

Forensic Mental Health Insider

Official Membership Publication of the American Institute for the Advancement of Forensic Studies (AIAFS)



Desistance from Crime: An Introduction for Criminal Justice Professionals

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Introduction

In this article, the arc of views on criminality and its causes will be examined. This will include some of the main theories of crime purported in the 20th century. It will also examine the current “state of the art” approach to supervising offenders in use today. It will then introduce and challenge the reader to begin viewing the criminal populations they work with, not in terms of why they entered a life of crime, but how they may exit the criminal lifestyle. That is to say, how and why individuals desist from a life of crime.

20th Century Theories of Criminology

The process by which individuals enter into and sustain a life of crime has been the topic of study and fascination for generations. The interest of why an individual opts for the dark side can be traced back to the Old Testament ala Adam and Eve or Cain and Abel. It continued into the 19th century with the publication of Dr. Jekyll and Mr. Hyde. More recently, television audiences were enthralled with the saga of Walter White, the fictional high school chemistry teacher who devolved into his alter ego Heisenberg en route to becoming a narcotics king pin.

Various theories have attempted to hang their hat on the reasons behind an individual’s deviant lifestyle. From the 1930s to the 1980s, the dominant criminological theories took on a class-based social perspective. In 1933, Robert Merton developed his Strain Theory of criminality. Merton posited that we all strive for the American Dream. The pressure to achieve this though is simply too strong for some. The “Strain” or frustration that this puts on individuals is responsible for criminality. Merton’s theory was aimed at discovering “how some social structures exert a definite pressure upon certain persons in society to engage in nonconformist rather than conformist conduct” (Merton 1938, p. 672).

Evolution from “Nothing Works” to Risk-Needs-Responsivity

Among evidence-based practitioners in the

field of corrections, 1974 is often noted as a low point for their cause. For it was the year of Robert Martinson’s now infamous declaration of “Nothing Works” axiom. Specifically, nothing works as to prisoner rehabilitation.

Martinson had been part of a team examining studies on offender rehabilitation entitled *The Effectiveness of Correctional Treatment: A survey of Treatment Evaluation Studies* (Miller 1989). The study itself was inconclusive and initially not even released. Martinson though, fought legally to have the study made public. Subsequently, “What Works: Questions and Answers about Prison Reform” was published in the journal *The Public Interest* in 1974. In that piece, Martinson wrote, “With few and isolated exceptions, rehabilitative efforts that have been reported so far have no appreciable effect on recidivism” (Martinson, 1974, p. 25).

In 1975, Martinson was interviewed on 60 Minutes and highlighted in *People Magazine*. “Nothing Works” was a great catchphrase. It was music to the ears for those on the political left, as well as those on the political right. For liberals, it was a validation of a failed penal system. For conservatives, it signified that we should stop wasting our time attempting to rehabilitate criminals. The Martinson Effect was born (Humphreys, 2016). Policymakers would cite Martinson’s infamous Nothing Works proclamation to justify the defunding and deconstructing of correctional rehabilitative services and programs for years. It resonated to the highest court in the land when in January of 1989, with the case of *Mistretta v. United States* (*Mistretta v. United States*, 488 U.S. 361, 1989). In that case, the court upheld federal sentencing guideless which remove rehabilitation from serious consideration when sentencing offenders. “Rehabilitation as a sound penological (sic) theory came to be questioned and, in any event, was regarded by some as an unattainable goal for most cases” (*Mistretta v. United States*,

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1989, para. 4).

Martinson spent years attempting to put the genie back in the bottle and undo the damage he had done, but to no avail. In 1979, Martinson wrote a final paper reversing his previous stance, noting "Contrary to my previous positions, some treatment programs do have an appreciable effect on recidivism. Some programs are indeed beneficial" (as cited in Humphreys, 2016, para. 78). He committed suicide later that year by leaping from the 9th floor of his Manhattan apartment (Humphreys 2016).

Fortunately, the state of affairs would change, as the age of research in the field of corrections was about to bloom. In 1987, Paul Gendreau and Robert Ross published a survey of over 200 studies on rehabilitation from 1981 to 1987. Using mathematical methodologies not available to earlier researchers, they showed that some correctional treatment programs were more effective than others. And that at least to some degree, treatment did in fact reduce recidivism (Gendreau & Ross, 1987).

In 1990, the model which is to this day considered the gold standard of correctional intervention was formalized. The Canadian trio of James Bonta, Don Andrews, and Robert Hoge introduced the world to the Risk-Needs-Responsivity model (Andrews, Bonta, & Hoge, 1990). Their approach, commonly referred to as "R-N-R", is founded on three underlying yet interconnected principles. The Risk Principle, the Need Principle, and the Responsivity Principle.

The Risk Principle states that level of treatment services should be matched to the risk level of the offender (Bonta & Andrews 1994). This is to say; higher risk offenders need a higher degree of correctional services if we are to expect significant reductions in recidivism. Conversely, adherence to the Risk Principle means that low-risk offenders should not be subject to high levels of service (if any service at all) in that this can actually increase recidivism (Bonta & Andrews 1994).

Within the Need Principle, Andrews and Bonta (1990) introduced the nomenclature of criminogenic needs. The term "Criminogenic" simply refers to crime generators, as they have been identified as the major correlates to criminality. Within the Need Principle, it is recognized that all offenders have certain needs. They may "need" to stop taking drugs, or "need" a place to live or a place to work. They may have low self-esteem or health issues. The Need Principle makes a distinction here though between crime generators (Criminogenic needs) and non-crime

generators. Criminogenic needs, when changed, are associated with changes in the probability of recidivism. Non-criminogenic needs can also be changed, but are weakly associated with changes in recidivism (Bonta & Andrews 1994).

Desistance from a Life of Crime

As stated at the onset, for ages, people have been fascinated and intrigued by why individuals go down the path of criminality. The major theories over the 20th century have been highlighted, and the gold standard correctional model of how to identify the major correlates of crime has been noted. In hindsight it seems self-evident, but rather than fixating on why individuals enter a life of crime, researchers have more recently been asking why they exit their life of criminal behavior.

In 1993, Harvard Professors Robert Sampson and John Laub published their book *Crime in the Making: Pathways and Turning Points Through Life*. Their study followed the life course of 1,000 disadvantaged men born in Boston during the Great Depression (Sampson & Laub, 1993). The two asked the simple yet brilliant question; where are they now? So began the study of desistance from crime. From their initial work, Sampson and Laub (1993) formulated their Age-Graded Social Control theory. This theory focuses on the bond between an individual and society. The bond consists of the extent to which an individual has emotional attachments to societal goals is committed to achieving them via legitimate means and believes these goals to be worthy. Conversely, engagement in offending is more likely when these bonds are weak or broken (Sampson & Laub, 1993). They predicted that those who have more social capital in adulthood, e.g., quality marriages and fulfilling employment, will be more likely to desist through what they referred to as "Turning Points" in life (p. 8). These turning points are a change or a break in a person's trajectory of a criminal pathway (Sampson & Laub, 1993).

Terrie Moffitt forwarded a theory of desistance revolving around a classification of two types of offenders: Adolescent-limited offenders and life-course persistent offenders. The former start offending in early adolescence, and abandon their deviancy soon thereafter. The latter begin offending even earlier in their lives; yet continue well after their teenage years (Moffitt 1993).

Various theories of desistance began to emerge, more so in the United Kingdom than the United States. Scottish researcher

and desistance champion Shadd Maruna argued that "To desist from crime, ex-offenders need to develop a coherent, pro-social identity for themselves." (Maruna, 2001, p. 8). According to Maruna (2001) desisters displayed an exaggerated belief that they could control their own futures, while persisters shared a sense of being doomed or fated to their situations (p. 11).

Peggy Giordano (2002) outlined a four-part Theory of Cognitive Transformation, posited that the desistance process involves 1) General cognitive openness to change; 2) Exposure to "Hooks for Change" AKA Turning Points; 3) The envisioning of an appealing conventional "Replacement Self"; and finally, 4) A transformation in the way the individual views deviant behavior (Giordano 2002, p. 999-1002).

A study conducted by Maruna (2010) suggests that desistance appears to be related to both external/societal aspects of a person's life (the support of person around them), as well as internal/psychological factors (such as what they believe in) (Maruna 2010). The study further purports variables driving desistance then are factors such as getting older and maturing, family and relationships, sobriety, employment, hope and motivation, something to give, not having a criminal identity, having a place in a social group, and being believed in (Maruna 2010).

These various theories of desistance were examined in a 2015 Spanish study in which researchers Jose Cid and Joel Marti examined three main theories of desistance. They analyzed Age Graded Social Control Theory, Cognitive Transformation Theory, and Strain-Social Support Theory (Cid & Marti 2015). This study merely underscores the fact that this is an emerging field of study, representing a new frontier in correctional thinking.

The Evolving Role of the 21st Century Probation Officer

The question then, from an operations standpoint, is how to shift, or more accurately, balance the approach of the corrections agent towards their clients. The approach of risk aversion and that of being strength based are not mutually exclusive, according to Dr. Ralph Serin. Holding the position as associate professor at Carleton University and Director of their Criminal Justice Decision Making Laboratory, Dr. Serin endorses a transitional model. In 2017, he argued that the traditional R-N-R model and the emerging strength-based

desistance models are not in competition of each other, but rather opposite ends of a continuum, e.g., the process of crime acquisition versus crime cessation (Serin & Lloyd 2017).

What then, can the progressive, evidence based practitioner do to employ this new crime cessation approach within their caseloads? In a paper published by Scotland's Ministry of Justice, Shadd Maruna proposed the following suggestions (Maruna, 2010):

Focus on strong and meaningful relationships. Those who believe the criminal justice system aided them in their desistance journey usually think this is because a particular staff member helped them, not because of a particular intervention. Probationers are more likely to be given credit for helping in the desistance process of they are viewed as being committed, fair, and encouraging; and the relationship was seen as active and participatory.

Give strong, optimistic messages and avoid labeling. The messages sent to justice-involved individual by criminal justice practitioners have a strong impact. They should endeavor to send positive messages as to the potential for desistance.

Focus on strengths, not just risk. The traditional approach of the corrections worker has been to focus on the risks which lead offenders into lives of crime. By targeting and extinguishing these, there is a correlation to reductions in recidivism. However, the desistance model is as much about building assets and personal strengths. Staff who have low expectations of their clients can create self-fulfilling prophecies leading to increases in recidivism. Whereas those who have high expectations of their clients are more likely to increase determined attempts to change.

Recognize and mark achievements towards desistance. Corrections officials should make attempts at formally rewarding progress. The recognition of the end of a probation term or the completion of a prison sentence could move the needle towards desistance.

Make practical assistance the priority. Desistance research reflects that prisoners and probationers note they value practical support over any other type of intervention. In addition to psychological support, future desisters need practical help.

Work with parents and partners. Parents and partners play a central role

in the desistance process. As such, probation and prison officials should examine and exploit all ways to maintain these critical relationships.

Work with and support communities. Faith based groups, volunteers, community groups and local employers are all key components in reintegration. The goal is to create environments where individuals feel welcome, rather than stigmatized. Without community reintegration, the only place for offenders will feel accepted is the criminal community (p. 3).

Conclusion

The Risk-Needs-Responsivity model is the cornerstone of any corrections agency purporting to be an evidence-based organization. At the tip of the spear in their arsenal is the ability to address identified criminogenic needs of the populations they supervise. Those same agencies should be utilizing cognitive behavioral interventions to address those risk factors. That approach alone would result in significant reductions in recidivism. More progressive agencies are looking to cutting edge "practice models" of supervision to more formally utilize an array of other evidence-based practice in use today. Even if carried out with the utmost fidelity, these approaches will only address the reasons why individuals enter and maintain their criminal lifestyles. The next generation of criminal justice practitioners must also understand that the populations they interact with have a finish line to their criminal trajectories. The questions they need to start asking themselves is: How can they accelerate the process to push folks' closer to their finish line?

Presenter Biography

Joe Arvidson, MS, is a Planning Specialist at the Ramsey County Correctional Facility in Minnesota. He has nearly 30 years of experience in Corrections. In his current role, he is responsible for strategic planning, program development, and making recommendations on policies, procedures, and services related to the implementation of evidence-based practices. He is also responsible for training and facilitating a variety of EBPs ranging from Cognitive Skills programs, Motivational Interviewing, and Risk Assessment (He is a Master Trainer of the Level of Services/Case Management Inventory). In 2017, he was trained in the administration of the SDAC-21 (Structured Dynamic Assessment for Case

Management) tool to ascertain program efficacy in relation to desistance correlates. He is also responsible for coordinating ongoing quality assurance protocols around these initiatives. Mr. Arvidson has been an adjunct faculty member at Concordia University and Metropolitan State University since 2000, where he teaches a number of graduate and undergraduate level Criminal Justice courses. He currently serves on the Criminal Justice Advisory Board for Concordia University. Mr. Arvidson received both his B.A. and M.S. degrees from St. Cloud State University in the discipline of Criminal Justice Administration. He also attained a Graduate Certificate in Project Management from Metropolitan State University.

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