

CHAPTER 4

Desistance-Focused Criminal Justice Practice

Kristofer Bret Bucklen, Ph.D.

Introduction

In a data-driven and outcome-focused environment, the criminal justice system increasingly relies on metrics to determine the impact of criminal justice interventions and to examine behavioral changes in individuals currently or formerly subjected to them. Many policymakers and criminal justice professionals are now familiar with using recidivism rates to determine impact. Even politicians and some in the general public know the term “recidivism.”

More recently, however, using recidivism as a core metric for the criminal justice system has been criticized. Some note problems in operationalizing recidivism (Klinge, 2019). Others argue that recidivism is limited as a metric because it focuses on failure rather than success, and it tends to be a binary measure of failure (Butts & Schiraldi, 2018). Critics claim that using recidivism to exclusively measure the success of criminal justice interventions is like using school dropout rates to exclusively measure the success of teachers. Further, a recidivism event requires an interaction with the criminal justice system, which means that recidivism rates measure some combination of the behavior of individuals who have been involved in the justice system and the system’s responses to that behavior. Distinguishing individual behavior changes from criminal justice system policy changes can be difficult when using a metric like recidivism rates.

Academic criminologists have increasingly called on the criminal justice system to pivot toward desistance to measure the success of interventions. The focus of desistance — a word that is far less familiar than recidivism to most practitioners and the public — is as a metric of success rather than failure. It is intended to measure the process by which those who previously participated in criminal behavior move toward stopping the behavior or ending a criminal career. Desistance explains individual change versus continuity in criminal behavior. Research has explained the risk factors for beginning to engage in criminal behavior; however, desistance focuses on the move away from such behavior given previous participation in crime. The factors that cause individuals to engage in crime in the first place are not necessarily the same factors that explain the process by which they move away from it.

In addition to it being a relatively new criminal justice term, there are a few issues that have prevented the wide-scale adoption of desistance as a metric for evaluating the impact of interventions. One problem has been that, up to this point, desistance has mostly been theoretical. Academic criminologists have written about desistance, mostly when theorizing about behavioral change. There is, in fact, no widespread agreement among criminologists on how to define or measure desistance. In the most crudely simple terms, some might think of desistance as just the inverse of recidivism. Criminologists have pointed out that this does not completely capture the concept of desistance because it is primarily a process rather than a binary event. It is the sustained absence of an event rather than an event itself, which makes it harder to operationalize and measure. As important as desistance theory is, in order for it to be a useful concept to practitioners for measuring the impact of criminal justice interventions, the focus will have to pivot from primarily theoretically driven basic research to more applied research. Practitioners will need to understand how to define and operationalize desistance in a useful way and how to translate and incorporate theoretically focused concepts of desistance into everyday practice.

The first section of this paper provides a basic overview of the theories of mechanisms of desistance and attempts to describe them in a practical way. The second section discusses some of the issues in operationalizing desistance and provides examples of operational definitions of desistance that criminal justice practitioners can use. The third section moves even more from theory to practice and discusses desistance-focused interventions. Finally, the last section provides a brief discussion of some limitations of desistance as a criminal justice metric, including obstacles for adopting desistance in a politically driven system and in day-to-day practice.

Mechanisms of Desistance

A growing body of theoretical and empirical research has outlined a variety of mechanisms through which desistance works. At a very high level, most of the

theories of the important mechanisms of desistance can be categorized as either ontogenetic or sociogenic focused. In other words, they tend to focus on factors either internal to the individual (ontogenetic) or external (societal) from the individual (sociogenic).

Psychological Mechanisms

Internal factors might be psychological or biological. An example of a psychological theory is cognitive transformation theory (Giordano, Cernkovich, & Rudolph, 2002). Under this theory, the individual who is desisting moves from thinking patterns that are primarily antisocial or criminally focused to prosocial thoughts, attitudes, and beliefs. Cognitive transformation is the primary goal in treatment approaches, such as cognitive behavioral therapy. The idea is that internal changes to thoughts, attitudes, and beliefs primarily drive external behavioral changes. Under most psychological theories, desistance must first be internalized before it is externalized into behavioral transformation.

Biological Mechanisms

Some ontogenetic desistance theories focus more on biological mechanisms. For instance, some studies of maturational brain development suggest that the brain does not become fully developed until an individual reaches his or her mid- to late 20s (Johnson, Blum, & Giedd, 2009). The prefrontal cortex area of the brain is responsible for regulating impulse control. Impulsivity is known to be a major risk factor related to criminal behavior (Loeber et al., 2012). At the same time, a long history of research has established that criminal behavior is most prevalent among those in their late teens to early 20s, and it declines precipitously thereafter — this statistical pattern is often referred to as the “age-crime curve” (Hirschi & Gottfredson, 1983). It might be that brain maturation — leading to better regulation of impulsivity — explains why criminal prevalence peaks among those in their late teens to early 20s and then starts to decline. This is just one example of a biologically focused theory of desistance.

Sociological Mechanisms

Sociogenic theories for explaining the mechanisms of desistance focus on factors that are external from the individual and more socially structured or environmental. These external changes are often referred to as “turning points.” A body of research called life-course criminology looks at continuity versus change in behavior over the long view of one’s life and focuses on identifying these important turning points. Social turning points could include getting married, obtaining steady employment, becoming a parent, or changing one’s community

or network of friends. These factors have been referred to as mechanisms of informal social control.

One important theory (Laub & Sampson, 2003) finds that turning points that tend to lead to desistance have the following four factors in common:

- They involve a “knifing off” of the past.
- They provide monitoring and support.
- They lead to a change in routine activities.
- They lead to an identity transformation.

Getting married illustrates these four mechanisms. An individual who gets married starts a new family, has new obligations that also come with support, develops new daily routines, and often moves from an identity as a “bachelor” to a “family man.” These factors provide a sense of control of criminal behavior but in an informal manner (hence “informal social controls”), as opposed to formal mechanisms of control like the criminal justice system.

Most theories in this area also purport that these factors have a causal chain of events that work in the opposite order of the psychological factors of desistance. Remember that under psychological theories of desistance, internal change primarily precedes external change. Under sociologically focused theories of desistance, such as informal social controls, external change (i.e., turning points) primarily precedes internal change. External circumstances change first; they are later followed by internal changes, or even by no internalization at all (this has been referred to as “desistance by default”).

Labeling Mechanisms

A related category of sociogenic mechanisms of desistance involves social identity. Labeling theory is one example (Braithwaite, 1989). Under labeling theory, individuals involved in criminal behavior are, in part, acting on a preexisting societal label. In other words, they act out based on what others already think of them and how others treat them. Removing the stigma of these labels can help sustain the process of desistance. This destigmatization may involve a process of “redemption,” which will be discussed later in this paper.

Decision-Making (Human Agency) Mechanisms

Another concept is “human agency,” which refers to people’s capacity to act of their own volition. In other words, humans are not just passively affected by external factors or factors outside of their control; rather, they possess some

degree of agency to decide their course of action, including participating in or desisting from criminal behavior. The degree to which human agency plays a role in desistance is a major source of debate.

The concept of human agency is closely tied to the idea that criminal justice sanctions can be used as formal social controls or to deter criminal behavior. Although the desistance literature does not often discuss deterrence theory, it is closely tied to desistance. Interestingly, deterrence-based criminal justice approaches to desistance act in much the same way as informal mechanisms of social control, such as marriage and a job. They both involve motivating or rewarding compliance and disincentivizing noncompliance. They also can be used to change behavior without first changing internal motivation. Deterrence-based approaches might attempt to disincentivize or wear down individuals involved in crime, until they “age out” or “hit rock bottom.” One might often hear people who desist this way say they just “got tired of being tired” or that being subjected to repeated criminal sanctions required them to “fake it until they made it.” Desistance might involve decisive behavioral change without an accompanying internal change, similar to the desistance by default concept in informal social control theory. Empirical research finds that informal social control is more effective than formal social control (e.g., criminal sanctions); however, as will be discussed later, a recent resurgence of evaluations around deterrence practices shows that formal sanctions can be effective if done right.

Operationalizing Desistance

As previously discussed, one of the problems with putting desistance research into practice is the difficulty in defining and operationalizing desistance. For example, because desistance is a process rather than an event, how do we know when it happens? What type of follow-up period is needed to measure it? If too short of a period is used, an individual might return to criminal behavior after the follow-up period and thus be falsely labeled as desisting (“false desistance”). There is also the issue of how to handle the intermittent nature of criminal behavior, as individuals involved in crime tend to zigzag in and out of criminal behavior over their criminal careers. It is important to outline practical operational definitions of desistance to move toward desistance-focused criminal justice interventions.

What Behaviors Count as Desistance?

When operationalizing desistance, researchers and practitioners must decide what behaviors count. Does desistance strictly involve refraining from criminal activity, or does it also involve refraining from noncriminal deviant behavior such as substance abuse or technical violations of community supervision

(probation or parole)? Do factors such as steady employment, sobriety, and compliance with community supervision rules count as desistance, or are they proximal outcomes that are markers of desistance (as defined by strictly refraining from criminal behavior)?

Some have argued that outcomes like steady employment and stable housing are so closely related to desistance that, given the concerns with using recidivism as a metric, we should focus more on these non-criminal-justice outcomes as evidence of desistance (Butts & Schiraldi, 2018). Factors like employment rates might be easier to measure and might demonstrate more movement in a positive direction than seemingly intractably high recidivism rates. However, if the focus is on criminal behavior, then there must be a high degree of confidence in a causal link between these other factors and crime to count them as markers of desistance.

Unfortunately, much of the research linking non-criminal-justice outcomes to crime outcomes is correlational. Developing a strong and credible causal link can be very difficult. The sober, hard-working family man who engages in crime seems like a paradox that is hard to imagine, but plenty of anecdotes exist (a good illustration is the stereotypical figure involved in organized crime). This paper has repeatedly pointed out that desistance is a process rather than an event and focuses on success rather than failure. Thus, it seems reasonable to measure non-criminal-justice outcomes that are more success-focused and possibly proximal indicators of the desistance process (or may even be considered desistance themselves).

On the other hand, this assumes a strong causal link that may not be fully established or may not even exist. What happens when these proximal outcomes move in a positive direction but criminal behavior does not? There seems to be a push to focus on non-criminal-justice outcomes because recidivism rates remain so high and unchanged, and these other outcomes are, in some sense, easier to change. In other words, criminal justice agencies will have a hard time demonstrating success with traditional recidivism measures; however, they may be able to boast more success if they move the needle further on non-criminal-justice outcomes and argue that those outcomes are ultimately related to desistance from criminal behavior.

A decline in criminal behavior should remain the focus of desistance, even if other non-criminal-justice outcomes are used to augment or serve as markers of desistance. These other outcomes must demonstrate a strong causal tie to refraining from criminal behavior and should not be relied on alone. Researchers and practitioners should not abandon recidivism as a marker or component of desistance measurement, even with all of its limitations. The challenge is to marry recidivism and desistance together as complementary measures of criminal justice interventions. Very little research to date has examined this issue (Bushway, Brame, & Paternoster, 2004).

Criminal Behavior Measurement Sources

Another challenge in operationalizing desistance is determining the best data source to measure criminal behavior. Measures of criminal behavior come from several sources: self-reported behavior from individual surveys or interviews, recorded offenses reported to the police, arrest data, court conviction data, and data on imposed criminal sanctions such as imprisonment. Each source has its strengths and limitations. Self-reports get the closest to measuring behavior without mixing in the noise of the system's response (or nonresponse), but they are subjected to biases in reporting accuracy or motivation not to self-report. Official criminal justice data are more reliably defined and typically more accessible, but they can underreport actual criminal behavior and capture a mixture of criminal behavior and system behavior.

Time Horizon for Desistance

Another consideration is time horizon. Much of the existing desistance research relies on longitudinal studies that examine individuals over long time horizons. If a measure is created to evaluate the impact of a criminal justice intervention on desistance, the practical question becomes: How long should individuals be followed after the intervention to observe desistance?

Studies tend to measure recidivism rates in follow-up periods of three years or less after an intervention. If desistance is operationalized as the sustained absence of recidivism, short follow-up periods will likely be inadequate. Recidivism rates tend to drop off fairly precipitously after three years, but a substantial proportion of individuals still recidivate after that time period. Longer follow-up periods are needed to be confident that individuals are not recidivating after the end of the observed follow-up period, thus leading to false desistance. But very often policymakers cannot afford to wait for longer follow-up periods to receive feedback on the effectiveness of interventions.

Redemption Benchmarks

Redemption research has helped conceptualize how long is long enough for a follow-up period (Blumstein & Nakamura, 2009). Existing redemption research has sought to empirically examine how long an individual who was previously involved in criminal behavior must remain "clean" from such behavior to meet a threshold of an acceptably low risk of reoffending. The idea is that the risk of reoffending does not need to reach zero; rather, it should reach some acceptably low level. Redemption researchers refer to this as a "point of redemption." For example, it might be the point at which the risk of arrest for a person previously involved in criminal behavior is as low as that for a person from the general

public (which contains a mixture of people who do and do not have previous arrest records). A more difficult benchmark of redemption to reach would be the point at which the risk of arrest for a person previously involved in criminal behavior is as low as that for a person who was never previously involved in criminal behavior. Some redemption research finds that it takes five to seven years of remaining crime-free to reach these benchmarks of redemption (Blumstein & Nakamura, 2009). They could be similarly considered benchmarks of desistance and help inform the issue of setting appropriate follow-up periods.

Signaling and Risk Assessment

Another probabilistic model for determining a marker of desistance is based on signaling theory, which comes from the field of labor economics (Bushway & Apel, 2012). The idea is that individuals who have internally changed, and thus desisted, give off “signals” (e.g., correctional program completion or college enrollment) to mark their internal change. These signals do not need to be causally related to later behavioral change; rather, they are strongly predictive of (or correlated with) later behavioral change.

The signaling model addresses concerns with long time horizons because it does not rely on long follow-up periods to observe behavioral change when internal change has already happened. Rather than waiting for a follow-up period to declare desistance, a strong enough signal could signify motivation to change and indicate desistance up front and early on. The problem with this approach, however, is that it is still probabilistic, with some degree of error in forecasting later behavior based on its correlation with the earlier signals.

Many practitioners in the corrections field are already familiar with one tool that would facilitate a signaling (probabilistic) approach to identifying desistance: criminal risk assessment instruments. Risk assessment is a fundamental part of the risk-need-responsivity (RNR) model, a prevailing paradigm in the field of corrections (Bonta & Andrews, 2017). The risk principle states that limited correctional resources should be focused on high-risk individuals because those who are low risk are not likely to reoffend, even absent intervention. A risk assessment instrument can assess risk actuarially. There are many off-the-shelf and customized risk assessment instruments in use that are fairly effective at accurately predicting future recidivism. Practitioners may be able to use individual scores from a risk assessment instrument to identify those who have, in all likelihood, desisted (i.e., low risk) without having to wait many years to measure the absence of further offending. Using risk assessment instruments seems to be an important practice for incorporating desistance principles into practice.

Three Measures of Desistance

This section concludes by offering three practical measures of desistance for consideration: deceleration, de-escalation, and “reaching a ceiling.”¹

Deceleration

Deceleration looks at desistance through the lens of slowing down the frequency of criminal offending rather than stopping it completely. Early criminal career research referred to a measure of individual frequency of criminal offending as “Lambda” (represented mathematically by the Greek letter λ) (Blumstein et al., 1986). Deceleration could be measured by an individual’s average number of arrest incidents per time period (e.g., number of arrests per month or number of arrests per year) before and after a criminal justice intervention.

For example, when looking at imprisonment as a criminal justice intervention, this could be the average number of arrests per year during the five years before imprisonment compared to the average number of arrests per year during the five years after release. There are a couple of considerations to note, however. First, one should include only the amount of “time free” in this calculation and remove time incarcerated. In most cases when using arrest as a measure of criminal behavior, an individual cannot be arrested while incarcerated. Thus, including periods of incarceration in the calculation will make the average number of arrests look artificially lower.² Consider the following example: An individual is arrested five times in one year, then spends the next four years in a county jail, then moves to a state prison. Let’s assume that this individual is later released from state prison and is arrested once per year for five years. If we compare the five years before going to state prison, without accounting for the fact that four of those five years were in a county jail, it will look like this same individual averaged one arrest per year in the five years before state prison as well. Thus, by this measure, there is no indication of desistance. But after factoring that four out of those five pre-state prison years were spent in county jail, this individual actually averaged five arrests per year before prison and moved to one arrest per year after prison. This would then indicate desistance.

¹ These three measures are adapted from Loeber and Le Blanc (1990), with two important differences. First, reaching a ceiling is defined differently here than by Loeber and Le Blanc. They defined it as reaching a plateau or ceiling in seriousness of criminal behavior. This paper defines reaching a ceiling as complete cessation of criminal behavior. This paper takes the position that Loeber and Le Blanc’s definition is partially subsumed under de-escalation; in that sense, it is redundant and does not allow for a complete stop in offending. The second difference is that this paper does not include Loeber and Le Blanc’s fourth measure, which they call “specialization” and define as a decrease in the variety of criminal offending over time. It is the position of this paper that simply reducing diversity of criminal behavior is not a marker of desistance that makes common sense to policymakers and practitioners, and so it is not included as a measure of desistance.

² Individuals obviously can commit crimes while in prison, but typically those crimes are more restricted through close surveillance and incapacitation. Also, those crimes do not tend to show up in official arrest records. Thus, incorporating them into a measure of deceleration would be complicated.

This measure of deceleration could be used as a marker of desistance, but it is less useful for directly connecting the impact of a criminal justice intervention to desistance because it is necessarily confounded with age. In the example above, let's assume that the individual spent 10 years in prison and was 25 years old when he went to prison. We already saw that after factoring in the amount of time free from confinement, this individual moved from five arrests per year before prison to one arrest per year after prison. However, this is not sufficient to demonstrate that prison itself led to desistance. This individual was 20 years old at the beginning of the five years before prison, and he was 40 years old at the end of five years after release from prison. Based on accumulated knowledge about the relationship between age and crime, a 20-year-old is significantly more likely to be involved in more criminal behavior than a 40-year-old, independent of any impact of imprisonment in deterring future criminal behavior. Separating the impact of aging from the impact of a criminal justice intervention is a difficult but not impossible task and should be considered.

In addition, using arrest data as a measure of deceleration means that there is likely some level of underreporting of actual criminal behavior. Certain crimes committed might not come to the attention of law enforcement or might not result in an arrest even if reported. This will primarily matter if there is some reason to believe that the rate of underreporting of criminal behavior is different in the period before the criminal justice intervention compared to the period after the intervention.

De-Escalation

The idea of de-escalation is that a reduction in the seriousness of criminal behavior is a sign of desistance. For example, an individual who moves from repeat burglaries to support a drug problem to just arrests for drug possession or use may be in the process of desistance.

A hierarchy of crime seriousness is first needed to operationalize this measure. In several states, the sentencing guidelines use an offense gravity score (OGS), which is a score assigned to each crime in the state's crime code that indicates the seriousness of the particular offense. For example, Pennsylvania assigns every crime in its crime code an OGS between one and 15, where one indicates the least serious offense and 15 indicates the most serious offense. If a jurisdiction does not have the equivalent of an OGS associated with each crime, then the Uniform Crime Report's hierarchy of seriousness could be used.

Once a hierarchy of seriousness is established, a metric could be built to examine the average seriousness score (e.g., the average OGS score) of criminal behavior (e.g., arrest charges) in a period of time before the criminal justice intervention compared to a period of time after the intervention. Using the example above,

assume that the individual who had five arrests before going to state prison was arrested all five times for burglary, with an average OGS score of eight. Further assume that the five additional arrests in the five years after release from prison were all for possession of drugs, with an average OGS score of six. This two-point reduction in the average OGS score could be a metric indicating desistance. This measure of de-escalation has the same limitations as deceleration, however, as it could confound aging with the impact of a criminal justice intervention and potentially underreport actual criminal behavior.

Reaching a Ceiling

Reaching a ceiling is a restrictive measure of desistance in that it attempts to measure when criminal behavior has completely ceased. In the simplest terms, this measure is essentially the inverse of recidivism. For example, if recidivism is defined as any incident of arrest within a five-year follow-up period after an intervention, and an individual does not recidivate by the end of the five-year period, it would indicate that the individual has reached a ceiling of criminal offending and may have completely stopped.

This measure is limited because it is highly affected by the length of the follow-up period. If recidivism is measured in a five-year follow-up period and an individual does not first recidivate until the sixth year, this will result in a false desistance label. This again highlights the importance of selecting an appropriate follow-up period. Empirical data for a previous sample could be used to help inform the selection of an appropriately long follow-up period, as could the redemption literature discussed above. Depending on the measure of recidivism used, this measure may also underreport actual criminal behavior.

Desistance Measurement Example

An example that combines all three of these measures of desistance comes from a forthcoming recidivism report by the Pennsylvania Department of Corrections (PA DOC) (Pennsylvania Department of Corrections, forthcoming). One section of this report introduces measures of desistance based on deceleration, de-escalation, and reaching a ceiling. Based on the stringent criteria of reaching a ceiling within 15 years after release from PA DOC custody, only 20% of those released desisted. On the other hand, 90% of releases from PA DOC met one or more of the three measures of desistance when including deceleration and de-escalation. Other correctional jurisdictions could adopt this example to help operationalize and examine desistance.

Desistance-Focused Interventions

This section discusses criminal justice interventions that should be considered desistance-focused — in other words, policies, practices, or programs that can be connected back to one or more of the theories of mechanisms of desistance reviewed earlier. Table 1 also provides an overview of the interventions summarized below and outlines each intervention's connection to a theory of desistance. Further, the U.S. Department of Justice's CrimeSolutions (<http://www.crimesolutions.ojp.gov>) reviews the evidence for most of the interventions' effectiveness.

1. Cognitive Behavioral Therapy

One particularly successful criminal justice intervention is cognitive behavioral therapy (CBT). Stemming from the cognitive transformation theory of desistance, CBT focuses on changing unhealthy cognitive distortions and developing prosocial coping and problem-solving strategies. The CBT curriculum has many different name brands; one particularly widespread CBT curriculum is called "Thinking for a Change," which is offered by the National Institute of Corrections.

A large body of research, including several systematic reviews, has concluded that CBT effectively reduces recidivism (Lipsey, Landenberger, & Wilson, 2007). Further, a cost-benefit analysis of criminal justice interventions by the Washington State Institute for Public Policy (WSIPP) found that CBT programming returns \$6.31 in benefits for every \$1 spent (Washington State Institute for Public Policy, 2019). However, questions still remain about how generalizable the benefits of CBT treatment are in different settings and among different populations. For example, in a recent National Institute of Justice review, 25% of CBT program evaluations found that it was effective among juveniles convicted of crimes, but only one in 15 studies found it to be effective among adults convicted of crimes. CBT programming was also found to be most effective among persons convicted of sex offenses, but least effective among those convicted of domestic violence offenses (Feucht & Holt, 2016).

2. Motivational Interviewing

Another cognitive-based, desistance-based intervention is called motivational interviewing (MI). The purpose of MI counseling is to challenge an individual's resistance to change and to develop internal motivation for change. It is heavily influenced by the transtheoretical model of the stages of change (Prochaska & DiClemente, 1983). One particular program built on MI principles is called EPICS. In general, the evidence supports MI as a successful intervention for

Table 1: Examples of Desistance-Focused Interventions

Intervention Name	Theory of Desistance
Cognitive Behavioral Therapy	Cognitive Transformation Theory
Motivational Interviewing	Cognitive Transformation Theory
Prison Visitation	Informal Social Control Theory
Family Counseling	Informal Social Control Theory
Employment and Education	Informal Social Control Theory
Relocation	Informal Social Control Theory
Religious Services	Informal Social Control Theory
Programming for Young Adults	Biological Theory
Medication-Assisted Treatment	Biological Theory
Building Human Agency	Rational Choice Theory
Contingency Management	Rational Choice Theory
Deterrence-Based Approaches	Rational Choice Theory
Procedural Justice Approaches	Procedural Justice Theory
Destigmatization	Labeling Theory

reducing recidivism (Smedslund et al., 2011). However, EPICS is a relatively new program and does not have much evaluation research behind it yet.

3. Prison Visitation

Several criminal justice interventions are built around the sociogenic theories of desistance and rely on reinforcing informal social controls. For example, providing visitation for people in prison is, in part, built on the theory that maintaining important social relationships will translate into social support and social control after release from incarceration, which may, in turn, translate into desistance. In addition to in-person visitation and phone call policies, many correctional jurisdictions are experimenting with technological opportunities to support visitation, such as video visitations. Fostering opportunities for persons who are incarcerated to receive communication in other forms, such as letters and emails, is another way to strengthen social connections that may lead to desistance. Preliminary evidence suggests that in-prison visitation is associated

with reductions in recidivism; however, the research to date has yet to establish a causal impact of prison visitation on recidivism (Bales & Mears, 2008).

4. Family Counseling

To help reinforce important social relationships, correctional jurisdictions could provide two forms of relationship/marital counseling and parenting counseling. One form could provide counseling and practical skills to individuals who are already in a relationship or married or are parents to help strengthen these relationships. An innovative approach would be to have the spouse, partner, or child participate in the therapy session with the individual who is under the criminal justice system. Although a few correctional jurisdictions have experimented with this type of relationship counseling, virtually no evaluation research exists for determining its effectiveness.

The other form of counseling could focus on individuals who are not yet in a relationship or married or do not yet have children, but who want to eventually pursue one of these relationships. The goal would be to proactively instill skills that will help make those potential relationships successful in the future.

5. Employment and Education

Prior research has found that two particular mechanisms of informal social control — employment and education — lead to desistance. Many correctional systems already provide employment training and educational services. One frequently cited review of the research purports to find consistent evidence that in-prison vocational and educational programs are associated with reduced recidivism. However, the types of strong evaluations needed to establish causality are nearly nonexistent (Davis et al., 2013). There is also a high likelihood that the existing research is affected by a strong self-selection effect into these types of programs.

6. Relocation

One theorized mechanism of desistance involves changing environments and social settings that reinforce criminal behavior. Although returning home after release from prison might provide some level of prosocial support from family, it also might mean a return to a toxic environment where individuals actually encourage criminal behavior. A few studies have demonstrated that individuals who are relocated after release from incarceration show lower recidivism rates than those who return to their home community (Kirk, 2015; Nakamura, 2018). Clearly, interventions should be individualized, as it might be better for some to return home and others to find a new beginning through relocation.

One innovative study in Pennsylvania involved sending willing individuals to a halfway house after release from prison (Nakamura, 2018). Those randomly assigned to be relocated in a halfway house far from home had slightly lower recidivism rates than those assigned to a halfway house close to home. A willingness to be relocated might also be a type of motivation signal to change and desistance, as described in the previous discussion on signaling theory. Criminal justice systems should think creatively about how to support relocation for those who are willing and could seemingly benefit from it.

7. Religious Services

Correctional systems could provide religious programming to encourage desistance. To use the turning points language of desistance research, a religious conversion is a type of turning point that has properties in common with other turning points like marriage and employment. Obviously, participation in religious-based programs must be strictly voluntary and not compelled, but these types of programs may facilitate the type of turning-point conversions that could lead to desistance. Research to date is mixed on the effectiveness of in-prison religious programming and, once again, it is fairly weak on examining causality. Given the volunteer nature of participation in religious programs, there almost certainly is a strong self-selection effect.

8. Programming for Young Adults

Biologically informed interventions could also facilitate desistance. For example, recognizing that brain development continues until a person's mid-to late 20s, correctional agencies might consider providing separate housing and programming specifically for young adults. Treatment could be targeted toward specific stages of brain development for this group. An example of such a program is the Connecticut TRUE program (Chammah, 2018), which pairs mentors with young people who have been convicted of crimes to address age-appropriate areas of intervention such as life skills, educational assistance, and family assistance.

9. Medication-Assisted Treatment

Medication-assisted treatment is also increasingly being used with some effectiveness, specifically for the treatment of substance use disorder (Substance Abuse and Mental Health Services Administration, 2019). Substance abuse involves biological mechanisms that can affect or limit an individual's human agency. Treating substance use disorder may remove a major barrier to desistance. On the other hand, some research has shown that a subset of

individuals may desist from crime but continue to have substance use problems (Laub & Sampson, 2003).

Mental health problems may also limit opportunities for desistance. Medical and biological responses to mental illness may help alleviate these barriers to desistance. Some consider substance use disorder a form of mental illness, as it is classified as such under the *Diagnostic and Statistical Manual of Mental Disorders*, 5th edition. Improving mental health generally should assist in better decision-making, which, in turn, should lead toward a path of desistance.

10. Building Human Agency

Along the same lines of reinforcing human agency, correctional systems might also think creatively about how to allow persons who are incarcerated to make choices that could reinforce their confidence in their choice-making ability more generally. Individuals who believe they are not in control may benefit from having some form of control over choices that affect them while in prison. For example, systems might consider allowing individuals to provide input into their assigned prison or unit or their assigned cellmate. Many other small day-to-day choices might reinforce agency. Individuals with a stronger sense of agency (being able to control their own destiny) might be more successful at desistance. To date, correctional jurisdictions have done relatively little experimentation in this area.

11. Contingency Management

Prison is an artificial and controlled environment that does not allow for failure in any real way. It may be beneficial for prisons to instead mirror an outside-world environment where individuals, in part, fail or succeed based on the decisions they make. This is often referred to as “contingency management.” Systems could adopt innovative token management interventions where persons who are incarcerated receive rewards for desirable behavior and disincentives for undesirable behavior. There are many possibilities for how this might look in practice. Again, the focus is on building agency and reinforcing prosocial behavior, both of which have been tied to desistance. Relatively little correctional research currently exists in this area, and there is plenty of room for experimentation.

12. Deterrence-Based Approaches

One particular deterrence-based approach — referred to as “swift, certain, and fair” (SCF) supervision — could be classified as a negative contingency management program. SCF supervision forces external behavioral compliance

by providing immediate and consistently delivered, yet moderate, sanctions for noncompliance and rules violations. This theoretically translates into long-term desistance through behavioral patterning, with or without internalized change. It harkens back to desistance mechanisms targeted toward speeding up the “bottoming out” process and allowing individuals to fake it until they make it. SCF programs have been implemented in both community corrections contexts and prisons, with some evidence of success (Hawken & Kleiman, 2009; Hamilton et al., 2016). In substance abuse treatment, this approach has been referred to as “coerced abstinence.”

13. Procedural Justice Approaches

The “fair” component in SCF supervision relates to another mechanism of desistance called “procedural justice” (Tyler, 2003). The idea is that individuals will be more responsive to criminal justice intervention if they perceive that it will be delivered in a procedurally fair manner. Thus, procedural justice could increase desistance. Again, jurisdictions should think creatively about how to reinforce procedural justice and perceived legitimacy. At a basic level, taking input from persons who are incarcerated seriously should increase perceived legitimacy. Correctional systems should establish a procedure to allow them to report perceived unfair treatment.

To increase procedural justice, jurisdictions should also work to reduce unfair practices that result from inefficiencies in the system. For example, parole boards in many systems face delays in interviewing candidates for parole once they become eligible and delays in physically releasing those who have received parole approval. These delays can lead to frustrations with the system that carry into the community and impede desistance. In addition to improving parole and release processing, systems should establish fair procedures for reviewing and adjudicating charges of institutional misconduct. Procedural justice has implications for many aspects of the criminal justice system, which, in turn, may affect desistance.

14. Destigmatization

Finally, criminal justice interventions can focus on removing labels that impede desistance. Achieving redemption benchmarks should translate into opportunities for removing labels. For instance, several jurisdictions have passed legislation that allows criminal records to be expunged or sealed after a certain period of crime-free time.³

³ One example is Pennsylvania’s recently enacted “clean slate” law.

Eliminating reentry barriers, such as licensing obstacles, may also further the goal of removing negative labels. Some jurisdictions have experimented with the concept of reentry courts. Individuals are closely supervised post-release, and the court recognizes them through official “redemption ceremonies” when they meet certain benchmarks within the program. The research to date, however, has not found recidivism reductions from such an approach (Lindquist, Hassoun Ayoub, & Carey, 2018).

Adopting Desistance Concepts in the Real World

This final section focuses briefly on challenges jurisdictions may face when trying to implement desistance concepts in practice and offers recommendations for addressing these challenges.

Short Time Horizons

One of the first challenges is the political focus on short time horizons. Politicians serve limited terms before reelection and seek fast and immediate results. As previously discussed, desistance often necessitates long time horizons. The short time horizon of policy and politics is seemingly at odds with the long time horizon of desistance. For example, policymakers cannot afford to wait five years or more to receive results on the impact of the interventions they implement. Similarly, encouraging programs or policies that only pay off in the long term may not be worth it to policymakers and politicians looking for immediate results.

For these reasons, it is critical that risk assessment instruments, recidivism measurement, and rapid cycle experimentation remain important parts of integrating desistance principles into practice. Risk assessment instruments use a probabilistic (predictive) approach that allows desistance-focused resources to be effectively allocated and to make judgments regarding which individuals have likely desisted or are on a pathway of desistance without having to wait for a long period of time to observe actual behavior. Recidivism metrics are useful because they can be measured in shorter follow-up timeframes. Finally, models are starting to proliferate; these models run rapid cycle experimental and innovation testing in corrections without following traditional long timelines for results (Bucklen, 2020).

Budgets

The budget-driven nature of criminal justice agencies also presents challenges. Policymakers have to make decisions about how to allocate their budgets. Investing money now into interventions that have a chance of paying off

much later is a hard sell for them. Similarly, desistance policy often focuses on improving non-criminal-justice outcomes, with the promise that these outcomes will ultimately affect crime down the road. Policymakers must have a high degree of confidence that these other outcomes are not an end to themselves, but will improve the mission-critical goal of increasing public safety. Other outcomes may be laudable for improving individual lives, but they should be secondary goals for a public safety agency unless there is a high degree of confidence that they are causally linked to reducing reoffending.

Some politicians and policymakers have the opposite problem when managing tight budgets — they work under an implied theory that just doing more will improve results. Consequently, resources are uncritically targeted toward programs, policies, and activities that are presumed to further many types of goals related to desistance. Doing more is not always doing better, however. In fact, doing less may be more effective than doing more. In other words, some interventions can have no impact or, even worse, a negative impact. Focusing on a few programs that have been found to have strong impacts is preferable to uncritically implementing many programs, some of which have little to no effect. Importantly, desistance-focused interventions must be critically evaluated, a causal link to desistance should be established, and interventions should be revised or abandoned if they do not further desistance. This is challenging because it is often difficult to establish causal links for desistance-focused interventions. Further, if it is found that interventions are not effective but they seem appealing at face value, it is often hard for politicians and policymakers to abandon them.

For these reasons, randomized controlled trials (RCTs) and cost-benefit analyses must become two critical components of desistance-focused criminal justice practice. More RCT evaluations of desistance-focused programs and practices will build the strong evidence needed to give policymakers faith in allocating resources toward these interventions. As noted several times throughout this review, the evidence base for many existing desistance-focused policies and practices is thin. Researchers must pay more attention to the quality of evaluations to build strong causal links between programs and policies and desistance.

Similarly, cost-benefit analyses should accompany program evaluations. Too few cost-benefit analyses currently exist on programs and policies that target desistance or recidivism reduction. One exception is the WSIPP, which routinely updates benefit-cost ratios for a variety of criminal justice interventions (Washington State Institute for Public Policy, 2019). Policymakers need to know not only the program's effect in terms of outcomes, but also its return on investment. Some programs may produce significantly better outcomes but come at a cost that exceeds the perceived value of those better outcomes. Other programs may only marginally improve outcomes but be so inexpensive to implement that they are worth investing in.

Non-Criminal-Justice Outcomes

Criminal justice outcomes should remain the main focus of desistance. Criminal justice policymakers, by virtue of their specific public safety mission, are likely to show little concern for non-criminal-justice outcomes, such as employment and housing, unless there is a clear and convincing link between these outcomes and crime. For example, state correctional departments will likely not consider it their primary responsibility to make sure that individuals released from incarceration secure a job and stable housing unless they are convinced that this will lead to a reduction in future crime.

Many correctional agencies routinely report recidivism statistics. To highlight the connections between other outcomes and desistance, correctional agencies can incorporate a section on non-criminal-justice outcomes in their routine recidivism reports. For example, a recidivism report could include a section on post-release employment rates, drug relapse rates, rates of compliance with child support payments, health outcomes, and measures of attaining stable housing. A report that incorporates these non-criminal-justice outcomes will be able to show how recidivism rates are changing (or not changing) side-by-side with other outcomes. Accessing the necessary data to perform such an analysis might prove problematic, however. Often, government agencies are siloed and do not share data with one another. A key component of this recommendation is creating cross-agency data linkages. Interagency data-sharing agreements should be established to support such analysis.

Correctional agencies could also conduct a periodic survey of persons reentering the community to ask about their self-reported rates of reoffending and the factors that helped them succeed (or conversely, obstacles to their success). The “success group” could consist of those who have remained out of prison for a defined period of time and, for comparison purposes, the “failure group” could consist of those who are back in custody (e.g., for a parole violation). PA DOC conducted such a survey of persons who violated parole and those who successfully followed the terms of their parole (Bucklen & Zajac, 2009).

Communication

Desistance is a messy concept. Politicians and policymakers gravitate toward concepts that are simple to understand and explain. This paper has spent a significant amount of time describing some of the challenges in operationalizing desistance. Policymakers might have a hard time understanding, explaining, and implementing flexible concepts like intermittent offending and desistance as a process rather than an event. As such, we must develop simpler and better ways to operationalize desistance and better communicate desistance principles.

Criminal justice agencies might benefit from having staff dedicated to translating desistance principles into policy language and also translating policy concerns into desistance-focused concepts. This is known as “translational criminology” (National Institute of Justice, 2011). Agencies can facilitate translational criminology by hiring at least one full-time researcher who holds an advanced degree (master’s or doctorate) in the field and is closely connected to the academic environment. At the same time, he or she should be fully immersed in the agency as a practitioner and spend a significant amount of time learning the agency environment to best understand policy and practical realities. The researcher should be skilled at writing for a practitioner audience and at translating complex concepts into terms that are easy to understand. Alternatively, criminal justice agencies that cannot afford to hire a full-time researcher could partner with an academic organization to develop a researcher-practitioner partnership. The National Institute of Justice has sponsored such partnerships in the past.

Conclusion

Desistance is an important concept in academic criminology, but implementation into criminal justice policy and interventions has lagged. This paper discussed research on how desistance works, along with challenges and ideas for establishing operational definitions of desistance. It also provided some actionable guidance on what types of desistance-focused criminal justice interventions should be pursued. Translating desistance research into practice will continue to prove challenging, but it is a worthy endeavor for improving criminal justice outcomes.

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