

THE RELEVANCE OF DESISTANCE RESEARCH FOR PROBATION PRACTICE

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I. WHAT IS DESISTANCE?

The term *desistance* refers to the process of ceasing to offend — and continuing not to offend. It includes the idea that the individual no longer thinks of himself / herself as an ‘offender’ and comes to be no longer regarded in that way by other people. It is better understood as a process rather than an event. Using the metaphor of a journey, ex-offenders and those who work with them often refer to a ‘road out of crime’, but this is a road marked by twists and turns — ‘a zig-zag path’. Signs that individuals are starting to desist include:

- Fewer offences
- Longer intervals between offences
- Less serious offences

as well as other changes in their attitudes and their behaviour. But lapses are quite common and it is important to remember this when individuals who seemed to have been doing quite well commit further offences. This need not mean that they are not making progress or that they will continue to commit crimes. It may be just a turn in their road.

II. DESISTANCE RESEARCH

Criminology has often been concerned with the question *why do people commit crimes?* but this has proved to be unanswerable and this may be because it is not a very good question in the first place. Perhaps *how and why do people stop offending?* may be a better question — at least for probation staff and others who are concerned to support the process of desistance. The study of desistance, as we shall see, has also been encouraged by criminal careers research; by an awareness of the limitations of some influential theories of rehabilitation; and by increasing attention to offenders’ (and ex-offenders’) own accounts of their offending and their desistance. We shall look at all these topics.

A. Why do people offend?

Studies of the characteristics of offenders have identified a large number of factors that are associated with offending. For example,

- **Individual characteristics** (e.g. low intelligence, hyperactivity, risk-taking, low empathy)
- **Family influences** (e.g. poor parenting, harsh discipline, child abuse / neglect, parental conflict, criminal parents or siblings)
- **Socio-economic factors** (e.g. low family income, poor housing)
- **Peer influence** (e.g. delinquent peers or associates, peer rejection)
- **School experiences** (e.g. truanting, exclusion from school)
- **Neighbourhood factors** (e.g. living in a deprived, high crime neighbourhood)

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There are many theories that attempt an explanation of offending — physiological / genetic, psychological, social. Yet it is surely a mistake to think that any one set of these factors is ‘the cause’ of offending. Probably there are many complex interactions among these factors that make it more or less likely that people come to commit crimes. And even if we knew the answer with any confidence, we might not be able to make the necessary changes — or at least not through the agencies and systems of criminal justice. Criminal justice agencies — police, prosecution, courts, prisons, probation — can do little or nothing to influence the way in which children are brought up, where they live, their education and the social, economic and cultural circumstances that make up the context of their lives and of their offending. So perhaps we need a different question for those who are concerned to try to change offenders or help them to make changes themselves.

B. Criminal Careers Research

Our understanding has been enhanced by an area of research known as criminal careers. This introduces some new ways of inquiry and understanding and offers a set of useful concepts. Criminal careers research, for example, studies

- Onset — When and in what circumstances does the criminal career begin?
- Duration — How long is the ‘total career’?
- Frequency — How often does the individual offend?
- Intermittency — What are the time intervals between crimes?
- Type of crime / specialism — Does the offender commit one type of crime, or is the offender more of a generalist?

Two other key concepts are *desistance* and *resilience*. Resilience is of particular interest here. Many young people have lots of the problems / factors discussed earlier, **but do not go on to commit crimes**. This has prompted inquiry into resilience or protective factors. What is going on in their lives that leads them not to offend? Perhaps if more was known about this, we could concentrate on these protective factors, building on people’s strengths rather than trying to remedy weaknesses. There are obvious parallels between this idea and the concerns of desistance research.

The study of criminal careers has started to help us to understand much better the reasons why offenders come to stop offending. A good beginning to the inquiry is suggested by the well-known ‘age-crime curve’. The graph below is from the USA although other countries would produce a curve of a similar *shape* even if the details are probably a bit different.

Our concern here is not with the detail — for instance, the age at which offending is at its peak. The point to emphasise is that, while a few offenders continue offending into later life and indeed into old age, most offenders start to desist in early adulthood. How might this be explained? Broadly there are three kinds of explanation.

- Maturing / getting older. Maturation reform (or ‘ontogenic’) theories have the longest history and are based on the established links between age and certain criminal behaviours, particularly street crime. But there are many changes that take place as people get older. What exactly is it about getting older that is linked with desistance?
- Social bonds theory. Social bonds (or ‘sociogenic’) theories suggest that ties to family or employment or other life projects in early adulthood explain changes in criminal behaviour across the life course. Where these ties exist, they create a stake in conformity, a reason to ‘go straight’. Where they are absent, people who offend have less to lose from continuing to commit crimes. Moreover, the informal social controls exercised by partners, friends, employers, colleagues and which arise spontaneously from living full lives are a much more compelling inducement to good behaviour than the external controls of criminal justice. There is a great deal of truth in this, but it is even more persuasive when combined with the third type of explanation.

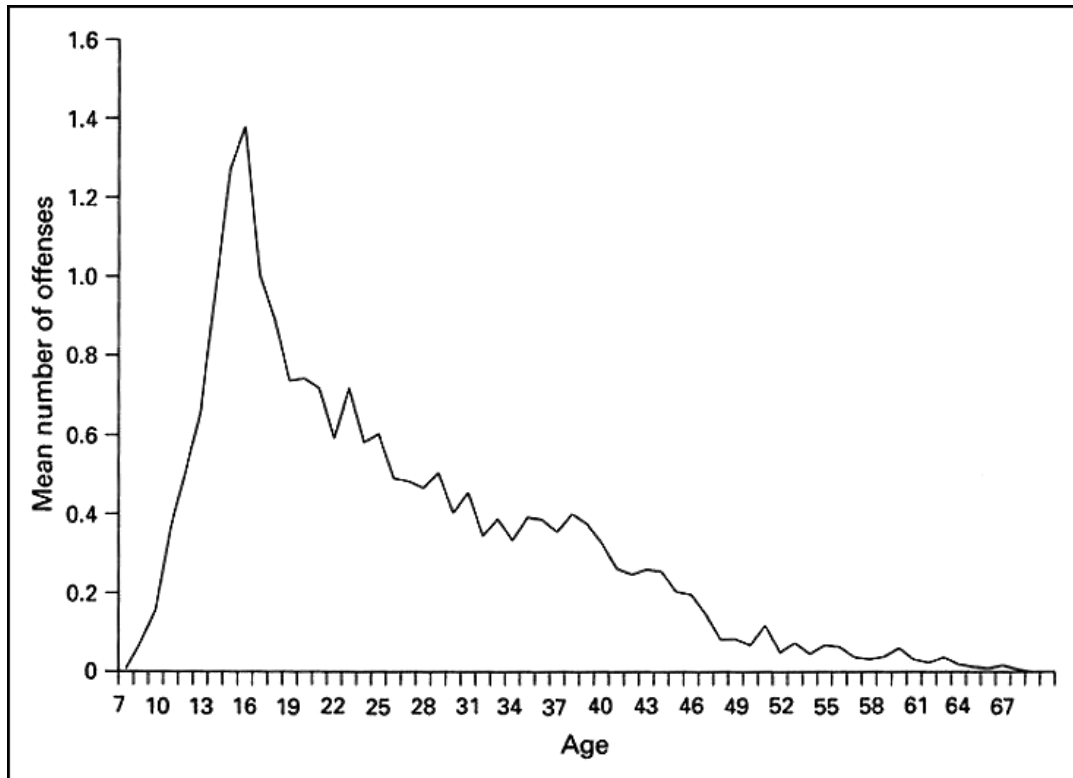


Figure I. Numbers of offences committed from age 7 to age 70 for a sample of adolescent offenders
Source: Laub and Sampson (2003: 86, fig. 5.21).

- Narrative theory. Narrative theories have emerged from research which stresses the significance of subjective changes in the person's sense of self and identity, reflected in changing motivations, greater concern for others and more consideration of the future. Thus, desistance resides somewhere in the interfaces between developing personal maturity, changing social bonds associated with certain life transitions, and the individual subjective narrative constructions which offenders build around these key events and changes. It is not just the events and changes that matter; it is what these events and changes **mean** to the people involved. Probation staff should note that this way of finding and making meaning in life events can be encouraged in the context of supportive professional relationships. (McNeill and Weaver 2010)

C. Limitations of Theories of Rehabilitation

The Anglo-American approach to rehabilitation has for many years been dominated by a model known as Risks-Needs-Responsivity (RNR). A great deal of research has looked at the effectiveness of interventions or programmes. Can it be shown that people have stopped offending after (and maybe because of) a particular form of treatment? Fifty years ago, there was a great deal of pessimism about this and some researchers took the view that nothing worked — or that nothing could be shown to work — or at least to work better than anything else. But a bit later, research — much of it undertaken in Canada and USA — seemed to show that some interventions *did* work so long as they were targeted at the right individual offenders and delivered as they should be. It was claimed that programmes — sequenced and structured interventions — could reduce predicted reoffending by measurable amounts, and these insights were the basis of English policy for probation in the late 1990s and the early years of this century. (The case for RNR is set out conveniently in Andrews and Bonta (2010). See also Bonta (2010).)

What were the characteristics of these successful programmes? They focused on

- Risks — the higher the risk of reoffending, the more intensive and extended the supervision programme should be. This principle can accordingly be used to determine who should be worked with and to what level.

- Needs — the focus of intervention must be on those needs or factors associated with their offending. These are known as criminogenic needs. These differ from person to person, of course, but common needs include: pro-criminal attitudes ('thoughts, values and sentiments supportive of criminal behaviour'); pro-criminal associates; employment; poor personal relationships; substance abuse (drugs, alcohol) (Andrews and Bonta 2010: 46).
- Responsivity — 'ensuring that all interventions, programmes and activities with offenders are run in a way which is engaging, encourages full participation and takes account of issues of identity and diversity.' (Dominey 2007)

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- Multi-modal (different methods / skills) — offenders' problems are diverse, calling for a correspondingly diverse repertoire of interventions. It is implausible that one single method will be appropriate for all problems or (as the principle of responsivity reminds) for all people.
- Delivered as intended (programme integrity) — Andrews and Bonta (2010) found that RNR principles are not always implemented with the required rigour and this can detract from a programme's effectiveness. This may be especially important if we do not know the 'active ingredient'. It may be possible to evaluate the effectiveness of the programme, but the influential components and the precise mechanisms that bring about change may be much less clear.
- Community based — Programmes in the community are said to be more effective than those undertaken in prisons. This seems plausible — after all, living in the community affords opportunities to put learning to test in the real world. (On the other hand, programme completion is associated with effectiveness and, in principle, institutions should be able to ensure good completion rates.)

This continues to be a highly regarded and well-tested model for probation practice. But some researchers have posed some challenges (Ward and Maruna 2007). Notably, many people stop offending without rehabilitative interventions; and many people take part in offending behaviour programmes but continue to offend; the model emphasises changes in thinking and attitudes, but does it take sufficient account of *social* circumstances and life opportunities? Other criticisms are that the model:

- Pays insufficient attention to individuals' strengths, being concerned with weaknesses (risks and needs);
- Is preoccupied with aversive goals (things to avoid), whereas approach goals (things to aim for) constitute stronger motivation;
- Concentrates on methods of intervention — with the implications that change is a process led by intervention, rather than an offender-led process which probation should support;
- Over-emphasises the past that offenders are keen to put behind them, by attending all the time to past patterns of offending;
- Neglects *how* the process of change occurs. RNR research usually looks at the characteristics of people who participate in programmes and then compares their subsequent offending with a matched group who did not participate to see if there has been any effect on predicted rates of reoffending. This does not require any engagement with the individuals themselves and even if it can tell us *what* works it sheds little light on *how* an intervention has its effect. This has considerable implications for attempts to develop programmes and to introduce them elsewhere. (McNeill 2006)

The better-judged criticisms of the RNR model acknowledge its insights and its value, but believe that it can be strengthened by attention to the findings from desistance research.

D. Listening to Offenders and Ex-offenders

Anglo-American criminology has tended to neglect the views and experiences of offenders themselves. In contrast, research that has tried to understand the process of desistance has given careful attention to offenders' own experiences. Probation staff will be immediately sympathetic to this because interviews and conversations with people who have offended are at the heart of our work.

Yet some of the findings from interviewing people about their experiences of probation have not been especially encouraging. For example, an early study found that, from a sample of probationers in New Zealand,

'Few ... spontaneously cited probation as a factor in their desistance and only half of the sample considered probation to have been useful in this regard. Instead, individuals suggest that revision of personal values, reassessing what is important, responding to new family commitments, desire for a better future and the development of self-respect were reasons for wanting to desist. This was coupled with fears of consequences and shame about what could happen if their offending was to continue.' (Leibrich 1993, quoted Shapland *et al.* 2012)

These probationers also spoke about how they had managed to tackle their personal problems using interpersonal resources, accompanied by 'life management' — a sense of being in control of their own lives and able to take their own decisions. The more recent *Sheffield Desistance Study* has been interviewing many young persistent offenders (for summary and references, Bottoms 2012). The researchers have found that while the past record of offending is significant (the longer the criminal record, the more likely further offending), social circumstances make a big difference. Most said they would like to stop or that they had taken the decision to stop. But it was not often that people simply stopped. This study confirmed earlier research that showed that the 'road out of crime' is twisting and turning and marked by lapses. Even so, most of their sample had 'started to desist' — fewer and less serious offences, with longer intervals in between. (In passing, it may be noted that the usual way of measuring the effectiveness of a programme is to see if there has been a further conviction within a specified time period, but this fails to reflect the process of desistance while even further offending — so long as it is less serious, less frequent and so on — can represent a success.)

Many of those who felt they were making progress said things like 'I think before I act now', or that 'I think more about the future'. When asked about good things in their lives, '50 participants (57%) identified a relationship with a girlfriend, the importance of having children of their own, reconciliations with parents, or other family events, as the primary "good thing" recently in their lives'. The researchers found that desistance involved a 'series of processes whereby offenders move gradually towards a less offending life: they become more aware of others' views; they try to take more responsibility for themselves and other people; they try to think before they act; and they find themselves obliged to work out the specifics of learning to live another life, often with less money and less excitement'. While this is a process of maturing, of growing up, it is 'is an active, not a passive maturation: it requires effort, and — given the offenders' past criminality and social deficits — it is often difficult.' (Bottoms 2012)

Respondents were asked *what kind of person you would like to become?* — in other words, they were asked to describe what has been called the 'desired self' (Paternoster and Bushway 2009). The responses were surprisingly conventional: most said they would like to 'go straight', 'be drug-free', 'live a normal life', 'be a good person', 'be a family man' and so on (Shapland and Bottoms 2011: 262). This too is an interesting finding. It has sometimes been supposed that offenders have values and ambitions that are different from those of other people. This study suggests, however, that they are much the same.

Finding a different identity — understanding oneself in a different way — is often crucial. The following example may be of interest. This is a picture of flooding in Croatia in central / southern Europe in May 2014. (<http://www.economist.com/blogs/easternapproaches/2014/05/floods-balkans>)



Croatia has a very young probation service and most members of the public have never heard of it. They have the sentence of unpaid work / community service and when the flooding was at its worst, the leader of the probation service had the idea of sending some offenders serving this community sentence to the flooded areas to help. They carried children, elderly people and people with disability to safety; they rowed boats and they filled sandbags; and they worked tirelessly in extremely difficult and dangerous conditions. One of the effects of this was to raise the profile of the probation service which was acclaimed for its contribution to this crisis. But we should also think of what it meant for these offenders themselves. People who were seen as thieves and as drug addicts and indeed who saw themselves in that way were now national heroes and this sense of self-respect will be invaluable in helping them to find ways of living within the law.

There is more and more research into offenders' own accounts of their experiences. Early in 2014, the journal *EuroVista* published a special issue on Desistance (3.1) (2014) (free online, though only available in English). 38 individuals from many different countries (including Japan) wrote their own accounts of their offending and their attempts at desistance. Introducing the issue, the editor remarked that 'themes of belonging, recognition and escape occurred across some people's narratives of their offending.' Olga (Russia), for example, felt that as a displaced person in search of a sense of connection she found, at least for a time, a *sense of belonging and solidarity* within her criminal fraternity or network. Gerritsen (the Netherlands) says that his offending was a manifestation of the *lack of meaning or investment* he had in a life that had been scarred by loss and trauma; Dixon's (Canada) drug related offending behaviour was underpinned by a *sense of disaffection, confusion and anger* at the world from which he found some respite in drug use. Nabill (England) recalls a sense of *emptiness* as a young child, a sense of being ill at ease. His enduring desire for escape from reality and for recognition is one he remembers from his youth; his early offending provided *excitement, meaning and purpose* and for a while, or to an extent, occupied this void. Like Dixon, his later participation in substance use was an extension of this desire to escape but which served only to compound his feelings of despair. Trauma and loss characterised Williams's (Wales) early childhood and, in this context, his involvement with gangs and drug use was as much about finding *a means of escape as it was a search for belonging*.

We have seen that both the autobiographical and academic literature on desistance often draw on metaphors of *travel* — of roads, journeys and pathways — into and out of crime. Some writers have used the concept of a trajectory, defined as 'a pathway or line of development over the life span, such as work life, marriage, parenthood, self-esteem or criminal behavior ... long-term patterns of behavior ...' (Sampson and Laub 1993: 8). Yet we have also seen that the path to desistance is *zig-zag* (Glaser, cited by McNeill & Weaver 2010: 53), marked by twists and turns, sometimes sharp and unexpected. A trajectory implies direction and continuity, but *turning points* involve discontinuities and a change of direction. Some of the contributors to the special issue used this kind of language. The significance of an event is not always apparent at the time.

The turning points and trajectories which have influenced my life since my last release from prison

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seemed insignificant when they occurred. It is only in hindsight, after thoughtful reflection, that their importance is exposed. I am confident there were other turning points that I am not aware of and whose significance is as yet not understood.

Another ex-offender (from Ireland) recalled two specific events. The first of these he described in this way:

... a life changing event was the loss of my grandfather. He had been a father figure to me and I had always hid the realities of my life from him as I did not want to disappoint him. After my Granddad died in 2003 I began smoking heroin again which helped numb the pain I felt and started ... buying, selling or transporting drugs around the country.

A second event which the same individual also identified as crucial — though in a quite different way — was when

In 2003 I was sentenced to six years with two suspended. Within one month of being in Mountjoy prison my cell mate, who was a friend before prison, was stabbed to death. This was truly life changing as within 20 minutes of his death I heard prison guards laughing.

The significance of the *meaning* that people make and find in events is well illustrated here. These two events — death of granddad and the violent death of a friend in prison — could have had quite different interpretations and consequences. For example, the death of granddad could have shamed this individual into seeking a better life rather than leading to more serious offending. On the other hand, the killing of the friend in prison, which made this man start to work hard to keep out of trouble could, for other people and in other circumstances, have led to despair, anger and further offending. So although the idea of a turning point is a useful one, it is not always easy to identify these turning points or to anticipate how they will be interpreted and the effect that they might have.

Adam from England was nearly killed in a violent attack:

As I lay in the hospital bed I wondered what people would have said about me if the knife had been a few fatal millimetres in the other direction. My wanting those close to me to be able to genuinely say good things about me is what prompted my change.

An event, then, can be no more than a catalyst and sometimes an opportunity for change. It is then up to the individual to make something of it. Abbott puts it well: 'A major turning point has the potential to open a system the way a key has the potential to open a lock ... action is necessary to complete the turning.' (1997: 102).

It is one thing to change direction, but to continue on the new route and follow a new trajectory calls for personal determination and often for the support of others. One person here wrote of 'the help of my best friend, my mum, allowed me stay away from a life of crime. Constant encouragement, assistance and unconditional love ...'.

The Japanese contributor to this issue, Atsushi, tells a fascinating, instructive story which illustrates many of the themes to be found in accounts of desistance. The main points of his account are summarised below.

I dropped out from high school after three months. Then, I joined a group of biker gangs. It was because I felt insecure without belonging to something.

I did not like loneliness.

With the biker gangs, I repeatedly mobbed and robbed people. For operating as a biker gang, we had to pay "protection money" to Yakuza every month.

I robbed people for the necessary money using violence. I used violence towards many people.

Then, I came across many good people one after the other. They were slightly older than me and I felt they were like my older brothers. They invested a lot of their time on me. Even when I betrayed them many times, they did not abandon me. They gave me a lot of affection.

With those acquaintances, I was able to find hope in the future. I became able to envisage a good image for my future. I hoped to become a man like them in the future.

I became strongly aware that if you could change yourself, the people around you would also change. Things would change hugely depending upon yourself. Your life would be determined by yourself.

I really changed. But I received a lot of love from strangers. Really a lot.

Now, I would like to return a favour to society. I would like to use the best out of my negative experiences and strongly desire to help young people.

And I would like to spend the rest of my life in that way so that I can say at the end of my life that it was a positive life.

There are so many themes in this story that are echoed in other accounts from desisters. The support of others; the sense of taking control of your own life; the very human needs to belong and to give.

In this connection, it may be of interest to note the roles that, in some countries, some ex-offenders are able to undertake in working with offenders who are struggling to desist. Many parts of the UK have set up schemes of 'peer-mentoring' where ex-prisoners and ex-probationers meet with those in prison or under community supervision. They use their own experiences to act as a mentor, or a big sister or brother, to offer guidance and a 'model'. Indeed sometimes these mentors are themselves still under supervision. One example is a scheme in many prisons where serving prisoners are appointed to provide crisis support to prisoners who are feeling suicidal. A colleague of mine is undertaking research into the work of former drug users who are supporting those trying to beat their addiction. There is considerable interest in trying to find out how effective these schemes are in terms of helping offenders to stay out of trouble. But we must also consider the benefits for the mentor in affording them the opportunity to make valuable contributions to other people's lives and to establish or confirm their identity as *someone who helps others*.

III. DESISTANCE RESEARCH: MAIN FINDINGS

Let us attempt to summarise the main findings from desistance research.

1. Since desistance is an inherently individualised and subjective process, approaches to supervision must accommodate diversity. People are different in many ways (as well as being the same in many other respects) and an intervention that is right for one person may not be suitable for another. (McNeill and Weaver 2010).
2. The development and maintenance of motivation become key tasks for probation. It has been well said that "the two basic and necessary forces of motivation are the push of discomfort and the pull of hope" (Compton and Galaway 1984: 136). It is necessary to believe that something is wrong and need to change — this provides the push of discomfort. But one must also believe in the possibility of change. Nothing is more demotivating than the belief that you cannot change. The belief that change is possible is the necessary 'pull of hope'.
3. Desistance can only be understood within the context of human relationships; not just relationships between staff and offenders (though these matter a great deal) but also between offenders and those who matter to them (McNeill 2006).
4. Although in England and Wales there is a tendency to focus on offenders' risk and needs, offenders 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. Supervision should support and develop these capacities (Maruna and LeBel 2003).
5. Since desistance is about discovering agency, interventions need to encourage and respect self-determination; this means working *with* offenders not 'on' them (McCulloch 2005; McNeill 2006).
6. Interventions based only on human capital (or developing offenders' capacities and skills) will not be enough. Probation needs to work on social capital (fair opportunities, social inclusion, access to resources) with communities and offenders.

IV. IMPLICATIONS FOR PROBATION

Asked about their experiences of probation, ex-offenders have said that they value

- having someone that they could get on with and respect;
- who treated them as individuals;
- was genuinely caring;
- was clear about what was expected of them and trusted them when the occasion called for it. (Leibrich 1993)

Negative recollections of the relationship included a sense that the individual was simply being 'processed'; the probation officer having been late or missing appointments; and where the officer gave the impression of being curious rather than genuinely concerned. The desisters, like the probation officers, emphasised the need to identify and address the causes of offending. They also highlighted how essential the individual's own motivation is to the change progress. (Shapland et al. 2012)

A. Desistance and Probation

Some of the main points about probation's role in desistance can be summarised as follows:

- Fairness and encouragement can bring a sense of personal loyalty and accountability;
- Desistance seldom results from specific probation interventions, although help in finding work and mending damaged family relationships can be particularly important;
- Interventions must pay greater attention to the community, social and personal contexts in which they are situated;
- Talking with probation staff can lead to clarifying and identifying problems (this clarification is often essential to tackling them).

On this final point, McCulloch comments:

... it is noted that the process of talking about their life with probation officers did lead to the probationer clarifying and identifying problems which they could work on. Whilst it may be that the probation officer did not 'do much' in terms of solving these problems, the identification of the problem was also a step which, it can be argued, would not have been taken without the help of the officer. (McCulloch 2005).

B. Probation Relationships

Listening to what offenders themselves say about their experience of being supervised has returned attention to the importance of a professional relationship. Modern probation work is often undertaken in partnership with many different organisations and this can be confusing for the individual offender. A strong relationship with the professional probation officer — or as often in Japan a volunteer probation officer — is needed to help the offender to make sense and to benefit some of these interventions and opportunities. And research suggests that a relationship — based on trust and mutual respect — is every bit as important as the particular treatment method adopted. A recurring finding from research is that no method or intervention is any more effective than the rest; rather it is common aspects of each intervention that bring about change — for example, warmth, respect, genuine concern, patience and avoiding negative judgement. Relationship skills are at least as critical in reducing reoffending as programme content. And ex-offenders are much more likely to recall the influence of a person than of a programme.

Desistance research shows, however, that more is needed than motivation and changes of attitude. How people behave depends on not only what they want to do and on their abilities and skills, but also on the opportunities available to them to express these capabilities. Probation has often concentrated on motiva-

tion and abilities, but people need fair opportunities to develop lives in which offending has no place. So another implication for probation work is the importance of encouraging the community to recognise its responsibilities. Indeed as Mr Satoshi Minoura has put it, in his paper on volunteers in Japan,

In order to rehabilitate and reintegrate offenders into the community, it is crucial that the citizens in the offender's community understand, accept and stand by the offender as a neighbour and citizen. VPOs, as liaisons between offenders and their communities, are the key individuals to facilitate this sense of acceptance by the community as well as the rehabilitation of offenders.

This proposal is fully supported by the findings from research into desistance.

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