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insights

evidence summaries to support
social services in Scotland

how and why people stop offending: discovering desistance

15

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Key points

- Better understandings of how and why people stop offending (the desistance process) offer the prospect of developing better criminal justice practices, processes and institutions.
- By focusing on positive human change and development, research about desistance resists the negative labelling of people and the unintended consequences that such labelling can produce.
- Evidence about the process of desistance has led some to identify a range of principles for criminal justice practice, including:
 - being realistic about the complexity and difficulty of the process
 - individualising support for change
 - building and sustaining hope
 - recognising and developing people's strengths
 - respecting and fostering agency (or self-determination)
 - working with and through relationships (both personal and professional)
 - developing social as well as human capital
 - recognising and celebrating progress
- Desistance is about more than criminal justice. Desistance requires engagement with families, communities, civil society and the state itself. All of these parties must be involved if rehabilitation in all of its forms (judicial, social, psychological and moral) is to be possible.

Introduction

This Insight provides a brief introduction to the research evidence about the process of desistance from crime. It also explores some of the potential practice and policy implications emerging from this evidence. It has been prepared as part of a wider project, Discovering Desistance (<http://blogs.iriss.org.uk/discoveringdesistance/>), which aims to share and extend knowledge about desistance and how criminal justice supervision can better support individual efforts to change. In this project, the forms of evidence involved include not just academic research (as traditionally understood!), but also the knowledge of ‘desisters’, of people subject to supervision, of the ‘natural’ supporters of desistance within family and social networks, of criminal justice practitioners and managers, and of policy makers.

What is desistance from crime?

Desistance from crime, the long-term abstinence from criminal behaviour among those for whom offending had become a pattern of behaviour, is something of an enigma. Producing or encouraging desistance is the implicit focus of much criminal justice policy, practice and research; it is one of the key outcomes that justice interventions are designed to achieve and much research treats reducing or ending offending as a key measure of effectiveness.

Yet, there is little agreement on the definition and measurement of desistance from crime. Some see desistance as a permanent cessation of offending over several years, whilst others take an arguably more fluid definition of desistance, accepting that episodes of re-offending may occur.

The value of understanding desistance

Given that one of the aims of criminal justice is to reduce crime, and given that the vast majority of those people who start to offend eventually cease, understanding how and why people desist (and why it takes some longer than others), has obvious importance.

One of the few near certainties in criminal justice is that for most people, offending behaviour peaks in their teenage years, and then starts to decline. This is the pattern depicted in what is known as the ‘age crime curve’. Studies of desistance illuminate the processes of change associated with the age-crime curve (Kazemian, 2007). If we are to understand desistance from crime, particularly how and why crime tails off over time, we need both testable theories of this process and empirical evidence. There is a significant evidence base on the causes of crime but desistance research suggests that the factors behind the start of offending behaviour are often different from those behind its abandonment.

Understanding desistance also has more subtle impacts on criminal justice debates:

- Studying desistance forces us away from static models of people as ‘offenders’, ‘criminals’ or ‘prisoners’ and encourages an understanding of change(s) in personal identities
- It also brings to our attention the fact that today’s ‘young offender’ is more likely to become tomorrow’s ‘new father’ than tomorrow’s ‘habitual criminal’
- As such, it implies valuing people for who they are and for what they *could become*, rather than judging, rejecting or containing them for what they *have done*

Finally, understanding desistance helps us to understand the processes by which people cease offending and holds out the possibility that criminal justice policies can be organised along lines which will aid desistance (or at least, not hinder it unnecessarily). As such, insights from the experiences of desisting individuals can help to refine criminal justice efforts to help people stop offending (see McNeill, 2006: 45-6).

Desistance evidence: An overview

The earliest theoretical and empirical work about desistance from crime explored the theory that what was happening was a natural or biological process akin to puberty, a process which was then called ‘maturational reform’ (Goring, 1919). For instance, in their pioneering work about criminality across the life course, Sheldon and Eleanor Glueck (1937) argue that ‘Aging is the only factor which emerges as significant in the reformatory process’ (p. 105). Although age remains among the best predictors of desistance, this theory has not stood up well to the tests of time. More recent evidence suggests that these explanations fail to ‘unpack’ the meaning of age (Sampson and Laub, 1992). Age includes a range of different components (biological changes, social transitions, and life experiences). For age to be a meaningful explanation of social behaviour, according to this argument, we need to ask which features are the ones mediating behaviour in this process labeled as aging (Rutter, 1996: 608).

In the 1980s, theorists like Clarke and Cornish (1985) began to argue that desistance also involved processes of volition or choice. Cusson and Pinsonneault (1986) provided some support for this idea with a small, qualitative study of former robbers, identifying the following as factors influencing desistance: shock (such as being wounded in a bank raid); growing tired of doing

time in prison; becoming aware of the possibility of longer prison terms; and a reassessment of what is important to the individual. Similar findings have been reported by other researchers like Leibrich (1993: 56-7), Shover (1983: 213) and Cromwell *et al* (1991: 83), which all identified the importance of a 'decision' to give up crime. Whilst such decisions may not be sufficient on their own for desistance, they are likely to be necessary.

Moffitt's (1993) ground-breaking theoretical work attempted to combine biological and volitional models of criminality into a theory of desistance. Moffitt's theory revolved around a taxonomy of two types of offenders. The first type includes those who engage in offending for a brief period of their life. This group usually starts to offend in early adolescence and cease offending relatively soon afterwards. In contrast to this group of 'adolescence-limited offenders' are 'life-course persistent offenders' who start to offend much earlier in their lives and continues well after their teenage years. Reviews of Moffitt's taxonomy have produced only equivocal support. Ezell and Cohen's study which examined patterns of crime among persistent juvenile offenders, established the existence of a group of adolescent-limited offenders. Although their study supported Moffitt by identifying a group of people whose offending is confined to their adolescence, Ezell and Cohen found *six* different types of persistent offenders, rather than the one Moffitt predicted (2004:259).

Another dimension of desistance concerns the relationship between the individual and society. Sampson and Laub (1993) developed the notion of a bond between an individual and society. The bond is made up of the extent to which an individual has emotional attachments to societal goals, is committed to achieving them through legitimate means, believes these goals to be worthy, and is able to involve themselves in the attainment of such goals. Sampson and Laub theorise that engagement in offending is more likely when this bond is weakened or broken. In addition to this, they argue that at various points during the life-course, various formal and informal social institutions help to cement the bond between the individual and society. For example, for adolescents, school, the family and peer groups influence the nature of the bond between young people and their wider communities, whilst employment, marriage, and parenthood operate in a similar way for adults. Thus, avoidance of crime is often the result of relationships formed for reasons other than the control of crime. Sampson and Laub argue that changes in the individual's relationship with these various institutions are an inevitable feature of modern life, and, as such, are key to understanding engagement in offending over the life-course. While much continuity in an individual's life can be observed, key events can trigger changes in an individual's bond to society, and hence, pattern of offending. Similarly, because many

relationships endure over time, they can accumulate resources which can help sustain conventional goals and conformity (eg emotional support between marriage partners, Laub et al, 1998).

Although Sampson and Laub's work has been the popular in recent decades, their theory is not without its critics. In their general theory of crime, Gottfredson and Hirschi (1990) counter that life events such as marriage, child-rearing and employment make little difference to criminality, since criminality is determined by self-control which itself is determined by early childhood experiences. They argue that whilst criminality remains relatively stable over the life-course, the opportunities to commit crimes become less frequent. Thus, reductions in offending reflect changes in opportunity structures. However, a recent review of the competing theories of desistance (Ezell and Cohen, 2004:259) found little to support the key tenets of Gottfredson and Hirschi's theorising.

Recently evidence has also been emerging about the importance of self-identity in the desistance process. Maruna (2001: 8) identified that 'to desist from crime, ex-offenders need to develop a coherent, pro-social identity for themselves' (2001: 7). This draws on his finding that individuals who were able to desist from crime had high levels of self-efficacy, meaning that they saw themselves in control of their futures and had a clear sense of purpose and meaning in their lives.

They also found a way to 'make sense' out of their past lives and even find some redeeming value in lives that had often been spent in and out of prisons and jails. The desisting ex-prisoners he interviewed often said they wanted to put these experiences 'to good use' by helping others (usually young people in similar circumstances to their own) avoid the mistakes they made.

Finally, Giordano and colleagues (2002:999-1002) outlined a four-part 'theory of cognitive transformation' where they argue that the desistance process involves:

1. A 'general cognitive openness to change'
2. Exposure and reaction to 'hooks for change' or turning points
3. The envisioning of an appealing and conventional 'replacement self'
4. A transformation in the way the actor views deviant behaviour

The first of these involves an awareness and willingness on the part of the would-be desister that change is both desirable and needed. Indeed, as noted by several others (eg Cusson and Pinsonneault, 1986; Farrall and Bowling, 1999), a period of reflection and reassessment of what is important to the individual would appear to be a common feature of the initial process of desistance. Of course, this is insufficient in itself (Giordano et al, 2002:1001, Farrall 2002:225); what is also needed is the exposure to some opportunity to

change, and the individual spotting this change as offering a potential 'way out' and then acting upon it. This leads on to the third stage in this schema, the individual's ability to imagine or conceive of themselves in a new (and conventional) role doing new things. They argue the process is complete when old behaviours are no longer seen as desirable or relevant (2002:1002). Giordano and colleagues draw on evidence about the relationship between individual agency and social structures (eg Farrall and Bowling, 1999) to argue that 'the actor creatively and selectively draws upon elements of the environment in order to affect significant life changes' (2002:1003). In this way, they work towards a model of desistance which draws evidence about both individual agency and social structures together (see also Maruna and Farrall, 2004).

Probation and desistance

Perhaps slightly surprisingly, there is relatively little evidence about how probation or social work supervision helps probationers cease offending. One of the earliest studies was undertaken in 1993 by Julie Leibrich. Leibrich interviewed 48 people (men and women) who had been supervised by probation officers in New Zealand and who had remained conviction-free for about three years after the start of their probation order. Very few of the people Leibrich interviewed spontaneously reported that probation supervision had been of help in

terms of their desisting from crime, and half of the sample reported that they had not got anything out of the sentences. Those who felt that they had got something out of the experience tended to emphasise the chance to talk things through with someone. In short, from this early foray, probation supervision did not appear to be a particularly important factor in moving away from crime.

In the UK, the first tentative steps towards considering the impact of probation supervision on desistance were taken by Rex (1999). Although Rex's study lacked data on whether or not the probationers in her sample (60 people) had actually ceased offending or not, her study did throw some much needed light onto both what happened during supervision sessions and how it contributed to desistance. For some, simply being on probation was enough of a deterrent for them to cease offending, for others, getting help on how to solve problems in their lives was more important. However, practical assistance was not readily forthcoming and often probationers had to rely on their own social networks to meet their employment and housing needs. From Rex's study, one takes the message that displaying an interest in the lives of the probationers is an important first step towards building the sort of relationship which will foster and promote desistance.

Farrall's studies of the desistance or persistence of almost 200 men and women on probation in England

(Farrall, 2002; Farrall and Calverley, 2006) have provided more substantive findings. Unfortunately, his initial findings were rather downbeat. While tackling problems relating to accommodation, family relationships and employment were key to assisting desistance from crime, few probation officers appeared willing to engage in assisting probationers with their efforts in these matters. This was despite the fact that when officers did assist probationers with these problems they were more likely to be successfully resolved (2002:160-63). However, such findings did not lead Farrall to conclude that in probation ‘nothing works’, rather he emphasised the fact that successful desistance was the product of individual motivation, social and personal contexts, probation supervision and the meanings which people hold about their lives and their behaviours. A follow-up study of members of the same sample four years on (Farrall and Calverley, 2006) found, in general, similar findings, but did also start to uncover some ex-probationers who had become more willing to retrospectively attribute more influence to their experience of supervision (see 2006: 42-67). Whereas previously probation’s input had been dismissed, some ex-probationers were starting to see the value of what they had taken from probation. At the time of writing, a further follow-up of this sample is being conducted, and suggests a growing acknowledgement of the impact of probation in the years after formal supervision has ended (Farrall, 2012).

Implications for criminal justice practice

It is obvious from the last two sections that research is beginning to shed considerable light on the process of desistance from crime, and (to a lesser extent) on the potential role of supervision in facilitating that process. Although there has been relatively little empirical research on the latter subject, a body of scholarship has emerged which, following Farrall’s injunction that probation practice should become ‘desistance-focused’ seeks to interpret desistance research for practice. Reviewing the evidence cited above, these efforts to interpret desistance research for practice tend to stress (albeit to varying degrees) eight central themes:

1. Desistance, for people who have been involved in persistent offending, is a difficult and complex process, likely to involve lapses and relapses. There is value in criminal justice supervision being realistic about these difficulties and finding ways to manage setbacks and difficulties constructively. It may take considerable time for supervision and support to exercise a positive effect (Farrall and Calverley, 2006; Weaver and McNeill, 2007)
2. Since desistance is an inherently individualised and subjective process, approaches to criminal justice social work supervision must accommodate and exploit issues of identity and diversity. One-size-fits-all interventions will not work (Weaver and McNeill, 2010).

3. The development and maintenance not just of motivation but also of hope become key tasks for criminal justice practitioners (Farrall and Calverley, 2006).
4. Desistance can only be understood within the context of human relationships; not just relationships between workers and offenders (though these are important) but also between offenders and those who matter to them (Burnett and McNeill, 2005; McNeill, 2006).
5. Although the focus is often on offenders' risks and needs, they also have strengths and resources that they can use to overcome obstacles to desistance – both personal strengths and resources, and strengths and resources in their social networks. Supporting and developing these capacities can be a useful dimension of criminal justice practice (Maruna and LeBel, 2003, 2009).
6. Since desistance is in part about discovering self-efficacy or agency, interventions are most likely to be effective where they encourage and respect self-determination; this means working *with* offenders not *on* them (McCulloch, 2005; McNeill, 2006).
7. Interventions based only on developing the capacities and skills of people who have offended (human capital) will not be enough. Probation also needs to work on developing social capital, opportunities to apply these skills, or to practice newly forming identities (eg 'worker' or 'father') (Farrall, 2002, 2004; McNeill and Whyte, 2007).
8. The language of practice should strive to more clearly recognise positive potential and development, and should seek to avoid identifying people with the behaviours we want them to leave behind (McNeill and Maruna, 2007).

Rethinking criminal justice?

Although these principles speak to the challenges of criminal justice *practice*, desistance research also has implications for criminal justice *processes and institutions*. For example, the Scottish Prisons Commission (2008) drew on desistance research in proposing a different kind of approach to sentencing; one which promoted positive and constructive payback, but which also proposed that the offender be actively engaged in discussion about the form of payback that made most sense. The Commission also drew on the literature on problem-solving courts (see McIvor, 2010) to suggest more active judicial oversight and review of

the delivery of such sentences, in order to support progress towards desistance.

More recently, the Owers review (2011) of the Northern Irish Prison Service explored the role that prisons can play in building a safer society, drawing extensively on the desistance evidence to try to re-imagine a prison service that actively supported change. Owers' (2011) called for a 'whole-prison approach' to supporting desistance, characterised by fair and reasonable treatment, strong and meaningful relationships between staff and prisoners, effective staff development, appraisal and discipline systems, a focus on prisoner motivation and achievement, practical help to promote a crime-free life outside, and support for the development of a non-criminal identity.

However, the Owers review (2011) also recognised that desistance is a *social* process as much as a *personal* one, and that no amount of prison-based support for change could secure desistance without community-level and broader social and political commitment to ex-prisoner reintegration. Thus, the review stressed the need for families, communities, the institutions of civil society (the media, the church, business, etc.) and the state itself to be engaged effectively in the process of supporting change. The Norwegian government, for example, recently created a legally enforceable 'reintegration guarantee', so as to require state, voluntary and

private agencies to honour their obligations to support those who have served their punishments.

This broadening out of what is sometimes referred to as 'the desistance agenda' or 'the desistance paradigm' is the evidence suggests both to be welcomed and long overdue (see McNeill, 2012). For too long, social workers and probation officers have been compelled to support a narrow form of rehabilitation; one focused on tackling the individual's problems and developing their capacities to live and to act differently. Important though that work is, it falls short of delivering the commitment to social justice that is also required of social workers and probation staff. 'Psychological' or 'correctional' rehabilitation can take a person *part* of the way towards a better life, but if the route is blocked, for example, by the practical effects of a criminal record or by the stickiness of the criminal label and the refusal of the community to accept that someone has changed, then desistance may be quickly derailed.

Sometimes, the road from crime – to restoration as a citizen – might require direct mediation of the conflicts that crime reflects and creates. Ultimately, the pathways to desistance are through repaired relationships – within families, within communities, within the state – and not just through 'correction' of the individual.

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