

**Young People and Desistance from Crime: Perspectives from
New Zealand**

by

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A thesis
submitted to Victoria University of Wellington
in fulfilment of the
requirements for the degree of
Master of Arts in Criminology

Victoria University of Wellington

2012

Abstract

This thesis examines the process by which young people stop, or ‘desist’ from, criminal offending in New Zealand. It does so by presenting insights on desistance gained from observations and interviews with young ex-offenders and those who work closely with them. In doing so, it avoids the exaggerated responses to youth crime expressed in political rhetoric and the popular media, and instead focuses on factors that are deemed most valuable in desistance by those most involved. This primary research is presented in the context of the existing literature that establishes desistance as a process influenced by the interaction of multiple variables including individual, social, and structural factors.

Analysis of structural factors highlights the need for young people, especially those who experience economic marginalisation or racial discrimination, to be provided with opportunities to change. While the current New Zealand youth justice system generally does well to limit the negative impact of formal system contact for young people, it is noted that the focus on individual plans and strategies fails to adequately address social relations and structural conditions that are integral to desistance processes.

The results of this study show that young desisters have mainstream aspirations for stable employment and relationships. Key factors of desistance identified in this study include the influence of ‘growing up’, family support and positive relationships. In other words, desistance from crime was the result of moving *towards* something positive in life. It is therefore argued that desistance is also more likely to be sustained with ongoing personal and social support.

Rather than being passive victims of structural inequalities, or completely rational actors, this study found young desisters to be influenced by a combination of structural, social and individual factors. The ultimate recommendation is to enhance existing policy through wider strategies that address structural issues, such as poverty and unemployment, together with the development of social and cultural capital, so that desistance processes can be further encouraged in New Zealand’s young offenders.

Acknowledgements

The completion of this thesis would not have been possible without the assistance of many people. First, I would like to thank the participants of this study for their honest and willing help. With their stories I have been able to add some of the most important voices that often go unheard. I also extend my sincere thanks to the youth groups that contributed to this project.

The guidance and support of my academic supervisor Elizabeth Stanley has been as relentless as it has been appreciated. Many times throughout the process she has reignited my enthusiasm and helped to keep this thesis on track. For this assistance, I am very grateful.

The company and conversation enjoyed with my fellow Criminology MA candidates must also be acknowledged.

I have been privileged enough to receive support from family in many parts of the world as well as here in New Zealand. Their encouragement has given me the confidence to further my studies and challenge myself. Finally, and most importantly, I must thank Jen Fischer who has made this possible in more ways than she can imagine.

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Chapter One: Introduction

Based on popular media inference and political rhetoric, it would seem that youth crime in New Zealand is becoming an increasingly serious problem. News headlines such as ‘Youth gangs take up weapons’ (Sharpe, 2009) and ‘Police bust youth crime ring’ (Feek, 2010) reflect a tone that young people are threatening society. Affirming that this is the case and that action is necessary, political rhetoric around crime has also emphasised the need to be tough (Bartlett, 2009). Prime Minister John Key announced that the government must “act now to defuse these unexploded time-bombs” (Key, 2008), while fringe political party New Zealand First claimed that ‘Police must deal with [the] youth crime *epidemic*’ (Mark, 2009 emphasis added). Victims’ advocate group, the Sensible Sentencing Trust¹ (2011), has pointed to “the inability of the current system to address the problem [of young offenders]” and urged the introduction of a ‘three strikes’ sentencing model.

Further to this, recent ‘Fresh Start’ government initiatives have extended Youth Court powers to deal with serious offenders as young as twelve, increased the maximum length of orders given by that Court, and introduced “military-style activity camps” as a “last chance” opportunity for young offenders to change (Ministry of Social Development, 2011:6). These reforms come in contrast to New Zealand’s existing youth justice system that has emphasised high diversion and low custody rates as well as family involvement in youth justice. Thus, these new movements have been described as an emerging “contra-flow” in youth justice policy (Lynch, 2010:130).

Against this backdrop, this thesis examines pathways *out of crime* for young people in New Zealand. Drawing on existing theory and literature as well as qualitative research, this study considers the factors that influence young people to stop offending and stay out of trouble. Acknowledging that many young offenders will not go on to become adult offenders, the opportunity is taken in this thesis to learn from young people and explore how they stop offending and move away from crime. Building on these findings, recommendations are made on how desistance processes can be strengthened and used to shape discussions of youth justice in New Zealand.

¹The Sensible Sentencing Trust was established as a voice for those disillusioned with the criminal justice system and its perceived neglect of victims of crime.

Desistance from crime, the process of ending offending behaviour or *going straight* (Leibrich, 1993), remains one of the most widely recognised yet least understood aspects of criminology (Mulvey et al., 2004). Most simply, it refers to the successful effort to give up offending permanently, rather than a hiatus or lull before further offending (Farrall & Calverley, 2006). Thus, it is those offenders who “drop out of crime” (Shover, 1985:111) that are of interest in studies of desistance. The time at which people stop offending often occurs during early adulthood, indeed the relationship between age and crime is so well established that it has been described as “one of the brute facts of criminology” (Hirschi & Gottfredson 1983:552). It has long been noted that when age and crime statistics are compared, an ‘age-crime curve’² is formed where offending during teen years tends to decline among most offenders as they reach early adulthood (Hirschi & Gottfredson, 1983).

The relatively consistent decline in offending in early adulthood supports the notion that most young offenders go on to become generally conforming adults. That is, “adult antisocial behaviour virtually requires childhood antisocial behaviour [yet] most antisocial youths do not become antisocial adults” (Robins 1978:611). The importance of investigating desistance among young people is reinforced by the fact that their type of offending tends to differ to that of adult offenders. Sullivan (2004:64) points out that, in contrast to adults, adolescents are more likely to offend in groups and in ways that are “more expressive and less instrumental”. Essential to the study of crime and desistance is increasing the awareness of reasons why young people stop offending, and identifying the elements of interventions that work best to enhance this process. The key objective is to acquire greater knowledge of offenders’ lives so that they can be encouraged to desist at the earliest time.

One challenge for this kind of study is identifying whether desistance has truly taken place. Without constant evaluation, it is impossible to know that an individual will *never* offend again. Responding to this issue, a number of longitudinal studies have made efforts to follow the whole life course of offenders. In the United Kingdom, the Cambridge Study of Delinquent Development began during the 1960s and has since followed the lives of 411 eight-year-old boys who grew up in a working class area of London. Findings from the study revealed that 88 percent of the cohort were leading

² Examined further in the following chapter.

successful lives by age 48 (Farrington et al., 2006). In the United States, Laub and Sampson (2003) worked to re-analyse and then follow up on the study of a sample originally examined by Sheldon and Eleanor Glueck (1940), after discovering records of the research in a basement of the Harvard University library. Analysis of data following individuals from age seven to 70 revealed that desistance occurs even for those considered to be high risk offenders, raising questions over the ability to predict life-long offending levels based on childhood prognoses (Laub & Sampson, 2003). While both these studies proved influential in desistance literature, even the commission of this type of longitudinal research cannot conclusively determine a permanent withdrawal from criminal activity. While these studies have relied on official records and self-reporting, it remains possible that members of the sample could continue offending undetected without revealing it to the researchers.

The complexity associated with the very term ‘desistance’ led Bottoms et al. (2004) to turn to a dictionary for assistance. Maruna (2001) employed a similar approach by considering the use of the term outside of criminological literature. The conclusions reached as the result of these efforts confirmed desistance to be a process, but perhaps most significantly to be an *ongoing* process. Maruna (2001) makes a convincing case when he notes that the phrases commonly associated with the efforts of offenders to describe desistance - ‘going straight’ ‘making good’ and ‘going legit’ - all indicate that these efforts are a work in progress. “One *goes* legit. One does not talk about having *turned* legit or having *become* legit. The ‘going’ is the thing” (Maruna 2001, p.26). Similarly, Bottoms et al. (2004) also highlight the lack of permanence associated with the term desistance concluding that “we do no violence to ordinary language if we include significant crime-free gaps within the criminological concept of desistance” (Bottoms et al., 2004:370). It is important therefore to acknowledge that intermittency is likely to be a characteristic of the criminal careers of offenders across the life course.

As detailed in the following chapters, existing explanations of desistance have emphasised the power of either internal or external influences on young offenders. External factors, for example, may include the disintegration of negatively influential peer groups (Warr, 1993,1998,2002), the opportunity to engage in training or work (Wadsworth, 2006) or greater significance of meaningful relationships (Sampson & Laub, 1993; Laub & Sampson, 2003). On the other hand, some, including Graham and Bowling (1995), found that internal factors such as a newly acquired sense of direction

in life are just as important to this process of transformation. In addition, the realisation of the negative effects that continued offending can have on an individual's long term goals or upon their friends and family is also considered a significant internal factor (Farrall & Bowling, 1999).

Alternatively, it has been argued, most prominently by Farrall and Bowling (1999), that separating factors in a dichotomous internal and external manner is unwise since it may be the interaction between these factors that is significant in desistance. For instance, an individual offered vocational training or employment may no longer have the time to 'hang out' and commit crime with their friends. This may coincide with a renewed motivation to conform to mainstream life. The combination of these factors, both external and internal, may then ultimately lead to desistance. Barry (2006) also highlighted the disparity between the common structural explanations of why young people start offending, and the lack of structural solutions addressed in desistance literature. For example, issues of social inequality are associated with why people begin offending while suggestions to encourage desistance are often centred on the individual.

Qualitative short term studies focusing on those who have recently desisted from crime, including those by Leibrich (1993) and Barry (2006), have made significant contributions by understanding desistance from the offender's perspective. Leibrich (1993) interviewed a group of 50 young New Zealanders who had been conviction free for approximately three years and whose last sentence was supervision. She emphasised the significance of cognitive changes after failing to find any external differences between those who were going straight and those who were not. It was also noted that, for most people, desistance did not 'just happen', but that "most came to a clear and conscious decision not to offend again; almost like an act of will" (Leibrich, 1993:219). These findings are similar to Meisenhelder's (1977:333) study in which an ex-offender articulated, "you rehabilitate yourself". These studies suggest, therefore, that greater emphasis should be placed upon an interpretive approach to desistance that considers the decision making from the offender's viewpoint.

Both Leibrich (1993) and Barry (2006) demonstrate that the study of desistance can be advanced by evaluating the stories of ex-offenders, despite the fact that permanent desistance among their samples could not be conclusively known. The approach taken in these studies was largely interpretive, as they sought "to understand and appreciate

the social world from the point of view of the individual” (Jupp 2001:12). Although permanent desistance could not be firmly established, these studies confirmed the value of learning from the experiences of those who *identified themselves* as desisters. This approach is well suited to the complexities of desistance as it can capture the multifaceted and sometimes contradictory nature of desistance stories (Gadd & Farrall, 2004). For this reason, this is the approach adopted in this thesis.

Thesis Structure

Chapter Two sets the foundation for this thesis by examining the main factors associated with desistance. After establishing that the majority of young people will stop offending as they age, the most prominent explanations for this are presented. External factors are assessed including changes in the peer group, employment and marriage. This is followed by the role of internal, or cognitive, changes in desistance processes. One of the key threads identified across the literature is that the majority of these influences are positive in nature and offer a pathway out of crime and *towards* something else. Yet, young people have differential capacities and opportunities to make this move. With this in mind, the chapter develops the concept of social capital to demonstrate that change is dependent on the means and access to opportunities. Collectively, this evaluation of desistance has implications on the current youth justice system as these significant contributors to desistance are welfarist rather than punitive in origin.

Chapter Three details the representations of youth crime in New Zealand over time. The behaviour of young people has been conceptualised as threatening and worrisome from the mid-nineteenth century through to the present. The dominant conception of youth crime and young people as threatening and in need of control has serious implications for strategies seeking to encourage desistance. In response, the historical treatment of young offenders and those in ‘need of care’ centred on the removal of young people from their communities to place them under state control or detention. This trend was altered in 1989 when the youth justice system was transformed to emphasise diversion from the judicial process and to protect young people from adult sanctions. Yet, as this thesis illustrates, desistance requires greater investment in young people and their communities. This may be controversial as discourses surrounding young people and crime that emphasise the need for control are generally incompatible with this idea.

Chapter Four details the current structure of the youth justice system. This chapter establishes a brief history of events leading up to the major change in direction of youth justice brought about by the Children, Young Person and their Families Act 1989 before providing an overview of the current system including: Youth Court, Diversion, Police Youth Aid, Family Group Conferences and Community Groups. It is argued that, while certain official responses are potentially beneficial to desistance, there remains a marginalised group of young offenders who are limited in their capacity to desist due to structural barriers such as poverty and exclusion which fall outside of the system's jurisdiction. The foundation of the system does however offer a solid platform that must be built upon to enhance desistance focused policies.

Chapter Five outlines the research methodology used in this study and reinforces the interaction of structural and individual factors in desistance processes. Together with structuration theory, the concepts of 'habitus' and social capital are shown to account for the desistance experiences of young offenders. It is asserted that the culture and environment in which people live can influence the pathways and opportunities they recognise as available. This reaffirms the need to allow young people to explain desistance in their own terms. This chapter also introduces the participants of this study and describes the research process.

Chapter Six presents the research findings from observations and interviews. It begins by discussing the experiences of 'growing up' and attending school. Attention then turns to the factors identified by the participants as most influential in the desistance process. The relatively young age of the participants meant that their experiences of desistance provided some variation from the existing literature. Families of origin, for example, were highlighted as both potentially beneficial and potentially damaging to desistance. Positive relationships with family, partners, and youth groups were identified as most crucial in these desistance stories. This chapter also looks into the challenges associated with the process including the long term nature of desistance. It is argued that increasing knowledge of desistance experiences illustrates that risk based and punitive approaches to youth justice are less effective than interventions that build capital and offer young people future prospects. Desistance is also a process that takes time and, for some young people, requires intensive investments from families, communities and state organisations.

This thesis, therefore, emphasises the need for desistance inspired investment in young offenders. It is known that the majority of people will stop offending at some point in their lives, often in the transition to adulthood. It is suggested that the best way to encourage early desistance requires a holistic approach that is grounded in the existing knowledge of this process. Namely, this approach should begin by establishing the facts around the state of youth offending in order to dispel the hyperbole surrounding the issue. This thesis demonstrates that by listening to young people it is possible to learn more about what is most significant in desistance processes.

Overall, the findings of this study support existing criminological literature that challenges economic and cultural marginalisation of young people and recognises that desistance is driven by something ‘good’ entering the lives of young offenders. Furthermore, and contrary to efforts that aim to ‘scare straight’ young offenders, desistance is shown to be most often inspired and maintained by positive relationships. The study of desistance, therefore, deserves a greater place in the development of policies not only in criminal justice but also in wider areas such as social welfare and community development. The existing literature and the findings of this study strongly indicate that this offers the greatest opportunity to reduce continued offending and promote pro-social lifestyles, something that is likely to be beneficial to offenders as well as the wider community.

Chapter Two:

Desistance from Crime

“Quitting smoking is easy, I’ve done it hundreds of times”

~ Mark Twain

Desistance has grown in popularity as a topic of study in recent years (Laub & Sampson, 2001). The aim of this chapter is not to give an account of all predictors or correlates of desistance, but to highlight those most commonly associated with the process. Individual experiences of desistance are variable and can be tumultuous, yet a number of key themes have been identified in the most prominent desistance studies. The chapter begins by explaining how ‘turning points’ can be influential in desistance processes. It further advances notions of developing maturity, significant social or external factors, and the concept of internal or cognitive change as well as introducing the theory of social capital (the interaction between external and internal factors is further developed in Chapter Five). Existing knowledge of gender influences on desistance are also touched upon.

Interestingly, the literature generally overlooks the role of education and families of origin. Since it is well established that educational problems are common among young offenders (see Wang et al. 2005), it is surprising that issues around schooling are not more prominent in the desistance literature (this, along with the issue of families is discussed further in Chapter Six). Ultimately, desistance is shown to be dependent on the interaction of external influences, including social, structural and cultural factors, and the internal influence of the individual. Moreover, desistance often takes place away from the criminal justice system as people move *towards* something else. Existing knowledge, therefore, emphasises the need to look beyond the justice sector in efforts to encourage desistance from crime.

Turning Points

A number of factors are consistently identified in the stories of desisters; these include themes of developing maturity, new significant social ties and the renegotiation of personal identity (McNeill & Weaver, 2010). These points may be represented by changes in the environment but could be any number of events that constitute

“consequential shifts that redirect a process” (Abbott, 1997:101). Sampson and Laub (1993) identified the significance of ‘turning points’³ which marked the changing trajectories in people’s lives. These are “experiences that can redirect criminal trajectories in either a more positive or more negative manner” (Sampson & Laub, 2005:16).

Laub and Sampson (2003:148) noted four major turning points in the desistance process as described by their participants: “marriage/spouses, the military, reform school and neighbourhood change”. Analysing these factors, they determined that each creates situations that:

- (1) knife off the past from the present⁴; (2) provide not only supervision and monitoring but opportunities for social support and growth; (3) bring change and structure to routine activities; and (4) provide an opportunity for identity transformation (Laub & Sampson, 2003:149).

Quite how these moments influence an individual is of particular interest since the trigger for desistance for one person may encourage persistence in another (Maruna, 2001). MacDonald et al. (2011), for example, found that the death of a close family member could act as a catalyst for further drug use and crime or promote desistance. Despite this variation, the concept of turning points remains a useful theoretical tool to understand the desistance process. Identifying turning points in the lives of desisters can help to shed light on the desistance process and ultimately help to inform intervention policies (Mulvey et al., 2004). The following sections detail some of the most prevalent factors in desistance literature that influence the actions of young desisters.

Developing Maturity: Growing out of crime?

The association between age and crime is considered one of the most well established facts in criminology (Hirschi & Gottfredson, 1983). Investigation of the link between

³Giordano et al. (2002:1000) use the term “hooks for change” in an effort to emphasise the role played by the actor in latching onto the “hook” and to emphasise the significance of hooks described in individual narratives. While others (MacDonald et al., 2011) use the term ‘critical moments’ to describe much the same phenomenon.

⁵Maruna and Roy (2007) raise a number of questions over this concept and its role in the desistance process. They conclude that ‘knifing off’ is likely to be most successful when accompanied by clear scripts for a noncriminal future. They also argue that the ‘knifing off’ concept remains underdeveloped.

adolescence and criminal offending can be traced to the nineteenth century work of Adolphe Quetelet (1831) who noted that the propensity for crime was age dependent. Analysing data on crimes committed in France from 1826 to 1829, Quetelet found that crimes against property and the person peaked in late adolescence through to the mid-twenties (Piquero et al., 2007). The age crime relationship is argued by some to be so stable that it remains invariant over time and place for all offenders while remaining largely unaffected by life events such as marriage and military service (Hirschi & Gottfredson, 1983; but see Blumstein et al., 1986). One area of the debate where most will agree is that, typically, the crime rate increases from early adolescence towards a peak in the teenage years before declining, at first quickly, but gradually more slowly (Farrington, 1986).

For some young people, small scale adolescent offending may go undetected and remain their only offence, for others it may be the beginning of a lengthy pattern of offending, or what might be termed a ‘criminal career’. This subsequent offending could last for a few months, a few years or, for a small number of offenders, for the rest of their lives. It is this latter group of ‘chronic’ offenders that have traditionally garnered the greatest attention from researchers and criminal justice practitioners⁵. Wolfgang et al. (1972) drew attention to this group of offenders in their study of a Philadelphia birth cohort. Here, the more prolific offenders were defined as those who had committed five or more offences by age 17. Although the group made up only six percent of the cohort, their offending accounted for 52 percent of delinquency for the whole group.

Since then, research studies measuring both official and self-report data in England, Puerto Rico, Sweden, Denmark, Finland and New Zealand have also found that a small subset of offenders account for a large portion of all offending (Piquero et al., 2007). In New Zealand, Scott (1999 cited in McLaren, 2000) estimates that just three percent of young men will account for half their generation’s juvenile offending. These ‘chronic’ offenders often represent an identifiable and reasonably accessible group for researchers to study, particularly when such a group is likely to be in close contact with the criminal

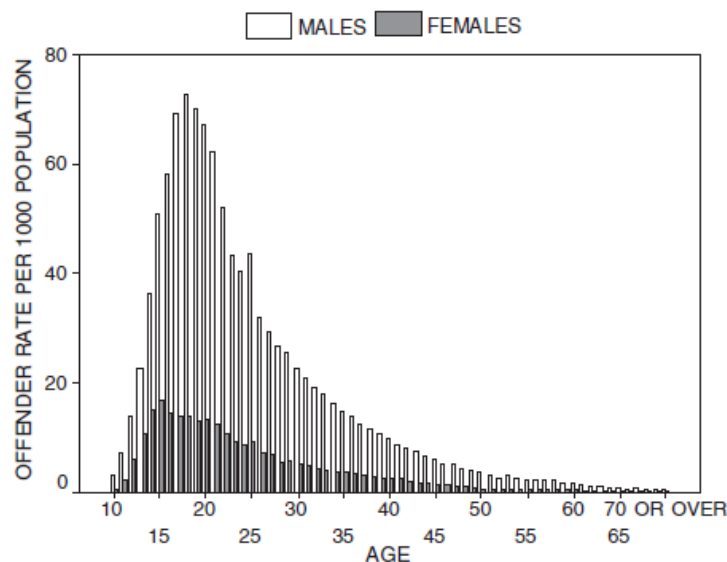
⁵ Godfrey et al. (2007) trace the origins of a long held fascination of the ‘habitual’ criminal to the year 1566 when Thomas Harman wrote about a criminal ‘subculture’ after interviewing a number of ‘vagabonds’. The results of which were published in his pamphlet entitled *A Caveat for Common Cursitors Vulgarly Called Vagabonds*.

justice system. On the other hand, the majority who do not continue to offend have traditionally been somewhat neglected in criminological study.

For many offenders, involvement in criminal activity occurs during adolescence before desisting in early adulthood. The relatively widespread occurrence of offending during adolescence has been central to much criminological research of young criminals. Zimring (1981) noted that almost all adolescents are likely to offend at some point in the transition to adulthood, while Moffitt (1993:675) argued that participation in crime appears to be “a normal part of teen life”. Such assertions are based in part upon the distribution of criminal offending displayed in the ‘age-crime curve’.

This curve is calculated by dividing the total number of arrests of individuals of a given age by the total population size of the specific age. Typically, the age-crime curve indicates a keen increase in the arrest rate in the early teen years followed by a peak age of arrest in the late teen or early adult years before a decrease in the rate of arrest over the remaining age distribution (Ezell & Cohen, 2005). The typical shape of an age-crime curve is illustrated in Figure One.

Figure One: Recorded offender rates per 1,000 relevant population by age-year and sex, England and Wales, 2000 (Bottoms et al., 2004:370).



One of the most obvious explanations of why young people tend to be prevalent in crime statistics is that as part of the process of growing up, young offenders also ‘grow out of crime’. Thus, Glueck and Glueck (1940:105) emphasised the effect of biology on

crime rates in their theory of maturational reform, arguing that “ageing is the only factor which emerges as significant in the reformative process”. The Gluecks did not consider maturation to be implicitly linked to age, noting that, “it was not the achievement of any particular age, but rather the achievement of adequate maturation regardless of chronological age at which it occurred that was the significant influence in the behaviour change of our criminals” (Glueck & Glueck 1945:81).

This idea retains a degree of support from Hirschi and Gottfredson (1983) who also see a direct effect of age on crime. They argued that “change in behaviour... comes with maturation” and that this change or “spontaneous desistance... occurs regardless of what else is happens” (Gottfredson & Hirschi, 1990:136). If this view of desistance is accepted, there is little point investigating other factors that might influence individuals to desist, since age is the most dominant factor and cannot be manipulated.

This biological approach has not escaped criticism, however, and was described by Dannefer (1984:100) as an “ontogenetic fallacy” for failing to recognise the complexity of interactions between individuals and society. When Maruna (1997) considers the argument of age causing desistance, he demonstrates its weakness by imagining what would happen if the same thing was said about crime itself, “criminal behaviour peaks at age 17; therefore, crime is caused by turning 17” (Maruna 1997:65). Such observations are supported by the majority of modern desistance writers who attempt to ‘unpack’ the many factors associated with age in order to learn more about desistance. In the following section, these factors are examined more closely.

External Influences

This section provides an overview of the external factors most commonly associated with desistance, namely peer groups, employment and marriage. These factors do not account for all desistance, or all theories of desistance, but offer an indication of key findings from the most influential desistance studies. Many desistance studies which are discussed in this section focus on more frequent or serious offenders. Laub and Sampson (2001:10), for example, argue that because most young people will stop offending, researchers should “not spend much time or energy studying termination and desistance for low-rate offenders”. The bearing of this on existing knowledge is that desistance factors commonly identified tend to be aspects of adult rather than teenage

life such as marriage. The approach taken in this thesis which included a range of offending types and duration broadened the scope of factors pertinent to desistance to include family life and the role of youth groups. The interaction between these social and personal factors is further considered in Chapter Five.

Peer Groups

Peer group interaction is often a focus in studies of adolescence (Brown, 1990) and particularly in studies of youth offending. Warr (2002:11) observes that “because peers take on a heightened importance during the teenage years, and because criminal behaviour peaks at these ages as well, it is natural to wonder whether the two phenomena are somehow linked”. The ‘well known secret’ that Zimring (1981:867) describes is that “adolescents commit crimes, as they live their lives, in groups”. While there is little doubt that peers play some role in current or future delinquency (Warr, 2002), the interpretation of exactly what this role is remains complicated by the fact that, since most delinquency occurs in groups, it is inevitable most offenders will have friends who are delinquents (Farrington, 1987). The main point for this study is to outline the significance of peers in adolescent offending and consider the implications on the desistance process.

Peer group offending or co-offending reflects the age-crime curve in that it becomes less frequent as offenders age. Alongside this, the type of offending also affects the likelihood of group delinquency. Robberies and burglaries, for example, are most likely to occur with accomplices (Piquero et al., 2007), while shoplifting and assault tend to be less common group offences (Warr, 2002). Despite this difference between offence types, Piquero et al. (2007:121) still found in their Cambridge study that “co-offending decreased with all offence types with age independently of changing patterns of offending types”. While it remains uncertain exactly why peers exert such influence during adolescence, Terrie Moffitt (1993) posits one of the more comprehensive explanations.

In the dual taxonomy developed by Moffitt (1993), it is held that those identified as adolescence-limited offenders are largely influenced in their behaviour, ‘mimicking’ that of life-course-persistent offenders who have conquered what is described as the “maturity gap” (Moffitt, 1993:687). This maturity gap is said to have developed in late modern societies where young people reach biological maturity long before they are

permitted to engage in adult activities such as working, driving, marrying or voting (Moffitt, 1993). It was hypothesised that persistently antisocial youths become most influential in the peer structure during early adolescence as anti-social behaviour becomes more prevalent. The peer group influence of the more serious life-course-persistent offenders does not last for long, however, since those who have become briefly involved in antisocial behaviour, the adolescence-limited group, will soon experience the legitimate rewards of young adulthood and desist from crime (Moffitt, 1993)⁶.

Approaching desistance from the social learning perspective, where it is essentially criminal initiation in reverse, Akers (2009:59) argues that “learning mechanisms account not only for the initiation of behaviour but also for repetition, maintenance, and desistance of behaviour”. If peer acceptance is a “priceless commodity” (Warr, 2002:46) during adolescence, it necessitates that peer groups are significant not only to involvement in crime, but also in desistance. For instance, analysing data from the National Youth Survey (NYS) in the United States, Warr (1993) found that within the sample of 11-21 year olds, peer associations changed significantly over time. The pattern of peer exposure is summed up as follows:

During their early life, individuals frequently undergo rapid and enormous changes in exposure to delinquent peers, from a period of relative innocence in the immediate preteen years to a period of heavy exposure in the middle-to-late teens (Warr, 1993:24).

Evidence suggests that peers play a significant role in the delinquent behaviour of adolescents, and also that the declining significance of peers in later adolescence may account, at least in part, for desistance from crime. An aspect that seems somewhat neglected in peer group research is the reason for declining peer influence as young people age. It may be argued that relationships with friends are disrupted by life changes in such a way that they no longer retain the same importance, where full time work or a partner are likely to limit the time available to spend with peers. Late

⁶ The predictive power of these offender groups has received criticism as Sampson and Laub (2005) found that trajectories of desistance could not be identified using typological accounts. Skardhamer (2009) has also argued that the empirical evidence for this taxonomy is not compelling, despite its widespread influence.

adolescence often comes with a number of significant changes that alter relationships with friends. Leaving home, moving to a different area, and starting work can both disrupt existing friendships and promote new ones. It has been noted, for example, that employment can restructure friendship networks and reduce contact with delinquent peers (Wright & Cullen, 2004).

On the other hand, the reduction of peer influence could also be considered as part of the ageing or maturation process as the opinions of others no longer hold the same significance in the lives of young adults. It could also be internal as well as external changes that are significant in the reduced influence of peer groups (Warr, 2002). A number of questions remain unanswered, therefore, regarding the influence of peer groups on desistance from crime. However, if it is accepted that peers play a significant role in instigating delinquent behaviour, it is likely that a decline in time spent with certain types of peers might at least assist, if not promote, desistance. As Warr (2002) concludes, while it is common to rely on everyday adages such as ‘peer pressure’ and ‘one bad apple’, questions surrounding peers both in active offending and the desistance process need to be addressed in order to improve the understanding of crime among young people (this is expanded upon further in Chapter Six).

Employment

There is a general consensus that stable employment promotes desistance from crime (see Kazemian & Maruna, 2009). The exact link between work and crime has, however, remained contested. Rational choice theorists have been particularly vocal in advocating the significance of monetary gains that come with employment (Wadsworth, 2006). Following this model, if the rewards available from employment exceed those available from crime, the offender is most likely to desist from crime since they can earn a significant income from work. Merton’s (1938) strain theory similarly attributes crime to the gap between the desire to participate in capitalist consumption and the lack of employment opportunities to meet these demands. The greatest criticism of this approach lies in the fact that not all crime is financially motivated, and even those who already have access to significant funds through their work also engage in crime. The relationship between work and crime therefore is not a simple one (Crutchfield & Pitchford, 1997). Acknowledging this complexity, the following section concentrates on the influence that work has on the desistance from crime. Three key points form the

framework of desistance and employment: the financial gains it offers, the social bonds provided by work and the limits on time available to commit crime.

The most obvious advantage associated with employment is that of a regular income. From a purely economic perspective, individuals will act as “optimising consumers” (Grogger, 1998:757) and choose work rather than crime if it offers a greater return. Grogger (1998) uses this logic to argue that the age distribution of crime is largely a labour market phenomenon since crime rates are highest when earning potential is lowest. Absent from this approach is the recognition that the relationship between crime and employment is not one of strict alternatives. Furthermore, it fails to acknowledge other rewards associated with employment, and by focusing on crimes that offer financial gain, it cannot explain the occurrence of offences such as vandalism or violence.

In addition to financial rewards, other benefits can also be obtained from work. Wadsworth (2006) discovered that those working in more subjectively rewarding jobs were less involved in crime while income and job stability alone did not influence criminal participation. When analysing US data from the National Longitudinal Study of Youth, for example, it was found that nonfinancial aspects of work positively influenced decisions to not offend, both in terms of property and violent crimes (Wadsworth, 2006). This leads to the next question of what is significant if money alone is not a key motivating factor.

Perhaps more important to the desistance process than financial gain is the social attachment formed with work colleagues. In Hirschi’s (1969) social control theory, social bonds that develop commitment and attachment to work can increase the chances of desistance. The main proponents of this theory have been Sampson and Laub (1993; Laub & Sampson, 2003) who emphasise the importance of job stability, job commitment and employee-employer interdependence marked by the investment made by the employer. This shows that informal social control and a desire to retain this stake in society can influence an individual desisting from crime. On another more practical level, Laub and Sampson (2003) also recognise one of the benefits of work as the limitations it can place on an individual’s time to commit crime. The structure it can bring to an individual’s life is thought to reduce opportunities for offending, “the simple

fact is that people who work are kept busy and are less likely to get into trouble” (Laub & Sampson, 2003:47).

In the same way that not all jobs have the same earning capacity, some offer more in terms of social bonds than others. The value of this “stake in conformity” was explored by Crutchfield and Pitchford (1997:97) who found that those employed in secondary sector jobs, typically unstable, poorly paid with high turnover rates, were more likely to have high levels of criminal involvement. The challenge with such findings is that, since most jobs are not randomly assigned to people, it is difficult to separate job influence from worker characteristics or their structural location. Partially correcting for these selection processes, Uggen (2000) still found a strong job quality effect on criminal behaviour. Using US data from the National Supported Work Demonstration Project that randomly assigned a number of young people to minimum-wage employment, Uggen (2000:542) found that those who are provided “even marginal employment opportunities are less likely to reoffend than those not provided such opportunities”. Crucially, it was also found that employment had a far more significant effect on those aged 26 or over. This further complicates the issue of ageing out of crime discussed earlier and highlights the complexity of desistance when many factors can exert an influence on the process.

The question of employment in the desistance process is complex, but does offer some hope particularly for those desisting in early adulthood before becoming enmeshed in the adult criminal justice system. The most resounding finding concerning desistance and employment is that those who feel rewarded by their jobs, for whatever reason, are less likely to continue to offend. The nature of employment opportunities also has a significant impact on this process. The challenges of a high youth unemployment rate and poverty described in the next chapter are influential factors in employment driven desistance.

Marriage

Desistance literature has long featured romantic relationships and particularly marriage as stabilising forces in male heterosexual offender’s lives (Maruna, 2001). Laub and Sampson (2003) point to the strong ties to conventional society associated with relationships and marriage that allow an individual to conform and thus reduce the chances of delinquency. Warr (1998) also classifies marriage as an important aspect of

desistance but emphasises the significance of a reduction in time spent with delinquent peers. The complexities associated with this perspective will now be explored.

In his Cambridge study, West (1982) observed that marriage came not only with the romantic love, but also with financial problems. West (1982:102) noted that newly married men feel under pressure to take more criminal risks, and that “admissions of offences by the married men were only slightly and quite insignificantly less than those of the unmarried”. Such a finding indicates that the influence of marriage on desistance is not straightforward⁷ and that specific aspects of the marriage better encourage desistance such as the quality of the relationship, and the partner chosen, rather than the formal change in civil status (West, 1982). Attempting to clarify this issue, West (1982) suggested that male delinquents may have a tendency to marry wives who are delinquent themselves, and that a young delinquent may be unlikely to meet and be accepted by the “right kind” of woman (West 1982:104).

One difficulty in attributing desistance to a factor such as marriage is establishing how significant the effect of a single change is for an individual when a number of other factors outside of the marriage may be playing a significant role.⁸ It is also unclear whether it is the institution of marriage that is significant, or the strong relationship that is found within that marriage. High rates of cohabitation, for example, could indicate that marriages are more often based on long term relationships that have already stood the test of time (Bersani et al., 2009). The increase in the average age at marriage could also be significant if it is expected that most offenders will decrease their criminal involvement as they age. If this is the case, individuals who marry closer to age thirty may already be on track toward desistance. Ouimet and Le Blanc (1996) indicate that this is the case, finding among their Canadian sample that only from around the mid-twenties was cohabitation associated with desistance. Together with similar findings relating to employment (Uggen, 2000), this adds further weight to the argument that the ageing or maturation process remains important.

Warr (1998) also emphasised the role of peers in desistance in relation to marriage, and in doing so challenged Sampson and Laub’s (1993) argument that marriage or a strong

⁷ This point is also explored by Godfrey et al. (2007) who, in a study of British men in the 19th century, identified that men who had been widowed and re-married were linked to increased criminality.

⁸ For instance, cultural influences are also likely to play a part in this process (see Savolainen, 2009)

attachment to a spouse, accelerated desistance due to the informal social control associated with such a relationship. Warr (1998) did not dispute the outcome associated with marriage, but argued that the mechanism producing the outcome was different. The fact that marriage leads to increased time spent with a spouse, and also disrupts and dissolves relationships with friends or accomplices is, for Warr (1998), the most significant influence of marriage on desistance. Laub and Sampson (2001) argue that the reduction in time spent with peers could be the result of informal social control exerted by a spouse, limiting, for example, the opportunities for their new partners to ‘hang out’ with their friends (Laub & Sampson, 2001). It is also noted that marriage may be accompanied by a move to a different area with new friends and family, who might also exert informal social control over an individual.

Further research into the link between cohabitation, marriage and desistance is likely to clarify whether it is marriage itself, or those qualities associated with marriage that are most significant. The evidence outlined above indicates that the link between relationships and desistance is not always consistently strong. The clearest advantage of marriage appears to be the way it can increase bonds not only to an individual but also to mainstream society becoming part of what Giordano et al. (2007:1649) describe as a “respectability package” that offers people the opportunity to change. If this is taken to be the most important aspect of marriage it would seem logical to extend this to relationships and other family changes such as parenting. These factors are further mentioned in Chapter Six.

The Changing Nature of Structural Bonds

The work of Laub and Sampson (2003) in their follow up study of the ‘Glueck men’ to age 70 has been highly influential in the study of desistance. Using Hirschi’s (1969) social bonding theory as a base, Laub and Sampson (2003) emphasise the importance of attachments to positive social bonds in the desistance process. The world today, however, is a very different one in which the Glueck sample lived their lives. The social institutions which these men were exposed to (including marriage, employment, and the military) have undoubtedly changed since the 1950s (Moloney et al., 2009). As Giordano et al. (2002:1056) argue, traditional sources of social and cultural capital have diminished, thus young desisters must now be, to a greater extent than before, “the architects, or at least the general contractors of their own desistance”.

It has also become apparent that the place of wider influences such as history, class and location tend to be absent from many stories of desistance. As MacDonald et al. (2011:150) note, personal explanations of desistance have become individualised and revolve around self-perceptions of “personal failings and mistakes”. Explaining this apparent absence of class awareness (cf. Laub & Sampson, 2003:185), MacDonald and colleagues (2011:150 emphasis in original) point to the individualisation of late modern transitions to adulthood where there is “*apparently* more choice and room for personal agency”. This, they argue, means that young people fail to see the force of social origin in shaping lives as they are influenced by the rhetoric of aspiration, achievement and possibility. The individualised ethos whereby people are responsible for looking after themselves in the terms of economic success and failure also extends to crime being seen as entirely the responsibility of the offender (Cavadino & Dignan, 2006). This adds an interesting dimension to conceptualisations of desistance for those who have grown up in neo-liberal environments.

Experiences of the pathway from adolescence to adulthood have also become characterised by unpredictability, fluidity and complexity (Healy, 2010). The accepted markers of adulthood including finishing school, entering the work force, leaving home, marrying, and starting a family have changed considerably since the middle of the twentieth century (Hayford & Furstenberg, 2008). The extended transition between adolescence and adulthood prompted Arnett (2000) to describe this apparent new life stage as *emerging adulthood*, a phase in which young people experiment with risky behaviours while toying with possible adult identities. Investigation into the significance of this delay in establishing adult roles on desistance, however, has yet to provide conclusive evidence (see Hayford and Furstenberg, 2008).

Questions may also be raised over the transferability of such a theory to other countries and points in time. The employment opportunities available during the post-war period in the United States, for instance, were likely to be quite different to those available to young people in New Zealand today. The cultural context is also influential to this issue as the nature of social bonds may not be the same across class, ethnic or national borders. The very idea of delayed transition to adulthood is very much dependent upon class and culture. This illustrates the ever changing and diverse structural bonds that influence desistance from crime among young people and emphasises the need to test existing theories.

Together with the external factors associated with the desistance process detailed above, there are also internal cognitive processes that can influence pathways out of crime. As Laub et al. (1998:225) note, “social bonds do not arise intact and full-grown but develop over time like a pension plan funded by regular instalments”. Maintaining change, therefore, is unlikely to occur without the effort of the individual to continue to invest in that change.

Internal Factors

One element missing from many social explanations of desistance, particularly those based on quantitative data, is the role of the individual (Kazemian & Maruna, 2009). Maruna (2001:8) attributes this to the presumption that data on subjective aspects of human life including thoughts, emotions and goals are “unscientific or too unwieldy for empirical analysis”. Despite any external changes, however, most desisting individuals also develop a lifestyle and habits that embrace this change (Giordano et al., 2002). In recent years the focus on personal narratives of offenders to explain desistance has expanded⁹ (Maruna, 2001; Giordano et al., 2002). Giordano and colleagues (2002) identify four interrelated cognitive transformations, or shifts, in the desistance process. First, there is a shift in the individual’s openness to change. Second is a recognition of the possibility of change through external influences such as employment (when this recognition accompanies openness to change, desistance is said to be more likely). Third, the individual identifies and holds onto a new non-criminal identity. Finally, the fourth change is a shift in perceptions of the criminal lifestyle where, for example, the expected returns from criminal involvement no longer seem worthwhile (Shover, 1985). This theory still reflects the interaction between cognitive change and the surrounding environment as the recognition of the opportunity to change is closely linked to external influences. Furthermore, it confirms that desistance is a gradual process, something also noted by Leibrich (1993), who found that immediate change was not always possible even for those who made a personal ‘decision’ to stop offending.

Personal motivation to stop offending is an important factor in many theories of desistance although the nature of motivation has been shown to be relatively diverse.

⁹It is perhaps no coincidence that this has developed in line with the individualised ethos of neo-liberal states discussed above.

Motivation ranges from achieving a sense of pride in earning “honest money” (Barry, 2006:121), to aspiring to a socially approved identity (Farrall & Maruna, 2004), to finding a sense of direction and meaning in life (Graham & Bowling, 1995). Further to this, the ability to imagine oneself as an ex-offender has also been shown to be an important factor in successful desistance (Serin & Lloyd, 2009). This particular type of motivation was shown to be significant by both Burnett (1992) and Farrall (2002) who found that those who reported wanting to stop offending were more successful than those who were unsure if they wanted to stop offending. Shover (1996) also noted that, within his study of ageing property offenders, those who were most determined to avoid crime were more successful at doing so even when other factors were taken into account.

Maruna (2001:25) took this notion further by questioning the influence of external turning points on desistance and argued that “nothing inherent in a situation makes it a turning point”. Instead, he stressed the need to focus on individuals as agents of their own change, identifying how desisting offenders separate their current identity from their criminal past. In a sample drawn from the Liverpool Desistance Study, Maruna (2001) highlighted the cognitive strategies employed by successful desisters to put their criminal pasts behind them. They developed “redemptive scripts” in which criminal pasts were perceived to be due to external factors out of their own control (Maruna, 2001:87). These people were characterised by the need to find meaning and purpose in their lives, often by using their past experiences in a positive way (Soothill et al., 2009). In contrast, unsuccessful desisters were said to live by “condemnation scripts”, identifying no real hope in their lives, but instead accepting life in a fatalistic way (Maruna, 2001:76). The development of this personal dimension of the desistance process has generated further interest in narratives of change (e.g. Gadd & Farrall, 2004; Presser, 2009).

While individual agency may be significant in stories of change, it is also clear that life does not take place in a vacuum, isolated from outside influences (Kazemian & Maruna, 2009). It has also been argued that, without a significant change in outside interpretations of their actions, the possibility for change to occur in a person may be rather limited (Haigh, 2009). Support for this change is required from the wider community wishing to encourage desistance. Indeed, successful desistance must be imagined by both the individual, and also by those around them since, although

individuals can become quickly stigmatised and labelled as a “deviant”, it may be much more difficult to regain a reputation as a law abider (Maruna et al. 2004:272). The desistance process, therefore, is often dependent on the acceptance of change from family, friends, and the wider community.

This is a particularly important component of desistance since it is possible that many individuals will not be able to simply stop offending at their first attempt to do so. Serin and Lloyd (2009:349) note that “there may be a kind of ‘threshold’ level of engagement in the process that must be reached before change can occur”. If this is the case, then it may take an individual a number of attempts before they learn exactly what is required for success. Thus, it is important to acknowledge the steps taken toward change, even if they initially prove to be unsuccessful. Support at that stage of the process could mean the difference between continuing efforts to change, or returning to previous behaviours. Stigmatising those who initially fail may limit their will and ability to enact real change in the future “contributing to a self-fulfilling prophecy of sorts” (Maruna et al., 2004:272). This further reinforces the need for acceptance of those who are in the process of desistance, particularly for repeat offenders who may face the most resistance in this area due to their long offending histories and associated reputations.

It is also important to consider whether all individuals are able to exercise human agency in what might be termed ‘pro-social’ ways, since this relies somewhat on their opportunities to do so. Social capital is an important mediating device that can provide opportunities and links to parts of society that can support desistance and may not be available to all (Bracken et al., 2009). Sources of social capital commonly include employment and family relationships as, among other resources, relationships at work or at home can create a sense of obligation and trust giving people social capital (Farrall, 2004). Coleman (1988:98) describes social capital as “...productive, making possible the achievement of certain ends that in its absence would not be possible”. Opportunities for young people to exercise personal agency and desist from crime can, therefore, be enhanced or restricted by their access to social capital (Kemshall et al., 2006).

This approach acknowledges desistance to be dependent on more than simply a will to stop offending. Change is most likely to occur from the development of not only human capital (skills and capabilities), but also social capital that addresses the wider social

contexts in which people live (Farrall, 2004). Access to sources of social capital that can enhance the desistance process is not universal. The accumulation of social capital for young people, particularly those from marginalised areas, for instance, is difficult and may come in different forms (Healy, 2010). Barry (2007; 2010), for example, argues that social capital gained in the peer group is an important source of temporary social support especially for those who had experienced family breakdowns or instability. This bond shared with people who have a similar outlook on life may in fact limit perceptions of change, whereas access to more diverse networks may enable an increased perception of an alternative self (Boeck et al., 2006). The nature of the capital can therefore influence the outcome. For those wishing to desist from crime a strong sense of social capital that exists within certain groups, such as criminal gangs, could hinder rather than promote desistance. This type of capital has been described as enabling people to “get by” rather than “get on” (Barry, 2007:189). Youth groups¹⁰ that seek to establish a broader sense of social capital for young offenders, however, may be successful by increasing more positive, or “bridging” capital that goes beyond known communities (Boeck et al., 2006:7).

In this focus on social capital, the role of culture in desistance also deserves attention. For example, the New Zealand youth justice system strives to provide culturally sensitive and appropriate services for young people (Maxwell & Morris, 2006), and an element of success has been identified in culturally specific approaches to Māori youth offending¹¹ (Singh & White, 2000; Te Puni Kōkiri, 2001). The involvement of family and whānau¹² in efforts to address offending, for instance, has been identified as important for young Māori (Te Puni Kōkiri, 2001) and culturally responsive efforts that provide support for Māori cultural needs have been prioritised (see Maxwell & Marsh, 2010). Developing cultural capital as a way to promote desistance, therefore, does have some support in existing systems. However, while the development of cultural capital may be beneficial, it is likely that this will be when it forms part of a wider change. Development of cultural knowledge is most effective when aided by practical support around issues of education and employment (Singh & White, 2000; Te Puni Kōkiri,

¹⁰ ‘Youth groups’ is used here in a broad sense to describe groups working with young people particularly those who may be described as ‘at risk’ of offending.

¹¹ Mihaere (2007) identified a consistent assertion that Māori adult offenders have a compromised Māori cultural identity, and that due to this cultural deficit they are more likely to offend.

¹² Māori term for extended family

2001). This again confirms the need for holistic approaches that can build capacity for desistance in various ways.

This notion emphasises that a myopic focus on aspects of human capital, prioritised in programmes that provide work skills or new cognitive thinking, will not be enough to sustain long term desistance. Building self-discipline, a key feature of the recently introduced Fresh Start military activity camps, for example, may be of limited use without a network of relationships linking the individual to the community and employment (Brown & Ross, 2010). Efforts to sustain long term change are likely to be bolstered by the presence of both positive social and cultural capital.

Gender

The influence of gender has been overlooked in many studies of desistance from crime and thus little is known about female offending patterns over time (Giordano et al., 2002; Runggay, 2004). Crime committed by women has often been considered secondary to the importance of male offending due to the smaller number of female offenders who appear in official statistics (Cunneen & White, 2007). Despite this, the moralising powers of patriarchal society have been identified in the history of youth justice as responses to young women have been influenced by expectations of behaviour deemed to be appropriate for females (Gelsthorpe & Sharpe, 2006). This was particularly the case for young women entering the youth justice system under the guise of welfare for status offences, often related to sexual conduct. As well as the fact that women tend to offend less than men, it has also been noted that those who do offend tend to start later, and desist sooner (Gelsthorpe & Sharpe, 2006).

Studies that have considered gender and desistance suggest a number of similarities between the desistance processes of men and women. Giordano et al. (2002:1052) found considerable overlap not only in the backgrounds of male and female offenders but also in the language used to describe their desistance and their discussion of “hooks for change” including family support and employment. In contrast Graham and Bowling (1995) recognised differences in female desistance noting that young women were more likely to stop offending abruptly after leaving home and school and after forming stable relationships. Adding a further dimension, in a Dutch longitudinal study

Block et al. (2010) discovered interesting patterns in female offending over the life course including the prevalence of adult onset offending for women.

This latter study is particularly interesting since it has been widely shown that women tend to stop offending earlier than their male counterparts (Gelsthorpe & Sharpe, 2006). Rumgay (2004) also explores the different desistance experiences for men and women and theorised that women's desistance relies on the claiming of an alternative and socially approved identity. It is suggested that the identity of 'mother', for example, provides a "script" by which a pro-social lifestyle is enacted, thus aiding the desistance process (Rumgay, 2004:405). Existing research on desistance across the gender divide therefore reveals some variance between men and women. Nonetheless, one of the dangers of looking for differing factors between male and female crime and desistance is that gender based explanations can become accepted for female offending while male offending is not constructed in these terms. As Gelsthorpe and Sharpe (2006:54) point out,

most theories regarding girls' pathways into crime have revolved around the sexual/psychological and pathological, rather than the structural and social. It remains a serious omission that, in spite of all that we know about the short length of girls' criminal careers, their early desistance and the youthful phenomenon of both male and female crime, explanatory accounts of female youth offending continue to focus on gender-based explanations of their behaviour, whilst boys' behaviour is more commonly conceived in terms of age, or youthful immaturity.

While existing knowledge of gender and desistance confirms that multiple influences are at work, greater development of research in this area is required. Not only are female explanations uncertain, and sometimes stereotypical, but the issue of masculinities in desistance has attracted little attention (Gadd & Farrall, 2004). Further development of research that accounts for both of these issues is likely to improve what is known about desistance processes.

Conclusion

The process of desistance from crime is a complex mix of social, structural and individual factors. Key aspects of the existing literature have been identified above including changes in peer groups, employment, and personal relationships. The possible turning points that such factors represent are not experienced in isolation, but operate against a backdrop of increasing maturity and changing perceptions. Thus, there is a need to invest in strategies that focus on both the individual and the context in which they live.

A key observation to come from the desistance literature is that the majority of desistance experiences take place away from the criminal justice system and that the move away from crime is often reliant on the move *towards* something else (Farrall & Calverley, 2006). Whether it is employment, a relationship, or a personal re-evaluation, it is most often the case that individuals find meaning and purpose elsewhere in their lives (Maruna et al., 2004). Being able to access structural opportunities such as employment, however, depends on both the individual and crucially the options they have open to them. Social capital can provide an important element that mediates between individual agency and structural influences. The following chapter highlights the wider social issues of unemployment and poverty in New Zealand. It is vital to conceptualise desistance within this context if young people are to be encouraged to stop offending. This is an area in which existing desistance literature is lacking, as it has been argued that social and political solutions are less frequently addressed. Instead the emphasis tends to be on the individual needing to change (Soothill et al., 2009).

Desistance research is somewhat disconnected from youth justice in that it often focuses on adult experiences that become important and available as young people grow up. The role of youth groups, education, and families of origin in the desistance process is therefore rather lacking. Barry (2006:98) notes that the focus on turning points common to desistance studies leaves a large gap in explanations since many young offenders do not have access to opportunities such as stable employment yet the majority stop offending. The broad approach of this study, that allows young people to identify significant aspects of the desistance process and the interaction of these influences, is further explored in the findings chapter.

Chapter Three:

Youth Offending in New Zealand

For many years, the behaviour of young people, particularly behaviour considered deviant, has been a source of great intrigue for adult populations (Pearson, 1983; Brown, 2005). Young people have at times been perceived to be lacking in self regulation to such an extent that they are deemed “ungovernable” (Kelly, 2000:303). Geoffrey Pearson’s *Hooligan* (1983) illustrates many historical examples of fears associated with youth and criminal behaviour. The clearest conclusion drawn from this cultural analysis was that “successive generations have understood juvenile crime as an entirely unprecedented phenomenon which reflects the breakdown of tradition” (Pearson, 1994:1165). Young people, then, are continually viewed as a “barometer of social ills” (Sharland, 2006:249).

New Zealand has not been immune to such longstanding anxieties associated with young offenders (Gregory, 1975; Lynch, 2007). It is the aim of this chapter to consider a number of key viewpoints on youth crime, outlining the history of concern in New Zealand and noting how the political and social changes over the past 30 years contextualise reactions to youth crime. Analysis of the historical construction of youth crime establishes that the ‘problems’ associated with young people’s behaviour have a long history in New Zealand. The changing response from the criminal justice system is then evaluated before attention turns to the current state of youth offending. Having established the long term representation of young people as a threatening and dangerous group, this chapter establishes the background to the dramatic change in New Zealand’s youth justice policy. Despite increased efforts to divert young people away from the justice system and the use of restorative justice practices, the central issues of structural marginalisation for a core of offenders remain problematic. Herein lies the critical issue with strategies around contemporary youth offending. Individualised responses that emphasise personal responsibility and risk management fail to acknowledge the connections between structure and agency. In many accounts of how young people stop offending it is clear that the process of change depends both on their response to the difficulties they face, as well as the nature of the difficulties themselves (Flynn, 2010).

Historical Overview

The behaviour of young people in New Zealand has been seen as problematic to varying degrees since the mid-nineteenth century. From this time, the unruly and sometimes illegal behaviour of young men dubbed 'street Arabs' and 'larrikins' generated significant public concern (Gregory, 1975). Young people were seen to be challenging the sanctity of institutions such as the family and the church as they wandered the streets in gangs harassing 'respectable' citizens (Gregory, 1975; Dalley, 1998). The need for special provisions for children and young people identified as 'troublesome', or 'in need of care', was also noted at the time when the responsibility to provide services for such young people fell to private organisations such as churches before the state assumed responsibility in this area (Gregory, 1975). Early efforts to deal with young offenders formed the basis of a long history of residential based interventions. The emphasis on detaining young people continued to grow until pressure mounted during the 1980s, bringing an end to the institutionalisation of thousands of young people (Dalley, 1998).

In the decade following World War II, public interest in the activities of unruly young people was heightened after a number of incidents prompted the government to inquire into moral delinquency. Revelations from the Hutt Valley near Wellington shocked the nation and prompted a report from a *Special Committee on Moral Delinquency in Children and Adolescents* (the Mazengarb Report, 1954). The investigation was initiated after a case in the Lower Hutt Magistrate's Court drew attention to the promiscuous behaviour of a number of young people in the area. The case followed a fifteen year old girl who reported her involvement in what she described as a "Milk Bar Gang" which met "mostly for sex purposes" (Mazengarb et al., 1954:11). According to the prosecuting officers, "a shocking degree of immoral conduct which spread into sexual orgies perpetrated in private homes..." had been uncovered in police investigations (Mazengarb et al., 1954:7).

The story from the Hutt Valley was connected to other incidents around the country including the case of two Christchurch girls aged sixteen and fifteen who were accused of murder. This case stimulated a range of fears when the girls were described in the Mazengarb Report as "abnormally homosexual in behaviour" (Mazengarb et al., 1954:7). The following year, youth delinquency was again highlighted when two

murders took place in teenage ‘hang-outs’ in Auckland (Yska, 1993). The media coverage of these events focused on the behaviour of ‘bodgies’ and ‘widgies’, working class young men and women who shocked the establishment with both their dress and their behaviour (Yska, 1993).

The suggestions put forward to explain the causes of delinquency by the Mazengarb Report (1954) revealed concern around dangerous influences on young people. Paperback crime stories, insufficient film censorship, suggestive love songs, and press advertisements featuring sex, horror and crime were all thought to be important (Mazengarb Report, 1954). Schooling, community influences, the home environment, and the need for family and religion were also highlighted (ibid). Recommendations centred on many of these areas, combining to become what might today be described as a holistic approach to issues of delinquency and morality. Nearly 300,000 copies of the report were then distributed by the Social Security Department to all households that received family or orphan’s benefits (Dalley, 1998).

The events of the Hutt Valley also illustrated the power of the media to influence what might have otherwise been viewed as an isolated incident. For New Zealand, this heralded a changing view of youth and crime as further examples of youthful misbehaviour including the drunken brawls, ‘mob like’ and promiscuous behaviour associated with the Hastings Blossom Festival¹³ in 1960 became front page news (Yska, 1993). As stories of indecent behaviour and crime were increasingly publicised, the drive to address the issue became more pressing.

Furthermore, this sense of decline in the behaviour of young people continued to be propagated by those tasked to deal with youth crime. When the NZ Police made a submission to the 1986 Ministerial Committee of Inquiry into Violence, the “youth of today” were highlighted under the section “other major problems facing society” (New Zealand Police, 1986:56). It was then noted that offenders were getting younger, increasing in number, and becoming more violent. The fact that the majority of offenders under the age of 14 received little in the way of punishment or a “jolt” was also deemed problematic (ibid).

¹³Disturbances broke out after wet weather led thousands of people into bars in the town. The Fire Brigade eventually used high pressure hoses to disperse crowds of an estimated 5,000 people on the streets.

This sense of youth crime being ‘out of control’ has remained a common feature of media and political discourse. While the restructure of the youth justice system in 1989 has been deemed a success by many youth justice researchers and practitioners, being hailed as “world leading” (Becroft, 2009b:2), the restorative nature of the system has attracted criticism from sections of the media. Family Group Conferences, for example, have been identified as a ‘soft’ option for young offenders. As opined in the *Dominion Post*, “At present, all that can happen is a smack with a wet bus ticket at a family group conference...” (Underclass of Young Crims, 2002, cited in Wright, 2010:107).

The idea that the current system is not working is commonly expressed in the wake of unusual or particularly violent offending. Although this offending might be relatively isolated, similar incidents around the country have often been linked resulting in headlines such as “Backlash as youth crime escalates” (Howe, 2010), and “Young offenders worry town’s police” (Stevens, 2010). The reaction to a number of killings involving young people, including that of a 12 year old accused of murder¹⁴, in the early 2000s was particularly strong (Wright, 2010). As well as the media, lobby groups such as the Sensible Sentencing Trust (SST) have also taken an interest in youth offending. The spokesperson for the SST, Garth McVicar, places the blame for youth crime on the inefficient and ‘soft’ justice system, “I blame my generation who have allowed the youth justice system to become so liberal and so politically correct that we have removed all consequences for the offenders” (McVicar cited in Howe, 2010).

Once again, the Family Group Conference was targeted as representing this ‘soft’ approach, “the family group conference system was sold as world class... I think it’s the biggest disaster to ever happen to our justice system” (ibid). Further building on the idea that the government and youth justice system are ‘out of touch’ with the voting public, the SST recently commissioned an online poll to determine whether New Zealand should introduce a ‘three-strike’ youth justice system. The 87 percent ‘yes’ vote (13,080 votes) was heralded as evidence that “[the] National [government] got elected with a very clear mandate to get tough on crime but like most governments it appears they have forgotten their voters and are prepared to break their promise” (Sensible Sentencing Trust, 2011).

¹⁴ Two of the six responsible for Michael Choy’s murder were convicted of murder while the youngest of the group, aged 12 at the time, was convicted of manslaughter and sentenced to seven years (Wright, 2010).

Together with the media and political lobby groups, politicians have also expressed similar views on youth crime. In the run up to the general election in 2008, Leader of the Opposition and now Prime Minister, John Key, cited youth crime as a sign of malaise, a demonstration of the ‘political correctness’ said to have infected the country under the rule of the Labour Party. Key outlined the plans of his conservative National Party and discussed youth crime in terms of ‘us’ and ‘them’, dangerous young offenders and the rest of society: “I am extremely worried about the youth crime problem, with senseless violence and killings *seemingly* occurring on a daily basis. Good, law-abiding Kiwis end up paying the price” (Key, 2008, emphasis added). In this same speech Key stated that the problem is linked to the drift toward “social and economic separatism”, which cannot be denied as “its fruits... are *seen daily in the media*” (Key, 2008, emphasis added). Overlooking any selective reporting bias, media coverage of crimes committed by young people was seen here to offer ‘proof’ of the importance of the issue.

Despite this acknowledgment of social problems, the National Party’s proposed, and subsequently implemented, policies to address the issue were largely individualised. Introduced ‘Fresh Start’ programmes did note the general aim to address underlying causes of offending¹⁵, including issues of education and employment, but also revealed the “aim to instil discipline” with “up to three months training, at for example, an army facility” (Key, 2008). This option appeared to have much in common with the Corrective training sentences first introduced for young offenders in 1981. The use of this sentence involving military style discipline and physical activities gradually declined before it was abolished in 2002¹⁶. As well as such camps, National introduced longer sentences for young people and extended the Youth Court’s jurisdiction to deal with some 12 and 13 year old offenders. The context of these reforms was portrayed as one of imminent need to address the issue, “the violence perpetrated by young criminals is escalating, and we simply must act” (Key, 2008).

A recent review of the Fresh Start initiative confirmed the focus on ‘risks’ posed by young people and the need to “reinforce self-discipline, personal responsibility and

¹⁵ This aim is commonly stated in the Fresh Start literature, although specific issues such as poverty tend to be overlooked.

¹⁶ This followed a report revealing that correctional trainees had a reconviction rate of 92 percent, the highest of any sentence (Department of Corrections, 1997 cited in Becroft, 2009b).

community values” (Ministry of Social Development, 2011:5). The military-style activity camps outlined above are described as a “last chance” opportunity for young offenders (ibid, 7). As noted in Chapter Two, however, desistance is often a process that takes time and is gradual. The effects of such ‘final warning’, and ‘up-tariffing’ where continued offending results in more severe penalties, therefore, fail to account for the ongoing nature of desistance, a point that is explored in the next chapter on the youth justice system¹⁷.

This overview demonstrates the dichotomous nature of the youth crime debate in New Zealand. On the one side, the popular press, lobby groups and political rhetoric indicate that youth crime is increasingly out of control and requires tough action. On the other, youth justice practitioners and researchers applaud the forward thinking approach to youth crime that has made New Zealand a ‘world leader’. The NZ Police briefing to the incoming minister in 2008 confirmed the disparity between the perceived problems of youth crime and the statistical reality. It was highlighted that while “there is a public perception that youth violence and offending is generally increasing... the apprehension rate is *decreasing*” (New Zealand Police, 2008:2, emphasis in original). Moreover, despite the emphasis on cases involving violence, the current outlook of youth crime continues to demonstrate that property crimes account for the greatest number of apprehensions of young people standing at 61 percent in 2008 (Ministry of Justice, 2010).

The conflicting discourses surrounding youth crime pose complications for the desistance of young offenders. If young people are considered to be out of control, and somehow mocking the existing justice system, individualised approaches that serve to ‘instil discipline’ and emphasise personal responsibility remain attractive to politicians and voters alike (Cunneen & White, 2007). In such an environment, attempts to address both the structural and individual influences on offending and desistance are likely to be seen as insufficient in the ‘time of need’. Aspects of the criminal justice system that might be used to address the issue, such as imprisonment, can actually damage social institutions including family and work that do most to aid desistance (Farrall &

¹⁷The extension of provisions for the Youth Court to impose lengthier supervision with residence orders has also led to an increase in the number beds in youth justice residences. The total number of youth justice beds will rise 34 percent from 116 to 156 by 2013 (Ministry of Social Development, 2011).

Calverley, 2006). Furthermore, the development of a 'tough on crime' discourse can mean that interventions with minimal stigmatisation, although effective in reducing offending, become politically untenable (McAra & McVie, 2010).

The Structural Contexts of Youth Offending

Having detailed some of the historical representations of youth crime in New Zealand, the following section evaluates the current face of youth offending and the justice system. After determining what is deemed 'problematic' behaviour, the identity of young offenders in terms of class, gender, and ethnicity is examined. Young offenders in New Zealand often experience marginalisation and significant problems relating to family, school and community. Structural relations of power, associated with gender, race and ethnicity, indicate that without providing meaningful opportunities for these young people, desistance strategies may remain unsuccessful (Barry, 2007; McNeill & Weaver, 2010).

Problematic Behaviour

The type of offending young people engage in deserves careful consideration. While often unsuccessful and petty, offending by young people attracts a disproportionate amount of attention from the police, the criminal justice system, and the media (Coppock, 1997; Barry, 2006). White and Cunneen (2006) also argue that filters present in the criminal justice system screen people on the basis of gender, cultural background, and employment. This results in a situation in which those who are most disadvantaged and structurally vulnerable attract the greatest attention at all points of the system. Indeed the prevalence of young people in certain statistics might be complicated by the fact that crimes associated with young people are the same ones that are most often reported and policed (Omaji, 2003). Young people aged 14 to 16 have the highest police apprehension rate for property offences at 964 per 10,000 population, for example, compared to 119 per 10,000 for those aged 31 to 50 (Ministry of Justice, 2010). Certain groups of young people are also subject to greater scrutiny on the basis of police strategies. The NZ Police strategic plan emphasises Pacific youth gangs, for instance, as an issue of significant concern (New Zealand Police, 2010b).

Any discussion on youth offending must also be contextualised by the fact that the majority of young people are unlikely to come to the attention of the police or the

justice system. It is estimated that 75 percent of young people in New Zealand will never offend (McLaren, 2000). This is a point frequently overlooked in the media focus on youth offending. The lack of attention to the law abiding nature of most young people at one point, prompted the Principal Youth Court Judge to issue a press release disputing this misleading picture (Becroft, 2002a). The popular belief that youth offending was out of control, he argued, did not match the experiences of those working with young people.

Social Class

White and Cunneen (2006:17) argue that “class has rarely been more relevant to social analysis and to any consideration of youth justice in particular”, yet it is conspicuously absent from most discussions of desistance from crime. The following section outlines social change in New Zealand before considering the current position of unemployment and disadvantage faced by young people. It is argued that the failure to acknowledge issues of disadvantage in approaches to youth crime conceals social inequality that can hinder desistance.

The story of New Zealand’s financial restructure illustrates how the changing economic climate has influenced the context of youth crime today. Social welfare was firmly cemented in the years following the Great Depression by provisions to provide “universal security” for New Zealand’s citizens in 1938 (Social Security Department, 1938:5). This was to form the foundation for an increasing emphasis on welfarism that was maintained through wage and price controls, overseas borrowing and bureaucratic regulation (Pratt & Clark, 2005). This elaborate involvement of the state became less sustainable during the early 1980s, however, as the nation’s debt levels soared, the population stagnated, and many young people left the country (Bartlett, 2009; Pratt & Clark, 2005). In 1984 when a Labour government was elected, it was the policies of the Minister of Finance, Roger Douglas, that rapidly changed the way the country operated (Pratt & Clark, 2005). Following the political shift to the right in Great Britain under Margaret Thatcher, and in the United States under Ronald Reagan, the so called ‘Rogernomics’ mirrored the philosophy of the new right. New Zealand swiftly changed from one of the most protected, regulated and state-dominated systems to an extreme example of a free-market economy (Nagel, 1998). The restructuring that followed included floating the New Zealand dollar, removal of subsidies to New Zealand

manufacturers and exporters, considerable tax reform, and the sale of state assets (Kiro, 2000).

A sharp rise in childhood poverty rates at this time coincided with the rapid rise of income inequality in New Zealand¹⁸ (Children's Commissioner, 2010; Perry, 2010). The income inequality that followed the move to economic liberalisation was further compounded by reductions in welfare benefits in relation to waged income, as welfare benefits were cut by up to ten per cent in 1991 (Johnson, 2003). The relative poverty and hardship associated with these reforms and consequent inequalities have been associated with high levels of childhood accidents¹⁹, teen pregnancy, domestic violence and low levels of participation in education (Wilkinson & Pickett, 2007). Relative disadvantage for young people remains a significant problem as average family incomes remain low by OECD standards while child poverty rates are high (OECD, 2009). Those most likely to be affected by poverty are children and young people from ethnic minority backgrounds. In 2009 for example, one in six Pākehā²⁰ children and one in four Pacific children lived in poor households, while the rate for Māori was one in three, twice that of their Pākehā counterparts (Perry, 2010).

Disadvantaged young people are also likely to be geographically marginalised in certain suburbs of larger urban centres. Wynd and Johnson (2008:98) describe a picture of "children and teenagers, especially Māori and Pasifika children, increasingly living in overcrowded, low-income households which are becoming more confined to a small number of suburbs". The reality of social and physical isolation, along with the limited community support associated with deprived areas, is critical to the understanding of youth offending and desistance (Farrall, 2004) as place is one of the most significant factors to influence the life paths of offenders (Flynn, 2010). The opportunities for those willing to desist from crime in this environment are likely to be greatly influenced by the social structure that harbours disadvantage and inequality for a group of its citizens. It has been noted that neighbourhoods with low levels of community attachment and low perceptions of trust and safety can result in diminished social

¹⁸ Income inequality rose more in New Zealand than in any of the 24 other OECD countries for which there is comparable data (Children's Commissioner, 2010).

¹⁹ An investigation of childhood mortality in New Zealand also indicated an increase in relative child mortality differences by income between 1981-84 and 1996-99 (Shaw et al., 2005).

²⁰ Māori term for people of European descent

capital and poor outcomes for children who grow up in such environments (Taylor, 2004). Moreover, the places where people live and spend time communicates an element of “who they are and what they do” (Farrall & Calverley, 2006:188). Issues of place and community, therefore, form a crucial and, often overlooked aspect of the youth crime debate.

From the 1980s onwards, public attitudes towards crime and criminals also began to change (Bartlett, 2009). At a time when government support in the form of welfare provisions was rapidly decreasing, views toward crime started to become significant in terms of elections. Reflecting the Anglophone world, law and order politics became more common as governments began to see the value of ‘siding’ against those who were seen to be problematic in society (Pratt, 2007). The emergence of populist penal policies in New Zealand has been attributed to concern “to restore a disintegrating social and moral cohesion” rather than as a direct response to crime (Pratt, 2007:37).

As unemployment (and underemployment) increased - 10.5 percent by 1991, up from 6.8 percent just five years earlier (Statistics New Zealand, 1998), deprivation became an issue for a greater number of the population. Among those worst affected by unemployment were young people, particularly Māori and Pacific peoples (Kiro, 2000). The structure of work in New Zealand has changed as part of a greater integration into the world economy. Opportunities have continued to shift from primary production to processing and services while at the same time eroding the concept of a “job for life” (Department of Labour, 2010:9). This has also meant that there are groups of New Zealanders who are now unable to engage in this changing labour market (Department of Labour, 2010). Young people account for a high number of this group as the overall unemployment rate for those aged between 15 and 24 currently stands at 18.8 percent (Department of Labour, 2011). These realities are differentially experienced as the figures for Māori and Pacific Island youth stand at 28.8 percent and 26.7 percent respectively (ibid). It has been noted in many studies of desistance that young people aspire to conventional life and mainstream goals (Barry, 2007; Farrall et al., 2010). This high unemployment rate means that, for some young people, any access to conventional life is made more difficult. How people earn a living can also influence how they are regarded by others and by themselves (Shover, 1996), and have an impact on the mindset of potential desisters.

Young people from socially deprived areas face a raft of structural constraints. Yet, in an economy subject to growing inequality and restructuring (Department of Labour, 2010) where youth unemployment rates are high, the focus remains on getting individuals into paid work (Wynd & Johnson, 2008). This type of focus on personal agency rather than social structure also extends to criminal justice, where young offenders are required to ‘improve themselves’ while taking responsibility for their actions. Efforts that focus on the agency of the individual, however, neglect the role of social structure in offending and desistance. On the most basic level, for employment to be a catalyst for desistance, jobs must be available. This paradox is not only evident in official policy, but also in a great deal of desistance literature. While structural correlates (or causes) are associated with the onset of offending, no such “political solutions” are offered in desistance literature which tends to focus on individual agency (Barry, 2007:187).

Failing to consider these social issues limits the chances for young offenders to desist from crime by emphasising the role of the individual without acknowledging the importance of structural factors in the desistance process. Instead, they are expected to either “cope” with their situation, or face the penalties of state intervention (White & Cunneen, 2006:22). For the young people in these situations, it is not unusual for blame to be placed on the immediate environment and the people in it, rather than wider society (Hall et al., 2008). While social class is often neglected in accounts of youth crime and desistance, it is important to understand the problems facing those attempting to desist from crime in a reality of high unemployment and relative deprivation.

Gender

Youth crime, like adult crime, is subject to a gender imbalance with males comprising between 75–80 percent of police apprehensions while the number of male appearances in the Youth, District and High Courts is 4.1 times greater than those of females (Ministry of Justice, 2010). However, the overall rates of youth crime have been in decline. Statistics relating to the apprehension of young people and children in New Zealand indicate that while overall apprehension rates have trended downwards since 1995, this decline has been slower for females (Ministry of Justice, 2010). The result is that females currently make up a greater portion of all apprehensions despite the fact that their actual rate of offending has declined. Nevertheless, contemporary media

accounts prioritise young women and girls as ‘out of control’ with headlines proclaiming, “Female violent crime on the rise” (Lynch, 2009) and “Girl gang terror appals city judge” (Ferguson, 2010)²¹.

While particular types of female youth crime such as violence tend to attract greater attention than the offending of young men, the general picture in New Zealand remains one in which young male offenders are responsible for the majority of crimes committed. Although the claim that men commit most acts of physical violence is “possibly the nearest that criminology has come to producing an indisputable fact” (Hall, 2002:36), the exact influence of masculinity in youth crime remains unclear. Displays of “craziness”, often unprovoked or disproportionate violence, in the behaviour of young men has been identified as a means of proving masculinity where legitimate options are limited (Reich, 2010:227). Yet, masculinity remains an area in need of greater attention and has been described as an “invisible social relation, uncommented and unproblematised” (Cunneen & White, 2007:220). Nevertheless, data on youth crime confirm that young offenders in New Zealand are somewhat of a known entity in terms of gender. This once again suggests the need for greater knowledge of desistance pathways for young men. Learning more about how and why young people stop offending is crucial in order to limit the number of people entering the adult prison system which currently stands at 199 per 100,000 population (Department of Corrections, 2011).

Ethnicity

Young people from indigenous and ethnic minority groups are overrepresented in crime statistics not only in New Zealand, but also in Australia, Canada, the United States and the United Kingdom (Omaji, 2003). Ethnicity is, therefore, a critical component in the study of youth crime in New Zealand. It is widely acknowledged that young people of Māori and Pacific Island descent have higher rates of officially recorded offending than young people of Pākehā descent²² (Fergusson et al., 1993). At the time of the census conducted in 2006, Māori formed around 15 percent of the New Zealand population and represented a youthful population with 35 per cent aged under 15 (Statistics New

²¹ In this case it was noted that the judge likened the rise in young women behaving violently to what young men did ten years ago (Ferguson, 2010).

²² Māori are also over-represented as victims of crime (Department of Corrections, 2007)

Zealand, 2007). The youthful nature of the Māori population is significant in light of the age-crime curve, both for the study of Māori youth offending and for desistance from crime. In some areas of the country, such as Kaikohe in the Northland Region, around 90 percent of those appearing in Youth Court are Māori (Becroft, 2009a), a fact that influences both individual lives and cultural assumptions around criminality and ethnicity.

Police apprehension rates for Māori youths are three times those of Pacific and Pākehā youths, while the apprehension rate for Māori children aged 10-13 is five times that of Pacific and Pākehā children (Ministry of Justice, 2010). The number of Māori youths who appeared in the Youth, District, or High Court in 2008 was 1.6 times greater than the number of Pākehā and 4.9 times greater than the number of Pacific youths (Ministry of Justice, 2010). Attempts to make sense of such trends have been ongoing since the 1970s (Duncan, 1972; Jackson, 1987).

Some have explained this difference to be the result of racial bias in the way offending is measured using official police statistics (see Fergusson et al., 1993) due to the justice system's roots in a cultural foundation of colonisation (Jackson, 1987). Duncan (1972) identified the outcomes of a culture in which Māori have become associated with crime. He described a cycle whereby slightly higher rates of offending attract adverse media publicity which reinforces negative stereotypes among the public and the police. When the police then focus their efforts on this 'problematic' group more crime is detected and the cycle continues.

There is little doubt that as well as issues of cultural bias in the reporting, recording and policing of crime, Māori still represent a group coming to terms with the legacy of colonisation while also being subject to "adverse early-life disadvantage" due to their socio-economic status (Department of Corrections, 2007:7). The impact of colonisation led to the loss of land during the nineteenth century, as well as increased policing of Māori (Bull, 2004). Furthermore, the theory that a compromised Māori identity is closely linked to high rates of Māori offending has also influenced criminal justice policy in New Zealand (see Mihaere, 2007). It is the interaction of these features that have been most challenging to all those attempting to unravel the issue of Māori offending.

The significance of these factors for the study of desistance is found in many areas. A youthful population has an impact on those who are likely to come to the attention of the police and courts (Cunneen & White, 2007), but the way in which they are treated after entering the criminal justice system is also crucial. In their Christchurch based investigation of ethnicity and bias in police contact Fergusson et al., (1993:204) found that while self reported or parentally reported offending was higher among Māori and Pacific Island children, the difference was significantly less than the difference observed in police contact statistics (1.7 times more likely to offend than Pākehā children as opposed to 2.9 times the rate of offending observed in police statistics). Since early exposure to adversarial contact with police may actually increase, rather than reduce, levels of offending (McAra & McVie, 2005), desistance may be more difficult for Māori and Pacific Island youths. The debate around ethnicity and criminality is complex and ongoing, but the continuing over-representation of Māori in criminal justice systems²³ signifies the importance of learning how the desistance of Māori rangatahi²⁴ takes place.

Risk Factors

The previous sections have contextualised the structure in which youth crime occurs. Specific issues of class, gender and ethnicity demonstrate the complexities associated with youth crime as well as their implications for desistance. Despite the existing knowledge that desistance is influenced by these social and structural factors, official reactions to youth crime have in recent years been influenced by the concept of ‘risk’ on an individual basis. The following section provides a brief overview of how this individualised focus conflicts with a holistic approach to desistance.

The belief that the best way to address issues of youth crime is through the identification of ‘risk factors’ in the lives of young people has become increasingly common in Anglophone nations (see Muncie, 2007). It is largely driven by the idea that identification of risks allows for accurate targeting of programmes to those most likely to offend, thus enabling timely interventions before an individual commits more crime (Farrington, 2000). The basis for identifying the risks associated with young people is

²³Māori remain vastly over-represented within prison populations (at over 50 percent currently) (Department of Corrections, 2007).

²⁴ Rangatahi is the Māori term for youth and young people.

closely linked to the investigation of criminal careers and is informed by longitudinal studies, such as New Zealand's Christchurch Health and Development Study and Dunedin's Multidisciplinary Health and Development Study. The influence of risk factors, or what Farrington (2000:1) describes as the "risk factor prevention paradigm", on the study of young people and crime has been highly influential. Indeed Kemshall (2007) notes that the identification of young people 'at risk' has generated an industry of both academic study and policies of intervention programmes.

The adaptation of the 'at risk' discourse has become common in New Zealand policies and practice aimed at crime prevention in the field of youth justice (Duncan, 2004). In a Ministry of Youth Affairs report on youth offending, McLaren (2000) analysed existing literature on risk factors and compiled an extensive list of individual, family, school/work, peer related and community and neighbourhood factors. The list included vague risks such as "poor use of free time" through to more clearly defined risks such as "not having school qualifications" (McLaren, 2000:34-35). This example is illustrative of the difficulties associated with such risk identification. As Farrington (2000:7) has noted, determining which risk factors are causes of offending and which are "merely markers or correlated with causes" is a major problem facing the paradigm. How this range of diverse factors is transformed into workable strategies aimed at intervention to stop offending is likely to be dictated by the will of policy makers and governments.

When compared to other, more individualised factors such as "being a problem child at home and school" (McLaren, 2000:34), it becomes clear that some risks may attract more attention than others. Reliance on risk predictions is likely to be politically attractive, since they allow the control and regulation of those deemed to be 'at risk' of offending without requiring a change to the social and economic conditions of those they seek to regulate (Silver & Miller, 2002). The nature of young offenders in New Zealand outlined above, however, illustrates the need to go beyond individual level interventions. Without addressing the underlying issues of poverty, hardship, discrimination or educational underachievement present in the lives of so many young offenders, the effect on youth crime will be limited. As Rumgay (2004:411) points out, "stresses associated with poverty, residence in disadvantaged, possibly dangerous neighbourhoods, parenthood and problematic personal relationships, are unlikely to disappear merely because the offender has committed herself to a pro-social identity".

The capacity of young people to stop offending in an environment of structural constraint is, therefore, reduced (Bracken et al., 2009).

Identifying risk factors can also further separate offenders from non-offenders and “problematise” their behaviour (Kelly, 2000:302). Despite this, approaches that utilise very early intervention retain some support. A New Zealand government commissioned Taskforce investigating youth transitions, for example, proclaimed that measures of self-control “beginning at age 3 years, can help us predict physical health, personal finances and criminal offending three decades later” (Gluckman, 2011:9).

As Pitts (2001:82) has noted, however, the risk factor paradigm is based on the premise that “delinquents” are possessed of “literally thousands of factors” that distinguish them from non-offenders. So many in fact, that they are likely to over-predict the likelihood of criminal activity (Pitts, 2001). Since many young people deemed to be ‘at risk’ never enter the criminal justice system, the theory of protective factors is used to explain such anomalies (Brown, 2005). Far from being a direct scientific measurement leading to the prediction of crime, the risk factor paradigm may actually reveal the priorities of those who classify the risk rather than the behaviour of young people themselves while stigmatising, marginalising and criminalising young people deemed to be ‘at risk’ (Case, 2006). This is not to suggest that we should attempt to ‘wave away crime’ (Brown, 2005), but rather it is to note that the way in which the youth crime problem is constructed can have an impact on both the way it is perceived and the opportunities for young people to forge pathways out of crime.

Conclusion

This chapter has provided a context to youth crime in New Zealand. It has illustrated the threatening discourse surrounding youth offending whereby politicians, the media and political lobby groups portray youth crime as spiralling out of control. Frequently ignored within this discourse however, are significant concerns around issues of poverty, class, gender and ethnicity affecting young people in New Zealand. Common misrepresentations of young people and crime tend to work against the principles underpinning desistance which include building social relationships, having valued employment and fostering social inclusion.

As highlighted in the previous chapter, the desistance process often requires opportunities or relationships to help guide young people away from crime *towards* something else. The chance to operationalise strategies that provide such opportunities in a climate of fear and hostility around risky young offenders is difficult to comprehend. It is argued, therefore, that if desistance is to be encouraged, youth crime must first be contextualised and depoliticised. Attempts to do so by members of the judiciary were noted above, and establishing the facts of youth crime rather than focusing on rare ‘headline’ violent cases are likely to improve the opportunities for desistance. Working to further reduce the inequalities that affect many young people who enter the youth justice system is also likely to improve the chances of individual desistance as well as reduce overall levels of offending. Overall, this requires a multifaceted approach that goes beyond concepts of individual ‘risk’ to address the wider influences of offending and desistance. The following chapter further develops these ideas by assessing the current options utilised in New Zealand’s youth justice system from the perspective of desistance from crime.

Chapter Four:

Criminal Justice Responses to Youth Crime

The role of criminal justice interventions in the desistance process is somewhat under developed (National Research Council, 2007). The principles of desistance that have been outlined in the preceding chapters indicate a range of common themes such as the significance of long term support, social capital, and relationships with people and communities. In light of these findings, this short chapter outlines the current responses to youth crime in New Zealand and considers their capacity to enhance or delay desistance.

In the wake of significant political and social concern that young people were too readily criminalised and institutionalised, New Zealand introduced the Children, Young Persons, and their Families Act (CYPFA) in 1989. The guiding principles of this act emphasise that criminal proceedings should only be used if there is no other way to deal with the matter, while also stating that criminal proceedings should not be commenced solely for welfare purposes (Maxwell et al., 2004). It also aims to ensure that young people are “held accountable, and encouraged to accept responsibility for their behaviour” (CYPFA, 1989).

The changes that followed the introduction of the 1989 Act radically altered the shape of youth justice in New Zealand. Initially, the number of young people held in residential facilities fell dramatically and a greater emphasis was placed on diverting young people away from the justice system. The recent spike in prosecutions of young people, however, forms the backdrop to what has been described as the “contra-flow” of youth justice policy in New Zealand (Lynch, 2010:130). Changes made in the Children Young Persons and their Families (Youth Court Jurisdiction and Orders) Amendment Act 2010 also indicate the possibility of increasing alignment with the youth justice policies of other Western nations²⁵. In the United Kingdom, for example, regimes of surveillance and control and a focus on personal ‘risk’ have become dominant (Smith, 2011). As detailed in the previous chapter, these aspects can be identified in New Zealand’s Fresh Start reforms which have extended supervision and

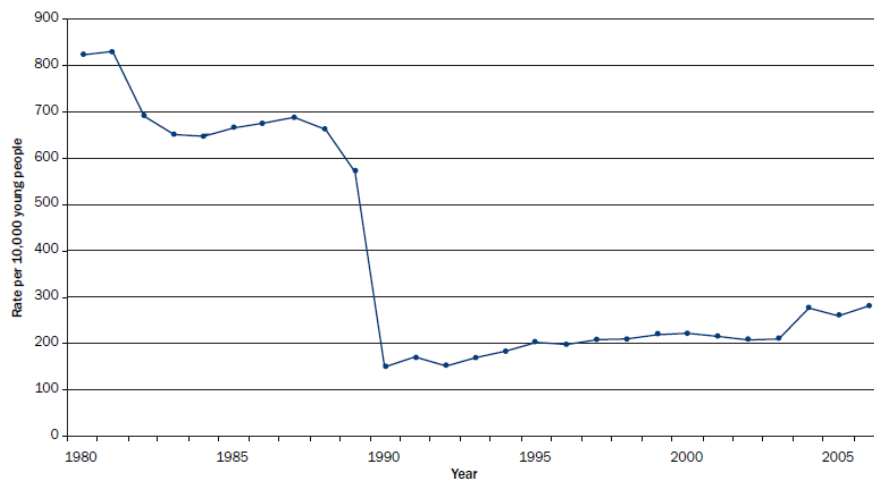
²⁵ The provision to prosecute children aged 12 and 13 introduced in the Children Young Persons and their Families Act (Youth Court Jurisdiction and Orders) Amendment Act 2010 signalled the first possibility for the prosecution of children for anything other than homicide since 1974 (Lynch, 2010).

electronic monitoring of young offenders (Ministry of Social Development, 2011). New Zealand's high rate of diversion and limited custodial measures for young people could be threatened by such moves and ultimately prove to be detrimental to desistance. The following discussion outlines the current shape New Zealand's youth justice system and considers its relevance for desistance.

Youth Court

As part of this significant shift in law, the New Zealand Youth Court was created in 1989. It operates as a branch of the District Court to deal with young offenders aged 14-17, with the exception of children aged 10-13 charged with murder or manslaughter. The influence of the CYPFA 1989 led to only the most serious young offenders appearing before the Youth Court (Maxwell et al., 2004). When cases are heard in the Youth Court a number of outcomes are possible²⁶. In line with the principle of using alternatives to criminal proceedings whenever practicable, the number of youths both appearing in Youth Court and subsequently being sentenced to custody has dropped significantly following the introduction of this 1989 Act (as illustrated in Figure Two).

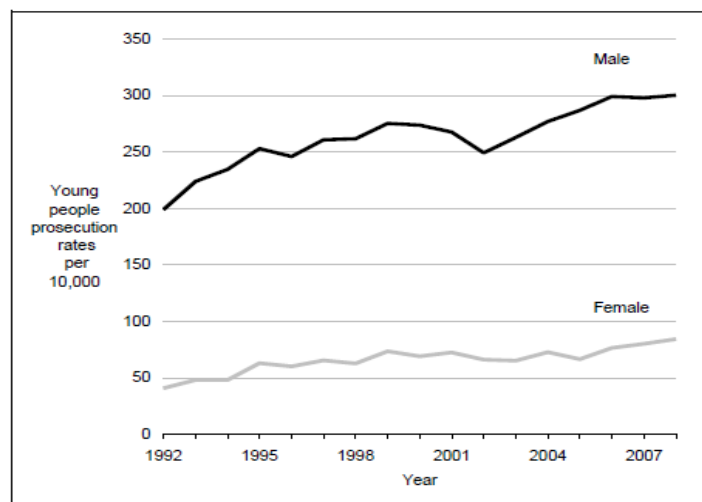
Figure Two: Rate per 10,000 population of 14-16 year-olds, of cases appearing in the Youth Court 1980-2006 (Becroft, 2009a:10)



²⁶ These range from the most serious option of transfer to the District Court where young people may be sentenced to imprisonment, through to supervision with residence, supervision with activity, community work, supervision, fine, reparation, restitution or forfeiture, to come up if called upon within 12 months, admonition, discharge from proceedings and police withdrawal of the information (CYPFA, 1989 s.283).

Since the initial drop in the early 1990s, the number of appearances in the Youth Court has however, been trending upwards. The increasing number of referrals to the Youth Court was noted by Maxwell and colleagues (2004) in their investigation of the youth justice system and is illustrated in Figure Three. Here it can be seen that the number of male and female offenders prosecuted in the Youth, District and High Courts has risen since 1992. In the case of 14 year olds, the rate of prosecution more than doubled between 1992 and 2008 (Ministry of Justice, 2010).

Figure Three: *Young people's prosecution rates per 10,000 population for all offences except non-imprisonable traffic offences, by sex, 1992-2008* (Ministry of Justice, 2010:71).



While the New Zealand Youth Court remains a key component of the restructured youth justice system, the trend toward its increasing use presents an area of concern, particularly in reference to desistance from crime. The growing disparity between the principles of reducing the likelihood of experiencing a formal court appearance and the increasing number of young people appearing in court is perhaps an indication of the competing interests surrounding youth justice. Bradley, and colleagues (2006:91) describe this as “what you see depends on where you stand” in reference to the divergent construction of youth crime. On one hand, politicians and citizen based lobby groups portray youth crime as out of control and unhindered by what they describe as a failing youth justice system. While on the other hand, the coalition of youth justice workers, researchers and policy analysts tends to highlight the successful and

diversionary nature of the youth justice system (ibid). Despite the increase in Your Court appearances, many young people do not reach this stage of the process and instead are diverted from the system.

Diversion

A clear intention of the 1989 Act was to divert the majority of young offenders away from the formal youth justice system. Section 208 (a) states that “unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter” (CYPFA, 1989). The idea that young people should be dealt with outside of a formal court environment is relatively widespread and a feature of many youth justice systems (Cunneen & White, 2007). This has been reinforced by United Nations guidelines, conventions, and rules around the sentencing of young offenders²⁷.

Since diversion from court procedures can occur at different times and has a number of meanings it is important to shed some light on how this can occur in New Zealand. As outlined in Section 209 of the CYPFA 1989, police officers must consider issuing a warning to a young person unless this would be “clearly inappropriate” when the nature of the offence and the individual’s previous offending history is considered. In its simplest form this can mean a verbal warning on the spot. If the incident is more serious, however, the young person can be referred to the Youth Aid section of the police who will decide whether to issue a formal written warning or arrange to formally divert the young person away from the system which may include an apology to the victim, donations to charity or community work²⁸ (Bradley et al., 2006).

Diversion from greater involvement in the criminal justice system has therefore become an important aspect of the New Zealand youth justice environment. Based upon international principles, it takes into account both the present age as well as the future life prospects of young persons who have committed an offence. This approach of maximising diversion from the criminal justice system is supported by the observation that young people can find themselves recycled in the system (McAra & McVie, 2010),

²⁷ In particular, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, also known as the Beijing Rules supports the concept of diversionary measures.

²⁸ For a full description of New Zealand Police diversionary actions see Maxwell et al. (2002: 60-73).

and that criminal justice policies and practices can “slow desistance down” (Weaver & McNeill, 2007:1).

Of course, the extent to which diversion directs young people towards something that encourages desistance, rather than simply keeping them away from the justice system remains questionable. In terms of motivating desistance it may not be enough to simply divert some young offenders without further support. While this strategy may be effective for those who offend only briefly, for repeat offenders greater emphasis on ways to motivate and support ongoing desistance will become increasingly necessary. If this does not happen, diversion may simply act as a failed effort en route to more serious sanctions.

Police Youth Aid

The origins of the NZ Police specialist Youth Aid section can be traced to Christchurch in 1957 when a pilot project called the Juvenile Crime Prevention Section was established. Initially this consisted of just two police officers and placed an emphasis on the welfare of children when dealing with issues of delinquency. This later developed into a nationwide operation and was renamed the Youth Aid Section in 1968 (Rusbatch, 1974). There are currently around 220 dedicated Youth Aid officers stationed throughout the country who work with young offenders and those deemed to be at risk of offending (Becroft, 2009a). This section of the NZ Police works to balance somewhat differing objectives. Following the principles of the 1989 Act, they aim to use criminal proceedings as a last resort (Lynch, 2007), while also holding young offenders accountable for their actions (New Zealand Police, 2010a). This is not an impossible task, but the way in which young offenders are dealt with may be influenced by the acknowledged drive by NZ Police to follow the long term government priority to “hold young offenders to account and prevent re-offending” (New Zealand Police, 2010b:4). Data revealing the outcomes for young people who came into contact with police Youth Aid indicate how these differing interests are affecting the shape of youth justice.

Youth Court data indicate that, while the number of appearances at Youth Court has dropped considerably since the implementation of the 1989 Act, there is an increasing trend towards use of the Court (Maxwell et al., 2004). Data analysis in the 2004 youth justice review indicated that, contrary to claims that these increases in Youth Court

referrals simply reflected changes in youth offending, cases involving serious offending had not significantly increased (Maxwell et al., 2004). Furthermore, a large number of Youth Court cases were resolved through Family Group Conferences (FGCs) without court orders indicating that police could have opted to refer these cases directly to FGCs negating the need for the young person to be involved in a court process. Such evaluations suggest that, while Youth Aid is a valuable resource, it is important to consider that policing and government can impact upon the way in which they operate.

In a similar way to diversion, the Police Youth Aid system appears to offer a useful way to deal with young offenders in accordance to the principles of desistance. The priorities of the NZ Police and the way in which they operate this system, however, is not necessarily conducive to fostering pathways out of crime. The increase in referrals to the Youth Court, for example, exposes young people to greater contact with the justice system than is perhaps warranted and could also recycle known groups of young people through the system and increase suspicion of them (McAra & McVie, 2010). Contact with this formal system might not only decrease the chances of desistance, but also increase further offending (Petrosino et al., 2010). Ensuring that desistance is a priority in the delivery of this service is therefore essential.

Family Group Conferences (FGCs)

The most radical development to come out of the 1989 legislation was the move toward a model of restorative justice (Maxwell et al., 2004). The Act was somewhat ahead of its time in this regard as although the principles upon which it was based were restorative in nature, there are no direct references to restorative justice in the Act itself (Bradley et al., 2006). Moreover, the concept of restorative justice in criminology was not fully developed until the early 1990s (Lynch, 2007). Nevertheless, the restorative nature of youth justice has been described as a “lynchpin” of New Zealand’s youth justice system (Bradley et al., 2006:89) and has been adopted in other nations around the world including England and Wales (Lynch, 2007).

In order to determine how young people who commit criminal offences should be dealt with, FGCs are held to consider cases where criminal proceedings are contemplated (non-arrest cases) or brought (arrest cases) (Maxwell et al., 2004). Approximately half of all Family Group Conferences are used as a way to avoid prosecution when a young person is not arrested but is referred to a FGC after Youth Aid officers have consulted

youth justice coordinators (Bradley et al., 2006). Here, it is the objective of the FGC process for the parties involved to formulate a 'plan' for the young person to complete. Such plans typically include an apology to the victim, some form of reparation, community work, and participation in relevant programmes or drug/alcohol counselling if this is deemed necessary (Bradley et al., 2006). Alternatively, when a young person appears in Youth Court and does not deny the charges against them the court adjourns in order for a FGC to be held. The recommendations that come from the FGC in the form of the plan for the young person are then considered by the Court which determines whether the contents of the plan are a suitable sanction. In around 95% of cases, this is accepted (Bradley et al., 2006).

It has been suggested that some of the inspiration for the 1989 Act came from growing calls to introduce cultural sensitivity to the youth justice arena, and that as a result the FGC process reflects some elements of Māori dispute resolution (Lynch, 2007). Rather than focusing exclusively on the individual, FGCs *aim* to involve all of the parties concerned, including the young person's family along with the victim, instead of having an exclusive objective of punishing the individual. This has been likened to traditional Māori culture where the role of whānau is integral to the raising and disciplining of children (Maxwell & Morris, 2006). The focus on repairing harm done, aims to both restore community balance and reintegrate offenders. Desistance is also likely to be encouraged as the opportunity to engage with others may open a path to greater social inclusion (Farrall, et al., 2010) by addressing both individual agency and the wider family structure. Nevertheless, the system remains one firmly based on modern Western justice with only some concession to indigenous forms of justice (Tauri, 1999). This is compounded by the fact that although the 1989 Act offers a large degree of flexibility regarding where a FGC can take place, most FGCs still take place at Child, Youth and Family premises rather than on marae²⁹ or more familiar surroundings (Maxwell et al., 2004).

Further to this, while the whānau and wider community are somewhat embraced in the FGC, the decision making remains in the hands of state officials who retain control over the outcome of the proceedings (Lynch, 2007). The Act has thus been critiqued by those who argue that the utilisation of certain aspects of Māori culture is tokenistic and does

²⁹ Māori meeting place.

not go far enough in giving Māori control to deal with young Māori offending (Tauri, 1999). It has also been noted that even if Māori culture is embodied in the FGC process, there are many other ethnic groups for whom this may hold little value. Even for Māori, who comprise an increasingly diverse population, the cultural stereotypes embodied in FGCs may not meet the needs of the individual (Maxwell et al., 2004).

Cultural issues aside, the aim of reintegrating the offender into the community is also complicated by two significant factors. First, reintegration assumes at least some level of integration prior to involvement in the FGC. However, many young people may not have felt, or been, particularly 'integrated' before their offending (Raynor, 2001). To assume otherwise overlooks the positions from which some young offenders come, and also invites greater scrutiny of what community integration really means. The second issue concerns how willing a 'community' is to accept such reintegration. If the community is not interested in being involved in this effort, or objects to it due to the nature of the offending, or perceptions of the offender, it is difficult to see how this reintegration can be achieved. This further demonstrates the links between the social structure and the individual in desistance. Even for young people who are willing to make amends, a lack of social capital to link them to the community may prevent them from doing so.

While there are a number of criticisms of the Family Group Conference system and some questions over its restorative nature, it remains one of the keys to youth justice in New Zealand and is viewed by many of its advocates, including the nation's Principal Youth Court Judge³⁰, as the most appropriate way to deal with many young offenders. Despite the criticisms directed to the current system, it does offer options to limit the negative effects of the formal justice system on young people who are briefly involved in minor offending. In terms of promoting desistance from crime, however, the generally brief nature of the conference fails to engage young people in long term relationships associated with successful desistance. While the principles are laudable, the reality of community engagement remains reliant on victims and members of the community being willing and able to become involved. As noted in Chapter Two, this is important because informal social control that offers people a stake in society is likely to improve desistance (Laub & Sampson, 2003).

³⁰ Judge Andrew Becroft has spoken of the "magic" of the Family Group Conference system (Becroft, 2002b:2).

Family Group Conferences, therefore, have the potential to provide this community engagement, yet this may not be possible due to the pragmatic features of the justice system including efficiency and managerialism. As Maxwell and Morris (2006) note, while restorative in many aspects, FGCs have been less successful in enhancing the wellbeing of young people and ensuring that they have the skills to reintegrate into society. Without this kind of long term attachment and relevancy to young people, Family Group Conferences may prove to have limited influence in the desistance process.

Community Based Programmes

One of the main objectives of the CYPFA (1989) was to keep young people in the community (Maxwell & Morris, 2006). Community based programmes for young offenders are, therefore, an important source of support and guidance for young offenders. Entry into such programmes can be voluntary, or a recommendation from a Family Group Conference Plan (Child Youth and Family, 2010). In an evaluation of ‘youth at risk of offending’ programmes undertaken by the NZ Police, community programmes were found to be the most effective and beneficial for the young people involved (New Zealand Police, 2002). The positive benefits of relationships within the community have also been noted within the desistance literature (Rumgay, 2004). Higher levels of community involvement, for example, have been noted among successful desisters (Healy, 2010).

While measures of effectiveness of programmes may vary, those promoting desistance strive to “enable young people to find a place in society where they can gain employment, find friends, feel supported and build a future” (Maxwell & Marsh, 2010:27). Child, Youth and Family community programmes in the Fresh Start initiative focus on personal development including, “pro social attitudes, values and behaviours” while teaching young people to “make informed choices” and “accept responsibility for managing their actions and behaviour” (Child, Youth and Family, 2010:9). To be worthwhile, however, such personal development requires an accepting environment. “It is not enough to build *capacities* for change where change depends on *opportunities* to exercise capacities” (McNeill, 2006:50, emphasis in original). Thus, while human capital, in the form of employment skills, can be relatively easy to develop, success

remains dependent on social and economic circumstances outside of the control of both individuals and community groups (Farrall, 2004).

The success of such programmes, therefore, relies to some extent on the cooperation of the community involved. Where the community is unforgiving or unwilling to integrate young offenders, the capacity of programmes is likely to be limited. While desisters must in some way accept conventional society, society must in turn accept them (Maruna, 2001). This once again confirms the complex interaction of agency and structure in desistance from crime. Although young people may be ready to *reintegrate* (or simply integrate) into the community, if employment, relationships and opportunities are limited, desistance is adversely affected (Brown & Ross, 2010). Additionally, since community factors such as extreme poverty, unemployment and community disorganisation are often associated with the onset of offending in young people (see McLaren, 2001), it is somewhat surprising these same communities are expected to offer young people support in their desistance. The Fresh Start initiatives include an emphasis on local communities allowing them to “develop their own solutions to youth offending, with their understanding of the particular underlying causes of offending in their own communities” (Ministry of Social Development, 2011:6). The viability of some communities to do so successfully while dealing with the adversity noted in the previous chapter must be questioned.

Notwithstanding these challenges, community programmes form an important part of the desistance process for a number of young people. As an alternative to options that remove young people from their familiar (and familial) surroundings, involvement in local programmes, particularly for those whose offending career may be limited in length, can limit disruption to schooling and avoid affirming their deviance to others (Mulvey et al., 2004). Such programmes, if they are run well by staff whom young people can identify with (Singh & White, 2000), are likely to provide some of the support necessary for desistance (this is further developed in Chapter Six).

Conclusion

This chapter has outlined the contemporary responses to young offenders in New Zealand. Young people have been represented as a key social problem for many years, yet the youth justice system has embraced a model of reduced formal intervention. The change in philosophy enacted in the CYPFA (1989) was dramatic, and has been

successfully used to divert a large proportion of young offenders away from the formal justice system.

In many ways the youth justice system has been shown to be beneficial to the desistance process, yet the increasing focus on formal arrest, and prosecution described as part of the “contra-flow” of youth justice (Lynch, 2010:130) presents an issue of concern. Those who are affected by this change may come from the most marginalised and disadvantaged groups, whose offending and desistance are closely linked to their social position. In addition, in a justice system that prioritises efficiency and enforcement, opportunities for desistance may not be best placed. As noted by Maxwell and Morris (2006), the needs of many young people relating to interpersonal relationships, pro-social opportunities and education and training remain unmet by the FGC process. Continuing to focus on the individual without addressing these issues thus limits the ability of Family Group Conferences to promote long term desistance.

Overall, the New Zealand youth justice system has been shown to be increasingly bifurcated as restorative practices are supported by more serious sanctions. In light of the discourses surrounding youth crime presented in the previous chapter, it is important for the existing restorative and diversionary practices to be strengthened with a focus on desistance to limit the justification for more punitive youth justice options. Rather than viewing the current system as ‘soft’, it should be built upon to encourage and support desistance for young people. It is not enough to simply limit punitive interventions. If desistance is to be encouraged further, there must be an emphasis on pushing young people *towards* positive initiatives that increase their social and cultural capital while also fostering wider community involvement.

Chapter Five:

Research Theory and Practice

Research Methodology

Debate surrounding the best way to investigate how young people stop offending hinges on the difficulty of establishing exactly when this occurs. How is one to know that participants have truly put their involvement in crime behind them? As discussed in earlier chapters, it may be impossible to conclude that an individual will *never* offend again until they have died (Maruna, 2001). In spite of this, much can be learned from the first hand experiences of young people who identify themselves as no longer involved in crime. Clifford Shaw (1966) recognised the value present in the stories of young offenders when studying delinquent boys in Chicago during the 1920s. Shaw (1966:3) noted that individual's own stories revealed information in three key areas: (i) the point of view of the delinquent; (ii) the social and cultural situation to which the delinquent is responsive; and, (iii) the sequence of past experiences and situations in the life of the delinquent. He also argued that it was not necessary to assume that people will provide a completely accurate or truthful account, but that it is important to learn from the interpretations of the individual.

An interpretive approach emphasises the need to focus on social action, in this case desistance from crime, with a purpose. To learn from the experiences of people in everyday life, an empathetic understanding or *Verstehen* is required (Weber, 1981). The desistance process relies on many variable factors including age, structural, and social factors, but it is not only about objective transformations. Desistance is also shaped by subjective changes (Gadd & Farrall, 2004). It is the “internally experienced sense of reality” (Neuman, 2006:89), including shifts in identity, that reveal the personal nature of this process. Listening to young people can improve the understanding of the social structures and processes that shape their actions (France & Homel, 2007), as well as the role of their personal agency in the process.

Adopting this approach has allowed researchers to explore why the trajectory through which “the antisocial child tends to become the antisocial teenager and then the antisocial adult...” is not inevitable (Farrington, 2002:658). Attempting to understand

the “partial vantage points” from which people make decisions (Presser, 2009:183) helps to reconcile the fact that while antisocial behaviour in children is a good predictor of antisocial behaviour in adulthood, most antisocial children do not become antisocial adults (Robins, 1978; Gove, 1985). Existing research that sheds light on this paradox has tended to fall within one of two camps: those that emphasise external factors (in the work of Sampson and Laub (1993)³¹, ‘turning-points’ relating to work or marriage are central to desistance) and those that emphasise internal agency or ‘cognitive transformations’ in desistance from crime (Giordano et al., 2002). This apparent theoretical dichotomy reflects the sociological tension of the “structure-agency debate” (Bottoms et al. 2004:372). Farrall and Bowling (1999:261) note that this has led to the portrayal of desisters as either “super-agents”, characterised by personal control, or “super-dupes” reacting to social forces with little personal input. Stephen and Squires (2003:161) echo this sentiment and conclude that “we must simply listen to what young people themselves have to say when making sense of their own lives”.

The need to bridge the gap between structural and individual explanations has been described as “the most urgent task confronting a social science that wishes to be politically relevant in the new millennium” (Pitts, 2001:118). In an effort to overcome this gap, Farrall and Bowling (1999) propose the application of structuration theory developed by Anthony Giddens (1984) to the issue of desistance. Giddens (1984) argues that it is a mistake to conceptualise agents and structures as completely separate. Instead, he suggests that both the agent and structure interact and therefore do not exist independently from one another. Giddens (1984:281) sees all people as “knowledgeable agents” who are able to describe what they do and why they do it. However, he notes that this knowledge is bounded by unacknowledged conditions/unintended consequences of that action and is geared to describing day-to-day conduct. The rather obvious point that comes from this is that while people do make choices and are able to explain them, these choices are not made with full knowledge of social structures in mind. Individual ‘choice’ should therefore be recognised as taking place within a particular context (France & Homel 2007). As Bottoms et al. (2004:375) put it, “agency may be real, but it is also constrained, in explanatory terms, by lack of self-awareness and lack of full contextual awareness”. Approaching desistance from this perspective

³¹In their more recent work, Laub and Sampson (2003:41) do acknowledge the “interactive nature of human agency and life events” and the need to contextualise concepts of agency and informal social control.

promotes consideration of cultural influence on identity as well as the will and ability to change.

Developing this concept further, the influence of local cultures on the way that people view and justify their actions enables greater understanding of desistance. Pierre Bourdieu (1977) explained this relationship as the concept of *habitus*, which has been used to distinguish why some people engage in specific everyday practices while others do not (Flynn, 2010). This shows that an individual's ways of interpreting the world is influenced by his or her surrounding social structures. The significance in terms of desistance theory relates to the implication that people seek social capital according to their own influenced logic. Thus, as emphasised above, social capital can be constraining as well as beneficial to desistance. If young offenders find social capital in their immediate environments, it is not necessarily going to promote desistance and might instead affirm existing deviant beliefs and behaviours.

The concept of *habitus* has also been used in the analysis of desisters' stories by Bottoms et al. (2004) as part of the Sheffield Pathways Out Of Crime Study. In the pilot interviews for the study, it was discovered that assumptions about gender roles and masculinity influenced the actions of those interviewed. This influence centred on conceptions of male friendship and accepted behaviour within these groups. This further suggests that the world view that is normalised and routine can influence how people see their situation and how they act within that situation. Of course, even those facing the same structural constraints, such as poverty and unemployment, and living within the same rules of *habitus*, may react differently. Since crime is not an inevitable consequence of these structural constraints, an appreciation of individual narratives is needed to make sense of the desistance process (Barry, 2006).

It has been established that agency and structure interact in the desistance process which is affected by the importance of local cultural norms. In an effort to understand why people see the world as they do, and how they choose to act or not act, both structuration theory and the theory of *habitus* underline the need to listen to the stories of young people, and to look both within and beyond their narratives to make sense of the desistance process. This is because they are predicated on a realist epistemology that acknowledges the existence of realities (in this case, structural factors such as unemployment) that exist independently of an individual even though the individual can

only approach these realities in a “theory-laden manner”, interpreting them differently as they exercise personal agency (Bottoms, 2008:77).

It is for these reasons that an interpretive approach is most appropriate for this study. Not only did this influence the research methods employed, but also the general approach to the issue of why young people stop offending. The research of this thesis aims to investigate the issues seen as most prevalent to desistance for a small number of New Zealand offenders. Instead of portraying these young people as passive victims of structural inequalities in society, or as actors rationally navigating around these imbalances, the objective is to hear *real* stories about desistance firsthand from the young people themselves.

Methods

The methods employed in this research aimed to hear the opinions of young desisters as well as those who work most closely with them. In a world where young people, particularly those who have been involved in crime, experience marginalisation, it was important to give a ‘voice’ to their experiences (Heath et al., 2009), as well as to those who work with them. As a primary method, semi-structured interviews were chosen as the best way to obtain the detailed and subjective information associated with the process of desistance. In total, ten interviews were undertaken – six with young desisters and four with youth workers. Interview question prompts (illustrated in Appendix I and II) were developed using existing research and were used as an initial guide for the interviewer to begin, and in some cases sustain, conversations with participants. As detailed below, there were significant issues with access to respondents including the need to locate young desisters aged 18 or over as well as establishing a strong relationship of trust with both the groups, and the participants.

A number of matters are particularly pertinent when considering the use of interviews with young desisters. Firstly, young people are likely to be familiar with being interviewed in circumstances they may not wish to repeat. Interviews may be associated with police, social workers and other social control agencies (Holt & Pamment, 2011). For this reason, the concept of a friendly interview may be quite different for a young person than it is for the social science researcher. This reinforced the need to spend time and build rapport with potential participants before interviewing them. It was also important to stress that the focus of the interviews would be on the change that people

had experienced and not on their past offending. If this came up during the interviews, it was once again reiterated that there was no need to share any details of past offending histories. In a number of cases, this did not deter the discussion of this in broad terms. The interviews were based on a basic range of questions allowing some consistency between interviews as well as providing room for respondents to direct the course of the interview.

The six interviews conducted with young desisters varied in length between 45 minutes and one hour and 45 minutes. This depended on the length of responses to the standard question structure and the extent to which conversation expanded from those questions. The four interviews with youth workers included one counsellor who conducts both individual and group counselling sessions. These interviews lasted between one and two hours each and were based on a similar question structure in an effort to gain another perspective on the desistance process. Youth workers were able to offer extra background information and context on the young people and they discussed their observations of desistance over the course of their careers. This aspect of the project was also important in establishing trust with the young people. The respect held by them for the youth workers and counsellor soon became obvious. Thus, establishing a relationship of trust was easier with the approval of the workers.

The interviews were recorded with a digital recorder after obtaining permission from the participants. These recordings were then transcribed verbatim and categorised into themes that were most commonly raised. While this process determines to some extent what is deemed most important by the researcher, and not the participants, the alternative of presenting unstructured data would limit the opportunity to present a meaningful interpretation and explanation (Barry, 2006). With this in mind, efforts were made to stay true to the respondents' identification of significant factors. Initial analysis was completed following the first interview when the content of the data was considered. Continuing to evaluate the data as more interviews were conducted was important to avoid the exclusive application of pre-conceived ideas and to remain grounded in the data (Charmaz, 2006). Key themes identified in this process then guided the nature of the conversation in subsequent interviews. A combination of theory, informed by extant research, and a grounded approach using the data already collected informed the interviews themselves and later analysis.

Together with the interviews, around 40 hours were spent with the young people observing and participating in formal group activities including counselling sessions, as well as generally ‘hanging out’. The young people involved with this group had received supervision sentences or had been identified as ‘at risk’ and referred to the group by their social workers. As well as building relationships this added an interesting dimension to the project. Group counselling sessions, for example, highlighted some of the difficulties for young people attempting to engage in change. While those interviewed identified themselves as desisters, the younger people involved in the observation group seemed to be immersed in the struggle between desistance and persistence. Witnessing this confirmed the complex nature of the desistance process as some young people expressed the will to change, yet struggled to imagine the reality of a crime free future. Alternatively, others remained ambivalent as crime and drugs were simply a reality of life that contained excitement and offered reward.

These observations also confirmed the difficulties facing some young offenders, for instance, the experiences of poverty discussed in group counselling sessions revealed the extent to which some young people are economically marginalised. It was noted, for example, that for some young people regular access to sufficient food had been absent in their childhood. This resulted in recent referrals to the group ‘smuggling’ available food in their socks as they were afraid that it may not continue to be readily available. Aspirations to find a place within conventional and affluent society remained a regular part of conversation, however, and are discussed further in the next chapter.

Accessing Participants

The difficulties in accessing young offenders are familiar to those wishing to conduct research with them (see Barry, 2007). Theoretically, given that desistance is a common occurrence (Farrall et al., 2010), the task of locating young desisters should be more straightforward. Gaining access to participants for this study, however, proved one of the most challenging aspects of the project. After initially identifying who would be eligible to participate, young people who had a history of offending and now saw themselves as having ended their involvement in crime, it was important to locate such individuals.

When the project was initially conceived, it was important to determine the appropriate age of participants. Rather than talking to those who might still be in the process of

desistance it was anticipated that those who identified as desisters and were over 18 would be best positioned to reflect on the process. After talking informally with a number of the people under 18 as the project progressed, it became clear that this was the correct decision since many were still actively engaged in offending behaviour. Although a longitudinal study was beyond the parameters of the current project, it is acknowledged that this kind of research would be well suited to assessing long term change in young offenders.

After identifying a number of local organisations that work with young offenders (and young people more generally), the objectives and scope of the research were outlined in plain terms. During the negotiation stage it soon became evident that particular phrases common in academic literature would cause confusion as well as distrust. ‘Desistance from crime’, for example, was the way in which the project had been academically described. This was quickly modified, however, for the sake of clarity to ‘staying out of trouble’. Participation in the research was voluntary and on the basis of informed consent. Efforts were made to stress that the interviews would be confidential and that the key was to hear young people’s personal stories of change. Each participant was presented with an information sheet further detailing the project before signing a consent form agreeing to participate. It was reiterated at this point that the interviews were confidential and that their names would be changed when the research was documented.

Contact was initially made via email, followed by phone calls to a number of groups. This process was initially very helpful, even when groups were unable to assist directly, as advice on the best way to approach others was freely given. In some cases these groups only had contact with young people who were still actively involved in the desistance process. The initial sweep of local groups therefore proved to be rather unsuccessful. While some initial interest was shown in the project, for those that appeared stretched in their work already, research requests represented an unmanageable burden on time and resources.

Attention then turned to the networks of others within the University in the hope that they may have been able to act as ‘gatekeepers’ to the ‘gatekeepers’. Contacts with wider networks were also forged during attendance at a national conference held by Prison Fellowship New Zealand. These efforts proved to be more successful with a

number of new groups identified and then contacted. Once initial contact was made, it was important to visit the groups in person and further explain the project. Time was then spent within the group structure learning about the group and those involved with it. This process was lengthy but became one of the most enjoyable aspects of the project as relationships were developed and, as time progressed, more people showed interest in the project and offered to assist where they could.

After numerous other attempts, contact with participants was eventually made through three different groups. The first (where the observations were conducted) was a community group that acts as a social service provider under contract to Child, Youth and Family, a government agency. This group provides a residential programme for 'at risk' youth which includes performing arts including Kapa Haka (Māori cultural performance), education, life and work skills and behavioural therapies. The second group began as a 'grass roots' community organisation and has since become a charitable trust focused on helping young people turn away from gang violence, alcohol and drugs. As well as directing young people to available social services, the group runs programmes allowing young people to participate in business courses. The third group involved in the project was part of a major faith based organisation. Focusing on programmes for young people ranging from outdoor camps to church services, this group also operates residential facilities. Young people are referred to these homes by the Police, Courts and Child, Youth and Family.

At the outset of the research, it was anticipated that approximately 12 young people would be interviewed along with a small number of youth workers to complement the sample. The latter were included in order to learn another perspective on the desistance process from those who had, in many cases, walked the path with a number of young people. The difficulties experienced finding suitably aged participants, however, meant that interviews were actually conducted with six young people and four youth workers. It was also anticipated from the outset that the majority of those interviewed would be male. The fact that one of the programmes involved works exclusively with young men meant that only one of the six young interviewees was female. Greater gender balance would have added an interesting dimension to the project, although the small size of the sample dictated to some extent the focus of the research. The ethnicity of those interviewed reflected the overall makeup of young offenders detailed above and included Pākehā, Māori and Pacific people. The offending histories of the young people

also varied considerably. At the least serious end, offences were limited in number and property related while others had engaged in a variety of offending including armed robbery and assault. This range is consistent with the diversity commonly found in criminal careers (Piquero et al., 2007). Participants were all from working class backgrounds and live in areas dominated by state (government) housing.

Introducing the Participants

Young people:

Troy is 19 years old and grew up in a medium sized North Island city. He identifies strongly with his Māori heritage and described growing up as part of a good family before he “chose to sort of dwell in crime” after being attracted to the excitement it offered. Following a number of years of low level offending and gang involvement, he faced the prospect of a lengthy prison sentence after committing a serious assault. He was instead referred to a programme for youth at risk and has since ended his involvement in crime.

Scott is 19 years old and lives in a large North Island city. He describes himself as a New Zealander and first went to court aged 16 after committing burglary. An incident at age 18, involving an air rifle, which triggered a police armed offenders squad response, was his last offence.

Lance is 18 years old and comes from a Pacific Island background. He lives in a large North Island city and first got into serious trouble aged 13. This was followed by a charge of grievous bodily harm at 15 and stints in rehabilitation centres for drug use. Finding a buzz from spending time with friends who “don’t even do drugs”, Lance is now committed not to reoffend.

Aiden is 18 years old and comes from a Pacific Island background. Living in a large North Island city, Aiden spent much of his childhood in state care and first got into trouble at school. This was followed by shoplifting, gang involvement and armed robbery. He then became involved in a community organisation at the request of the court and has since stayed out of trouble.

Liam is 18 years old, a Pākehā who spent most of his childhood living overseas before moving to a large North Island city two years ago. His most serious offence occurred after breaking into his uncle's beach house and hosting a party there. When neighbours noticed people at the property, the police were called. This led to an arrest and involvement in the justice system, an experience that represented an end to his involvement in crime.

Jade is a 19 year old with Māori heritage who was born and raised in a large North Island city. After being charged for assault at 14, Jade was subject to a much derided curfew and then became involved with a local community organisation. It was here that she was able to identify with others who were also trying to stop offending.

Youth workers:

From the outset of the project it was believed that those who worked with young people desisting from crime could offer another perspective on the topic. Thus, a number were approached for interviews. Nick and Justin both work as programme facilitators at a social service provider that caters for 'at risk' youth. Having a number of years of experience between them (including that of their own offending and desistance), they were happy to share their perspective on the issue of desistance based on their experiences. Rob also works with this group as a counsellor. Having worked in the adult prison system, he also draws on his own experiences of involvement in crime and imprisonment when working with young people. Finally, Alan works as part of a major faith based organisation which offers programmes for young offenders as well as emergency accommodation for young people.

Research Concerns

Research with young people raises a number of important issues. This study was informed by an awareness that research which deals with young (ex)offenders should remain cognisant of the fact that this group constitutes 'two marginalised and maligned groups in popular discourse: "young people" and "offenders"' (Holt & Pamment, 2011:125). The approach to this study was similar to many other youth research projects in that the motivation was based in part on a desire to challenge the way in which young people, and young offenders, are "popularly (mis)represented" (Heath et al., 2009:13). An inherent danger of such research, despite meaningful intentions, is that

by seeking to understand the lives of young people, researchers can further contribute to the notions of young people as either ‘troubled’ or ‘troubling’ (Griffin, 2001), particularly in the light of risk based language which often dominates policy approaches to ‘problem youth’. This has remained a significant concern throughout the research process, but it has also confirmed the need for this kind of research to explore young people’s experiences and to challenge the apparent inevitability of lengthy criminal careers for young offenders.

As with any ‘vulnerable’ population, conducting research with young people requires a reflection of the power relationship between the researcher and participants. While, in this case, all involved in the project were at least 18 years old, the issue of power dynamics in the interview situation remained. Approval of the University’s Social and Cultural Studies Human Ethics Committee was sought prior to the research commencing. Submission of the research plan to this group prompted consideration of ethical issues and how to mitigate them before interviewing commenced. When possible participants were identified, attempts were made to ensure that involvement with the project was voluntary. In addition to this, further care was taken when dealing with ‘gatekeepers’ in the form of groups working with young offenders. In these cases, after contact was made with the group, certain individuals were identified by the ‘gatekeepers’ as suitable for involvement. This led to a simplified process where those who were deemed to ‘fit the bill’ could be easily identified and approached. Inherent to this process was the presence of some filtering effects. The fact that it was decided by those involved with the young people that they were suitable for participation meant that perhaps only those deemed to have the best ‘success stories’ were selected. Due to the scale of the project, the sample was never likely to be truly representative of young desisters, but this nevertheless had some influence on the process.

Furthermore, this had implications for the power relationship since, in some cases, it was suggested to the participant (in the presence of the researcher) that they might like to participate in the project. The option to decline seemed rather limited as an unwillingness to cooperate may have caused problems between the participant and the gatekeeper. As a result, it was important to once again explain the project to the individual in private and confirm that their participation was not compulsory. All of the participants that were met in this way, however, were happy to be involved.

Awareness of the power differential between researcher and participant led to efforts to engage individuals on an equal level and express the need for their help rather than assuming their cooperation. I explained clearly what was requested of participants, to hear their story of change, and the ultimate aim of this, to learn more about how and why people stop offending. This was met with interest from those involved. Despite these efforts, as Pole and colleagues (1999) note, structural limitations such as age and personal status can limit the extent of equal participation in research with young people. After completion of the interview phase of the project for example, the task of interpreting the voices of the young people through a process of data analysis is one in which the participants' role is minimal. Although young people form the central focus of the study, their participation remains limited to the data collection stage.

Negotiating difference was another key component of the research process. Although familiarity with young people is present due to experience, participants are likely to be historically if not geographically, socially and culturally different to the researcher (Biklen, 2004). Thus, having once been young does not result in any special privileged insight of what it means to be young today (Heath et al., 2009). Those who were interviewed, both the young people and those who work with them, had divergent views and backgrounds, commonly quite different to that of the researcher. Research with groups such as these are not unusual and this outsider perspective can be advantageous but it also has a number of drawbacks (Heath et al., 2009). Research with young people in particular, demands engagement with a group which one has been part of but can no longer return to (Biklen, 2004). Identification with experiences of youth therefore, no matter how different to the researcher's own, can promote a sense of identification with the experience of adolescence. The problem associated with such identification is that of shaping the findings and exerting an influence during data collection as the result of personal past experiences.

The need to negotiate this difference became obvious during the time spent with the youth groups. Anticipating that those involved would have as many questions about me as I would them, I was as open as possible about my background and my studies. The overwhelming response was that of acceptance, although I remained viewed with suspicion by some. One of the more obvious examples of this occurred when we were discussing the process one might expect when appearing as a witness in court. A number of conflicting opinions were being voiced as to what might happen and it was

soon decided that the best course of action would be to assign roles to each person in the group and act out the likely scenario. When I was delegated the role of prosecutor, a voice from elsewhere in the group could be heard saying “Yeah that’d be about right. He looks like a prosecutor to me”. While this was met with laughter from the rest of the group, and myself, it did show the concern that I remained viewed as an outsider who would most likely fulfil a controlling or regulatory role in the criminal justice system. This served as a timely reminder that, as a researcher, I had an active role in the way I was viewed and judged. Despite attempts to ‘fit-in’ with the group I remained distinctive with an accent (British), manner (professional) and approach to others that held certain connotations for the young people. The relationship with participants was therefore guided by an aim to remain mindful of the differences between the experiences of the participants and those of myself as the researcher.

Chapter Six:

Research Findings

Discussed in this chapter are the most prominent themes to emerge from the observations and interviews with young desisters and youth workers. The stories of desistance that emerged were comprised of multiple elements, as each participant mapped their pathway out of crime. Descriptions of growing up, education, family, employment, relationships and youth groups reveal the significance of these sources of social capital to young people in the transition away from offending. These main themes are presented in detail along with the challenges associated with desistance. In all of the narrative accounts, the role of offending was replaced by something positive in the lives of these young people, demonstrating the interaction between the personal agency ‘push’, and the social relationships and structural conditions ‘pull’ that combine to enable change in the desistance process.

Growing Up: Reflections on Change

In line with previous studies, this research has illustrated that maturity or ‘growing up’, described by Gottfredson and Hirschi (1990:141) as the “inexorable ageing of the organism”, was influential in the desistance process. Respondents identified a change in perspective when comparing their current position to that of when they were offending.

I just see myself as a better person, yeah I reckon I’m real different (Scott).

Fuck, look where I was man, I was going to jail for fucking 14 years. Look where I am now (Troy).

Yet while these changes were identified with hindsight, ‘growing up’ was not often described as a primary motivation for desistance. When the term was used, it was closely linked to the sense of realisation as the young people looked at their offending in a different light.

...my teenage life was alcohol and drugs. I did anything for it, hit anyone up for it. Just did whatever I could to get it pretty much. Even if it meant snatching a bag off an old lady. I look at that now, like that’s wrong as, but back then I was only a kid and I didn’t think like that, I didn’t think the same

way as I'm thinking now... yeah sort of grown up, and I just don't need to do that anymore (Lance).

The change of attitude towards certain types of offending is clear, yet the process was also reliant on other influences or catalysts. Even though the idea of ageing causing desistance appears to find support in the 'age-crime curve', it does not account for the variables inherent in the process (Maruna, 1997). Rather than being a biological measure, maturity was also associated with an evaluation of the consequences of continued offending. As Lance identified,

...the consequence now is I'm on my last warning. If I do anything that breaks that, then I'm going inside.

The deterrent effect of further exposure to the criminal justice system evidently had an influence on the way in which Lance imagined his future. The literature on desistance has been criticised for not paying sufficient attention to the effects of criminal justice interventions (Farrall & Calverley, 2006), although in some cases, fear of imprisonment has been highlighted as one of the most important factors used to explain desistance (Barry, 2006). Shover (1996:139) also noted that as offenders age their perception of the risks associated with crime "loom larger". Lance was unusual among this sample as the only person to cite the significance of this threat of imprisonment. Remaining outside of the detention system whether through active choice, or luck, was probably beneficial to the desistance of all of the young people interviewed³².

Maturation for these young people did not offer a simple fix for their offending, but was described with hindsight as influential. The evidence here indicates that a reflection on offending and desistance was described as 'growing up', but this was influenced by other catalysts as illustrated above with imprisonment. The particular effects of these other factors will now be considered in greater detail.

³² More broadly, as detailed earlier, involvement in the formal youth justice system can actually have a negative influence on young people, increasing failure in school and the likelihood of unemployment (Laub & Sampson, 2003; Healy, 2010). McAra and McVie (2007) also found that the further young people penetrate the justice system the less likely they are to successfully desist from offending. This reemphasises the need to consider desistance among those who have not yet reached court or the penal system.

Education

Schools play a significant role in the socialisation of young people and as a result, they represent an important aspect of youth and indeed adult offending (Arum & Beattie, 1999). Investigation of the link between education and offending among adult offenders has shown that recidivism is reduced for those who have earned high school qualifications (Nuttall et al., 2003). Extant studies of education and youth offending have also found that attachment to (Sampson & Laub, 1993) and attendance at school (Blomberg et al., 2011) can reduce recidivism. Conversely, it has been estimated that around 80 percent of young people who appear in New Zealand's Youth Court are not engaged with the education system (Becroft, 2004). Further complicating the issue is the fact that spending time with delinquent peers at school can increase delinquency while positive relationships with teachers or other students can enhance desistance among young offenders (Sutherland, 2006). School experience was therefore discussed in some detail during the interviews, although it remains underdeveloped within the desistance literature³³.

While school proved to be enjoyable for Liam, for others, including Troy, the appeal of school was spending time with friends.

I really enjoyed going to school and stuff, didn't have a problem with it (Liam).

It was alright. Yeah, I mean, I wasn't going because I enjoyed it, I was there because I had to be sort of thing. But yeah, I just went to school for lunchtime pretty much eh, you know, to hang out with my mates, because people were my friends and that. Like school was never hard for me, it was always easy, so I would always sort of cruise through school. Academic-wise, I wasn't under-performing, I was always above my year when I was at school. Like I was doing fifth form work at fourth form and so on and so forth, yeah. So it was all real easy and I got kind of bored (Troy).

For Troy and others, school life ended early either through truancy or formal exclusion. Disengagement with school was common as illustrated below.

³³ Mulvey et al., (2010) recently identified the need for greater research into the role of schooling in the desistance processes.

Used to wag a lot at [name of school], I was probably one of the naughtiest in my form but it was just because I didn't like being... I couldn't be in classrooms all day I just couldn't do it. It's not my thing. I'm more of a hands on learner. I'd rather do it, not learn (Lance).

Didn't really go to school. Oh college I didn't make it, I kind of like punched a principal and that sort of thing...(Aiden).

Disengagement from education in this way is likely to influence the experience of growing up and raises questions as to how this can influence the desistance process. As Sullivan (2004:60) notes, "school involvement through the secondary level is a socially desirable and highly prevalent developmental path in the transition to adulthood". The effects of exclusion from school are likely to have a negative influence on the desistance process by reducing the prospects for employment qualifications and increasing unstructured time away from school supervision (Sutherland, 2006). Although it is simplistic to identify school exclusion as a predictor of offending (Kemshall et al., 2006), this study confirmed the existing links between exclusion and offending. It is equally as important to note that despite experiencing an abridged education these young people were still able to successfully stop offending.

As well as missing out on education and interaction with fellow pupils, those no longer engaged in school can also be affected by bad reputations. Lance found that his group of friends became limited due to his reputation in the local area. Although he had hoped to avoid smoking cannabis after receiving treatment in a rehabilitation centre, he felt limited by the friends he could spend time with.

I thought I'd stop smoking weed and when I came out of rehab... I didn't even last a week. I went back to all my old friends and they were still doing what they were doing when I left. Still doing crime, still smoking up, still drinking. I didn't know anyone else... I had other friends, but most of their parents wouldn't let them hang with me just because of the stories they heard about me (Lance).

Lance's experience confirms that those with criminal histories tend to be treated as "risky until proven innocent" especially by the wider community (Maruna et al., 2004:272). Developing friendships with non-offenders is unlikely to be straightforward,

but for those who wish to desist, association with existing peer groups can be the only option available.

School was also associated with counselling sessions that sought to help young people stop offending. Most of those interviewed were familiar with such efforts, but they spoke disparagingly of school counsellors.

It's almost like another stepping stone to jail. But it also gives the system an excuse to go, "Oh well, we put him through this, we put him through that, but he chose not to take in things", it just gives them another excuse to say, "Oh well, we tried". So it gives them something to fall back on eh? And school as well, it gives them an excuse to say, "Oh well, we did all we could". Other than that he chose to do it. "We put him through as much counselling as we could", mentoring, all that bullshit and at the end of the day when the school bell rings they go home, eh? They go home and you go home. So yeah, I mean I used to just crack up [laugh] at their tactics. I just used to crack up [laugh] at their fucking bullshit at the end of the day (Troy).

For Troy, the limited influence of school counsellors was attributed to their detachment from 'his world'. The relationship was viewed a hollow one, since school counsellors were perceived to be simply doing a job which extended only as far as the school gate. This again confirms that it is not just events or changes that matter per se, but it is about what they mean to individuals (McNeill, 2006). Studying offender experiences of probation, Rex (1999) also found that those wishing to stop offending had to feel sufficiently engaged and committed to the relationship and supervisory process to sustain long-lasting change. In contrast to the school experience, the counselling at the youth group observed for this thesis was somewhat different as the young people were cognisant of both the long term commitment of the counsellor, and his own past experiences of offending and time spent in prison.

For the young people in this environment, respect for the counsellor was based not only on his long experience of interaction with young offenders, but also on his own experiences to which they could relate. This lends support to McNeill's (2006) assertion that the substantial reconstruction of identity associated with desistance can appear risky and threatening to those who are not sure of sustained support. Despite this respect held for the counsellor, he was frequently challenged by the young people and he attributed this to a test of sincerity. It was also freely admitted by a number of the young people

that they would test any new staff members as a way to determine their commitment before placing any trust in them. Perhaps this reflects the many people who had come into the lives of these young people to ostensibly help or correct their behaviour, from social workers to teachers. Either way, it was important for them to be sure of an ongoing commitment rather than an obligation to their work.

Through acts of defiance, Lance posed problems for his teachers and school counsellor.

I didn't like people telling me what to do except for my parents... I'd talk to the counsellor and then she'd go out of the room and I'd be going through her bag. That's how bad it was, even the principal couldn't stop me. I'll be in her office and then she'll leave and I'll be searching her drawers and her cupboards and see whatever she's got that I can take just to piss them off and just go back to the boys and say, "bro check this out, stole this off the principal". So, you know, that's how bad I was... just couldn't keep my hands in my pockets, anything I saw that I wanted I'd take it no hesitation or nothing but then afterwards that's when I regret it. I think I told you about regretting what I did because they always came back to me every time something went missing in the school (Lance).

Although these thefts were initially regarded as an achievement to be respected by friends, regret soon followed and Lance became part of a cycle in which he felt he was always under suspicion. Such experiences at school can influence the choices young people make in light of expectations others have of them (Smith, 2011). Desistance from crime can be made more difficult in such circumstances where certain behaviours are assumed to be normal for particular young people. Leaving school with no qualifications or through exclusion is not unusual among young offenders and has been identified as a serious barrier to becoming a "mainstream member of civil society" (Farrall et al., 2010:548). These findings indicate that effects of maintaining active relationships with school is an area of desistance research that is worthy of further development.

Family

Historically, there has been a long term focus on the relationship between poor parenting and delinquent children (Smith, 2011)³⁴, although the role of family and parents in particular has not been prominent in existing desistance literature (Bottoms & Shapland, 2011). When family has been highlighted as significant, it has been as a source of social capital (Farrall, 2002) and as support during transition to a crime free life (Graham & Bowling, 1995). The fact that family has not attracted greater attention is surprising, especially for New Zealand where Family Group Conferencing is employed, which implicitly confirms the importance of family in helping young people to stop offending. Indeed, family and whānau have been identified as significant sources of support for young people in transition away from crime (Barry, 2010). Echoing the findings of Leibrich (1993) whose study revealed that family was of high importance in the personal lives of her respondents, family support was cited by several young people as being significant in their desistance from crime.

Like now that I look back at it my family were huge; they never gave up on me, sort of thing. I mean, I put my family through some shit, some hard out shit eh, you know, but they never sort of gave up on me (Troy).

Family was a big thing. I mean when I stopped and I looked at what I was doing, and my girlfriend at the time she was pregnant. So we had a son, and my son is six this year and that was it kind of like, this can't happen for too much longer...I'd totally lost my parents and that, I didn't live with them and my brothers and sisters didn't want to hear from me and I sort of had this black sheep thing, I was the black sheep of the family and just started missing them you know, I thought I've got to do something (Justin).

Although this support was evident throughout their offending, its effect was not immediate. It was the consistency of the support that proved to be important. In much the same way as growing up took time, the recognition of family support also developed over a period of time.

...you know, just my aunties, they never gave up on me; they're always there for me sort of thing. Yeah, they were always there for me and they kept coming, they kept...my nan, she's a soldier man. She'd come up, man and knock on doors looking for me, like the roughest street in [town], she'd

³⁴ For example, Smith and Farrington (2004) identified continuities in antisocial behaviour across three generations.

come knocking on doors looking for me. And then my aunty would come in, all my gang mates is there and she's coming... you know what I mean, staunch as eh, you know, staunch as. But yeah, yeah, just never given up eh? Always consistently been there (Troy).

The sense of re-evaluation was once again important and was illustrated by Lance when he considered the role of his parents as well as those of his friends.

...their parents were all...smoke drugs and drink alcohol and party hard and most of the boys I kicked it with, their parents weren't really there for them. Which is sad because my parents were there all the time, but I just chose to go and kick it with the wrong people (Lance).

Family influence, however, was not seen to be universally beneficial. Interviews with youth workers, in particular, highlighted the other side of family influence, one that revolved around concern regarding the negative aspects of some family environments.

All I could think about was you know, fuck once he leaves this program and he goes back to that it's going to be such a hard thing. You know the only way that would help these boys is if they just left it altogether. But then it's hard for them because they always want to go back and see their family you know.... Because as much as we, you know, we say "we're family here" they want to see their mums and dads and brothers, you know, that they have that natural connection with (Nick).

They've all had dysfunctional families and abuse in a different way like drug abuse, violence, sexual abuse even and they've all had, you know that part in their lives...with all these boys here it's their parents that were into drinking, the drugging and some were in like gang ties, and it just gets put down on to these boys and then they think they are all gangster and they see drinking and drugging as the cool thing to do (Justin).

Discussion of family and particularly parents raised some important issues. They were viewed as important for the desisters, but from the perspective of the youth workers they were, at best, problematic. For many of the young desisters, the significance of the relationship with parents was confirmed in the observation stage of the project. Seeing the young people open mail from their parents, and hearing them talk about them in counselling sessions, it was obvious that they had a great deal of love for their families.

In some cases though, this was seen to be a hindrance rather than a help to desistance. Crime, imprisonment, abuse and neglect were apparent in the lives of many of these young people. The influence of parents in these cases therefore could be undesirable for those attempting to desist from crime.

This was not the case for all families. Meeting some of the parents during my time spent with the youth group revealed people who felt out of their depth when dealing with their children and subsequent criminal behaviour. Struggling to find answers, one mother after hearing the topic of my study indicated that criminality must be genetic because her son was ‘just born that way’. Such examples indicate the need to embrace a wider approach to the issue of youth offending as a close knit family does not necessarily produce the social capital required to reduce offending (Gadd & Farrall, 2004).

Family problems including crime, abuse, and poverty can make the desistance process more difficult for young offenders. Desisting from crime while maintaining family contact can be particularly challenging for young people from families and whānau involved in criminal gangs for example. The negative effects that abusive family relationships can have on the desistance process have been noted in desistance research (Flynn, 2010), but deserve greater attention. In terms of the initiation of crime, poverty, large family size, poor supervision and indicators of weak family attachment have all been linked to youth offending (Laub & Sampson, 2003). These observations offer a contrasting perspective to the idea that greater family involvement can assist young people moving *away* from crime. Evidently, the role of families deserves greater prominence in the study of desistance, particularly in the case of young offenders as they can both positively and negatively influence the lives of young people.

Relationships with Partners and Children

Relationships with partners as well as children were significant for a number of the participants. For Scott, it was his girlfriend who helped him to desist by encouraging him to move across town and away from his friends:

What helped me through this was my Mrs.... Yeah she told me to live with her, which is like on the other side of [name of town] and my bros lives on this side of [name of town]. I love her for that, she's mean [awesome]. She actually knew that I was getting in too much trouble being over this side so

she just reckoned, you just come live with me. Ever since then I don't know, I'm loving it. I'm just enjoying it yeah.

Scott's experience highlights the value and complexity of a romantic relationship in relation to desistance. In this case, practical limitations facilitated by Scott's girlfriend constituted active avoidance of a certain part of town and association with old delinquent friends. This was not a simply a request that denied access to existing friendship networks but it offered something positive in return. For Scott, it was the relationship and accommodation in another part of town that was subjectively viewed as a more desirable alternative.

As well as the influence of partners, children were also described as significant in motivating a change in behaviour. Troy noted that his son played an important role.

....having a job, having a son - you know I've got a son now, I've got a son.

So that's been an important thing as well, just having your son has been...?

Yeah, yeah. That's definitely been a big thing, it's a huge thing, yeah. Yeah, just doing things for him now as well as me. Yeah, yeah, it's a huge thing.

Scott also acknowledged the influence of children on his friends who had been somewhat forced to behave differently as they became fathers.

...they've got kids and everything yeah and that's, well they had to buck up their ideas and get on to it cause yeah babies coming on.

Relationships and children do not immediately change a person and consequently their offending may only reduce over time or become less serious. This gradual change is evidenced in Troy's friends who have grown up and stopped offending but still smoke cannabis.

...well the boys I'm kicking it with - they've grown up eh, and grown out of it, you know what I mean. And I mean, they still smoke weed and that but that's their choice eh. They've got kids, it doesn't affect the way... you

know, they don't smoke in front of their kids. They're discrete about it and why not.

Bonds to the people around them did have a positive influence on young desisters. Although simply being in a relationship is unlikely to be enough to promote change (Healy, 2010). For these desisters the 'right' relationships, those that offered a shift towards something else, were most active in promoting desistance. Understanding relationships as, 'works in progress', rather than static events also accounts for the gradual changes and complex influence on desistance (Maruna, 2001). This again suggests that the desistance process can change over time, and that relationships themselves do not necessarily present a permanent motivation to change.

Employment

As mentioned previously, the majority of young people aspire to conventional goals even when they face marginalisation or disadvantage (Barry, 2010; Bottoms & Shapland, 2011; Wyn & White, 1997). The evidence from this study confirmed this aspiration and it was one of the most obvious themes to emerge from the research. Discussions of the future revealed that the aspirations of the young people interviewed were notably conventional.

...like make your money the right way sort of thing so yeah, I'm going to get a job. Got an interview next week, so yeah, just hoping that it goes well and that will help me stay out of trouble cus I'll be making money and there'll be no time for me to go and steal and I won't need to go out there and steal. I've got myself some money (Aiden).

This year I'm gonna be studying plumbing. Yeah that's what I want to do only because of the money. That's what I wanna do cus I'm still young. I don't want to leave it too long because then I might get stuck in a place like prison for the rest of my life but I don't want to be doing that. I'd rather have a career than working in a meat works and yeah on the slaughter board. Shit. I'd rather do something that I can teach my kids if I have kids and give them a set of trades (Lance).

For these young people, work was seen as a valued alternative to crime. The financial rewards it offered were most important, but also the restrictions on time associated with being busy at work were noted as a good thing. The quality of the job was also raised by

Lance. For him, the key was the prospect of a career, not simply a job. Troy, having already experienced full time work, talked about the benefits that he gained from this.

I enjoy the challenges of a legitimate lifestyle as opposed to the challenges of an illegal lifestyle which is heavily into violence and all of that. So I enjoy getting a legitimate pay. I enjoy paying bills even; even little things like that I enjoy it because it's all legitimate, it's all above the table... It's like, yeah, you know, I didn't have to rip anyone off. I didn't have to steal anyone's hard work to get this, you know, it was my hard work.

This suggests that youth employment can play a significant role in the desistance process by creating a sense of sustaining self worth. The opposite can be said whereby unemployment may delay desistance from crime. While these aspirations for valuable employment appear to offer the chance of continued desistance, the expectations of these young people might not correlate with what is available in the employment market. In the modern work environment, the prospects for those who have little or no education are often limited to the low-skilled, low-paid and insecure employment sector (Reiner, 2007). Those with limited academic qualifications after leaving school early, either through exclusion or dropping out, are likely to face a greater challenge in fulfilling their aspirations. Employment was deemed an important factor in desistance, being valued by those interviewed, yet the structural issues of youth unemployment are likely to affect even those who wish to change. This demonstrates the need for greater focus to be placed on policies that work towards structural reform to better enable desistance.

Youth Groups

In a similar way to relationships, it became clear that the influence youth groups had on offending was dependent on their characteristics.

I've been with like, um 15 other groups before I met [youth group] and I just didn't care what they said. They used to tell me stuff. And I just didn't listen. Cus I just wanted to get out of there and just rob a house. Yeah (Jade).

What made the effective groups different in the eyes of those interviewed was the authenticity of the staff members and the ongoing support that extends well beyond regular hours.

...I like those people that try to help me, [but] like they can't really understand what I mean that's why I don't really, that's why they can't really help me. Oh they can try, but you know they haven't been in my shoes sort of thing like [group leader] has, so he's been in my shoes. He knows what the streets are all about sort of thing. Yeah, and what doing time is all about. That's why I can relate. He knows what I'm going through that sort of thing so yeah I just look up to him for that (Aiden).

Cus of [group leader], he's been through it so he can understand, like, where we come from. Other people, other groups, they're just people doing their jobs kind of thing. They just don't care what come out of their mouths as long as they get paid (Jade).

From the perspective of the young people, successful groups offered them a place to acknowledge their offending and discuss it with those who had first-hand experience. Non-judgemental and unrelenting support and guidance was also identified by youth workers as crucial to success.

All they want is sort of it's just someone to sort of like back them up eh, cause sometimes like I think most of them... you know they've always got the finger pointed towards them aye. Like for us staff... you know, we say that we walk right beside them on their journey instead of trying to lead them or trying to go head on towards them. You know the only way we can do it is... we are doing it next to them where every other place they're always getting told what to do (Nick).

This guidance was also complimented by practical support which was also noted as being valuable to the young people.

So it's no good if you've kind of got these great relationships with these people and you've got some good mentoring going on and you've got some good people around them but you know you've got nobody kind of helping them to get a birth certificate sorted out or nobody is helping them to get a job or a CV (Alan).

Youth groups can have a significant influence on young offenders, especially those that the young people value. Spending time within the group environment, the level of commitment and authenticity from staff became clear as did their struggles to encourage change among young people. However, the support of such groups has limits, and as young people enter the adult world it can become more difficult to maintain ongoing support. This confirms both the need for positive relationships and positive environments for young people to move forward in and continue the momentum of their change.

Challenges of the Desistance Process

Descriptions of desistance on the whole were individualised in nature. Young people talked about the choices they had made and the consequences of them. It is perhaps no coincidence that during counselling sessions young people were encouraged to avoid the status of the 'victim' whilst accepting responsibility for their actions. This aligns with youth justice practice that emphasises accountability of the individual, a key element of the 1989 Children, Young Persons, and their Families Act.

...I mean I'm the same person eh? I'm still me. I just make better informed decisions eh? My eyes have been opened almost, you know. Yeah. I'm the same person but I'm a different person at the same time. I put it down to I just make different choices. I choose to follow different paths now, you know. It's all about choice eh? (Troy).

Such discussions of choice in offending are attributed by MacDonald and Marsh (2005) to the increasingly individualised nature of youth transitions which results in young people blaming themselves for their situation. The issue of choice is not always as straightforward as Troy believed but can be dependent on the options available. As youth worker Rob explained, the choices available to young people can influence the direction of their lives.

I'm not 100% sold on that, you know 'you choose stuff', but I think... if you've got limited skills you've got limited choices you know (Rob).

Common to all narratives was that nobody described desistance as an easy process and they all talked of struggles. Most prominently, adjusting to a new identity was one of

these. As Fleischer (1995:240) has noted that for those whose lives have been dominated by crime “change is as tough as it would be for a lawful citizen who is told to relinquish his history, companions, thoughts, and feelings and fears, and replace them with someone else’s”. In the case of young offenders, previous behaviours and ways of life may not be so engrained, yet challenges to move on still do exist. For Troy it was the lack of reputation in a new town that posed difficulties.

Coming from [name of town] where everyone knew me, then coming here it was like fuck, I’m no-one eh? No-one. I think that was hard.

From Barry’s (2007:190) perspective, Troy is missing the opportunity to assert symbolic capital through reputation and “street credibility”. Linking this theory of capital to youth transitions, Barry (2007) argues that, as more pro-social opportunities to accumulate and *expend* capital become available in early adulthood, desistance becomes more likely. Furthermore, the responsibilities of fatherhood, as noted earlier, were also important in this desistance process indicating that self-characterisation as a ‘family man’ can be linked to a desister’s identity (Lebel et al., 2008). The influence of self identity can, therefore, be powerful in the desistance process in both constraining and enabling ways.

As already established, the public activities of young people particularly in groups tends to attract attention from the public and the police (McAra & McVie, 2005). The effect of labelling offenders through police attention has often been explored in criminology. Becker (1963:33) argued that the designation of criminal or deviant can become the “master status” of an individual, dominating their future behaviour. In the context of this study, becoming caught in a cycle of offending and punishment was explained to be a hindrance to desistance.

...because I’ve been to jail a few times youth prison in and out, in and out... they’ll catch me... and let me out and then catch me [and] lock me up again. Then it just kept happening and they just kept chucking me inside for like longer periods of time, like three months, then four months each time (Aiden).

Aiden saw the attention from the police as an ongoing cycle that did not offer him the opportunity to begin the desistance process. Sampson and Laub (1997) argue that the structural consequences of such labelling during adolescence can have serious implications on later life outcomes. Combining their theory of social bonds including marriage and employment as turning points in the life course, Sampson and Laub (1997:144) suggest that sanctions and stigmatization for young offenders can “knife off” or diminish future opportunities in later life. This is particularly significant for those who are already subject to cumulative disadvantage, and where future opportunities may be further restricted as they progress through the youth justice system. This suggests that the continued focus on diverting young people away from formal justice procedures will be beneficial to desistance.

Other detractors from the desistance process were the availability and abuse of, alcohol and drugs. This is an issue that has not featured prominently in existing desistance literature although drug and alcohol abuse has been noted as a problem for persistent offenders (e.g. Farrall, 2002; Laub & Sampson, 2003; Piquero et al., 2002). Some similarities have been identified, however, between desistance from drug use and desistance from crime, both tending to involve a combination of external and internal factors (Hammersley, 2011). For Lance, offending was closely linked, if not directly driven by alcohol and drugs.

...after I did a house [burglary] I'd get the drugs and I'd smoke up whatever drug it was and I'll be sitting there thinking 'what did I do?'... every time I did a crime I'd regret it... but when I'm doing it all I'm thinking about is the drugs and getting that money for some alcohol or something.

Aiden's most serious offending was driven by a desire to obtain alcohol, but also by what he viewed as a duty to contribute to the gang with which he was involved. Reich (2010) has noted that what appears to be reckless behaviour in terms of traditional conceptions of costs and benefits can be a reasonable and rational choice for those enacting certain types of masculinity. Revealing the influence of the attitudes and accepted norms of his cultural context or habitus of the gang, for Aiden, his obligation was to ‘chip in’, adding his share to the group for the common good. The way to do so in this case was to rob the local shops with a firearm.

So when you did those shops with the gun, was that to...

Yeah drink, go and buy me some drink. Yeah just like when you're hanging around with all the crowds say you're with a gang you know, shit doesn't come for free, you've got to chip in sort of thing, your share, like I was only 12. I couldn't make any money and everyone else was way older than me and making money and they could chip in easy so I thought they think because I'm young I won't get that money, but yeah from there it just escalated just, yeah, take what I thought was rightfully mine but wasn't (Aiden).

For all of the young desisters, the road to desistance was not a smooth journey and the need to sustain this in the long term became obvious. Alcohol and drugs were closely correlated with offending, but interacted with other influences such as cultural context or habitus (Bottoms et al., 2004). Even for those who had successfully curtailed their more serious offending, the use of alcohol continued to be associated with less serious problems. Scott, for example, discussed his long term effort to desist from burglaries and assaults whilst still struggling with fines gathered from drinking in public within liquor ban areas.

The pathway to desistance can, therefore, be made more difficult through continuing punitive responses. In these circumstances, desistance is not guaranteed. Lance was also forthright when he admitted that while he intends to stay away from crime, he cannot say that with certainty.

If I have another GBH (Grievous Bodily Harm) charge I'll go inside and I'm never going to be inside, well I can't say that now but I don't want to go inside (Lance).

These responses indicate that the experience of desistance can be a continuing struggle and supports the notion of Bottoms et al. (2004) who, building on Matza's (1964) theory of drift, describe desisters as oscillating between criminality and conformity. This has also been noted by Burnett (2004) who found that only a few of those identified as most committed are unfaltering in their decision that they will never reoffend again. Thus, she

concluded that “desistance is a process which involves reversals of decision, indecision, compromise and lapses” (Burnett, 2004:169).

Despite these challenges, those interviewed remained optimistic about their continued desistance. This was in spite of the way in which young offenders are perceived by society. Troy talked about being a young offender as separate from ‘average society’. He went beyond a discussion of scepticism of ex-offenders’ efforts to desist and talked about the societal reaction.

Yeah, like average society looks at the hood, fuck, brush them under the carpet, forget about them. But having been through that now I know like fuck, some people have... that’s all they have; they’re not there because they want to be eh? Yeah, you know, not living that...I mean, some of them are but a lot of them aren’t eh? It was passed down to them from their parents and I can say I know how it is now (Troy).

Such an opinion is not surprising given the publicly expressed attitudes around youth crime (and offending in general). While this did not have a direct influence on desistance for Troy, it demonstrates a negative influence on young people who wish to strive for mainstream goals. Similarly, Lance was deterred by the attitudes of those around him including teachers which affected his aspirations in a negative manner.

Yeah. See that’s why at school the teachers gave up on me straight away and I was kicked out of school, and no school in the region would accept me into the school grounds and you keep wanting to do crime. I used to think the whole world hated me. So if they hate then I’ll just steal shit so they can hate me for real (Lance).

These comments indicate some of the negative influences that can be attributed to judgemental attitudes towards young offenders who may feel a greater degree of marginalisation as a result. In this context, the respect and trust of adults in the transition away from crime becomes one of the key aspects of the desistance stories. Without this trust, young people are likely to become further disillusioned with the process (Barry, 2010). This further emphasises the need to avoid punitive policies that remove young people from positive influences while stigmatizing their behaviour.

Conclusion

By employing an interpretive approach, this study was able to gain insight to young people's perspectives on desistance and determine those features that they truly valued. The interviews and observations revealed the multifaceted nature of desistance by highlighting new factors not commonly found in the existing literature such as family and education. This was further developed as this study delved into the complexities of those factors in that they have shown to have both positive and negative effects depending on the individual and the nature of those factors. Despite the small sample size, participants were generally representative of young offenders in terms of ethnicity and socio-economic position.

While the interview structure was connected to existing desistance literature, the factors identified by young people as significant in this project clearly show some disparities. Young people did not, for example, identify single specific, or dramatic, turning points but described a gradual process of development that was influenced predominantly by personal relationships. Interestingly, and in contrast to the findings of others (e.g. Barry, 2010), criminal justice responses were not prominent motivation to stop offending. The implications of such a finding raise questions about the efficacy of the criminal justice system to deter future offending, but also highlight the need to address crime and desistance on a wider level. Investment in justice responses alone is unlikely to be sufficient to make any real impact on levels of desistance.

The interviews also revealed a number of similarities to the existing literature including the sense of growing up throughout the desistance process. This re-evaluation of offending was present in even the more serious offenders, although the time when this occurred was dependent on other factors such as positive relationships. Families were shown to play a positive role in desistance, but they can also have a negative influence on the process. The influence of criminal families is significantly negative for young offenders who like everyone else, are most influenced by those closest to them and those whose advice they trust (Weaver & McNeill, 2007).

The findings of this study suggest that the range of influences in desistance for young people is different from those of older offenders. Due to their age, the habits of criminal behaviour may not be as entrenched in younger desisters, however, important adult opportunities to aid desistance may not be realistic or available (Serin & Lloyd, 2009).

The young people interviewed had what might be described as normal aspirations for stable employment, relationships and children of their own. In some cases the achievement of these goals offered a new perspective and limited the time available to spend with troublesome friends. However they did not necessarily represent a complete end to offending. These influences appear to be more gradual for the young offenders and emphasise that desistance takes time. Youth groups or people aiming to help young offenders were in some cases seen to be a positive part of desistance, but the nature of them was crucial. Those who were deemed to really care were seen as most effective while those perceived to be 'just doing their job' were wholly unappreciated. Similarly, community groups can have a positive impact on young offenders, but their capacity is limited by the realities of life outside of the groups.

Most important in the process of desistance was the positive nature of alternative opportunities and relationships. All of the young people involved found value in these alternatives. These accounts indicate that young offenders should not be considered 'lost causes', as even those who might be described as 'high risk' in developmental accounts of offending noted a changing perspective as they matured. Indeed, despite the numerous markers of 'risk' amongst this group such as limited education, it is significant that they have stopped offending. The increasing knowledge of what is most effective in the desistance process can help to inform future directions for social policy, not just criminal justice policy, because the factors linked to desistance extend far beyond the justice system. Strengthening family groups, schools and community youth groups offers young offenders options to integrate into society.

Rather than being the result of one prevalent influence, desistance is found to be a dynamic process that is affected by a combination of outside influence and personal choice. Investment from groups and individuals that were identified by the young people as truly caring, and who gained their respect, is critical to a successful start to the desistance process. Through these groups and individuals, the young people have been able to access social capital that connected them to genuine relationships and encouraged them to seek positive alternatives such as work or training. If youth crime is to be reduced, it must be clearly understood that the most common features of desistance from crime in young people include moving towards some positive life quality, developing nurturing relationships, and limiting contact with the criminal justice system.

Chapter Seven: Conclusion

This thesis has examined the processes by which young people stop offending. Noting that most young people stop offending as they transition to early adulthood, it was the aim of this study to learn about the factors that underpin this process. In doing so, the most prominent desistance factors from the existing literature were identified as falling into the category of external (social and structural) or internal (individual) influences. Analysis of three of the main external factors; peers, employment, and marriage showed that although evidence suggests these have been influential in desistance, they are dependent on the changing nature of structural bonds associated with time and place. Nevertheless, these elements of the desistance process have been recognised for their capacity to act as ‘turning points’ in the lives of offenders. Furthermore, it has been noted that they can offer a ‘bond’ to society, or stake in conformity, as young people transition into early adulthood.

Rather than assuming that things simply ‘happen’ to people and thus promote desistance, the role of internal or cognitive change in desistance was also explored. Internal motivations and openness to change were shown to also be significant for desistance. For those who do wish to change, however, there remains the need to access wider services and support structures. Thus the concepts of social and cultural capital were used to highlight the need for young people, particularly those who are marginalised, to have support in their endeavours to stop offending. Further evaluation of the literature suggested the presence of a single factor is unlikely to influence long term desistance, but the interaction of individual, social and structural factors can result in successful change.

Setting context for this study, dominant notions that young people pose a threat to wider society were shown to be evident in New Zealand. This was first noted in the mid-nineteenth century, came to prominence again during the 1950s, and is evident in the present day. The implications of this criminalising discourse have the potential to affect desistance. For example, although policies of diversion have been shown to be beneficial to many young offenders, such policies may become untenable in an increasingly punitive environment. This issue is further compounded by the influence of

New Zealand's economic restructure during the 1980s and the resulting high levels of poverty and unemployment that affect young people. For those who experience economic marginalisation or racial discrimination, desistance is further complicated. Such individuals are likely to need interventions that extend beyond the issue of individualised offending to address social relations and structural conditions.

The founding principles of the Children, Young Persons, and their Families Act 1989 emphasised the need to consider the special circumstances of young people and protect them from criminal justice proceedings. New Zealand's youth justice system generally does well, therefore, to limit the negative impacts of formal system contact for young people. Since its introduction, however, the increasing use of more serious sanctions has been noted. It is argued that, while the principles of the current system appear to be beneficial to young people desisting from crime, they do not go far enough to foster positive relationships that encourage desistance. Rather than considering the current system to be a failure because it is too 'soft', greater emphasis should be placed on the way in which the current system can be developed to encourage desistance. Referral to community groups is one way in which this already happens and could be further developed as a way to both divert young people away from the formal system, and move them *towards* something positive.

The findings from this study show that even in the face of numerous challenges, desistance is possible. A number of factors were identified as significant in this process including the influence of family, school, a sense of growing up as well as investment in pro-social relationships that develop social capital. The young people interviewed were not passive victims of structural inequalities, nor were they completely independent actors. Instead, their desistance was influenced by individual, social and structural factors. Issues that presented challenges to desistance included negative perceptions of young offenders and alcohol and drug use.

The existing literature on the subject, together with the findings of this study have illustrated the need to move *towards* something in the journey away from crime and offending. The opportunity to do so for some young people who have histories of a lack of engagement with school, or community groups, as well as other social problems can prove challenging. Not only must education, training and employment options be available for these young people, they must also be accessible and achievable.

Strategies seeking to promote desistance must first acknowledge its multifaceted nature. Attempting to stop young people offending by focusing on tougher sanctions alone, for example, is unlikely to be successful. Instead, the social, cultural and individual needs of young people should be the priority. Efforts should maintain a holistic approach to deepen the capacity and opportunity for young people to engage in transformative relationships. Beyond this, the structural issues of poverty and unemployment identified in some communities must also be addressed to further build options for people to create a stake in society. The capacity of the justice system alone to stimulate such wider change is limited. Thus, it is imperative for government agencies to work together with communities to encourage and support young people as they navigate pathways out of crime.

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Appendix I: Young people interview question prompts

I have some questions here that I would like to ask you but if there is anything else you want to add, that's fine - I really want to hear your story of how you have progressed through life and your journey from offending.

Background

How old are you?

Where did you grow up?

Can you tell me about your family/whanau – what was life like when you were younger?

How would you describe your childhood?

Where did you go to school?

What did you enjoy about school?

What year were you in when you finished school?

Were you involved in sports or other activities? Going to youth clubs? To church? To marae?

Have you worked since leaving school?

Offending

What would you describe as getting into trouble?

Do you think a lot of young people get into trouble where you grew up?

How old were you when you first got in trouble? What happened? Can you remember why you were involved?

How often did you get into trouble after the first time?

Did you do things on your own or with your friends? What did your friends think about what you were doing?

Did you do certain crimes, or a variety of things? Over time what kinds of things/crimes have you been involved with?

What were some of the good things about being in trouble? Exciting? Something to do? Way to make money?

Do you think drink and/or drugs were important in your offending? In what way?

Did your family find out about what you were doing?

How did they react?

Were there any downsides to what you were doing?

Did you ever worry about what might happen if you kept getting into trouble?

How would you describe your life when you were getting into trouble the most?

- Were you working? In education?
- Were you happy at home?
- Drinking or using drugs?
- Going to marae?
- In a relationship?
- Going to church?

Interactions with organisations

If you think about all those who have helped you:

Who has been most important in helping you to change your ways? Why?

Who has been least important? Why?

Do you think part of you has changed or do you think of yourself as a different person now?

Were you ever caught by the police when you were committing a crime?

What happened after that?

How did they treat you?

Do you think they were fair in the way they treated you?

Did the experience make you want to stop committing crime?

Were you referred to youth aid? Did you have to go to youth court?

Are you still involved with any agencies like corrections?

Do you think they help people stay out of trouble?

Have you been involved with any youth groups?

What impact do you think this has had on your offending? Have there been other organisations/groups/people that have helped you in this process? (Youth groups? Family members? Social workers? Probation officers? Marae/whanau?)

Why have they been useful for you?

Going Straight

What is the hardest part about no longer being so involved in crime?

What is the best thing about no longer being so involved in crime?

Was there any identifiable thing that helped you stop offending? Or do you think you have just grown out of crime?

What would you call this change?

Do you think outside factors helped you the most or has it been your own decision to change?

Did you get any help from your family/whānau?

Do you still spend a lot of time with the friends you got in trouble with?

What are they doing now? Have they moved on? Are they like you?

Are there any people who have been important in helping you to go straight?

How have they helped you?

What has been most difficult in trying to stop?

Have you had any problems because of your history?

How do you handle it?

Do you think about your past much now? How do you feel about it? Do you regret what you were doing?

Do you have any plans for the future – maybe the next two years?

Do you think about crime differently now? In what way?

Now that you are ‘going straight’ how would you describe your life?

What do you like about yourself now?

How do you spend your time now?

Have people recognised that you are changing? Do you think recognition helps people through the change?

What else could you tell me to help me understand why you are moving away from trouble?

Have you any suggestions on what I should ask other people?

Appendix II: Youth worker interview question prompts

What do you see as your main role in your organisation?

Structural background

Young people's family/whanau – what was life like when they were growing up?

Offending

What kind of trouble are the young people you work with commonly involved in?

Certain crimes, or a variety of things?

What age do people tend to first get into trouble?

How often did you they get into trouble after the first time?

Does offending tend to take place alone or with friends?

What are some of the good things about being in trouble?

Exciting? Something to do? Way to make money?

Do you think drink and/or drugs are important in offending? In what way?

Are families often aware of what is happening?

Do you find that young people ever worry about what might happen if they keep getting into trouble?

Desisting

What is seen as the hardest part about no longer being so involved in crime?

What is seen as the best thing about no longer being so involved in crime?

What do you think is the most important thing for young people to stay out of trouble?

Is there any identifiable thing that helps stop offending? Or do you think most tend to grow out of crime?

What would you call this process? Change? Going straight?

Do you think outside factors help the most or is it an individual decision to change?

Combination of the two?

What tends to be the most difficult in trying to stop people getting into trouble?

Do young people tend to regret what they were doing?

Do they think about crime differently now? In what way?

Official interventions sometimes only comprise a small part of an individual's life. Do you think this limits the success of some limited programmes?

Do you think recognition helps people through the change?

What else could you tell me to help me understand why young people are move away from trouble?

Have you any suggestions on what I should ask other people?