Sortir de la délinquance au Brésil. L'impact de l'expérience du monde du crime et du système pénal pour mineurs

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Desistance from Crime in Brazil. The Impact of Experience with the World of Crime and the Juvenile Justice System

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Methodology

The interviews, conducted with the "life history" approach, took place in two large Brazilian cities between 2010 and 2012 during a field study concerned with a probation program for young offenders (called Assisted Freedom in the Brazilian socio-educational system). In all, thirty-eight youths were interviewed. The present paper presents the trajectories of 12 youths who had gone through a period of intense involvement in criminal activities at one point, and who had completely (or sometimes partially) withdrawn from those activities. Six of them had previously been involved in drug trafficking, four in armed robberies and two had done both. All respondents were aged 16 to 20 at the time of the interviews, which took place in the social centres supervising the probation program, at their workplace or in some public place.

The sociology of deviant behaviour, like criminology, traditionally concerns itself essentially with the factors, motivations and forms through which people initiate offending. Since the 1970s, however, a number of studies have been devoted to the process of desistance from crime. Interest in this subject is clearly developing, at present, in the face of growing concern with security and the need to deal with the problem of "juvenile delinquency". The present paper examines this subject, based on the life histories collected from young Brazilians engaged in offending, in order to discover how their experience with delinquency, and with the criminal justice system (in this case, with the juveniles' socio-educational system) influences the way they desist from crime.

Scholarly writings advance a number of mechanisms to account for desisting from crime. The quantitative studies attempt to identify psychological, cognitive and social "factors" involved in desistance; these studies usually assume that objective events have great impact on individual trajectories, and consider desistance as something static, an event that can be located at a specific time. Qualitative studies, based on the life histories of the actors themselves, are more interested in the meaning individuals ascribe to offending and the processes through which they attempt to pull themselves out of it. Over and beyond the variety of approaches, the existing literature agrees on a number of points. First, desistance from crime is tied to a process of psychological and social maturation: the vast majority of youthful offenders actually cease their deviant behaviour around the age of 20 to 25, when they enter adult life. Getting steady employment and getting married are the two most significant kinds of events accounting for changes in the course of these trajectories, from a lifestyle structured by delinquency toward a more socially conformist one. The social and historical context also helps in accounting for the transition to adulthood: increasingly precarious employment due in particular to structural changes in the labour market in recent decades postpones this transition and makes it much more difficult, especially for underprivileged youths, and this lengthens their careers as offenders. Another crucial finding uncovered in studies on the subject is the non-linear, dynamic, complex nature of the desistance process. The sequences differ from one individual to another, with frequent hesitancies and relapsing.

Our analysis of the trajectories of young Brazilians entirely corroborates the above-mentioned findings, both as to their dynamic, non-linear character and as to the central role of access to employment, entering a stable relationship or becoming a father, all of which represent turning points in the respondents' narratives. Rather than re-discussing these findings, on which there is general agreement, the present article seeks to refine analysis of the processes involved in desistance through in-depth exploration of two specific dimensions: the experience of delinquency, for one thing, and the experience of the criminal justice system for another. These two dimensions are examined in view of two ideal-types. On the one hand, criminal activities may be the outcome of a logic of survival or of a fate conditioned by family history – a situation that we would call "socially over-determined delinquency" –; on the contrary it may fulfil a need for symbolic prestige, purchasing power or independence – and delinquency may then be viewed as "one of a number of possibilities". As for the justice system, for the youths it may represent control and stigmatization or, conversely, recognition and the enlargement of prospects. We hypothesise that

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it is the combination of these two dimensions (the relation to delinquency and the relation to the justice system) that has a specific impact on the modes of desistance from delinquency, as observed in the trajectories of the young people that we interviewed.

We first describe the profiles of these respondents and the social context in which their delinquency took place, followed by illustrations of the different types of desistance identified.

Juvenile justice in Brazil: contextual elements

A juvenile court judge has at his disposal six socio-educational measures that are applicable to juvenile offenders aged 12 to 18. These include an admonition and the obligation to compensate for damage, supervised by the judge in person; release under supervision and community service work, implemented within the community by the social work agencies; and last, semi-liberty and custody, which deprive these youths of their freedom, partially or totally. The legislation gives preference to measures served within the community, and confinement cannot exceed three years, whatever the offense. Now it is a fact that Brazil's large cities characteristically exhibit great social inequalities and high violent crime rates, particularly linked with the massive recruiting of underage youths by the various groups of drug traffickers. Homicide is the main cause of death among youths aged 15 to 24.

This contrast between juvenile delinquency policies, which aim to be non-custodial, and the reality of urban crime, heightens the complexity of the desistance process, since most of the young people handled by the justice system continue, day in and day out, to be faced with violence and organised crime.

Delinquency as a lucrative and professional activity

The life histories analysed here are very similar in many respects. First, all of the youths come from an underprivileged, even poverty-stricken background. The majority live in a *favela* and all were in contact with the "world of crime" long before they themselves committed any offense. This familiarity with illegal practices is the outcome either of the places where these youths grew up (there was a drug dealing spot on their street, for instance) or of their family history (a father, brother or cousin was a dealer). Scholarship on juvenile delinquency tends to differentiate two different patterns: one "conflictual/ identity-based", rooted in the sense of belonging to the gang, the other "professional/ utilitarian", based on the search for profits generated by illegal activities. Although these two patterns are usually intertwined, one or the other is often preponderant. Our study shows that the offenses committed by the youths interviewed partook of the world of organized crime, in which each person's place is prescribed according to well-defined hierarchical systems, and the search for profit is the shared motivation of most actors. The experience of physical, possibly fatal violence, occurring during fights between warring factions or interaction with the police is another permanent feature in these youths' stories. It is important to stress that this is no "playful" offending, just to "pass time", nor an activity resulting from one's belonging to a "gang of kids". This kind of lucrative, professional involvement in delinquency requires that the youths engage in their activities on a regular, often daily basis. This overall context of young people's delinquency has direct consequences on the type of "desistance" that may be observed. Whereas the occasional delinquency characteristic of "youth gangs" ceases to be meaningful when those teenagers reach adulthood, these young Brazilians have the prospect of embarking on a career within some faction of drug traffickers whose "bosses" are well-known, respected adults. Consequently, maturing alone is an insufficient predictive factor for quitting one's career in crime. Not to speak of the extreme level of violence characteristic of these adolescents' life in drug trafficking. Many die before reaching adulthood, and do not even have the time to benefit from the usual desistance mechanisms.

When this study was conducted, all of the youths claimed to have ceased their offending, but the amount of time since their "desistance", as well as the extent of their withdrawal from delinquent activities varied.
Whereas some had a steady job for a year or two and were confident as to their future, others had just very recently put an end to their involvement, were struggling to make ends meet by legal means and explicitly planned to return to the "world of crime" if they failed to find work. In addition, all interviewees had spent time in the various institutions composing Brazil's socio-educational system, although the nature of their experiences differed. Some were only subjected to measures served within the community, whereas others had spent considerable time in custody.

Desisting through identity transformation: the "survivors"

The first type of desistance is seen in youths who combine a criminal trajectory overdetermined by social and family logics and by an extreme paucity of resources outside the criminal environment, and whose experience with socio-educational institutions made them feel more worthy and more capable. In a sense, these are "survivors" of the world of crime. They are fully aware that there was no prior indication that they would quit offending some day, and that they had just barely avoided a dreadful future. "Without Assisted Freedom I would be in prison today, or else I would be dead" says Miguel.

Their involvement in crime began many years ago and is directly connected with extreme poverty and/or a situation in which other family members are already in the world of crime. The opportunities outside the world of crime were very limited, then, both objectively and subjectively speaking. In their narratives, these youths describe their involvement in offending as self-evident or as a financial necessity. Miguel began to deal in drugs when he was 10. His three older brothers are also involved in the drug traffic and two of them were in prison when we interviewed him. During his adolescence, the money Miguel earned through drug dealing enabled him to help his mother support the family and send a little money to his brothers in prison.

Faced with the demands of the socio-educational system, these youths present cumulative handicaps: their educational level is extremely low, they typically speak the language of the world of crime, their involvement in trafficking prevents them from moving around the city freely because of gang wars, and the urgent need to earn money makes quitting their delinquent activities most improbable. Fabiano, for instance, never ended his first year in elementary school, because his family was constantly moving when he was a child. He began to deal in drugs to help his cousin redevelop a drug dealing spot. After a while he was promoted co-manager of that drug-dealing spot and when his cousin was sent to prison it was up to him, with the help of a handful of youths armed to the teeth, to protect it from the assaults of enemy traffickers who wanted to take it over. When he arrived in the probation program he had no identity document. When interviewed, he unhesitatingly asserted "almost everything I know I learned from my life in crime".

And yet, at some point in their trajectory, the socio-educational system offered these young people a way out, with new possibilities, most of the time within the setting of a one-to-one, emotion-fraught relationship with their probation advisor. In the case of Mateus, this opportunity occurred when he arrived in the probation program following a long period during which he had suffered violenceand humiliation in confinement and semi-liberty centres in Rio de Janeiro. He then established a relationship with his advisor, based on mutual trust and dialogue, which, in his own

words, "made him want to succeed". With the help of that person, he then took a competitive exam for an apprenticeship at the Rio de Janeiro Court of Justice, as part of a program for youths from the socio-educational system. The job then made it possible for him to put an end to his holdups and to control his drug use.

These special relations with their probation advisor lead to strong internalization of the institution's values and categories, and it is the narratives of these youths that most resemble what might be named 'identity transformation' trajectories. Miguel, for instance, often stresses his feeling that he is now "resuscitated"; Igor uses religious metaphors – and even resorts to the idea of a miracle – to explain how he gave up trafficking at age 18 after five years in the world of crime. In their stories, these youths' trajectory is clearly structured around the idea of a *before*, in the world of crime – with its violence, "dirty money", and "illusions" – and an *after* in the world of legal work, symbolized by expressions such as "walking with my head held high" or "not owing anything to anyone".

The future of these youths remains extremely uncertain, however, for the resources at their disposal are minimal, aside from the support they receive from the socio-educational system. It is only by taking advantage of the experience acquired in the rehabilitation programs and subsequently accepting a relatively unqualified, poorly paid job that they can succeed in keeping away from illegal activities.

Desisting through skill transfer: the "exemplary" youths

A second type of desistance from crime is by transferring one's skills to other activities. This is the case for young people whose criminal activities represent one of a number of possibilities, since they possess varied resources and assets, and whose experience with the socio-educational system is characterized by recognition and an enlarged range of available options. These youths are labelled "exemplary" by the socio-educational system, in that they correspond to the expectations of the system: they are at ease when talking about themselves in one-to-one interviews, are committed students and take initiatives to find other kinds of work.

These young men's relation to delinquency has more to do with a need for recognition, purchasing power and independence than with a logic of survival or family predestination. Indeed, their parents usually have a job and a financial situation that suffices – although always very minimally – to tend to the family's needs. Davi, for instance, explains that he began to do armed robberies when his mother became unemployed: "I didn't need money, at the time I mostly wanted to buy clothes, sneakers, a tee-shirt. Later on, I realized how easy it was". Davi lives in the city centre, but he has a few friends in the nearby *favela* and was already acquainted with the local drug dealers before he began his armed robberies; this made it easier for him, subsequently, to sell off the stolen merchandise. Furthermore, this boy differed by his relatively good educational level – he was a high school freshman when he was arrested – and by the fact that he managed to keep going to school while pursuing his illegal activities. Delinquency, then, for these youths, was just another way of earning "pocket money" during their adolescence, without that competing with their schoolwork or with their future entry on the job market. According to Wanderson, "all fifteen year olds want to go out, go to the shopping centre, buy clothes, catch women's eyes", and the sale of drugs is a way of getting that money when there is no possibility of working legally.

When faced with the institutions of the socio-educational system, these youths are able to take advantage of their previously acquired assets and skills. These are mainly derived from their schooling – a diploma from the compulsory-level school is required for any vocational training program – but from their verbal aptitudes and social assets as well. Jonas, who never dropped out of school and was a high school freshman when he was arrested for drug dealing, had no difficulty in being accepted in three different rehabilitation programs, whereas many other youths did not even have the prerequisites for taking a competitive selective examination. Verbal skills are another valuable asset for these youths: the social ties developed at a music school and at church enabled Diogo to avoid the typical language categories of dealers, and gave him a definite advantage within the socio-educational system.

Another point is that the youths who live outside of the *favelas* have other assets both in the world of crime and in the socio-educational system. Everton, who lives in low-rent housing in the southern part of Rio de Janeiro, began to sell drugs at age 13. At the time he refused an offer by dealers from the neighbouring *favela* to work for them, realizing that the profits would be higher as an independent dealer. That stance would not be tolerated coming from a youth who had grown up in a *favela*. Also, youths living outside the *favelas* receive more attention from the socio-educational system professionals, who place greater hopes in their rehabilitation, since these young people do not have the same social handicaps as young *favelados*.

In the last analysis, these "exemplary" youths gain access to alternative sources of recognition and income thanks to the socio-educational system, and these replace the world of crime as provider of social status and purchasing power. Moreover, the relationship to the socio-educational institutions is more strategic and thought out in these cases than for youths who desist through identity transformation. Their resources enable them to negotiate the institution's control over them, and to take advantage of the potential benefits of rehabilitation programs without completely internalizing the institution's discourse. Davi, for instance, is aware that the socio-educational system is arbitrary and violent, and displays a critical, ironical distance from it. But he manages to set up strategies to protect himself from that violence – by boasting to guards that he is defended by a lawyer – and to speed up the examination of his legal case – by negotiating with his advisor her sending a positive report on his behaviour to the judge.

Desisting in spite of the socio-educational institutions: victims of labelling by the criminal justice system

Last, analysis of the trajectories of these youths points to a third type of desistance from crime, which occurs *in spite* of control and labelling by the criminal justice institutions rather than *thanks to* the opportunities offered by the system. This type of desistance applies to youths who possess assets that are usable outside of the world of crime, but for whom experiences within the socio-educational system mostly caused forms of stigmatisation and humiliation, as well as a restriction of potential opportunities. Wilson did not begin to commit armed robberies out of "necessity" – his mother had a steady job and income – but because he wanted to earn money "easily". Following his third arrest he was sent to temporary confinement, then to a semi-liberty arrangement from which he escaped. He then decided to stop his robberies and to work in the family transportation business within his *favela*. But two years later his criminal status was discovered during a routine police check and he was sent to a confinement centre for three months, then again transferred to a semi-liberty centre. Wilson suffered many losses during this period of confinement: first, his job, then the motor bike he had bought on credit, and even his girlfriend, whose family was totally unaware of his criminal justice history.

Other youths are simply unable to live up to the expectations of the socio-educational system, which demands high tolerance of control and apparent conformity to the institutional rehabilitation project. Joana, for instance, is systematically labelled as "rebel", or "in revolt" because she refuses to employ the institutional dis-

Manners of Desistance from Offending

INSTITUTION / OFFENDING		As a source of control and stigmatization	As a source of recognition and of new opportunities
Socially overdetermined – narrow range of options	*survival* / *family destiny*	**desistance impossible ?**	**desistance through identity transformation**
A possibility among others – broad range of options	*recognition, independence* / *purchasing power*	**desistance in spite of socio-educational institutions**	**desistance through skill transfer**

course on identity transformation, displays an explicitly lesbian identity and speaks the typical language of dealers in her *favela*. Because of this inappropriateness to the institutional expectations she failed the selection process for the training program.

Professionals in the socio-educational system are perceived by these youths as agents exerting surveillance, which have to be manipulated. Marcio, for instance, lies systematically to his probation advisor, as to his involvement in delinquency. On their way to desistance from crime, these youths gradually construct a strategic relation to the criminal justice institutions so as cushion the negative impacts the latter may exert on their lives. Once he understood that the criminal justice system "would always find him, in the end", Wilson began to play the game according to the institution's rules, but only on a minimal level: he goes to his appointments with his probation advisor, but refuses to go back to school and gives priority to his work in the family business. For him, the probation program represents little more than a constraint, since the institution's rehabilitation project based on school diplomas and formal learning does not correspond to his needs, be it in terms of his subjective expectations or objective financial returns (his educational level is very low and he works on the informal labour market). The obligation to attend an appointment every two weeks is actually a handicap for his employment project, since he loses a day's work.

All in all, the resources these youths galvanize in order to quit their delinquent way of life are located outside the socio-educational system, and in some cases must even be directed against that system to alleviate its negative effects. Most of them find work by their own means and networks, often on the informal labour market.

Conclusion

Analysis of the trajectories of these youths led us to identify three types of desistance from crime, resulting from the combination of their relations to delinquency and to the socio-educational institutions. By crossing these two dimensions we uncover a fourth, theoretical type in which "socially overdetermined" delinquency is combined with experience of the criminal justice system characterized by control and stigmatisation, as shown in the summary below.

None of the stories told by the youths interviewed here corresponds to the latter type, or rather, those who cumulate those two characteristics apparently do not desist from delinquency. The only effect of the socio-educational system intercession was to reinforce their identity as offenders and further restrict the range of options open to them. Because of the lack of assets at their disposal these youths were subjected to control by the institution without profiting from any of its habilitating effects. We may hypothesise, then, that when a youth whose entrance into delinquency is commanded by a logic of survival or a family destiny is further labelled negatively by the socio-educational system, it is consequently impossible, or at least extremely difficult for him/her to desist from crime.

In conclusion, our findings demonstrate the importance of seriously considering not only the objective resources, but also the meaning and actual experiences of both delinquency and the criminal justice system, if w are to understand the various modes of desistance from offending. The life histories of these young people point up the variable impact of socio-educational action, which sometimes produces forms of labelling and at others broadens the range of available options. This depends mostly on the resources on which these youths are able to rely, but also on their acquiescence to the institution's rehabilitation project. These different dimensions must be viewed dynamically, since the same event will not have the same meaning or impact depending on when it occurs within the individual's trajectory. The probability of desistance is actually not the same for these three modes. We may hypothesise that desistance by identity transformation is much more infrequent and risky than desistance by skill transfer: a hypothesis that would probably be supported by quantitative studies. Last, to take these analyses a step further, it would be important to explore the role of self-narrative and reflexivity both in the process of desistance from crime and in its relationship with objective changes in practices. Our findings seem to indicate that the young people who desist from crime with the help – to some extent, at least – of the socio-educational system are led, at first, to develop a narrative on identity transformation as a prerequisite for gaining access to rehabilitation programs. For those who desist from crime without the help of the socio-educational system, on the other hand, the identity transformation narrative is a minor element in the desistance process, which rests primarily on a change in activities.

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