CHAPTER

5 Fostering Desistance

by Shawn Bushway and Christopher Uggen

Many voices are calling for a realignment of reentry policy with the now more mature theories of desistance, the study of why and how people stop committing crimes. In the *Annual Review of Criminology*, for example, Bianca Bersani and Elaine Eggleston Doherty propose "a paradigmatic shift in criminal justice practices."[1] In a similar vein, the American Enterprise Institute recently published a series of articles around the theme of "Rethinking Reentry."[2] The National Institute of Justice has similarly commissioned a series of white papers to bring "findings from the desistance from crime research to criminal justice decisionmakers" and provide a "cohesive foundation" for practitioners and scholars. The time has thus come to more carefully connect the research on desistance theories, particularly identity-based theories, to reentry policies.

Level Setting

Desistance studies exploded onto the scene in the 1990s, the fruit of a mix of new theoretical models that explicitly considered cessation from crime[3], new self-reported longitudinal panel data, and new statistical models. One result was a new way of thinking about desistance as a process associated

with a decline in rates of offending as people age[4] rather than a distinct phenomenon by which people exit a life of offending.[5] As Bersani and Doherty point out, this new way of thinking about desistance has become the dominant one.

The idea, and the policy recommendations that follow from it, is supported by both maturational and process models of desistance. In their simplest forms, the maturational models of Sheldon and Eleanor Glueck and of David Matza suggest that young people gradually outgrow crime.[6] Supported by the striking consistency of the age-crime curve, these models view desistance as a natural process of maturation, in which risk-taking and criminal involvement eventually decline to zero with age.[7]

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Process models instead emphasize adult social bonds such as stable relationships and employment. Rooted in social control theory, Travis Hirschi emphasized the formation of bonds to one's family of origin, school, and peers during adolescence, which provide controls or buffers against criminal behavior.[8] Robert Sampson and John Laub extended this control-based model into adulthood, emphasizing bonds to a new family unit through marriage and to the workplace.[9] Here desistance from crime occurs with the formation of ties to conventional society. The process of acquiring such bonds gradually bends the trajectory away from criminality and toward desistance and a final state of termination. Again, the important issue here is the change in path to a downward trajectory of offending rates. From this perspective, a declining rate of offending may be a better benchmark of criminal justice success than the total absence of offending. Bersani and Doherty center job opportunities as decisive in the desistance process, though the research record of employment programs is not encouraging.[10] Other authors have linked this process model to related policies, such as record sealing.[11]

Identity-based models also point to changes in the rate of offending. Identity theorists such as Peggy Giordano, Shadd Maruna, and Stephen Farrall offer social psychological theories of desistance that emphasize stark breaks from crime.[12] Building on a symbolic interactionist foundation[13], Giordano and colleagues argue that desistance requires substantial cognitive transformations or upfront cognitive work, such as an openness to change, "hooks for change," and consistent support from social others.[14] For Maruna, "making good" does not so much involve an intentional change in identity from bad to good as it does a reinterpretation of one's criminal past to align it with one's current pro-social identity. Maruna recognized that desisters begin to view themselves as a truly new or different person. Acquiring and maintaining this new identity often involves making choices to separate from peers or move to

new environments[15] Contrary to the age-graded life-course theory of crime, such research suggests that obtaining a job or getting married would have little effect on criminality without a redefinition of the self and the emergence of a new pro-social identity.

Ray Paternoster and Shawn Bushway suggest that as people accumulate negative consequences from involvement in crime, they eventually reach a decision point, concluding that crime is not worth it and making a conscious choice to adopt a new identity and desist.[16] This idea is similar to the Giordano model but puts less emphasis on the emotional component and instead stresses the agentic selection of a new identity. A unique aspect of the Paternoster and Bushway model is the emphasis on how accumulating negative experiences leads to a decision to move away from the "feared self" that one sees oneself becoming. This harkens back to Jeffrey Fagan's early description of desistance as a three-stage process: (1) the accumulation of negative consequences, which provide motivation to quit; (2) a formal decision to "quit"; and, (3) maintaining new behaviors, often through new social networks that help support a state of desistance.[17]

Every identity theory of desistance involves some degree of agency on the part of the individual. In desisting, the individual makes choices among a set of socially structured alternatives and develops an identity more consistent with law-abiding behavior than law violation. The challenge for research and policy is to support the individual choices and psychological processes that foster desistance, while improving the structural conditions (such as labor and housing markets) that make it more likely.

The symbolic interactionist perspective is important here because it places agency and identity into a context derived from social interaction. And such interaction is more often organized around criminal justice involvement than offending. For example, people in the system get information about how they are perceived by others through their involvement with police, courts, and prisons. Repeated over time, this process increases the salience of criminal identities and strengthens role commitments and social relationships with others involved in crime.[18] Alternatively, movement toward more positively valued adult roles—as parents, citizens, workers, and taxpayers—can foster and gradually stabilize noncriminal identities through the same role commitment process.[19]

Accordingly, our recommendations include:

- **Short-Term Reforms**
  - Move on from the Concept of Reentry
  - Flood the Zone with Programs Fostering Adult Development
- **Medium-Term Reforms**
  - Eliminate Most Collateral Consequences of Criminal Justice Involvement
- **Long-Term Reforms**
  - Increase Broader Societal Opportunities

Short-Term Reforms

Move on from the Concept of Reentry

The concept of reentry was revolutionary when it was introduced in the 1970s and popularized in the late 1990s[20], and it led to a serious reckoning with the mass incarceration. However, it may be less useful now as we seek new ways to foster desistance among those involved in the criminal justice system. This is because the problem facing those returning to civilian life from prison is fundamentally a problem of entry rather than reentry.

When we focus on the moment of reentry, we think the problem is the need for people to reacquire the jobs and housing that prison took away. Or more abstractly, the term reentry focuses attention on the process of alienation and reaffiliation that occurs as part of the process by which people go to prison and then return from prison. But, the simple fact is that most people who go to prison lacked stable jobs and stable housing before their incarceration. Prisoners are largely drawn from the ranks of the poorest and least advantaged segments of society. Not surprisingly, in view of their circumstances, they are typically "off time" relative to their peers in traversing the markers of adulthood, such as entry into marriage, full-time work, school completion, and independent residency.[21] This is not to discount the personal relationships and successes they have attained in their communities, but to note that many have not yet "entered" what most people would consider a conventional pro-social adult life.[22] As a result, the prison experience is not fundamentally one of disaffiliation from these adult roles. Prison clearly causes major disruptions in the lives of prisoners, their families, and communities. Nevertheless, a myopic focus on this disruption often ignores the reality of pre-prison life circumstances. In short, the challenge of reentry is more fundamentally a challenge of integration rather than reintegration.

Flood the Zone with Programs Fostering Adult Development

If the task of entry is the task of becoming a productive adult, people need programs that foster success in education, employment, family relationships, maintaining a residence, and participating as a citizen in the community. Providing such programming would provide more of the "hooks" needed to support desistance. Although many people in prison have achieved adult status in some aspects of their lives, there is a tight link between crime and punishment on the one hand, and adult status on the other. Their task is to acquire or reacquire a positive adult identity while encumbered with the history of a prison experience. Developmental psychologists refer to similar stages of identity formation as a moratorium.[23] People in this stage are in the midst of an identity crisis and are actively exploring alternative identities.

The logic model of change within any system—a prison system, a health care system, or a higher education system—requires some basic assumptions about where people are starting from, along with a vision of where we want them to end up. The Risk Needs Responsivity model that drives modern

criminal justice assumes that people have certain risk factors to be mitigated and certain needs to be fulfilled. However, this model tends not to think very hard about the identity of the person who is entering the system. To do so would shift our focus to the process of development, because participation in the criminal justice system hardly renders humans immune from the standard developmental patterns. Nor does justice system involvement imply a well-developed criminal identity.

Those who end up in prison or the justice system often left the educational system without a clear sense of who they were or their path to success in the adult world. Prison, in that sense, is a repository for the failures of the education system, and often the mental health system, the youth services system, and other institutions. Despite such failures, the institutional challenge remains the same—helping people in prison struggle through the "crisis" of moratorium. Like everyone else, they need grappling lines of different kinds of opportunities to support them through this crisis. Unfortunately, few aspects of the modern criminal justice system are consistent with this understanding. Instead, we seem to think that we can be directly prescriptive and "solve the problem" by providing the right program to the right person at the right time.

> ***Researchers and policymakers need to work together to create environments that give people the space to exercise agency and actively explore opportunities that express different pro-social identities.***

This basic conceit—that we can prescribe a path forward to help people exit a life of crime—is fundamentally flawed. It ignores the developmental reality that we have accepted in other contexts, particularly in higher education. People are not chess pieces that move in predetermined ways at the direction of society or a parole officer. They each have their own personal and social resources and a principle of motion that others cannot fully understand or predict. To paraphrase Feinstein and Peck on education systems, the tendency for one-size-fits-all prison systems to "restrict agency and diversity of opportunity" is a major failure of criminal justice that arises directly from the failure to understand desistance from a developmental context.[24] Fortunately, this framework is robust and well-studied in other contexts, particularly higher education. To find a way forward, we must take seriously the identity model of desistance in criminal justice institutions.[25] Researchers and policymakers need to work together to create environments that give people the space to exercise agency and actively explore opportunities that express different pro-social identities. To take but one example, the recent restoration of Pell grant eligibility for people in prison helps open the door to much-needed higher education opportunities.

Medium-Term Reforms

Eliminate most Collateral Consequences of Criminal Justice Involvement

It makes little sense for a system to encourage or support the adoption of an identity if the people who pass through it are marked as unredeemable. The expansion of broad-scope collateral consequences restricting access to education, employment, public assistance, parental rights, voting, volunteer service, and virtually every aspect of adult life assumes that people who engage in crime are irredeemably criminal. Simultaneously, the expansion of public access to criminal records ensures that "digital punishment" extends far beyond the criminal sentence.[26] The resulting "piling on" phenomenon runs counter to much of what we know about desistance. Many if not most Americans (particularly men) will be arrested at least once for a non-traffic offense during their lives.[27] Are we all inherently criminal? Moreover, we know that crime peaks in late adolescence and young adulthood and that most people stop offending. A society that ignores this reality blocks the formation of new identities. If the problem for an individual is to achieve a new positive identity, the problem for society is to recognize and support these new identities. Policies that continue to center a criminal act years after that act was committed directly contradict everything we know about desistance.

People need opportunities to engage in pro-social activities in order to adopt and maintain pro-social identities, but there is a second reason to eliminate collateral consequences. Current U.S. sentencing policies are based on a model of limited retributivism, with sentences designed to extract that punishment—nothing more, or less. Continuing to punish people beyond their sentences is fundamentally contrary to the structure of this system of punishment.

Long-Term Reforms

Increase Broader Societal Opportunities

Once we recast the problem of desistance as one of identity transformation, the problem itself is transformed. Every person has the same basic developmental task, whether they are in college, the labor market, or in prison—to transition from childhood into pro-social adult roles. Those who are involved in the criminal justice system are no different than anyone else in this basic sense. To the extent that too many people are involved in our criminal justice system, we can focus on changing the parts of society that detour them through the criminal justice system.

Yet individual change and motivation can be swamped by the reality of structural opportunities. Emerging from prison with a B.A. degree and work skills, for example, will provide far more opportunities in a full-employment economy than in the throes of a deep recession and pandemic. Widening

inequality, declining real wages, rising student debt, a deepening housing crisis, and the enduring effects of structural racism have all shaped the U.S. transition to adulthood. Yet all of these factors are also responsive (if not easily amenable) to social and economic policy. This requires a deeper commitment to expanding opportunity and eliminating structural barriers that prevent people from fully participating in civil society—before, during, and after prison. The good news here is that criminal involvement has a large social context. The dramatic decline in crime over the last 25 years is fundamentally a social phenomenon, not an individual one. And more can be done to create social environments that minimize crime and smooth the passage to adulthood.[28]

Recommendations for Future Research

Our primary recommendation is to ground research in theories of desistance and change. Research oriented to identity change requires different measures and methods than research oriented to a Risk Needs and Responsivity approach. Recidivism research that is not based on a model of change runs the risk of misleading both researchers and practitioners about the efficacy of particular programs or approaches. The key issue is to focus on *change*, rather than levels of offending. Many studies of recidivism fail to capture change, and this failure means that the variables identified in our models are not measuring change but levels of offending prior to prison. We know what leads to crime—what we need to understand is what leads to exit from criminal activity and the criminal justice system.

Research in this space must also engage with the broader literature on entry for adults in other spheres, including relationships, higher education, and employment. The fundamental point, periodically rediscovered and quickly forgotten in our field, is that criminal behavior is human behavior. And that humans inside institutions are engaged in many of the same developmental tasks as humans outside of those institutions. For example, we found substantial literature grappling with how to help people achieve positive adult identities in the education literature but virtually none in the criminology literature. Yet both settings face similar challenges. A continued separation of the literature on reentry from the broader literature on transitions to adulthood is counterproductive. To the extent that there are differences, these can be identified and explored through research. To the extent that there are similarities, which is our contention, we can productively transfer ideas to build a criminal justice environment that supports positive adult identities and "good lives" in communities.[29] A simple step in this regard is to survey incarcerated people about a broader range of their values, attitudes, beliefs, and behaviors; this would de-center criminal activity but broadly parallel life course studies undertaken with non-incarcerated populations.

Finally, this new research cannot neglect the social context in which these transitions occur. We know that levels of crime vary radically over time within the same space, which suggests that community context plays a big role in driving criminal behavior and adult opportunities. So too, replicating programs that have been successful outside the U.S. context will help us understand how this institutional and social context may support or undermine the individual drivers of change. A focus on identity change and development that is not placed within the structural context that people experience in their everyday lives will ultimately fail. People do not change, or grow in a vacuum, and the opportunities and experiences that are available play a large role in identity achievement.

Conclusion

In 2020, a full 52 percent of young adults 18 to 29 years old lived with their parents, the highest percentage observed since at least the Great Depression.[30] Yet justice-involved populations are even farther "off-time" with regard to traversing the markers of adult status and independent living. Policies and programs that foster adult development are thus urgently needed both inside and outside of prisons. Providing meaningful support for this transition requires thinking beyond reentry and recidivism, reducing the collateral sanctions that choke off opportunities, and expanding opportunities to survive and to thrive in the wider society.

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