

Intersectional
harms and
desistance journey
of young adults in
conflict with the law

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(RÉ)S  **16-35**
Jeunes judiciairisés
(RÉ)intégration sociocommunautaire
Partenariat recherche communauté

SAISIR ET SOUTENIR LES PROCESSUS
DE (RÉ)INTÉGRATION SOCIOCOMMUNAUTAIRE
CHEZ LES JEUNES JUDICIARISÉS DE 16 À 35 ANS

(RE)SO 16-35

<https://reso1635.fse.ulaval.ca/>

- An ambitious partnership research program bringing together 16 researchers and 23 community partners (public and community) in three regions of Quebec;
- 140 young people aged 16 to 35 participate in a first interview;
- Almost half were re-interviewed about 24 months later;
- An interview guide that focuses on their perceptions of the services received: on what was helpful and what was less so.



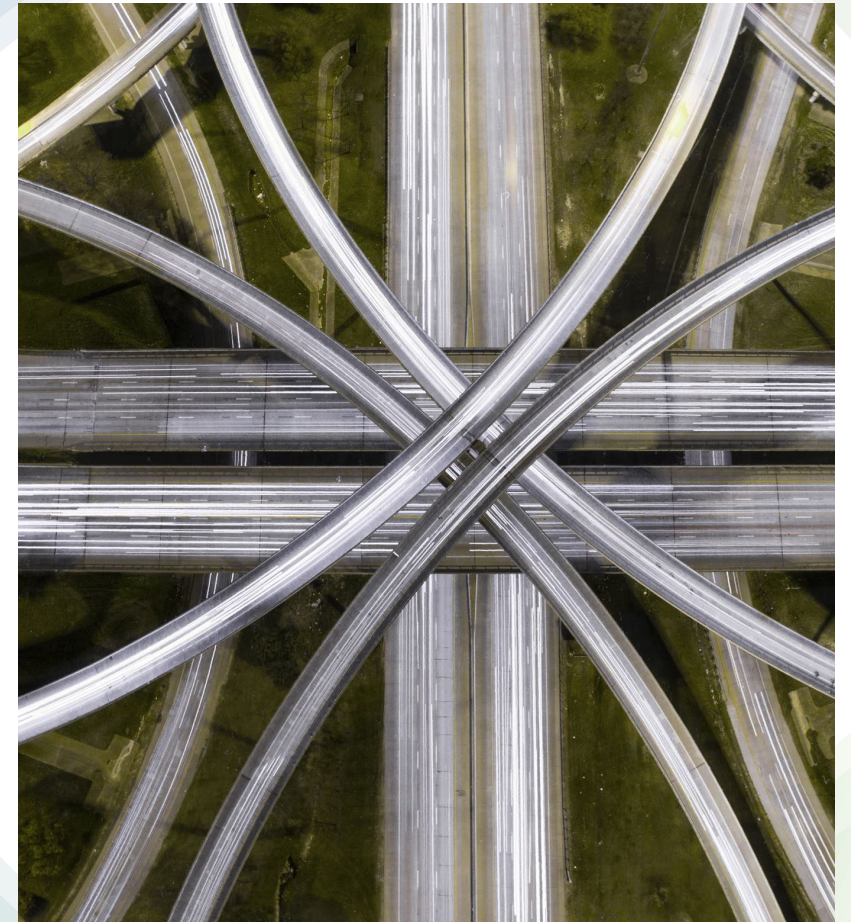
INTERSECTIONAL HARMS...


In line with Shadd's video concern about criminology helping to sustain some of the intersectional harms of the justice system, we felt that would-be-desisters are probably the group (within) our respondent that best capture 'the harm' of the justice system;

As they are experiencing the pain of desistance (Nugent and Schinkel, 2016), they are the ones that are more likely facing these pains on a daily base;

This is why, we chose to focus on this youth of this presentation;

But first, we will take you through the existing literature on in-between desisters





Results from studies using a
single interview

Rex, 1999: 380

- One point to emerge very clearly from probationers' accounts is the **difficulties of maintaining a decision to abandon crime**. This explains why they needed to feel sufficiently engaged in and committed to the supervisory process to make the efforts which they recognised had to come from them if they were to achieve long-lasting change in their lives.
- For attempts to move people away from crime to be effective, though, it is not sufficient to understand what might promote a willingness to change. It is also necessary to develop **a realistic appreciation of what constrains people's ability to achieve it**. This means, for example, that improving offenders' reasoning skills must be accompanied by attention to the social environments in which they are making and acting upon those decisions.

Healy and O'donnell, 2006: 797

- When desistance occurs, **it may not be the result of a conscious decision to change**. The process can be fluid, with individuals adapting their thinking and behavior according to current circumstances. **Even when a decision to change has been made, it will take time before a new noncriminal identity is cemented**. This was evident in many of the participants' stories. Even those who expressed a desire to change were still not fully committed to reform.

Healy et O'Donnell, 2008: 35-36

- **Agentic feelings were conspicuous by their absence** and primary desisters were no more likely than active offenders to express such themes. These findings suggest that, in the early stages of change, ex-offenders do not possess a strong sense of agency or the capacity to overcome their current interests that is sometimes ascribed to them.
- The narratives of Irish offenders show that **the achievement of ordinary goals, realized through relationships and work, was important to them.**
- The findings reported here, which show that participants were principally concerned with finding employment, housing and drug treatment, support the notion that it would **be worthwhile for probation officers to offer practical assistance to those under their supervision, thereby increasing their social capital.** This may be particularly useful for recent desisters, whose commitment to change can be uncertain

Haigh, 2009: 308 and 320

- The implications drawn from this analysis suggest that for young people to desist from crime requires some **essence of doubt around their usual ways of thinking and acting**. It also requires recognition that this shift for young people **encompasses significant loss and a heightened sense of vulnerability in the transition phase**, and, importantly, this approach also **highlights that for alternative choices to emerge, young people need encouragement and motivation to believe that transformation is indeed possible**
- Without a significant change in people's **interpretation of their actions**, the possibility for change to occur is limited. This is particularly relevant to research and intervention strategies that focus on factors such as **employment, education, relationships or risk management**, as Schutz's work highlights **that these factors alone will not assist people with their transition to desistance**.
- Instead, such factors must be linked into the ways in which thought, **interpretation and perception affect decision making, action and behavior**

Barry, 2010: 133

- The two key factors associated with desistance for these young people tended to be practical or social: that is, **criminal justice system ‘fatigue’ or because of relationships with, or the support of, family, friends and significant others.**
- Opportunities for ‘conventional’ living (through employment, or renewing and developing family relationships, for example) tended to result in a reduction of offending behavior in adulthood for several reasons. **The impetus to desist from offending could be gained through opportunities to take on responsibilities, or to break with past associates in favor of law-abiding partners, thus making offending less attractive. [...]**
- Many reasons given for stopping offending **were reactive or resulting from adverse experiences** rather than proactive or resulting from encouragement or practical opportunities. The majority of these respondents suggested that they made an active decision to stop offending **because of the previous loss of control in their lives resulting from the structural constraints placed on them by their reputation and lifestyle,** and arguably by their age and status as ‘young people’ in transition.

King, 2013: 161

- The argument outlined here contends that would-be desisters **begin to construct an early desistance narrative** which involves the **identification and envisioning of an alternative identity**, and that this is accompanied by an alteration to the individual's sense of **moral agency**.
- This is facilitated by an understanding of **past events** as being conditioned, in part at least, by a sense of **powerlessness or a lack of autonomy of these events**. Individuals demonstrated awareness that, in order to maintain desistance, **changes to personal and social contexts would be necessary**

Amemiya *et al.*, 2017: 779)

- We find that the majority of young offenders tell experiences of desistance rather than persistence, that a substantial proportion of youth discusses experiencing psychological change, and that youth report engaging in strategies that address some of the unique challenges of desisting from crime during adolescence.
- Our findings suggest that adolescent offenders have access to a host of intraindividual strengths and external resources that facilitate the desistance process.

Carlsson, 2017: 335- 336


- While others have lived along the normative “line” of the life course, the offenders have been “stalling” and deviating from this path. On the one hand, they consider themselves as “immature” and “like a child,” but on the other hand they are “too old” to start anew; **in one way, as ex-offenders in the making, they should be industrious and conscientious, but on the other hand they should not be ambitious or expect too much but “take what they can get.”**
- These contradictory expectations and conceptions of how their life as desisters should and may turn out constitute an important dynamic of the desistance process, **including intermittency processes or minor drifts and lulls** the offenders in this study narrate their desistance process, it often takes the meaning of something they “have to do;” for one reason or another they “can’t go on” even if a part of them wants to do so.
- There is thus a strong element of ambivalence in their narratives, as the maintenance of desistance is mainly described as **an everyday life of struggle**

Sandøy, 2019: 586-588


- For the participants, **social relations to parents** seemed to have the change-promoting influence characteristic of intimate relationships for adult offenders.
- Changes **to drug-related behaviors**, however minor, were to a large degree grounded in these familial relations
- Overall, the participants identified **parents as the key spectators of their efforts to ‘behave’** within the limits of the law.
- The changes the youth described largely emerged from perceptions of the impact that persistent offending would have on relationships with parents. Put differently, **they viewed desistance as a means of realizing familial concerns.**
- **Desistance, or a drug-free period/life, rarely came across as the objective, but as a means of restoring social bonds with parents**

F.-Dufour et coll., 2021

- Life stories of persons in between are difficult to qualify. They share the same goals of desisters ('having a good life') but **they don't know how to achieve it;**
- Their past left them very **untrusty** of anything resembling to 'authority' and has such, they are not keen to accept any form of help offered to them;
- As they still live with their 'spoiled identity' (Goffman,1963), they **do not like whom they have become;**
- They know they have to be able to '**let go their spoiled identity**' in order to build an 'non offender identity', but they are still struggling finding '**which**' identity **they could replace it with**



Results from studies using
repeat measures



Hunter et Farrall, 2018: 303

- Early in the desistance process, there is **little opportunity to conceive what may be achieved as a benefit of desistance**, and that would be jeopardized by offending.
- Conversely, once a number of **'goods' have been accumulated** (e.g. employment has been gained, contact has been made with family members who were previously estranged) **then it is easier to envision a feared self**. The feared self becomes 'the offender' once the individual becomes far enough removed from their offending and can be invoked in order to avoid losing what has been gained.
- In this regard, the early desisters are little different to the persisters, with the majority of **each group spotting opportunities to offend**, even if they did not take them. This suggests that there is a point in the desistance process at which individuals stop identifying opportunities to offend.
- It also suggests that, early on in the process, a **conscious effort** is required to avoid taking advantage of opportunities that are spotted. As opportunities to offend are avoided, **the benefits of desisting gradually become recognizable**

In short

- We do not have literature on 'harms of the justice system' for want-to-be-desisters;
- Most studies agrees that early desistance is NOT characterize by the presence of agency;
- It is rather something 'they must do' to restore relationships with parents/family or just to stay 'out of trouble'
- It is somewhat more of a reaction (or action in the case of 'keeping busy,) rather than a conscious decision of desist;
- The pursuit of a new identity being found in some studies and not in others...



Results



What we found out of the two interviews with the participants (60)

- Very few were persisting: 9 men, 1 women
- Many were converted desisters: 23 men, 3 women
- Some were remorseful desisters: 2 men, 5 women
- Some were rescued desisters: 7 men
- Finally, 10 were in-between : 7 men and 3 women
- These are the ones we will focus on for this presentation

Data available

- Albert: first interview lasted 1h44 minutes and second 1h44 minutes also. A total of 46 687 words were exchanged.
- In all, the 10 interviews = 390 883 words or the equivalent of 631 pages, times new roman 11 single interline;
- Doing in-dept analysis of this material is a true challenge
- Here are few example of what we found

Joey (32, 34)

- T1: 'I haven't used (drugs) for 20 months. I have new friends and... I stay away from (his old neighborhood)'

Since then: Joey has been using drugs few months after the T1 and was sent to prison for the remaining of his sentence;

T2: I am not printing money you know? I have stopped doing the stupid things I was doing, I am on low key since I came out (8 months ago), but you know, I did a couple of stupid things –I did not get cough up- but I do not want to restart' 'I have started again to do jab-jab even if I stopped shooting myself six years ago? I have no idea why I did this?' 'I am very f**ked-up at the moment. I am confused right now. I do not understand my situation...'

Isabelle (17, 19)

T1: 'I am calm now that I am pregnant. I don't have a choice! I am calmer. In my routine, cleaning the house (her mothers). I have someone to that care now...

Since then: She left the father of her daughter ('he was toxic') and now have a good loving relation with a women. But lately, she fought with someone who, she perceived, as being homophobic. She also fought with her girlfriend, but she says she was forgiven;

'I used to be so naive. I was careless. Now I think twice before doing something'

Guillaume (26, 28)

- T1: 'The only reason I am not doing illegal stuff right now, is because I made a promises to never destroy or help a person destroy his life

- interviewer: to whom did you made this promises?

-To God. In return He removed by obsession with drugs and alcohol' [selling drugs] you make a lot of money, but F*ck, it is so stressing! You always have your two feet in the fire. Your boy get arrested (coworker), 'is he talking to the pigs or not'? Arrrrrggg. It is so tiring!

Since then: Guillaume found a job in the construction. He is working many hours per week. He started many business (whom almost all went bankrupt). He says he want to be millionaire before forty.

T2: 'I have sold weed all my life and I still do. It is the only thing left –from his criminal background- but, if you ask me, it is not very criminal. I don't even smoke it. I only sell to my friend (construction), it is relax'

Jasmine (17, 19)

T1: ' I stopped using. I regain control of my life. I used to skip school because I was too stoned. Now I go everyday. I have a job. I am doing all my probations follow-ups'.

- **Since then**: Jasmine fought with a workers from the resources for homeless persons and was kick-out; She moved in with her boyfriend, but he was violent towards her. She had to report him to the police, and the lost her apartment. She moved in with a friend a month ago;
- At T2 she says: ' Since last month, I went back to school, I stopped using. I restart living a normal and stable life'.



Harms of justice system?

Even if none of these persons 'enjoyed' being locked up, they all speak 'positively' of their experience either at youth center or prison;

Their narrative are congruent with desistance, but their actions are not;

Agency seems to be constrained and minimal at both interviews;

Their merely discuss being the victim or circumstances or being brought up in a 'bad' or 'toxic' environment;

Looking more closely at their narrative, we can see that all depend on 'someone' else to guide their agency

Another 'adult' guiding their actions

Arthur (18-20) had a very close relationship with his social worker in youth center : 'he did the job of a parent in short'. As he was released, he felt he still needed help to say in his desistance path: 'I think when I was still doing drugs and when I was a bandit, I should have a social worker to... talk to someone, without judgement, to give me advice'

Jasmine (17,19) says she would not be the same persons without the help she received in Youth Center: 'they put me in the right path. If they were not there, I would probably be the worst addict of the city'

Isabelle (17,19) need her psychologist to be able to understand herself: 'I need to go to my PSY to talk about the challenges I am facing. We are trying to understand the choice I made that I do not understand myself? I mean, I think I act stupidly sometime. I do not think before I act?'

Another 'adult' guiding their actions

Benoit (21,23) says he has the personal cell phone of his PSY: 'I do not have to be on waitlist to get to see a psychologist. I have a person at my disposition. I got her cell phone. I call her. I leave a message et she calls me back. So, I got it all'.

Joey (32,34) relies on his new girlfriend (aged 50) to let him stay out of trouble: 'You know, things I used to do... bad things... to get money. Well, I don't do it anymore. She says I have to think before acting. She says 'think about me. Think about us '. We have projects. I can't throw it away.

Olivier (28,30) says: I really like my probation agent. She is very strict. She says 'hey... you need to this and you need to do that'. So, for once I feel somebody is telling me what to do, and it helps

Another 'adult' guiding their actions

- Claudine (24,26) also relies on her psychologist also to be able to understand herself: 'I can talk of everything with her, and she doesn't judge me. She gives me advice on what to do with my life';
- Guillaume (26,28) says he is still in contact with the workers of the clinic he went to stop using drugs: 'I still talk to workers, I can call them, send them a messenger, I can...'
- Christian (21,23) relies on his dad to make good decisions: 'My dad is my best friend. He knows everything of my life. He is giving me advice, he is giving me money, helping with the groceries'
- Théodore (34,36) for his part, relies on his roommate to get advice: 'He is able to see when things are not right. He help see through it. It would have taken me so much longer to see things by myself. He offers me his wisdom, to learn how to do things with lesser damages'.

How to make sense of this?

- Being excluded from almost every form of 'citizenship' people in precariat find themselves being stuck, as 'the precariat is defined by short-termism, which could evolve into a mass incapacity to think long term, induced by the low probability of personal progress or building a career (Standing, 2011, p. 31).
- Being in precariat also means experiencing the four A's
 - Anger:** 'frustration at the seemingly blocked avenues for advancing a meaningful life and from a sense of relative deprivation. The precariat also has no ladders of mobility to climb, leaving people hovering between deeper self-exploitation and disengagement' (p.33).
 - Anomie:** 'a feeling of passivity born of despair' (p.34)
 - Anxiety:** 'chronic insecurity associated not only with teetering on the edge, knowing that one mistake or one piece of bad luck could tip the balance. People who fear losing what they have are constantly frustrated. They will be angry but usually passively so. The precariat mind is fed by fear and is motivated by fear (p.35)
 - Alienation:** 'arises from knowing that what one is doing is not for one's own purpose or for what one could respect or appreciate; **it is simply done for others, at their behest** (p. 35)

Form this standpoint

- We can argue that these young persons are suffering the harms of the system, but what is very sad, is that they do not know it;
- Instead, they are being told that something is 'wrong' with them (they need 'anger management therapy' or 'substance abuse therapy');
- They are integrating these views of themselves to a point where they do not trust their own agentivity and prefer to render it to someone else



Conclusion: a cautionary tale

- All our respondent had a 'desistance narrative' at T1;
- But at T2, they all talked about persistence (most did not get caught);
- Therefore, we need to be cautious with results of a 'one time' interview as it might not capture the difference between 'real' desisters and 'in-between' desisters;
- The later being characterized, in this study, by the 'abandonment' of their agency as they no longer trust themselves to be able to 'stay of trouble'

The question now is: How will they be able to construct a new identity if they do not possess agency?

If you have any thought on the matter, it would be great to discuss that

Thank you for listening

- For list of references, comments, suggestions:

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