

A critical review on how social and personal factors can act as barriers to desistance prospects

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Abstract

Desistance is a process that offenders who want to shed their offending identity behind will embark upon. The social and personal challenges they can face will be discussed throughout this essay in conjunction with the theories that underpin those challenges. The differences between social and personal aspects will be discussed at length alongside how they can act as barriers to the desistance journey. The contrasting and interlinking theories of agency and structure will be explained and investigated with consideration for these factors. Alongside this, the responses, including government and society, that individuals may encounter along their journey will be investigated. Due to the many conflicting definitions of desistance, the responsibility of changing one's life often falls solely in the duty of the desister. This responsibility means it is often unseen how personal and social factors can weight so heavily onto someone struggling through desistance. Agency and structure help to understand the nature behind social and personal aspects as well as how they interlap, they can also have layers that further disadvantage an individual known as intersectionality. The roles of the government as well as the probation will be considered and analysed in conjunction with the presence of these obvious barriers in an offender's desisting journey.

Keywords: Desistance, structure, agency, social, personal, barriers, desister, intersectionality

There are many differing definitions when it comes to the theory of desistance as there are many frameworks and concepts that support the different definitions (Fox, 2022). Definitions often fall into either the agency paradigm or the structural paradigm and it is rare that theories of desistance agree on the causes of cessation of crime. On the one hand, we have definitions of desistance believing that to rid the habit of criminality to successfully become an adult, ridding oneself of the ways an adolescent behaves, suggesting that no successful adult should take part in any criminal behaviour (Trasler, 1979). On the other hand, desistance has seen studies in which men's criminality has been assessed from adolescence to late adulthood concluding that crime is

something that people will grow out of for the most part. Having desistance fall within a maturational definition excludes all caveats when it comes to opportunities that these men may have or not have access to (Sampson and Laub, 2003). Such studies ultimately can explain a portion of the criminality they study, however, they fail to take the bigger picture into consideration.

The different definitions make it a complicated concept if theorists cannot agree upon a definition, how are the individuals on the journey to know if and when they have fully desisted or, can they only be seen to be successful once they have passed away with no more offending? The result is that the offenders themselves as well as society do not have one measurement to determine when someone has become an ex-offender so it becomes harder for the stigmatisation against offenders to end (Bushway *et al.*, 2001). Research is trickier to undertake without one set definition to base studies around, this can also cause a lot of misconceptions for desistance as there is no one metric that can be measured (King, 2013b). While more research does continue to be done, there is still a lack of desistance included in state regulations and plans for crime reduction across the UK (HM Prison & Probation Service, 2022a, 2022b). These reports highlighting plans for reduction of offending in London and Yorkshire and Humber ignore the existence of desistance, suggesting the plans have made no acknowledgement of research in the field of desistance that would support and enhance their plans for reducing crime as to really tackle re-offending is to support individuals to desist (HM Prison & Probation Service, 2022a, 2022b).

Historically, development of criminological focuses and beliefs have shifted and progressed over time and this development helps to understand how desistance has also evolved (Rocque, 2017). Early theories of Criminology tended to focus on what caused crime opposed to how to successfully overcome it (Cullen and Gendreau, 2001). Desistance theories started to begin much later than that of criminological thought and in the beginning they focused on maturation in that an individual will get to an age when they have matured and will naturally cease offending as a result of their maturation (Farrall and Bowling, 1999; Rocque, 2017; Fox, 2022). The Gluecks, whose research surrounded maturational reform, believed that behavioural change had no impact from social or environmental factors and was solely based on coming of age and because of this, behavioural change would occur naturally (Glueck and Glueck, 1940 cited in Weaver, 2015). This natural behavioural change is understood through an individual perspective in desistance, with biological factors being the main concepts in this theory (Rocque, 2017). Maturation follows on from the age-crime curve that was developed in the 19th century that found a correlation between the increasing age of a criminal and the decrease in crimes they committed (Maruna, 1999; Rocque, 2017). While this may be true for a lot of young offenders, there is little from these concepts to explain those who do not cease offending when entering adulthood or take into consideration how

this cessation may be impacted by personal or social aspects (Healy, 2010; Rocque, 2017). Like the Gluecks, there are and have been many theorists who have not acknowledged the notion of social factors affecting the desistance process, therefore, the operational side of desistance has a difficult task in supporting offenders as it is unable to assess the full picture (Farrall and Bowling, 1999). Research in the field of desistance has found a need for longitudinal studies, studies that take place over a period of time, of desistance as change in behaviour does not take place as a single event (Farrall and Maruna, 2004; Lussier and Healey, 2009). This journey of desistance is often compared to that of recovering from substance misuse, in which there will be stops and starts, which emphasises the support and influence needed to maintain this recovery permanently (Best, 2019; Best, Hamer and Hall, 2020).

It has long been argued that offending is a decision based on rational choice made by the offender with no other circumstances playing into the decision to commit crime (Farrington, 2017). The emphasis on offending being a decision is a key concept in agential approaches to desistance as it holds the offender accountable for their decision making in ending their criminal offending (Clarke and Cornish, 1985). Theories of agency define desistance in many different ways as agency is constructed around the notion that individuals have the power over their destiny, they craft their behaviour, they choose how to be, and ultimately they achieve what they want in the way they want to do so (Healy, 2013). It is found that an offender can grow tired of committing crime and decide that it is no longer worth the potential prison sentence they may face (Farrall and Bowling, 1999), however, this argument is not supported by the structural factors that may then hinder the desistance process and make it an unrealistic one. Cognitive theories that support agency are defined by the lack of ability to make good choices and assess the outcomes of committing crime (Healy, 2013). Certainly, there is no age that can be agreed upon that people begin to mature, evidenced by the age of criminality responsibility being different across the world, these theories of maturation also do not account for other factors such as learning difficulties that affect the way one would mature and react to situations (Maruna, 1999).

Little is mentioned around mental health and learning difficulties when it comes to desistance as we know that choice making and the ability to assess actions are affected by these factors, therefore, will also affect criminality and desistance in the same way (Link, Ward and Stansfield, 2019). Neurodiversity is a divergence from what is classed as the average way in which the brain works and processes and is an umbrella term for a range of cognitive differences like mental health problems, autism, ADHD and more (Kirby, 2021). Research has found that there is a link with neurodiversity and delinquency and it is research like this that calls for questions of whether neurodiversity and mental health problems are being taken into consideration when

individuals are expected to desist if they decide they want to (Link, Ward and Stansfield, 2019). The structural aspects with neurodiversity will also be experienced when it comes to the barriers felt with access to support for those who need it as well as employment, understandably this fact will support the need for an integrated approach, that combines structure and agency, to further support the multi-layered support individuals need (Link, Ward and Stansfield, 2019). From an agency perspective, barriers such as lack of motivation, lack of hope, and low self-belief are believed to be internalised struggles that individuals deal with, however, considering a structural perspective these barriers can also be explained via the lack of opportunities in society that individuals experience that aggravate feelings of hope (Barry, Farrall and France, 2022). Agential barriers are present and affect individuals in different ways however the causation for these agential barriers is often also structure based and therefore we need to understand the structural aspects of desistance to gain more insight (Farrall and Bowling, 1999).

Gottfredson and Hirschi, who argued that no other factors than rational choice that they claimed developed in childhood, established that self-control was dependant on one's socialisation process which would suggest the presence of structure in the self-control notion of offending (Gottfredson and Hirschi, 1990 cited in Farrington 2017). This work has been critiqued as Gottfredson and Hirschi do not consider adulthood and how social contexts change through life (Healy, 2010). Farrington (2017) makes an argument for structure and social aspects, as well as individual factors, that can affect one's desistance, aspects that are not controlled by the aging of someone but are known as factors that can increase the chance of someone committing criminal acts and can equally hinder their chances of desistance. The structural paradigm of desistance sees this as happening due to changes in circumstances and society that can trigger the cessation of crime (Farrall and Bowling, 1999). Individuals embarking on a journey through desistance can be affected in many ways when it comes to the social factors impacting desistance. These social factors can also be very different for every individual. A lot of social factors facing individuals often affects their reintegration back into society as well as limiting the prospects they have once leaving prison or gaining a criminal record (King, 2013b). Deviant women have been found to experience higher levels of stigmatisation than deviant men therefore seek out what is seen to be normal values, such as having a partner and starting a family, as their influence for desisting (Giordano, Cernkovich and Rudolph, 2002). Unfortunately, there is far less research into women's experiences of desistance and arguably this could leave gaps in the knowledge that practitioners can use to fully assist women with their desistance journey (Barr, 2019).

Influences, such as having a partner, becoming a parent, or obtaining a job, are known as 'hooks for change' and they are seen to be positive influences in the desistance journey, often

giving an individual a reason to desist and to shed their offending identity to become this new ex-offending person who is trying to better themselves (Giordano, Cernkovich and Rudolph, 2002). In individuals' desistance narratives it is adopting a new non-offending identity that is a catalyst for behavioural change, as mentioned the 'hooks for change' are points in life in which give an offender an opportunity to change for the better and it is often these hooks which make them want to leave their offending self behind (Healy, 2010). Ultimately for individuals wanting to desist, they will have these hooks that will enable them to change and it is the external factors that often influence this agential behavioural change (Healy, 2010).

There are three stages of desistance that have been identified, the first stage being primary desistance which involves the changing of behaviour and the absence of committing crime (Weaver, 2015). The importance of behavioural changes in desistance is often compared to recovery theories as both follow a similar pattern and in the case of agency, we see these behavioural changes as decisions made opposed to happening naturally (King, 2013b). It has also been found that to desist it is this primary desistance along with secondary desistance, in which an individual moves their behaviour towards adopting a non-offending identity, in a dichotomous manner that supports successful desistance (Weaver, 2015). Primary desistance is not researched as heavily as secondary desistance as it is not believed to be as of the same importance to understand however, earlier understandings of desistance focused on this behavioural change so it would seem to understand primary desistance is integral to understand why secondary desistance then takes place (King, 2013a). When barriers are concerned here, establishing the drawbacks that people face at this early stage can support the shift into secondary desistance with early intervention (King, 2013a). The third phase in desistance which is a relatively new concept, is tertiary desistance. Tertiary desistance is the recognition that others in society have acknowledged the change and new identity of an ex-offender and accept that they are no longer an offender and are a respected member of society (Nugent and Schinkel, 2016). Identity is a strong focus within desistance as it is the identity of offender that needs to be shed to become an ex-offender and for society to view them as such, however, the structural barriers hinder this process as exemplified with the three stages of desistance (Nugent and Schinkel, 2016). Through this acknowledgement will come new opportunities and a continuation of the ex-offender identity then known to other's as well as themselves (Best, Hamer and Hall, 2020).

The agency thought behind desistance asserts that potential desisters should choose to want to reform and, therefore, should be leading their own path with desistance however it is shown that with a lack of motivation it is hard for individuals to be able to desist (Weaver, 2015). Lived experiences make for great insight for researchers and should influence practitioners when

it comes to the approaches they have with offenders, however, it is these experiences that are not taken into account and offenders are expected to follow this one size fits all programme (King, 2013a). Studies have shown that for individuals to desist they do have to have a level of agency to them that helps them and motivates them to desist which aids in their journey into desisting from crime (McMahon and Jump, 2018). There needs to be effort made by an individual as well as the decisions to take themselves out of situations that may find them committing crime again, this ultimately needs to be a decision made to disassociate with friend groups and establish positive relationships (McMahon and Jump, 2018). For positive relationships to first be established there needs to be a mutual relationship formed and maintained that is often gained through education or employment, this is not always an easy feat when it comes to those who have criminal records struggling to gain employment or enter education (Weaver and McNeill, 2015; Mann, Devendran and Lundrigan, 2021). On the flip side, there is a need to understand the potential for negative impacts that come from relationships such as offending behaviour, once an individual leaves prison there is every potential they will end up back in these circles and finding it hard to break the cycle of committing crime (Weaver and McNeill, 2015).

Locational issues can heavily impact an individual's desistance as, already discussed; they are going back to the same communities while maintaining the same relationships they had before going to prison which influenced their offending behaviour (Webster, MacDonald and Simpson, 2006). Along with this, the structural factors that underpin the excessive hinderances to desistance, including poverty, lack of career and educational opportunities and hostility from society do not make it easy for an individual to desist even if they do have the motivation to do so (King, 2013a; Mann, Devendran and Lundrigan, 2021). The setbacks that individuals may face with unemployment and lack of access to education are known as macro-level and these are aspects in which the individual has no control over and ultimately are too large of an aspect for the individual themselves to be able to manage (Farrall and Bowling, 1999). Research has found that the majority of individuals who leave prison remain unemployed for a significant amount of time afterward due to their criminal record and the lack of acceptance employers have to employ someone with a criminal record, ultimately they would have to work drastically harder than other applicants for jobs due to this (Maruna, 2012; Barr, 2019). This is a huge barrier to being able to successfully desist as not only will someone continue to be unemployed, but they can also face poverty, and further stigmatisation as a result of having to claim benefits and face the predicament of having to commit further crime to support themselves (Nugent and Schinkel, 2016).

These factors are all part of the structural barriers that offenders face when they come to try and desist from crime and if these barriers were not experienced, their journey would likely be

very different (Mann, Devendran and Lundrigan, 2021). Research has found that this lack of motivation can come in an array of areas, areas out of control of the individual, including feeling the need to isolate oneself and stay away from friend groups that encouraged offending (Nugent and Schinkel, 2016). This isolation can also be as a result of family and friends wanting to distance themselves from an individual due to their offending which in turn will further hinder an individual's ability to feel that they can desist (Mann, Devendran and Lundrigan, 2021). Feeding into this distance from family or friends comes the stigma attached to an individual from being an offender, this is felt from friends and family and further society as well as with jobs and educational prospects (Cid and Marti, 2012; Best, Hamer and Hall, 2020; Barry et al, 2022). This stigma can and does affect the opportunities that individuals have in changing their lives for the better and making amends and it is these factors that need to be considered rather than just an agential approach (Cid and Marti, 2012; Best, Hamer and Hall, 2020). Alternatively, the personal factors cannot be ignored when it comes to the importance of structural barriers as they have such a huge impact (Barry, Farrall and France, 2022). Family support offers offenders the encouragement and motivation that can enhance their desistance process as it incites positivity and belief for change (Cid and Marti, 2012).

A breakdown of a family unit whether that be before or after offending has huge impacts on individuals and the importance they may attach to their offending or want to desist (Mann, Devendran and Lundrigan, 2021). Laub and Sampson (2005) attest to family ties, job security and marriage having strong ties in the cessation of crime in adult life which supports the need to focus on structural aspects as well as agential aspects of desistance. However, Laub and Sampson also found that juvenile delinquency often linked to a lack of social bonds and that social bonds changed over one's life course and thus different bonds were experienced with age (Sampson and Laub, 2005). This contradicts their own research when finding that access to such things like employment and familial support positively affect desistance when they are also considering how maturation affects desistance. Even with this critique there is still support for desistance as a journey opposed to a static event with this shift of social bonds as one moves through childhood into adulthood proving that as social bonds change, desistance can be affected in the process (King, 2013b). When it comes to the personal and social factors that impact desistance it is arguably what should be seen as an integrated approach that should be thought of even with the barriers to desistance as well as desistance itself (McMahon and Jump, 2018). To have an integrated approach to desistance enhances the understanding of the barriers of desistance interlapping with each other and having great influence and effect on each other. Personal factors feed into social factors and

vice versa subsequently meaning that no individual will experience only personal or social factors in their desistance journey (King, 2013b).

A shift in focus around research of 'nothings works' to 'what works' found a resurgence of probation in the 1980s in the UK (Rex, 1999; Farrall and Maruna, 2004). 'New Labour' took a step towards risk and management-based responses to desistance and an offender's journey once released from prison and has put the offender themselves in the spotlight and given them the responsibility to desist (Rex, 1999). The use of probation and risk management is often what is used by governments to aid offender reintegration (Maruna, 2012). Probation deals with the rehabilitation of offenders and we see rehabilitation and probation implemented as a way to support individuals desistance journeys (Rex, 1999). Risk based management is usually a way to keep the public safe from the offenders, however, it does little in the way of giving the offenders what they need to then succeed in their desistance journey (King, 2013b; Mann, Devendran and Lundrigan, 2021). The language used in this area is arguably negative when it comes to discussing management and risk, as well as in the rehabilitative aspect, as it sees people as needing to be fixed (Maruna, 2012). Offenders are known to do what it takes for them to get through their risk assessment so they can attempt to put it behind them and focus on their desistance journey (Maruna, 2012). This does not prove that the use of risk assessment or probation is doing much in the way of support for the individual's barriers of desistance however, it is simply using the same formula for every individual that passes through the service (King, 2013b). Offenders often experience frustration with having to prove themselves to probation staff that they can and have changed and it is the staff that ultimately hold all the power in the dynamic as they judge the level of risk themselves (Maruna, 2012).

A lot of the work with risk assessment is assumption based on their previous offending and does not factor in any work individuals have done in prison or how they feel about their offending presently (Webster, MacDonald and Simpson, 2006; Maruna, 2012). Risk assessment claims to make these judgements based on what led to offending behaviour and use this as the basis for their levels of risk, however, little in the way of support then addresses these issues when the reasons for offending can continue to act as barriers to desistance (Webster, MacDonald and Simpson, 2006). Risk management is often seen as a tick box response to managing risk that takes on an impersonal approach to offenders with no attempt to get to know the individual (Healy, 2012). This is what is known as a prescriptive resolution, meaning one size fits all, and there is no deviation from the prescribed support, when in actual fact an individualisation to the process would help probationers to understand individual needs (King, 2013a; Barry, Farrall and France, 2022). In the end, the probation service attempts to rehabilitate those who interact with their

service, however, they are failing to address the landscape of an offender's life that that offender has returned to upon leaving prison, simply walking back into the lifestyle they once had has the potential to challenge their desistance process (Healy, 2012). Ultimately the prime goal when it comes to the Criminal Justice System is to reduce crime and reoffending and it is on this metric that the success of the system is often judged (Klinge *et al.*, 2019). The involvement of the government's research in their justification for the support they offer offenders through the likes of the probation service are arguably looking to hold the individual accountable as it reduces the blame on the services and shifts all responsibility of reoffending onto the individual (Healy, 2012). This notion can be suggested to save the government money as they don't feel it is their responsibility to put money into resources (King, 2013b). Individuals are leaving prison experiencing stigmatisation because of their criminal record suggesting that the Criminal Justice System is doing little in the way to support offenders as it is structured to stigmatise those it proposes to rehabilitate from the get-go (Cullen and Gendreau, 2001; Maruna, 2012; Barr, 2019).

An integrated approach is what needs to be asserted when it comes to desistance so all aspects can become the discourse around desistance and therefore be tackled accordingly by understanding that structural aspects will impact the personal aspects and vice versa (Best, Hamer and Hall, 2020). An integrated model helps to understand that an individual may make a voluntary decision to change, yet structural aspects will push back on that decision and cause desistance to be a difficult process, a process that is desperate for an approach that acknowledges this (Best, Hamer and Hall, 2020). Further research maintains that an integrated approach can address that decisions that are made to offend or re-offend need social and structural context to fully understand why these decisions may have been made to begin with (Healy, 2010; Barry, Farrall and France, 2022). With this emphasis on the individual, it can be argued that a heavier focus upon training practitioners and help from the state would aid in the overall success of the Criminal Justice System as it makes the services better equipped to help the individual with the personal aspects they face (Weaver and McNeill, 2015). A focus on desistance and further understanding of how the state can support the needs individuals have through their desistance journey can make for better results in the long run (Klinge *et al.*, 2019).

In conclusion, it is easy to see how personal and social factors can act as barriers to the desistance process for individuals. It is also clear that, to fully understand how they can and do actively affect desisters every day, an integrated approach to desistance is needed as it is not a personal or a social issue that can be dealt with but it is both intertwined. To fully support someone in their desistance journey there needs to be an emphasis on the positives that surrounds an individual's life as well as taking heed of the knowledge that can be gained from lived experiences

in the field. Furthermore, an integrated definition of desistance would give the government and probation services alike better understanding so that their resources for individuals matched what the process of desistance really looks like (Rex, 1999). By understanding that someone can relapse into crime and not emphasising this as being such a negative aspect, taking influence from substance misuse recovery would be better suited to see relapses in a more positive manner and support individuals to continue their journey opposed to beginning the process again. Finally, the lived experience of those who have embarked on the complicated journey of desistance should be the examples that are held important as these lived experiences can provide crucial knowledge about the process, how it is supported and the drawbacks along the way.

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