**Beyond Personal Reform:**

Adolescent Drug-Law Offenders and the Desistance Process

Thomas Anton Sandøy

Department of Alcohol, Tobacco and Drugs

Norwegian Institute of Public Health (NIPH)

Post Box 222 Skøyen, 0213 Oslo, Norway

thomas.sandoy@fhi.no

**Abstract**

While much research on desistance addresses processes of change for repeat offenders during and after imprisonment, this article applies insights from desistance studies to novice offenders outside the traditional justice system. In Norway, increasing numbers of adolescent drug-law offenders have been diverted to alternative justice systems over the last decade. Based on in-depth interviews with youth enrolled in programmes to help them refrain from drug use, the article seeks to identify how the early-stage desistance process is understood by would-be desisters. Rather than ascribing the rehabilitative programmes’ direct impact on their behaviour and thinking, the adolescents emphasised the importance of restoring relationships with parents and overcoming legal barriers. Accordingly, the analysis shows how concerns with personal reform were outweighed by (i) social and (ii) legal concerns. While the precedence of external concerns over personal reform may reflect the participants’ age and level of criminal involvement, it also reflects a particular culture of intervention.

**Keywords**

juvenile justice, alternative penal sanctions, desistance, rehabilitation, drugs, penal welfarism

**Introduction**

Over the last decade, Norway has seen an upturn in the use of alternative penal sanctions in cases involving young offenders, reflecting the ongoing search for adequate rehabilitative measures in juvenile justice (Lid, 2016). The rehabilitative turn, which has had a particular impact on the sanctioning of young, low-level drug-law offenders, is well in line with the ‘welfare ambitiousness’ characteristic of countries with highly developed welfare models (Rugkåsa, 2011). Welfare-ambitious states, such as the Nordic, have been characterised as service-intensive, implying the existence of an expansive safety net that attends to citizens from all walks of life, including those on criminal trajectories. In the criminal justice field, the term ‘Big Mother penal welfarism’ has recently been coined to describe this benign but intrusive interventionist approach (Smith and Ugelvik, 2017). This article deals with emerging interventionist approaches to young drug-law offenders in Norway, and the concerns raised by the youth in the wake of these interventions. Specifically, it explores how the targeted youth framed processes of change.

The participants in this study were enrolled in desistance-oriented programmes due to drug-related crime. When entering these programmes, the youth simultaneously entered into internal and external conversations about change, which lies at the heart of the desistance paradigm (McNeill, 2006). Hence, the analysis has been placed in a desistance research framework. Acknowledging the critical remarks of Laub and Sampson (2001: 10), who recommend confining studies of desistance to “those who reach some reasonable threshold of frequent and serious offending”, the choice of regarding young, and for the most part, low-level, offenders as would-be desisters, may appear strange. However, the concept contains several elements applicable to studying such a sample. Subjective concerns about change, raised by penalised youth before the consolidation of ‘criminal careers’, are indeed ‘desistance-related matters’ (Farrall and Maruna, 2004), as they serve as a backdrop to tentative adaptations of criminal behaviours. Naturally, the aim of such an approach is not to establish desistance in young offenders, as aspirations to change are no guarantee of desistance, but to explore how individuals envision changes in criminal behaviours at an early stage and to identify where these changes are rooted (King, 2013).

The usefulness of the desistance concept for studying the change processes of young drug-law offenders is particularly tangible when insights from the desistance paradigm are juxtaposed with rehabilitation research (McNeill, 2004; McNeill, 2012; McNeill, 2006). If the solution (an intervention) is the starting point of theory building, as is often the case with rehabilitation research, the intervention itself will often be placed at the centre of the change process. Desistance studies, on the other hand, “stress that the process of change exists before, behind and beyond the intervention” (McNeill, 2012: 13). It is this move away from a narrow emphasis on interventions to questions of how and why rehabilitation works (Maruna, 2000), that makes desistance-based perspectives particularly fitting for analysing the accounts of the young offenders in this study. By highlighting the subjective experiences of the youth, the emphasis is shifted from the programmes (‘what works?’) to the would-be desisters’ own concerns about their change processes. The article explores how continued involvement with drugs and crime was regarded as a threat to the relations they valued and the lives they were imagining for themselves. Specifically, the analysis will show how concerns with personal reform were outweighed by the adolescents’ social and legal concerns. In doing so, the article acknowledges not only the need to move beyond interventions, but also the need to move beyond narrow psychological conceptualizations of rehabilitation. As McNeill (2012) argues, a coherent understanding of offender rehabilitation rests on the incorporation of other forms of rehabilitation than individual-level change. Two of these other forms – social rehabilitation and legal rehabilitation – make up the analytical framework for this article. As shown in the two next sections, the significance of these ‘external’ contexts of desistance has been demonstrated in the growing body of desistance research.

**The relational context of desistance**

Drawing on Donati (2010) and his relational theory of reflexivity, Weaver (2012) places the process of desistance firmly in a relational context. She illustrates how actions, including criminal actions, are guided by the social relations deemed most important (see also Weaver and McNeill, 2015). In order to maintain the ‘relational goods’ of trust, loyalty etc. stemming from these relations, people compromise and adjust their behaviour in-relation. Such in-relation adjustments of criminal behaviour have been demonstrated in several desistance studies. Nagin and Paternoster (1994) argue that individuals who have a stake in conventional relations are more deterred from committing crime, while Maruna (2001) shows how reformed offenders are characterised by other-centred orientations. Similarly, King (2013) identifies the corroboration of others as a key aspect of early desistance narratives. These studies immerse offenders’ prospects in relational contexts, and consolidate informal social control as a desistance related matter (Farrall and Maruna, 2004).

The attention given to informal social control elevates the impact of non-professional contexts. Studies have shown that desistance can be unrelated to differences in rehabilitative interventions (professional contexts), whereas differences in ‘extralegal’ circumstances, such as family relations, matter the most (Farrall, 2005). Giving the participants ownership of their own change process implies a holistic approach to life situations, and not just to the offence in question (Rex, 1999). From this, it is clear that desistance is not supported by penal practices alone, but that the change process relies on what the individuals and their networks can bring to the table. This does not imply that professional contexts are irrelevant for desistance. Studies have shown that social support, whether grounded in criminal justice social work or the family of the offender, contributes to preventing criminal involvement (Cullen, 1994). However, in the case of young people, studies have shown that extant relationships are more capable of helping them cope with their difficulties than professionals (Hill, 1999). Perhaps the key element is whether the social relation ‘matters’ to the individuals involved.

Which relations that are deemed most important at any given point in time is obviously an empirical question. The nexus of formal and informal control is likely to evolve with age, along with the accumulation of social relations. For adult offenders, intimate relationships have been described as having a “distinct change-promoting influence”, whereas juveniles, in all likelihood, ground their relational concerns elsewhere (Weaver and McNeill, 2015: 100). For young offenders, parents and peers emerge as a probable context of desistance.

Weaver (2012) shows how relations, when bestowed with significance, trigger reflexive evaluations of behaviours. Particular social relations are given meaning, which are set against what is labelled ‘ultimate concerns’. These concerns come across as the real objective of the would-be desister. When desistance is viewed as a means to actualising relational concerns, rather than an end in itself, we are encouraged to move beyond ‘offending-related’ to ‘desistance-related’ matters (Farrall and Maruna, 2004). According to McNeill (2003), this implies a shift from the retrospective and individualised to the prospective and contextualised. Such a shift also involves the incorporation of another, more formal context of desistance.

**The legal context of desistance**

Legal concerns are also of a relational nature, as they are directed at offenders’ relationship with wider society. The desistance process is placed in a legal context when the collateral consequences of penal sanctioning, such as stigma and tenacious criminal records, are taken into account (Morgenstern, 2011). Studies have shown that the reintegration of offenders is hampered by such ‘invisible punishments’ (Travis, 2002), making them matters of desistance and ‘offender reentry’ (Lucken and Ponte, 2008). According to Herzog-Evans (2011), procedures that limit the amount of information available in criminal records and restrict access to these particulars are paramount to the desistance process.

The emphasis on the collateral consequences of penal sanctioning as a desistance-related matter, accentuates the distinction between ‘reform’ and ‘rehabilitation’ (McNeill, 2012). When the two are merged, which is often the case in practice, the original meaning of the latter is lost (Maruna, 2011). Whereas personal reform refers to changes in an individual’s thinking and character, rehabilitation, in the original sense of the word, refers to “the restoration of the person’s reputation and full citizenship” (Maruna, 2011: 103). This mirrors Beccaria’s (2009) [1764] original concept of ‘requalification’, which implies the restoration of duties and rights in individuals. With this conceptualisation in mind, rehabilitation is contingent on society’s ability to ‘welcome offenders back’, and not only on the individual’s ability to change. This is what McNeill (2012) refers to as legal rehabilitation.

Legal rehabilitation comes in different forms, ranging from automatic restoration of (legal) rights to merit-based legal rehabilitation (Love, 2002; Maruna, 2011). While the former rests on the passing of time, the latter is directly contingent on the offender’s behaviour. Through positive adaptations of behaviour, offenders obtain a more “reliable indicator of good character” (Love, 2002: 1719) than what is achieved through the automatic restoration of rights lost. Compliance with conditions in a voluntary rehabilitative programme can be regarded as a route to merit-based legal rehabilitation, as the offenders “earn their way back into the trust of the community” (Bazemore, 1998: 770). As the analysis will show, rehabilitation may be ‘certified’ informally, through the restoration of personal relationships, and formally, through such judicial procedures (Love, 2002).

**The rehabilitative turn**

In Norway, there has been a drop in the number of young people charged with criminal offences over the last decade (SSB, 2017). Meanwhile, drug-related crime rates have remained high in this population. In 2015, more than half of the persons charged with offences under the Act on Medicinal Products (use and possession for own use) were between the ages of 15 and 24. Alongside these developments, there has been a clear shift in sentencing practice in cases involving young offenders. Since the turn of the millennium, decreasing numbers of young people have been imprisoned. More significantly, the use of fines has declined considerably (Lid, 2016). Accompanying these changes, conditional discharge has emerged as a substantial measure in juvenile justice, amounting to 43% of all penal sanctions among 15–17 year olds in 2015 (SSB, 2017). This sanction is applied more frequently to young drug-law offenders than to other groups of offenders. For minor drug offences, conditional discharge is gradually replacing a fine as the norm in cases involving young people. At first glance, this implies a shift towards more rehabilitative measures. Rather than immediate reactions affecting their (or their parents’) finances, the young offenders are increasingly faced with conditions. These conditions come in different forms, supervised enrolment in programmes being a common denominator. In these programmes, which involve regular contact with social workers, drug testing by healthcare workers, or in more severe cases, comprehensive ‘youth supervision’[[1]](#footnote-1) administered by the Norwegian Mediation Service, drug use is monitored and addressed. The rise of new interventions in the juvenile justice field is commonly referred to as a shift towards alternative penal sanctioning. Youth are diverted to alternative systems of justice, administered by what have been described as ‘criminal justice social workers’ (McNeill, 2004; Weaver, 2011). Participation in the programmes is consent-based, and the targeted youth can, at least in theory, choose to accept a traditional penal sanction instead (usually a fine, in minor cases).

**Data collection and analysis**

The analysis is based on interviews with 22 young offenders (18 boys and 4 girls) at four different locations in Norway. Their individual cases all reflect the shift in penality described above. Rather than being fined, or in more severe cases, sentenced to community service or imprisonment, they were enrolled in offender management programmes with weekly or biweekly meetings over 6–12 months. Around half of the young offenders attended programmes run by social workers, while the others attended health services for drug testing and supervision by healthcare workers. Naturally, the former was more conversational in design. Here, the adolescents would show up for counselling regarding (but not exclusively) their former and current drug use. The health services also provided opportunities for counselling, e.g. through psychologists, but the drug testing came across as the focal point of the encounters. Eleven of the healthcare/social workers administering the sanctions were also interviewed. These data are not included in the article but provided important background information for analysing the young offenders’ accounts of change.

The youth were all 15–17 year old at the time of arrest and sanctioning[[2]](#footnote-2). The majority of them were enrolled in programmes due to minor cannabis-related offences, while a minority were convicted of amphetamines and poly-drug use. Three boys were placed on a more comprehensive ‘youth supervision’ programme administered by the Norwegian Mediation Service due to drug dealing and armed robbery. They represent the ‘outliers’ in the data, but despite this diversity in criminal offences, all the youth were enrolled in programmes that addressed drug use in general and cannabis use in particular. Notwithstanding the range of offences, which could be regarded as a limitation in data, the young offenders raised similar desistance-related concerns across the interviews.

The participants were recruited through the health/social services administering the offender management programmes. The healthcare/social workers would either provide the author with phone numbers or set up appointments on the author’s behalf. Enrolment in a programme due to drug-related crime committed between the ages of 15-17 was the only inclusion criteria. This recruitment strategy, which was relatively unspecific and could be characterised as ‘convenience’ or ‘opportunity’ sampling, comes with some limitations. Although leaving the recruitment of participants to the agencies in charge of the sanctions made for easier access, it also came with the risk of oversampling ‘successful desisters’. In order to counter this selection bias, individuals who had violated conditions set by the programmes were requested specifically. As such, the sample consisted of both youth who were perceived as compliant and those who were not. Convenience sampling, as opposed to strategic sampling, also accounts for the predominance of boys in the sample. Boys made up the majority of participants in the programmes and no efforts were made to oversample girls. The interviews with the four girls progressed in a similar way to the interviews with the boys, largely containing overlapping reflections and experiences. As such, gender differences in desistance processes did not emerge as a specific topic of interest. Lastly, the convenience sampling resulted in four participants being interviewed some time after completing the programme. They were still in touch with the health/social services and offered retrospective insights into the alternative penal sanctioning. Two of them were 18 and 19 years at the time of the interview, while the other two had reached the ages of 21 and 24. The other participants were interviewed while attending a programme, or shortly after completion. All but four of the interviews took place in an available room at the services. Three interviews took place at the author’s office, while one was conducted at the interviewee’s school. The author and the individual participant were the only people present at each interview and efforts were made to underline the distinction between the study and other interventions inherent to their sanctions. Written consents were provided and the participants were informed about the option to withdraw from the study at any point. The study was approved by the Norwegian Centre for Research Data.

The interviews were semi-structured and lasted between 45 minutes and almost two hours. The interview guide consisted of a list of broad topics, designed to cover the participants’ experiences of illicit substances, police encounters, interrogations and alternative penal sanctioning. Desistance was not a predefined measure, but something that emerged as a theme during the first couple of interviews. Specifically, relational concerns, particularly in regards to parents, came across as important at an early stage, something that allowed for probing in this area in the remaining interviews. Accordingly, matters of parental involvement played an important part in all the interviews. Legal concerns, which were more anticipated and integrated in the interview guide, surfaced frequently when the participants were asked about the consequences of penal sanctioning and their hopes and plans for the future.

The interviews were recorded, transcribed and coded in HyperRESEARCH. The inductive approach applied in the interviews was carried on in the coding procedure. All 88 codes were closely related to the actual content of what the participants said in the interviews, so as not to enforce themes on the data prematurely. Following this initial process, desistance-related codes were identified and re-examined. Examples of such codes were ‘continued drug use’, ‘attitudes towards drugs’, ‘reactions by others’, ‘parental involvement’, ‘criminal records’, and ‘the future’. Herein, subjective reasons for changes in drug use and criminal involvement across all interviews were detected and extracted. Finally, these data extracts were categorised as ‘individual’, ‘social’ or ‘structural’ reasoning. The predominance of the two latter over the first substantiated the emphasis on social and legal concerns in the subsequent analysis.

**Findings**

Only a few of the adolescents explained that they had left drug use, or other drug-related behaviours, behind. Instead of stating that they were no longer involved with drugs, most of the adolescents described different ways of adjusting to their current situations. These came across as ‘sanction-avoidance strategies’ (Moeller et al., 2016), and included avoiding police attention, reducing the frequency of use, and postponing illicit drug use to later in life. Following this, the adolescents could be described as ‘avoiders’ (Burnett, 1992), ‘primary desisters’ (Maruna, 2001) or even ’false’ desisters (Laub and Sampson, 2001). More importantly, the lack of personal reform was indicative of where their ultimate concerns lay. The young offenders downplayed changes in their thinking and emphasised the social and legal aspects of their change process (McNeill, 2012). These two forms of rehabilitation, which represent a form of informal and formal recognition of the desistance process, will be presented in the following.

**The change-promoting influence of parents**

Jon (17) had been enrolled in a social services programme because of cannabis-related offences. Though he associated with players in the cannabis economy, his involvement was limited to use and possession for own use. When apprehended by the police, he was offered a discharge conditional on attendance in the programme over a six-month period. The interview took place shortly after he had completed the follow-up. He would still smoke cannabis on occasion and stated that the programme *“didn’t really make me behave differently”*. Regardless of the lack of personal reform, he praised the alternative penal sanction and its administrators:

It's actually a great deal, really, because there are many who need this kind of help. But, it's just that this kind of help is not for everyone. Since there are many it won’t work for, I think they [social workers] know, that there are many who probably don’t show up here. There’s probably a lot, since most of those who do this [use substances] are a bit like, yeah…not very clever. Who, as I said, don’t give a shit because they want to live for themselves, you know, and just do what they want. And then this [programme] doesn’t work so well (Jon, 17).

In line with much desistance research, Jon acknowledged the importance of relationships to the desistance process. According to him, individuals who simply *“want to live for themselves”* would not benefit from the programme. In a way, he recognised the deterrent effects of investing in social bonds (Nagin and Paternoster, 1994) or the ‘other-centredness’ of reformed offenders (Maruna, 2001). Social relations mattered but, like life events, the impact of relationships was contingent on the subjective meanings the youth attached to them (Farrall, 2002; LeBel et al., 2008). Relationships with peers triggered different reflexive evaluations of their behaviours than relationships with adults. Caroline (18) had been apprehended by the police at a party for possession of amphetamines. According to her, the drugs belonged to someone else. Despite a period when she frequently used stimulants, her drug of choice was cannabis. When asked about whether she spoke to people in her social surroundings about the alternative penal sanction, she replied:

It’s nothing to brag about. People know I smoke [cannabis]. I've been smoking for a long time and it's not a problem for me…as long as it's not grown-ups, if it’s people my age. Adults usually look down on it, drugs in general, while the ones my own age know what it is. Even if they don’t use it themselves, they think it's fine. They don’t look down on it (Caroline, 18).

As long as her legal transgression was normalised in the peer group, social recognition was not considered at risk in this context. Hence, interacting with *“people my own age”* did not have the same change-promoting potential as social relations with denunciative *“grown-ups”* (Weaver and McNeill, 2015). This sentiment was echoed by Fred (16), who was enrolled in the same programme for cannabis use. He was midway through the programme at the time of the interview and claimed to be outspoken about his sanctioning:

Yeah, I'm open about it. So, it’s not seen as very serious you know…If I had beaten up some random person and ended up in the programme, I might have been a little more careful about telling people. Then I wouldn’t have talked so much about it and, yeah, been a bit ashamed. But it’s very common among youth, so…nobody reacted strongly to it really (Fred, 16).

The need for social rehabilitation in peer groups, which were evidently familiar with drug use, was small. While these social bonds were not threatened by illicit drug use and the appurtenant legal measures, there were other bonds that were damaged and in need of repair. 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 behaviours, however minor, were to a large degree grounded in these familial relations. Geir (18) addressed the most serious consequences of being caught by the police:

I was really sorry, since I've always said "No, no, no, I don’t do anything wrong". So, then I’ve kind of lied to him [father] and that really sucks, you know. And then I was a bit afraid of the reaction, but he wasn’t very angry, he was just incredibly disappointed. It lasted a while. A couple of weeks. So, it was like, when I went home, it wasn’t like I went to the living room anymore, as I’d usually do. It was like…I went to my room, you know, and was just totally down. I talked to my closest friends and just watched TV (Geir, 18).

He described the weeks following his arrest as being hard, characterised by isolation from the rest of his family. His closest friends were there for him during the silent treatment he received from his father, but he still felt *“totally down”*. However, the situation at home changed at some point during the programme he attended:

Things are really good at home now, considering everything I've done. Attending the programme, getting an [job] interview and the like, and that I have urine tests. So, now we’ve put it behind us, really. But my grandmother is still worried. I was with her last summer and we talked about it. It actually went pretty well. And they have forgiven me, you know, all of them. So, it's really great to have won back their trust. It wasn’t like that at all at first (Geir, 18).

In line with most of the interviewees, the family stood out as the central context of change in Geir’s account (Weaver, 2014). Fuelled by a desire to winback their trust, he adapted to the situation and even volunteered to submit to drug testing. In accordance with Weaver and McNeill (2015), his efforts to adjust were guided by what was considered ‘relational goods’ (Donati, 2010). By receiving forgiveness, and through that reconciliation, he experienced informal social rehabilitation (McNeill, 2012).

Social relations triggered the adolescents’ self-evaluations of drug-related behaviours and, in some instances, the relationship with parents directly triggered their priorities. Einar (15) was caught stealing beer in a convenience store. His cannabis use came up during interrogation and the police officer pulled out a contract and asked him if he would consent to a six-month drug-testing programme. Because of his age, Einar’s mother was present in the interrogation room and he explained how it felt and why it was important for him to go through with it:

They pulled out the contract and said that you can sign this if you like and then you’ll have to visit the health centre every day. It sounded incredibly boring and dreadful, but then it’s like…I'm turning [towards his mother] and like “I don’t know if I should do this,” and then mum gets pissed off, like, and says “Do you think you have any choice about signing this contract?” Then it was a bit like, okay, I have to sign…Also, mum kept losing her pills all the time. She takes medication and I was constantly accused of stealing them. So…I had to prove that I wasn’t taking them, while also proving that I didn’t smoke weed. So that was positive about choosing it [the programme] because then I got to build up trust in my relationship with my parents. So, it was actually a good thing that I took the [drug] tests (Einar, 15).

During the interview, Einar made no mention of the need to prove to himself that he could quit using drugs. Like most of the adolescents, he spoke about the alternative penal sanction, and the adjustments that followed, primarily as something that helped the parent-child relationship. Drug-testing programmes were considered effective in this regard, as they represented a way of providing concrete proof that the illicit drug use had ceased.

Social bonds are age graded, meaning that the salience of bonds varies across the life course (Laub and Sampson, 2001). The fact that the participants placed so much emphasis on their relationship with their parents reflects their age, but probably also a stable family situation. Therese was the oldest of the participants. She was 24 at the time of the interview, but her legal and substance use problems had started in her early teens. She was looking back on years of supervision by social and healthcare workers and showed great appreciation of the help she had received. Besides the judicial interventions, her parents had played a crucial part in her desistance process. Unlike some of her friends, she had what she characterised as *“proper parents”*. She compared the trajectory of one of her friends with her own:

My friend was pretty fucked up when she was 17, but then she could have turned and followed me instead. I was 18…but anyway, her mum moved away and then everything went...then she had nothing, nobody to behave for. So, I don’t know if it would’ve been different if the mother had stayed, but yeah, you have respect for your parents, so you try to behave a bit for them. And if they’re not here, when you don’t have anybody…if nobody demands anything of you, then there’s no point in trying (Therese, 24).

Again, the relational context of desistance is accentuated. As long as there is no one to behave for, what is the point of trying? Overall, the participants identified parents as the key spectators of their efforts to ‘behave’ within the limits of the law. Niklas (17) had been sentenced to ‘youth supervision’ by the Norwegian Mediation Service because of drug dealing and robbery. As part of this supervision, he would attend a health clinic for regular drug testing. Due to his daily cannabis consumption, he would end up with positive results every time. Still, he had made adjustments in order to stay ‘more’ within the limits of the law. He claimed he was taking a break from drug dealing and could be characterised as a ‘primary desister’ (Maruna, 2001). Relational concerns seemed to play a part in this change of behaviour. The police had shown up at his parents’ house with sniffer dogs, something he clearly felt bad about. This was the closest he came to showing remorse during the interview:

I don’t give a shit about what the police say, it's only what my parents think about it. I don’t care what others think of me either. Then you’ve lost, man, when you care what others think of you. It's only my parents who got to know everything (Niklas, 17).

“If we are our relational concerns (…)” (Weaver, 2012: 407), matters of personal reform become submerged in human relationships. 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 realising 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. The next section deals with another level of relational concerns that was also prominent in the adolescents’ accounts of change.

**The change-promoting influence of criminal records**

Compliance with the interventions and changes in drug-related behaviours were primarily grounded in relational contexts and, secondarily, bound up with legal concerns. This illustrates how rehabilitation may be ‘certified’ both informally and formally (Love, 2002). The latter, which is referred to as legal rehabilitation, involves recognition by wider society (the state) through criminal records (Maruna, 2011). Through its potential effects on education, work opportunities, travel, driving license, etc., a criminal record could ‘mortgage’ future life chances (Sampson and Laub, 1997). Most of the adolescents expressed concerns about their relationship to wider society and treated legal rehabilitation as an objective of programme participation. For them, a criminal record, and its implications on future aspirations, was a change-promoting influence in its own right (Weaver and McNeill, 2015). Sigurd (19) was arrested for cannabis use/possession when he was 17 and had completed the programme a year ago. He would still smoke cannabis on occasion, but more discreetly. This related to what he identified as the most serious consequences of being penalised:

I thought…the worst thing would maybe be to not get some of those jobs or go to those schools or do what I want or travel where I want. Mostly US maybe, just because I was caught smoking [cannabis] when I was 16–17 years old. That’s something I was a bit afraid of. That's why I was quick to accept the [conditional] discharge so it would affect me as little as possible in the future (Sigurd, 19).

Despite having to attend social services on a regular basis over a period of six months, Sigurd was *“quick to accept the discharge”*. Collateral consequences of punishment, in the form of a restraining criminal record, affected this decision in an apparently direct way. He did not anticipate expungement, but that his willingness to engage in rehabilitative measures would improve the legal outcome. Most of the adolescents approached alternative penal sanctioning in this way. Participation in the programmes was a route to merit-based legal rehabilitation (Herzog-Evans, 2011) or earned redemption (Bazemore, 1998).

In explaining how compliance with the programme would result in *“a somewhat better criminal record”* (Ole, 17 years), the alternative penal sanction was treated as something resembling a ‘certificate of rehabilitation’ (Love, 2002). Most of the adolescents did not choose the programmes with hopes to wipe their slates clean, but to show the world that they were seeking legal reconciliation. Kjetil (15) attended a health clinic for drug testing because of minor cannabis-related offences. Though he regarded the penalisation as unnecessary and unfair, he acknowledged the importance of merit-based legal rehabilitation:

This is a rehabilitation process, but it's not very hard for me, right? This here [the programme] helps some people, but for me it's mostly because it [criminal record] will say that I completed it. So, it's mostly cosmetic right, it doesn’t have a big function for me (Kjetil, 15).

Again, ultimate concerns (Weaver, 2012) were emphasised at the expense of personal reform, only this time, the concerns were not directed at relations in the family. Kjetil explained that he was in the drug-testing programme *“mostly because it will say that I completed it”*. For him, participation in the programme was a route to legal rehabilitation in the *“cosmetic”* sense. Having a completed programme in his records, rather than the alternative (a fine), was seen as being beneficial to the formal relationship to wider society.

The relationship between personal reform and legal concerns was problematized by most of the participants. Frank (17) had not changed his mind about the drug he was sanctioned for using but claimed to have gained an enhanced understanding of the judicial consequences of using illicit substances. According to him, he had *“just realised how much it sucks to get caught”*. When describing the effects of the drug-testing programme, he explained:

And, because it has been a big political thing to create such a negative attitude to, for example, marihuana in Norway when it is…it is justified completely wrong. Wrong facts and wrong sources. And yeah, I think it's a pity. It has been like…made into something so serious when it perhaps shouldn’t be. But yeah, it hasn’t changed my attitude to the drug itself, I think. But maybe more to do with the consequences, not health related, but, what should I call it…legal, maybe (Frank, 17).

Overall, the young offenders were less concerned with changing their values than they were with ‘requalification’ in Beccaria’s (2009) [1764] sense of the concept. They sought restoration of their “reputation and full citizenship” (Maruna, 2011: 103) through compliance with the conditions inherent to the programmes. This did not necessarily imply a drug-free life, but their awareness of the threat that continued offending posed to their formal relations affected their processes of change. Moreover, they grounded their desistance processes in a relational context and not in the individual psyche. They made adjustments in order to restore family relations with all their duties and rights. These two concerns –social and legal – amount to the “why” in the early desistance processes described in this article. In conclusion, the implications of having to move beyond the interventions and personal reform to come to terms with the changes the young offenders described, will be discussed.

**Discussion and conclusion**

Ties to legal conformity are strong and research shows that “most make only a few, minor forays into criminality” (Bottoms et al., 2004: 380). Provided that most of these forays occur during adolescence, desistance from juvenile delinquency appears to be the norm, rather than something that needs explaining (Laub and Sampson, 2001). Still, the question of ‘what to do with juvenile offenders?’ remains at the centre of criminal justice policy making. The radical non-intervention approach proposed by Schur (1973) has been thoroughly criticized and comes across as somewhat of a curiosity in the current policy landscape. Rather than ‘leaving kids alone’, the search for the right interventions for young offenders continues unabated.

As shown in this article, desistance perspectives are valuable to understanding how change is initiated and justified in young offenders subject to societal care through rehabilitation programmes. Rather than regarding adolescent desistance processes as natural, desistance perspectives take us past constricted psychological conceptualisations of rehabilitation and specific intervention models to the process of change itself. The main point to take from the analysis above is that desistance processes “can only be understood within the context of human relationships” (McNeill, 2012: 10). A valuable lesson to take from this is that rehabilitative interventions, such as the alternative penal sanctions described here, primarily occupy a supporting role, as opposed to a change-inducing role. In the young offenders’ accounts, the programmes supported desistance primarily by providing opportunity for restoring relationships with family members and the greater community of a nation state. Accordingly, penal practitioners should look to the pre-existing social contexts of desistance and the legal consequences that lie behind and beyond sanctioning. When the ‘relational goods’ of the child-parent relationship are taken into account, change is contextualised and not individualised (Donati, 2010). Moreover, when ‘openness to change’ (Giordano et al., 2002) explicitly stems from legal concerns, rehabilitation should not be reduced to “efforts to change an individual’s character or values” (Maruna, 2011: 103), but should address the restoration of societal bonds in a broad sense.

The precedence of social and legal concerns over matters of personal reform in the accounts of young and (for the most part) low-level offenders is hardly sensational. Firstly, and on a methodological note, it may be argued that it is easier to maintain agency when locating the need for change externally. This inclination is related to self-presentation in interview settings and may be enhanced by the young age of the sample. Secondly, and on a substantial note, it could be argued that the participants’ age prevented them from recognising their own behaviours as problematic. Consequently, they grounded their reasoning for change outside their own character or values (Maruna, 2011). Few of the young offenders regarded themselves as problematic drug users, or serious criminal offenders, for that matter, which led them to place their legitimate concerns in external relational and legal contexts. This point, which is related to the application of desistance theories to a sample of mainly novice offenders, is worth elaborating. The lack of cognitive transformation in the participants’ accounts is closely connected to them not having entrenched working/present selves as someone who “have and will commit criminal acts” (Paternoster and Bushway, 2009: 1105). Following this, they grounded their initial motivations for change in the ‘feared relation’ and the ‘possible positive relation’, rather than in the ‘feared self’ and the ‘possible positive self’ (Paternoster and Bushway, 2009). Thirdly, and on a more critical note, it could be argued that it would be unreasonable to expect these adolescents to acknowledge the need for personal change. Most of them were apprehended for relatively widespread low-level crime, such as use/possession of cannabis. Accounting for the onset, continuation and desistance of relatively common behaviours, such as drug consumption, is a different exercise than accounting for, say, violent crimes, as the former does not trigger the same reactions, expulsion or stigma. As such, the usefulness of theories of cognitive transformation for both novice and ‘trivial’ offenders may be limited.

Whereas other studies draw distinctions between desistance from offending and recovery from substance use, this article treats “desistance (from crime) and recovery (from drugs) as synonyms” (Colman and Vander Laenen, 2012: 6). It could be argued that drug consumption should be treated as “other problem behaviors” (Laub and Sampson, 2001: 2) and that the difference between desistance from crime and recovery from drug use should be acknowledged. However, there are decisive disparities between the sample under study here and the participants in most recovery studies. For individuals who regard themselves primarily as ‘drug users’ and not ‘criminals’, desistance from offending is described as subordinate to recovery (Colman and Vander Laenen, 2012). As noted above, neither of these labels seem to fit the participants in this study. Desistance from offending and recovery from drugs become particularly intertwined, as the novice offenders did not consider their drug use as a ‘condition’ nor their offending along the lines of a ‘career’. For most of them, drug use was in itself the crime to desist from, and not crimes born out of drug use (though there were some exceptions). Research has demonstrated the usefulness of the desistance framework for studying ‘drug use would-be desisters’, as the same factors that correlate with desistance from crime, such as social bonds to close networks and the wider community, seem to correlate with recovery from drug use (Albertson et al., 2015; Best et al., 2017).

As long as desistance is understood as a reduction in the frequency and severity of crime, rather than the event of quitting crime (Fagan, 1989), it can be argued that the programmes under study were achieving what they set out to. Most of the adolescents described alterations of criminal behaviour grounded in relational and legal contexts. In this respect, the findings echo studies that consider maximum diversion of youth from the traditional criminal justice system as beneficial (McAra and McVie, 2010). Another lesson to take from such studies, which is highly relevant for this discussion, is that interventions should be proportionate to need, minimising the stigmatising effects of system contact (McAra and McVie, 2007). Whereas the lack of personal reform in this study may reflect the participants’ age and low level of criminal involvement, the precedence of external concerns should also be understood in relation to a particular culture of intervention.

It is argued that the propensity for statutory control and involvement in citizens’ personal lives increases proportionally with a state’s welfare ambitiousness (Rugkåsa, 2011). In Norway, where welfare ambitions are high, penality and welfarism are interlaced in a variety of services, among them the emerging alternative penal sanctions described here. The participants were captured in the extensive safety net characteristic of a service-intensive state, or in a penal-welfare embrace by a benevolent but intrusive ‘Big Mother’ state (Smith and Ugelvik, 2017). High welfare ambitions lower the threshold for interventions, illustrated by the fact that low-level, drug-related crime may result in extensive surveillance over several months. Due the width of this net, desistance processes that are about something else than the actual offence, such as the mending of social bonds with parents or reducing collateral sanctioning, are initiated. In a culture of intervention, one may end up with rehabilitative programmes that work by accident rather than design.

**Declaration of conflicting interests**

The author declares that there is no conflict of interest.

**Funding**

This work was partly funded by the Norwegian Directorate of Health and the Ministry of Justice and Public Security. The findings, interpretations and conclusions expressed in this article are those of the author and do not necessarily reflect those of the funding agencies.

**References**

Albertson K, Irving J and Best D. (2015) A social capital approach to assisting veterans through recovery and desistance transitions in civilian life. *The Howard Journal of Criminal Justice* 54(4): 384-396.

Bazemore G. (1998) Restorative justice and earned redemption: Communities, victims, and offender reintegration. *American Behavioral Scientist* 41(6): 768-813.

Beccaria C. (2009) *On crimes and punishments and other writings,* Toronto: University of Toronto Press.

Best D, Irving J and Albertson K. (2017) Recovery and desistance: what the emerging recovery movement in the alcohol and drug area can learn from models of desistance from offending. *Addiction Research & Theory* 25(1): 1-10.

Bottoms A, Shapland J, Costello A, et al. (2004) Towards desistance: Theoretical underpinnings for an empirical study. *The Howard Journal of Crime and Justice* 43(4): 368-389.

Burnett R. (1992) The dynamics of recidivism: report to the Home Office Research and Planning Unit. Oxford: Centre for Criminological Research, University of Oxford.

Colman C and Vander Laenen F. (2012) “Recovery came first”: Desistance versus recovery in the criminal careers of drug-using offenders. *The Scientific World Journal* 2012.

Cullen FT. (1994) Social support as an organizing concept for criminology: Presidential address to the Academy of Criminal Justice Sciences. *Justice Quarterly* 11(4): 527-559.

Donati P. (2010) *Relational sociology: a new paradigm for the social sciences,* New York: Routledge.

Fagan J. (1989) Cessation of family violence: Deterrence and dissuasion. *Crime and justice* 11: 377-425.

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

Farrall S. (2005) Officially recorded convictions for probationers: The relationship with self‐report and supervisory observations. *Legal and Criminological Psychology* 10(1): 121-131.

Farrall S and Maruna S. (2004) Desistance‐focused criminal justice policy research: Introduction to a special issue on desistance from crime and public policy. *The Howard Journal of Crime and Justice* 43(4): 358-367.

Giordano PC, Cernkovich SA and Rudolph JL. (2002) Gender, crime, and desistance: Toward a theory of cognitive transformation. *American Journal of Sociology* 107(4): 990-1064.

Herzog-Evans M. (2011) Judicial rehabilitation in France: Helping with the desisting process and acknowledging achieved desistance. *European Journal of Probation* 3(1): 4-19.

Hill M. (1999) What's the problem? Who can help? The perspectives of children and young people on their well-being and on helping professionals. *Journal of social work practice* 13(2): 135-145.

King S. (2013) Early desistance narratives: A qualitative analysis of probationers’ transitions towards desistance. *Punishment & Society* 15(2): 147-165.

Laub JH and Sampson RJ. (2001) Understanding desistance from crime. *Crime and justice* 28: 1-69.

LeBel TP, Burnett R, Maruna S, et al. (2008) The 'chicken and egg' of subjective and social factors in desistance from crime. *European Journal of Criminology* 5(2): 131-159.

Lid S. (2016) Ungdom og straff på 2000-tallet–nye praksiser, kjente dilemmaer. *Sosiologi i dag* 46(3-4).

Love MC. (2002) Starting over with a clean slate: In praise of a forgotten section of the model penal code. *Fordham Urb. LJ* 30: 1705.

Lucken K and Ponte LM. (2008) A just measure of forgiveness: Reforming occupational licensing regulations for Ex‐Offenders using BFOQ analysis. *Law & Policy* 30(1): 46-72.

Maruna S. (2000) Desistance from crime and offender rehabilitation: A tale of two research literatures. *Offender Programs Report* 4(1): 1-13.

Maruna S. (2001) *Making good: How ex-convicts reform and rebuild their lives,* Washington D.C.: American Psychological Association.

Maruna S. (2011) Judicial rehabilitation and the ‘Clean Bill of Health’ in criminal justice. *European Journal of Probation* 3(1): 97-117.

McAra L and McVie S. (2007) Youth justice? The impact of system contact on patterns of desistance from offending. *European Journal of Criminology* 4(3): 315-345.

McAra L and McVie S. (2010) Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime. *Criminology & Criminal Justice* 10(2): 179-209.

McNeill F. (2003) Desistance-focused probation practice. *Moving probation forward.* Pearson Education, 146-161.

McNeill F. (2004) Desistance, rehabilitation and correctionalism: Developments and prospects in Scotland. *The Howard Journal of Crime and Justice* 43(4): 420-436.

McNeill F. (2006) A desistance paradigm for offender management. *Criminology & Criminal Justice* 6(1): 39-62.

McNeill F. (2012) Four forms of ‘offender’rehabilitation: Towards an interdisciplinary perspective. *Legal and Criminological Psychology* 17(1): 1-19.

Moeller K, Copes H and Hochstetler A. (2016) Advancing restrictive deterrence: A qualitative meta-synthesis. *Journal of Criminal Justice* 46: 82-93.

Morgenstern C. (2011) Judicial rehabilitation in Germany—The use of criminal records and the removal of recorded convictions. *European Journal of Probation* 3(1): 20-35.

Nagin DS and Paternoster R. (1994) Personal capital and social control: The deterrence implications of a theory of individual differences in criminal offending. *Criminology* 32(4): 581-606.

Paternoster R and Bushway S. (2009) Desistance and the" feared self": Toward an identity theory of criminal desistance. *The Journal of Criminal Law and Criminology* 99(4): 1103-1156.

Rex S. (1999) Desistance from offending: Experiences of probation. *The Howard Journal of Crime and Justice* 38(4): 366-383.

Rugkåsa M. (2011) Velferdsambisiøsitet–sivilisering og normalisering: Statlig velferdspolitikks betydning for forming av borgeres subjektivitet. *Norsk antropologisk tidsskrift* 22(03-04): 245-256.

Sampson RJ and Laub JH. (1997) A life-course theory of cumulative disadvantage and the stability of delinquency. *Developmental theories of crime and delinquency* 7: 133-161.

Schur EM. (1973) *Radical nonintervention: Rethinking the delinquency problem,* Englewood Cliffs: Prentice Hall.

Smith PS and Ugelvik T. (2017) Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State? London: Springer.

SSB. (2017) *Færre unge straffet også i 2015*. Available at: <https://www.ssb.no/sosiale-forhold-og-kriminalitet/artikler-og-publikasjoner/faerre-unge-straffet-ogsa-i-2015>.

Travis J. (2002) Invisible punishment: An instrument of social exclusion. In: Mauer M and Chesney-Lind M (eds) *Invisible Punishment: The Collateral Consequences of Mass Imprisonment.* Washington DC: New Press, 15-36.

Weaver B. (2011) Co-producing community justice: The transformative potential of personalisation for penal sanctions. *British Journal of Social Work* 41(6): 1038-1057.

Weaver B. (2012) The Relational Context of Desistance: Some Implications and Opportunities for Social Policy. *Social Policy & Administration* 46(4): 395-412.

Weaver B. (2014) Co-producing desistance: who works to support desistance? In: Durnescu I and McNeill F (eds) *Understanding penal practice.* London: Routledge, 193-205.

Weaver B and McNeill F. (2015) Lifelines: Desistance, social relations, and reciprocity. *Criminal justice and behavior* 42(1): 95-107.

1. This particular penal sanction was introduced in 2014 as an alternative to prison for offenders below the age of eighteen. In these cases, a wide variety of services, extending from continual police supervision to childcare services, are mobilised. [↑](#footnote-ref-1)
2. 15 is the age of criminal responsibility in Norway, while 18 is the age of majority. [↑](#footnote-ref-2)