

Between Times

Learning to desist from crime

**Dr Mark Halsey
Department of Criminology
University of Melbourne**

Context and Acknowledgments

Data within the following presentation is based on in-depth initial and repeat interviews undertaken by the author with young men serving time in either juvenile or adult correctional institutions in South Australia. *The Understanding Recidivism and Repeat Incarceration Among Young Male Offenders: A Biographical and Longitudinal Approach* research project, commenced in 2003 and will conclude in 2008. In total, around 135 interviews will be conducted with young men aged 15 to 24 who progress from juvenile to adult custodial settings during this period. Depending on when and if they return to custody, many of these young men will be interviewed on three or more occasions. Where possible, those who “make good” for more than 18 months will also be interviewed about what worked for them in terms of staying out of custody. Overall, the aim of the project is to employ a narrative based approach to the problem of repeat incarceration – to bring to light some of the stories and particular scenarios “behind” the statistics and trajectories so often spoken of in official and academic circles. A publication based on the pilot interviews (n=20) entitled ‘Negotiating conditional release: juvenile narratives of repeat incarceration’ will appear in *Punishment and Society: The International Journal of Penology* early in 2006. Of the first 20 young men interviewed, 17 have since been sentenced to additional time in secure care and/or prison. Of 49 interviews undertaken to date, 11 young men have been interviewed twice, and three young men interviewed three times (in line with custodial sentencing histories). The author is currently working on two articles associated with these interviews. The first is entitled ‘Risky systems or dangerous individuals?: rhetoric and reality of post-release support’ and ‘Narrating the chase: offender perspectives on high speed pursuits’. The research was initially funded under the Small Grants scheme of Flinders University of South Australia and has since been extended by a large grant from the Australian Research Council (jointly administered by Flinders University and University of Melbourne). Any questions should be directed to the author: mhalsey@unimelb.edu.au and **the use of extracts from interviews is not permitted without written permission of the author**. Finally, the author wishes to acknowledge the assistance and goodwill shown to him by the custodial staff and residents / prisoners located at various institutions – particularly Cavan Training Centre, but also Yatala Labour Prison, Mobilong, Port Augusta and Mount Gambier prisons.

What is desistance?

Shadd Maruna has argued that, even in the lives of the most persistent or chronic offenders, desistance from crime takes place repeatedly and for varying lengths of time

Desistance from crime should probably be viewed as an ongoing (and often messy) process rather than an event which has a discrete beginning and end

What does it mean to re-offend?

Re-offending during or following successful completion of parole or conditional release, might well be part of the desistance process rather than further evidence of an entrenched recidivist pathway

Moving out of crime

How persons work their way out of crime and criminal networks, is likely to mirror the ways people first become involved in crime and criminal networks

Generally speaking, **crime is a learned activity** – an activity which occurs in the direct company of significant others or in relation to the imagined or actual expectations of such others

Differential association

‘When criminal behavior is learned, the learning includes **techniques** of committing the crime, which are sometimes very complicated, sometimes simple and the specific direction of **motives**, [...], **rationalizations**, and **attitudes**’.

- E. Sutherland & D. Cressey (1970) quoted in Lily, Cullen & Ball (2002) *Criminological Theory* 3rd edition, p. 40

Learning to desist

Just as it takes time to become good at stealing cars, or robbing people at knife point, or injecting oneself with heroin, it takes equal if not more time (and effort) to learn how to live without doing these things

Desisting from crime – just like commencing with crime – involves various intensities of commitment, various levels of confidence, various successes and setbacks, various rewards and painful experiences, and various attitudes toward persons (friends, family, release workers, employers) and things (illicit drugs, alcohol, the rush accompanying particular events like high speed chases)

Societal time v Custodial time

How do young people learn to **increase societal time** and decrease and/or preferably **eliminate custodial time** over their life course?

Key ideas and propositions

- The vast majority of young persons who have spent **significant and repeated** time in custodial environments return to such environments shortly after release
- Chronic offending has as much to do with **risky and unpredictable systems of management** as they do with the so-called “innate” risks and unpredictability attributed to particular “clients” / young persons
- The process of desisting from crime should be a **shared responsibility** involving the young person, government departments and the more informal networks of support such as schools, workplaces, family (or other capable guardians) and peers
- The notion of shared responsibility implies (or should imply) **consequences** not just for young people who re-offend but also **for departments** who do not follow through (or “make good”) on agreements struck with young persons released from custody
- A **substantial divide** stands between the types of **skills and knowledge** required to negotiate the **custodial environment** as against those required to succeed in **non-custodial settings and contexts** (ie lock-up predominantly teaches people how to cope with the challenges associated with incarceration rather than how to cope with the complexities of being in the community)
- In order for “chronic” young offenders to have the maximal chance of successfully inhabiting societal time, **custodial time needs to be radically altered** to better reflect the types of authority, routines and problems encountered post-release

The vast majority of young persons who have spent significant and repeated time in custodial environments return to such environments shortly after release

'[Eventually I ended up in Magill] on remand [for] about [...] three months. I got a suspended sentence ... [but I offended again]. I [...] went back in remand again and ended up getting another suspended sentence, went back to the same place ... And I done that again, broke it and went to a different place, got a bond or something, I don't remember ... Then I got locked up again, then I got out and then I got locked up again, done a DO, got out again, got locked up, out again, locked up, out again, locked up, out again, then locked up again. Now [I'm here talking to you], yeah'. (AG, 6:8, 2 DOs, Age 16, first interview)

'[Of the last two and a bit years] I've spent 132 days out in the community and 650 days incarcerated' (AG, 18:20 4 DOs, Age 18, third interview)

Chronic offending has as much to do with risky and unpredictable systems of management as they do with the so-called “innate” risks and unpredictability attributed to particular “clients” / young persons

‘I had to do this course, um, at TAFE ... It was too far for me. It was too far. I didn't know the bus loops ... And I had to go to Drug and Al counselling. I was livin' down south and I had to go to this Drug and Alcohol counselling [up] north ... And I'm not really from Adelaide so I didn't know where to go ... I used to take stolen cars there to get there [to the] programs ... If I had my own car I would have been all right, I reckon, yeah ... Done a whole week ... Three cars ... Got caught on camera doin' a petty run ... If they do want me to do Drug and Alcohol counselling, make sure it's in my suburb and I'll do it'. (I 55:36; 57:47; 58:12; 63:29)

‘I've done work experience at mechanics' places and shit, you know. Last time I was on conditional that's what I done, Street Legal. I never got to complete it 'cause it's a 3 month's course and I was only on conditional for 2 and you can't do it afterwards 'cause no one funds it'. (B 44:24)

The process of desisting from crime should be a shared responsibility involving the young person, government departments and the more informal networks of support such as schools, workplaces, family (or other capable guardians) and peers

'You don't get that much support ... They expect you – after you've been here for about 2 years, 3 years, you know, or a couple of months – they expect you to do it all yourself ... [Y]ou've got to have help ...' (OT, 33:39, 6 DOs, second interview)

Interviewer: Do you have a theory as to why so many young guys do come back to [lock up]?

Participant: Because they've never had the support. They've never had much support ... Like, you can never have too much support ...

Interviewer: What kinds of support [...] are you talking about?

Participant: I mean support from their family, support from their friends, ... support from the community, support from FAYS, all that sort of stuff. (TS, 41:24, 4 DOs)

The notion of shared responsibility implies (or should imply) consequences not just for young people who re-offend but also for departments who do not follow through (or “make good”) on agreements struck with young persons released from custody

‘I was meant to move into my house the day after I was released ... I got out on the Thursday. On the Friday they said, “Sorry, you can’t have it”. Then the next Friday they said, “No, [but] we’ll ring you on Monday”. Monday I didn’t get a phone call and, yeah ... At my mum’s it’s not very good because she drinks a bit and then when she drinks I’ll drink with her’. (NH, 2:39, 4 DOs, third interview)

‘I walked into [FAYS] one time and said, “I’m [AG], I’ve just moved down here recently, I’m on conditional release”. [I] g[a]ve all my details, and [they said] “We got no record of you mate, what are you doing here?”. And I was like, “What, well, I’ve been told I could come in here for support”. And they just said, “Well, we haven’t got your file mate so we can’t do much [...] about it” ... People rang around but nothing happened, nothing happened’. (34min6sec)

A substantial divide stands between the types of skills and knowledge required to negotiate the custodial environment as against those required to succeed in non-custodial settings and contexts

‘[In] conflict management ...they just ... ask you stupid questions, like, “What would you do if somebody spat in your face?” Like, what would you do if I spat in yours? I mean, it’s pretty fucking obvious. You’re not going to stand there and take 10 deep breaths and say, “Look, mate, just leave me alone”. We tell them what they want to hear. We can’t say, “Yeah, I’d fuckin [...] stomp on his head”. We have to say, “Yeah, I’d walk away”, you know. Tell them what they want to hear [to get conditional]’. (ON, 35:40)

‘Say if, you know, like you’re angry, all it could take is, you know, one hug to, you know, your relative or something and you, you know, you can be happy for the next 3 weeks all for that one hug, you know’ (OJ, 32:1)

In order for “chronic” young offenders to have the maximal chance of successfully inhabiting societal time, custodial time needs to be radically altered to better reflect the types of authority, routines and problems encountered post-release

‘[W]hen ... you’re in here, you know when to go to bed, you know when to eat, you know when to sleep, you know when to shit, you know. You get told ... [But] [w]hen you get out it’s like you can do what you want ... They don’t ease you out. So you’re just in here, you’re in detention, and you can’t do anything. And then you’re out there and you can do everything ... Yatala’s got the cottages and you can go out and you can do things in public and then you come back and things like that ... In here, it’s just you’re here and then you’re out ... It’s too sudden’ (OH, 31:40)

‘We’re meant to change when we get out, you know. We – we’re meant to be in here to learn but all we’re learning is, you know, disrespect ‘cause that’s what they’re showing us, you know’ (OJ 24:50)

Suggestions

- Employment (casually or other) of custodial staff who have “made good” (association with success stories)
- Day or weekend release (practicing post-release life)
- Contact visits (continuity of emotional and physical support)
- Meaningful client participation in management decisions (eliminate perceived routine denial of natural justice)
- Improve ratio of release workers to clients (maintenance of trust)
- Adequate funding for support services (enable departmental commitments to be fulfilled)
- Evaluate effects of “compliance and consequence” model within custodial settings and implications for post-release life)

‘Coming back in, in and out, ... it’s just a routine, in and out, in and out, in and out ... That’s what people are used to, in and out, in and out. And then once they turn 18, they’ll get out and go through Yatala, in and out at Yatala, and then they’ll be at Yatala’. (OT, 33)