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52

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**THE “REOFFENCE MIND-SET”
OF REARRESTED VIOLENT AND
SEX OFFENDERS:**

**EXPLORING IMPLICIT THEORIES OF
PERSISTENT CRIMINAL BEHAVIOUR**

research in brief



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Contents

1	Introduction	1
2	Risk factors for criminal recidivism in violent and sex offenders	2
3	Implicit theories and related concepts	3
4	Background of the study and sample	4
5	Method	6
6	Results	6
	6.1 Risk factors identified by the offenders	6
	6.2 Implicit dynamics within the narratives.....	11
	6.3 The reoffence mind-set	14
7	Discussion	15
8	References	19

The “reoffence mind-set” of rearrested violent and sex offenders: Exploring implicit theories of persistent criminal behaviour¹

1 Introduction

Criminologists are keenly interested in searching for the causes of persistent criminal behaviour. For decades, empirical research has identified possible pathways to delinquency (see e.g., *Zara & Farrington 2016*) as well as diverse recidivism risk factors (for a summary, see e.g., *Dhami et al. 2006*). Some risk factors are static (e.g., age or prior criminal behaviour), whereas others are dynamic and – in principle – amenable to change (e.g., employment status, drug use, attitudes, personality traits). While progress has been made, many unanswered questions about the dynamics of recidivism remain. In addition to merely identifying risk factors, research has also assessed whether therapeutic intervention can reduce recidivism. For example, it has been shown that therapy-induced changes to risk factors do not necessarily result in reduced recidivism (*Beggs 2010; Woessner & Schwedler 2014*). Little is known about why this is the case (*Serin et al. 2013*), though these results suggest that post-release factors are underemphasised by recidivism research. Concerning the intersection between risk factors and treatment issues, a paradigm shift has occurred in recent years away from a risk-focused treatment approach towards one that focuses more on protective and positive factors (Good lives model, see e.g., *Ward & Stewart 2003*). Thus, it is indicated to investigate the lives of released offenders in danger of recidivism. Further endeavours to understand the dynamic of why individuals stop criminal conduct include concepts such as identity shifts (*Gadd & Farrall 2004; Maruna 2001*), turning points (*Carlsson 2012; Sampson & Laub 1993*), and agency (*King 2013; Le Bel et al. 2008*). Nevertheless, it remains unclear “whether factors related to the cessation of offending are qualitatively different to, or simply the opposite of, factors related to risk” (*Farmer, Beech & Ward 2012, p. 931*). Further recidivism research is clearly necessary.

One research option is to analyse the perceptions and narratives of recidivists to understand their behaviour. By taking a qualitative approach, such analyses provide a more complete and holistic picture of recidivists and result in important theoretical and practical findings about recidivism and desistance processes.

In this study, we analyse the implicit theories that reconvicted sex and violent offenders depict regarding their reoffending. Violent and sex offenders cause serious harm to their victims and, thus, it is of public interest to improve scientific knowledge

¹ The authors thank Dr. *Chris Murphy* and *Gabriele Löffler* for their editorial assistance.

about them. Comparing these two offender groups is also of interest from a theoretical standpoint as, according to *Gottfredson and Hirschi's* General Theory of Crime (1990), the genesis of criminality is independent of the type of crime (a statement challenged by numerous criminologists (see *Kruttschnitt, Uggen & Shelton* 2000; *Siegfried & Woessner* 2016).

This study concentrates on the offenders' perspective and the subjective meaning they attach to identified risk factors. It aims to broaden the theoretical background of criminal recidivism. This paper begins by presenting the rationale and context of the study. Next, the methodological background of the study is explained. The findings are then presented in a two-step procedure: (1) prominent risk factors from the narratives of offenders are identified and (2) comprehensive and more abstract patterns of implicit theorising are outlined. The concept of a *reoffence mind-set* is then introduced. The manuscript closes with a discussion of the findings against the background of current theoretical knowledge.

2 Risk factors for criminal recidivism in violent and sex offenders

As mentioned, criminological research has identified numerous factors that affect recidivism: prior criminal history, age, peer associations, substance use, antisocial attitudes or personality traits (*Andrews & Bonta* 2010; *Hanson & Morton-Bourgon* 2004). Regarding violent offenders, factors such as impulsiveness, emotional deficits, and deviant schemas must also be considered (*Polaschek* 2006). Among sex offenders, additional risk factors include antisocial attitudes, deviant sexual interests, tolerant attitudes to sexual assault, sexual preoccupation, and intimacy deficits (*Hanson & Morton-Bourgon* 2004). Correctional treatment and relapse prevention programmes logically draw on this knowledge, understanding that recidivism is often preceded by a certain offence chain or cycle. Thus, in the case of sex offenders, it is important to recognise recidivism signs by identifying thought patterns, emotions, and behavioural impulses at the earliest possible stage in an offence cycle (see e.g., *Wößner* 2016; *Yates* 2016). This approach is closely related to the concept of crime scripts (*Cornish* 1994). *Leclerc, Smallbone* and *Wortley* (2014, p. 102) argue that “decision making takes place at each stage of the crime commission process”. Cognitive distortion is a further risk factor among sex offenders (*O’Ciardha & Ward* 2013) that may contribute to progression along the offence chain.

Some of these key insights are based on “what appear[s] during surface interactions with offenders” (*O’Ciardha & Ward* 2013, p. 5), such as how cognitive distortion affects how offenders describe and explain their sexual deviant conduct (*O’Ciardha & Ward* 2013). Although findings on dynamic and actuarial risk factors also rest upon a thorough examination of offenders, relatively few qualitative studies have researched how offenders themselves interpret their pathway to reoffending. As “effective sex offender treatment has to be based on a clear understanding of the relapse process” (*Ward & Hudson* 1998, p. 700), it might be considered crucial to

include the offenders’ beliefs of how it came about that they reoffended. Very often, comparable studies have chosen to either concentrate on forensic samples or have taken a quantitative approach to examine attitudes and intentions to reoffend (*Brooks Holliday, King & Heilbrun 2013; Johnsson et al. 2014; Kiriakidis 2010; Radovic & Höglund 2014; Tolfrey, Fox & Jeffcote 2011; Tyler & Gannon 2015*). In the study by *Brooks Holliday et al. (2013)*, offenders identified financial difficulties, offence-supporting attitudes, peers, and leisure activities as the most important relapse factors. Other quantitative studies on the rationalisation of future offending have concentrated on issues such as moral engagement (*Kiriakidis 2010*) or crime as risk taking (*Dhami & Mandel 2012*). The drawback of such approaches is that researchers predefine what they are looking for, i.e., what matters in the eyes of the offenders may remain concealed. Furthermore, most pertinent qualitative studies are concerned with narratives of desistance rather than recidivism (*Farmer, McAlinden & Maruna 2015; Gadd & Farrall 2004; Laub & Sampson 2003; Maruna 2001; Massoglia & Uggen 2007*). Thus, a strong need exists for research that looks into implicit theories and not just single, preset aspects of recidivist behaviour.

3 Implicit theories and related concepts

The concept of implicit theories can be traced back to personality psychology (see e.g., *Jones 1977*). In the present study, implicit theories are understood as subjective theories and assumptions made in a given context without the actor being aware of this theorising or critically analysing these assumptions. *Polaschek and Gannon (2004, p. 300)* rightly note that listening to offenders “provides frequent observations of perceptions, attitudes, values, and beliefs that seem obviously offence-supportive”. This is how the concept of cognitive distortions evolved in the scholarly debate on sex offences: By listening to how offenders describe and explain their sexual deviant behaviour (*O’Ciardha & Ward 2013*). Implicit theories go beyond this. They underline causal theories² and as *Polaschek and Gannon (2004, p. 313)* note, “[i]dentifying implicit theories is a far more challenging research endeavour than simply counting the endorsement of belief statements in attitudinal questionnaires”. The authors analysed the narratives of 37 sex offenders (whose victims were older than 16) and identified typical implicit theories of why the offences occurred. They identified striking narrative patterns, such as “women are to blame for the offence” because they are “malevolent” and “dangerous” (306), because they are “the gatekeepers to sex” (306), or because at some point, the male sex drive is uncontrollable or they view themselves as having a “right to have sex” (307). These underlying structures go beyond cognitive distortions. However, even non-offending individuals can hold these implicit theories, which marks them as “necessary, but not sufficient” factors for crime (*Polaschek & Gannon 2004, p. 312*).

² *Ward (2000: p. 491)* claims that “cognitive distortions emerge from underlying causal theories”.

A script or schema is a “cognitive structure that contains assumptions and expectations about the social world based on past behavior and experience” (Leclerc 2017, p. 49) and serves as a “knowledge structure that organizes the sequence of actions to adopt in a particular context” (Leclerc 2014, p. 222). Thus, a script or schema implicitly guides an individual’s actions. Nevertheless, scripts and schemas are not the same as implicit theories. As will be seen, this study presents a more comprehensive line of argumentation or individual theoretical mind-set for which cognitive distortions and script analyses are too restricted an approach. As several authors have pointed out, inconsistency, interdiscursivity, and elasticity characterize offenders’ explanations and interpretations (Brookman 2015; Presser 2004; Sandberg 2009). Unlike cognitive distortions or scripts, we do not approach the material from an instrumental angle (i.e., unravelling the crime commission process to derive preventive measures in the first place). On the contrary, we want to provide in-depth insight into what we call the *reoffence mind-set*, which encompasses subjective theoretical assumptions and mental dynamics connected to the reoffending behaviour. Sometimes, implicit theories may result in the maintenance or revision of scripts or schemas. Moreover, implicit theories may strongly resemble stereotypes and schemas (Mann & Beech 2003).

Against the background of these rationales, the present analysis explores implicit theories of reoffending among previously imprisoned individuals rearrested on the grounds of a repeat violent or sex offence.

4 Background of the study and sample

The study presented herein is part of a larger longitudinal project “Sex Offenders in the Social-Therapeutic Institutions of the Free State of Saxony” conducted at the Max Planck Institute for Foreign and International Criminal Law, Freiburg i.Br., Germany (see e.g., Wößner, Hefendehl & Albrecht 2013; Siegfried & Woessner 2016; Woessner & Schwedler 2014). The larger project evaluates the social-therapeutic correctional treatment of sex offenders and analyses recidivism amongst sex offenders. To do so, it uses data collected from 400 sex and violent offenders in multiple waves. The sample of violent offenders was included to gain an insight into potential differences or similarities between the two groups. In addition, semi-structured qualitative interviews have been conducted with 144 violent and sex offenders approximately 1.5 years after prison release (wave t3). To identify subjective theories of recidivism, this analysis exclusively focuses on the interviews with subjects who reoffended and were rearrested by the time of the interview, as these subjects were indeed confronted by their own recidivism.³ Following these premises, the sample consisted of n=7 subjects who, at the time of the interviews, were rearrested following a new offence. The interviews ranged from 1h 11min to

³ Of course, it must be taken into account that other interviewees reoffended after the interviews took place.

2h 48min, were recorded and later transcribed. The semi-structured interview guideline started with an open narration impulse and then addressed the subjects’ recidivism as well as their living conditions prior to reimprisonment. These interviews aided in assessing the implicit theories of reoffending described by the newly incarcerated offenders and offered an insight into recidivism theories grounded in subjective experiences and beliefs.

Table 1 outlines the details of the subjects’ crimes, whereby “Index offence” refers to the offence that lead to the inclusion in the main project (see above). Even though the sample is rather small, a broad range of dimensions is included with regard to possible decisive characteristics (different offence and prison types, a divergent intensity of former criminal careers, age) ensuring heterogeneous sampling.

Table 1: Sample Overview

Name*	Criminal record before index offence prior detentions (convictions)	Index offence		Prison type	Age at prison release in years	Recidivism
		Offence type	Detention in years			
Kurt	1 (14)	Human trafficking for the purpose of sexual exploitation	2.5	Regular prison	38	Aggravated robbery
Uwe	7 (12)	Sexual abuse	3.8	Social therapy dropout	52	Rape
Frieder	3 (3)	Sexual abuse	3.4	Social therapy	60	Sexual abuse of persons who are incapable of
Daniel	2 (8)	Blackmail, Aggravated battery	3.7	Social therapy dropout	29	1) Drug offence and obtaining services by deception 2) Assault
Lars	3 (5)	Abduction for the purpose of blackmail	4.8	Regular prison	29	Aggravated gang theft
Malte	3 (17)	Aggravated battery	3.3	Social therapy dropout	39	Theft
Lorenz	0 (0)	Rape	2.0	Social therapy	28	Rape

* These are not the actual names of the subjects.

5 Method

The study used an explorative approach. The semi-structured interviews were analysed following Grounded Theory principles (Corbin & Strauss 2008) using MAXQDA-Software. Based on an open in-vivo coding, we proceeded by carving out preliminary categories within each interview. The ensuing axial and selective coding took into account Corbin and Strauss' (2008, p. 32) concept of "sensitivity". Moreover, by contrasting the different interviews and subcategories, we were able to find diverse dynamics and phenomena within the subjects' narratives. In accordance with Kruse (2015), all initial interview sequences were analysed in a reconstructive manner due to their decisive role within the interview's structure. In the initial interview passages, the respondents highlighted meaningful aspects of phenomena that unfolded later in the interview (Kruse 2015). We followed a micro-linguistic approach, looking at the way in which certain things were expressed during the interviews (Kruse 2015). This enabled subtle meanings hidden behind expressions and metaphors to be examined.

To guarantee a certain level of inter-subjectivity and result reliability, the research was carried out by a sociologist and a psychologist.

The study found that the individuals – without prompting – identified concrete risk factors to explain their recidivism. Subsequent analyses yielded less obvious levels of dynamics belonging to the narratives of reoffending, i.e., more implicitly theorised dynamics. According to this iterative process, the findings of the study will now be presented in two steps, beginning with the more explicit risk factors the subjects named before moving on to the implicit dynamics of the narratives. Thereafter, the term *reoffence mind-set* will be introduced to merge the findings of the aforementioned steps.

6 Results

6.1 Risk factors identified by the offenders

The respondents sighted the following risk factors as leading to relapse: a) drug and behavioural addiction issues, b) unemployment, c) social environment and peer influence, d) a vicious cycle, e) transition difficulties, f) the impact of imprisonment and its consequences, and g) a lack of external control.

One of the most prevalent explanations for reoffending was a) **drugs or behavioural addiction issues**. For some respondents, either substance abuse in general, substance use disorders, or behavioural addictions (e.g., pathological gambling) were decisive factors in their reoffending. Even subjects without addictions classified drugs as a hypothetical risk factor. *Malte*, for example, had been drinking heavily for several years and relapsed into alcoholism two days after finishing therapy. Consequently,

he was not able to implement his “rosy and bright”⁴ (*Malte*) plans and relapsed. In his opinion, the new offence marked the inevitable peak of an aggravating addiction:

“Because I had to finance my alcohol. My, my addictive drug. Anyway, I was forced to steal my alcohol and eventually I needed three, four bottles a day.” (*Malte*)

In choosing the verb “to force”, *Malte* drew a connection between addiction and reoffending, a pattern identified in all of the respondents’ narratives. Another participant stated: “The money didn’t last anymore, you know? Then I had to go and burgle again to satisfy my addiction” (*Lars*). Both respondents felt driven to crime by an addiction they could not control. Their actions were determined, and their lives revolved around satisfying cravings. This left no extra time for work, family, or non-addictive friends. Statements like “I didn’t have any time to work. I had to acquire my booze” and “you don’t want anything to do with normal people” (*Malte*) stress this dynamic.

Another risk factor mentioned by nearly all respondents was b) **unemployment**. The narratives implied that unemployment caused dire financial circumstances that inhibited the respondents from meeting their high expectations. Drug dealing and robbery, for example, were considered unavoidable alternatives to overcome financial hardship. After not having received welfare benefits, one participant stated:

“Well, I don’t know, I felt left alone, you know? No money and what am I to do? €500 [the inmates’ bridging allowance] just don’t last. Then I started burglaries again, drugs. And then it took one month, after exactly one month I was arrested again.” (*Lars*)

Other subjects also connected the need to commit burglaries with their precarious financial situation. Apart from money, the respondents noted that employment provides structure and is a good distraction from illegal activities. They emphasised employment as an important supporting factor in their daily lives. One interviewee, for example, described himself as a person “who always has to work” (*Frieder*), needing both the appreciation and occupation. Otherwise, he said, “the risk [of reoffending] might be higher” (*Frieder*). The released offenders relied on the structure and daily routine given by a regular job. When unemployed, they took “each day as it comes” (*Lars*), which left them bored, and they drifted back into old habits. In addition, for younger respondents, work signified an essential aspect of life in general. They hypothesised that going to work would have increased the probability of settling down to a family life or at least having a solid relationship. Therefore,

4 The authors translated all quotations as literally as possible from German interviews. According to applied transcription rules, punctuation does not always have to follow standard grammar rules, because it serves – at times – to illustrate the narrator’s flow of speech.

risky situations would have decreased. Thus, according to the narratives, unemployment increased the risk of recidivism.

The respondents also identified their c) **social environment and peer group** as an influential reason for reoffending. They made other people either directly or indirectly responsible for their deviant behaviour. For instance, *Kurt* blamed a man for misleading him to commit new robberies. A friend “dragged [him] a little into that crap” by introducing *Kurt* to “another guy” who impressed him with his lifestyle. This particular fellow started talking to him about robberies and finally did not allow him to bail out again:

“And then we’ve been sitting in this VIP-Lounge and you just felt so important! Well and then he also was throwing his money around, well and yes, then we started talking about the offences. [...] If I’d never got to know him and then I’d probably not be here either.” (*Kurt*)

With this statement, *Kurt* marked the other person as the key element in his renewed criminal activities. This individual personified *Kurt’s* desired lifestyle of money, status, and prestige and then offered him the “tempting” opportunity to gain all this by criminal means. Other subjects were not as specific, but they still blamed their social environment. Interestingly, peer groups were regarded as a risk factor even when the respondents knew about their own responsibility in life:

“No, I don’t want to blame other people for me being criminal or drinking or anything. Everybody has to blame himself. Everybody has to pick his way through. But the influence of other people is substantial. With like-minded people, it is way easier to screw things up than without.” (*Malte*)

Daniel felt that “the people you hang around and do things with” (*Daniel*) are crucial to whether you reoffend. In the case of sex offenders, a lack of social contacts was also raised as a reoffence risk: “Looking at my criminal record, most offences occurred when I didn’t have any social bonds” (*Uwe*).

Respondents who blamed others as risk factors also felt caught up in a d) **vicious cycle**. They felt caught up in a chain of events – deviant behaviour, arrest, release, reoffence, rearrest – not knowing how to break this cycle. Furthermore, their social environment often exacerbated this problem. They felt trapped and, even if they tried to break away from this cycle, their environment was unable to offer any support (or would foster new deviant behaviour). Meeting old friends or taking drugs can instigate this vicious cycle. Then “it’s like a circuit if you start off once again, things progress real quickly” (*Daniel*). When the released offenders fell back into old habits and violated their release conditions, they felt they did not need to make an effort anymore. This dynamic was particularly likely to unfold among those who exclusively had contact to other drug addicts, as this aggravated their own addiction and accelerated their downward spiral. Statements like “all this comes again

automatically” and “[this was] already preprogrammed and inevitable” (*Malte*) emphasise the passive role detected in the narratives of the vicious cycle.

The interviewees identified e) **transition difficulties** during the intermediate post-release period as a crucial aspect for renewed delinquency. These included emotional adaptation difficulties, stigmatisation, and overextension that hampered transition and reentry. They perceived a stark discrepancy between life inside prison and life outside prison, feeling that, upon release, they had been “thrown in at the deep end” (*Kurt*). None of the released offenders achieved the plans and good intentions they had envisioned. On the one hand, life on the outside differed dramatically from their expectations while, on the other hand, release preparation efforts were not considered overly helpful. In particular, released sex offenders complained about insufficient release preparation measures:

“My offence was like a red rag to prison staff as well. [...] as long as this is taken into account, there will be no change at all concerning the reoffending rates. It is the wrong assessment and wrongdoing by social pedagogues to start release preparations two weeks before release instead of caring and planning and preparing over the long term.” (*Uwe*)

Some releasees were accompanied by constant feelings of anxiety and insecurity (or even “scared to death” [*Lars*]) upon their release. This complicated life outside prison and led to feelings of isolation and stigmatisation, too. Consequently, aspects of everyday life became a challenge:

“It was way too much for me, you know? I couldn’t take a tram, if there were many people in it, because, five years in prison is bad anyway, but for example being completely isolated from all the others during the last four months, well, all on one’s own, and then you get out and everything flows over you, it’s just way too much, you know? I still have problems with that now. [...] I feel like being openly on display, you know? Everyone knows that I’m an ex-con or something like that.” (*Lars*)

This feeling of insecurity – and the fear of being unmasked or stigmatised – led to some of the respondents being aggressive towards other people. This impeded their resocialisation process and added to their emotional stress. The respondents also felt constrained by administrative requirements that are existential for released prisoners, for example, applying for social welfare. They “buried their head in the sand” (*Lars*), which only aggravated matters.

A further recidivism risk factor was the f) **impact of imprisonment and its consequences**. Those who had already spent several terms in prison drew a connection between the difficulties during transition and their preceding imprisonment: “Well, I’ve started feeling a little nuts, you know? Somehow prison life makes you a bit quirky... it leaves its mark” (*Lars*). According to the majority of those interviewed, the increased risk of reoffending was a direct consequence of their

incarceration. The perceived lack of autonomy and the way prison shaped them may have far-reaching consequences, particularly for those who had experienced early institutionalisation:

“I’m used to it from the cradle. At the age of nine, I had to go to a children’s home, where my freedom was cut down and this is how I grew up. And I’ve never got to know it any other way. [...] Maybe this is what characterised me, all my life.”
(*Malte*)

Indeed, some of the respondents found life inside prison a more convenient alternative to a stressful and overstrained life on the outside: “You’ve got everything here, except for your sex life” (*Malte*). Others noted that prisons no longer have the deterrent effect they once did: “Well, it’s not like prison scares you off. If I had been in there 20 years ago, it might have been different” (*Daniel*).

The final recidivism risk factor identified in the interviews was the **g) lack of external control**, partly due to the effects of imprisonment. After numerous periods in prison, the respondents noted that they had become used to the structural control given by the authorities. They got used to handing over responsibility. Once released from prison, they searched for similar support and control in different institutions. Although they had regular appointments with parole officers, they wished for another fundamental structure during parole. In their opinion, it would have been easier to desist if the parole officer controlled them more often and gave stricter instructions:

“I wished for a parole officer who was operating just for me. Then certainly everything would have turned out differently, then I wouldn’t be here, definitely. What you need is not just somewhere you can go to if there’s a problem, no, but, someone to show you the way: ‘Up to here you can go, this is your direction and if you go astray, left or right, then things could get tight for you. Then you have to be prepared to end up here again!’ I think, then, that everything would have turned out differently.” (*Kurt*)

The feelings that “nobody was there” and that they “could do whatever [they] wanted”, that “everything was open” and that “this shouldn’t have been that way” (*Malte*) were crucial factors to recidivism. The subjects either longed for an institution or for someone to tell them where to head for or wished for somebody to push them in the right direction. In their opinion, if this had been the case, then the risk of criminal relapse would have been considerably lower.

In summary, all of the respondents were able to name different dynamic risk factors they considered relevant to recidivism. Although such a breakdown of recidivism risk factors is already popular in criminological literature, it became evident that the risk factors are multi-layered and often interrelated. In this way, the risk factors form a **functional chain**.

6.2 *Implicit dynamics within the narratives*

In addition to the self-reported risk factors that the respondents identified as crucial for their renewed offending, the study identified four patterns used by the subjects to talk about their recidivism: I) justification, II) passivation, III) risk calculation, and IV) transformation.

I) **Justification** refers to the finding that the subjects tried to rationalise their deviant behaviour in order to defend themselves. The subjects made an effort to explain their behaviour by mentioning a lack of alternatives. In their view, they were forced to reoffend. They mentioned drugs, alcohol, and/or gambling issues that, inevitably, led to recidivism. Thus, the respondents rejected their responsibility and described the new offence as a forced decision, for which they could not entirely be blamed. Interestingly, not only addicted subjects used this type of justification. One sex offender justified his crimes as an “inclination” analogous to a substance addiction (*Frieder*). For him, there was no way to act out his sexual deviation without breaking the law and this is why he categorised the reoffence as an inevitable consequence of his “inclination”. Others, as mentioned, were driven by dire financial conditions: “Somehow I have to, I have to subsist on something, don’t I?” (*Lars*). By emphasising this existential fear, the interviewees searched for sympathy for their actions. They had to find a way out and therefore “did what [they] could do best – offences and earning money this way” (*Lars*). In addition, they appealed that their wrongdoing was done to secure the livelihood of their family.

A particular facet of justification pertained to trivialising their crimes in order to minimise their guilt. Although he relapsed with a serious crime, one sex offender who abused a juvenile stated that “nothing had happened. Sex, well, that’s no problem, actually” (*Frieder*). He, like other interviewees, denied any wrongdoing. Trying to veil the harm caused, *Frieder* minimised his responsibility and guilt. Regardless of whether the respondents acknowledged or denied their fault, this attitude was ubiquitous. One subject stated that “it all started very harmlessly” (*Kurt*) while talking about a robbery, and disassociated himself from other reckless violent offenders, saying that he was as afraid as the cashier he threatened. Overall, the interviewed offenders trivialised their actions and perceived themselves as subject to circumstances, peers, and addiction.

Another closely related phenomenon found in the interview results is II) **passivation**. All participants displayed minimal active agency and self-efficacy. They blamed others and/or external circumstances for their actions and viewed themselves as victims of fate and circumstance. “There were many spokes put in my wheel”, said *Lars*, while *Kurt* was keen to state that it was others who had led him astray: “Without him, I wouldn’t have got to know the other one and wouldn’t be here, presumably. It all went wrong” (*Kurt*). Such quotes blame others and view the events that unfolded in a passive way. As *Daniel* noted “it” (reoffence) just happened. All subjects minimised their own responsibility by projecting responsibility onto somebody or

something else, in some cases even onto the victim, partner, or parole officer. Similarly, complaints about inadequate release preparation focused on the responsibility of third parties rather than on the released offender's own responsibility. At the extreme, the subjects perceived themselves as powerless and helpless, completely at the mercy of fate and other external forces:

“Many aspects mattered, I'd now say. [...] It all just came down on me. The financial constraints, the argument with my best friend (...) etcetera, etcetera, etcetera. Well, it is like a, well, like an avalanche, like the descent of an avalanche or something like that, yes. Everything around me just broke down and then, well.” (*Lorenz*)

Interestingly, this dynamic sometimes even resembled determinism concerning the whole life-course: “After my father died, this adverse journey was already mapped out” (*Uwe*).

A third identifiable aspect was a sort of III) **risk calculation**, i.e., a **calculating of advantages and disadvantages** concerning the subjects' implicit theorising. Interestingly, this rationale would appear to contradict the aforementioned tendency towards externalisation. However, a number of those questioned stated that the prospect of gaining money to have a flashy lifestyle was more relevant to them than the risk of imprisonment. The desire for a high-level lifestyle prevailed over the risk of being caught and arrested.

“Well, if you could at least say that if there was a million yielding, it paid off, in the end there's still something left over when I come out after seven years. I could eat into it, but all that just didn't happen. [...] However, if I assume there's a bank robber going in the bank at the time, maybe went out with 10 million, if he was a winner, and maybe got like 10 years of time in the pen, he'd say to himself: ‘Well, when I get out, I'll still have another 8 million! The rest was spent already!’ Maybe it's not that hard then. But for me, there's nothing left, nothing really.” (*Kurt*)

If a robbery were to “pay off”, the decision to commit the crime came naturally: *Kurt* did not regret the robbery but rather the fact that it did not pay off. Similarly, a sex offender weighed up his sexual preferences and the risk of rearrest. For him, satisfying his “inclination” (*Frieder*) was more important than reimprisonment. The risk even provided a certain “thrill” (*Frieder*).

Besides stressing the importance of the possible advantages associated with the offence, the participants emphasised the ineffectiveness of sanctions. Subjects had nothing to lose and were “indifferent” (*Daniel*) about the risk of renewed imprisonment: “Well, as I said before, until now my life didn't mean anything to me. I just did what I wanted, what I felt like, no matter what it was, no matter, which consequences it had” (*Lars*). For those who knew they would soon have their parole revoked there was significant apathy towards living crime-free:

“If you’re on parole and then something goes wrong, then you switch over anyway and you think, ‘well, they will revoke now either way’. So you can utterly let yourself go. You’ll be going to jail anyway. So from now on you don’t have to do anything anymore.” (*Daniel*)

This pattern, seen repeatedly, saw released offenders increasingly commit crimes once they knew (or expected) that their parole would be revoked. Others simply decided that abiding by the law and their parole requirements was too much effort: “I couldn’t see any sense in it. Why should I? [...] I could live the way I wanted and so I did” (*Malte*). Thus, if there was nothing to fight for, the costs of living a decent life exceeded the costs of pursuing a deviant lifestyle. The only costs that outweighed the benefit of this deviant lifestyle were referred to as the possible loss of access to one’s children or significant others (e.g., a partner) or the risk of preventive detention subsequent to renewed imprisonment.

Interestingly, the responses from the interviews are contradictory. On the one hand, the offenders talked about how they calculate advantages and disadvantages; on the other hand, they externalised and saw themselves as passive. In trying to resolve this juxtaposition, one could theorise that ultimately, perceived external forces had a more significant role in the subjects’ decision-making processes.

The last pattern found is IV) **transformation**. Some participants disassociated themselves from the *usual recidivist* and saw themselves in an advanced process of change, describing their desistance-process as if it had already begun and their de novo offence as merely a slight relapse:

“The one having four years, the other six years and me having these few months. Sure, I’m doing time again, sure, it’s crap, but.”

Interviewer: “Hmh, you see differences between your progress and that of others?”

“Of course I do, absolutely. With me I see some kind of progress, because it’s not the way it has been before.” (*Daniel*)

The respondents emphasised that the new offence was a one-time incidence. They viewed their upcoming time after release as a continuation of their crime-free lifestyle prior to their reoffence. These first steps towards a non-deviant life were described as “love, peace, and harmony” by *Lars*, underlining that he had begun to feel comfortable in his new role. When defining themselves as fathers, partners, and family men, desistance became more and more attractive to them: “I just have to keep my hands off it [criminal behaviour]. [...] Yes, my girl is pregnant, and, as I said, the baby is coming next month. [...] And well, then I’ll manage somehow, I have to, because I want to be a good father” (*Daniel*).

Children were not the only potential desistance motivators, as partners played an important role too: *Lars* wanted to show his wife that “she hasn’t been fighting in vain”. After having received support following their previous release from prison, some interviewees saw themselves as transformed and hoped to pursue this lifestyle

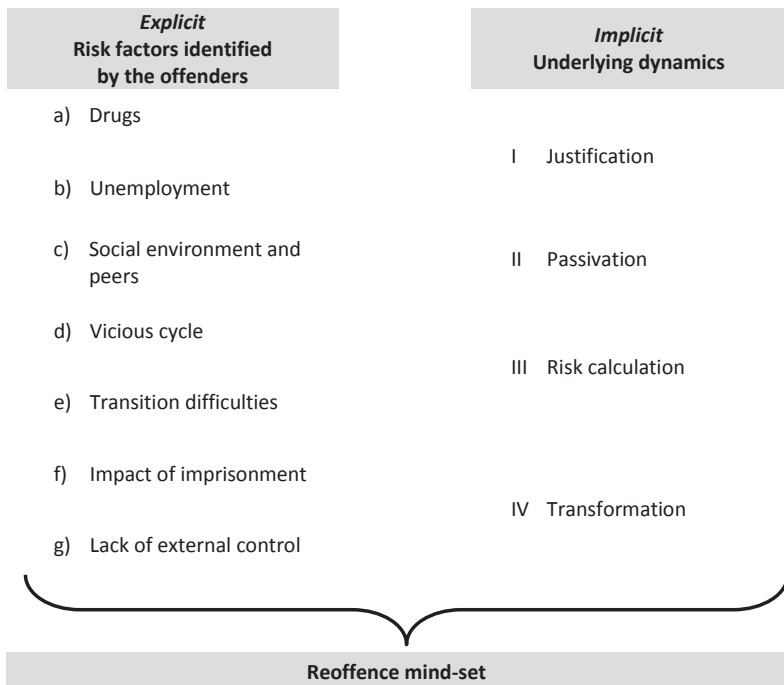
further, despite their most recent *accidental slip* into deviance. In their opinion, the basis for desistance was set before their reimprisonment. They perceived themselves as calmer and more prudent, realising that “the quiet life is maybe a little better than, well, you know” (*Daniel*).

In their narratives, they emphasised their transformation and minimised their recidivism. For the future, the interviewees pictured themselves as being able to work proactively to desist from further reoffending. This contrasts with the aforementioned externalisation trend. Their willingness to transform seemed to neglect their recent recidivism.

6.3 The reoffence mind-set

Based upon the above findings, the concept of a “reoffence mind-set” as a pattern of thinking will now be introduced. This mind-set is formed by two intertwining levels (Figure 1).

Figure 1: The reoffence mind-set



7 Discussion

This paper has so far outlined and analysed seven narratives of rearrested sex and violent offenders taken from interviews that formed part of a large-scale longitudinal study on recidivism rates among treated and untreated sex and violent offenders. The study’s findings assist in understanding of how recidivists theorise their renewed criminal behaviour. This approach, which entails taking into consideration the reoffenders’ perspectives, adds to a more comprehensive understanding of the pathways to criminal recidivism (*Wright & Bennett 1990*).

An important implication from this and other studies is the value of employment (see also *Davis, Bahr & Ward 2012; Farmer et al. 2015; Visher, Winterfield & Coggeshall 2005*). Employment (preferably long-term) is an essential foundation for rehabilitation. Thus, it is equally important that structural conditions be created to improve employment opportunities for ex-prisoners. Consistent with the literature on recidivism risk factors (*Dhami et al. 2006; Ward & Beech 2004*), the offenders from the current sample identified unemployment as leading to risk-taking – a rationale further supported by previous studies that have interviewed released offenders (*Davis et al. 2012*). The link between unemployment and criminal reoffending seemed to be of a financial nature: Since unemployed releasees did not have enough money at their disposal, they sought additional funds through criminal activities. Crime was a means to overcome financial problems. In accordance with *Merton’s* strain theory (*Akers & Sellers 2004*), the interviewees tried to find a suitable way to achieve material goals they were not able to achieve by legitimate means, by “conformity” (*Merton 1938, p. 676*). They mainly coped via “innovation” (*Merton 1938, p. 676*), which entailed committing illegal activities to achieve culturally defined goals.

It is, nevertheless, important to take the offenders’ explanations into account, as unemployment is not only associated with external but also internal (offender-based) aspects. Offenders often exhibit personality factors that make employment and, thus, the entire release situation, difficult. This explains why they often have an unsteady employment history, even prior to imprisonment (*Atkin & Armstrong 2013; Petersilia 2001*). Impulsivity is one such personality trait that leads to employment difficulties. It can also lead to difficulties performing long-term tasks and in the deferral of gratification (*Grasmick et al. 1993*). It is far easier for many released offenders to achieve material goals by quick criminal actions as opposed to long-term labour. We also observed that the subjects interviewed did not reflect upon such dynamics. Hence, it could be crucial for rehabilitation efforts to enable offenders to gain a deeper insight into these dynamics and to work on them – in addition to offering education and job training.

Substance use is strongly related to impulsivity. In other studies, drug issues have stood out as the most important factor mentioned by offenders when asked what caused their crimes (*Davis et al. 2012; Radovic & Höglund 2014*). *Tolfrey et al.*

(2011) also found a strong link between maladaptive substance use and an external attribution pattern of blame. Our results show that the subjects did not link drug and behavioural addiction issues to a personal dysfunctional pattern, but rather blamed the addiction as an invisible force that directly led to criminal relapse.

The effect of peers on recidivism is a well-established criminogenic risk factor, so it was not surprising to see it mentioned by the interviewed offenders (e.g., *Brooks Holliday et al.* 2013; *Davis et al.* 2012). As peer contacts intensify with spatial proximity (*Warr* 2002), a subject's return to his/her former environment naturally increases recidivism risk. However, although the interviewed subjects identified peers as playing a decisive role in their reoffending, they also acknowledged their own responsibility to "change the social environment" (*Frieder*). Although the influence of peer groups is assumed to decrease with age, adults are still not immune to these factors, as *Warr* (2002) points out. Consequently, peer contacts were conducive to the vicious cycle the subjects made responsible for their renewed deviant behaviour, which – once again – stresses externalisation and passivation.

In recent years, release preparation and transition management have gained in importance (*Wößner, Wienhausen-Knezevic & Gauder* 2016). Since the interviewed subjects are from a group considered particularly likely to reoffend, they had undergone various forms of release preparation. However, any possible benefit faded into the background for this sample, with prison deemed a recurring part of one's life that one can do nothing about. The subjects considered both transition difficulties and the impact of imprisonment as key reoffending factors. In accordance with *Goffman's* (1961, p. xiii) description of prison as a "total institution", the habituation effect described by the respondents contributed to their difficulties on the outside. After becoming accustomed to extreme social control during imprisonment, the lack thereof causes overstraining upon release (*Goffman* 1961). Released offenders are often unable to take charge of their lives as they struggle for agency and search for rules and guidelines to follow.

This overstraining impedes reintegration and reinforces a lack of self-efficacy. Not being able to take one's life into one's own hands results in being caught up in a cycle. *Maruna, Porter, and Carvalho* (2004) found a similar phenomenon, which they describe as "doomed to deviance" (*Maruna et al.* 2004, p. 225). Released offenders are prone to accept these circumstances and see themselves as subject to circumstance or fate.

It comes as no surprise that the risk factors the reoffenders identified focused mainly on external factors and on justifying as well as externalising the new crime, thereby emphasising the overarching phenomenon of justification. This dynamic is very complex, but it does correspond with well-known techniques of neutralisation (*Sykes & Matza* 1957), whereby reoffenders seek to trivialise, externalise, rationalise, and justify their crimes. In addition, *internal* phenomena played a role in the subjects' decision-making processes: Several of them performed a risk calculation, weighing

the advantages of a crime against the disadvantages. This corresponds with rational choice approaches. Other subjects stated that they had already begun a process of change and identity shift (see *Maruna* 2001; *Soyer* 2014). Both phenomena are interesting in that they reveal a subtle discrepancy. On the one hand, the offenders blamed external factors for their renewed deviant behaviour; on the other hand, they talked about internal processes of decision-making (risk calculation) or change (i.e., transformation).

With regard to risk calculation, it was particularly striking that sex offenders seem to weigh costs and benefits of a new assault as well – although we are completely aware of the non-representativeness of these results. *Farmer et al.* (2015, p. 328) also found evidence for an active “appraisal of pros and cons of offending” in men who sexually offended. This is consistent with the findings of *Beauregard and Leclerc* (2007, p. 115) that sex offenders “are capable, up to a certain point, of an analysis of the costs/benefits related to their actions”. What do these results tell us about decision-making processes? *Clarke and Cornish* (1985, p. 147), for example, criticise that

[m]ost theories of criminal behaviour have tended to ignore the offender’s decision making – the conscious thought processes that give purpose to and justify conduct, and the underlying cognitive mechanisms by which information about the world is selected, attended to, and processed.

Our observations suggest that hidden dynamics are equally ignored in theories of recidivism and show that the decision-making process is only a tiny building block in the pathway to reoffending. In this respect, our results only partially overlap with the crime script model (*Leclerc et al.* 2014, p. 103). A conscious decision-making process was not experienced or thematised by the present study’s respondents, although hints pointed to some kind of decision process. Thus, further reflections on the underlying dynamics are still required (*Clarke & Cornish* 1985).

As regards an asserted transformation process (or “rebirth” in the words of *Rajah, Kramer & Sung* 2014), there is a theoretical link to the justification dynamic. The observed neutralisation dynamics certainly allow the offender to develop or maintain exactly this *good* self-identity he/she is about to transform into – a possible explanation also brought forward by *Farmer et al.* (2015). It is a means of dissolving the cognitive distortion created by the offending history and the imagined self. Likewise, other authors (*Hood et al.* 2002; *Maruna* 2001) interpret these neutralisation techniques as an indicator of distancing from crime. This is what led us to introduce the term *reoffence mind-set*: If the person has to cope with a relapse, the mind-set will be different from the one experienced if a person does not have to cope with a relapse. *Barrick, Lattimore, and Dawes’* (2017) findings substantiate our conclusion. Their post-release interviews revealed that ex-offenders use different explanations depending on whether they explain why they have committed a new crime or why they succeeded to desist. The most prominent reasons for why they reoffended were – almost identical to our findings – financial needs, drug use, time spent with peers,

or stressful events (e.g., death of a family member). Asked for the reasons why they successfully desisted, the ex-offenders referred to two strands of explanation: 1) supportive or positive social ties (peers, social bonds, family) and 2) personal, internal processes such as an identity or lifestyle changes, cognitive transformations, and the deterrent of renewed imprisonment (which is also in correspondence with a risk calculation approach). Thus, aspects of strain theory and external attribution played a prominent role in reoffending, while internal control and personal achievements existed in success stories. *Maruna et al.* (2004, p. 225) also found that persistent offenders assumed “that the offending came from ‘out there’ not from inside the person”. Consequently, a reoffence mind-set is different from a desistance mind-set. Thus, while we still do not know whether the factors related to the cessation of offending and those related to reoffending are different, we can conclude that different push- and pull-factors exist.

A caveat exists with regard to the reoffence mind-set of sex offenders. The offenders in our sample blamed the victim or held implicit theories to justify their sexual assault: such thoughts need to be addressed to prevent further (re)offending. Otherwise, certain actions of a potential victim, in conjunction with predetermined situational and personal factors of an offender, may trigger offences anew. Yet, research suggests that the impact of denial and neutralisation on recidivism is overrated, even for serious offences (see *Harkins, Beech & Goodwill* 2010; *Hood et al.* 2002; *Vaughn* 2007; *Yates* 2009). Therefore, it might be an interesting approach to include *Maruna's* (2001) thoughts into the discussion of identity shift as a pathway to desistance. *Maruna* suggests that rehabilitation of offenders with neutralisation tendencies and, above all, passivation in the sense of helplessness, should focus on the acquisition of skills and attitudes that foster self-efficacy and internal control attitudes. The problem with this is that finding a balance that works is not an easy task, as released individuals are in need of external control and face many transition difficulties that they need assistance with.

An understanding of these implicit theories might help to increase compliance and engagement for correctional measures if we succeed in translating them into the treatment of dynamic risk factors. After all, they strongly relate to issues of pro-offending attitudes, problem-solving issues, and peers, but also to often neglected dynamics such as dysfunctional beliefs and externalisation or change. The results support *Brooks Holliday et al.'s* (2013) claim for the necessity to improve offenders' understanding of personal risk factors. *Polaschek* and *Gannon* (2004, p. 312) also stress that implicit theories “may not receive adequate attention” with regard to offender rehabilitation. Implicit theories function as a tool for people to control their lives (*Ward & Keenan* 1999). The interaction between implicit theorising about risk factors and mental dynamics operate together in particular reoffence mind-sets. Gaining an insight into these mind-sets opens up the lifeworld of reoffenders and provides deeper theoretical knowledge about criminal behaviour.

In summary, greater efforts are required to synthesise implicit theories of reoffending with theoretical knowledge on reoffending behaviour. The findings presented in this study are one step to help understand the “black box” of offender perspectives (*Toch* 1987, p. 152). After all, as *Walker* (1984, p. viii) notes, recidivism research is a waste of time if criminological theorists do not consider the “states of mind” that lead up to offences.

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forschung aktuell

One of the primary concerns of criminological research is to understand the causes behind criminal behaviour and reoffending. However, research efforts in this area often neglect the perceptions of the offenders themselves. This publication presents results from a qualitative study on offenders' implicit theories of persistent criminal behaviour. The study analysed qualitative interviews conducted with newly incarcerated male violent offenders and sex offenders. The interviews focused on their life course after their preceding prison release and the processes and dynamics that led to their renewed incarceration, with a particular focus on how the prisoners explain these dynamics. Based on the interviews, it is possible to identify comprehensive and abstract patterns of implicit theorising and to introduce the concept of a *reoffence mind-set*. This publication contributes to the theoretical understanding of reoffending behaviour and risk analysis.

The results presented are part of the longitudinal research project "Sex Offenders in the Social Therapeutic Institutions of the Free State of Saxony." The study's principal goal is to analyse recidivism amongst sex offenders from multiple perspectives.

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