenders respond to Burns' question will have profound consequences. Considering the wider implications of our research, it must be noted that our findings are tempered by the small-scale, micro-level and exploratory nature of the qualitative research studies reported here. Additionally, while study 1 involved a mixed-gender sample, the findings

[3]This point is explored further within third author's (S.A.) forthcoming PhD research.

draw heavily on the male adult persistent offenders, quoting only one woman (Alex). As such, we make no explicit claims of wider generalization of the findings beyond the local contexts in which they were generated. Nevertheless, our analysis suggests that if such auld acquaintances in Scotland cannot be forgotten they should be brought to mind in new and innovative ways that support those persistent offenders on the cusp of desistance, in ways that are less likely to drag them back into a spiral of offending. For us, it remains an open question whether the police should seek operational models and practices that actively support desistance (with the risk of unintended consequences), or should simply be attentive to and minimize practices that frustrate active desistance efforts.

Invoking the increased use of police discretion may resonate with the rank-and-file, particularly given that their autonomy has been increasingly impinged upon by managerial ideologies, the advent of evidence-based policing and a professionalization agenda that has been met with some cultural resistance. Yet it must be acknowledged that there is also a clear cultural challenge in introducing and deepening desistance-based practices in everyday policing. It has been noted that the belief that 'people can change' is at the heart of desistance research (Maruna 2017: 6), yet some police officers are arguably culturally inclined to privilege the individual choice of the persistent offender to continue to transgress. Such thinking is understandable, and the decision-making, sense-making and psychology of 'the individual' in the context of desistance is certainly an important factor (see Maruna 2001). However, such perspectives must be supplemented by a broader appreciation of, for example, the centrality of social relations and reciprocity in processes of desistance (Weaver and McNeill 2015), as well as the importance of criminal justice agencies (McNeill and Schinkel 2016) and wider social structures (Farrall *et al.* 2010) in creating particular classifications of people and sustaining these in everyday practice. Any move towards a more desistance-focused policing practice will likely be contingent on proactive leadership and strong evidence of transformative success. Simply continuing with the status quo, however, seems deeply unsatisfactory for both an increasingly stretched police service that is struggling to meet public demand and for those people who are trying to bid farewell to days gone by, and start anew.

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