

Dr. Natalie Mann is principal investigator at the Policing Institute for the Eastern Region at Anglia Ruskin University. Her research focuses on ageing prisoners, sexual offending and the management of sexual offenders. She is currently working on a large-scale, national evaluation of the risk management tool used by police and probation in England and Wales in the supervision of sexual offenders in the community.

Dr. Natalie Mann
Principal Investigator
A Policing Institute for the Eastern Region
Anglia Ruskin University

natalie.mann@anglia.ac.uk

Priya N. Devendran is a research assistant at the Policing Institute for the Eastern Region at Anglia Ruskin University. Her research focuses on policing, and in particular, the policing of domestic violence. Priya's experience also extends to government policy development and implementation. She has previously worked across multiple departments within the Victorian State Government in Australia.

Priya N. Devendran
Research Assistant
A Policing Institute for the Eastern Region
Anglia Ruskin University

priya.devendran@anglia.ac.uk

Dr. Samantha Lundrigan is Director of the Policing Institute for the Eastern Region at Anglia Ruskin University. Her research focuses on criminal justice responses to sexual violence. She is currently working on a large-scale, national evaluation of the management system used by police and probation in England and Wales in the supervision of sexual offenders in the community.

Dr. Samantha Lundrigan
Director
A Policing Institute for the Eastern Region
Anglia Ruskin University

samantha.lundrigan@anglia.ac.uk

Abstract:

This paper explores the relationship between the current model of community sex offender management, which is underpinned by mechanism of control and enforcement, and desistance from sexual offending. Utilising data from qualitative interviews with 20 men convicted of sexual offences, we found that whilst existing practices offer some reassurance to those managing the public protection arena, they do little to encourage the substantive processes of identity change which is necessary for long term desistance. This raises important considerations for how current risk management practices may be improved to encourage desistance and community reintegration.

Key words:

Sex offending

Desistance

Recidivism

Surveillance

Welfare

Reintegration

Word count: 7942

‘You’re never really free’: Understanding the barriers to desistance for Registered Sexual Offenders in the community

Introduction

The rise of the ‘new penology’ has had a profound effect on how individuals convicted of sexual offences are managed and reintegrated into the community. As Deering (2011) highlights, transformations in sex offender management, facilitated by the rise of the ‘new penology’, has prioritised public protection through restrictive methods of risk management. Within the United Kingdom, the risk-based model that has come to characterise contemporary sex offender management since the 1990s is exemplified in measures such as multi-agency frameworks on risk assessment, treatment and management, under the Multi-Agency Public Protection Arrangements (MAPPA) (Harrison, 2011).

The heightened focus on managing ‘sex offender risk’ undoubtedly holds serious consequences for the desistance and reintegration into society of those convicted of sexual offences. Indeed, while scholars have identified successful community re-entry and social reintegration as pivotal in fostering desistance from sexual offending (Göbbels et al., 2012; Lussier and Gress, 2014), punitive risk management practices have resulted in ‘collateral consequences’ (Tewksbury, 2005) that constrain social opportunities for

change and limit important situational supports that set those convicted of sexual offences on a trajectory of desistance. As a result, the social consequences of risk-based sex offender management have become 'not just more prevalent but also weightier and stickier than in previous decades' (Farrall and Sparks, 2006: 7).

In order to examine risk management practices and their relationship to desistance, this article utilises qualitative interviews with men in the community, convicted of sexual offences. It argues that whilst restrictive risk management techniques might support formal desistance and 'offer some reassurance to practitioners tasked with the difficult and uncertain business of public protection' (Weaver and Barry 2014: 153), they present only short-term solutions to re-offending. In contrast, more definitive solutions to recidivism that occur through substantive processes of identity change, involving continued interactions with social and structural supports, are impeded by current risk management practices, with long-term implications for public protection. Consequently, the current risk-based model of sex offender management must be reconceptualised in order to incorporate more progressive elements to support the process of substantive desistance.

Desistance and sexual offending

The concept of desistance has been canvassed extensively in criminological literature. While scholars differ on the reasons for desistance (Hirschi and Gottfredson, 1983; Blumstein et al, 1985; Farmer et al, 2015), most agree that it is a dynamic and complex process undertaken by an individual to ultimately decrease or refrain from offending behaviours over time (Kazemian, 2007). Desistance has been explored and evidenced empirically from two perspectives. The first examines the role of social/structural factors that support desistance, whilst the second explores internal processes of subjective/cognitive change. Research in the former perspective has focused on the role of informal social control mechanisms on the desistance process, in particular the role of stable employment and intimate relationships (Farrall et al., 2014; Sampson and Laub, 1993; Savolainen, 2009), whilst research in the latter perspective demonstrates that desistance is a result of changes in self-identity (Digard, 2014; Liem and Richardson, 2014; Rocque et al., 2016; Soyer, 2014).

These perspectives on desistance are not mutually exclusive, and scholars have emphasised the symbiotic relationship shared by structural and subjective domains in fostering desistance (Bottoms et al., 2004; LeBel et al., 2008). Indeed, desistance is a product of diverse and complex interactions that are dependent upon opportunities for

change; these opportunities are, as Weaver and Barry (2014: 154) state, 'mediated through the lens of an individual's personal priorities, values, aspirations and relational concerns...which directly influence their potential to enable or constrain processes of change'.

The literature pertaining to desistance amongst sexual offenders is less substantive than that for other crimes, although a small number of studies have added to our understanding (Harris and Hanson, 2004; Kruttschnitt et al, 2000; Thornton, 2007). Such studies stress the importance of focusing on biological, psychological and social factors that can strengthen an individual's ability for growth and change (Mann and Carter, 2012). In their systematic review of literature on desistance from sexual offending, Farmer et al. (2015) demonstrate the potential mechanisms by which formal sanctions promote sex offender desistance. Within the studies observed, they found that research participants expressed shock and remorse as a consequence of detection and conviction, which initiated the process of cognitive transformation. This, the authors suggest, indicates that formal sanctions might support the 'feared self' identity theory of desistance (Paternoster and Bushway, 2009), whereby the fear of becoming or continuing to be something one does not wish, facilitates a change in behaviour. Similarly, in their qualitative study examining the effects of 'community controls' on sex

offenders residing in the community, Brogden and Harkin (2000: 47) assert that formal criminal justice controls are internalised and 'offenders refrain from certain behaviour even when not legally prohibited, appreciating that it might precipitate re-offending'.

Other factors brought to light by desistance narratives highlight the importance of 'agency, social capital, social recognition and access to essential socio-structural resources' (Weaver and Barry 2014: 154). In fact, the importance of such relational elements for desistance has received much attention in criminological literature; family ties, stable employment, and the disintegration of peer groups have all been evidenced as important for understanding patterns of desistance in crime (Laub and Sampson, 2001; Farrall, 2002; Warr, 1998; Maruna, 2001; Gadd and Farrall, 2004).

Whatever crime one has committed, it seems that as Farmer et al. (2015: 321) discuss, 'desistance seems to require changes in an offender's personal circumstances, *and* in their thoughts, desires and life plans'. This article seeks to understand the barriers to these changes which those convicted of sexual offences experience, brought about by formal and informal control mechanisms which exist within the ambit of mandatory sex offender monitoring and management.

Methodology

The aim of the present study was to examine how men convicted of a sexual offence, perceive, interpret and react to the mandatory community monitoring and surveillance they are subject to.

The data used in this paper is taken from 20 qualitative interviews conducted with men subject to sex offender registration and notification (SORN) (often referred to as the sex offender register), living in the community, in Eastern England during 2015 and 2016. For the purposes of this project, two main sampling criteria were adopted; firstly, participants had to be 'registered sexual offenders' and therefore under the management of police; second, they had to be under Probation Service supervision, so that both sides of their community management could be investigated. As such, a purposive sampling technique was employed whereby potential participants were identified and approached via their Probation Service Offender Treatment Programme, and asked to volunteer if they were subject to SORN and felt they would like to take part in the research.

The recruitment of those convicted of sexual offences for research purposes is notoriously difficult (Thomas, 2015; Burrows, 2016). They are naturally very wary of revealing themselves and as with any sensitive area of research or vulnerable group, a great deal of trust is required before any consideration of participation can be made (Blagden and Pemberton, 2010). For the purposes of participant recruitment the National Probation Service Sex Offender Treatment Programme (SOTP) facilitators (now Horizon and Kaizen behavioural programmes) acted as informal gatekeepers (Reeves, 2010). These individuals who lead the men through the SOTP course over a period of approximately five months, play an extremely important part in the life of the men; they work closely and intensely with them, challenging their behaviour and guiding them through the multi-faceted nature of their offending. It was felt that if such a significant figure in the individual's life could assist in promoting the research, then there would be a much greater chance of securing participation from the group.

The first author had prior contact with the SOTP teams in one region and this allowed direct access to gatekeepers who could introduce her to SOTP programme facilitators, and ultimately the men themselves. Across the eight SOTP groups approached, 20 men agreed to participate.

Within qualitative research, the size of the sample is usually dictated by saturation, or a point in research when there is a continual reoccurrence of the same themes. This can be a difficult concept to apply and so Bowen (2008) advocates that in qualitative research, the sample size is sufficient when there is enough data to answer the primary research question. For the purposes of this project, Bowen's (2008) rule was applied alongside an acute awareness that the interview material yielded very rich data (Burmeister & Aitken, 2012); something Fusch et al (2015) note as being far more important than the number of interviews.

The final sample represented a wide range of ages, from 27 to 76 years; a range of offences, from stranger rape through to child sexual abuse, and community-based supervision ranging from 5 years to life, thus representing a wide range of offending severity. All participants were jointly supervised by the National Probation Service and the Police MOSOVO (Management of sexual offenders and violent offenders) team.

It is important to note that the participants in the final sample represented those individuals whose experiences of community management were either very good or very bad, with no representation of middle ground experiences; this reinforces McDonald et al's (2012) finding that people often volunteer because they have

something 'significant' to say and wish to be heard. This volunteer bias (Rosenthal & Rosnow, 1969), along with the fact that because participants were drawn from the treatment programme, those men who deny their offending were not represented in the sample, must be taken into consideration. This, in combination with the sample size, means that the findings discussed in this paper cannot be generalised to all those men subject to SORN.

The interviews were carried out at the participant's local probation office as this provided a space which was familiar to the men who took part, and was also close in proximity to the men's location. This choice of venue ensured participants were comfortable in their surroundings and also reduced the necessary travel time for the participants, something which is an important factor in an individual's decision to volunteer for research (Schweitzer et al, 2015).

Any sensitive area of research requires meticulous consideration of ethical issues, and, when the research participants are also offenders who pose a potential risk to the public, ethical issues such as confidentiality, become even more pertinent; as Cowburn states, 'confidentiality and public protection are matters that require detailed consideration (2007: 49). Offering confidentiality is vital in ensuring research participants take part in

a study, as well as in enhancing the collection of valid research data (Lee, 1993). However, there is always the possibility that participants might disclose 'sensitive' information (Cowburn, 2007) which the authorities should be made aware of. In order to mitigate such risks, participants were given an information sheet which detailed such limitations to confidentiality and this caveat was also discussed before the start of each research interview. Whilst participants provided very open and honest accounts of their experiences, no disclosures were made to the researchers.

A semi-structured approach to interviewing was employed in order to facilitate informal conversation. Participants were encouraged to discuss their lives since their conviction, including their experiences of treatment programmes, police and probation supervision, and reintegration into the community. Interviews lasted between 40 minutes and two hours, with an average of 70 minutes. The data produced was grounded in the respondents' point of view and captured the deeper meaning of experiences in the respondents own words (Marshall and Rossman, 1999: 61). The interviews were digitally recorded, transcribed verbatim and were analysed using thematic analysis, where emerging themes were identified and coded. This approach also enabled the researchers to include themes not initially considered (Braun and Clarke, 2006), and via an iterative process, the issue of desistance emerged as a very

significant theme within the interview data, with all participants discussing it in some form during the course of their interviews, despite not being asked about the issue directly.

Whilst this paper does not seek to offer conclusive evidence of sexual offender desistance, the themes explored and the data highlighted offer illustrative examples of the experiences of a small number of men from an increasingly significant group (Ministry of Justice, 2018) whose stories frequently go completely unheard.

Findings

Formal control mechanisms and desistance

The following section details the findings on the interaction between formal sanctions and desistance, within the context of sex offender community supervision.

Treatment and desistance

The utility of sex offender treatment programmes for desistance has been empirically evidenced (Kruttschnitt et al, 2000; Wakeling et al., 2005; Farmer et al, 2015; Harris, 2014); findings suggest that individuals who participate in these programmes embark on cognitive transformations that enable them to understand their offending behaviour, and the impact of their actions on the victim. All participants in this study had

undertaken, or were undertaking, treatment programmes and expressed sentiments similar to those found in previous studies. The majority of participants were enthusiastic about such programmes, reflecting on processes of cognitive transformation, brought about by victim role play and self-awareness exercises, which helped them understand their own offending behaviour:

I started discovering more about myself... started to see myself from the perspective of other people. That was important (Participant 4)

Basically the programme properly sorted me out... I learnt coping techniques and talking about things without trivialising it or putting it on them [victims]... I learnt the skills to see the warning signs and I now know who I've got to talk to (Participant 5)

Participants also expressed the sense of support they derived from fellow group members and how this had supported their progress through the programme:

We were very supportive and very close. Within the group it was definitely, definitely a good support network. I would probably be on the dole [without the programme], I would be lying in bed, sulking in self-pity, definitely (Participant 5)

It does help because you feel alone with what you've done and feel like the only person who has ever committed that. Even though you know you're not (Participant 12)

The importance of making treatment programmes available for those engaging in sexually abusive behaviour, but who have not come to the attention of the criminal justice system was highlighted by some participants, although they also expressed hesitancy in engaging with such programmes owing to the implicit admission of offending behaviour, and the perceived risk of conviction as a result:

If there had been someone they could have gone to before they were found out...it might've been a real help. Something like Lucy Faithful Foundation (Participant 14)

I think... if the Lucy Faithful Foundation was made more available to people, not after they've committed an offence...if I come forward and I've said I don't want to do it anymore...or say the wife's found it and has contacted this charity and you know...I don't know it's private and confidential (Participant 10)

In recent years, the need for early intervention with those experiencing concerning sexual thoughts or feelings, has been recognised by charities working with sexual offenders. The Lucy Faithful Foundation's 'Stop It Now!' helpline and campaign, and the work of StopSO, have both recognised the lacuna which exists in relation to the early treatment and support of individuals before the commission of an offence.

While some participants felt treatment programmes were beneficial for facilitating behavioural change, for others, participation was perceived in more pragmatic terms, and as beneficial only by way of a favourable risk assessment. Brown (2005) has suggested that there is a concern that non-participation may be viewed unfavourably by practitioners and treatment professionals, and thus sex offenders might engage in such programmes to propose an impression of lower risk:

You can't make anyone change, and if anyone's got half a brain they won't have changed they will just convince you that they have... I could [have] done it just to keep them happy and they would be absolutely none the wiser (Participant 8)

Another dimension to the efficacy of treatment programmes in promoting desistance is reflected in the interactions between those convicted of a sexual offense and the treatment practitioners. Participants highlighted the stigmatising manner of these interactions, in which practitioners interacted with them through a lens of criminality (Lacombe, 2008; Levins and Crewe, 2015). As Lacombe (2008: 72) asserts, the stigmatising approach to such interactions assumes that the 'criminal identity as a sex offender constitutes the pivot around which all other aspects of their personality revolve', encouraging an internalisation of the 'sex offender' label, and posing considerable challenges for the reconstruction of a new and non-offending identity:

I found it crap, they're manipulative as well – they just lie...they are so judgemental. They are just bullies...there was just a few staff members who were very suspicious – they would ask questions. Where have I been, what have I been doing. I'm free, I'm not in prison anymore (Participant 2)

The one's who run it...most of them were...nothing good to say about it, about the way it was run, about the sort of attitude and stuff (Participant 16)

The experiences of sex offender treatment as described above is perhaps more broadly indicative of contemporary risk-based approaches to sex offender management within the criminal justice system. Participant sentiment relating to the stigmatising nature of their interactions with treatment practitioners highlights the erosion of traditional practitioner wellbeing functions and represents the prioritisation of 'risk' in the endeavour of public protection, whilst simultaneously impinging on the individual's desistance process.

Sex offender management and desistance

The participant's experiences of their supervision were mixed, and dependent on the supervisory approach adopted by their police MOSOVO (Management of sexual offenders and violent offenders)/PPU (Public Protection Unit) officer. On the whole, those who articulated positive experiences with their officer received greater welfare-oriented management and practical support, whilst those who articulated fraught experiences received more penal-oriented management and viewed their monitoring officer as a hindrance to their reintegration:

She's brilliant, without her I don't think I could have got through it...she's just been there throughout the journey – really, really helpful (Participant 5)

You couldn't ask for a better person...I mean, Mother Teresa reincarnate...she's unbelievable (Participant 12)

The relationship with my PPU Officer was very offensive and destructive. I didn't feel I could talk to him, and he looked down at me like a piece of dirt...it seems whatever I do I have to go through him *every time*...I'm like let me get on with it, why you putting spanners in the works (Participant 7)

The accounts provided above reflect the observation by Göbbels et al. (2012) on the importance of close working relationships between those charged with managing individuals convicted of sexual offences and the individuals themselves, noting the role played by relational aspects in narrative identity reconstruction. Wood and Kemshall et al (2007) also found that supervision styles which promoted positive change in the individual, referred to as 'pro-social modelling', were much more successful at engaging the individuals and had a noted effect on rates of recidivism. Similarly, Healy's (2012) study demonstrates that those who shared positive relationships with their monitoring

officer were more likely to reflect substantive desistance, compared to those who received 'surveillance' supervision. Interestingly, the participant responses highlighted in this section further demonstrate that while the new penology prescribes rigid practices to the management of sex offenders, professional discretion can be used to foster a pro-social approach which enables the offender to make positive changes which promote desistance.

Another aspect of sex offender management highlighted in participant responses, relates to the impact of the Sex Offender Register (SORN) on the desistance process. Indeed, the introduction and use of the SORN potentially impedes the development of a new non-offending identity, since its use even after other supervisory conditions have ended, serves to emphasise the ongoing risk posed by the individual; something which creates great difficulties when those convicted of a sexual offence seek to negotiate a new identity that is not defined by their past behaviours. As one participant in Levins and Crewe's (2015: 489) study stated, 'I'm not a sex offender. I committed a sex offence'. Participants thus viewed the SORN as doubly stigmatising and unnecessary, given the numerous other conditions they were already subjected to:

I absolutely hate it...I mean, the thing with the register is that it's a constant reminder and even though you were sentenced and you've done your time and you've suffered more than enough... and believe me I suffer every single day, through the loss of my daughter and trying to get her back. The register is just an added ten-year sentence because...you're never really free (Participant 12)

As Tewksbury discussed some eight years after the implementation of the SORN in the UK, the register, the restrictions it enforces and the shame of being on it, are all ways in which the individual is continually punished for the commission of a sexual offence (2005).

Informal control mechanisms and desistance

The importance of informal social controls for desistance has received much attention in criminological literature, most extensively by Sampson and Laub (1993, 2003, 2005), who propose that informal social controls such as marriage, intimate relationships, routines and employment, enable 'turning points' away from criminality'. However, the applicability of this concept to the desistance process of those convicted of sexual offences, has been called into question. In their study, McAlinden et al. (2017) found that while the importance of such things as employment and relationships featured in

the narratives of their participants, these did not represent 'turning points' in the desistance process. Interestingly, their participants articulated that desistance occurred despite a lack of employment opportunities, and involvement in intimate and familial relationships; demonstrating that for those convicted of sexual offences, the theoretical concept of 'turning points' may not be relevant.

Interestingly, our findings suggest that informal social controls can in fact both enable and constrain an individual's opportunities for desistance, and this is perhaps best demonstrated by the participant's discussions of family and intimate relationships. For many of the men, informal social controls, such as family, were a positive aspect of their lives, encouraging them to remain offence free.

I'm very optimistic I've got family...it gives me a feeling of self-belief and self-esteem (Participant 3)

I've had very supportive friends and people that are around me. My kids are very supportive as well. They've been there for me. When I sat there fighting with depression...family really kept me, got me back straight again. That's the most important thing (Participant 16)

For one participant, the potential loss of a relationship with his wife, as a consequence of reoffending, was demonstrated, supporting Paternoster and Bushway's (2009) finding that desistance might be fostered by the realisation that continued criminality could result in the end of important intimate relationships:

I put so many people through so much...the amount of chaos I've caused, I can't do that again...that's enough to keep to the straight and narrow. I would lose my Mrs (Participant 17)

However, whilst for some the importance of familial support and intimate relationships for desistance cannot be underestimated, other participants found that these sites of informal social control actually constrained their opportunities for desistance. A key issue raised by participants was the intrusiveness of sex offender management in their intimate lives. It was felt that placing relationships under the microscopic gaze of those agencies involved in the management of sexual offenders, compounded existing difficulties in relationship formation due to, the heightened dimension of deviancy attributed to such offences; the need to disclose such offences as a condition of their license; and complexities relating to the appropriate time to disclose such offences in

new relationships. Indeed, while an obligation exists for offender managers to inform new intimate partners of such offences, participants felt that they were not afforded the chance to disclose these offences on their own terms, or in a way that minimised the likely impact on their relationship and ultimately their future (Simons and Barr, 2014).

I had a very close friend who I used to go out to dinner with once every couple of months... we used to go out for dinner and have a chat... she knew everything about my offence – I was questioned at *such* length about this poor girl I actually ended the friendship – it was not worth the hassle for her, for them to go round and see her – come on, she has done nothing wrong (Participant 6)

The only thing that bothers me is that one day, if I ever have children with her or anybody else, this is going to play a problem, because say I meet somebody else, I don't tell her about the case because there's no point making unnecessary worries, but then we have a child and then probation would like to get involved (Participant 12)

It seems that what Tewksbury (2005: 69) terms the 'collateral consequences' of sex offender registration, such as '...employment restrictions,...stigmatization, family

ostracism, loss of housing, and financial losses', often limit the potential for informal social control mechanisms to enable desistance, and instead create barriers. Consistent with the literature on this issue (Tewksbury, 2005; Mustaine et al, 2006; Levenson, 2008; Levenson & Tewksbury, 2009; Lussier et al., 2016; Reed, 2017), such barriers discussed by the participants, included those imposed by restrictive supervisory and license measures that constrained the participant's ability to secure employment and housing, as well as establishing and maintaining close relationships.

Participants discussed how license conditions impacted on interactions with existing family members, hindering the cultivation of close family ties. They were conscious of the 'burden' their presence posed to their loved ones, and many discussed the isolation they faced as a result of trying to rebuild relationships, whilst also negotiating the requirements of their licence conditions:

It's so simple for me to say 'oh, I want to see my daughter' but I've got to think about the impact on her life. She's not going to know me, not the way I want her to know me (Participant 12)

I was not allowed to go up and see them because she couldn't have me in the house while she looked after two children...because the mum had to be in the room with the child, so if she wanted to go to another room or the toilet, the child had to go with her and you don't take a child to the toilet when you go in it...so I avoided being an inconvenience (Participant 13)

Participants also illustrated the compounding effect of geographical restrictions, determined by their license conditions (Lussier et al., 2016). As well as having substantial impact on already highly restricted residency; something Reed (2017:22) terms 'the most debilitating requirements that sex offenders face in regards to punishment post-incarceration'; geographical restrictions also had the effect of distancing the participants from their social networks and limiting participation in vocational activities essential to securing employment:

I know all my exclusion zones. The only problem is I have to get to two buses to go a different way...for job interviews...I have to get off at a stop and walk the back streets because I'm not allowed on the main street (Participant 1)

It's hard getting a job...it's because of the SOPO (Sexual Offences Prevention Order) which if I start early in the morning will tie in with the schools...the same in the evening. I don't get my independence (Participant 7)

Scholars such as Kruttschnitt et al. (2000) and McAlinden (2009) emphasise the importance of stable employment for offender desistance, highlighting that the benefits afforded to offenders, reach far beyond financial security. Indeed, employment allows for the creation of social networks and provides the individual with a 'symbolic expression of successful desistance' (King 2013: 157), used to negotiate their non-offending identities with others. However, just like the participants in Lussier et al's study (2016), gaining employment was one of the many obstacles the men faced as they attempted to re-enter their community.

Also consistent with the literature (McAlinden et al., 2016; McAlinden, 2009; Brown et al., 2007), participants highlighted how the 'sex offender' label, communicated through mandatory disclosure to possible employees, prevented them from engaging in meaningful work. The majority of participants were finding it difficult to secure jobs which matched their skill set and were currently engaged in low status work with minimal pay:

I had to tell them in a previous interview for a job...their faces just fall. Its ok I understand... it's being punished more than the sentence in a way (Participant 4)

I'm a barber by trade. They said I was perfect but then came the disclosure, I told them my offences and then I never heard from them again (Participant 2)

Many also highlighted the importance of social contacts (Brown et al., 2007; McAlinden et al., 2017) in securing employment and the frequency with which rejections were received once their offence was disclosed. In a similar vein, some participants revealed that they were not required to disclose their criminal convictions, and believed that they would have been rejected from their job had they been mandated to:

It was very difficult to get a job. But my current job just didn't know my offence. Just get on with your job...the boss is a mate of mine (Participant 2)

To this day, if it weren't for disclosing the offence I would still be employed by him...I was virtually his second-hand man (Participant 7)

Discussions and conclusion

Current sex offender management practices are underpinned by preventative governance principles, reflected in measures, which as McAlinden (2006: 202) state, 'are founded on the basic premise that the best way to protect the community and potential victims is through increased restriction, surveillance and monitoring of sex offenders'. The punitive techniques of offender management applied to those convicted of sexual offences are at odds with the evidence put forth by desistance research, which emphasises the interactional importance between the individual and the community in facilitating substantive change processes within the individual. As Weaver and Barry (2014:165) assert, 'the significance of formal and informal relationships (or lack thereof) and practical assistance to access opportunities for social participation have emerged as central features of assisted desistance'. However, as this paper demonstrates, far from enabling interpersonal and structural opportunities for change, the retributive approaches of the new penology have served instead to stigmatise and isolate the offender, impeding desistance.

This paper has highlighted the formal control mechanisms which serve as barriers to desistance; observing that while those convicted of a sexual offences are routinely subject to mandatory monitoring, management and engagement with treatment

programmes (Weaver and Barry 2014:166), where professional discretion was exercised and a 'welfare' approach adopted, participants felt more supported to access structural and interpersonal resources for change. Conversely, where they received a 'surveillance' approach, participants found this to undermine their opportunities for support which encouraged desistance, such as the fostering of meaningful familial relationships. Furthermore, participants also articulated the stigmatising nature of such 'surveillance' based practices which served to embed their offending identity. We suggest therefore, that while such 'surveillance' measures might be successful in limiting the opportunities for re-offending, they also inhibit the development of change processes which promote more substantial desistance, encouraging formal compliance in the short-term only.

This paper has also highlighted that informal social control mechanisms can create barriers to desistance for those convicted of sexual offences. Securing stable accommodation, gaining meaningful employment and maintaining family ties, despite being vital to an individual's chances of remaining offence free, simply become further hurdles to be negotiated, by individuals whose lives become overshadowed by the collateral consequences of sex offender registration (Tewksbury, 2005; Reed, 2017) . License conditions imposed by the current legislative and policy framework serve to limit the protective factors (de Vries Robbe et al., 2015) necessary for desistance, creating

barriers to an offender's engagement in activities that might foster a pro-social identity, such as employment and family involvement.

Employment barriers were heavily evident in participant's discussions, highlighting how disclosure requirements reinforced the label of 'sex offender' and underscored employment discrimination. Participants were often not only employed in low-skilled work, but where offenders were in skilled professions prior to their convictions, they were consequently unable to secure employment that conferred a similar status and salary.

The importance with which those convicted of sexual offences regarded familial and other close interpersonal relations has also been evidenced, with many participants depending on family and social contacts to secure accommodation and employment (Brown et al., 2007; Mc Alinden et al., 2017). Beyond practical assistance, the formation and/or maintenance of close relationships is evidenced as an important factor in an individual's 'turning point' away from criminality and into sustained desistance. To this end, participants reflected on how their commitment to familial and interpersonal relationships encouraged their desistance. However, while family support was considered pivotal to participants, they also highlighted how their management within

the community rendered the building of these relationships problematic. Consequent to license conditions, participants had lost contact with their family and friends; isolated themselves from these networks; or limited their interactions with them. In addition to this, participants also articulated how the intrusive management techniques of sex offender managers eroded their sense of agency and undermined the development of strong interpersonal relationships, factors considered vital in promoting long term change and desistance (Weaver and Barry 2014).

Taken together, the data presented in this paper highlights the pervasive and restrictive nature of sex offender management, with implications for crime reduction and prevention. The imperative to address retributive approaches is clear, but more can be done to manage those convicted of sexual offences in ways that enhance individual and community outcomes. Identifying 'what works' in the management of sexual offenders can begin by moving beyond a 'risk' perspective to incorporate the 'change' and 'care' aspects of offender rehabilitation (Kemshall, 2008; Weaver, 2014). This could occur through a strengths-based approach that is underlined by principles of restorative justice, based on 'themes of reconciliation, community partnership and social inclusion' (Kemshall, 2008; McAlinden 2016). In fact, risk and strength-based models of offender management need not be mutually exclusive and could be integrated, something

scholars have previously emphasised (Zedner, 1994; Levrant et al., 1999; Daly, 2000; Duff, 1995; Hudson, 2002; Kemshall, 2008).

The integration of such approaches was discussed by Kemshall (2008) a decade ago; she proposed that the blending of the community protection model, which emphasised risk and public protection, and the reintegrative model, which emphasised the healing of the offender and the community, could provide a genuinely workable approach which satisfied both the need to punish and the need to rehabilitate. Despite this well evidenced proposal, it seems that what Petrunik (2002) terms 'panoptic social control', which is as Kemshall (2008) discusses, heavily tied to mass media representations of offenders and a highly punitive public, has remained the dominant influence on the management of those convicted of sexual offences.

It is, however, important to note that a small scale move towards the consideration of reintegration within the current regulatory framework of offender management has been introduced via the implementation of the Active Risk Management System (ARMS) sexual offender management tool (College of Policing, 2014). Having previously relied on static assessments of risk, such as Risk Matrix 2000, ARMS allows for the assessment of dynamic risk factors known to be associated with sexual re-offending, as well as

protective factors known to be associated with reduced offending (McNaughton Nicholls & Webster, 2014). By conceptualising 'risk' more holistically and considering the assessment of those factors which protect an individual from sexual reoffending, ARMS has for the first time placed the concept of desistance firmly on the radar of the police practitioners who manage those convicted of sexual offences . Whilst at present little is known about the impact ARMS has had on the models of management being delivered to those convicted of sexual offences (see Kewley (2017) for the only study of ARMS to date), the inclusion of desistance focussed factors in risk management and assessment, represents a step change in the approach. By allowing offenders to develop and evidence pro-social factors in their lives, the individual does, for the first time, have the power to decrease their risk rating, therefore lowering their level of involvement with statutory agencies (Mann et al, forthcoming).

Those convicted of sexual offences represent a unique group of individuals, both in terms of their ongoing management and the sanctions imposed post-conviction, but also in terms of how their management impacts on their opportunities for desistance. If current legislative frameworks do not continue to adopt strengths-based principles which enable a more proactive and systemic approach to risk management, these individuals will, as Tewkesbury summarised over a decade ago, continue to be

'...punished through their sentences, through the shaming process of registration, and through the reactions and responses of community members...' (2005: 79). Such an approach may aim to protect the public (McAlinden, 2006) but actually results in the individual's loss of the support systems so vital to long term desistance.

References

- Blagden N and Pemberton S (2010), 'The Challenge in Conducting Qualitative Research with Convicted Sex Offenders', *The Howard Journal of Criminal Justice*, vol. 49, no. 3, pp. 269-281.
- Bottoms A, Shapland J, Costello A, et al. (2004), 'Towards Desistance: Theoretical Underpinnings for an Empirical Study', *Howard Journal*, vol. 43, no. 4, pp. 368–389.
- Bowen, G. A. (2008) 'Naturalistic inquiry and the saturation concept: a research note', *Qualitative Research*, 8(1), 137–152.
- Brogden M and Harkin S (2000), 'Community Rules Preventing Re-Offending by Child Sex Abusers: A Life History Approach', *International Journal of the Sociology of Law*, vol. 28, pp. 45-68.
- Brown S (2005), *Treating Sex Offenders: An Introduction to Sex offender Treatment Programs*, Willan Publishing, Cullompton.
- Brown K, Spencer J and Deakin J (2007), 'The Reintegration of Sex Offenders: Barriers and Opportunities for Employment', *The Howard Journal of Criminal Justice*, vol. 46, no. 1, pp. 32-42.
- Burrows J (2016), 'Fear and loathing in the community: sexual offenders and desistance in a climate of risk and 'extreme othering'', in Robinson A and Hamilton P (eds), *Moving on from crime and substance use: Transforming Identities*, Policy Press, UK
- Burmeister, E., & Aitken, L. (2012) Sample size: How many is enough? *Australian Critical Care*, 25 (4), 271-274.
- College of Policing (2014) *Active Risk Management System Pre-Read*, College of Policing Limited, London, UK.
- Cowburn, M. (2007) 'Confidentiality and public protection: Ethical dilemmas in qualitative research with adult male sex offenders'. Available from <https://www.tandfonline.com/doi/abs/10.1080/13552600512331298284> (Accessed 14th March 2019).

Daly K (2000), 'Revisiting the Relationship Between Retributive and Restorative Justice' in Strang H and Braithwaite J (eds.), *Restorative Justice: Philosophy and Practice*, Ashgate Publishing, Burlington.

Deering J (2011), *Probation Practice and the New Penology: Practitioner Reflections*, Routledge, London.

de Vries Robbé, M., Mann, R. E., Maruna, S., & Thornton, D. (2015) 'An Exploration of Protective Factors Supporting Desistance From Sexual Offending', *Sexual Abuse*, 27(1), 16–33.

Digard L (2014), 'Encoding Risk: Probation Work and Sex Offenders' Narrative Identities, *Punishment and Society*, vol.16, no.4, pp. 428–447.

Duff A (1995), 'Penal Communications and the Philosophy of Punishment', in Tonry M and Morris N (eds.), *Crime and Justice: An Annual Review of Research*, University of Chicago Press, Chicago.

Farmer M, McAlinden AM and Maruna S (2015), 'Understanding Desistance from Sexual Offending: A Thematic Review of Research Findings', *Probation Journal*, vol. 62, no. 4, pp.320-335.

Farrall S (2002), *Rethinking What Works with Offenders: Probation, Social Context and Desistance from Crime*, Willan Publishing, Cullompton.

Farrall S and Sparks S (2006), 'Introduction: What Lies Beyond? Problems, Prospects and Possibilities for Life After Punishment', *Criminology and Criminal Justice*, vol. 6, no. 1, pp. 7-16.

Farrall S, Hunter B, Sharpe G, et al. (2014), *Criminal Careers in Transition: The Social Context of Desistance from Crime*, Oxford University Press, Oxford.

Fusch, P., & Ness, L. (2015) 'Are we there yet? Data Saturation in Qualitative Research', *The Qualitative Report*, 20 (9), 1408-1416.

Gadd D and Farrall S (2004), 'Criminal Careers, Desistance and Subjectivity: Interpreting Men's Narratives of Change', *Theoretical Criminology*, vol. 8, no. 2, pp. 123-156.

Göbbels S, Ward T and Willis G (2012), 'An Integrative Theory of Desistance from Sex Offending', *Aggression and Violent Behaviour*, vol.17, pp. 453-462.

Harris DA (2014), 'Desistance from Sexual Offending: Findings From 21 Life History Narratives' *Journal of Interpersonal Violence*, vol. 29, no. 9, pp. 1554-1578.

Healy D (2012), 'Advise, Assist and Befriend: Can Probation Supervision Support Desistance?' *Social Policy and Administration*, vol. 46, no. 4, pp. 377-394.

Hudson B (2002), 'Restorative Justice and Gendered Violence: Diversion or Effective Justice?', *The British Journal of Criminology*, vol. 42, no. 3, pp. 616-634.

Kazemian L (2007), 'Desistance from Crime: Theoretical, Empirical, Methodological and Policy Considerations', *Journal of Contemporary Criminal Justice*, vol. 23, no. 1, pp. 5-27.

Kemshall, H. (2008) Understanding the Community Management of High Risk Offenders, Open University Press, Berkshire, UK

Kewley, S (2016) 'Strength based approaches and protective factors from a criminological perspective', *Aggression and Violent Behavior*, 32. pp. 11-18

Kewley, S (2017) 'Policing people with sexual convictions using strengths-based approaches', *Journal of Criminal Psychology*, vol.7, no. 3, pp. 168-182

King S (2013), 'Early Desistance Narratives: A Qualitative Analysis of Probationers' Transitions Towards Desistance', *Punishment and Society*, vol. 15, no. 2, pp. 147-165.

Kruttschnitt C, Uggen C and Shelton K (2000). 'Predictors of Desistance Among Sex Offenders: The Interaction of Formal and Informal Social Controls', *Justice Quarterly*, vol. 17, no. 1, pp. 51-87.

Lacombe D (2008), 'Consumed with Sex: The Treatment of Sex Offenders in Risk Society', *The British Journal of Criminology*, vol. 48, no. 1, pp. 55-74.

Laub JH and Sampson RJ (2001), 'Understanding Desistance from Crime', *Crime and Justice*, vol.28, pp. 1-69.

LeBel TP, Burnett R, Maruna S, et al. (2008), 'The Chicken and Egg of Subjective and Social Factors in Desistance from Crime', *European Journal of Criminology*, vol. 5, no. 2, pp. 131-159.

- Lee, R. M. (1993) Doing research on Sensitive Topics. London, Sage.
- Levenson, J. (2008) 'Collateral consequences of sex offender residence restrictions', *Criminal Justice Studies*, 21, 153-166.
- Levenson, J., & Tewksbury, R. (2009) 'Collateral damage: Family members of registered sex offenders', *American Journal of Criminal Justice*, 34, 54-68.
- Levins A and Crewe B (2015), "'Nobody's Better Than You, Nobody's Worse Than You': Moral Community Among Prisoners Convicted of Sexual Offences', *Punishment and Society*, vol. 17, no. 4, pp. 482-501.
- Levrant S, Cullen FT, Fulton B and Wozniak JF (1999), 'Reconsidering Restorative Justice: The Corruption of Benevolence Revisited?' *Crime and Delinquency*, vol. 45, no. 1, pp. 3-27.
- Liem M and Richardson NJ (2014), 'The Role of Transformation Narratives in Desistance Among Released Lifers', *Criminal Justice and Behaviour*, vol. 41, no. 6, pp. 692–712.
- Lussier P and Gress CL (2014), 'Community Re-entry and the Path Toward Desistance: A Quasiexperimental Longitudinal Study of Dynamic Factors and Community Risk
- Lussier, P., Harris, D., & McAlinden, A. (2016) 'Desistance From Sexual Offending: A Policy and Research Agenda Whose Time Has Come', International Journal of Offender Therapy and Comparative Criminology, Vol. 60(15) 1711 –1716
- Mann, R. E., & Carter, A. J. (2012). Organising principles for the treatment of sexual offending. In B. Wischka, W. Pecher, & H. van der Boogaart (Eds.) Offender treatment: Social therapy, special forensic hospitals, and indeterminate imprisonment, Centaurus Freiburg, Germany
- Mann, N., Brown, M., & Lundrigan, S (forthcoming) 'The National ARMS Evaluation: Implementation and barriers to best practice'.
- Marshall C and Rossman GB (1999), *Designing Qualitative Research*, Sage Publications, California
- Maruna S (2001), *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*, American Psychological Association, Washington.

Maruna, S & LeBel, T (2003) 'Welcome home? Examining the 're-entry court' concept from a strengths-based perspective', *Western Criminology Review*, 4, pp: 91-107
Maruna, S & LeBel, T (2009) 'Strengths-based approaches to re-entry: Extra mileage toward reintegration and destigmatization', *Japanese Journal of Sociological Criminology*, 34, PP: 58-80

McAlinden AM (2006), 'Managing Risk: From Regulation to the Reintegration of Sexual Offenders', *Criminology and Criminal Justice*, vol. 6, no. 2, pp. 197-218.

McAlinden AM (2009), 'Employment Opportunities and the Community Reintegration of Sex Offenders', *NIO Research and Statistical Series*, Report No. 20. Belfast, Northern Ireland Office.

McAlinden AM (2016), 'The Reintegration of Sexual Offenders', *Paper for 9th Martin Tansey Memorial Lecture*, Association for Criminal Justice Research and Development, Criminal Courts of Justice, Dublin.

McAlinden AM, Farmer M, and Maruna S (2017), 'Desistance from Sexual Offending: Do the Mainstream Theories Apply?', *Criminology and Criminal Justice*, 17(3), 266-283.

McNaughton Nicholls, C., & Webster, S. (2014) *Sex Offender Management and Dynamic Risk: Pilot evaluation of the Active Risk Management System (ARMS)*.

Available from

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308159/sexoffender-management-and-dynamic-risk.pdf (Accessed May 21st 2017)

Ministry of Justice (2018) Multi-Agency Public Protection Arrangements - Annual Report 2017/18. Available from

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751006/mappa-annual-report-2017-18.pdf (Accessed 5th March 2019)

Mustaine, E., Tewksbury, R., & Stengel, K. M. (2006) 'Social disorganization and residential locations of registered sex offenders: Is this a collateral consequence?' *Deviant Behavior*, 27, 329-350.

- Petrunik, M.G. (2002) 'Managing Unacceptable Risk: Sex Offenders, Community Response and Social Policy in the United States and Canada', *International Journal of Offender Therapy and Comparative Criminology*, 46(4), pp: 483-511
- Reed, P (2017) 'Punishment beyond Incarceration: The Negative Effects of Sex Offender Registration and Restrictions', *Journal of Law and Criminal Justice*, Vol. 5, No. 2, pp. 16-30
- Reeves CL (2010), 'A difficult negotiation: fieldwork relations with gatekeepers', *Qualitative Research*, vol. 10, no. 3, pp. 315-331
- Rocque M, Posick C and Paternoster R (2016), 'Identities Through Time: An Exploration of Identity Change as a Cause of Desistance', *Justice Quarterly*, vol. 33, no. 1, pp. 45–72.
- Rosenthal, R., & Rosnow, R. L. (1969) 'The volunteer subject'. In Rosenthal, R., and Rosnow, R. L. (eds.) *Artifact in Behavioral Research*, Academic Press, New York, 59–118.
- Sampson RJ and Laub JH (1993), *Crime in the Making: Pathways and Turning Points Through Life*, Harvard University Press, Massachusetts.
- Sampson RJ and Laub JH (2003), 'Life Course Desisters? Trajectories of Crime Among Delinquent Boys Followed to Age 70', *Criminology*, vol. 41, pp. 301–339.
- Sampson RJ, and Laub JH (2005), 'A Life Course View of the Development of Crime', *Annals of the American Academy*, vol. 602, no. 1, pp. 12–45.
- Savolainen J (2009), 'Work, Family and Criminal Desistance: Adult Social Bonds in a Nordic Welfare State', *British Journal of Criminology*, vol. 49, no. 3, pp. 285–304.
- Schweitzer, A., Akmatov, M., Kindler, F., Kemmling, Y., Kreienbrock, I., Krause, G., & Pessler, F. (2015) 'The impact of distance and duration of travel on participation rates and participant's satisfaction: results from a pilot study at one study centre Pretest 2 of the German National Cohort, *BMJ Open*. Available at <https://bmjopen.bmj.com/content/bmjopen/5/8/e007461.full.pdf> (Accessed 15th March 2019).

Simons, L.R., & Barr, A.B (2014) 'Shifting Perspectives: Cognitive Changes Mediate the Impact of Romantic Relationships on Desistance from Crime', *Justice Quarterly*, Volume 31(5), pp: 793-821

Soyer M (2014), 'The Imagination of Desistance: A Juxtaposition of the Construction of Incarceration as a Turning Point and the Reality of Recidivism', *British Journal of Criminology* vol. 54, no. 1, pp. 91–108.

Thomas T, (2015) 'Sex Crime, Sex Offending and Society', Routledge, Oxon.

Tewksbury R (2005), 'Collateral Consequences of Sex Offender Registration', *Journal of Contemporary Criminal Justice*, vol. 21, no. 1, pp. 67-81.

Wakeling H, Webster S and Mann R (2005), 'Sexual Offenders' Treatment Experience: A Qualitative and Quantitative Investigation', *Journal of Sexual Aggression*, vol. 11, no. 2, pp. 171-186.

Warr M (1998), 'Life Course Transitions and Desistance from Crime', *Criminology*, vol. 36, no.2, pp. 183-216.

Weaver B and Barry M (2014), 'Risky Business? Supporting Desistance from Sexual Offending' in McCartan K (ed), *Responding to Sexual Offending: Perceptions, Risk Management and Public Protection*, Palgrave Macmillan, United Kingdom.

Wood, J., Kemshall, H., Maguire, M., Hudson, K., & MacKenzie, G. (2007) The Operation and Experience of Multi Agency Public Protection Arrangements (MAPPA), Home Office Online Report 12/07

Zedner L (2009), 'Fixing the Future? The Pre-emptive Turn in Criminal Justice', in