Making Desistance Recognizable: How Ex-Offenders Can Signal Their Desistance From Crime to Employers by Strategic Design

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One of the primary concerns employers hold about hiring an ex-offender is the potential reoffending risk they pose. However, criminological literature shows that an ex-offender may be able to mitigate employers' concerns by signalling their desistance from crime. Less understood is how ex-offenders can signal their desistance to (a) make desistance recognizable and (2) communicate desistance signals that employers value. This article draws on the results from the second phase of an Explanatory Sequential Mixed Methods study with a sample of Australian employers who participated in semi-structured interviews (*n* = 43). The findings show desistance signals can be communicated to employers via strategic design. These findings along with the theoretical and policy implications are then discussed.

KEY WORDS: desistance signalling, ex-offender employment, employers, redeemability

INTRODUCTION

For employers, the prospect of hiring an ex-offender raises concerns about the applicant's risk of reoffending and, therefore, the safety and security of their business, staff, customers and business reputation (Pager and Quillian 2005; Lukies et al. 2011). This reluctance creates a challenge for whether and how desisting ex-offenders might convince employers they do not pose these risks. If employers cannot gauge an ex-offender's desistance from crime, their reluctance to hire will likely endure and impede work opportunities for ex-offenders which are crucial for reintegration success (Holzer et al. 2006; Fernandes 2020).

By virtue of their hiring decisions, employers are the gatekeepers to the job market and, therefore, important stakeholders for and arguably gatekeepers to successful reintegration. However, ex-offenders typically present with little to no work experience, vocational skills or education

(Fahey et al. 2006; Visher et al. 2011), which limits job prospects to low-skilled and low-wage positions (Dale 1976; Western 2002). Poor employment outcomes are also associated with employers' expectations of sub-standard work performances from ex-offenders due to physical or mental health challenges, and substance abuse issues (Holzer et al. 2002), as well as racial or gender discrimination (Pager 2007; Sheely 2020). Although vocational, educational and health barriers can be addressed through programs and services designed to alleviate these deficits for ex-offenders (Solomon et al. 2004), research reports mixed findings about these strategies being effective for ex-offenders' employment outcomes or reducing recidivism (Visher et al. 2005; Duwe 2012; Farabee et al. 2014; Gill and Wilson 2017). Conversely, the effects of race and gender on employers' willingness to hire cannot be similarly alleviated as these features are static and, therefore, not as amenable to change.

This range of barriers are not unique to ex-offenders but can be present for any job applicant with or without a criminal history. What is unique to ex-offenders is their criminal history, which, in compliance with Australian legislation, must be disclosed for employment in some industries; for example, work involving children or vulnerable populations, or in licenced industries (Australian Human Rights Commission [AHRC] 2012). Legally, employers can enquire about, then discriminate on the basis of a criminal history if it is connected with the job's 'inherent requirements' (AHRC 2012). Although many industries are free of legal restrictions to hire ex-offenders, criminal record checks are increasing and partly inform job suitability assessments (Naylor et al. 2017).

Not only does a criminal record matter for employers, but also the characteristics of a criminal record (Fletcher et al. 2001), such as crime type, offending frequency, sentence type, length of incarceration and time-lapse since release or most recent offence (Fahey et al. 2006; Atkin and Armstrong 2013; Snider and Reyson 2014). Since the characteristics of a criminal record are historical and therefore unalterable, their influence on employers' willingness to hire is also likely to remain stable. Accordingly, it is important to consider whether employers perceive that ex-offenders can desist from crime and how to influence these perceptions, rather than their expectations for reoffending. Perceptions about reoffending or desistance from crime are arguably two sides of the same coin. However, finding ways to turn the spotlight towards an ex-offender's desistance from crime is one step towards overshadowing their criminal past by illuminating the prospect of a brighter future as a worthwhile employee.

Signalling desistance provides one way for employers to recognize an ex-offender is no longer offending and alleviate concerns about possible reoffending. Bushway and Apel (2012) suggest desistance signalling relies on tangible evidence that indicates desistance from crime. Until now, the idea of desistance signalling has remained a theoretical proposition about what might indicate an ex-offender's desistance to employers and how this could be communicated to mitigate employers' concerns about the perceived risks associated with hiring an ex-offender.

This article builds on the findings from phase one of this study that shows hard and soft skills, as proxies for desistance signals, improve employers' willingness to hire an ex-offender (Reich 2017). Accordingly, to maximize the efficacy of desistance signalling efforts, this article examines: (1) what employers perceive to be reliable indicators of desistance from crime; and (2) how desistance can be signalled for employers to recognize when making hiring decisions about ex-offenders. Without input from employers on these crucial desistance signalling elements, there is a risk for less valuable signals to be communicated, which may be interpreted as weak indications of desistance or go unrecognized.

BACKGROUND

Desistance from crime is defined as the eventual cessation of criminal offending, occuring as a process rather than an isolated event (Fagan 1989; Laub and Sampson 2001). Blumstein and

Nakamura's (2009) study demonstrates the processual nature of desistance over time, where an ex-offender's reoffending risk eventually aligns with those who have never offended. Earlier desistance literature, mostly emerging from the United States (e.g. Glueck and Glueck 1943; Laub and Sampson 2001), established definitions and socio-structural correlates of desistance. More recently, UK scholars have led prominent research endeavours examining the motivations for and mechanisms of desistance and provide broader, contextual insights into the desistance process (e.g. Maruna 2001; Maruna and Farrall 2004; McNeill et al. 2012; Farrall et al. 2014; Bottoms and Shapland 2016; McNeill 2016; Graham and McNeill 2017; Weaver 2017). Although desistance is defined as a process, the concepts of primary, secondary and tertiary desistance characterize the contours of desistence. These concepts do not refer to successive stages of the desistance process but three distinct components of desistance (Ugelvik 2022).

Inspired by Lemert's (1951 cited in Maruna and Farrall 2004: 3–4) propositions of primary and secondary deviation to characterize the trajectory into crime, Maruna and Farrall (2004: 4) propose the trajectory out of crime is characterized by primary and secondary desistance. Primary desistance refers to a crime-free period for offenders with a repeat offending history but may only refer to the absence of crime between offending episodes rather than the 'termination' of crime when criminal activity stops (Laub and Sampson 2001: 11). Secondary desistance is defined as a change in the offender's self-identity to that of a non-offender, exemplified by the adoption of new activities or roles that are consistent with a non-offending life. McNeill (2016) adds tertiary desistance as a third component, which occurs when the ex-offender feels a sense of community belonging and likewise, members of the community recognize the ex-offender's desistance. Nugent and Schinkel (2016) reframe these three components as 'act', 'identity' and 'relational' desistance, respectively. The concepts of tertiary and relational desistance complement the focus of this study relating to ex-offenders' demonstrating community membership and signalling their desistance from crime, and employers recognizing those signals as meaning desistance.

Desistance studies demonstrate that the desistance pathway is characterized by an interaction between several subjective and socio-structural factors (Farrall et al. 2014). Subjective factors connected with desistance include the individual ex-offender's rational choice (Moffitt 1993; Cohen and Ezell 2005) and motivation to change (Bushway and Apel 2012), increasing age (Moffitt 1993), and the ambition to achieve goals (Sampson and Laub 1993). The ex-offender developing a new identity as a 'desister' is also a manifestation of desistance (Maruna 2001), while Giordano et al. (2002) propose desistance follows a complete reformation of the perspectives that ex-offenders hold about themselves and offending behaviour. Subjective precipitators of desistance also include some type of catalyst inciting the ex-offender's desire to change (Bottoms and Shapland 2016).

Subjective precipitators only partly contribute to desistance from crime and reintegration success. Desistance is also associated with the inclusion of ex-offenders by others in social institutes such as employment, marriage, military service, parenthood, pro-social networks and residential change (Bersani et al. 2009; Bahr et al. 2010; Craig and Foster 2011; Kirk 2012; Skardhamar and Savolainen 2014). These socio-structural factors support and encourage desistance from crime by providing a 'turning point' for ex-offenders to move away from crime (Uggen 2000; Laub and Sampson 2001; Kirk 2012) and engage in conventional society with routine structures (Uggen and Staff 2001; Farrall et al. 2014) and support networks (Sampson and Laub 2003). Where employment is concerned, it is not necessarily being employed that promotes desistance but 'job stability, commitment to work and mutual ties binding workers and employers' (Sampson and Laub 1993: 146).

Employment provides a protective factor against reoffending (Bahr et al. 2010) and, according to ex-offenders, is critical for supporting desistance from crime (Ministry of Justice 2011),

but the employment-desistance relationship is complex where having any job is not all that matters. There are key employment factors that influence lower risks of reoffending. For instance, subsistence factors like income (Wadsworth 2006) or job stability (Sampson and Laub 1993) bear some effect, but the subjective aspects of employment are more promising to support desistance, such as high-quality jobs, feeling rewarded by work (Wadsworth 2006), opportunities to innovate (Shover 1996) and having a strong commitment to work (Apel and Horney 2017).

Subjective factors relevant to employers may also matter for hiring decisions about ex-offenders since social psychologists demonstrate that our beliefs about others influence our attitudes toward or decisions about them (Postmus et al. 2011). For employers, beliefs about whether offenders can change and desist from crime influences their willingness to hire an ex-offender (Reich 2017). Maruna and King (2009) call this a 'belief in redeemability', which refers to beliefs about whether criminality is fixed and unchangeable, or entirely changeable where even the worst offender can change his or her ways. Belief in redeemability has been shown to predict public punitive attitudes (Maruna and King 2009); public attitudes favouring offender re-entry (Ouellette et al. 2017); public attitudes towards parole (Dodd 2018). Reich (2017) demonstrated a belief in redeemability is also positively correlated with employers' willingness to hire ex-offenders.

Together, the subjective and socio-structural factors that support desistance emphasize the point that desistance from crime is not achieved autonomously by the ex-offender but relies on relevant stakeholders providing ex-offenders with opportunities for inclusion in social institutes (Farrall et al. 2010). Accordingly, any support employment offers for desistance from crime is contingent upon the ex-offender being motivated to work, *as well as* an employer's willingness to hire. Without the coalescence of these subjective and socio-structural factors, the prospects for ex-offenders' employment outcomes and associated desistance are diminished.

Although these subjective and socio-structural factors are associated with desistance, employers may not regard these factors as meaningful desistance signals. Consequently, for desistance to be effectively signalled to employers, it is crucial to know *what* employers deem as valuable desistance signals and *how* employers recognize them. Drawing on employers' perspectives to establish the 'what' and the 'how' of desistance signalling informs the approach that ex-offenders should adopt to effectively signal their desistance from crime and improve their employment prospects.

Desistance signalling

Desistance signalling originates from the theoretical proposition of job market signalling, which refers to the ways that job applicants communicate their intangible qualities to employers, such as productivity, in tangible ways (Spence 1973). Employers rely on tangible indicators to gauge intangible qualities and assess the applicant's value as a potential employee. Criminologists have more recently suggested that ex-offenders could also signal their desistance, an intangible attribute, in tangible ways (Bushway and Apel 2012). Bushway and Apel (2012: 30) describe desistance signalling as 'real time behaviours that flag individuals who possess characteristics that are, fundamentally, unobservable'. The challenge is that having a criminal record serves as an enduring signal of who the person is ('an offender') because of past behaviour ('committed an offence'). Conversely, and more importantly, desistance signals have the potential to signal who the person is now despite their past behaviour.
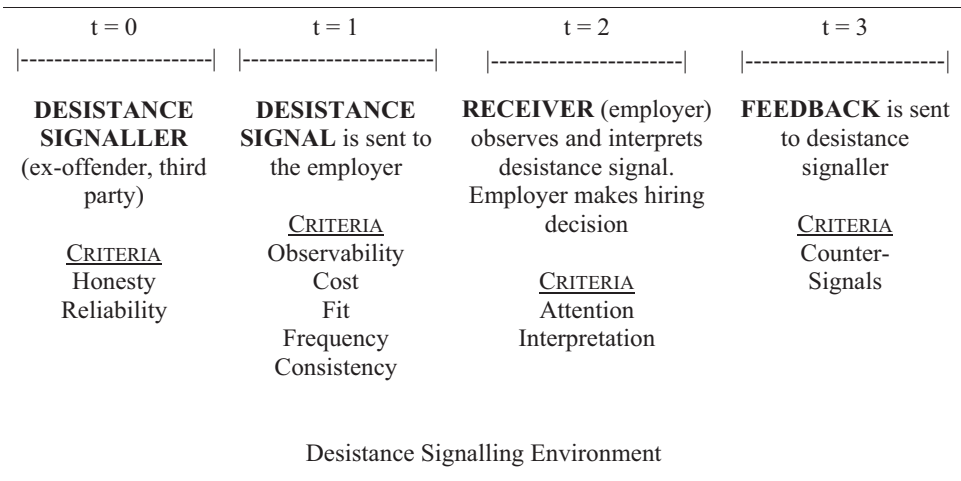
Two closely related features described as being fundamental to desistance signalling are 'the how' and 'the what'. Research reports that ex-offenders who participate in and complete employment training ('the how') experience better employment outcomes (Bushway and Reuter 2002). Bushway and Apel (2012) argue this is not attributable to program content, but

personal qualities that employers find appealing, such as being motivated ('the what') to complete the training.

To date, literature has emphasized how employers might ascertain desistance from crime. Demonstrating a time lapse without further offending is one way to signal desistance to employers (Fahey et al. 2006), although this could be problematic since reoffending risks are highest within the first 3 years post-sentence. Therefore, ex-offenders are most in need of employment during this time to minimize risk (Payne 2007; Visher et al. 2011). Alternatively, ex-offenders could signal their desistance via a range of hard and soft skills. Hard skills encompass formal or technical qualifications (Moss and Tilly 1996) that are generally easy to substantiate with certificates of attainment or evidence of experience. Less easy to substantiate are soft skills, which refer to personal qualities such as acquired knowledge, personality traits, motivation, attitude and interpersonal skills (Heckman and Kautz 2012). There is also a level of interdependence in signalling hard and soft skills where some soft skills (e.g. acquired knowledge) rely on tangible hard skills (e.g. certificate of attainment) to be made obvious.

Since the time of Spence's (1973) writing, expansions to signalling theory incorporate propositions about the environment in which signalling occurs and ways to increase signalling efficacy. Connelly et al. (2011) 'signaling timeline' model conceptualizes how signals are communicated and interpreted between senders and receivers (see adaptation in Figure 1). The signalling timeline is positioned within the '*signaling environment*', comprising four key constructs—the signaller, the signal, the receiver and feedback. Signalling efficacy then depends upon the quality of each of these constructs, determined by several criteria (Connelly et al. 2011).

Signaller quality is gauged by *honesty* and *reliability*. The signaller is deemed honest by evidentially substantiating any claims made about their own personal qualities. Reliability is assessed by whether the signaller's performance aligns with their signalled quality. Next, signal quality is determined by *observability, cost, fit, frequency* and *consistency*. Observability refers to how easily or well the signal is noticed. Cost refers to financial, personal or social investments made to procure the signal—the higher the cost, the greater the signal's quality. Signal fit requires the signal to accurately represent the quality being communicated. Frequency is a quantitative measure of how many times the same unobservable quality is communicated via different signals. Last,

t = 0	t = 1	t = 2	t = 3
|----------------------|	|----------------------|	|----------------------|	|----------------------|
DESISTANCE SIGNALLER (ex-offender, third party)	**DESISTANCE SIGNAL** is sent to the employer	**RECEIVER** (employer) observes and interprets desistance signal. Employer makes hiring decision	**FEEDBACK** is sent to desistance signaller
C̲R̲I̲T̲E̲R̲I̲A̲ Honesty Reliability	C̲R̲I̲T̲E̲R̲I̲A̲ Observability Cost Fit Frequency Consistency	C̲R̲I̲T̲E̲R̲I̲A̲ Attention Interpretation	C̲R̲I̲T̲E̲R̲I̲A̲ Counter-Signals

Desistance Signalling Environment

t = time

Fig. 1 Desistance signalling timeline. (Adapted from Connelly et al. 2011: 44).

consistency is concerned with whether each of the different signals transmitted correspond with the unobservable quality being signalled (Connelly et al. 2011).

The third construct in the signalling environment is the receiver, whose quality is determined by *attention* and *interpretation*. Attention refers to the receiver making a concerted effort to recognize the signals being transmitted or at least be aware of what signals to look for. Interpretation is concerned with the meaning the receiver ascribes to the communicated signal. *Feedback* is the last construct in the signalling environment and is characterized by countersignals transmitted from the receiver back to the signaller. Countersignals enable the signaller to ascertain their signalling efficacy and allow receivers to obtain further information. If necessary, signallers can modify and resend signals to improve signalling efficacy (Connelly et al. 2011).

One challenge that is potentially detrimental to efficacious signalling is '*noise*' or '*distortion*' in the signalling environment (Connelly et al. 2011). Like static on a radio frequency distorting the transmission, noise in the signalling environment reduces the signal's observability. For example, certificates of attainment can represent a noisy signal to employers as they may only account for the applicant's technical skills but not necessarily the qualities desired by employers. Consequently, they become a distraction from the intended signal being sent.

For this study, the signalling timeline is adopted and adapted (see Figure 1) to examine whether desistance signalling is subject to the same constructs being present in the signalling environment and measured by the same criteria.

METHODOLOGY

This study was conducted in Toowoomba, Australia, with employers who are either business owners or employed in positions with capabilities to make hiring decisions. Toowoomba is a suitable site for this study because the offender population is representative of the state-wide offender population (DJAG 2014); the Toowoomba employment sector is characterized by industries in which ex-offenders typically find work (ABS 2012); and a sufficient sample could be obtained across Toowoomba businesses with 36.1 per cent employing at least one person (ABS 2012). A sampling frame of 1,505 businesses was generated from the Yellow Pages business listings (Sathye 1999) by purposively selecting businesses within industries where ex-offenders typically find work and likely to have low-wage, entry-level jobs (Peck and Theodore 2008). Exclusions applied where businesses are legally obligated to discriminate against job applicants with a criminal record and industries requiring employees to hold a current Blue Card.[1]

This research followed a two-phase Explanatory Sequential Mixed Methods (ESMM) design, denoted as quan → QUAL. Phase one comprised the Willingness to Hire web-based survey[2] ($n = 367$), followed by face-to-face semi-structured interviews (SSIs) in phase two ($n = 43$). This article is concerned with the phase two SSI results. As part of the integration characterizing ESMM designs, the SSI sampling frame ($n = 117$) constituted a self-selected sub-set of the 367 phase one survey respondents. To facilitate self-selection, phase one survey participants were informed about the phase two SSIs at the end of the web-based survey and invited to register their interest in participating by providing their name, phone number and email.

Since belief in redeemability is a key concept in this study, a randomized sample of SSI participants was selected from the 117 self-selecting sub-set of survey participants based on their belief in redeemability scores. Belief in redeemability is measured using a six-point Likert scale of agreement (1 = strongly disagree to 6 = strongly agree) containing four-items: (1) Most offenders can go on to lead productive lives with help and hard work; (2) Even the worst

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1   Blue cards are mandatory in Queensland if working with children and young people, and involve a full criminal history check to obtain.
2   Renamed from '*Employer Subjectivity in Hiring Offenders'* survey (Reich 2017).

offender can grow out of criminal behaviour; (3) Most offenders really have little hope of changing for the better; and (4) Some offenders are so damaged they can never lead productive lives (Maruna and King 2009). Items three and four are reverses coded then the mean of all items is calculated to produce a single score from 1 to 6 ($\alpha = 0.63$) representing a low to high belief in redeemability, respectively. For the analysis of phase one survey data, belief in redeemability scores were statistically stratified into tertiles using the *xtile* command in STATA 14 and characterized as low (scores 1 to 3.5), mid (scores 3.75 to 4.25) and high (scores 4.5 to 6).

The randomization process for selecting phase two SSI participants occurred in two steps. First, the SSI sampling frame ($n = 117$) was exported into MS Excel and grouped by low ($n = 37$), mid ($n = 47$) and high ($n = 33$) belief in redeemability tertiles. Second, 15 participants were randomly selected from each tertile group using Excel's RANDBETWEEN command to give a total SSI sample of $n = 45$. Selecting participants by tertile grouping allowed me to examine whether employers' assessments of desistance differed according to the extent of their belief in redeemability (i.e. criminality is fixed [1] to entirely changeable [6]). Two interviews could not be transcribed due to poor audio quality and therefore dropped from the sample, leaving $n = 43$.

Formulating the SSI protocol provided an additional point of integration, where the phase one survey results directed the focus of the phase two SSIs. In phase one, desistance signals were found to improve employers' willingness to hire (Reich 2017). Subsequently, one of the aims of the SSIs was to explore in greater depth what employers perceive to be a signal of desistance, and how employers recognize these signals when considering an ex-offender for employment. Transcribed interviews were exported into NVivo 11 for coding and management. Interview data were coded into themes and sub-themes across two cycles using Descriptive and *In Vivo* coding strategies in the first cycle and Pattern coding in the second cycle (Saldaña 2013).

The reliability of the SSI data was enhanced in three ways. First, by testing the SSI protocol with volunteer participants to check for clarity. Second, by establishing representativeness of the SSI sample via random selection of an equal number of participants from each belief in redeemability tertile group—a key construct in this study. Random sampling from groups defined by a study's key constructs is a valid method for establishing sample representativeness for the qualitative phase of mixed methods research (Creswell and Plano Clark 2018). Third, by theoretically grounding the analysis and reporting of results from the SSIs in relation to belief in redeemability and desistance signalling (Silverman 2006). Validity of the phase two SSI data was achieved by the triangulation of quantitative and qualitative methods (Hammersley 1990) and through the application of the theoretical framework for selecting research methods and collecting data (Fielding and Fielding 1986).

RESULTS

Findings from the thematic analysis of the interview data provides strong support for the adapted desistance signalling timeline being applicable to ex-offenders, effectively signalling their desistance from crime to employers. Also supported is the proposition that efficacious desistance signalling is contingent upon the overall quality of the desistance signalling environment, where the four signalling timeline constructs—desistance signaller, desistance signal, receiver and feedback—meet the respective criteria for construct quality. The implication of these findings is that the desistance signalling timeline provides a blueprint for ex-offenders to strategically design ways to signal their desistance to employers.

The desistance signaller

There are two types of signallers within the desistance signalling environment. The first is the ex-offender, and the second is what I call a third-party signaller—someone who signals on the

ex-offender's behalf, such as a previous employer, job agency or parole officer. Whether employers regard desistance signals as valuable depends on whether the desistance signaller satisfies the criteria of honesty and reliability. Satisfying these criteria is important for minimizing any suspicions of deceit (Durcikova and Gray 2009) since the potential for dishonesty is valid when the ex-offender and possibly third parties stand to benefit from the employer's willingness to hire (Johnstone and Grafen 1993). Whilst ex-offenders and third parties are subject to the same desistance signaller criteria, employers differentially assess the honesty and reliability of each. Employers report greater certainty about gauging the honesty of ex-offenders than third parties and this relates to perceptions about what motivates each to signal the ex-offender's desistance.

Honesty

Employers are satisfied that the criterion of honesty is met when ex-offenders demonstrate a sense of vulnerability, transparency and trustworthiness. Demonstrating vulnerability by disclosing a criminal record takes courage, according to Toby and therefore displays honesty:

> […] that to me, it is probably an indicator, if they haven't changed that they're trying to change and also displaying … um … honesty. […] it takes a fair bit of guts to even come in and ask for a job, let alone saying 'oh by the way I got a criminal record,' you know? If someone is prepared to do that they must be having a fair crack at changing things. (Toby)

Employers perceive third parties to be motivated by self-serving agendas and therefore tend towards dishonestly representing an ex-offender for employment to meet business targets and receive incentives, as described by Cameron:

> […] we don't like using them [employment agencies] … um … cos they're just, we don't think they screen enough […] I think it's money driven, they're not about putting that person with that job. I think because it's a government sponsored thing […] (Cameron)

Another concern that employers have with gauging the honesty of third-party signallers is the potential for misrepresenting the ex-offender applicant's employability by providing an unmerited but favourable reference. To improve perceptions of honesty, third-party referees would have to be known by the employer:

> It would really have to be someone that I knew to make that [reference] valid, who I knew the stature of that person as well so I could make a judgement of the person writing it, you know what I mean? […] but if it came from a judge or from the case worker, I don't know them from a bar of soap, but if it came from […] somebody that I knew, […] then that would have validity for me. […] that would be the only time it would have any value for me. (Nicholas).

Reliability

Establishing reliability requires the signaller's behaviour to be congruent with desistance from crime. For some, ex-offenders with a pro-active approach to finding work or refraining from crime for a period indicate the ex-offender is a reliable signaller. Others, like Jamie, look to engagement in external activities:

> To me that [i.e. joining a community group] would say that they are well and truly on the mend, obviously repentant of what they've done so they want to move on in life. 'Ok so that's behind me, that's past, time to move on and progress.' So, to me, it would be a good character who's trying. (Jamie)

Determining the reliability of third-party signallers is challenging for employers due to the difficulty of knowing how rigorously third parties assess an ex-offender's desistance. Without knowing what criteria and conditions govern assessments of desistance, employers feel uncertain or sceptical, as Jason explains:

> There's *always* [*emphasis added*] a loophole somewhere. It's just how hard are you prepared to work to find the loophole and get around it? How cast iron tight is the system? How infallible is the person doing the testing? All those sorts of things … and how badly does the person want to get past? How easily can the person get past? 'Oh, I'm clean, I've got nothing to hide.' Yep, straight through, no problem at all. (Jason)

Satisfying the criteria of honesty and reliability is achieved in different ways depending on who is signalling. However, employers emphasize a preference for making their own assessments rather than relying on third-party assessments. By hearing and seeing an ex-offender give an account of their own desistance, employers can gauge first-hand the quality of ex-offenders as signallers. This is somewhat lost with third parties who are perceived as serving their own agendas and, therefore, subject to different ways of assessing their quality as desistance signallers.

Desistance signals

The quality of the desistance signal is also differentially assessed for ex-offender or third-party signallers. Drawing on Connelly et al. (2011) conceptual model, the proposition that employers assess the quality of desistance signals by the same criteria of *observability, cost, fit, consistency* and *frequency* is supported.

Observability

Employers describe the opportunity to interact with ex-offenders as valuable for desistance signal observability. Through interactions, ex-offenders can demonstrate their desire to change by actively seeking opportunities that support change, like finding a job. Interpersonal interactions also allow employers to observe non-verbal cues like body language, reactions and presentation to gauge whether the ex-offender's change seems genuine. William describes this in the context of a conversation:

> I think my technique would be to come outright and say 'look, you've got a criminal history, honestly, what do you think your chances of re-offending are?' And get an idea from their facial expressions that way. It's probably going to be a pretty shocking thing to say, and it might even be a little bit offensive, but you'll get a bit of a read from them. (William)

Ali et al. (2017) study—about how ex-offenders can manage employers' impressions about them—supports the importance of observability. Their findings show that when ex-offenders apologize for and justify their offence, this signals genuine remorse and gives context for understanding why the offence occurred. In return, employers report a greater willingness to hire because the ex-offender is then 'seen' or 'viewed' (Ali et al. 2017: 1279) in more positive ways, thereby diminishing their 'offender identity' but increasing the observability of a favourable job candidate. Furthermore, the influential role that observability has in shifting how employers perceive ex-offenders, provides support for Ban-the-Box campaigns. Ban-the-Box aims to delay criminal history disclosure by removing questions about criminal records from job application forms. In turn, the prospect of advancing to the interview stage increases for ex-offenders (Avery and Lu 2021), where being seen during an interview allows employers to observe the employability appeal of ex-offenders who present favourably.

Without interpersonal interactions, the observability of the ex-offender's desistance signals is diminished or not observable at all. This is evident in my findings, where employers made no indication about the observability of desistance signals via third parties. Even though third parties can provide observable artefacts such as a written reference, without the accompanying detail to indicate its reliability, the desistance signal remains less noticeable.

Cost

Some employers indicated that voluntary community work is one example of a costly desistance signal requiring an investment of time and effort with little to no material gain. Others referred to reputational costs. Responding to the idea of an ex-offender presenting with a certificate of rehabilitation or potentially jeopardizing their reputation, Anthony and Madison respectively state:

> […] certificate would be earned by doing voluntary community type stuff, would show the genuineness that they want to … you know … it costs, and it hurts, because that shows a desire. If there is a cost and hurt involved that shows a desire to [change] … but there's a goal they're trying to achieve and that is getting somewhere better. (Anthony)
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> It, it can be quite embarrassing or intimidating to some people to walk into any place of employment and hand in their resume […] if you've got enough guts to walk around and really want to look for work, then you know I'd take that on board probably more than some-body who just goes to an employment agency and lets them do all the running around for them. (Madison)

Employers anticipate the costs associated with desistance signals via third parties still fall to the ex-offender in terms of the time, effort and/or financial input required to satisfy third-party accreditation requirements or endorsement. Where demands to meet requirements are high, the quality of the accreditation or endorsement as a desistance signal is also high, whilst mistrust in assessment processes also amplifies the value of signal cost. This resonates with Maruna's (2014) comments about few people trust the opinion of experts proclaiming who is rehabilitated. As Harrison explains, this would depend on being able to verify the rigor of third-party assessments:

> […] provided it [a certificate] was checkable and you could actually speak to the person who signed that certificate and just from a conversation you'd be able to tell that this person was just pushing people out the door and signing pieces of paper, saying 'yeah, yeah good luck' or whether it was someone who was genuinely invested in rehabilitating that criminal. (Harrison)

Signal fit

If the signal being communicated inadequately represents desistance, then the observability and cost criteria lose their value. For this reason, it is important that what is being signalled fits employ-ers' ideas of desistance. Consistent with previous research, the employers in this study associate desistance from crime with signals that are indicative of productive citizenship (Schriro 2012). Likewise, ex-offenders themselves associate their desistance with deliberately restructuring their daily routines and lives to accommodate the types of relationships and activities that support pro-ductive citizenship and, therefore, desistance, such as family and employment (Farrall et al. 2014). The restructure of daily routines and life also signals the ex-offender's desistance to others (Farrall et al. 2014). Indeed, employers assess signal fit by looking for evidence of a life lived differently or, in Gabriel's case, looking for signal misfits that indicate a change has not occurred. This may not be immediately apparent, but manifest with the test of time:

> If I did know that I was taking someone on that came out of prison I'd also watch who they're hanging around with. If they're hanging around with the same sorts of people, then they're going to commit an offence again […] if they're in pubs and drinking and whatever else and come to work hungover or whatever else then you know they're not really wanting to change […]. (Gabriel)

Sometimes, employers contact third parties to corroborate the ex-offender's claims of desistance or the employer's own evaluation. By doing so, employers can double-check whether the experiences that others have had with the ex-offender's performance correspond with desistance from crime:

> I would maybe make contact with the prison system and see what reports there were and what behaviour was conducted, whether they worked in the workshops there and showed good skills and good work ethics. (Jason)

Consistency and frequency

Frequency is a quantifiable criterion referring to the volume of desistance signals communicated and therefore is not satisfied by meeting any conditions. Consistency, on the other hand, is concerned with uniformity between signals, where multiple, diverse signals must signal the same thing and not send conflicting messages. Anna's response illustrates consistency when she explains several ways to signal desistance:

> For me it's about their interaction … um … their community value. So, how they are received back in the community, but not only that, what they do in the community […]. Not only that … how they carry themselves. (Anna)

By establishing various ways to signal desistance, ex-offenders retain some flexibility in being able to communicate to employers one specific message—their desistance from crime—in numerous ways. This is critical for desistance signalling efficacy because what one employer regards as valuable desistance signals might be completely disregarded by another. Yet, it is impossible for ex-offenders to know in advance which particular desistance signals a prospective employer values. To be prepared, it is crucial to have a range of signalling options to maximize the efficacy of the desistance signalling environment. Accordingly, when designing desistance signalling strategies, ex-offenders should deliberately incorporate multiple signals, each consistent with desistance from crime, to cater to differential preferences from one employer to the next. Failure to do so may result in the desistance signal remaining unnoticed, under-valued or misinterpreted by employers.

Desistance signal receiver

As a form of communication, signalling desistance to the employer, as the signal receiver, occurs via a transmission process (Connelly et al. 2011). Desistance signals are transmitted directly when communicated by ex-offenders, but indirectly when communicated by third parties. Both have implications for employers' evaluations of the ex-offender's desistance from crime. Whether desistance signals are received and understood first depends on recognizing signals—*attention*; and the meaning ascribed to signals—*interpretation* (Connelly et al. 2011). Attention and interpretation emphasize the importance of signalling consistency to account for the possibility that employers may only recognize some desistance signals or be attuned to looking for particular signals.

Attention

The employers in this study differentially recognized desistance signals, and this was found to be associated with their belief in redeemability rankings (i.e low to high). Employers with a low belief in redeemability do not deny the possibility for desistance. Instead, they are pessimistic about the probability of desistance. This underlying pessimism leads employers to remain focussed on offence-centric factors and fosters uncertainty about what signals desistance from crime, as illustrated by Christian's response:

> Well they've got to show they've changed […] if he worked with someone else and he was on the right track and showed self-discipline and … I don't know … I've never experienced it, so I can't really answer that question. […] they've got to be normal, they've got to be normal and not do what they were doing before, because it wasn't working …. you've got to change … that's … it's not rocket science. (Christian, low BR)

Compared to employers with lower belief in redeemability scores, those with mid-level beliefs expressed more certainty about identifying desistance signals. For this group of employers, both performance- and character-based indicators function as desistance signals where the ex-offender's performance in a particular context provides an indication of their inherent character and, therefore, a changed person or not. Mitchell describes this in terms of a questionable work performance reflecting an undesirable personal quality:

> If I had someone that showed me that … 'OK, I've been institutionalized from here to here for this reason and then given the jobs after you can see that I'm a hard worker, but each one only lasted for three months because I cannot hold a job down because I either do something wrong, or my attitude gets in the way' or something like that … You can pick up that if they've had more starts than Phar Lap[3], they're not rehabilitated. (Mitchell, mid BR)

Employers with high redeemability beliefs express greater certainty and ability to recognize desistance signals. These employers place a greater emphasis on the types of activities that ex-offenders engage in, along with the personal attributes they exhibit. In addition, employers with high-level beliefs are more inclined to either actively look for desistance signals or disregard their importance for hiring decisions. Flynn identifies the ex-offender's social networks and associated responsibilities as a reflection of desistance:

> I think the biggest thing you really notice is that they really start to shoulder some responsibility, they actually start to become aware of their actions and, in a lot of cases it's got to do with family […] you chuck in a good woman and a couple of kids and a lot of those guys is different men. (Flynn, high BR)

Interpretation

As well as being attentive to desistance signals, employers must interpret signals as meaningful indicators of desistance. Umberto Eco (1976) highlights the importance of signal interpretation by suggesting that if signals can convey truths, they can also convey lies. Consequently, a lack of attention on the employer's behalf can lead to desistance signals being misinterpreted and the

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3   Phar Lap is an Australian champion racehorse that won 37 out of 51 race starts (National Museum Australia 2022). Although Phar Lap is revered as legendary in Australian sporting history, the saying 'more starts than Phar Lap' conversely refers to someone who has attempted something countless times.

ex-offender's desistance from crime remaining unrecognized. Improving the accuracy of signal interpretation requires feedback, which is the fourth and final element of the signalling timeline (Connelly et al. 2011).

Feedback

Feedback occurs when receivers countersignal to check their understanding of the signal received and elicit further information to improve interpretation accuracy. For employers, countersignalling can be useful for addressing ambiguity or uncertainty about the ex-offender's desistance. However, requiring a recourse for response means that countersignals rely on a two-way line of communication. This is less likely to be available where third-party desistance signals are provided via references or certificates of attainment and, therefore, not always open to a response. Without the option for a two-way interaction to ascertain the signal's quality, third parties present as more of a hindrance, leaving the employer to trust the judgement of others which again raises doubts about third-party assessments (Maruna 2014). Whilst discussing the prospect of a government-issued certificate of rehabilitation with little recourse for countersignalling to verify the assessment rigor, Alica exemplifies the consequences for perceptions of trust:

> […] anything to do with the Government, there are a whole stack of different ways to rort the system and it becomes something you distrust out of hand, depending on how it's policed and administered. So, in theory it sounds good. (Alica)

Conversely, a two-way dialogue between the employer and ex-offender allows the employer to probe for further information and satisfy their assessment of the ex-offender's desistance from crime. As well, the ex-offender can provide contextual information and is actively involved in the creation of meaning around their own desistance signals, as demonstrated by Ryder's personal experience:

> […] in the case of the guy who came and said 'I did get put in jail for assault, you know, twenty years ago' […]. And I asked him what the circumstances were, and he explained to me. I thought 'you know, he seems like a fairly decent guy now, I'll give him a go.' (Ryder)

Countersignalling engages the employer as an active player in the desistance signalling process. In the absence of countersignalling, the ex-offender's desistance may continue to go unnoticed. Accordingly, ex-offenders should consider strategies that enable employers to engage directly with them in the desistance signalling process.

Noise

Irrelevant, untrustworthy, or misleading information represents noise or distortion in the desistance signalling environment by interfering with desistance signals being sent, received and interpreted accurately. For employers, noise in the desistance signalling environment is especially problematic with one-way signalling. This is mostly because employers lack the opportunity to countersignal and clear up any misconceptions or uncertainties. Both Nicholas and Lola describe factors relating to assessment processes and agency misrepresentation of ex-offenders as examples of noise in the desistance signalling environment:

> […] you get a submission from a, you know, the case manager that this person's reformed, well they wouldn't have a clue … you know? They've got no idea, you know because they only see them in a controlled environment, […] they haven't put them back out to the real world where there's temptation, so how are they going to know whether they're reformed?

They don't. They're only assuming […]. Well, I'm sorry that doesn't work for me, you know? (Nicholas)

   […] the employment agency might use tactics that kind of hide a little bit of the history to try and get them into a job. (Lola)

Noisy signalling environments can also transpire when ex-offenders are not meeting the criteria of honesty or reliability as desistance signallers. Anthony describes this in a situation where there is a willingness versus an unwillingness from the ex-offender to be entirely open and transparent about their past, the lack of transparency creates noise and distorts the desistance signal being sent:

> You've just got to ask the right questions to draw all that information out and if they've done silly things and they've learnt, most of them are happy to voice that and say 'hey, I have done this, but …' Then there's others that … 'yes I have, but you're not getting any information,' sort of tells me that you're not comfortable, you haven't learnt from this … there's no full disclosure. (Anthony)

A BLUEPRINT FOR DESISTANCE SIGNALLING BY STRATEGIC DESIGN

Theories of desistance associate a range of subjective and socio-structural factors with initiating and supporting desistance from crime. However, some factors associated with desistance, like employment, are only available after gauging an ex-offender's likely desistance. Therefore, it is also important to examine how others, like employers, gauge desistance to make decisions about ex-offenders, and whether they recognize the same or different factors as valuable signals of desistance. This study adds new theoretical insights to desistance literature by demonstrating that employers gauge desistance by the same types of subjective and socio-structural factors associated with desistance, which can be made recognizable by effective desistance signalling endeavours.

For desistance signalling endeavours to be effective, ex-offenders should be at the fore of signalling their own desistance. Conversely, third parties present some problems due to the potential for third-party desistance signals to be distorted. This third-party problem is of significance in the Australian context and potentially others due to the heavy reliance on employment service providers to assist ex-offenders into the workforce.

The evidence presented here indicates desistance signalling is not so vague a concept that it relies on chance but can be strategically designed. The idea of strategically designing desistance signals is innovative and turns the spotlight on two primary implications for policy and practice emerging from this study. First, it provides ex-offenders with a blueprint to strategically design and clearly communicate to employers that they are no longer engaged in offending behaviour. Second, it informs policy and practice that should be adopted by third-party signallers that are tasked with assisting ex-offenders into the workforce, such as employment agencies.

According to Taj (2016), signal design begins with the end in mind, centring on two key considerations: (1) the target market and (2) the primary goal for signalling. These considerations are then incorporated into designing practical strategies for effective signalling to take place, which are directly applicable to the case of ex-offenders signalling desistance. The target market in this instance is employers, and the primary goal for desistance signalling is to demonstrate that the ex-offender is a 'safe bet' to hire. Bearing in mind that my study shows employers anticipate some challenges with third-party signallers, risks posed by ex-offenders and noise

within the signalling environment, desistance signal designs should also aim to mitigate these challenges.

Although employers maintain uncertainty about the legitimacy of third-party signallers, the reasons underpinning their uncertainties are clear and can be alleviated by desistance signal design. For instance, employers prefer to obtain references from a known or credible source. The preference to avoid unknown sources resonates with desistance literature emphasizing the ex-offender's relationships and connectedness as modes of social capital exemplifying desistance (Patton and Farrall 2021). Likewise, the employer's relationship with a third-party signaller, or a third-party signaller's positive reputation, features in this study as the requisite social capital for employers to gauge desistance. Although an ex-offender job applicant cannot know who an employer does or does not know, one option is to connect the prospective employer with a past employer who has a good reputation or other respected community member, providing they are able to satisfy the signaller criteria of honesty and reliability.

Less well received as third-party signallers are employment agencies. Perhaps the way employment agencies serve the needs of ex-offenders should shift from playing a frontline advocacy role for ex-offenders to more of a backseat role as job coaches training ex-offenders to front their own job-seeking endeavours. Job coaching has featured in other contexts to assist people with disabilities build work and social skills to better assimilate with work culture (Westerlund et al. 2006). As job coaches, employment agency personnel might be more useful by assisting ex-offenders to design their desistance signalling strategies and coach ex-offenders in the transmission of signals to be recognizable to employers. For third parties that assess and provide accreditations of any kind for ex-offenders, evidence of how these accreditations meet the criteria for what makes a valuable signal, should also be factored into the desistance signalling design.

By magnifying what appeals to employers, whilst also mitigating the challenges, is important for desistance signal design to achieve the primary goal of assuring employers that the ex-offender is a worthwhile candidate. Knowing what employers value and recognize as signalling desistance is greatly advantageous to ex-offenders by not having to rely on the hope an employer will recognize their desistance. Instead, ex-offender job applicants can take the necessary steps to deliberately communicate their desistance, ensuring they meet the desistance signalling timeline criteria to maximize the efficacy of their desistance signalling efforts.

CONCLUSION

As gatekeepers to the labour market, employers hold important stakeholder positions where their hiring decisions about an ex-offender job applicant provides opportunities for inclusion in the workforce or their continued exclusion from it. Accordingly, employers have a critical role to play in the successful reintegration of ex-offenders. However, if the concerns that employers perceive about ongoing reoffending risks that ex-offenders pose are not effectively mitigated, their unwillingness to hire is likely to endure.

Although there are strategies in place to address some of the deficits that ex-offenders typically present with that impede their job prospects, little to no attention has been given to address the barriers relevant to employers to improve their willingness to hire an ex-offender. If the position of employers continues to be absent from this body of literature, then we may have already witnessed the best possible employment outcomes for ex-offenders under the current arrangements to improve their chances of being hired. This study sought to address this gap by examining how employers ascertain an ex-offender job applicant's desistance from crime.

The desistance signalling timeline offers an innovative and promising approach to strategically design ways to communicate to employers an ex-offender is no longer engaged in offending behaviour. By meeting the criteria of each construct in the desistance signalling timeline, the

quality of the desistance signaller and the desistance signal can be improved. This increases the prospects that employers receive signals that they value and recognize, since these have been informed by employers. By providing ex-offenders and third parties with this blueprint for signalling desistance by strategic design, the ex-offender job applicant's desistance can be effectively communicated in accordance with what employers want.

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