Desistance from Sexual Offending¹

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¹ I would like to dedicate this essay to the memory of Dr. D. Richard Laws. He was a critic, a co-author, and a friend, and his influence shaped much of my thinking and writing in this space.

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Abstract

Purpose of Review. This article reviews the growing body of knowledge on desistance from sexual offending. Although the cessation of offending is a standard observation in criminology and has been demonstrated by people who commit all manner of crimes, it has only recently been considered relevant for individuals convicted of sexual offences.

Recent Findings. Desistance from crime is a natural human process and has been observed even among those people who commit sexual offences. The clearest distinction between sexual and nonsexual offenders is the way they are treated by the criminal justice system. Desistance can occur in different ways, for different people, and under different circumstances. It can occur naturally, with or without formal therapeutic assistance or criminal justice intervention.

Summary. Comparatively few sexual offenders truly warrant the restrictive approaches of enhanced community supervision to which so many people are now subject. A growth industry devoted to sustaining the belief that there is something very different (and identifiable) about sexual offenders has resulted in increasingly dangerous trends in our criminal justice system's response to this crime.

Keywords: desistance, sexual offending, criminology, recidivism, rehabilitation.

Introduction. Desistance describes the slowing down or stopping of offending [1-2]. It encompasses a complex process that includes both stopping *and* refraining from participating in crime [3-4]. It is a process that can be marked by lapses, relapses, and recovery [5]. Although it is most often declared in the complete absence of subsequent criminal activity, de-escalation (a reduction in the seriousness of offences) or deceleration (a reduction in the frequency of offences) also feature within a broader conceptualisation of desistance. The notion of harm reduction is a complementary consideration where the goal is on lessening the negative consequences associated with various human behaviours. Applying the criminological research on desistance to sexual offending creates a perfect and timely nexus to contemplate the long-recommended inclusion of public health perspectives into this space.

A full examination of the many versions of desistance is beyond the scope of this review, but it is worth noting from the outset that each definition of desistance by itself, fails to account for the inevitable discrepancies between what appears in an official rap sheet, what we can reliably learn from a personal interview, and what has actually occurred. Crime is a statistically rare event. Its observation is difficult enough, but the apparent observation that it has *not* occurred is even more fraught. For these reasons, the author prefers Laws and Ward's [3] position that desistance be viewed as a dynamic process that includes both stopping *and* refraining from a behaviour. Further, appreciating the process of desistance as one that will contain lapses, relapses, pauses, and successes is paramount. It is also necessary to underscore the importance of triangulating information in such a way that as many data points as possible are considered.

More than two hundred years of criminological research has shown that desistance from crime is a natural human process [6-7; 3]. The Age-Crime Curve [8]—a staple of criminology—has been replicated in multiple samples across multiple jurisdictions.

Essentially a bell curve with a positive skew, the Age-Crime Curve shows that most crimes are committed by young people (aged 16 – 22), and that most people who commit crime eventually stop [8-10].

Traditional criminology offers various explanations for desistance. It can happen naturally, where one simply ages out [8] or knifes off [11] from their offending past (natural desistance). In this case, aging out is simply a consequence of maturation in that one becomes too old to participate in criminal activity and knifing off describes a rational decision to separate one's criminal past from one's law-abiding future. Desistance can be encouraged by the advent of key turning points in life that offer social capital such as finding a job, getting married, having children, pursuing an education, or enlisting in the military (external desistance) [4, 12]. Desistance can also be facilitated by the cognitive transformation that can occur during therapeutic intervention (internal desistance) [13]. And finally, it might simply be a product of the good old-fashioned deterrence wielded by the threat of another criminal justice sanction [14].

Although desistance has been described and observed for those who engage in general crime, we have only recently begun to explore the possibility of desistance from sexual aggression [3, 14-17, 18]. Contrary to popular belief, desistance from sexual offending is an empirical reality. It happens; and it happens most of the time. A quickly growing body of knowledge now demonstrates that most people who commit sexual offences (like those who engage in general, nonsexual crime) eventually stop behaving that way [3, 15, 19-22]. Sex offenders have been largely ignored by previous, well-known studies of desistance in criminology [23]. These studies either fail to distinguish between sexual and nonsexual offenders [11-12, 24] or simply exclude sexual offenders from their samples altogether [25].

A note on previous literature. A review of the literature on desistance from sexual offending can be achieved quite quickly. Anecdotally, clinicians have observed desistance for many years, but in the current age of actuarial risk assessment, sexually violent predator legislation, and labels of sexual dangerousness, the tenacious assumption of recidivism holds strong. When we study recidivism, we focus on the measurement and explanation of reoffending. That means that the variable of interest is failure. For decades, recidivism studies have repeatedly concluded that recidivism rates are relatively low (hovering around 8-12%). To examine desistance in more detail, it is useful to consider that another interpretation might be that around 90% of the sample did *not* reoffend. A second alternative of course is that 90% of the sample were simply not *caught* a subsequent time. Either way, focusing on *known* recidivism is only telling a part of the story. Further, although risk assessment is constantly touted to be empirically derived, it is undeniable that the samples of men from which those statistics originated were in fact, socially constructed. That is, what we know, empirically, about sexual recidivism, ultimately stems only from those men who were the most likely to advance through the many discretionary layers of gatekeepers in the criminal justice system at that time. It is worth keeping these points in mind as we consider the available literature on desistance.

Literature review. Laws and Ward [3] are credited with the formal introduction of the topic of desistance from sexual offending. Their book was an impressive and inspiring call to arms motivated in part as a response to years of increasingly severe legislation that has significantly restricted the opportunities, experiences, and literal movement of people returning to the community after serving a custodial sentence for a sexual offence. Their work laid out a step-by-step plan to apply centuries of criminological research to a population that is too often considered special in some way.

The weight of their contribution cannot be overstated. Applying a criminological lens to explain sexual crime might seem logical to some, but most sexual offending research has taken place “outside the context of criminology and general criminal offending” [26 p. 277]. Traditional criminology is skeptical of offence-specific explanations and has largely ignored sexual offending [27]. Soothill, Francis, Sanderson, and Ackerley [28] observed a kind of criminal apartheid between criminology, which favours generic approaches, and psychology, where sexual crimes have been set apart from other types of criminal behaviour.

Willis, et al. [18] reviewed community attitudes and professional approaches to sex offender reentry within the context of desistance. Gobbels et al. [20] then made an ambitious attempt to advance our theoretical understanding of desistance with the presentation of their complex integrative theory of desistance from sexual offending.

Next, Farmer, Beech, and Ward [5] used qualitative analysis to investigate the themes associated with desistance among child molesters. They interviewed five allegedly desisting child molesters and five potentially still active offenders. Their findings indicated that more positive themes were identified in the desisting group compared to the active offending group.

In 2014, the author adapted McAdams [29] Life History Interview protocol to explore the process of desistance from sexual offending in a sample of 21 men convicted of sexual offences and released from custody [15]. This study concluded that “natural desistance” was only relevant for three participants and that desistance was better explained for more cases by the importance of cognitive transformation within the context of treatment. The strongest emergent themes for those men were mostly related to a lack of informal social control and the impost of recent legislation on participants to find safe, affordable accommodation and employment, and to pursue fulfilling interpersonal relationships.

By 2015, the study's sample had grown to 45 men. This time, the themes of desistance (from both sexual and nonsexual offending) were discussed, and interestingly, observed to occur in the *absence* of cognitive transformation and, without any intentional desire for intervention [16]. The main objective in this study was to examine whether the themes of readiness for and willingness to change (common to several theories of internal desistance e.g. [30]) could adequately explain the de-escalation and cessation of sexual offending. Instead, desistance appeared most likely to occur outside the formal structures of the criminal justice system and despite the offence-specific treatment provided by custodial and outpatient programs.

A subsequent study in 2016 tested several theoretical explanations of desistance using the sample of now 60 participants [17]. This study identified four desistance styles: age, resignation, rote, and resilience. Interestingly, these styles bore little resemblance to the emphasis in the criminological literature on the achievement of informal social controls or to the psychologically informed explanations of cognitive transformation.

The series of articles mentioned above culminated in the publication of a book [14] which presented three overarching strategies that 74 participants reported using to desist: retirement, regulation, and recovery. Each one is described below.

The Retirement Strategy was the dominant strategy for 20% of the total participants and emphasizes a natural style of desistance reminiscent of what criminologists call aging out [8] and knifing off [11]. There were two specific approaches here: “resign” and “rebuild.” Men who “resigned” simply gave up, very consciously withdrawing from their “old life” which often featured a prolific and versatile criminal career. The other men who described “retiring” did so equally voluntarily and straightforwardly but had also demonstrated deliberate efforts to “rebuild” their lives and “rebound” in a way that invokes the more recent literature on post traumatic growth [31].

The Regulation Strategy characterized desistance as being a product of the men's ability to navigate and adapt to the increasingly restrictive rules and requirements set forth by law. This strategy was dominant in 50% of the sample. There were four specific approaches within this strategy: "restricted," "rehearsed," "resistant," and "reclusive." The men who described desisting through "restrictions" did so by very carefully monitoring themselves hypervigilantly and ensuring that they followed the strict rules to which they were subject. The strategy of "rehearsal" emphasized a nuanced but more internal locus of control. The rehearsed desisters were active in group therapy and could readily recite the treatment scripts they had been taught, but any true rehabilitation was overshadowed by their fear of restrictions and relapse. The men who used the remaining strategies were similarly acquiescent to rules and regulations but were notably either "resistant" or "reclusive." The resistant strategy was characterized by the deterrence of further sanctions but also an utter rejection of both the criminal justice system and psychotherapy. The men who used this strategy were extraordinarily pessimistic and almost militant in their blatant disregard for guidelines or conditions. Finally, the reclusive desisters demanded isolation and seclusion. They strongly favoured solitude and had resolved to obey the law by removing themselves from society. They seldom engaged with their community and almost never left their residence.

The Recovery Strategy. Thirty% of the men characterized their desistance process in terms of a recovery strategy and did so in two distinct ways: through "rehabilitation" and through "resilience." The men who followed a rehabilitative path were profoundly and positively impacted by their experience of therapy and treatment and were especially keen to proselytize about their transformation. As per the dictionary definition of rehabilitation, they had restored themselves to some degree of normal life through appropriate training. They appeared to have achieved some level of cognitive transformation (albeit with the

stigmatizing label of “at-risk sexual predator” still firmly attached). A strong hallmark of this strategy was that many of the “rehabilitated” men also mentored other men in their treatment groups and were motivated to help others and give back. This generative theme is discussed in depth by others (Maruna, 2001). The “resilient” men demonstrated a similarly commanding confidence to live offence-free lives, but the change was subtle and internal. They were equally certain of their total recovery, but insistent that it had occurred independent of psychotherapy.

Furthering the trend of exploring this phenomenon through a criminological lens, Farmer, McAlinden, and Maruna [32] published an intriguing thematic analysis of 32 men convicted of sexual offences against children. Their participants provided self-narratives that unconsciously featured Routine Activity Theory explanations emphasizing the influence of and changes in situation and circumstance in their pathways into and out of crime. The authors concluded that this approach allowed their participants to desist while managing the shame and stigma attached to their offences.

Relatedly, and most recently, Perrin, Blagden, Winder, and Dillon [33] explored the mechanics of generativity in the form of mentoring and peer support roles for men serving custodial sentences for sexual offences. Their participants embodied the “rehabilitated” strategy above, in that they were able to ‘do good’ and ‘give back’ in prison. Having the opportunity to revisit negative labels and “live up to their desired selves” (p. 759) was also a way of meaning making (for themselves) and having a positive influence on others. At the heart of much of these studies is an underlining of the importance of independence, humanity, and autonomy.

Desistance in practice. Taken together, the general conclusion of the works summarized above is that sexual offenders share far more similarities than differences with

general criminals. It is clear, however, that sex offenders are treated differently than general criminals within our justice system. They are subject to different evidentiary rules during trial, are offered (or mandated to attend) specific treatment during incarceration, may face indeterminate detention even upon completion of their custodial sentence, and are subject to distinct requirements for registration upon release [34-35].

Regardless of whether there is an inherent or measurable difference between offenders who commit sexual crimes and those who do not, the legal systems in many countries, continue to make such distinctions [26]. In addition, the public has a more negative attitude toward sex offenders than other types of offenders, and community reentry is particularly difficult for this population [18]. Because they are singled out for additional requirements not given to other offenders, individuals with sexual offence convictions are subject to a unique set of conditions that is likely to impact their process of desistance and ultimately, their chance of success.

Over recent decades, a growth industry has emerged that connects psychology, psychiatry, sexology, social work, and law enforcement and relies on tools such as polygraphy, plethysmography, and actuarial risk assessment. This industry's focus is almost entirely upon assessment of risk, the prevention of relapse or recidivism, and (to varying extents), the implementation of apparently rehabilitative treatment. For years, the emphasis of the "helping disciplines" in these interventions has been on mandating an individual's attendance and participation in group (and individual) therapy, for a protracted period.

Practitioners, policymakers, politicians, and the public continue to embrace the fiction that, as a 'criminal class', those convicted of sexual offences stand markedly apart from other criminals. They are risk-assessed using actuarial models that originated in insurance and economics. Many of these individuals are then seen as bearers of risk for the duration of their lives. Many current risk assessments of sexual recidivism are based only upon static,

historical variables such as ‘age of onset’, ‘number of previous convictions’ or ‘behavioural problems at school’, and therefore cannot account for change over time in perspective, behaviour, or risk itself.

Recently, there has been some development around identifying dynamic measures that address risks, needs, and protective factors in a more holistic way. Such approaches include considering learning differences, the impact of treatment, or finding paid employment. The clearest example is in the recent concessions made by the creators of the Static-99[36]. They have revised their age indicators in such a way that if someone previously convicted of a sexual offence manages to live offence free in the community for ten years without any supervision violations, then they are considered to be at no higher risk of committing a subsequent sexual offence than someone who has never committed a sexual offence. Unfortunately, even this recent and well-intentioned effort can do little to reverse the effects of the static and historical risk assessments that have dominated the field for so long.

Personal reflections. Interviews with about 100 participants in various jurisdictions across the United States indicates that men stopped committing sexual crimes for various reasons, for varying periods of time, with varying levels of success. Their experiences of desistance are as many and varied as the men themselves. There were as many motivations for the cessation of their offending as there were explanations for its onset, escalation, or persistence. They revealed a range of employment histories, educational experiences, relationship arrangements, parenting responsibilities, and individual personalities. The original intention of this work was to address that “why” question and arrange the men’s shared themes of desistance into distinct styles that reflected those described in the available criminological and psychological research. But our grasp of desistance from sexual offending is still so new that this work necessitated a beginner’s mind. This field is so young that we must realize that only when we understand *who* desists and from *what*, and can confidently

discuss *when* and *how* that process occurs, can we meaningfully ask “why?” At the most basic level, the present author contributes to this literature by very simply sharing their stories.

Some just stopped – they ‘aged out’ of crime and described getting ‘sick and tired of being sick and tired’. Others stopped committing sexual crimes in the same way they stopped breaking into houses or stealing cars. Some described building social capital or ‘stakes in conformity’ by developing attachments to people. They found a partner, got a job, made friends, or had children: they had something to lose. Others benefited greatly from psychotherapeutic intervention. They worked through their traumatic childhoods; they came to reconcile who they are with what they had done; they learned from the pain that they had caused; they realised they didn’t want to live that kind of life. All these pathways demonstrate the unique routes via which desistance happens. Yet we continue to stoke a system that endorses the myth of sustained, specialized, and stranger-perpetrated sexual violence.

Summary. This review contributes to a necessary reconceptualization of the way we understand and respond to individuals convicted of sexual offences. The continuation and extension of the relatively recent application of a criminological lens to this phenomenon is recommended and encouraged [3, 15, 17, 37-38].

Recognizing the process of desistance from *sexual* offending is imperative and timely. It bears repeating that such patterns of behaviour can usefully be situated within observations of nonsexual offending and nonoffending. We know that sexual recidivism rates are continually observed to be considerably low and that desistance is indeed the typical outcome for people convicted of sexual offences. It is high time we examine critically the way we respond to the population who commits sexual offences and consider the impact that formal intervention and treatment can have on them and the community more broadly. A series of recommendations follow below to guide future in this space.

Changing the language. The first step in changing the paradigm is changing the language we use. To that end, it is necessary and timely to reframe our knowledge of sexual offending within the language of desistance. This means a commitment to not using labelling language and adopting the more integrative, person-first approach of referring to sex offenders instead as “individuals convicted of sexual offences.” As Maruna remarked, as a society we are, quite literally, “lost for words” when it comes to the possibility of “redemption scripts” [11] for individuals formally incarcerated for a sexual offence. We do not have a language or a script to describe people moving on from having a history of sexual offending. Basically, addicts can be in recovery, petty thieves can be ex-cons but a sex offender is a sex offender forever. If the treatment industry keeps peddling treatment and has any faith in its effectiveness, the individual must be able to come out the other side and become a “survivor” or be “in remission,” or bear a risk that has been reduced or can be managed. “Treatment” implies that one can be fixed, but if one must participate in treatment or be subjected to supervision forever, can there ever be a way out?

Adopting a longitudinal focus. A developmental and life course criminology approach necessitates an appreciation of the impact of turning points and life events that might alter a person’s pattern or likelihood of offending. Thus, it is important that social bonds be measured dynamically rather than as static variables. One of the difficulties researchers encounter is that variables such as marital status and employment history are often treated as static items. They are scored in risk assessment tools based only on pre-conviction information. To better understand the mechanisms of desistance, the field must progress towards a dynamic view of offending and re-entry where the obtainment of employment (or, simply gains in ‘employability’) and one’s relationships, for example, can be examined *post* release.

Assessing the likelihood of desistance rather than the risk of recidivism. One of the hallmarks of the sexual offending industrial complex has been the creation, proliferation, and extraordinarily wide application of a range of risk assessments that largely focus on static variables from one's criminal and personal history. True reform requires a departure from this trend. Given the severely limited resources that are increasingly strained beyond viability, it is time to direct our focus to identifying the low end of the distribution and consider selective *release* decisions for those who pose a lesser risk to the community [9, 39]. If we pivot our focus from identifying high-risk offenders, to identifying individuals with the greatest likelihood of success, we could reduce the population of overcrowded prisons, and decrease the burden on law enforcement to free up resources so they can be directed to where they are most warranted. For example, the pursuit and achievement of various forms of social capital (such as being educated, being enrolled in education in custody, having marketable skills, having been previously employed, connecting with potential employers prior to release, or having cared and provided for one's family), may all be relevant in predicting an individual's success upon release.

Conclusion. Contrary to popular opinion, few sexual offences are committed by deviant, specialist, persistent, chronic, fixated, or frequent offenders [39-40]. Further, few individuals convicted of sexual offences are destined to repeat, persist, or escalate that behaviour. Drafting legislation with such narrow circumstances in mind and passing laws named for the specific victims of abhorrent but rare events has widened the net so much that we now grossly distort what constitutes a "sex offender." We now apply such restrictions to anyone who comes to the attention of authorities for even a minor infraction of a somewhat sexual nature. The commission of one of these kinds of offences does not necessarily doom someone to a life of crime and we now know, compellingly, that most people who engage in these crimes will one day stop

For too long our field has been consumed with risk, relapse, and recidivism. What if we inverted this paradigm to instead concentrate on rehabilitation, recovery, and redemption? We could encourage the pursuit of mastery by providing ways to spend time meaningfully and productively. We could foster intimacy by facilitating the creation or reunification of positive pro-social relationships. We could make society safer and prevent sexual victimisation by facilitating desistance.

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