

Alternative sanctions for young drug offenders

From punishment to help?

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Thomas Anton Sandøy

Bergen, October 2021

Summary

Parallel to a growing disbelief in criminalisation of drug use, there has been a surge of alternative approaches to drug users across jurisdictions. These alternative measures, commonly referred to as diversion, are designed to address drug use as a health and social issue as opposed to a legal problem. In this dissertation, I study the implementation of such interventions in cases involving the youngest drug offenders in Norway (15-17-year-olds). Over the last two decades, the prosecuting authorities have moved from swift monetary sanctions to long-term interventions for this group. This ‘penal transformation’ has strengthened the social work contribution to criminal justice and the thesis explores how this shift is experienced by the ones targeted (research question 1). Moreover, it examines the social distribution and outcomes of the emerging alternative sanctions (research question 2).

Based on two key data sources – qualitative interviews with young drug-law offenders subjected to alternative sanctions (n=24) and register data for all young people charged with drug crimes in the period 2000-2015 (n=10 665) – the study addresses both the subjective and societal implications of contemporary responses to adolescent drug crimes in Norway.

Interview data are utilised to explore early desistance processes and subjective punishment experiences. The register data are used to address questions of social inequality and recidivism accompanying the alternative sanctions.

The findings are presented in three published and one submitted articles in peer-reviewed journals, which are listed below. Articles 1 and 2 take the perceptions of the targeted youth as their starting point and place desistance in a relational context and punishment in a subjective context. Articles 3 and 4 employ data on the entire population of young drug offenders in Norway and locate the defendants in a socioeconomic status hierarchy and sanction effects on

recidivism in a relative context. Overall, the dissertation describes trajectories going into, through and out of alternative penal sanctions, thereby attempting to apply a holistic approach to contemporary responses to young drug offenders. The key arguments are that the sanctions may promote desistance by evoking relational concerns, punish by evoking subjective deprivations, reinforce inequality through sentencing disparities, and prevent future crime through a combination of rehabilitation and punishment experiences. Alternative sanctions seem to offer subordinate, punitive, unequal and effective help.

Table of contents

- 1. Introduction 13**
 - Drug policy in Norway: Scandinavian unexceptionalism? 16
 - Alternative sanctions for drug crimes: International and national developments 20
 - Content of the dissertation 22
- 2. Key concepts 23**
 - Youth offenders 23
 - Drug offences 26
 - Non-custodial sanctions 28
- 3. Theoretical perspectives 32**
 - The effects and effectiveness of punishment 33
 - Effects: early desistance 35
 - Effects II: punishment experiences 38
 - Effectiveness: social distribution 40
 - Effectiveness II: crime reduction 44
- 4. Methodology 47**
 - Qualitative data 48
 - Study settings and recruitment 48
 - Interview data and analysis 52
 - Quantitative data 57
 - Registries and population 57
 - Register data and analysis 61

Ethical considerations	66
Mixing methods	70
Mixing interpretations	72
5. Summary of the research articles	76
Article 1	76
Article 2	77
Article 3	78
Article 4	79
6. Concluding discussion	80
Drug policy implications	81
(a) Subordinate help	82
(b) Punitive help	82
(c) Unequal help	83
(d) Effective help	84
Some reflections on proportionality	85
Research gaps	86
References	88

List of Publications

- Article 1: Sandøy, T. A. (2019). Beyond personal reform: Adolescent drug-law offenders and the desistance process. *Punishment & Society*, 21(5), 578-595.
- Article 2: Sandøy, T. A. (2020). Alternative (to) punishment: Assessing punishment experiences in youth diversion programmes. *The British Journal of Criminology*, 60(4), 911-929.
- Article 3: Sandøy, T. A., Østhus, S., & Bretteville-Jensen, A. L. (2021). Social inequality in alternative sanctions: A register data study on all adolescent drug offenders in Norway 2005-2015. *European Journal of Criminology*.
doi:[10.1177/14773708211039646](https://doi.org/10.1177/14773708211039646).
- Article 4: Sandøy, T. A., Østhus, S., & Bretteville-Jensen, A. L. (revise and resubmit). Preventing future crime in adolescent drug offenders: A study of differential sanction effects on recidivism. Submitted to *Criminology & Criminal Justice*.

Preface

States around the world are reconsidering their approach to simple possession of illicit drugs (Stevens, Hughes, Hulme, & Cassidy, 2019). Norway is no exception, as policymakers argue over the design of a long-announced drug reform. The Government's proposal, which was turned down by the Parliament on 3 June 2021, promoted a framework for decriminalising use and personal possession of illicit drugs (Prop. 92 L). In the days leading up to the final vote, peculiar debates about decriminalisation for some (addicts) but not others (youth) re-emerged. The proponents of this dual approach maintained the importance of alternatives to criminalisation, including depenalisation of drug offences and diversion of drug offenders.

I remember seeing the numbers for the first time in 2015. The general population received more or less the same punishments for drug crimes as they did at the turn of the millennium, while the youngest (15-17-year-olds) had experienced a silent criminal reform (Lid, 2015). Hardly any of the young people received conditional prison sentences and decreasing numbers received what had been the dominant sanction since the 1980s – a fine (Sandøy & Hauge, 2019). Instead, increasing proportions received a waiver of prosecution conditional on supervisory measures (counselling, trial period, drug testing). I started asking questions to practitioners and police districts about the 'diversionary shift'. Hardly any systematic data existed. Sometime later, after acquiring funding for a study on the emerging alternative sanctions, I overheard four boys talking in the corner of my local fast food shop. Casually, one of them complained about the hassle of 'piss tests'. Another laughed in agreement. Half of them were undergoing the intervention I was about to study and they made it out to be a joke, at least in front of their friends. Do these things actually work, and if so, how?

1. Introduction

“I think some behaviours necessitate a reaction. Whether we should call it punishment, or call it treatment (...) we could talk about that all day. Should you be punished for smoking some cannabis? Well, I don't know. But should you be seen? Should you get some grown-ups who see you, see what you do and why you do this? Yes”.

(Social worker administering alternative sanctions for young drug offenders)

The Convention on the Rights of the Child (CRC) is the only human rights treaty that addresses drugs explicitly. Article 33 instructs signatory states to take all appropriate measures to protect children from the use of illicit drugs (UN, 1989). It can be argued that an ‘all means necessary’ approach to drug consumption in children necessitates criminal prosecution, but the article calls for the “appropriate”, listing administrative, social and educational measures alongside legislative ones. The juxtaposition of legal and extra-legal measures gives states leeway in deciding how children are best protected from the use of illicit drugs. In line with the social worker’s reasoning above, signatory states are obliged to react, but not necessarily punish. In accordance with the CRC, protecting children from their own drug use may well be a matter of “seeing” their complex needs.

This dissertation describes how the Norwegian state has gone about protecting older children (15-17-year-olds) from drug use over the two last decades. The short version is that the prosecuting authorities have moved from swift monetary sanctions to long-term interventions. This ‘penal transformation’ has strengthened the social work contribution to criminal justice (McAra, 2005), as increasing numbers of youth are diverted from police stations to healthcare and social services for counselling and monitoring (drug testing). It can be argued that the

emergence of alternative sanctions has led to a further blend of punitive and progressive responses in the drug field. In his writings on social control, Cohen (1971, 1985) described the constant mix of rehabilitative and regulating aims inherent in ‘professional’ deviance control. Several researchers point to the tension between rehabilitation and punishment (McNeill, 2014) – between safeguarding young people and protecting society from (youth) crime (Feld, 2006). A large body of research demonstrates the ambiguous merging of rehabilitation and punishment in legal practices (Cox, 2011; Henriksen & Prieur, 2019; Kolind, Frank, Lindberg, & Tourunen, 2015). A common theme in these studies is the counterproductive and even harmful effects of treatment offered within a punitive framework.

The numerous scientific blows directed at correctional programmes have added to the criticisms of ‘punishment as rehabilitation’. The general incapacity of such programmes to reduce recidivism led researchers in the 1970s to conclude that rehabilitative efforts were futile (Brody, 1976; Martinson, 1974), paving the way for a punitive orientation in youth justice across jurisdictions (Motz et al., 2019). ‘Nothing works’ became the hegemonic position, at least in the Anglo-American part of the world. Since then, this pessimistic approach to offender rehabilitation has been put to several empirical tests, partly turning the tide in favour of correctional rehabilitation programmes rooted in criminological knowledge (Cullen, 2005). Particularly, criminological knowledge that moves beyond narrow conceptualisations of individual rehabilitation to matters of reintegration and resettlement (social rehabilitation), has shed new light on the inter-relationships between rehabilitation and punishment (McNeill, 2014).

While the search for successful correctional treatment services for youth marks criminal justice systems across Europe (Dünkel, 2014; Pruin, Dünkel, & Grzywa, 2011), the

rehabilitative bent is generally more evident in countries with highly developed welfare models (Garland, 1985). Heightened statutory control of citizens' personal lives has been coupled with the 'welfare ambitiousness' of states (Rugkåsa, 2011). In such states, statutory interventions are commonly encapsulated in a rhetoric of generosity, which both allows for and legitimises wide-ranging rehabilitative measures. The penal-welfare embrace offered by Scandinavian countries, coined as 'Big Mother penal welfarism' (Smith & Ugelvik, 2017b), resembles a clasp of the two governmental hands described by Bourdieu (1998). The 'harder' right hand of government, represented by organs of control, and the 'softer' left hand, represented by welfare services, have long been joined in services aimed at young offenders in the northernmost corner of Europe (Ericsson, 2002). In particular, the merging of punishment and rehabilitation has been evident in drug policy matters. While the scientific criticism of the rehabilitative ideal ('nothing works') also made an impact in Scandinavian countries, it seemed to only upset 'the culture of intervention' temporarily. According to Andersson (2017), this culture was re-invented in the drug policies of Norway and Sweden. Criminalisation of drug-users was seen "as a means of reaching those who did not voluntarily submit to the corrective techniques of the welfare state" (Andersson, 2017, p. 119). In line with this, it can be argued that Norwegian drug policy rests heavily on the idea of 'punishment as rehabilitation'.

This dissertation is a study of relatively 'new' legal responses that aim to rehabilitate, educate and reintegrate young drug offenders in Norway. These interventions are commonly referred to as alternative penal sanctions. The two overarching research questions are:

- 1) How are the alternative penal sanctions experienced by the targeted adolescents?
- 2) What are the characteristics of the sanctioned and the outcomes of the sanctioning?

These questions prompt a two-dimensional approach to alternative penal sanctioning.

Whereas the first addresses the impacts of the measures on an individual level, the second pertains to the implementation collectively. Moreover, the first research question relates to the manifold effects of alternative sanctioning, while the second concerns the effectiveness of the legal measures – both in targeting offenders ‘equally’ and preventing future crime. The first question is explored through in-depth interviews with young drug-law offenders (N=24) and, to a lesser degree, interviews with social and healthcare workers (N=11). Based on these data, changes in criminal involvement (desistance) and subjective experiences of punishment are investigated. The second research question is examined through crime statistics and register data for all young people charged with drug crimes in the period 2000-2015 (N=10 665). Comparisons are made between the young offenders and a reference group in the general population (N=267 050). Based on the register data, questions of social inequality and effectiveness in deterring crime are addressed. A combination of approaches – in this case qualitative and quantitative – is generally viewed as a way to provide broader understandings of complex social phenomena, such as drug policy issues, as it allows for tentative but informed explanations (qualitative) of constructed patterns (quantitative) (Roberts, Skinner, Lauffenburger, & Galt, 2020). By exploring questions about particular experiences and general characteristics/outcomes, the study addresses both the subjective and societal implications of contemporary responses to adolescent drug crimes in Norway.

Drug policy in Norway: Scandinavian unexceptionalism?

Pratt’s articles on Scandinavian penal exceptionalism (2008a, 2008b) have sparked a long line of research, illustrating how the humanitarianism associated with Scandinavian-style welfare sanctions has its limits (Barker, 2013; Reiter, Sexton, & Sumner, 2018; Shamma, 2016;

Smith & Ugelvik, 2017a; Todd-Kvam, 2019). Some of the shortcomings of Scandinavian exceptionalism were also noted by Pratt (2008b) himself, with the strict drug-control policies of Norway and Sweden as a stand-out example. He described how the aim of drug-free societies led these countries to implement gradually stricter anti-drugs laws from the 1960s, resulting in severe maximum penalties for drug offences and large proportions of drug-related offenders in prison (Pratt, 2008b, pp. 285-286).

With the emergence of groups of drug-using youth in two central parks in Oslo and Bergen¹ in the mid-1960s (Sandberg & Pedersen, 2010), the drug problem in Norway went from perceived to palpable (Sandøy & Hauge, 2019). The societal response was overwhelmingly judicial. Close to all cases pertaining to illicit drugs were court-processed, resulting in prison sentences – conditional or unconditional – even for possession of very small amounts of drugs. Rather than seeing this restrictive response to drug use as a break with Scandinavian exceptionalism, it can be argued that it reflects the ‘Janus-faced’ nature of the Nordic penal regimes (Barker, 2013). The punitive path taken by Norway (and Sweden) may be characterised as ‘care-driven control’, highlighting the duality of the welfare state. In the name of public good, the perceived health and social problem of drug use was approached proactively. In this context, even imprisonment could be seen as a form of care. In line with Smith and Ugelvik (2017a, p. 10), the Nordic penal system in its entirety is “shot-through with welfare-oriented social technologies, logics and optics”. So, instead of regarding the Norwegian state’s initial response to the emerging drug problem as a knee-jerk reaction to the unfamiliar, I believe it is best understood as an expression of deep-rooted rehabilitative ideals. Strong rehabilitative ambitions, rooted in welfare rationalities, do not necessarily coincide with mild penal sanctioning (Barker, 2013).

¹ Slottsparken in Oslo and Nygårdsparken in Bergen.

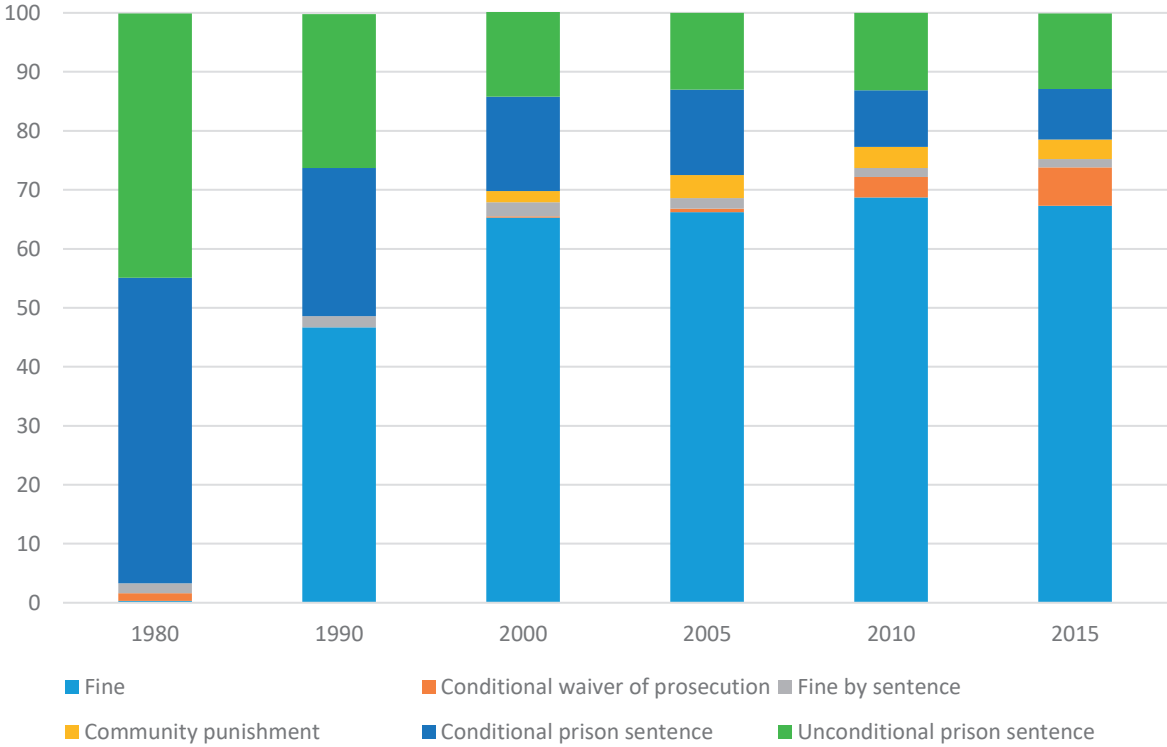
The punishments meted out in courts during this first period of extensive drug-control also served an expressive purpose (Tham, 2012). They were enforced to protect society – the moral fabric and the future – against the imminent threat of illicit drugs. The expressiveness of early drug-use penalties is vividly illustrated by a Supreme Court case from 1971, where four young people aged 17–19 received unconditional prison sentences of 21–30 days for long-term use and possession of cannabis (Sandøy & Hauge, 2019, p. 39). According to the court, the young people had “contributed to creating and consolidating an environment for drug abuse among youth”² (Rt. 1971, p. 179). Well in line with the expressive purpose of punishment, the court explained: “The public – and especially youth's – attitude towards drug abuse will be of significant importance for the prevalence of the abuse. It is therefore a key task to seek to counteract an accepting attitude towards such abuse. One of the measures available is the court's sanctions”³ (Rt. 1971, p. 179).

Whereas the maximum penalties for drug offences increased rapidly, reaching the maximum limit set out in law in 1984 (21 years imprisonment), a form of depenalisation took place from the 1980s onwards. As figure 1 shows, the fine went from being a marginal sanction to constitute around half of all drug sanctions in 1990. This development was related to an overall increase in drug cases, making court processing for all unattainable. The monetary sanction was mainly imposed in minor cases of drug use/possession and continued to increase in scope, amounting to around 65 percent of all sanctions enforced in the 2000s. Moreover, and highly relevant for this project, the use of conditional waivers of prosecution (CWP) entered the penal landscape in the early 2000s, primarily targeting the youngest drug-use offenders (Lid, 2016).

² Translated from Norwegian.

³ Translated from Norwegian.

Figure 1: Distribution of sanctions for drug offences, all ages 1980-2015



Source: Sandøy and Hauge (2019, p. 41) (Statistics Norway).

In line with Pratt’s (2008a) exceptionalism thesis, recidivism rates are considered low in the Scandinavian countries (Armstrong & McNeill, 2012). However, research has shown that this depends on the measures considered (Andersen & Skardhamar, 2017). Furthermore, persons charged with drug offences in Norway return to prison more often compared with individuals charged with other offences (Thorsen, Lid, & Stene, 2009). Deprivation surrounding extensive drug use, which has been shown to complicate desistance, is likely a contributing factor (Sivertsson, 2016). That such factors also affect recidivism for young low-level drug offenders is more unlikely. Unlike the distinct expressive purpose of punishment addressed above, questions of recidivism clearly pertain to the instrumental purpose of punishment (effectiveness) (Tham, 2012). The depenalisation of minor drug offences, in the form of

increased use of fines, has raised questions of the effectiveness of sanctions in preventing future drug use, especially in youth (Director of Public Prosecutions, 2014). The introduction of alternative sanctions for this group has largely been grounded in the need for effective rehabilitation measures. This aligns with international drug policy developments.

Alternative sanctions for drug crimes: International and national developments

Norwegian drug policy is largely determined by international law. The three main international drug conventions – United Nations 1961, 1971 and 1988 – clearly instruct each state to penalise intentional and unauthorized possession of drugs (UNDOC, 2013). This request was initially directed at possession with intent to supply, but does also comprise possession for personal consumption. As such, both the supply chain and the demand side have been targeted by international drug legislation for decades. While much has been said about the zero-tolerance line in the UN conventions (Hauge, 1989), less attention has been given to the invitation that follows the penalisation call. The 1961 Convention as amended, Article 36.1(b) reads: “when abusers of drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that such abusers shall undergo measures of treatment, education, after-care, rehabilitation and social reintegration” (UNDOC, 2013, p. 55). This rehabilitative scope was expanded in the 1988 convention, permitting the application of alternatives/additions to conviction or punishment for drug offenders in general, and not only drug abusers.

Young drug offenders are considered less responsive to punishment and more in need of education and treatment, regardless of the severity and type of drug use (EMCDDA, 2003).

On a similar note, the CRC emphasises reintegration of underage offenders (UN, 1989).

Children should be cared for in ways that promote constructive participation in society, which may involve the introduction of specially adapted laws, schemes or institutions. In line with

this, a range of customised laws and interventions for young drug users/offenders, resembling or overlapping the sanctions described in this thesis, have been piloted and implemented in Norway over the last decades (Andrews & Eide, 2019; Egge, 2004; Lien & Larsen, 2015). The common denominator in these initiatives, as expressed in a number of action plans and parliamentary reports, is the idea of the rehabilitative (legal) measure. Taking care of “children's special needs” and “better follow-up” are key objectives (NOU, 2008). This often involves long-term interventions, in the form of health and social care follow-up, as opposed to short-term detention or fines. While it is true that young drug-law offenders still enter the Norwegian justice system in large numbers, they increasingly enter it in alternative ways.

Based on crime statistics, Lid (2016) demonstrates a clear shift in sentencing practice in Norway during the preceding decade (2002–2013). From being an insignificant penal sanction at the start of the millennium, conditional waivers of prosecution (CWP) became a substantial measure in cases involving young offenders. Drug-related crime in general, and drug use in particular, made up more than half of the cases where CWPs were applied. It could be argued that the shift from fines to CWPs in cases involving young drug offenders represents one of the largest (and largely unspoken) recent drug-policy changes in Norway. Moreover, the ‘penal transformation’ (McAra, 2005) is well in line with developments on a European level. Echoing previous policy documents, the latest EU Drugs Strategy (2021-2025) promotes alternatives to coercive sanctions (strategic priority 7.4, p. 20), broadly defined as “measures that have some rehabilitative element or that constitute a non-intervention (for example, deciding not to charge or prosecute), and those used instead of prison or other punishment” (EU, 2020). It is stated that all Member States offer at least one such alternative, but the strategy calls for upscaling and streamlining of effective measures. The amelioration of alternative sanctioning depends on the production and exchange of research in this area.

Content of the dissertation

This thesis describes trajectories going into, through and out of alternative penal sanctions, thereby attempting to apply a holistic approach to societal responses to adolescent drug use/possession. The findings appear in four journal articles, three of which have been published and one submitted to *Criminology & Criminal Justice*. In chapter 2, I discuss the three main concepts underlying the study. I emphasise the passing nature of youth offending, the trivial nature of drug-use offences and the customary nature of non-custodial sanctions. In the subsequent chapter, I address the substantial theories applied in the articles, starting with a discussion of the difference between ‘effects’ and ‘effectiveness’ in punishment and society scholarship. Early desistance, which is understood as an intended effect of alternative sanctioning, is located in the divide between individual and relational processes of change. Punishment experiences, which are understood as unintended effects of the interventions, are placed in the context of objectivist-subjectivist approaches. Social inequalities in punishment allocation (social distribution) are treated as a matter of effectiveness. Lastly, recidivism issues, which are evidently a question of effectiveness, are located in the labelling-deterrence chasm. Chapter 4 describes the practical, analytical and ethical challenges attending the study. The chapter ends with a discussion of mixed-methods approaches, highlighting the interplay between data sources in the interpretation of findings. Chapter 5 gives brief summaries of the four individual research outputs, while the sixth and last chapter places the main findings of the dissertation in the context of contemporary drug-reform developments.

2. Key concepts

The purpose of this PhD project is to explore young drug offenders' encounters with the alternative criminal justice system. Before moving to the substantive theoretical perspectives, I wish to clarify and discuss the three main concepts underlying the study: youth offenders, drug offences and non-custodial sanctions.

Youth offenders

In breaking with the scientific search for criminogenic factors – biological dispositions, personality traits, subcultural values, and socioeconomic marginality – control theorists made the search for conformity their main objective (Lilly, Cullen, & Ball, 2007). Rather than seeking explanations for deviance, they sought the individual and social basis for law-abiding, normative behaviour. In doing so, they cast nonconformity as a somewhat 'natural' and expected part of human conduct. Conversely, conformity was portrayed as a hard-won state, contingent on sociocultural controls. On this backdrop, understanding why most people led law-abiding lives, even in circumstances of social pressures normally associated with crime, emerged as a key criminological endeavour. Given the theoretical claim that both offenders and non-offenders tend to adhere to dominant normative systems (Sykes & Matza, 1957), deviance became a departure from both collective and individual values. Most juvenile delinquency was understood as provisional and not a trait ingrained in personal and social identities. The passing nature of youth offending has since received substantial empirical support (Farrington, 1986; Loeber & Farrington, 2014; Moffitt, 1993).

In line with his previous writings, Matza (1964) applied the term 'drift' to juvenile delinquency. This comes across as both fitting and obvious, as the label essentially captures adolescence as a liminal phase. Adolescence is nothing if not a state of in-between-ness

(Beech, 2011), as youth ‘drift’ between socially recognised positions (Neumann, 2012).

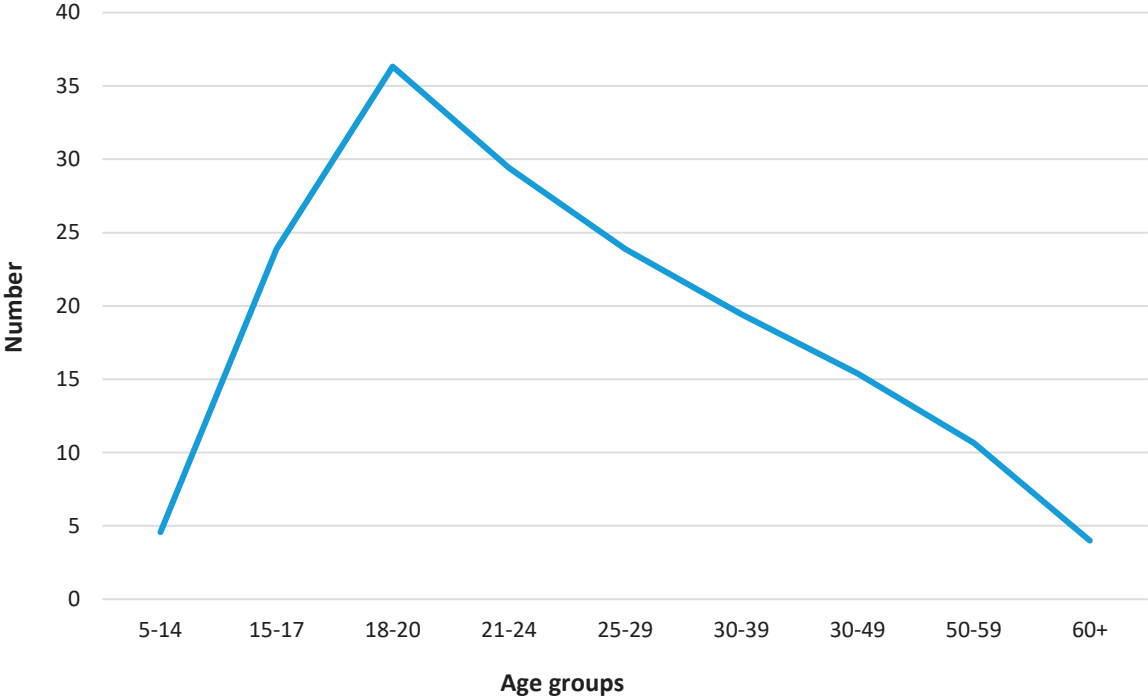
Explanations for juvenile delinquency have been located in this state of ‘becoming’.

Adolescence is characterised by both diminishing social control and bounded agency, making youth ‘drifters’ in Matza’s (1964) terminology. We find a similar approach to youth offending in Moffitt’s (1993) influential developmental theory. What she labels adolescence-limited antisocial behaviour is located in the gap between biological and social age. Lodged in this ‘maturity gap’ (or in-between-ness), where biological maturity is attained but social positions remain inaccessible (worker, driver, lover, drinker etc.), contemporary adolescents may drift into antisocial behaviours. A significant proportion of youth seem to do just that. Antisocial behaviours increase rapidly during adolescence, but, as Moffitt (1993) forcefully points out, this behaviour is by and large discontinued. Offending may be a common part of adolescence, but the majority of youth desist with increasing age (Laub & Sampson, 2001).

Moffitt’s (1993, p. 674) taxonomic theory, which suggests that “juvenile delinquency conceals two qualitatively distinct categories of individuals” – the small group engaged in life-course-persistent offending and the much larger group engaged in adolescence-limited antisocial behaviour – has been criticised for theoretical obscurity and a shaky empirical basis (McVie, 2005; Skardhamar, 2009). Yet, on an aggregate level, the greater part of offending seems to be adolescence-limited. This has famously been captured by the ‘bell-shaped’ age-crime curve (Farrington, 1986), illustrating how the prevalence of offending increases in middle adolescence, peaks in late adolescence and decreases in early adulthood. Indeed, the ages 15–20 come across as the ‘crime-prone years’ across most countries, historical periods and data sets (DeLisi & Vaughn, 2016). As an example, I have included the age distribution of criminal charges per 1000 capita for the latest statistical year available in Norway (2019). In line with the typical cross-sectional age-crime curve (Loeber, 2012), the number of charged

persons peaks in the 18–20 age group. I could have picked any statistical year and found similar patterns. Young age appears to be key correlate of crime (DeLisi & Vaughn, 2016).

Figure 2: Number of charged persons per 1000 capita, all offences 2019



Source: SSB (2021) (<https://www.ssb.no/statbank/table/09415/>)

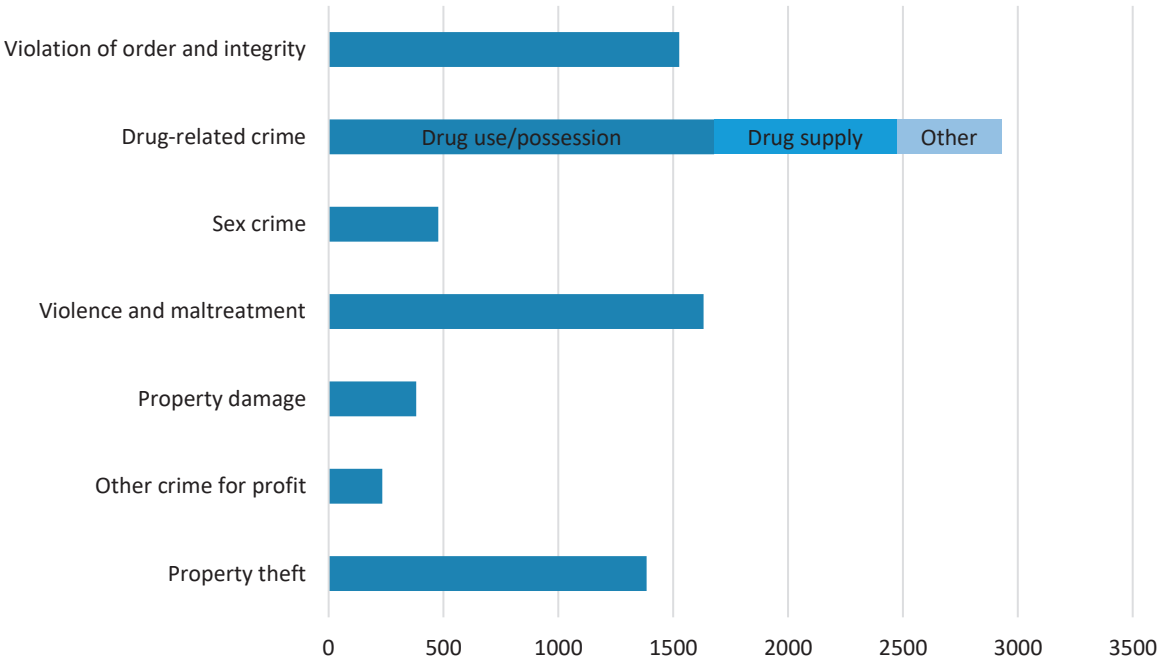
Whether the pattern in figure 2 speaks to criminal propensity in youth or the propensity of the police to target youth is unclear. Perhaps an accurate statement would be that young age is a key correlate of *registered* crime. It should also be noted that cross-sectional prevalence curves are unsuitable for studies of individual offending careers (McVie, 2005). In order to study individual persistence and desistance from offending, longitudinal follow-up is required (Loeber, 2012). Still, youthful impulsivity is established as a potent risk factor for criminal behaviours. Alongside changes in relational concerns (Warr, 1993), increase in age is associated with decreases in sensation-seeking and enhanced maturity in decision-making

(DeLisi & Vaughn, 2016). Returning to the control-theoretical take on hard-won conformity, certain levels of antisocial behaviour during adolescence are to be expected. Hence, when studying crimes committed by youth, one often studies common aberrations. It could be argued that the diffusion of antisocial behaviour among youth makes some offending normative rather than abnormal (Moffitt, 1993), rendering the term ‘antisocial’ dubious. Certainly, the degree to which actions are deemed (anti)social is contingent on the prevalence of said actions in the context in which they take place.

Drug offences

Depending on the type of behaviour, adolescent ‘drift’ may be highly dramatic (Pitts, 2013). In opposition to Moffitt’s (1993) dual taxonomy, adolescence-limited offenders make up a complex group including sporadic but serious offenders (McVie, 2005). The criminal behaviour under study in this thesis – drug offences – is arguably more trivial and comes in two distinct, but often overlapping forms: supply and use (Coomber, Moyle, & South, 2016). Research has shown that even dealing may take the form of a ‘drift’ (Taylor & Potter, 2013), yet it is perhaps easier to envision adolescents drifting into substance use (McVie, 2002). Minor drug offences (use or possession for personal use) made up 82 percent (1.2 million) of the 1.5 million drug-law offences reported in the European Union in 2019 (EMCDDA, 2021). The figure below, which shows the number of charged persons during the ‘crime-prone years’ of ages 15–20 in Norway, tells a similar story. Drug use/possession cases made up around 70 percent of the registered drug offences in this age group in 2019 (other drug-related offences pertained to doping agents, driving under the influence and some violations of the Alcohol Act). Notably, drug-related offences were the most prevalent crime type by some distance, with minor drug offences alone outnumbering the other categories (traffic violations and other/unspecified crimes were excluded from the figure).

Figure 3: Number of charged persons in the 15-20 age group, main crime types 2019



Source: SSB (2021) (<https://www.ssb.no/statbank/table/09416/>)

Drug-use offences, and in particular cases pertaining to use/possession, are a dominant form of crime among youth in both the EU and Norway. Perhaps it is an apt example of a common aberration, compatible with the situational drift between licit and illicit actions in the liminal phase that is adolescence (Sandberg, 2009). Despite the high prevalence of drug-use offences, criminological literature regularly addresses drug-taking as something other than a criminal act. Drug use and possession for personal use are a peculiar form of crime and are perhaps best understood as ‘other problem behaviours’ (Laub & Sampson, 2001). The drift into, continuation and desistance from drug use is commonly described as a separate process to criminal involvement (Colman & Vander Laenen, 2012). A key criminological task has therefore been to describe the relationship between drug consumption and crime. Researchers have explored if drug use leads to crime, if crime leads to drug use or if both drug use and

crime stem from the same underlying causes (Bean & Wilkinson, 1988). Clearly, models explaining the relationship between drug use and crime do not handle drug use as crime in and of itself (Pedersen, 2011). Perhaps the emphasis on the drug-crime link in criminological literature reflects a tendency to focus on ‘dependent’ drug users over ‘persistent’ or ‘recreational’ users (Simpson, 2003).

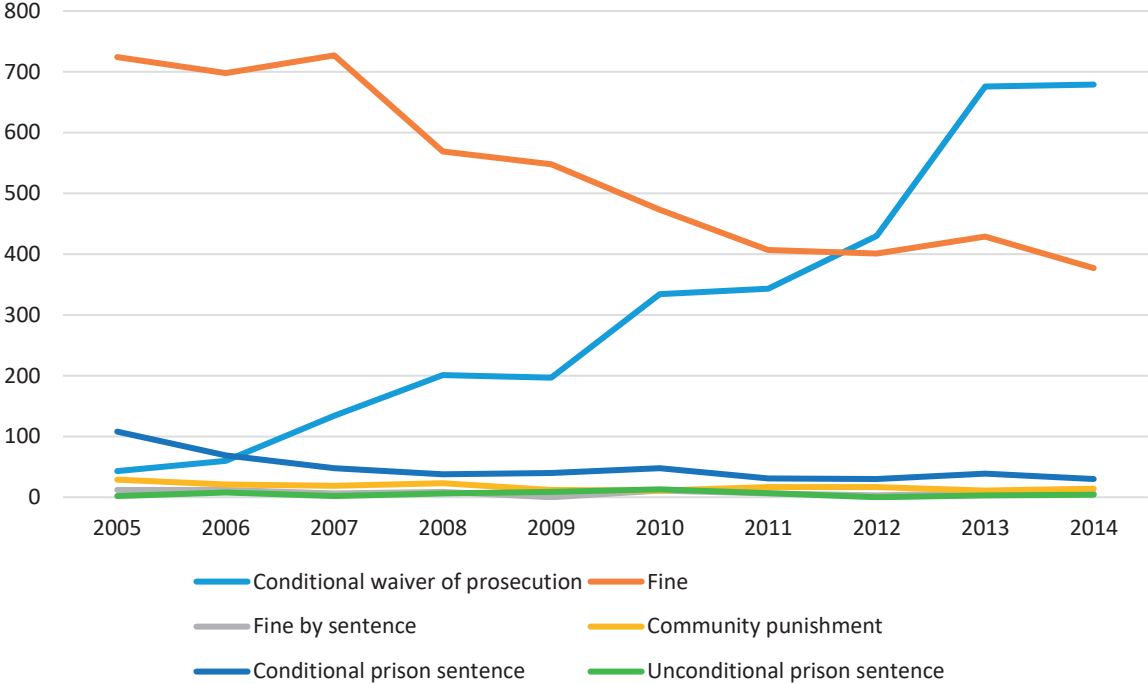
While the acts of possessing and using illicit substances may (and do) evoke legal responses among dependent and marginalised users (Lalander, 2003), it is hard to see drug consumption, in itself, as a crime amidst evident health and social problems. Hence, the move from drug use as crime to drug use as a cause to (or result of) crime seems natural. However, for a vast group of drug users in general (Seddon, 2000), and for most of the youth in this PhD project in particular, the act of illicit drug use is their only punishable offence. With some notable exceptions in the qualitative material, drug use was the behaviour that evoked punishment. The alternative penal sanctions that they received were put in place to deal with drug consumption, not as ‘other problem behaviours’ (Laub & Sampson, 2001), but as *the* problem to be addressed.

Non-custodial sanctions

The penal state has a range of powers at its disposal (Garland, 2013). As shown in chapter 1, the penal powers employed in response to drug-use offences in Norway gradually shifted from the power to incarcerate to the power to levy fines during the 1980s (Sandøy & Hauge, 2019). Over the last two decades, the penal power has once again shifted for the youngest offenders, this time from monetary to alternative sanctions. The figure below illustrates the

gradual, yet distinct shift from fines to conditional waivers of prosecution (CWP) for 15-17-year-old drug offenders over a 10-year period⁴.

Figure 4: Sanctions for drug offences in the 15-17 age group, 2005-2014



Source: SSB (2021) (<https://www.ssb.no/statbank/table/10624/>)

What does this shift in legal responses to adolescent drug offending imply? In the words of Garland (2013, p. 500), it may represent a move towards the power to transform individual conduct and the power to supervise. By making the waivers of prosecution conditional on participation in programmes containing counselling and drug testing, the penal state positions itself as a change-promoting agent. The measures are supervisory in design, perhaps best illustrated by the mandatory drug testing to which many of the adolescents are subjected.

⁴ Due to changes in the reporting of main offence types by Statistics Norway from 2015, the last five statistical years available are excluded from the figure. However, data for the extended category ‘offences pertaining to substances’ indicate that the trend has continued, with CWPs reaching a provisional peak (709) in 2019. In the same year, the number of reported fines was a record low of 204.

Accordingly, the increased implementation of alternative penal measures for youth can be understood as an expression of the global emergence of ‘mass supervision’ (McNeill, 2019), and not just as another tool in the welfarist toolbox characteristic of the Scandinavian penal systems (Pratt, 2008a). Whereas the lack of ‘agency’ (to enter socially recognised positions) was upheld as a contributing factor in juvenile delinquency by control theorists (Matza, 1964), studies of young offenders in treatment programmes have demonstrated the difficulties in performing (already restricted) agency in contexts of structural constraints (Cox, 2011, 2013). For example, youth express feelings of powerlessness and inhibited personal growth in “highly ‘structured’ community penalties” (Cox, 2013, p. 146). It should be noted that the alternative penal measures under study in this thesis diverge from these penal contexts (especially Cox, 2011) in that they appear relatively flexible and lenient. This makes sense, insofar as episodic, trivial antisocial behaviour (e.g. drug use) during adolescence is regarded as responsive to mild punishments (DeLisi & Vaughn, 2016).

The predominance in criminology of studies of imprisonment comes across as somewhat curious (Robinson, 2016), especially given the much larger number of persons under some form of non-custodial supervision compared with the population serving custodial sentences (McNeill, 2019). The low priority given to supervisory sanctions comes across as particularly paradoxical if the expansion of such sanctions leads to net-widening, as suggested by European data (Aebi, Delgrande, & Marguet, 2015). Perhaps less curious, monetary sanctions, which is the most used sanction in most jurisdictions (including Norway), have also received limited criminological attention. Young (1992, p. 435) writes: “monetary sanctions are by far the most commonly used sanction yet, in comparison to the attention paid to imprisonment, are little studied; prison, statistically speaking, in the context of responses to all crimes and offences, is a minor sanction, but has volumes written about it”. With this dissertation, I aim

to contribute with a volume on the sanctions that are spread thinly in society – supervisory programmes and fines – as responses to the common behaviour of drug use. Unlike imprisonment, these non-custodial sanctions are enforced on large numbers of individuals, both during and after adolescence. In the following, I seek to draw these sanctions – their effects and effectiveness – out from “the shadows of punishment and society scholarship” (Robinson, 2016, p. 95). It can be argued that the sanctions and the actions that set them off are unspectacular in their ‘normality’. Turned on its head, the scope of the non-custodial sanctions heightens the need for scientific knowledge in the area.

3. Theoretical perspectives

“That’s how it is with preventive work, it’s very difficult to measure how much effect it has”

(Social worker administering alternative sanction for young drug offenders).

“It does not have much effect on me”

(15-year-old boy on drug counselling)

Remedies for criminal behaviour are rooted in ideas (Lilly et al., 2007). In a short text published in the 17th century, Cesare Beccaria ([1764]1986) offered several of the kind, placing the effects of punishment at the heart of criminal justice policy. Keeping in mind the proportionality between crime and punishment, he argued that sanctions should be chosen for their ability to “make the most effective and lasting impression on men’s⁵ minds and inflict the least torment on the body of the criminal” (Beccaria, [1764]1986, p. 23). In other words, he argued in favour of punishments that fit the crime, reasonable sanctions with deterrent effects on both the individual offender and the public. The emphasis on punishment outcomes over retribution, and the humanity this carries, undoubtedly stirred emotions in 17th century Europe. In some ways, it can be argued that this shift in reasoning set the stage for criminology as a modern science. On the backdrop of Beccaria’s ([1764]1986) treatise, Sherman (1993, p. 446) argues that “the historic and conceptual core of criminology is the *science of sanction effects*”. For reasons both theoretical and methodological, criminology has seemed more engaged with the issue of crime causation than punishment effects. Clearly, causes of crime are closely related to punishment, as public attributions of crime causation will likely influence societal responses to crime (Flanagan, 1987). Moreover, assessments of

⁵ The plural implies an occupation with both individual and general prevention

the salience of sanction-effect studies in criminological literature depend on the conceptualisation of the term 'effects'. A 'science of sanction effects' comes across as a narrow discipline predominantly engaged with controlled experiments (Sherman, 1993). Evidently, criminological approaches to punishment outcomes have been (and should be) much broader.

Multiple research strategies are relevant for addressing punishment outcomes. In the following, I will illustrate this by separating the term effects from effectiveness. I then go on to discuss what the alternative sanctions do in terms of desistance, punishment, social impact and crime prevention. The key arguments are that the sanctions may promote desistance by evoking relational concerns, punish by evoking subjective deprivations, reinforce inequality through sentencing disparities, and prevent future crime through a combination of rehabilitation and punishment experiences.

The effects and effectiveness of punishment

The study of legal consciousness is the empirical endeavour of capturing law in the words and actions of social actors (Silbey, 2008). As a research agenda, this might come across as a straightforward call for qualitative methods, but as a theoretical concept, the development of legal consciousness represents a clear shift of gaze in legal studies and a critical approach to the ideals of law. Firstly, it shifts the focus from 'lawyer's law' to the everyday worlds of individuals (Silbey, 2005). Developed by socio-legal scholars, it is not so much a study of law and society as a study of law in society. This distinction is significant, as it draws a line between the effectiveness of law and the manifold, and sometimes obscure, effects of law.

Like the concept of legal consciousness, the theoretical framework for penal consciousness shifts the focus from the lawmaker to the layman. More precisely, it allows the subjective experiences of the punished, rather than the ideal representation of punishment, to drive examinations of punishment (Sexton, 2015). The framework draws directly, and explicitly, from the concept of legal consciousness, as it studies the gap between punishment on the books and punishment in practice (Ewick & Silbey, 1998). This reflects the distinction between law and legality inherent in the legal consciousness literature. Intended punishment, acknowledged by the penal system as such, corresponds to the ideal effectiveness of law, whereas penalty corresponds to the subjective effects of law (Sexton, 2015).

The distinction between effects and effectiveness inherent in the legal and penal consciousness literature has guided my work on this thesis in several ways. While none of the research questions or outputs address law on the books, the thesis turns to both subjective meaning-making and objective measures of effectiveness. The project is essentially a study of law in society, but the research questions clearly intersect the divide between manifold, everyday effects of alternative sanctions and the common ideals of punishment allocation (equality and crime prevention). This dual approach to youth justice delivery resulted in four research articles, of which two address the effects⁶ and two the effectiveness⁷ of the sanctions. In the following, I will describe each of the theoretical approaches underlying the studies in more detail. As will be explained in chapter 4, I employed qualitative data in the study of effects, and quantitative data in the study of effectiveness. This reflects the fact that the distinction between effects and effectiveness, as the terms are applied here, largely coincides with the subjectivist-objectivist divide. Normally, the two terms are used interchangeably to describe quantifiable outcomes of sanctions/interventions. Here, ‘effects’ refer to subjective

⁶ Early desistance and punishment experiences

⁷ Equality before the law and crime prevention

experiences and ‘effectiveness’ to objective outcome measures. In this way, I aim to position the study within a broader ‘science of sanction effects’.

Effects: early desistance

I knew little about the concept of desistance when starting to collect data for this PhD project. With no intention to write about it, and sound arguments against applying the term to novice, trivial offenders (Laub & Sampson, 2001) and children (Haines & Case, 2015), my first article could have been different. Perhaps it should have been different, as it can be argued, “one can only desist after having developed an adult identity” (Case & Haines, 2020, p. 14). By applying the term ‘desistance’ to young drug users, I run the risk of establishing them as ‘offenders’⁸ that could (or should) desist and not locating them in the state of in-between-ness they truly belong to. However, while the concept may be seen as essentially negative, it also signifies positive processes underlying change (Hampson, 2018). Moreover, as a term that has only recently attracted attention in the field of Norwegian penalty (Andvig, Koffeld-Hamidane, Ausland, & Karlsson, 2020; Linge, 2021; Todd-Kvam, 2020; Ugelvik, 2021), the desistance framework may provide new insights into sanction effects in this legal context. In response to this, and perhaps more importantly, reflecting the constant talk about change (or the lack thereof) by the participants in the qualitative part of the study, I decided to apply the desistance framework to a group of potentially ‘unfit’ youth. This decision was consolidated by research literature locating ‘change’ at the heart of the desistance paradigm and desistance processes outside of individual rehabilitation (Maruna, 2011; McNeill, 2012).

When desistance is distinguished from termination of offending, the phenomena is treated as process rather than outcome (Laub & Sampson, 2001). This recognition, which has gained

⁸ This criticism could be directed at the use of the term ‘offender’ throughout the thesis.

proper footing in criminological research over the last decades, has several conceptual and methodological implications. Rather than addressing the end of crime (“true desistance”), cessation, or the crime-free state, desistance research is directed towards the gradual, often non-linear and pendular, process of ‘going straight’ (Fagan, 1989; Maruna, 2001). This shift poses a challenge for static binary models of crime cessation. While several studies have identified positive effects of ageing, marriage, employment etc. on desistance, these factors should not simply be regarded as independent variables affecting the dependent (desistance) (Bushway, Piquero, Broidy, Cauffman, & Mazerolle, 2001). For example, studies have found that reductions in crime precede marriage (Lyngstad & Skardhamar, 2013) and employment (Skardhamar & Savolainen, 2014), turning assumed causes into consequences of desistance. Furthermore, while certain life events may encourage alteration of criminal behaviour, the impact of these events depends on the subjective meanings attached to them (Farrall, 2002). Research has shown how the subjective and social dimensions of desistance are interrelated. In their study of serious adolescent delinquents, Giordano, Cernkovich, and Rudolph (2002) show how cognitive transformation entails an ‘openness to change’ combined with exposure to what are labelled ‘hooks of change’. Their study illustrates the consolidation of agency and structure – individual motivation and structural opportunity – characteristic of much desistance literature (Farrall, 2002; LeBel, Burnett, Maruna, & Bushway, 2008).

Qualitative data can provide a suitable entry point to the subjective elements underlying desistance. While structural conditions (hooks of change) may be obtainable from the typical survey (Laub & Sampson, 2001, p. 25), individual motivations (openness to change) may not (Giordano et al., 2002). In his study of the life stories of ex-convicts, Maruna (2001) incorporated human agency by illustrating how desistance processes were embedded in personal narratives of reform (becoming a ‘new person’). Whereas this may come across as a

highly individualised approach to desistance, the personal narratives were inherently social in orientation. Reformed offenders were characterised by other-centred orientations and a focus on socially generative behaviours (Maruna, 2001). It was in this other-centeredness that I located the accounts of subjective change in my data (article 1). The desistance accounts of the young offenders were primarily embedded in the testimony of others (King, 2013, p. 159).

The impact of social bonds, or subjective concerns with social bonds, hold a central place in much criminological research. On the basis of economic theory, it is argued that individuals who invest in social bonds, or have a stake in conventional relations, are more deterred from criminal involvement (Nagin & Paternoster, 1994). People have reciprocal orientations towards each other, and the 'relational rules' between them function as a form of structure, conditioning their behaviours towards each other (Weaver, 2012; Weaver & McNeill, 2015).

The salience of different relationships is clearly age-graded. For adults, intimate relationships may have a direct influence on crime as they entail new social roles incompatible with continued offending, or an indirect impact through the shifting of relational concerns from the (delinquent) peer group to the partner/family (Warr, 1993). The emphasis on shifts in relational concerns is in line with social learning theory, which identifies changes in associations as decisive for offending behaviours (Sutherland, Cressey, & Luckenbill, 1992). In this theory tradition, ageing has a deterrent effect on criminal involvement insofar as it corresponds to increased exposure to law-abiding persons. The general idea is that individuals, as they grow up, associate less with (delinquent) peers and more with a spouse, employers etc., thereby increasing their stake in a conventional life. Theories of age-graded informal social control are illustrative of the difference between factors associated with desistance early and later in life (Laub & Sampson, 2001). Youth are bound to rely more on

testimonies of other people, such as parents and (perceived) future educators/employers, than do adults (King, 2013). These ‘other’ relational concerns seem to play the leading role in the desistance processes of young, low-level offenders, leaving the actual interventions to play the supporting role (article 1).

Effects II: punishment experiences

While the application of desistance theory serves as an example of how framing of research can be data-driven and bottom-up, the emphasis on punishment experiences was of a deductive nature. Punishment experiences have received much attention in Norwegian penology, particularly in relation to imprisonment (Ugelvik, in press). It may be that I felt obliged to investigate if and how punishment attended the seemingly non-punitive sanctions under study in this PhD project. Again, I decided to ‘push’ a theoretical framework onto something that arguably was unfit for purpose (article 2). By most accounts, the alternative penal sanctions are low in severity. At the start of the project, I discussed the penal character of the interventions with several practitioners, both penal and non-penal. Rather than closing off this line of inquiry, these discussions served as validation of the importance of giving the penalised youth their own voice in constructing penalty (Sexton, 2015).

Punishment – both custodial and non-custodial – comes in days, months and years.

Differences in duration are generally (and judicially) understood as differences in punishment severity (Raaijmakers, de Keijser, Nieuwbeerta, & Dirkzwager, 2017). This simple conceptualisation of punishment has been thoroughly challenged (Hayes, 2018a), with prison sociologists adding several subjective experiences to the ideal representations of punishment as duration and liberty deprivation (Sexton, 2015). These stretch from guilt over disrupted family bonds (Pogrebin & Dodge, 2001), pains of psychological assessments (Crewe, 2011)

to experiences of disrespect and unfair treatment (Liebling, 2011). What these studies have in common is that they illustrate how ideal understandings of severity fall short in capturing lived punishment. By showing how experiences of punishment severity vary across settings, individual characteristics and over time (Raaijmakers et al., 2017), the studies represent a subjectivist challenge to conventional macro-understandings of punishment (Kolber, 2009). Furthermore, the prison studies place subjective experiences at the heart of assessments of penal character (McNeill, 2019).

The inclusion of non-custodial sanctions in the ‘pains of punishment discourse’ (Hayes, 2015) does not imply a move away from insights gained from prison studies. On the contrary, prison studies, including the theoretical frameworks applied herein, have had a major impact on analyses of non-custodial penal harshness (Durnescu, 2011; Haggerty & Bucerius, 2020; Harkin, 2015). This could be seen as a response to calls made by prison sociologists, who regularly encourage the application of theories and ideas outside prison settings (Crewe, 2011; Sexton, 2015). In addition to shared approaches, many of the same pains identified in prison have been uncovered outside the prison walls. The deprivation of autonomy, as opposed to liberty deprivation in and of itself, stands out as a key experience of modern imprisonment (Reiter et al., 2018). Unsurprisingly, this pain plays a key part in studies of community penalties as well.

Whereas the loss of autonomy makes up only one of the eight pains of probation identified by Durnescu (2011), some of the other forms could be understood as subcategories, such as the “pain of reorganising the daily routine around the sanction” and the “deprivation of time”. Similarly, of the six major groups of community penalty pains portrayed by Hayes (2015), “pains of liberty deprivation” and “pains of external agency interventions” largely overlap

with matters of autonomy deprivation. The identification of indeterminacy as a pain in its own right represents another parallel between studies of custodial and non-custodial sanctions. Indeterminate prison sentences are experienced as being on remand (Crewe, 2011), while lengthy, indeterminate community penalties create comparable frustrations in diverted youth (Cox, 2013). As depicted in article 2, deprivations attending alternative sanctions took particular forms, while overlapping with matters of autonomy-loss and indeterminacy.

On a critical note, subjectivist approaches risk blurring the limits of punishment by including unintended and non-state effects (van Ginneken & Hayes, 2017). This is what Ryberg (2010) addresses as the ‘challenge of delimitation’, namely the inclusion of all negative experiences following conviction in the pains of punishment discourse. While this calls for considerations of the proximity between sanctions and experiences (Hayes, 2018b), it does not oppose the identification of unintended deprivations. On the contrary, capturing the unintended is the whole point of the subjectivist approach in penology. Accordingly, Sexton (2015, p. 118) “allows for a sufficient breadth of phenomena to fall under the rubric of penalty to gain a fuller understanding of that which is experienced as punishment, rather than merely that which is designed or intended as punishment”. This call to look beyond law-on-the-books (and prison walls) (Haggerty & Bucerius, 2020) is received in this PhD project (article 2).

Effectiveness: social distribution

In the early stages of the project, I was interested in investigating the regional distribution of alternative sanctions. There were several indications of large differences in alternative punishment allocation across police districts and, at the time, place of residence seemed like the most important factor influencing the probability of receiving the sanctions under study. That is, where and by whom the young drug offenders were arrested seemed to matter more

for their penal outcome than the characteristics of the young people themselves. This regional factor, labelled ‘youth justice by geography’ (Haines & Case, 2018), is likely a persistent contributor to sentencing disparities in minor drug cases for youth. Since the sanctions under study remain consent-based alternatives (primarily to fines), local cultures of penal control, maintained by police officers and prosecutors, will continue to have a decisive influence on their dissemination. Hence, the shift in focus from regional to social distribution of alternative sanctions had nothing to do with decreasing regional disparities, but arose for methodological, theoretical and practical reasons.

Firstly, a study of youth justice by geography is not dependent on the detailed individual-level data we⁹ received through registries (more on this in the next chapter). Upon receiving data, we realised that we needed to address differences in sentencing outcomes across social characteristics, while merely including geographical data as controls or instruments. Secondly, the study of early desistance (article 1), which was completed at the time, emphasised the change-promoting influence of parents. While we had no direct measures of parental involvement in the register data, we considered socioeconomic status (SES) to be a suitable proxy for parents’ capacity to engage with their children’s legal processes. Thirdly, and closely related to the previous points, the association between family features and offending in adolescents holds a central place in criminological research and theory development (Farrington, 2010). Of the family characteristics examined, SES is among the most featured (Derzon, 2010) and appears as the “most classic risk factor for problem behaviour” (Rekker, Keijsers, Branje, Koot, & Meeus, 2017, p. 156). To assess whether or not such social gradients also applied to the assignment of alternative sanctions, seemed to be a promising research task (D’Alessio & Stolzenberg, 1993; van Eijk, 2017). On a practical note,

⁹ The studies on social inequality and recidivism were co-authored (see p. 71).

we also reckoned a study of social gradients in punishment allocation would be more relevant to an international audience than an assessment of regional differences in Norway.

Initially, we set out to map the social distribution of both drug charges and alternative sanctions. In order to carry out this dual task, we would have to draw on different theoretical backgrounds. An assessment of social gradients in charges would have been grounded in structural theories, suggesting that both crime and criminalisation are rooted in underlying opportunity and social power structures (Lilly et al., 2007). A study of social gradients in sanctioning directs the theoretical lenses further ‘ahead’ to processes post-arrest. Here, perspectives on unequal treatment by prosecutors, rooted in socially skewed risk assessments (Goddard & Myers, 2017; Starr, 2014), come into play. In line with causal attribution theory (Albonetti, 1991), limited information and/or impressions of offenders may influence both risk prediction and sentencing outcomes.

Since the PhD project is essentially a study of sanctions, we finally decided to zoom in on social disparities in alternative punishment allocation. However, this did not imply that we left the matter of social gradients in drug charges behind. Numerous studies have shown how a lack of family resources precedes the development of problem behaviours in youth (Fergusson, Swain-Campbell, & Horwood, 2004; Piotrowska, Stride, Croft, & Rowe, 2015), yet the association between SES and delinquency has been described as weak-to-moderate and unspecified (Agnew, Matthews, Bucher, Welcher, & Keyes, 2008; Tittle & Meier, 1990). The unclear associations may stem from the fact that SES can have both a negative and positive effect on delinquency (Wright, Caspi, Moffitt, Miech, & Silva, 1999). Delinquency, including drug use/possession, may be engendered by deprivation (low SES) or opportunity (high SES), making the social distribution of offending diffuse. While the dual effect of SES

applies to self-reported offending, it may take a different form for registered offending (charges). Drug users in opportunity structures may approach (and be approached by) their social surroundings in ways that are unavailable to their low-status counterparts, resulting in negative effects of SES on charges as opposed to offending per se (Askew & Salinas, 2019). With this in mind, we treated our sample of young defendants as a selected group. We assumed a clustering of drug-related problems, including criminalisation, in low-SES groups and estimated sentencing disparities in sample selection models (article 3).

It may seem forced to make the social distribution of sanctions a matter of ‘effectiveness’. The idea is simply that punishments have certain social functions. Intended punishment corresponds to the ideals of law and should be applied equally to all (UN, 1948). As law on the books¹⁰, the principle of equality can be viewed as a means to shape society in an intended, egalitarian manner. The Norwegian legal scholar and sociologist Vilhelm Aubert (1972) wrote about status-selective sentencing in Norway in the 1970s. He explained why two individuals who had committed the same offence, one of high and one of low social status, could be at different risk of punishment. Firstly, high status could protect against suspicion and detection (the risk of charges). Secondly, high status could offer protection against negative legal outcomes through means of better legal assistance and favourable treatment by prosecutors who identify/empathize with high-status defendants. Aubert’s point was that such status-selective sentencing went against the intended purpose of punishment, making the social distribution of sanctions a matter of effectiveness. The implementation of alternative sanctions is effective insofar as it is distributed equally across SES groups (article 3).

¹⁰ The Constitution of the Kingdom of Norway, § 98 (<https://lovdata.no/dokument/NLE/lov/1814-05-17>)

Effectiveness II: crime reduction

While the link between social distribution and effectiveness may seem somewhat artificial, individual crime reduction (specific deterrence) stands out as the obvious measure of the effectiveness of punishment. Effective sanctions may contribute to other things besides crime prevention (restoration of social bonds etc.), yet assessments of the effectiveness of the justice system are commonly reduced to its influence on future offending behaviours (Smith, 2005). Our aim to map the effectiveness of alternative sanctions in preventing future offending, which was integrated in the PhD project from the start, reflects the preoccupation with measuring recidivism in sanction-effect studies. Yet, it does not imply that future offending is necessarily the best or most important measure of a sanction's effectiveness. Successful outcomes may come in the form of social reintegration, school completion, employment etc. Still, a study of the association between alternative sanctions and reoffending seemed like a natural place to start (article 4).

Few criminological fields of study are as clearly immersed in opposing theoretical stances as the research on the influence of sanctions on recidivism (Ward & Tittle, 1993). Most studies on the effects of arrests and/or sanctions on subsequent crime introduce their objectives and present their findings in relation to the opposite predictions made by deterrence and labelling theory (Bhati & Piquero, 2007; Morris & Piquero, 2013; Motz et al., 2019). These theories predict that sanctions either decrease subsequent offending through specific deterrence mechanisms – e.g. enhanced certainty of punishment (Nagin, 2013) – or increase future crime through labelling mechanisms – e.g. the cementing of deviant self-identities (Becker, 1963). In other words, penal sanctions are ascribed crime-reducing or deviance-amplifying effects by the two dominant theories in the field. The hegemony of these two incompatible theoretical 'choices' has been described as "a stranglehold on the field" (Sherman, 1993, p. 446). One

way of escaping this 'stalemate' is to shift the focus to relative sanction effects. Rather than asking if criminal system contact has deterrent or criminogenic effects compared with no contact, one could ask if one particular sanction has positive or negative effects on recidivism compared with other relevant sanction options (Nagin, 2013). That is the guiding principle of the recidivism analysis in this dissertation.

Foucault (1977) regarded the 'humanisation' of criminal law as a comprehensive economic and rational shift in punishment. The objective was not to penalise less but better. This logic is highly present in the development of sanctions aimed at young offenders (Smith, 2005). Rather than letting young offenders off cheaply, alternative measures that (presumably) lead to positive behavioural change are designed and promoted. This raises questions of the relative effectiveness of emerging penal 'innovations' in youth justice. Are alternative sanctions better at preventing future crime than the sanctions they replace (article 4)?

As mentioned in the introduction, empirical evidence of correctional programmes' incapacity to reduce subsequent offending led to a profound disbelief in 'punishment as rehabilitation' in the 1970s (Brody, 1976; Martinson, 1974). After decades of 'punitive erosion' (Goshe, 2019), the idea that youth can change through correctional programmes has partly been redeemed. Scholars have identified effective intervention programmes capable of reducing recidivism (Cullen, 2005), making the notion that 'nothing works' controversial. Depending on the outcome, alternative sanctions for young drug offenders may 'work'. In article 4, effectiveness is reduced to measures of registered reoffending risk. The distinction between self-reported and registered offending is significant, as arrests and/or sanctions may have different effects on these two separate processes. Research has shown that first arrests have a stronger effect on rearrests than reoffending (Lieberman, Kirk, & Kim, 2014). Put differently,

increases in ‘secondary sanctioning’ may be unrelated to increases in ‘secondary deviance’.

We study differential sanction effects on the former, namely the risk of being apprehended by the police a second time.

On a final note, a study of a sanction’s effectiveness in preventing future crime should look to the theoretical underpinnings of subjectivist approaches to punishment (article 2), which acknowledge the relevance of human adaptation (Bronsteen, Buccafusco, & Masur, 2009).

Given that “punishment communicates condemnation *because* and *insofar as* it is associated with negative experience” (Bronsteen, Buccafusco, & Masur, 2010, p. 103), individual adaptations may alter the communicative message of sanctions. Hence, subjective experiences are not only crucial for understanding the content of punishment, but also the outcomes.

Accordingly, young people’s experiences of alternative punishment may inform the interpretation of differential sanction effects on recidivism (article 4).

4. Methodology

The PhD project was initiated by two principal questions, raised in dialogue with stakeholders and colleagues in the research community: how do adolescents experience alternative sanctions, and do these interventions actually work? This binary approach to contemporary youth justice necessitated a mixed methods strategy, along the lines of the divide between ‘effects’ and ‘effectiveness’ described above. Table 1 shows the relationship between the four individual works and the data sources.

Table 1: Articles and data sources

Article	Aim	Data source	Sample
1	Explore adolescents’ accounts of change/desistance (effects)	Qualitative interviews	22 young people on alternative sanctions
2	Explore adolescents’ accounts of punishment (effects)	Qualitative interviews	24 young people on alternative sanctions
3	Investigate social gradients in alternative sanctioning (effectiveness)	Register data	3,209 young people charged with minor drug offences and 69,201 randomly drawn young non-offenders
4	Investigate relative recidivism risk following alternative sanctions (effectiveness)	Register data	3,276 young people charged with minor drug offences

In this chapter, I present and discuss the implementation of the qualitative and the quantitative parts of the study separately, emphasising the data collection, analysis and running challenges pertaining to each method. None of the data existed prior to the project start-up, making the journey from research questions to research outputs longer. Some of the experiences with

gatekeepers – funding agencies, ethical boards, social workers and data providers – will be addressed. Challenges of an ethical character will be presented in a separate section, followed by a discussion of the prerequisites and benefits of mixing methods. This part includes reflections on scientific collaboration and co-authorship. I end the chapter by identifying potential gains from combining qualitative and quantitative data in interpreting findings.

Qualitative data

The first research question, regarding particular experiences of alternative punishment, required nuanced data at an individual level. The chosen research strategy – qualitative semi-structured interviews with sanctioned adolescents and the non-penal actors administering the sanctions – was carried out in three cities¹¹ in different parts of Norway. The first interview was conducted in March 2016 and the last two years later, in March 2018. In total, I interviewed 24 young people, 11 healthcare- and social workers and 3 police officers involved in preventive work among youth (N=38). The interviews with young people became the main qualitative data source, substantiating analyses of desistance processes (article 1) and punishment experiences (article 2).

Study settings and recruitment

The Norwegian social science data services (NSD) swiftly approved my application to process personal data, allowing me to reach out at the start of 2016 to services that implement the alternative sanctions. Connections with organisers were established through e-mails and subsequent phone calls, yet the most important door opener came in the form of previous encounters and pre-existing contacts. From working on other research projects in the drug field, I knew several places that administered the alternative penal measures. My first trip

¹¹ One interview took place at the outskirts of one of these cities and one was conducted over phone/e-mail.

went to a city (and service) where I had formerly collected data on a different topic. I believe it is easier to let someone ‘back in’ (or re-establish rapport) than to welcome a researcher for the first time. Studies have shown that “negotiating access is different to gaining entry to a research site” (Reeves, 2010, p. 315). In this case, (re)negotiating access included a presentation of my research project at a morning meeting for all the staff at arrival. Moreover, and somewhat unintentionally, conducting interviews with some of these staff members served a similar purpose. To be clear, these interviews were part of my intended data collection exercise, as my aim was to collocate their views of the alternative sanctions with those of the targeted youth. In retrospect, I believe these one-to-one encounters with gatekeepers also played a part in the negotiation of access to the adolescents’ accounts. At my first research site, the staff, who for the most part were health workers, provided me with a list of phone numbers of young people who had agreed to be contacted by a researcher¹². I spent a week at an assigned office contacting participants and interviewing the ones who responded. As the days passed, it became clear that the majority on the list were hard to reach. This obviously came as a disappointment, but more importantly, it mobilised the (interviewed) staff in the recruitment process. With their assistance, I was able to end my stay with a handful of rewarding interviews with adolescents undergoing alternative punishment.

Gaining entry to the second research site was even more straightforward, as one of the staff members whom I knew well vouched for me. Still, access was negotiated through encounters and interviews with the social workers who acted as formal gatekeepers to the alternative sanction (Reeves, 2010). At this study site, the recruitment process began where the former ended, with staff reaching out to young people on my behalf and directing them to my

¹² This way of contacting participants had some unforeseen disadvantages. The list of phone numbers was not completely accurate, resulting in a few texts/phone calls to baffled strangers. At one point, I called a grown man who, for some reason, agreed to do an interview. Luckily, I realised that the person on the other end was an adult and was able to talk myself out of what would have been an awkward interview situation.

assigned ‘office’ after finishing a mandatory appointment with a social worker. Whereas this led to a more efficient recruitment process, it came with the risk of blurring the line between voluntary research participation and mandatory intervention (Holloway & Wheeler, 1995). The youth were already present at the premises, making the distance to the research encounter short in both a literal and figurative sense. In a way, the ‘relational goods’ of the youth-social worker relationship at the service worked in my favour (Weaver, 2012). Unlike at the first service, the staff at the second research site did not implement a drug-testing regime. I believe this set the stage for higher degrees of flexibility and trust, characteristic of ‘virtuous’ offender management (McNeill, 2006). Given a researcher’s need to communicate voluntariness, I found it helpful to enter into an environment relatively low on coercive means. My two stays at this service, totalling 8 days, resulted in the highest number of interviews of the places I attended. The staff’s active role in recruitment was clearly convenient for me, but I wondered if it was overly convenient for the service(s). In order to avoid oversampling of ‘success stories’, I asked the staff at all study sites to (also) recruit young people who were struggling with the terms set by the programmes. Looking back at the overall sample, which ranges from participants who claimed that they never wanted to use drugs again to participants who did not intend to ever quit, I believe this was taken into account.

The recruitment of participants in the third and last city was more fragmented, as I approached (and was approached by) more than one service. Again, I decided to interview formal gatekeepers – two healthcare workers and one police officer – at the onset of the data collection process. At this stage in the project, I had realised that these interviews served a practical purpose beyond offering background information to the adolescents’ accounts. Youth workers, in the broadest sense of the term, were the ones who could introduce me to

hard-to-reach young people and, perhaps just as importantly, trust me to approach them in a respectful and confidential manner. In this city, both strategies described above – phone contact and direct contact at the services – were applied. Unlike in the other two study sites, where all the interviewees were subjected to similar conditions¹³, some of the participants in this last city were subjected to several supervisory measures through the ‘youth follow-up’. The youth follow-up is a distinct measure that was first implemented by the Norwegian Mediation Service in 2014. The legal measure can be imposed as a condition in a waiver of prosecution, a term in a conditional prison sentence, or as an integrated part of a transfer to the conflict council¹⁴ (Lie, 2015). As it entails more comprehensive supervision than the healthcare and social work programmes, it should (ideally) be imposed in more severe criminal cases. However, the youth follow-up is frequently applied to minor drug offences¹⁵, despite the arguable disproportionality between crime and punishment. Initially, investigations into this measure were supposed to constitute a significant part of the PhD project. For reasons both conceptual and practical, the youth follow-up came to play a small part in the scientific output. As expressed in chapter 2, this thesis came to be about the low-level sanctions that affect the majority of young people who are arrested for drug crimes. Since its implementation in 2014, the number of youth follow-up cases has increased rapidly (Andrews & Eide, 2019). All the same, it was implemented too late to be included in the quantitative analyses (articles 3 and 4). Hence, the participants on youth follow-up who were recruited to qualitative interviews were primarily included to broaden the perspective on contemporary societal responses to drug crimes committed by youth.

¹³ Supervision through drug testing in the first city, supervision through conversational follow-up in the second.

¹⁴ Both police prosecutors and the court can decree processing in a conflict council.

¹⁵ Personal communication with staff in the Norwegian Mediation Service.

The recruitment process resulted in 24 interviews (19 boys and 5 girls) with young people apprehended for drug offences between the ages of 15 and 17. One girl was older at the time of arrest, but was still subjected to an alternative sanction. The mean age of the qualitative interview sample was 17.4 years, counting the ones who were interviewed some time after programme completion (the oldest was 24). Besides the boys (4) sentenced to youth follow-up due to drug-supply offences, the sample were arrested for drug-use offences pertaining to cannabis (19) and stimulants (1). Half of those charged with minor drug offences received a sanction centred on social work follow-up, while the other half were subjected to drug testing. The duration of the interventions was for most 6 months (18) and for some a full year (6).

Interview data and analysis

The first thing that struck me when reaching the interviews with adolescents was the tangible difference between interviewing youth and adults. Whereas the adult gatekeepers could speak unprompted about the interventions they organised for as long as needed, many of the young people were taciturn. The interview guides, which listed general themes for each participant group, came to serve different purposes for these two samples. In my experience, open-ended questions along the line of “tell me about your job” were sufficient to initiate protracted conversations with social workers, restricting the guide to a simple checklist to be looked over at the end of each research encounter. Most of the young people responded better to semi-structured conversations and probing, which necessitated a more active use of the interview guide. Rather than simply introducing broad topics, such as “the arrest”, subcategories of questions were asked to unwrap the situation (when, with whom, by whom). Overall, this gradual approach resulted in free-flowing and informative qualitative interviews with penalised young people. However, in some encounters, I struggled to get the conversation off the ground. This field note excerpt describes my head-to-head with a 16-year-old boy:

His answers were strikingly short, but I could have given him more time to think about things. Instead, I pushed the interview forward, perhaps for fear of the embarrassing silence. The police had caught him and a friend smoking cannabis behind a public building downtown. His story was interesting, but I took on a somewhat interrogative role in the midst of all the silence. Towards the end, I asked if he would choose the programme or a fine if he could choose again. I was sure he would be ‘compliant’ and say the programme, so was about to drop it, and was surprised that he answered “fine”. The young, quiet boy probably had several strong opinions about the type of sanction he had received that remained unaddressed. I walked him out of the interview room, strenuously talking about skateboarding. We encountered his social worker who stated “that went fast” (Field notes, November 2016).

This was the “fastest” research encounter in the data collection process (around 45 minutes), but there were several others in the vicinity¹⁶. Rather than simply positioning reserved young people as ‘disinterested’ participants (Gillies & Robinson, 2012), there are several lessons to take from the distinct experiences of interviewing them. Firstly, the difference between interviewing social workers and their young clients illustrates the ‘adult-centric’ nature of youth research (Lohmeyer, 2019). Research participants, including the researcher himself, arrive at the research encounter with one or several projects (motivations, methods, aims). Evidently, the project I brought into the various research encounters – to gain knowledge about the effects of alternative sanctions – was more aligned with the project(s) of the programme facilitators than with the projects of the targeted youth. Lohmeyer (2019, p. 40) explains how young people arrive at research encounters with parallel or conflicting projects.

¹⁶ Some of the interviews were longer, stretching upwards to two hours.

While we, as researchers, should strive to understand why young people decide to participate in our research, their reasoning may be unexpected and remain unrecognised. Apparent disengagement with research projects is commonly misconstrued as participant ‘passivity’. Rather, young people’s parallel projects within research, which in the case of my study likely ranged from receiving reimbursement¹⁷ to “the agentic revolutionary act of [participants] telling their story” (Lohmeyer, 2019, p. 52), should be acknowledged. The young people in this research project were subjected to a sanctioning regime, likely making the opportunity to tell their stories to an adult without coercive means at his disposal significant. This particular motivation came across in different ways at different research encounters:

Standing in the doorway, after the interview was over, the recorder turned off and the winter coat put on, he made something of an admission. He said he “had done a lot more than they [the programme] know”. We agreed to sit back down and turn the recorder back on. He started talking about cannabis use, which was the principal concern of the programme, as the least of his problems: “To smoke a joint at home alone is only positive, since I’m not out doing other things”. These other things were repeated robberies and the violent conduct that came with them. He had never been caught for these things and had no intention of telling his programme facilitators about them now. As long as they were unaware of him desisting from his ‘actual’ problems, the social workers saw no progress, only positive drug tests (Field notes, March 2018).

This excerpt is not meant as an illustration of how I, as opposed to the criminal justice social workers, accessed the ‘truth’ about these adolescents. However, it does illustrate how this participant was likely motivated by the opportunity to share life events with an outsider

¹⁷ After the slow start at the first research site, I decided to reimburse youth participants with gift cards worth 250 NOK (approximately 25 EUR).

without any influence over his legal situation. Perhaps the other boy above brought a similar project to the interview, which was obstructed by my motivation to cover as many aspects of the alternative sanction amidst silence. On the other hand, perhaps his project was to sit through an interview as quickly as possible and receive the reimbursement, thereby conflicting with the project I arrived at the research encounter with. At least he did not stop in the doorway. Regardless, both these examples tell a story of youth research as “a messy space with multiple contingencies” (Lohmeyer, 2019, p. 40). Saturation is a term frequently used in qualitative research, often on shaky analytical and theoretical grounds (Saunders et al., 2018). In my case, saturation seemed conceivable when interviewing adult administrators of sanctions and inconceivable when interviewing youth.

There are more lessons to take from the interview encounters with young people, among them reflections on the context of the interviews. As explained above, I sought to encourage participation by facilitating the interviews at the services that the youth were already attending. Participant observation and interviews in natural contexts outside the ‘structural locus’ (Robinson, 2016) of the sanctions would have been ideal, but how does an unknown, adult researcher attend such spaces with sentenced youth? Perhaps more effort should have been put into *creating* natural contexts (Eder & Fingerson, 2001) through group interviews and creative participatory methods (Gillies & Robinson, 2012). Given the legal status of the participants, and the fact that most wanted the sanctioning to pass by unnoticed by peers, alternatives to personal interviews were dismissed. With the risk of (re)creating the classroom dynamics of teacher-pupil interaction (Eder & Fingerson, 2001), or worse, the relationship between social worker and penalised youth, I went with the familiar and confidential. At least, this method did not obscure the power asymmetries within the research encounters (Lohmeyer, 2019). While face-to-face interviews require active participation by both parts

(Holstein & Gubrium, 1995) and, by default, exemplify the co-creation of social scientific knowledge (Charmaz, 2017), they are predominately researcher-led. In the case of this study, I was the one who initiated, arranged, framed and reimbursed the interviews. Herein lies some of the ‘unsolvable’ power dynamics of research encounters. By acknowledging the young people’s parallel (or conflicting) projects, I seek to avoid the “infantilisation” of young people (Connor, Copland, & Owen, 2018) as incompetent or disinterested participants. Their projects – recognised or not – certainly directed the interview encounters. Given the flexibility of semi-structured interviews, my research output was largely shaped by what the young people were motivated to discuss (or comfortable in discussing) with an unknown researcher.

All interviews were transcribed by research assistants shortly after completion. In order to relive the interviews – the pauses and subtle cues between sentences – I listened to the recordings while coding. As indicated in the theory chapter, the identification of research topics was both an inductive (desistance) and deductive (punishment experiences) process. The sheer amount of data on subjective reasons for behavioural change triggered article 1, while prepared questions on negative experiences accompanying alternative sanctions generated data for article 2. To be clear, the distinction between the inductive and deductive was not absolute. Given the rehabilitative scope of the alternative sanctions, the interview guide contained questions on changes in both attitudes and conduct. Moreover, the young people frequently shared reflections on punishment experiences unmotivated by my questioning. The transcripts were coded in HyperRESEARCH. This was a fairly unsophisticated process. In line with grounded theorists, I sought patterns in data and not individual stories (Charmaz, 2017). Hence, I applied codes (potential patterns) across all the youth interviews. Most of these were strictly descriptive (e.g. “drug testing”), while a few were more analytical and further removed from the actual wording of the interviewees (e.g.

“motivation”). After deciding on the framing of the two qualitative research articles, codes pertaining to desistance processes and punishment experiences were selected and examined more thoroughly. Given the wide range of topics covered in the interviews, the two articles could have addressed other aspects of the alternative sanctioning. However, from both a bottom-up and top-down starting point, early desistance and punishment experiences emerged as key stories about drug control in contemporary Norwegian youth justice.

Quantitative data

The second research question, regarding the distribution and outcomes of alternative sanctions (effectiveness), required data on a large sample of offenders. Because of the availability and quality of register data in the criminal justice field (Lyngstad & Skardhamar, 2011), we obtained data on *all* adolescents charged with drug crimes between the ages of 15–17 in the period 2000–2015 (N=10,665). Based on selected (comparable) cases in this population, we mapped social gradients in alternative sanctioning (article 3) and recidivism risk accompanying alternative sanctions compared with fines (article 4).

Registries and population

The research project was funded by the Norwegian Directorate of Health and the Ministry of Justice and Public Security. Whereas the qualitative data, in themselves, were relatively cheap to collect, transcribe, store and analyse, the quantitative data management required external funding. Thanks to the funds, we were able to commission Statistics Norway (SSB) to link the police register STRASAK with population, education and income registries. As explained above, gatekeepers in the qualitative part of the project came in the form of programme facilitators (staff at health and social services). In the quantitative part, access to data was regulated by an ethical board and the data provider. Due to the sample size requested, we

needed approval from the Norwegian Data Protection Authority (DPA). This processing is naturally comprehensive, yet the licence to manage personal data was granted in less than three months. After receiving the approval, we submitted an application to SSB regarding a loan of what is referred to as ‘micro-data’ in late 2017. This procedure was more extensive than the ethical approval. After nine months and frequent e-mail correspondence with a truly helpful consultant at SSB, the complete data set was delivered as SAS files (STATA) through a secure file exchange portal. Initially, we stored the data at a designated secure server at the Norwegian Institute of Public Health, but in order to facilitate collaboration across research institutions, we moved them to the Service for Sensitive Data (TSD) at the University of Oslo.

Given the availability of both register data and the funds to procure them, survey data collections were never considered. Survey data are often limited by low response rates, non/false responses, small sample sizes and attrition (Skardhamar & Telle, 2012). Moreover, a survey would have provided cross-sectional data unfit for measuring mid-to-long-term outcomes of legal measures (article 4). Register data, on the other hand, covers the entire (sub)population of interest and are generally not limited by missing or misreported data items. Furthermore, register data are only vulnerable to “natural” attrition (death or emigration) and can be organised longitudinally through unique ID (social security) numbers. In short, the administrative register data enabled us to conduct research that would have been unachievable with survey data (Lyngstad & Skardhamar, 2011).

As requested, Statistics Norway identified all individuals charged with any kind of drug offence – use/possession¹⁸ or supply¹⁹ – committed between the ages 15–17 in STRASAK.

¹⁸ Act on Medicinal Products § 24/§ 31.

¹⁹ The Penal Code § 231 and § 232.

This police register covers all who were alleged offenders following police investigation²⁰. We received individual level information about the time of the offence and legal decision (month and year), the type of sanction imposed by police prosecutors or the courts (retrospectively updated decision code), the police district involved (27 geographical units²¹), in addition to all criminal charges obtained by these young people during the observation period (regardless of crime type). Through the unique ID number assigned to every Norwegian resident, SSB linked the individual level crime data to population, education and income registries. From the population register, we received information about birth year and month, gender and immigrant status. Our sample was born between 1983 and 2000:

Table 2: Population of 15-17-year-old drug offenders (n=10,665), birth cohorts

1983	1984	1985	1986	1987	1988	1989	1990	1991
561	642	699	659	626	633	630	632	575
1992	1993	1994	1995	1996	1997	1998	1999	2000
621	573	591	672	758	810	569	318	96

We asked for individuals charged with drug crimes committed at ages 15–17 in the years 2000 through 2015. Given that age was measured at the end of each year at inclusion, the two first and two last birth cohorts differ from the others. No 15- or 16-year-old offenders were included in the population from the 1983 cohort, while no 15-year-olds were included from the 1984 cohort. Similarly, no 17-year-old offenders were included from 1999 cohort and no 16- or 17-year-olds from the 2000 cohort. Naturally, we have more observations on the ones

²⁰ Note that Statistics Norway defines ‘charges’ differently than the Criminal Procedure Act. In the statistics, ‘charged’ individuals have been identified as the perpetrator by prosecuting authorities.

²¹ The number of police districts was reduced to 12 in 2016.

born early in the 1983–2000 period (those born in 1983 were followed to the age of 32).

Observations must be weighted for exposure time in some longitudinal analyses (article 4).

Boys outnumbered girls three to one in the offender population. Considering the centrality of sex (or gender) in explaining crime (DeLisi & Vaughn, 2016), the gender gap in our data is not particularly large. Indeed, the fact that a quarter of the offenders were girls could be seen as an illustration of the widespread nature of drug crimes in the youth population. Like gender, immigrant status (or minority background) is frequently portrayed as a key correlate of crime and, perhaps more importantly, as a powerful predictor of harsh sentencing outcomes (Doerner & Demuth, 2010). Based on the population register, we could determine whether the young offenders were born in Norway from parents also born here (native), whether they were born in Norway from at least one parent born outside the country (immigrant background), or whether they themselves were born outside Norway (immigrant). Immigrants and persons with immigrant backgrounds made up 14 percent of the sample population, which aligns with the overall proportion in the Norwegian population (SSB, 2020).

From the population register, we also received information about the county of residence (updated annually) and family constellation (also updated annually). The latter included information about the marital status and living arrangements of parents, the number of persons in the household and the number of siblings (including half-siblings). We also asked Statistics Norway to link the young people's place of residence to a six-point centrality index, indicating degrees of urbanity (SSB, 2017).

From the education register, we received information about the highest educational attainment of each parent when the youth was 16 years old. This information was included in our

measure of socioeconomic status (article 3) and as an independent control variable (article 4). From the income register, we requested aggregated variables for the households to which the young offenders belonged. In the statistics, ‘household’ includes all permanent residents who share a housekeeping economy. We received detailed information comprising net household income, taxable gross wealth, debt, non-taxable and taxable transfers (disability pension, work assessment allowance, daily unemployment benefit, sickness benefit, and parental benefit). These data allowed us to locate each young person in the income distribution with precision.

Finally, we requested a reference group to be used in our analyses of social inequality in sanctioning (article 3). Per January 1st each year, a ten percent sample of all residents aged 15–17 was drawn through simple random sampling (SRS). Whether or not these individuals were part of our main population (offenders) was not taken into account until after the sampling. SSB marked everyone in the reference group who was also included in the main population (that is, those who had been charged with drug offences) with an indicator variable, allowing us to exclude them after receiving the data set. We received 16 independent samples (one for each year 2000–2015) containing 267,050 individuals in total (51% boys). All of these were linked with population, education, income and parental crime data in the same fashion as the main population.

Register data and analysis

The main challenge facing us in studying the social distribution and outcomes of alternative sanctioning (research question 2) was the matter of selection bias. How could we ensure that social gradients in punishment (article 3) and differential sanction effects (article 4) did not simply reflect pre-existing (and unobserved) individual differences in criminal propensity? Associations between social background and sanctioning on the one side, and sanctioning and

recidivism on the other, may arise for two separate reasons (Smith & Paternoster, 1990). Social gradients in punishment may be a result of either social inequalities in criminal involvement or unequal treatment by the youth justice system. In a similar fashion, differential sanction effects on recidivism may arise because high-risk youth are assigned certain sanctions over others or because different sanctions have different effects on future offending. This conundrum, which represents a major obstacle in the study of sanction effects, calls for rigorous research designs (Sherman, 1993). Simple comparisons between groups who have been handled differently by the youth justice system are insufficient, as the assignment of sanctions is a non-random process (Smith & Paternoster, 1990). Sentencing outcomes are likely influenced by procedural assessments of risk factors (priors, social characteristics etc.) (Albonetti, 1991). If youth at higher risk of (re)offending systematically receive more severe sanctions than their ‘low risk’ counterparts, associations between punishment severity and the social characteristics of the offender (e.g. socioeconomic status) or outcomes (e.g. recidivism) may well be a ‘selection artifact’ (Smith & Paternoster, 1990).

The ideal way to minimise this selection bias is to randomise the allocation of sanctions in experiments (Sherman, 1993). Through random assignment of sanction options – e.g. release, diversion or juvenile court (Klein, 1986) – punishment allocation, which likely hinges on unobserved considerations by prosecuting authorities (Morris & Piquero, 2013), is placed under experimental control. Accordingly, randomised controlled trials (RCTs) represent something of a ‘gold standard’ in criminological research as elsewhere. While the number of RCTs in the criminal justice field has increased over recent decades (Andersen & Hyatt, 2020), simple random assignment of sanctions raises ethical (Boruch, Victor, & Cecil, 2000) and practical (Weisburd, 2000) concerns. Moreover, and relevant to this thesis, “a true experimental research design that is generalizable to a large collective is often unrealistic”

(Morris & Piquero, 2013, p. 847). Consequently, researchers commonly turn to statistical techniques (e.g. instrumental variable approaches) to identify and extract causal inferences from non-experimental data (Stevens, 2020).

Upon receiving the data set covering all adolescent drug offenders in Norway in 2000–2015, we started organising data in a way that would suit our research question(s). In addition to models taking possible selection bias into account (more on this below), we also aimed to minimise the risk of flawed findings by reducing sample heterogeneity. The idea behind this was that some observed characteristics (e.g. priors) were likely associated with the outcomes of interest. This bias could be reduced by restricting the sample to participants who were comparable on these observed variables. We removed individuals who were charged with multiple first-time offences (several offences during the same month) and those charged with other offences prior to their first drug offence. Moreover, we restricted our sample to minor drug offences, i.e. violations of the Act on Medicinal Products (§ 24). For reasons unknown, some of these minor cases were court-processed. These ‘outliers’ were also excluded, restricting the final samples to young people who either received a conditional waiver of prosecution (CWP) or a fine for their first registered offence (exclusively minor drug offences). As shown in figure 4, these two sanctions have been the dominant responses to drug offences in youth in the observation period. While we have no illusions of simple random assignment of these sanctions, we observe that they have been implemented more or less to the same extent.

The data cleaning process reduced our samples to 3,209 (article 3) and 3,276 (article 4) unique first-time drug offenders²². These samples were then linked with population, education and income registries, which provided a set of controls (gender, family characteristics etc.). Besides the controls listed in our models, we included birth year, county (article 3) and police district dummies (article 4) in our analyses. While the sample specification and rich set of controls enabled us to analyse comparable cases, our design was still non-experimental and vulnerable to selection bias. In order to address the remaining non-random selection into sanction options, we employed sample selection regression models in an instrumental variable (IV) framework (Smith & Paternoster, 1990).

While research on associations between socioeconomic status (SES) and drug use has provided conflicting findings, studies suggest a clustering of drug-related problems, including legal problems, in low-SES populations (Gauffin, Vinnerljung, Fridell, Hesse, & Hjern, 2013; Pedersen & Bakken, 2016). Hence, we needed to account for social gradients in the probability of being charged with drug crimes in our analysis of sentencing disparities (article 3). We did so by estimating two equations simultaneously in a probit regression model (Cameron & Trivedi, 2005). In the first equation, examining the risk of being charged, we put the sample of non-offenders to use. With the exception of parental education, which was measured at age 16, all controls in our models were measured at age 15 or earlier. We therefore confined the reference group to 15-year-olds sampled at random each year (n=69,201). Together with the offender population (n=3,209), the reference group contributed to the first equation (risk of being charged) (n=72,410). Only the offender population contributed to the second equation (risk of an alternative sanction). This two-step process

²² We decided to restrict our analysis of social gradients to the 2005–2015 period, while the study of recidivism was based on the entire observation period. As shown in figure 4, alternative sanctions (CWPs) were used increasingly from 2005 onwards.

allowed us to map social gradients in the allocation of alternative sanctions for minor drug offences, conditional on the probability of being charged in the first place. The same set of controls were included in both equations, except for the required exclusion restriction (instrument variable). We used the birth cohort sizes in each county each year as our instrument, under the assumption that this may have an effect on individuals' risk of arrest (Savolainen, 2000), including arrest for drug possession (Jacobson, 2004), without having a direct (conceivable) effect on punishment allocation (second equation). By employing this statistical model, we were able to address social inequalities in alternative sanctioning while explicitly dealing with the unobserved, non-random processes surrounding arrests.

Unlike the study of social gradients, which compared the SES of adolescents who were assigned an alternative sanction for their first registered drug offence to those who were fined (events), the study of relative recidivism risk utilised data as individual event histories.

Through discrete-time proportional hazard regression models (Allison, 2010; Jenkins, 1995), we investigated differences in duration between legal decisions following the first minor drug offence and second arrests. Technically, we estimated the proportional increase in the probability of (any) new registered offence in a given month provided that no new offence had happened up to that point (hazard rates). Put differently, the relative timing of recidivism, measured as registered crime²³, was the objective of the analysis (Skardhamar & Telle, 2012).

Like in the study of social gradients, we faced selection bias challenges. As described above, differential sanction effects on recidivism may simply reflect pre-existing differences in criminal propensity. Hence, we excluded the same individuals as in the previous analyses (drug supply cases pursuant to the Penal Code § 231/232 etc.). We included more or less the

²³ Described as 'secondary sanctioning' (Lieberman et al., 2014).

same controls as in the SES models, with the exception of some offender-specific variables (age at first offence, months between first offence and legal decision, police district). Again, we employed an IV approach to deal with the remaining sample selection bias. Since we wanted to compare reoffending risk across different penal trajectories, we could not use the reference group of non-offenders in a sample selection model. Instead, we instrumented the main independent variable (sanction). In constructing our instrument, we made use of temporal and regional differences in the implementation of alternative sanctions. Specifically, we used the proportions who received either of the two conditional waivers of prosecution (without or with terms) in a given police district and year as an instrument. This variable is a clear indicator of the probability of being assigned an alternative sanction without being a clear predictor of recidivism (outcome), thereby meeting the requirement of an instrument (Smith & Paternoster, 1990). However, it is conceivable that the diffusion of alternative sanctions has an effect on recidivism through the criminal processing of low-risk youth in an ever-wider net (Aebi et al., 2015). As a response to this potential weakness to our IV approach, we conducted an alternative analysis accounting for unobserved heterogeneity in a random-effects complementary log-log regression. Overall, the statistical approach taken in article 4 was suitable for purging the sanction assignment variable for unmeasured correlates of recidivism, allowing us to address differential sanction effects on registered reoffending.

Ethical considerations

The research project was registered with and approved by the Norwegian Social Science Data Services (NSD) and the Norwegian Data Protection Authority (DPA). The former assessed the safeguarding of interviewees, while the latter addressed the ethical implications of register data management. In line with NSD requirements, the interviewees were thoroughly informed of the study before signing a written consent to participate. The information was transmitted

both orally and in writing. In my experience, it was especially important to ensure free, informed and explicit consent orally, as the information letter often found its way into a pocket straight away. Whereas the initial part of the research encounter likely bored the young participants, quick and careless consents may also illustrate the need for particular protection of children in research. As stated by the National Committee for Research Ethics in the Social Sciences and the Humanities (NESH, 2016), consent in research on children may simply reflect a willingness to obey authority (guideline no. 14). This touches on the ‘unsolvable’ power asymmetries in youth research encounters (Lohmeyer, 2019) and places responsibility on the researcher to provide sufficient and age/context-specific information about the project.

Since recruitment took place at services administering mandatory interventions, I had some concerns about the young people’s sense of voluntary research participation. In order to address this, both the information letter and my presentation of it emphasised the distinction between the study and other interventions inherent to their sanctions. I also made sure to underline that participation would have no effect on the ongoing sanctioning. The divide between research and programme participation tied into the confidentiality pledge given to the participants, which implied that identifiable information would not be disseminated.

Primarily, I assured the young people that their names and other identifying features, such as place of residence, would be changed/omitted in scientific output. I also explained that the pledge of confidentiality would have to yield to the duty to prevent certain offences (not drug crimes). Secondly, the assurance of confidentiality drew a line between the staff at the services and myself. The participant and I were the only ones present at each interview, and no information about the interview content was passed on to the staff at the services. None of the young participants opted to withdraw from the study during or after the interview.

Nearly all of the youth participants were below the age of 18 at the time of the research encounter. Additionally, the interviews were built around the sensitive topic of criminal involvement. The general rule is that consent from parents must be obtained in such cases (NESH, 2016). Based on an overall assessment of the nature and extent of the information obtained in the research project, the NSD considered participants above the age of 16 capable of consenting on an independent basis. For respondents aged 15, information about the project and a letter of consent were sent to parents for approval. In those few instances, obtaining consent was challenging. Whereas this speaks to the concerns of ‘third parties’ in research (NESH, 2016), the reluctance shown by some parents also illustrates why quick and carefree consents by young people may be problematic. In a research project such as this, the need to safeguard adolescents’ specific needs and interests must be balanced against the benefits that society (including the young people themselves) will gain from the insights provided. While it is necessary to consider the ethical issues above, it is of crucial importance to let the voices of the adolescents be heard (Becker, 1967; Eder & Fingerson, 2001). Again, this comes down to acknowledging young people’s own projects (Lohmeyer, 2019) and opinions (NESH, 2016) as active research collaborators (Connor et al., 2018). Societal interventions, such as alternative penal measures, are regularly initiated, evaluated and prolonged without input from the ones targeted. This consideration also relates to the management of register data.

The register links were administered by Statistics Norway (SSB) who provided the project with de-identified data. However, information about criminal offences among young people remains sensitive personal information. Several measures were therefore taken to protect the participants’ confidentiality. Most importantly, we never got access to direct person-identifying information. The 11-digit national identification number, which was required to conduct links between crime statistics and population, education and income registries, was

replaced by an identifier code. This was a closed process operated solely by SSB. In order to protect the participants against indirect identification, no information about municipalities was provided (only counties and police districts). This precautionary measure is especially important in a country consisting of many sparsely populated municipalities²⁴. Except for the initial drug charge (inclusion criteria), all the information on criminal charges was sorted into broad categories (crimes for profit, violent crimes etc.). Information regarding parental criminal involvement was not disclosed to us in a detailed form, but as crude variables constructed by SSB. The register data was stored on the Service for Sensitive Data (TSD) at the University of Oslo. Access to this offline server requires a password and a one-time code.

None of the individuals included in the register data set consented to partake in the study. This raises the question of whether data of equal quality could have been collected by other means. It seems obvious that obtaining informed and explicit consent would impede a study of this extent in this particular area. Moreover, young people who have been charged with offences, sometimes several years ago, would have been more exposed if they were actively approached for participation. Accordingly, and within the regulations set by the DPA, obtaining de-identified data to be analysed and presented at an aggregate level was considered an ethically legitimate approach. Again, this relates to the balance between safeguarding individual rights and societal benefits. Findings from such a study can be highly useful, as descriptions of young offenders' backgrounds and criminal trajectories can inform the youth justice system and shape further developments in drug policy. However, the study's usefulness is contingent on the dissemination of research output, which is also a matter of research ethics (NESH, 2016). As will be addressed below, some of our statements come across as strong causal claims (Stevens, 2020). While our statistical models were set up to

²⁴ The smallest municipality has fewer than 200 residents.

study causality, e.g. the *impact* of SES on the probability of receiving alternative sanctions (article 3), we aimed for sober conclusions (Rogeberg & Melberg, 2011). By concluding that ‘our findings suggest’, we acknowledge that the statistical significant associations may be mediated through unobserved factors, that we lack contextual information about the sanctioning, and that our findings are vulnerable to potential misreporting in police registries. Hopefully, this represents ‘fair and clear’ communication that limits tendentious interpretations of research findings (NESH, 2016).

Mixing methods

Against a backdrop of long-fought paradigm wars, among them the ‘positivism battle’ between quantitative-oriented positivists and qualitative-oriented constructivists, recent decades have seen a surge of interdisciplinary and multimethod research (Langford, 2017). In part, this pluralistic turn has been driven by complex research questions, transgressing disciplinary and methodological boundaries. Narrow compartmentalisation of scientific efforts, characterised by the tunnel vision of experts, fails at capturing the contextual complexity in which expert knowledge is inevitably immersed (Nissani, 1997). Consequently, the contributions of specialists may fall short of addressing practical problems in an increasingly interconnected world. As long as practical problems do not coincide with disciplinary and/or methodological boundaries, and research puzzles are aimed at these problems, researchers need to relate their own field to a wider context of surrounding fields in the search for plausible approaches. In my case, this involved turning to register data and advanced statistical techniques in addressing research ‘problem’ 2.

The first research question, pertaining to the young people’s experiences, was rooted in familiar, qualitative methods. While I have former and ongoing experience of collecting and

analysing survey data, register data in general, and sample selection models in particular, were new fields of inquiry for me at the onset of the PhD project. Like interdisciplinary research projects, mixed-methods approaches often rely on collaboration between researchers with different skill sets. After developing the research question on social characteristics and outcomes, I initiated collaboration with a sociologist²⁵ and an economist²⁶ with wide experience of managing and analysing register data. In close collaboration with the second author of articles 3 and 4, I acquired fit-for-purpose data and conducted the cleaning and organisation of data described above. The three of us were all involved in developing the analytical strategies. Whereas I wrote the complete article drafts, the two co-authors offered substantive text contributions in the editing phases. Overall, the collaboration was a rewarding prerequisite for the quantitative part of the project.

Mixed-methods research is under-utilised in the field of criminology and criminal justice (Wilkes, Anderson, Johnson, & Bedell, 2021), yet it is neither new nor particularly groundbreaking (Maruna, 2010). In order to qualify as mixed-methods research, it could be argued that the different data sets should be applied in the same research articles. This is not the case in this project, hence the label ‘mixing methods’. The mixing of methods may move qualitative findings closer to generalisability or offer deeper explanations to quantitative findings (Wilkes et al., 2021). The approach taken in this PhD project is closer to the latter. None of the four individual works employed mixed methods, but the discussion of the quantitative findings *interacted* with the conclusions in the qualitative articles. Put differently, the qualitative work made it possible to suggest mechanisms (‘deeper explanations’) in the interpretation of quantitative data (Rogeberg & Melberg, 2011; Stevens, 2020). In this way, the qualitative findings imposed demands upon the interpretation of the quantitative findings.

²⁵ Ståle Østhus, at the time at the Fafo Institute for Labour and Social Research.

²⁶ Anne Line Bretteville-Jensen at the Norwegian Institute of Public Health.

This illustrates one of the benefits of mixing methods, namely the associations and reservations that surface when interpreting findings in the light of another set of findings on the same subject.

Mixing interpretations

In a recent article, Stevens (2020) makes a strong argument for the benefits of studying drug policy in a critical realist framework. This approach is relevant for a study of alternative penal sanctions (which are fundamentally expressions of evolving drug policy) in several ways. Fundamentally, it takes us “beyond the mistaken impasse of quantitative-versus-qualitative enquiry” (Rigakos & Frauley, 2011, p. 244). In the following, I will discuss some of the ideas set out by Stevens (2020) and show how these relate to this thesis. In line with his reasoning, I seek to position my data interpretation in opposition to other analytical approaches.

Stevens starts out by criticising radical constructionist claims for being ‘analytically paralyzing’. Fundamentally, this pertains to the notion that reality is produced solely within research methods. While our knowledge of social phenomena, such as the ‘drug problem’, is clearly contingent on time, place, and scholarly positions (Moore & Fraser, 2013), there is a need to bridge this knowledge with external realities. This requirement is as obvious as it is challenging. In order to not fall into the paralysing state of self-referencing, we need to acknowledge that “there is a reality external to knowledge, but our knowledge of it is inevitable (*sic*) provisional and fallible” (Stevens, 2020, p. 8). If applied to qualitative interviews, this implies striking a balance between interpreting accounts as representative of the external and recognising that the method of observation (always) interferes with the phenomena under study (in my case an alternative sanction). Although this may come across as simple pragmatism, it is nonetheless an approach that separates anterior and discursive

realities (Graeber, 2015). It is a ‘soft’ constructionism that acknowledges the ‘made-ness’ of social phenomena, while simultaneously recognizing the materiality of social experiences (Rutzou, 2017; Ussher, 2010). As for the qualitative part of my study, this ‘qualified’ social constructionism would position interview data as “socially shaped variate traces of the actual behaviours” (Stevens, 2020, p. 7) of youth undergoing alternative sanctioning.

Stevens then criticises successionist (econometric) data science on four points: causal inference at a distance, monofinality, limited causal imagination, and overly confident causal claims. While the first point is most relevant to this project, I will briefly address each criticism chronologically. Firstly, it is not sufficient to discover patterns in data that align with theorised mechanisms. In order to avoid making distanced causal inferences, data on the actual existence of the proposed mechanism must be presented (Rogeberg & Melberg, 2011). This often demands up-close knowledge produced through methods other than econometric data science. The lack of contextual information represents a major limitation in much (quantitative) literature, including some of the works in this dissertation. The solution is of course to “use methods that combine quantitative measurement and analysis with qualitative information and judgements” (Stevens, 2020, p. 9). For example, in order to understand associations between family characteristics and alternative sanctioning, it is insufficient to identify statistical patterns. Information about the sanctioned, including their assessments of parental involvement in penal processes, can move the (causal) inference closer (article 3). Secondly, Stevens accuses successionists of ‘monofinality’. By this, he is targeting studies that limit their analyses to one (or a few) causal paths. The vast majority of analyses, including the ones included in this dissertation (articles 3 and 4), are guilty of this. Given that most data sets only allow for the observation and elimination of “a small number of alternative causal paths” (Stevens, 2020, p. 4), we should be careful in ruling out the

unobserved (genetics, peers etc.) in our interpretations of findings. Thirdly, and interrelated with the previous point, he addresses the limited causal imagination characteristic of successionist studies. Rather than sticking to one theory as explanation of behavioural changes, one should acknowledge the web of genetic and sociological processes underlying conduct (Bretteville-Jensen, 1999). Again, qualitative data may be employed to broaden the perspective on causal inferences. For example, if a sanction seems to prevent future crime, qualitative data on negative punishment experiences may elaborate findings simply suggesting specific deterrence effects (article 4). Lastly, Stevens criticises the overly confident causal claims made by data scientists. This criticism may at least partly be directed at some of the claims in this thesis. While we diverted from reporting statistical associations to suggesting that a variable (e.g. family SES) ‘impact’ the outcome under study (e.g. the probability of receiving an alternative sanction), we aimed to keep our discussion of findings – including strengths and limitations – sober²⁷ (Rogeberg & Melberg, 2011).

The key message taken from the analytical framework proposed by Stevens (2020) is the need to move closer to causal inferences through qualitative research and observational studies. While statistical techniques identify regular successions in data, we still need to address ‘why’ these statistical regularities occur. As causal mechanisms are not the same as variables included in models (Dupré & Cartwright, 1988), we need to move beyond register data sets. This pertains to the distinction between descriptive and explanatory causation, which is often unclear in social scientific practice (Shadish, Cook, & Campbell, 2002). Studies tend to identify links between events (causal description) without addressing the potential mechanisms through which the links hold (causal explanation). Adding qualitative observations of statistical regularities to our interpretations allows us to move beyond the

²⁷ As addressed under ethical considerations above.

simply descriptive. This is crucial, as causal relationships are “fundamentally qualitative” (Shadish et al., 2002, p. 6). By mixing methods, we can both ‘construct and explain’ our findings (Roberts et al., 2020). In this way, the dissertation adheres to a slow, pragmatic science as well as the rejection of ‘naïve empiricism’ (Charmaz, 2017, p. 7). As shown in this chapter, the journey from research questions to outputs was a ‘slow’ process of collecting and collocating different data sources.

5. Summary of the research articles

This section gives an overview of the four research articles in the thesis. Articles 1 and 2, which address the adolescents' accounts of rehabilitation (desistance) and punishment, represent a subjectivist approach to alternative sanctions for young drug offenders. They take the perceptions of the targeted youth as their starting point, and place desistance in a relational context and punishment in a subjective context. Articles 3 and 4, which address the social distribution and crime-reducing effects of alternative sanctions, represent an aggregated approach to contemporary legal responses for youth. They employ data on the entire population of young drug offenders in Norway, and locate the sanctioned individuals in a socioeconomic status hierarchy and sanction effects on recidivism in a relative context.

Article 1

Sandøy, T. A. (2019). Beyond personal reform: Adolescent drug-law offenders and the desistance process. *Punishment & Society*, 21(5), 578-595.

The first article in the dissertation explores how young offenders subjected to alternative sanctions talked about change. Rather than locating their own behavioural changes in rehabilitative programme content, they looked to external relationships with immediate and wider social surroundings. Consequently, the desistance processes came across as relational rather than psychological/therapeutic. Based on qualitative interviews (n=22), relationships with parents and perceived consequences of criminal records were identified as the two most salient concerns. Through correctional programme participation, the young people sought to restore damaged bonds to parents and minimise the potential (collateral) damage caused by criminal records. While these findings illustrate the relational context of desistance, they also

tell a story of what may happen when young, novice offenders are enrolled in welfare sanctions. Hardly any of the participants described the behaviour that led to intervention (illicit drug use) as a personal problem. On the contrary, most of them stressed the widespread nature of their offence and the accidental circumstances leading to their arrest. On this backdrop, it would perhaps be unrealistic to expect accounts of cognitive transformation. Behavioural changes were for the most part portrayed as sanction-avoidance strategies rooted in external concerns. As such, the interventions were subordinate to the informal social control outside the sanction. While it can be argued that novice offenders are unfit for analysis in a desistance framework, the juxtaposition of desistance perspectives and rehabilitation research offers valuable insights into subjective concerns about change at any level of criminal involvement.

Article 2

Sandøy, T. A. (2020). Alternative (to) punishment: Assessing punishment experiences in youth diversion programmes. *The British Journal of Criminology*, 60(4), 911-929.

Article 1 illustrates how change-promoting influences were located outside the programmes. The second article explores what the sanctions did with regard to punishment delivery, emphasising the subjective experiences that arose in close proximity to the legal measures. These experiences varied across individuals, programmes and abstraction levels, illustrating the need for individual-level, subjective data on pain infliction. The findings suggest that the alternative sanctions were not free from pain, despite being grounded in a social work ethos. From qualitative interviews (n=24), four specific yet overlapping deprivations were identified: the deprivation of time, social bonds, dignity, and 'self'. These align with

experiences identified in the pains of punishment literature. However, the alternative sanctions were undoubtedly on the ‘soft’ side compared with the bulk of punishments addressed in this body of research. The article argues that perceptions of leniency, or even non-punitiveness, should be posed against the accounts of the targeted youth. Any assessment of the penal character of ‘non-criminal justice’ measures necessitates subjective accounts. Assessments of penal character – debatable or not – are important not only for evaluating the legitimacy of alternative sanctions, but also their outcomes.

Article 3

Sandøy, T. A., Østhus, S., & Bretteville-Jensen, A. L. (2021). Social inequality in alternative sanctions: A register data study on all adolescent drug offenders in Norway 2005-2015.

European Journal of Criminology. doi:[10.1177/14773708211039646](https://doi.org/10.1177/14773708211039646).

In article 1, parents were placed at the centre of the desistance processes of their children. Specifically, the young people awarded parents a say in their own consent and compliance with the alternative sanctioning. Article 3 builds on this by exploring the association between parental characteristics and the probability of receiving alternative sanctions for minor drug offences. Based on register data on all 15-17-year-old (drug) offenders between 2005 and 2015 (n=3,209) and a reference group of young non-offenders (n=69,201), we estimate the social distribution of the two most common sanction options – fines and conditional waivers of prosecution (CWP) – along a socioeconomic status (SES) axis. The distribution of alternative sanctions (CWP) at large was moderately skewed in favour of high-SES youth. This positive social gradient pertained to sanctions containing supervisory and rehabilitative measures and not minimal interventions. Although the social inequalities in alternative

sanction allocation were moderate, the findings illustrate how sentencing disparities may reinforce pre-existing inequalities in criminalisation even in an egalitarian society. Parental resources may not only have an impact on criminal involvement and arrest risk in young people, but the subsequent penal outcomes as well.

Article 4

Sandøy, T. A., & Østhus, S., & Bretteville-Jensen, A. L. (revise and resubmit). Preventing future crime in adolescent drug offenders: A study of differential sanction effects on recidivism (submitted to *Criminology & Criminal Justice*).

Article 2 presents the subjective experiences of punishment attending alternative sanctions. Moving on from this, article 4 investigates the deterrent effects of the interventions compared with their traditional counterpart (the fine). Through analysis of longitudinal register data covering all 15-17-year-olds charged with minor drug offences in the 2000–2015 period (n=3,276), we study the differences in duration between initial sanctioning and second arrest. Our findings suggest that recidivism risk (hazard) was lower for youth who were subjected to supervisory and rehabilitative interventions compared to those receiving a one-off monetary sanction. Put differently, it took the diverted adolescents longer to be registered with a second offence (of any kind) compared to those fined. This is interpreted as an outcome of the blend of generous care and intrusive control, characteristic of welfare sanctions. The effectiveness of the alternative sanctions, exemplified by reductions in recidivism risk, may be the result of both capacity-building and incapacitating penal powers.

6. Concluding discussion

“It’s a bit like when you ride a bike, right, you have to fall before you get to know how to ride a bike. You can’t have those wheels forever, those support wheels”

(16-year-old boy on supervisory measures)

How do young drug offenders experience alternative sanctions, designed to support and rehabilitate? They described them as having indirect effects on their desistance efforts. Moreover, they experienced the sanctions as alternative punishment, rather than alternatives to punishment. How do the alternative sanctions seem to work? Their distribution was moderately skewed in favour of youth with high socioeconomic status (SES) backgrounds. Lastly, they seemed to offer mid-to-long term protection against rearrests. These insights, which represent social scientific, contextual knowledge of individual and social effects of applied law, could inform legal practices (Lang, 2015; Shaffer, 2015).

In this last chapter, I will attempt to bridge some gaps between key findings in the thesis and youth justice practices (Ugwudike & Morgan, 2019). Since the project essentially deals with drug policy issues, the discussion will be placed in the context of recent drug reform developments. In many ways, the discussion that follows illustrates where research ends and politics begin. Science alone is insufficient in “contested knowledge debates in drug policy” (Stevens, 2020, p. 8). After all, complex political questions cannot (and should not) be reduced to research questions (Reeves, 2009). What research can (and should) do is to provide some empirical grounds for normative decision-making.

Drug policy implications

The transfer of responsibility, reactions and resources from the criminal justice system to the health sector has been a guiding principle in drug reform over the last decades (Peele, 1998). A recent governmental proposition, which promoted help rather than punishment for drug users – de jure decriminalisation of use and possession for personal use – put Norway at the verge of such a reform (NOU, 2019; Prop. 92 L, 2021). Decriminalisation of minor drug offences was presented as a way of reducing human and financial costs, as well as lowering stigma for drug users. While the infliction of stigma may be an inevitable part of formal punishment (Room, 2005), the health and social sectors may offer a different kind of ‘stigma’. Decriminalisation of drug use/possession would shift the legal (master) status of drug users from ‘in violation’ to ‘in need’. This move ‘from punishment to help’ (NOU, 2019) was the main objective of the drug reform proposal.

As mentioned at the very start of this thesis, Norway is no longer at the immediate verge of drug reform. Despite being turned down by the Parliament, the drug reform proposal speaks directly to the subject matter in this project. In lieu of formal punishment, the proposal outlined ‘help’ in the form of mandatory social service counselling for individuals caught with drugs below certain amounts²⁸ (Prop. 92 L, 2021). The overlap with the alternative sanctions under study here seems obvious, but there are at least three crucial differences. Compliance with the alternative sanctions is upheld by the threat of traditional punishment, while the counselling, in a decriminalisation regime, would be mandatory but not enforceable. The proposed interventions would not go on criminal records and the most explicit supervisory measure in the alternative sanctions – drug testing – would not be part of the municipal counselling. Despite these decisive differences, I believe the insights into alternative sanctions

²⁸ Drugs would still be prohibited and could be seized by the police.

gained through this project could inform potential future moves ‘from punishment to help’ in the drug area. For young people, the help offered through alternative sanctions came across as subordinate, punitive, unequal, and effective.

(a) Subordinate help

The first point is as obvious as it is important. The help offered in professional contexts will likely be subordinate to external factors (Farrall, 2005). By most accounts, the informal social control offered by significant others will have a greater impact on the abstention, experimentation, continuation or desistance of drug use in youth than societal interventions. As obvious as this sound, the youth justice field has been characterised by what Morgan (2003) labels “programme fetishism”. The importance of social bonds, or social rehabilitation (McNeill, 2012), may be lost in the continuous search for the ideal individual rehabilitative programme for young offenders (Haines & Case, 2015). Moreover, as family members stand out as a key change-promoting influence in desistance processes (article 1), youth with less to lose in respect of these conventional relations may be at higher risk of persistent offending (Nagin & Paternoster, 1994). If relationships are the key intervening mechanism between interventions and continued offending (Weaver, 2012), programmes should acknowledge their supporting (as opposed to change-promoting) role.

(b) Punitive help

Subjective experiences of punishment are contingent upon objective conditions, or what Sexton (2015) refers to as ‘punitive referents’. Punishment, understood as a subjective phenomenon, is captured in how the penalised interpret and make sense of these referents. Some of the conditions in the alternative sanctions, such as drug testing, surveillance by social workers, or psychological assessments, function as punitive referents. Whether and in what

ways these measures, or “support wheels”, are experienced as punishment depends on the youth in question. Some may experience capacity-building penal power as incapacitating (Garland, 2013). As most practitioners and many policy makers are doubtless aware, the transition from punishment to help is blurred. This is a general point that applies to the Norwegian penal system in its entirety, but for youth in particular, fundamentally ‘helpful’ interventions, such as counselling by a social worker with no coercive means at her disposal, may be experienced as especially time-consuming and intrusive. While this is no argument against implementing such measures, either in a penal or non-penal context, it forces us to acknowledge that this type of help carries control and elements of coercion, regardless of intentions or legal status.

(c) Unequal help

In the period under study, the alternative sanctions were penal innovations that gradually became standard for adolescent drug offenders. The introduction of new and supposedly improved measures for tackling social problems comes with the risk of attracting a disproportionate number of resourceful recipients. This is the logic of ‘the inverse care law’ (Hart, 1971), which predicts unequal distribution of health service utilisation in populations. In the same way as access to such services may be contingent on economic and social resources (network, information etc.) unrelated to health situations, access and consent to alternative sanctions could be mediated through ‘extralegal’ features. One of the explanations of status-selective sentencing offered by Aubert (1972) was the positive social gradient in the procurement of effective legal assistance. For young drug offenders, for whom cases are not court processed, ‘legal assistance’ likely comes in the form of parental engagement. Insofar as their capacity to get involved in their children’s social and legal problems is associated with economic and social resources, the inverse care law may be applicable to sanctioning.

Whether or not the alternative sanctions should be characterised as ‘care’ is beside the point. Parents’ role in determining interventions for their children may result in socially skewed utilisation of both compulsory and non-compulsory drug policy measures. Consequently, matters of social distribution would have to be taken into account in the implementation of the ‘voluntary’ interventions outlined in the drug reform proposal as well.

(d) Effective help

It may come as no surprise that long-term interventions appear to be more effective in preventing future crime than swift monetary sanctions (article 4). The main challenge is to address why this may be the case (Stevens, 2020). Clearly, the programmes under study can be truly helpful for many young people. The interviewees often praised the social workers for their holistic approach to life situations (Rex, 1999) and their tolerance of certain levels of offending in adolescents (Case & Haines, 2015). These accounts speak to the rehabilitative potential of alternative sanctions. On the other hand, the numerous accounts of the relative intrusiveness of the alternative sanctions speak to deterrent effects grounded in ‘punitiveness’. This dichotomy illustrates the “discursive alliance” between rehabilitation and punishment (Robinson, 2008, p. 435) that emerges when social policy is criminalised (Kolind, 2017). When the effectiveness of welfare services is assessed in relation to their crime-reducing potential (Duke, 2006), their ability to soundly address social issues and improve the life situations of recipients is devalued. For some, the underlying causes of reduced reoffending risk will matter in the assessment of the effectiveness of drug policy interventions. For others, the balance between ‘capacity-building’ and ‘incapacitation’ inherent in alternative sanctions may be secondary to reductions in registered crime. Such assessments depend on what is regarded the principal aim of the youth justice system.

Some reflections on proportionality

Do the implementation of alternative sanctions for young drug-use offenders represent a move ‘from punishment to help’, or do the quasi-coercive interventions imply ‘more’ punishment for young people? In light of the reflections on the passing nature of youth offending and the widespread nature of drug-use offences set out in chapter 2, the intensity and intrusiveness of the sanctions may seem disproportionate to the offence. Under the auspices of helping youth, how intrusive can interventions be? More than any of the points above, the matter of proportionality illustrates the transition between social scientific knowledge and politics. However, there are some key lessons to take from research on youth justice practices.

Like Scandinavian-style welfare sanctions in general (Pratt, 2008a), the alternative sanctions described in this dissertation are double-sided (Barker, 2013). The blend of generous care and intrusive control complicates assessments of punishment severity. Flacks (2014, p. 290) indicates that “long-term ‘welfarist’ objectives” may legitimise harsher treatment for young drug-use offenders. He illustrates how young people can be ‘overloaded with help’ and problematizes how wide-ranging interventions, rooted in welfare rationalities, are justified as an automatic good. These issues pertain to the unintended consequences of criminal reform strategies. Whenever criminal reforms are implemented, including diversionary efforts resembling the alternative sanctions under study here, the control nets of criminal justice systems change. According to Austin and Krisberg (1981), empirical evidence suggests three common changes: wider, stronger and new nets. While the socially skewed distribution of alternative sanctions (see article 3) may suggest that a form of net-widening is taking place²⁹, I believe the two other mechanisms of state control are the most relevant in discussing

²⁹ If young people who typically would be ignored or dismissed by the police are included in diversion programmes, the control net is widened. Although offenders from high socioeconomic status backgrounds may (typically and historically) be at a lower risk of apprehension and prosecution, this dissertation does not offer empirical evidence of net-widening in this sense.

alternative sanctions for young drug offenders in Norway. The social control net is strengthened when state intervention in the personal lives of young people is intensified (Austin & Krisberg, 1981). Specifically, diversion programmes strengthen the net when they replace dismissals or minimal sanctions. Understood in this fashion, alternative sanctions, which primarily replace fines, are clearly an example of net-strengthening. This process is enabled by the transfer of control from police and prosecuting authorities to agencies with different control mechanisms at their disposal (new nets). For some policy-makers and practitioners, stronger control nets may be seen as a manageable price to pay for the opportunity to help young people at the start of a slippery slope. Viewed as early interventions, alternative sanctions are directed at ‘latent risks’ of future drug abuse and criminal conduct (Flacks, 2014). This may contribute to legitimise disproportionate interventions. Yet, as long as the measures remain criminal sanctions, we need to place the “rehabilitative requirements within the envelope of proportionality” (McNeill, 2014, p. 4199). This calls for evaluations of the duration of the supervision and a critical review of the most intrusive control mechanisms (e.g. drug tests) inherent in the alternative sanctions.

Research gaps

On a final note, I wish to address some of the unexplored questions in the study of alternative sanctions for young drug offenders. Firstly, police encounters make up a significant part of the overall ‘punishment’ experience for these young people. Drawing on the sociology of punishment, Harkin (2015) illustrates how ‘police pain-delivery’ corresponds to the pains of sanctioning. In this project, what happened before the implementation of alternative sanctions has been left largely untouched. The Director of Public Prosecutions (2021) has recently issued a review of the use of coercive measures (e.g. examinations of bodies or phones) in minor drug cases. This issue could benefit from contextual, social scientific data. Secondly,

and pertaining to the quantitative data analysis, several indicators may be just as important measures of the effectiveness of alternative sanctions as recidivism risk. While reoffending seemed like a natural place to start, a way forward could be to include measures of school success (completion/dropout) in outcome analyses. Thirdly, it could be beneficial to study recidivism risk of different categories of crime (competing risk). In so doing, we may be able to see if the alternative sanctions are particularly effective in preventing drug-use offences compared with other crimes. After all, that is what the sanctions are designed to do.

References

- Aebi, M. F., Delgrande, N., & Marguet, Y. (2015). Have community sanctions and measures widened the net of the European criminal justice systems? *Punishment & Society*, *17*(5), 575-597.
- Agnew, R., Matthews, S. K., Bucher, J., Welcher, A. N., & Keyes, C. (2008). Socioeconomic status, economic problems, and delinquency. *Youth & Society*, *40*(2), 159-181.
- Albonetti, C. A. (1991). An integration of theories to explain judicial discretion. *Social Problems*, *38*(2), 247-266.
- Allison, P. D. (2010). *Survival analysis using SAS: A practical guide* (2nd ed.). Cary, NC: Sas Institute.
- Andersen, S. N., & Hyatt, J. (2020). Randomized experiments in Scandinavian criminal justice: Reviewing the past and looking to the future. *European Journal of Criminology*, *17*(2), 224-244.
- Andersen, S. N., & Skardhamar, T. (2017). Pick a number: Mapping recidivism measures and their consequences. *Crime & Delinquency*, *63*(5), 613-635.
- Andersson, R. (2017). A culture of intervention - Vagrancy and drug treatment in Sweden from the late 19th century until today. In P. S. Smith & T. Ugelvik (Eds.), *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?* (pp. 103-125). London: Springer.
- Andrews, T., & Eide, A. K. (2019). *Mellom hjelp og straff: Fungerer nye straffereaksjoner for ungdommer etter intensjonen?* Bodø: Nordland Research Institute.
- Andvig, E., Koffeld-Hamidane, S., Ausland, L. H., & Karlsson, B. (2020). Inmates' perceptions and experiences of how they were prepared for release from a Norwegian open prison. *Nordic Journal of Criminology*. doi:10.1080/2578983X.2020.1847954
- Armstrong, S., & McNeill, F. (2012). *Reducing reoffending: Review of selected countries*. Glasgow: Scottish Centre for Crime and Justice Research.
- Askew, R., & Salinas, M. (2019). Status, stigma and stereotype: How drug takers and drug suppliers avoid negative labelling by virtue of their 'conventional' and 'law-abiding' lives. *Criminology & Criminal Justice*, *19*(3), 311-327.
- Aubert, V. (1972). *Om straffens sosiale funksjon*. Oslo: Universitetsforlaget.
- Austin, J., & Krisberg, B. (1981). Wider, stronger, and different nets: The dialectics of criminal justice reform. *Journal of research in Crime and Delinquency*, *18*(1), 165-196.
- Barker, V. (2013). Nordic exceptionalism revisited: Explaining the paradox of a Janus-faced penal regime. *Theoretical Criminology*, *17*(1), 5-25.
- Bean, P. T., & Wilkinson, C. K. (1988). Drug taking, crime and the illicit supply system. *British Journal of Addiction*, *83*(5), 533-539.
- Beccaria, C. ([1764]1986). *On crimes and punishments*. Indianapolis: Hackett Publishing Company.
- Becker, H. S. (1963). *Outsiders: Studies in the sociology of deviance*. New York: Free Press.
- Becker, H. S. (1967). Whose side are we on? *Social Problems*, *14*(2), 239-247.
- Beech, N. (2011). Liminality and the practices of identity reconstruction. *Human Relations*, *64*(2), 285-302.
- Bhati, A. S., & Piquero, A. R. (2007). Estimating the impact of incarceration on subsequent offending trajectories: Deterrent, criminogenic, or null effect? *The Journal of Criminal Law & Criminology*, *98*(1), 207-254.
- Boruch, R. F., Victor, T., & Cecil, J. S. (2000). Resolving ethical and legal problems in randomized experiments. *Crime & Delinquency*, *46*(3), 330-353.
- Bourdieu, P. (1998). *Acts of resistance: Against the new myths of our time*. Cambridge: Polity Press.
- Bretteville-Jensen, A. L. (1999). Addiction and discounting. *Journal of Health Economics*, *18*(4), 393-407.
- Brody, S. (1976). *The effectiveness of sentencing: A review of the literature*. London: Home Office.

- Bronsteen, J., Buccafusco, C., & Masur, J. (2009). Happiness and punishment. *The University of Chicago Law Review* 76(3), 1037-1082.
- Bronsteen, J., Buccafusco, C., & Masur, J. S. (2010). Retribution and the experience of punishment. *California Law Review* 98(5), 1463-1496.
- Bushway, S. D., Piquero, A. R., Broidy, L. M., Cauffman, E., & Mazerolle, P. (2001). An empirical framework for studying desistance as a process. *Criminology*, 39(2), 491-516.
- Cameron, A. C., & Trivedi, P. K. (2005). *Microeconometrics: Methods and applications*. New York: Cambridge University Press.
- Case, S., & Haines, K. (2015). Children first, offenders second: The centrality of engagement in Positive Youth Justice. *The Howard Journal of Criminal Justice*, 54(2), 157-175.
- Case, S., & Haines, K. (2020). Abolishing youth justice systems: Children first, offenders nowhere. *Youth Justice* 21(1), 3-17.
- Charmaz, K. (2017). Special invited paper: Continuities, contradictions, and critical inquiry in grounded theory. *International Journal of Qualitative Methods*, 16, 1-8.
- Cohen, S. (1971). Introduction. In S. Cohen (Ed.), *Images of deviance*. Harmondsworth: Penguin.
- Cohen, S. (1985). *Visions of social control*. Cambridge: Polity Press.
- Colman, C., & Vander Laenen, F. (2012). "Recovery came first": Desistance versus recovery in the criminal careers of drug-using offenders. *The Scientific World Journal* 2012, 1-9.
- Connor, J., Copland, S., & Owen, J. (2018). The infantilized researcher and research subject: Ethics, consent and risk. *Qualitative Research*, 18(4), 400-415.
- Coomber, R., Moyle, L., & South, N. (2016). The normalisation of drug supply: The social supply of drugs as the "other side" of the history of normalisation. *Drugs: Education, Prevention and Policy*, 23(3), 255-263.
- Cox, A. (2011). Doing the programme or doing me? The pains of youth imprisonment. *Punishment & Society*, 13(5), 592-610.
- Cox, A. (2013). New visions of social control? Young people's perceptions of community penalties. *Journal of Youth Studies*, 16(1), 135-150.
- Crewe, B. (2011). Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment & Society*, 13(5), 509-529.
- Cullen, F. T. (2005). The twelve people who saved rehabilitation: How the science of criminology made a difference. The American Society of Criminology 2004 presidential address. *Criminology*, 43(1), 1-42.
- D'Alessio, S. J., & Stolzenberg, L. (1993). Socioeconomic status and the sentencing of the traditional offender. *Journal of Criminal Justice*, 21(1), 61-77.
- DeLisi, M., & Vaughn, M. G. (2016). Correlates of crime. In A. R. Piquero (Ed.), *The handbook of criminological theory* (pp. 18-36). Chichester: Wiley Blackwell.
- Derzon, J. H. (2010). The correspondence of family features with problem, aggressive, criminal, and violent behavior: A meta-analysis. *Journal of Experimental Criminology*, 6(3), 263-292.
- Director of Public Prosecutions. (2014). Rundskriv 2/2014 Narkotikasaker. Available at: <https://www.riksadvokaten.no/document/narkotikasaker/> (accessed 20 October 2021).
- Director of Public Prosecutions. (2021). Påtalemyndighetens legalitetskontroll med tvangsmiddelbruk - relevant etterforskningsmål og forholdsmessighet - særlig om ransaking i narkotikasaker. Available at: <https://www.riksadvokaten.no/document/patalemyndighetens-legalitetskontroll-med-tvangsmiddelbruk/> (accessed 20 October 2021).
- Doerner, J. K., & Demuth, S. (2010). The independent and joint effects of race/ethnicity, gender, and age on sentencing outcomes in US federal courts. *Justice Quarterly*, 27(1), 1-27.
- Duke, K. (2006). Out of crime and into treatment? The criminalization of contemporary drug policy since Tackling Drugs Together. *Drugs: Education, Prevention and Policy*, 13(5), 409-415.
- Dupré, J., & Cartwright, N. (1988). Probability and causality: Why Hume and indeterminism don't mix. *Noûs*, 22(4), 521-536.
- Durnescu, I. (2011). Pains of probation: Effective practice and human rights. *International Journal of Offender Therapy and Comparative Criminology*, 55(4), 530-545.

- Dünkel, F. (2014). Juvenile justice systems in Europe: Reform developments between justice, welfare and 'new punitiveness'. *Kriminologijos studijos*, 1, 31-76.
- Eder, D., & Fingerson, L. (2001). Interviewing children and adolescents. In J. F. Gubrium & J. A. Holstein (Eds.), *Handbook of interview research: Context & method* (Vol. 1, pp. 181-203). Thousand Oaks: Sage.
- Egge, M. (2004). *Forsøk med ungdomskontrakter: En alternativ reaksjonsform rettet mot unge lovbytere*. Oslo: Politihøgskolen.
- EMCDDA. (2003). Young people and drugs: A legal overview. Available at: <https://www.emcdda.europa.eu/html.cfm/index5620EN.html> (accessed 20 October 2021).
- EMCDDA. (2021). European drug report: Trends and developments. Available at: <https://www.emcdda.europa.eu/system/files/publications/13838/TDAT21001ENN.pdf> (accessed 20 October 2021).
- Ericsson, K. (2002). Høneklukk og ravneblikk: Om alternativer til straff for unge lovbytere. In E. Schaanning (Ed.), *Straff i det norske samfunnet* (pp. 155-176). Oslo: Humanist forlag.
- EU. (2020). EU Drugs Strategy 2021-2025. Available at: <https://data.consilium.europa.eu/doc/document/ST-14178-2020-INIT/en/pdf> (accessed 20 October 2021).
- Ewick, P., & Silbey, S. S. (1998). *The common place of law: Stories from everyday life*. Chicago: University of Chicago Press.
- Fagan, J. (1989). Cessation of family violence: Deterrence and dissuasion. *Crime and justice*, 11, 377-425.
- Farrall, S. (2002). *Rethinking what works with offenders: Probation, social context and desistance from crime*. Cullompton: Willan.
- Farrall, S. (2005). Officially recorded convictions for probationers: The relationship with self-report and supervisory observations. *Legal and Criminological Psychology*, 10(1), 121-131.
- Farrington, D. P. (1986). Age and crime. *Crime and justice*, 7, 189-250.
- Farrington, D. P. (2010). Families and crime. In J. Q. Wilson & J. Petersilia (Eds.), *Crime and Public Policy* (2 ed., pp. 130-157). Oxford: Oxford University Press.
- Feld, B. C. (2006). The inherent tension of social welfare and criminal social control: Policy lessons from the American Juvenile Court experience. In E. Jensen & J. Jepsen (Eds.), *Juvenile law violators, human rights, and the development of new juvenile justice systems* (pp. 407-442). Oxford: Hart Publishing.
- Fergusson, D., Swain-Campbell, N., & Horwood, J. (2004). How does childhood economic disadvantage lead to crime? *Journal of child psychology and psychiatry*, 45(5), 956-966.
- Flacks, S. (2014). Risk, welfare and the treatment of adolescent cannabis users in England. *British Journal of Criminology*, 54(2), 281-297.
- Flanagan, T. J. (1987). Change and influence in popular criminology: Public attributions of crime causation. *Journal of Criminal Justice*, 15(3), 231-243.
- Foucault, M. (1977). *Discipline and punish: The birth of the prison*. New York: Vintage books.
- Garland, D. (1985). *Punishment and Welfare: A History of Penal Strategies*. Aldershot: Gower Publishing.
- Garland, D. (2013). Penalty and the penal state. *Criminology*, 51(3), 475-517.
- Gauffin, K., Vinnerljung, B., Fridell, M., Hesse, M., & Hjern, A. (2013). Childhood socio-economic status, school failure and drug abuse: A Swedish national cohort study. *Addiction*, 108(8), 1441-1449.
- Gillies, V., & Robinson, Y. (2012). Developing creative research methods with challenging pupils. *International Journal of Social Research Methodology*, 15(2), 161-173.
- Giordano, P. C., Cernkovich, S. A., & Rudolph, J. L. (2002). Gender, crime, and desistance: Toward a theory of cognitive transformation. *American Journal of Sociology*, 107(4), 990-1064.
- Goddard, T., & Myers, R. R. (2017). Against evidence-based oppression: Marginalized youth and the politics of risk-based assessment and intervention. *Theoretical Criminology*, 21(2), 151-167.

- Goshe, S. (2019). The lurking punitive threat: The philosophy of necessity and challenges for reform. *Theoretical Criminology*, 23(1), 25-42.
- Graeber, D. (2015). Radical alterity is just another way of saying “reality”: A reply to Eduardo Viveiros de Castro. *HAU: journal of ethnographic theory*, 5(2), 1-41.
- Haggerty, K. D., & Bucerius, S. (2020). The proliferating pains of imprisonment. *Incarceration*. doi:10.1177/2632666320936432
- Haines, K., & Case, S. (2015). *Positive youth justice: Children first, offenders second*. Bristol: Policy Press.
- Haines, K., & Case, S. (2018). The future of youth justice. *Youth Justice*, 18(2), 131-148.
- Hampson, K. S. (2018). Desistance approaches in youth justice – the next passing fad or a sea-change for the positive? *Youth Justice*, 18(1), 18-33.
- Harkin, D. M. (2015). The police and punishment: Understanding the pains of policing. *Theoretical Criminology*, 19(1), 43-58.
- Hart, J. T. (1971). The inverse care law. *The Lancet*, 297(7696), 405-412.
- Hauge, R. (1989). *Fra opiumskrig til legemiddelkontroll: Internasjonalt regulering av psykoaktive stoffer*. Oslo: Rusmiddeldirektoratet.
- Hayes, D. (2015). The impact of supervision on the pains of community penalties in England and Wales: An exploratory study. *European Journal of Probation*, 7(2), 85-102.
- Hayes, D. (2018a). Experiencing penal supervision: A literature review. *Probation Journal*, 65(4), 378-393.
- Hayes, D. (2018b). Proximity, pain, and State punishment. *Punishment & Society*, 20(2), 235-254.
- Henriksen, A. K., & Prieur, A. (2019). ‘So, why am I here?’ Ambiguous practices of protection, treatment and punishment in Danish secure institutions for youth. *The British Journal of Criminology*, 59(5), 1161-1177.
- Holloway, I., & Wheeler, S. (1995). Ethical issues in qualitative nursing research. *Nursing Ethics*, 2(3), 223-232.
- Holstein, J. A., & Gubrium, J. F. (1995). *The active interview*. Thousand Oaks: Sage publications.
- Lyngstad, T. H., & Skardhamar, T. (2011). Nordic register data and their untapped potential for criminological knowledge. *Crime and justice*, 40(1), 613-645.
- Jacobson, M. (2004). Baby booms and drug busts: Trends in youth drug use in the United States, 1975–2000. *The Quarterly Journal of Economics*, 119(4), 1481-1512.
- Jenkins, S. P. (1995). Easy estimation methods for discrete-time duration models. *Oxford bulletin of economics statistics*, 57(1), 129-138.
- King, S. (2013). Early desistance narratives: A qualitative analysis of probationers’ transitions towards desistance. *Punishment & Society*, 15(2), 147-165.
- Klein, M. W. (1986). Labeling theory and delinquency policy: An experimental test. *Criminal justice and behavior*, 13(1), 47-79.
- Kolber, A. J. (2009). The subjective experience of punishment. *Columbia Law Review*, 109, 182-236.
- Kolind, T. (2017). Is prison drug treatment a welfare service? In P. S. Smith & T. Ugelvik (Eds.), *Scandinavian Penal History, Culture and Prison Practice* (pp. 205-224). London: Springer.
- Kolind, T., Frank, V. A., Lindberg, O., & Tourunen, J. (2015). Officers and drug counsellors: New occupational identities in Nordic prisons. *British Journal of Criminology*, 55(2), 303-320.
- Lalander, P. (2003). *Hooked on heroin: Drugs and drifters in a globalized world*. Oxford: Berg.
- Lang, A. (2015). New legal realism, empiricism, and scientism: The relative objectivity of law and social science. *Leiden Journal of International Law*, 28(2), 231-254.
- Langford, M. (2017). Interdisciplinarity and multimethod research. In B. A. Andreassen, H. O. Sano & S. McLernet-Lankford (Eds.), *Human Rights Research Methods*. Cheltenham: Edward Elgar.
- Laub, J. H., & Sampson, R. J. (2001). Understanding desistance from crime. *Crime and justice*, 28, 1-69.
- LeBel, T. P., Burnett, R., Maruna, S., & Bushway, S. (2008). The 'chicken and egg' of subjective and social factors in desistance from crime. *European Journal of Criminology*, 5(2), 131-159.

- Lieberman, A. M., Kirk, D. S., & Kim, K. (2014). Labeling effects of first juvenile arrests: Secondary deviance and secondary sanctioning. *Criminology*, 52(3), 345-370.
- Lid, S. (2015). Markant skifte i straff av ungdom (Samfunnsspeilet 2/2015). Available at: <https://www.ssb.no/sosiale-forhold-og-kriminalitet/artikler-og-publikasjoner/markant-skifte-i-straff-av-ungdom> (accessed 21 October 2021).
- Lid, S. (2016). Ungdom og straff på 2000-tallet – nye praksiser, kjente dilemmaer. *Sosiologi i dag*, 46(3-4), 38-63.
- Lie, E. M. (2015). *I forkant: Kriminalitetsforebyggende politiarbeid* (2nd ed.). Oslo: Gyldendal.
- Liebling, A. (2011). Moral performance, inhuman and degrading treatment and prison pain. *Punishment & Society*, 13(5), 530-550.
- Lien, M. I., & Larsen, Y. (2015). *Flinkiser og "dropouts": Erfaringer med ungdom på frivillig ruskontrakt*. Oslo: KoRus Øst/Oslo.
- Lilly, J. R., Cullen, F. T., & Ball, R. A. (2007). *Criminological theory: Context and consequences* (4th ed.). Thousand Oaks: Sage publications.
- Linge, M. (2021). Muslim narratives of desistance among Norwegian street criminals: Stories of reconciliation, purification and exclusion. *European Journal of Criminology*. doi:10.1177/14773708211018648
- Loeber, R. (2012). Does the study of the age-crime curve have a future? In R. Loeber & B. C. Welsh (Eds.), *The future of criminology* (pp. 11-19). New York: Oxford University Press.
- Loeber, R., & Farrington, D. P. (2014). *The age-crime curve*. In G. Bruinsma & D. Weisburd (Eds.), *Encyclopedia of criminology and criminal justice* (pp. 12-18). New York: Springer.
- Lohmeyer, B. A. (2019). 'Keen as fuck': Youth participation in qualitative research as 'parallel projects'. *Qualitative Research*, 20(1), 39-55.
- Lyngstad, T. H., & Skardhamar, T. (2013). Changes in criminal offending around the time of marriage. *Journal of research in Crime and Delinquency*, 50(4), 608-615.
- Martinson, R. (1974). What works? Questions and answers about prison reform. *The Public Interest* 35(10), 22-54.
- Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. Washington D.C.: American Psychological Association.
- Maruna, S. (2010). Mixed method research in criminology: Why not go both ways? In A. R. Piquero & D. Weisburd (Eds.), *Handbook of quantitative criminology* (pp. 123-140). New York: Springer.
- Maruna, S. (2011). Judicial rehabilitation and the 'Clean Bill of Health' in criminal justice. *European Journal of Probation*, 3(1), 97-117.
- Matza, D. (1964). *Delinquency & drift*. New York: John Wiley & Sons.
- McAra, L. (2005). Modelling penal transformation. *Punishment & Society*, 7(3), 277-302.
- McNeill, F. (2006). A desistance paradigm for offender management. *Criminology & Criminal Justice*, 6(1), 39-62.
- McNeill, F. (2012). Four forms of 'offender' rehabilitation: Towards an interdisciplinary perspective. *Legal and Criminological Psychology*, 17(1), 1-19.
- McNeill, F. (2014). Punishment as rehabilitation. In G. Bruinsma & D. Weisburd (Eds.), *Encyclopedia of Criminology and Criminal Justice* (pp. 4195-4206). New York: Springer.
- McNeill, F. (2019). Mass supervision, misrecognition and the 'Malopticon'. *Punishment & Society*, 21(2), 207-230.
- McVie, S. (2002). *Drifting into substance misuse: Youth transitions and family dynamics*. Paper presented at the London Drug Policy Forum. Available at: <https://www.edinstudy.law.ed.ac.uk/wp-content/uploads/sites/36/2019/10/McVie-2002-Drifting-into-substance-misuse.pdf> (accessed 20 October 2021).
- McVie, S. (2005). Patterns of deviance underlying the age-crime curve: The long term evidence. *British Society of Criminology e-journal*, 7, 1-15.
- Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100(4), 674-701.

- Moore, D., & Fraser, S. (2013). Producing the “problem” of addiction in drug treatment. *Qualitative Health Research, 23*(7), 916-923.
- Morgan, R. (2003). Foreword. In *HMIP 2001/02 Annual Report*. London: HM Inspectorate of Prisons.
- Morris, R. G., & Piquero, A. R. (2013). For whom do sanctions deter and label? *Justice Quarterly, 30*(5), 837-868.
- Motz, R. T., Barnes, J. C., Caspi, A., Arseneault, L., Cullen, F. T., Houts, R., Wertz, J., & Moffitt, T. E. (2019). Does contact with the justice system deter or promote future delinquency? Results from a longitudinal study of British adolescent twins. *Criminology, 58*(2), 307-335.
- Nagin, D. S. (2013). Deterrence in the twenty-first century. *Crime and justice, 42*(1), 199-263.
- Nagin, D. S., & Paternoster, R. (1994). Personal capital and social control: The deterrence implications of a theory of individual differences in criminal offending. *Criminology, 32*(4), 581-606.
- NESH. (2016). Forskningsetiske retningslinjer for samfunnsvitenskap, humaniora, juss og teologi. Available at: <https://www.forskningsetikk.no/retningslinjer/hum-sam/forskningsetiske-retningslinjer-for-samfunnsvitenskap-humaniora-juss-og-teologi/> (accessed 20 October 2021).
- Neumann, I. B. (2012). Introduction to the Forum on Liminality. *Review of International Studies, 38*, 473-479.
- Nissani, M. (1997). Ten cheers for interdisciplinarity: The case for interdisciplinary knowledge and research. *The social science journal, 34*(2), 201-216.
- NOU. (2008). Barn og straff: Utviklingsstøtte og kontroll. Available at: <https://www.regjeringen.no/no/dokumenter/nou-2008-15/id527241/> (accessed 20 October 2021).
- NOU. (2019). Rusreform: Fra straff til hjelp. Available at: <https://www.regjeringen.no/no/dokumenter/nou-2019-26/id2683531/> (accessed 20 October 2021).
- Pedersen, M. U. (2011). Fire modeller til forståelse af forholdet mellem forbrug af illegale stoffer og kriminalitet. In V. A. Frank & H. V. Dahl (Eds.), *Kriminalitet og illegale rusmidler* (pp. 53-82). Århus: Aarhus Universitetsforlag.
- Pedersen, W., & Bakken, A. (2016). Urban landscapes of adolescent substance use. *Acta Sociologica, 59*(2), 131-150.
- Peele, S. (1998). The results for drug reform goals of shifting from interdiction/punishment to treatment. *International Journal of Drug Policy, 9*(1), 43-56.
- Piotrowska, P. J., Stride, C. B., Croft, S. E., & Rowe, R. (2015). Socioeconomic status and antisocial behaviour among children and adolescents: A systematic review and meta-analysis. *Clinical Psychology Review, 35*, 47-55.
- Pitts, J. (2013). Drifting into trouble: Sexual exploitation and gang affiliation. In M. Melrose & J. Pearce (Eds.), *Critical perspectives on child sexual exploitation and related trafficking* (pp. 23-37). Basingstoke: Palgrave.
- Pogrebin, M. R., & Dodge, M. (2001). Women's accounts of their prison experiences: A retrospective view of their subjective realities. *Journal of Criminal Justice, 29*(6), 531-541.
- Pratt, J. (2008a). Scandinavian exceptionalism in an era of penal excess Part I: The nature and roots of Scandinavian exceptionalism. *The British Journal of Criminology, 48*(2), 119-137.
- Pratt, J. (2008b). Scandinavian exceptionalism in an era of penal excess Part II: Does Scandinavian exceptionalism have a future? *The British Journal of Criminology, 48*(3), 275-292.
- Pruin, I., Dünkler, F., & Grzywa, J. (2011). The implementation of alternative sanctions and measures into juvenile justice systems. *Romanian Journal of Sociology, 1*(2), 3-22.
- Reeves, C. (2009). Causality and critical theory: Nature's order in Adorno, Cartwright and Bhaskar. *Journal of Critical Realism, 8*(3), 316-342.
- Reeves, C. L. (2010). A difficult negotiation: Fieldwork relations with gatekeepers. *Qualitative Research, 10*(3), 315-331.

- Reiter, K., Sexton, L., & Sumner, J. (2018). Theoretical and empirical limits of Scandinavian exceptionalism: Isolation and normalization in Danish prisons. *Punishment & Society*, 20(1), 92-112.
- Rekker, R., Keijsers, L., Branje, S., Koot, H., & Meeus, W. (2017). The interplay of parental monitoring and socioeconomic status in predicting minor delinquency between and within adolescents. *Journal of Adolescence*, 59, 155-165.
- Rex, S. (1999). Desistance from offending: Experiences of probation. *The Howard Journal of Criminal Justice*, 38(4), 366-383.
- Rigakos, G. S., & Frauley, J. (2011). The promise of critical realism: Toward a post-empiricist criminology. In A. Doyle & D. Moore (Eds.), *Critical criminology in Canada: New voices, new directions* (pp. 243-268). Vancouver: UBC Press.
- Roberts, A. W., Skinner, A. C., Lauffenburger, J. C., & Galt, K. A. (2020). The lock-in loophole: Using mixed methods to explain patient circumvention of a Medicaid opioid restriction program. *Substance Abuse*, 41(4), 510-518.
- Robinson, G. (2008). Late-modern rehabilitation: The evolution of a penal strategy. *Punishment & Society*, 10(4), 429-445.
- Robinson, G. (2016). The Cinderella complex: Punishment, society and community sanctions. *Punishment & Society*, 18(1), 95-112.
- Rogeberg, O., & Melberg, H. O. (2011). Acceptance of unsupported claims about reality: A blind spot in economics. *Journal of Economic Methodology*, 18(01), 29-52.
- Room, R. (2005). Stigma, social inequality and alcohol and drug use. *Drug and alcohol review*, 24(2), 143-155.
- Rugkåsa, M. (2011). Velferdsambisiøsitet–sivilisering og normalisering: Statlig velferdspolitikks betydning for forming av borgeres subjektivitet. *Norsk antropologisk tidsskrift*, 22(03-04), 245-256.
- Rutzou, T. (2017). Finding Bhaskar in all the wrong places? Causation, process, and structure in Bhaskar and Deleuze. *Journal for the Theory of Social Behaviour*, 47(4), 402-417.
- Ryberg, J. (2010). Punishment and the measurement of severity. In J. Ryberg & J. A. Corlett (Eds.), *Punishment and ethics* (pp. 72-91). London: Springer.
- Raaijmakers, E. A., de Keijser, J. W., Nieuwbeerta, P., & Dirkzwager, A. J. (2017). Changes in the subjectively experienced severity of detention: Exploring individual differences. *The Prison Journal*, 97(5), 644-668.
- Sandberg, S. (2009). Gangster, victim or both? The interdiscursive construction of sameness and difference in self-presentations. *The British Journal of Sociology*, 60(3), 523-542.
- Sandberg, S., & Pedersen, W. (2010). *Cannabiskultur*. Oslo: Universitetsforlaget.
- Sandøy, T. A., & Hauge, R. (2019). Cannabis i lovgivning, rettspraksis og straff. In A. L. Bretteville-Jensen & J. G. Bramness (Eds.), *Cannabisboka* (pp. 33-49). Oslo: Universitetsforlaget.
- Saunders, B., Sim, J., Kingstone, T., Baker, S., Waterfield, J., Bartlam, B., Burroughs, H., & Jinks, C. (2018). Saturation in qualitative research: Exploring its conceptualization and operationalization. *Quality & Quantity*, 52(4), 1893-1907.
- Savolainen, J. (2000). Relative cohort size and age-specific arrest rates: A conditional interpretation of the Easterlin effect. *Criminology*, 38(1), 117-136.
- Seddon, T. (2000). Explaining the drug-crime link: Theoretical, policy and research issues. *Journal of Social Policy*, 29(1), 95-107.
- Sexton, L. (2015). Penal subjectivities: Developing a theoretical framework for penal consciousness. *Punishment & Society*, 17(1), 114-136.
- Shadish, W. R., Cook, T. D., & Campbell, D. T. (2002). *Experimental and quasi-experimental designs for generalized causal inference*. Boston: Houghton Mifflin Company.
- Shaffer, G. (2015). The new legal realist approach to international law. *Leiden Journal of International Law*, 28(2), 189-210.
- Shammas, V. L. (2016). The rise of a more punitive state: On the attenuation of Norwegian penal exceptionalism in an era of welfare state transformation. *Critical Criminology*, 24(1), 57-74.

- Sherman, L. W. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of research in Crime and Delinquency*, 30(4), 445-473.
- Silbey, S. S. (2005). After legal consciousness. *Annual Review of Law and Social Science*, 1, 323-368.
- Silbey, S. S. (2008). Legal consciousness. In P. Cane & J. Conaghan (Eds.), *The New Oxford Companion to Law* (pp. 695-696) Oxford: Oxford University Press.
- Simpson, M. (2003). The relationship between drug use and crime: A puzzle inside an enigma. *International Journal of Drug Policy*, 14(4), 307-319.
- Sivertsson, F. (2016). Catching up in crime? Long-term processes of recidivism across gender. *Journal of Developmental and Life-Course Criminology*, 2(3), 371-395.
- Skardhamar, T. (2009). Reconsidering the theory on adolescent-limited and life-course persistent anti-social behaviour. *The British Journal of Criminology*, 49(6), 863-878.
- Skardhamar, T., & Savolainen, J. (2014). Changes in criminal offending around the time of job entry: A study of employment and desistance. *Criminology*, 52(2), 263-291.
- Skardhamar, T., & Telle, K. (2012). Post-release employment and recidivism in Norway. *Journal of Quantitative Criminology*, 28(4), 629-649.
- Smith, D. (2005). The effectiveness of the juvenile justice system. *Criminal Justice*, 5(2), 181-195.
- Smith, D. A., & Paternoster, R. (1990). Formal processing and future delinquency: Deviance amplification as selection artifact. *Law & Society Review*, 24(5), 1109-1132.
- Smith, P. S., & Ugelvik, T. (2017a). Introduction: Punishment, Welfare and Prison History in Scandinavia. In P. S. Smith & T. Ugelvik (Eds.), *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?* (pp. 3-31). London: Springer.
- Smith, P. S., & Ugelvik, T. (2017b). Punishment and Welfare in Scandinavia. In P. S. Smith & T. Ugelvik (Eds.), *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?* (pp. 511-529). London: Springer.
- SSB. (2017). 'Ny sentralistetsindeks for kommunene'. Available at: <https://www.ssb.no/befolkning/artikler-og-publikasjoner/ny-sentralitetsindeks-for-kommunene> (accessed 20 October 2021).
- SSB. (2020). 'Nesten 15 prosent er innvandrere'. Available at: <https://www.ssb.no/befolkning/artikler-og-publikasjoner/nesten-15-prosent-er-innvandrere> (accessed 30 August 2021).
- SSB. (2021). Etterforskede lovbrudd (statistikkbanken). Available at: <https://www.ssb.no/statbank/table/09415/> (accessed 20 October 2021).
- SSB. (2021). Straffereaksjoner (statistikkbanken). Available at: <https://www.ssb.no/statbank/table/10624/> (accessed 20 October 2021).
- Starr, S. B. (2014). Evidence-based sentencing and the scientific rationalization of discrimination. *Stanford Law Review*, 66, 803-872.
- Stevens, A. (2020). Critical realism and the 'ontological politics of drug policy'. *International Journal of Drug Policy*, 84. doi:<https://doi.org/10.1016/j.drugpo.2020.102723>
- Stevens, A., Hughes, C. E., Hulme, S., & Cassidy, R. (2019). Depenalization, diversion and decriminalization: A realist review and programme theory of alternatives to criminalization for simple drug possession. *European Journal of Criminology*. doi:10.1177/1477370819887514
- Sutherland, E. H., Cressey, D. R., & Luckenbill, D. F. (1992). *Principles of criminology* (11 ed.). Lanham: Rowman & Littlefield.
- Sykes, G. M., & Matza, D. (1957). Techniques of neutralization: A theory of delinquency. *American Sociological Review*, 22(6), 664-670.
- Taylor, M., & Potter, G. R. (2013). From "social supply" to "real dealing": Drift, friendship, and trust in drug-dealing careers. *Journal of Drug Issues*, 43(4), 392-406.
- Tham, H. (2012). The influence of the drug issue on criminal policy. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 13, 12-30.
- Thorsen, L. R., Lid, S., & Stene, R. J. (2009). *Kriminalitet og rettsvesen 2009*. Oslo: Statistics Norway.

- Tittle, C. R., & Meier, R. F. (1990). Specifying the SES/delinquency relationship. *Criminology*, 28(2), 271-300.
- Todd-Kvam, J. (2019). Bordered penal populism: When populism and Scandinavian exceptionalism meet. *Punishment & Society*, 21(3), 295-314.
- Todd-Kvam, J. (2020). Probation practice, desistance and the penal field in Norway. *Criminology & Criminal Justice*. doi:10.1177/1748895820953192
- Ugelvik, T. (2021). The transformative power of trust: Exploring tertiary desistance in reinventive prisons. *The British Journal of Criminology*. <https://ssrn.com/abstract=3907854>
- Ugelvik, T. (in press). 'Lost in translation: The Norwegian reading of *The society of captives*'.
- Ugwudike, P., & Morgan, G. (2019). Bridging the gap between research and frontline youth justice practice. *Criminology & Criminal Justice*, 19(2), 232-253.
- UN. (1948). Universal declaration of human rights. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed 20 October 2021).
- UNODC. (2013). The international drug control conventions. Available at: https://www.unodc.org/documents/commissions/CND/Int_Drug_Control_Conventions/Ebook/The_International_Drug_Control_Conventions_E.pdf (accessed 20 October 2021).
- Ussher, J. M. (2010). Are we medicalizing women's misery? A critical review of women's higher rates of reported depression. *Feminism & Psychology*, 20(1), 9-35.
- van Eijk, G. (2017). Socioeconomic marginality in sentencing: The built-in bias in risk assessment tools and the reproduction of social inequality. *Punishment & Society*, 19(4), 463-481.
- van Ginneken, E. F., & Hayes, D. (2017). 'Just' punishment? Offenders' views on the meaning and severity of punishment. *Criminology & Criminal Justice*, 17(1), 62-78.
- Ward, D. A., & Tittle, C. R. (1993). Deterrence or labeling: The effects of informal sanctions. *Deviant Behavior*, 14(1), 43-64.
- Warr, M. (1993). Age, peers, and delinquency. *Criminology*, 31(1), 17-40.
- Weaver, B. (2012). The relational context of desistance: Some implications and opportunities for social policy. *Social Policy & Administration*, 46(4), 395-412.
- Weaver, B., & McNeill, F. (2015). Lifelines: Desistance, social relations, and reciprocity. *Criminal justice and behavior*, 42(1), 95-107.
- Weisburd, D. (2000). Randomized experiments in criminal justice policy: Prospects and problems. *Crime & Delinquency*, 46(2), 181-193.
- Wilkes, N., Anderson, V. R., Johnson, C. L., & Bedell, L. M. (2021). Mixed methods research in criminology and criminal justice: A Systematic Review. *American Journal of Criminal Justice*. <https://doi.org/10.1007/s12103-020-09593-7>
- Wright, B. R. E., Caspi, A., Moffitt, T. E., Miech, R. A., & Silva, P. A. (1999). Reconsidering the relationship between SES and delinquency: Causation but not correlation. *Criminology*, 37(1), 175-194.
- Young, P. (1992). The importance of utopias in criminological thinking. *British Journal of Criminology*, 32(4), 423-437.

Individual works

Beyond personal reform: Adolescent drug-law offenders and the desistance process

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Abstract

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

Keywords

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

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Introduction

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

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

The usefulness of the desistance concept for studying the change processes of young drug-law offenders is particularly tangible when insights from the desistance paradigm are juxtaposed with rehabilitation research (McNeill, 2004, 2006, 2012). If the solution (an intervention) is the starting point of theory building, as is often the case with rehabilitation research, the intervention itself will often be placed at the centre of the change process. Desistance studies, on the other hand, ‘stress that the process of change exists before, behind and beyond the intervention’ (McNeill, 2012: 13). It is this move away from a narrow emphasis on interventions to questions of how and why rehabilitation works (Maruna, 2000), that makes desistance-based perspectives particularly fitting for analysing the accounts of the

young offenders in this study. By highlighting the subjective experiences of the youth, the emphasis is shifted from the programmes ('what works?') to the would-be desisters' own concerns about their change processes. The article explores how continued involvement with drugs and crime was regarded as a threat to the relations they valued and the lives they were imagining for themselves. Specifically, the analysis will show how concerns with personal reform were outweighed by the adolescents' social and legal concerns. In doing so, the article acknowledges not only the need to move beyond interventions, but also the need to move beyond narrow psychological conceptualizations of rehabilitation. As McNeill (2012) argues, a coherent understanding of offender rehabilitation rests on the incorporation of other forms of rehabilitation than individual-level change. Two of these other forms – social rehabilitation and legal rehabilitation – make up the analytical framework for this article. As shown in the two next sections, the significance of these 'external' contexts of desistance has been demonstrated in the growing body of desistance research.

The relational context of desistance

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

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

them cope with their difficulties than professionals (Hill, 1999). Perhaps the key element is whether the social relation ‘matters’ to the individuals involved.

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

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

The legal context of desistance

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

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

Legal rehabilitation comes in different forms, ranging from automatic restoration of (legal) rights to merit-based legal rehabilitation (Love, 2002; Maruna, 2011).

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

The rehabilitative turn

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

Data collection and analysis

The analysis is based on interviews with 22 young offenders (18 boys and 4 girls) at four different locations in Norway. Their individual cases all reflect the shift in

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

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

The participants were recruited through the health/social services administering the offender management programmes. The healthcare/social workers would either provide the author with phone numbers or set up appointments on the author's behalf. Enrolment in a programme due to drug-related crime committed between the ages of 15–17 was the only inclusion criteria. This recruitment strategy, which was relatively unspecific and could be characterised as 'convenience' or 'opportunity' sampling, comes with some limitations. Although leaving the recruitment of participants to the agencies in charge of the sanctions made for easier access, it also came with the risk of oversampling 'successful desisters'. In order to counter this selection bias, individuals who had violated conditions set by the programmes were requested specifically. As such, the sample consisted of both youth who were perceived as compliant and those who were not. Convenience sampling, as opposed to strategic sampling, also accounts for the predominance of boys in the sample. Boys made up the majority of participants in the programmes and no efforts were made to oversample girls. The interviews with the four girls progressed in a similar way to the interviews with the boys, largely containing overlapping reflections and experiences. As such, gender differences in desistance processes did not emerge as a specific topic of interest. Lastly, the convenience sampling resulted in four participants being interviewed some time after completing the programme. They were still in touch with the health/social services and offered retrospective insights into the alternative penal sanctioning.

Two of them were 18 and 19 years at the time of the interview, while the other two had reached the ages of 21 and 24. The other participants were interviewed while attending a programme, or shortly after completion. All but four of the interviews took place in an available room at the services. Three interviews took place at the author's office, while one was conducted at the interviewee's school. The author and the individual participant were the only people present at each interview and efforts were made to underline the distinction between the study and other interventions inherent to their sanctions. Written consents were provided and the participants were informed about the option to withdraw from the study at any point. The study was approved by the Norwegian Centre for Research Data.

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

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

Findings

Only a few of the adolescents explained that they had left drug use, or other drug-related behaviours, behind. Instead of stating that they were no longer involved with drugs, most of the adolescents described different ways of adjusting to their current situations. These came across as 'sanction-avoidance strategies' (Moeller et al., 2016), and included avoiding police attention, reducing the frequency of use, and postponing illicit drug use to later in life. Following this, the adolescents could be described as 'avoiders' (Burnett, 1992), 'primary desisters' (Maruna, 2001) or

even 'false' desisters (Laub and Sampson, 2001). More importantly, the lack of personal reform was indicative of where their ultimate concerns lay. The young offenders downplayed changes in their thinking and emphasised the social and legal aspects of their change process (McNeill, 2012). These two forms of rehabilitation, which represent a form of informal and formal recognition of the desistance process, will be presented in the following.

The change-promoting influence of parents

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

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

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

It's nothing to brag about. People know I smoke [cannabis]. I've been smoking for a long time and it's not a problem for me...as long as it's not grown-ups, if it's people my age. Adults usually look down on it, drugs in general, while the ones my own age

know what it is. Even if they don't use it themselves, they think it's fine. They don't look down on it. (Caroline, 18)

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

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

The need for social rehabilitation in peer groups, which were evidently familiar with drug use, was small. While these social bonds were not threatened by illicit drug use and the appurtenant legal measures, there were other bonds that were damaged and in need of repair. For the participants, social relations to parents seemed to have the change-promoting influence characteristic of intimate relationships for adult offenders. Changes to drug-related behaviours, however minor, were to a large degree grounded in these familial relations. Geir (18) addressed the most serious consequences of being caught by the police:

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

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

Things are really good at home now, considering everything I've done. Attending the programme, getting an [job] interview and the like, and that I have urine tests. So, now we've put it behind us, really. But my grandmother is still worried. I was with her last summer and we talked about it. It actually went pretty well. And they have

forgiven me, you know, all of them. So, it's really great to have won back their trust. It wasn't like that at all at first. (Geir, 18)

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

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

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

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

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

in her desistance process. Unlike some of her friends, she had what she characterised as 'proper parents'. She compared the trajectory of one of her friends with her own:

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

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

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

'If we are our relational concerns (...)' (Weaver, 2012: 407), matters of personal reform become submerged in human relationships. The changes the youth described largely emerged from perceptions of the impact that persistent offending would have on relationships with parents. Put differently, they viewed desistance as a means of realising familial concerns. Desistance, or a drug-free period/life, rarely came across as the objective, but as a means of restoring social bonds with parents. The next section deals with another level of relational concerns that was also prominent in the adolescents' accounts of change.

The change-promoting influence of criminal records

Compliance with the interventions and changes in drug-related behaviours were primarily grounded in relational contexts and, secondarily, bound up with legal concerns. This illustrates how rehabilitation may be 'certified' both informally and

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

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

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

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

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

Again, ultimate concerns (Weaver, 2012) were emphasised at the expense of personal reform, only this time, the concerns were not directed at relations in the family. Kjetil explained that he was in the drug-testing programme ‘mostly because

it will say that I completed it'. For him, participation in the programme was a route to legal rehabilitation in the 'cosmetic' sense. Having a completed programme in his records, rather than the alternative (a fine), was seen as being beneficial to the formal relationship to wider society.

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

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

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

Discussion and conclusion

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

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

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

for, say, violent crimes, as the former does not trigger the same reactions, expulsion or stigma. As such, the usefulness of theories of cognitive transformation for both novice and 'trivial' offenders may be limited.

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

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

It is argued that the propensity for statutory control and involvement in citizens' personal lives increases proportionally with a state's welfare ambitiousness (Rugkåsa, 2011). In Norway, where welfare ambitions are high, penalty and welfare are interlaced in a variety of services, among them the emerging alternative penal sanctions described here. The participants were captured in the extensive safety net characteristic of a service-intensive state, or in a penal-welfare embrace by a benevolent but intrusive 'Big Mother' state (Smith and Ugelvik, 2017). High welfare ambitions lower the threshold for interventions, illustrated by the fact that low-level, drug-related crime may result in extensive surveillance over several months. Due the width of this net, desistance processes that are about something

else than the actual offence, such as the mending of social bonds with parents or reducing collateral sanctioning, are initiated. In a culture of intervention, one may end up with rehabilitative programmes that work by accident rather than design.

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Notes

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

References

- Albertson K, Irving J and Best D (2015) A social capital approach to assisting veterans through recovery and desistance transitions in civilian life. *The Howard Journal of Criminal Justice* 54(4): 384–396.
- Bazemore G (1998) Restorative justice and earned redemption: Communities, victims, and offender reintegration. *American Behavioral Scientist* 41(6): 768–813.
- Beccaria C (1764/2009) *On Crimes and Punishments and Other Writings*. Toronto: University of Toronto Press.
- Best D, Irving J and Albertson K (2017) Recovery and desistance: What the emerging recovery movement in the alcohol and drug area can learn from models of desistance from offending. *Addiction Research & Theory* 25(1): 1–10.
- Bottoms A, Shapland J, Costello A, et al. (2004) Towards desistance: Theoretical underpinnings for an empirical study. *The Howard Journal of Criminal Justice* 43(4): 368–389.
- Burnett R (1992) *The Dynamics of Recidivism: Report to the Home Office Research and Planning Unit*. Oxford: Centre for Criminological Research, University of Oxford.
- Colman C and Vander Laenen F (2012) ‘Recovery came first’: Desistance versus recovery in the criminal careers of drug-using offenders. *The Scientific World Journal* 2012: 1–9.
- Cullen FT (1994) Social support as an organizing concept for criminology: Presidential address to the Academy of Criminal Justice Sciences. *Justice Quarterly* 11(4): 527–559.
- Donati P (2010) *Relational Sociology: A New Paradigm for the Social Sciences*. New York: Routledge.
- Fagan J (1989) Cessation of family violence: Deterrence and dissuasion. *Crime and Justice* 11: 377–425.
- Farrall S (2002) *Rethinking What Works with Offenders: Probation, Social Context and Desistance from Crime*. Cullompton: Willan.

- Farrall S (2005) Officially recorded convictions for probationers: The relationship with self-report and supervisory observations. *Legal and Criminological Psychology* 10(1): 121–131.
- Farrall S and Maruna S (2004) Desistance-focused criminal justice policy research: Introduction to a special issue on desistance from crime and public policy. *The Howard Journal of Criminal Justice* 43(4): 358–367.
- Giordano PC, Cernkovich SA and Rudolph JL (2002) Gender, crime, and desistance: Toward a theory of cognitive transformation. *American Journal of Sociology* 107(4): 990–1064.
- Herzog-Evans M (2011) Judicial rehabilitation in France: Helping with the desisting process and acknowledging achieved desistance. *European Journal of Probation* 3(1): 4–19.
- Hill M (1999) What's the problem? Who can help? The perspectives of children and young people on their well-being and on helping professionals. *Journal of Social Work Practice* 13(2): 135–145.
- King S (2013) Early desistance narratives: A qualitative analysis of probationers' transitions towards desistance. *Punishment & Society* 15(2): 147–165.
- Laub JH and Sampson RJ (2001) Understanding desistance from crime. *Crime and Justice* 28: 1–69.
- LeBel TP, Burnett R, Maruna S, et al. (2008) The 'chicken and egg' of subjective and social factors in desistance from crime. *European Journal of Criminology* 5(2): 131–159.
- Lid S (2016) Ungdom og straff på 2000-tallet–nye praksiser, kjente dilemmaer. *Sosiologi i dag* 46(3–4): 38–63.
- Love MC (2002) Starting over with a clean slate: In praise of a forgotten section of the model penal code. *Fordham Urb LJ* 30: 1705.
- Lucken K and Ponte LM (2008) A just measure of forgiveness: Reforming occupational licensing regulations for Ex-Offenders using BFOQ analysis. *Law & Policy* 30(1): 46–72.
- Maruna S (2000) Desistance from crime and offender rehabilitation: A tale of two research literatures. *Offender Programs Report* 4(1): 1–13.
- Maruna S (2001) *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*. Washington D.C.: American Psychological Association.
- Maruna S (2011) Judicial rehabilitation and the 'Clean Bill of Health' in criminal justice. *European Journal of Probation* 3(1): 97–117.
- McAra L and McVie S (2007) Youth justice? The impact of system contact on patterns of desistance from offending. *European Journal of Criminology* 4(3): 315–345.
- McAra L and McVie S (2010) Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime. *Criminology & Criminal Justice* 10(2): 179–209.
- McNeill F (2003) Desistance-focused probation practice. In: Hong Chui W and Nellis M (eds) *Moving Probation Forward: Evidence, Arguments and Practice*. Harlow: Pearson Education, pp. 146–161.
- McNeill F (2004) Desistance, rehabilitation and correctionalism: Developments and prospects in Scotland. *The Howard Journal of Criminal Justice* 43(4): 420–436.
- McNeill F (2006) A desistance paradigm for offender management. *Criminology & Criminal Justice* 6(1): 39–62.

- McNeill F (2012) Four forms of ‘offender’ rehabilitation: Towards an interdisciplinary perspective. *Legal and Criminological Psychology* 17(1): 1–19.
- Moeller K, Copes H and Hochstetler A (2016) Advancing restrictive deterrence: A qualitative meta-synthesis. *Journal of Criminal Justice* 46: 82–93.
- Morgenstern C (2011) Judicial rehabilitation in Germany – The use of criminal records and the removal of recorded convictions. *European Journal of Probation* 3(1): 20–35.
- Nagin DS and Paternoster R (1994) Personal capital and social control: The deterrence implications of a theory of individual differences in criminal offending. *Criminology* 32(4): 581–606.
- Paternoster R and Bushway S (2009) Desistance and the ‘feared self’: Toward an identity theory of criminal desistance. *The Journal of Criminal Law and Criminology* 99(4): 1103–1156.
- Rex S (1999) Desistance from offending: Experiences of probation. *The Howard Journal of Criminal Justice* 38(4): 366–383.
- Rugkåsa M (2011) Velferdsambisjøsitet–sivilisering og normalisering: Statlig velferdspolitikkens betydning for forming av borgeres subjektivitet. *Norsk Antropologisk Tidsskrift* 22(03–04): 245–256.
- Sampson RJ and Laub JH (1997) A life-course theory of cumulative disadvantage and the stability of delinquency. *Developmental Theories of Crime and Delinquency* 7: 133–161.
- Schur EM (1973) *Radical Nonintervention: Rethinking the Delinquency Problem*. Englewood Cliffs: Prentice Hall.
- Smith PS and Ugelvik T (2017) *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?* London: Springer.
- SSB (2017) *Færre unge straffet også i 2015*. Available at: www.ssb.no/sosiale-forhold-og-kriminalitet/artikler-og-publikasjoner/faerre-unge-straffet-ogsa-i-2015 (accessed 12 October 2018).
- Travis J (2002) Invisible punishment: An instrument of social exclusion. In: Mauer M and Chesney-Lind M (eds) *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. Washington, DC: New Press, pp. 15–36.
- Weaver B (2011) Co-producing community justice: The transformative potential of personalisation for penal sanctions. *British Journal of Social Work* 41(6): 1038–1057.
- Weaver B (2012) The relational context of desistance: Some implications and opportunities for social policy. *Social Policy & Administration* 46(4): 395–412.
- Weaver B (2014) Co-producing desistance: Who works to support desistance? In: Durnescu I and McNeill F (eds) *Understanding Penal Practice*. London: Routledge, pp. 193–205.
- Weaver B and McNeill F (2015) Lifelines: Desistance, social relations, and reciprocity. *Criminal Justice and Behavior* 42(1): 95–107.

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Social inequality in alternative sanctions: A register data study on all adolescent drug offenders in Norway 2005–2015

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Abstract

The penal repertoire for young offenders in Europe encompasses an increasing variety of alternative sanctions. Research indicates that the availability and implementation of these sanctions vary within jurisdictions, raising issues of unequal treatment for equal offences. Among possible factors associated with intra-jurisdictional disparities in alternative sentencing outcomes is the socioeconomic status of young offenders. This study investigates the social profile of diverted youth, thereby addressing social inequalities in alternative sanctioning. Register data on *all* 15- to 17-year olds charged with minor drug offences in Norway between 2005 and 2015 ($N = 3209$) were compared to a randomly drawn sample of non-offenders ($N = 69,201$). Offenders who were diverted from a fine to a conditional waiver of prosecution, either with or without rehabilitative measures, were classified with an alternative sanction. Socioeconomic status was measured by an indicator combining register data on household income and parental education. Probit regressions with sample selection were used to identify social gradients in alternative sanctioning. By extensive register linkages, we were able to control for a range of well-known confounders such as gender, immigrant status, family composition, parental crime, and geographical centrality. We found that the probability of receiving a conditional waiver of prosecution was around 5% points higher for youth from a medium-high socioeconomic status background and 8% points higher for youth from a high socioeconomic status background compared with their low socioeconomic status counterparts. The positive social gradient pertained to

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sanctioning with rehabilitative elements and not to minimal interventions. Social inequality in desistance-oriented sanctions, which may consolidate pre-existing inequalities in criminal charges, is likely influenced by the resources parents have at their disposal to get involved in their children's legal processes.

Keywords

Youth, alternative sanctions, socioeconomic status, drugs, register data

Introduction

Recent decades have seen a proliferation of alternative legal responses to youth crime – minimum intervention, diversionary practices, and educational measures – in large parts of Europe (Dünkel, 2014). These developments, which reflect the proximity between youth justice and youth welfare systems (Pruin et al., 2011), run counter to the well-documented 'punitive turn' in youth justice (Muncie, 2008). However, studies point to divergence in youth justice delivery both across and within countries (Hamilton et al., 2016). Research has suggested that divergences within jurisdictions may be just as great, or even greater, than between countries (Muncie, 2011), emphasising the often substantial gap between law on the books and law in practice (Kilkelly, 2014). Disparities in the application of youth sanctions within jurisdictions are matters of due process, as young people risk unequal treatment for equal offences. This issue, described as 'a state of normlessness' (Haines and Case, 2018), raises questions about the origins of disparities in the delivery of youth justice interventions. Some disparities in justice delivery may be intentional, as identification of 'intervenable' needs may produce efficient targeted correctional treatment (Hannah-Moffat, 2005). Other disparities may be unwarranted and run counter to individual needs.

Minor drug offences – drug use and possession for personal use – constitute both a relatively common criminal offence across social groups and a key area for policy reform (Hughes and Stevens, 2010). Accordingly, registered drug crimes make a particularly fitting area for analysis of the social distribution of alternative sanctions. A mapping exercise conducted by RAND Europe identified alternatives to coercive sanctions for drug law offences in all European Union-member states, albeit to different degrees (European Union, 2016). The examination identified divergences in the implementation of these sanctions within countries, likely reflecting disparities in the beliefs of prosecutors as well as practical and administrative barriers. In this article, we look beyond divergences caused by regional 'cultures of control' to the possible existence of social gradients in the delivery of alternative justice measures for young, low-level drug offenders. Is the probability of receiving an alternative sanction also associated with the socioeconomic status (SES) of the young offenders?

Social inequality in youth justice

In line with the basic idea of youth justice as a distinctive form of education aimed at preventing reoffending (Dünkel, 2014), youth justice systems have been designed to mitigate this risk (Hampson, 2018). To this end, the identification and assessment of

risk factors have become an integral part of youth justice. The process, which regularly involves risk prediction instruments, has been criticised for leading to biased sentencing (Starr, 2014; van Eijk, 2017). It is argued that the use of demographic and SES variables as proxy indicators for the risk of reoffending is disadvantageous for disadvantaged offenders (Goddard and Myers, 2017) as it produces an inverse relationship between social-structural positions and punishment severity (D'Alessio and Stolzenberg, 1993). Research suggests that extralegal offender characteristics have direct effects on sentencing outcomes regardless of personal risk factors (van Wingerden et al., 2016), leaving stereotypically 'risky' offenders at greater risk of harsher punishment.

Research has demonstrated the joint effects of demographic characteristics – age, gender, and ethnicity – on sentencing outcomes (Doerner and Demuth, 2010). Severe punishments are disproportionately imposed on young, male defendants with minority backgrounds. Similar sentencing disparities are evident in youth who have been transferred to adult criminal courts (Lehmann et al., 2017). Although demographic characteristics remain the most influential determinants in sentencing research (van Wingerden et al., 2016), the need to also include SES in such analyses is evident (Lehmann et al., 2017). In the same way as young age, male gender and minority background may influence perceptions of reoffending-risk and appurtenant punishments, socioeconomic marginality may increase the likelihood of harsher sentencing (D'Alessio and Stolzenberg, 1993; van Eijk, 2017).

Built-in biases in risk assessments and subsequent sentencing add to the criticisms of 'new youth justice' strategies (Case and Haines, 2021; Sallée, 2017). Portrayed as fundamentally risk oriented, youth justice systems in some Western states have been criticised for dislodging penal welfarist principles and debarring desistance approaches (Hampson, 2018). However, studies testify to the persistence of national and local divergences in penal outcomes (Hamilton et al., 2016; Muncie, 2005), with several states/regions resisting the 'USA-inspired youth re-penalization' (Muncie, 2008: 116). This resistance may come in the form of diversion from the formal justice system to support services (Case and Haines, 2021). Interventions removed from the formal justice system are regarded as advantageous for youth, yet studies demonstrate how certain offenders – 'the usual suspects' of socially disadvantaged youth – are recycled in the youth justice system (McAra and McVie, 2007). Former police charges predict further immersion in a system of compulsory measures of care. If the negative social gradient in police charges carries over into these interventions, youth in low social-structural positions may be disproportionately targeted by the most intensive measures. Accordingly, in welfare-based penal systems (Deuchar, 2010; Pratt, 2008a), one would expect the young offenders who are perceived to be most 'in need' of intervention to be overrepresented as recipients of rehabilitative measures. Household SES could be one indicator of such need. If so, SES should be negatively associated with actual interventions and positively associated with minimal interventions.

The number of alternative sanctions available for young offenders has risen despite an overall drop in crime rates in this segment (van der Laan et al., 2021). In a similar vein, political attention given to youth justice in Scandinavia seems somewhat unrelated to crime trends (Storgaard, 2005). In Norway, the design and imposition of alternative

youth sanctions have intensified in a context of declining youth crime rates (SSB, 2019a). While research into the social distribution of alternative sanctions remains sparse, studies have shown that crime trends differ by SES, with decreases in crime chiefly located at the higher end of the income distribution, accompanied by increases in less affluent social groups (Nilsson et al., 2017). Consequently, the general crime drop reported in Norway and elsewhere may contribute to increased social inequalities in the risk of criminal charges. If this inequality has spillover effects on sentencing outcomes, inequalities in criminal charges may be fortified.

When alternative legal measures are introduced or expanded, questions of social inequality in sentencing arise. Reports have shown that offenders diverted to electronic monitoring in Norway are characterised by higher SES compared with their imprisoned counterparts (Skarðhamar, 2013a), while individuals diverted to community punishment largely share SES characteristics with the prison population (Skarðhamar, 2013b). Diversion traditionally refers to alternatives to custodial sentences in this manner (Andersen and Telle, 2019). Sanctions facing the youngest offenders are rarely alternatives to custody, but alternatives to other minimal and/or diversionary interventions. Research on differences in SES between diverted and non-diverted youth remains scarce in a Norwegian context.

Setting and study aims

Similar to other European countries, Norway increasingly offers alternative sanctions for drug offences, targeting young offenders in particular (Lid, 2016; Sandøy, 2019). At the turn of the millennium, the penal repertoire was close to uniform, as nearly all cases of drug use and possession for personal use were settled with a fine. From 2005, the implementation of alternative sanctions in the form of a conditional waiver of prosecution (CWP) increased, overtaking these monetary sanctions as the penal sanction most often imposed for drug offences in the youngest age group (15–17 years) in 2012 (Sandøy and Hauge, 2019). This development reflected policy initiatives at the time that recommended alternative legal responses to youth crime (Stmeld, 2006) and minor drug offences (Justis- og politidepartementet, 2011). In a circular letter, the Director of Public Prosecutions (2006) explained why a shift from fines to CWPs was needed in cases involving young offenders. The imposition of fines, which represent an effective way of closing a case, was deemed to be ineffective rehabilitation. Instead of settling cases swiftly through monetary sanctions, prosecutors were encouraged to adapt reactions to the individual youth. CWPs with rehabilitative terms were presented as a particularly fitting sanction for this purpose. In a later circular letter, CWPs with only trial period were also identified as a suitable measure for young drug offenders (Director of Public Prosecutions, 2014). The following shift towards alternative sanctions represented a significant change in the manner Norwegian society responded to young offenders; nevertheless, the implementation of these measures has remained largely unexplored.

In this study, we analysed social gradients in the allocation of alternative penal sanctions for youth. Norwegian data are particularly well suited for these types of social inequality analyses because detailed, individual-level crime data can be

linked with rich register information on a range of characteristics, including indicators for SES; household income, and parents' education level. Our basis for register linkage was crime data covering all adolescents (15–17 years) charged with minor drug offences as their first registered offence in the 2005–2015 period ($N=3209$). A randomly drawn sample of the same age ($N=69,201$) was included to compare offenders with non-offenders and to account for the risk of being charged in a sample selection regression model. To the best of our knowledge, this is the first study of the impact of SES on the probability of receiving alternative sanctioning in Norway.

Materials and methods

Alternative sanctions for youth in a Norwegian context

Over the last decade, crime rates among young people in Norway have been declining. Still, substantial numbers of young drug law offenders pass through the criminal justice system each year. These young offenders are increasingly faced with new legal measures. Fines are by far the most imposed sanction across age groups, but the youngest offenders diverge from this pattern, with the CWP increasingly replacing the fine as the dominant reaction among 15- to 17-year olds (SSB, 2019b).

The CWP, which is consent based and effectuated by the prosecuting authorities in the police, comes in three main forms: (i) without terms and trial period (reported as dismissal in official statistics), (ii) with a trial period (requirement to not commit any new crimes during the two following years), and (iii) with trial period and terms. As the inclusion of terms to the CWP represents the key demarcation, the two first forms (i and ii) are merged in the following.

The CWP with a trial period and terms is appraised as a more suitable sanction for young offenders, since it allows for the implementation of rehabilitative measures such as follow-up by social services and drug testing by healthcare workers (Sandøy, 2019). In this respect, it mirrors the 'youth contracts' introduced in Denmark in 1998, where support and supervision were transferred from the probation services to the social welfare system (Storgaard, 2005). Through the conditional waivers of prosecution, young Norwegian drug law offenders attend social services over a period generally stretching from 6 to 12 months, depending on programme design and individual assessments. The sanction is both therapeutic and supervisory in design, encompassing conversations raising drug awareness and monitored drug testing. The content and duration vary across regions, but the CWP with terms is recommended for all adolescents charged with minor drug offences on a national level.

The CWPs offered to young low-level drug offenders in Norway are consent-based welfare sanctions and not punishment meted out on the basis of risk assessment instruments. While the CWP without terms represents a form of minimal intervention, the CWP with terms represents a diversionary measure seeking to 'responsibilize' young offenders (Dünkel, 2014). The latter certainly contains elements of risk management (Sandøy, 2020), but is still construed as 'non-criminal justice'.

Sample and study design

Register data were used to identify all 15- to 17-year olds charged with drug offences in 2005–2015. This period is apt, as it saw the emergence and consolidation of the CWP as the dominant reaction for young drug law offenders. Individuals charged with drug supply offences according to the Penal Code §231/§232 (formerly §162) were excluded, alongside those registered with other offences before the first drug offence and/or multiple first-time offences. In addition, cases that were settled with other reactions than the two main legal responses targeting this group (fines or CWPs) were omitted, returning a sample of 3209 individuals charged exclusively with violations of the Act on Medicinal Products §24/§31 – use and possession for personal use – as their first criminal offence. The main reason for excluding cases that were settled by other reactions was that close to all minor drug offences in the age group under study were settled by either a fine or a CWP in 2005–2015. In this period, 45% of our sample were fined, while 47% received a CWP. The remaining cases were court-processed, resulting primarily in conditional prison sentences or community punishment. Why these cases were treated more severely by the justice system than comparable minor drug use/possession cases was unclear, since the crime statistics do not offer information on the type/amount of drugs involved or potential aggravating circumstances. In any case, they represent outliers, as they were treated more severely by the justice system. The omission of these cases provided a sample of comparable cases of which all were, in principle, eligible for alternative sanctions. Furthermore, a 10% probability sample of 15- to 17-year olds, drawn from the population register for each year of the 2005–2015 period, constituted the reference group. The reference sample was linked to the crime register using a unique ID (social security) number, and participants were defined as nonoffenders if they had no registered drug charges during the period in which they were 15- to 17-year old. All controls in our model (see below) were measured at age 15, with the exception of parental educational levels (age 16). Hence, we restricted the reference group to 15-year olds ($N = 69,201$). These individuals, which made up a 10% probability sample of the entire population of 15-year olds, were given the frequency weight 10 in the estimation of the selection equation.

For many research questions, the advantages of register data over survey data are evident and include the ability to cover entire subpopulations, in this case all adolescents charged with minor drug offences. Charge data were considered better suited than arrest data, as the former do not include individuals who were arrested at an early stage in the investigation and subsequently released (Galloway and Skardhamar, 2010). The data on drug charges, obtained from the police register STRASAK, provided us with a sample of individuals who were alleged offenders at the end of police investigation and their sanctions. The register data study was approved by the Norwegian Data Protection Authority (17/00365-2/CDG).

The model

The association between SES and sanctions was estimated by a probit regression model with sample selection (Cameron and Trivedi, 2005), indicating differences in probability

(average marginal effects) of receiving an alternative sanction (CWP) conditional on being an offender and a set of controls (gender, immigrant status, family composition, parental crime, and geography). In addition, alternative models estimating the probability of receiving CWPs containing rehabilitative measures (terms) and CWPs without terms were specified separately. In doing so, we investigated whether social inequalities pertained to the allocation of rehabilitative measures, minimal interventions, or both.

Our analysis of the impact of SES on alternative sanctioning accounted for potential selection bias by employing a regression model that estimated two probit equations simultaneously: one for the risk of being charged and one for the risk of receiving a CWP, conditional on being charged. The methodological approach takes into account that there could be an increased risk of drug charges in low-SES youth, possibly explained by an underlying pattern of more problematic drug use in this group (Kipping et al., 2015), a protective effect of high SES on the risk of criminalisation (Askew and Salinas, 2019), or, most likely, both. Previous research suggests a clustering of drug-related problems, including risky/daily use and criminal involvement, among adolescents with low SES backgrounds (Gauffin et al., 2013; Legleye et al., 2011; Pedersen and Bakken, 2016). Thus, selection into penal trajectories, caused by social inequalities in the *risk of being charged* for drug offences, may affect the distribution of penal reactions.

The estimation of the auxiliary equation (risk of being charged) was based on the full sample ($N = 72,410$), necessitating the inclusion of the reference group of non-offenders. Only those being charged contributed to the second equation (risk of receiving a CWP) ($N = 3209$). The same set of explanatory variables were used in both equations, except for the required exclusion restriction (an instrumental variable associated with one but not the other dependent variable). We calculated the birth cohort size within each county, assuming shared experiences among those sharing an age at a particular time/place (Ryder, 1965), and this variable served as our exclusion restriction. The idea was that the relative size of the birth cohort can affect the life chances of its constituents in a variety of ways, including individuals' risk of criminal involvement/prosecution (O'Brien, 1989; Savolainen, 2000). Studies have found a negative association between youth cohort size and drug possession arrest rates (Jacobson, 2004). In line with this, we used the cohort size as an indicator of the probability of being charged (first equation) without having a direct (conceivable) effect on the second equation, sentencing outcome.

Independent variables

An indicator for SES was created by combining register data on household income and parental education. Household real disposable income was equalized by dividing it by the square root of household members and adjusted by CPI (OECD, 2020). The average of equalized income in the years when the child was 10- to 15-year old was used to construct household income quartiles. Having access to detailed register data was again beneficial as measures of income are regularly encumbered by errors (Bjerk, 2007).

As family academic resources have been shown to be associated with the onset of offending in Norwegian youth (Galloway and Skardhamar, 2010), we combined the household income data with measures of parental education in a proxy. As stated earlier, social inequalities in the onset of registered offending may affect the distribution

of sanctions, including diversionary measures. The register data on parental education levels indicated whether at least one parent had completed basic (1), secondary (2), lower tertiary (3), or higher tertiary education (4) when the child was 16 years old. The four values on the parental education measure were added to the four values on the household income measure to create a five-parted SES-proxy, grouped on the basis of combined income-education scores: 2–3 = low, 4 = medium-low, 5 = medium, 6 = medium-high, and 7–8 = high. This way of measuring SES, which indicates the families' position in the SES distribution along both an economic and academic axis, produced SES groups of roughly equal proportions (see Table 1).

Known confounders included gender, immigrant status, family composition, parental criminal history, and geographical centrality, in addition to a full set of regional (NUTS 3) and calendar year dummies (Doerner and Demuth, 2010; Lehmann et al., 2017; McAra and McVie, 2007). Immigrant status was measured by indicators of whether the adolescent or either parent was born outside Norway. Studies have found clear associations between parental break up and criminal involvement in Norwegian youth (Skarðhamar, 2009). To account for this, we included several measures of family

Table 1. Summary statistics for drug offenders and non-offenders.

	Offenders (N = 3209)	Non-offenders (N = 69,201)	Difference
Socioeconomic status			
Low	0.352	0.213	0.139***
Medium low	0.235	0.196	0.039***
Medium	0.177	0.205	-0.029***
Medium high	0.126	0.183	-0.057***
High	0.110	0.203	-0.093***
Woman	0.291	0.484	-0.193***
Immigrant status			
Native	0.883	0.907	-0.124***
Immigrant	0.070	0.051	0.019***
Immigrant background	0.047	0.042	0.006
Family situation at age 15			
Live with married/cohabiting couple	0.560	0.778	-0.218***
Live with single mother	0.313	0.168	0.146***
Live with single father	0.078	0.042	0.036***
Live alone/in care	0.049	0.012	0.037***
Birth parents do not live together	0.716	0.445	0.271***
Parents any criminal charges	0.377	0.162	0.215***
Centrality (reversed)	2.663	2.962	-0.299***

Note: *t*-test of differences in means/proportions.

*** $p < 0.001$.

composition, indicating whether the adolescents lived with a married/cohabiting couple, single mother, single father, or alone/in care at age 15. In addition, we included a measure on whether biological parents still lived together at this age, indicating family dissolution before reaching the age of criminal responsibility. Parental criminal history was measured as lifetime prevalence of criminal charges, offering an approximation of criminal propensity in parents. Centrality is an index ranking municipalities from the most (1) to the least central (6), indicating degrees of urbanity.

Previous studies have shown how demographic and regional characteristics interact in producing disparities in penal outcomes (Lehmann et al., 2017). Besides the most featured demographic variables – age, gender, and ethnicity – regional differences in the availability and implementation of services for young offenders have also been identified as a key source of divergence within jurisdictions. Differential penal outcomes based on place of residence, referred to as ‘youth justice by geography’ (Haines and Case, 2018), are therefore accounted for in our analysis of SES-related sentencing disparities by county dummies. Finally, birth year dummies were included to reflect any influence of time variation.

Taken together, the controls offered detailed background information on all offenders and controls and enabled a comprehensive analysis of the impact of SES on the probability of an alternative sanction.

Results

Table 1 presents summary statistics for young low-level drug offenders and non-offenders. There were several statistically significant differences between the two groups, all in the expected direction. Adolescents from families with the lowest parental SES were overrepresented in the drug offender group, while youth from households with medium-high and high parental SES were underrepresented. This was the first indication of social gradients in minor drug charges among adolescents in Norway and accentuated the importance of controlling for selection bias in our main models (Tables 2 and 3). Unsurprisingly, boys were strongly overrepresented in the offender group. Moreover, there was a small but significant difference between individuals born in Norway and immigrants, while there was no difference in adolescents with either of the parents born outside the country (immigrant background). The differences between the offenders and non-offenders in respect of living with a married/cohabiting couple and having biological parents who still lived together were quite large, with offenders overrepresented among those who had experienced family dissolution and/or were living with single parents or alone/in care at the age of 15. The proportion having parents with lifetime criminal charges was more than double among offenders compared with non-offenders. Finally, the proportion charged with drug offences declined with decreasing centrality, probably indicating divergences in the availability of drugs, drug consumption patterns, and/or policing between urban and decentralised areas.

Table 4 presents the distribution of the sanctions under study – fines, CWP with no terms and CWP with terms – in the five different SES groups. The CWP at large was the dominant reaction across groups (2068 received a CWP and 1141 were fined), substantiating the image of a shift towards alternative sanctions in the 2000s. The distribution

Table 2. Alternative sanctions for minor drug offences for 15- to 17-year olds. probability of a CWP over fines on socioeconomic status and controls.

	AME	z	[95% CI]
Socioeconomic status (ref. = low)			
Medium low	-0.006	-0.3	[-0.04-0.03]
Medium	0.019	0.9	[-0.02-0.06]
Medium high	0.047*	2.0	[0.00-0.09]
High	0.080**	3.0	[0.03-0.13]
Woman	0.074***	4.8	[0.04-0.10]
Immigrant status (ref. =native)			
Immigrant	0.036	1.3	[-0.02-0.09]
Immigrant background	-0.033	-0.9	[-0.10-0.04]
Family situation at age 15 (ref. = live with married/cohabiting couple)			
Live with single mother	-0.008	-0.4	[-0.04-0.03]
Live with single father	-0.020	-0.7	[-0.07-0.03]
Live alone/in care	-0.011	-0.3	[-0.08-0.06]
Birth parents do not live together	0.018	1.0	[-0.02-0.06]
Parents any criminal charges	-0.003	-0.2	[-0.03-0.03]
Centrality at age 15 (reversed)	-0.013	-1.6	[-0.03-0.00]
Persons	72,410		
Selected	3209		
Test of $\rho = 0$	$\chi^2(1) = 70.3***$		

AME: average marginal effects; CI: confidence interval; CWP: conditional waiver of prosecution.

AME from probit regressions with sample selection. AMEs are differences in probability of receiving a CWP for offenders, conditional on being an offender. The model also include county and birth year dummies (not shown).

* $p < 0.05$.

** $p < 0.01$.

*** $p < 0.001$.

of SES groups in the three penal trajectories was the first indication of a social gradient in the imposition of sanctions in minor drug cases for youth. A total of 38.6% of low-SES offenders received a fine compared with only 24.3% of their high-SES counterparts. The distribution of CWPs without terms was similar across SES groups, while the negative social gradient in fines was reversed for CWPs with terms. As many as half of the high-SES offenders received this intervention, compared to 35.7% of their low-SES counterparts.

In Table 2, we estimated the social gradient in the overall CWP delivery by including the set of controls and simultaneously accounting for a potential SES-related selection into the population of young drug offenders. This model confirmed the positive social gradient in alternative sanctioning suggested in Table 4. The probability of receiving a CWP was around 5% points higher for youth from a medium-high SES background and 8% points higher for youth from a high SES background compared with their low-SES counterparts. Besides gender, which also had a positive impact on the probability of receiving a CWP (7% points higher for girls), medium-high and high SES were the only factors with a significant impact on sentencing outcome in the model.

Table 3. Alternative sanctions for minor drug offences for 15- to 17-year olds. probability of a CWP with terms (model 1) and without terms (model 2) over fines on socioeconomic status and controls.

	Model 1			Model 2		
	AME	z	[95% CI]	AME	z	[95% CI]
Socioeconomic status (ref. = low)						
Medium low	-0.008	-0.4	[-0.05-0.03]	-0.006	-0.2	[-0.06-0.04]
Medium	0.013	0.6	[-0.03-0.06]	0.016	0.6	[-0.04-0.07]
Medium high	0.054*	2.0	[0.00-0.11]	0.025	0.8	[-0.04-0.09]
High	0.096**	3.1	[0.03-0.16]	0.055	1.4	[-0.02-0.13]
Woman	0.032	1.8	[0.00-0.07]	0.124***	5.7	[0.08-0.17]
Immigrant status (ref. = native)						
Immigrant	-0.019	-0.6	[-0.08-0.05]	0.109**	2.8	[0.03-0.19]
Immigrant background	-0.039	-1.1	[-0.11-0.03]	-0.018	-0.4	[-0.12-0.08]
Family situation at age 15 (ref. = live with married/cohabiting couple)						
Live with single mother	0.008	0.4	[-0.03-0.05]	-0.025	-1.0	[-0.07-0.03]
Live with single father	-0.030	-1.0	[-0.09-0.03]	0.002	0.1	[-0.07-0.08]
Live alone/in care	-0.047	-1.2	[-0.12-0.03]	0.023	0.5	[-0.07-0.11]
Birth parents do not live together	0.009	0.4	[-0.03-0.05]	0.021	0.8	[-0.03-0.07]
Parents any criminal charges	-0.016	-1.0	[-0.05-0.02]	0.011	0.5	[-0.03-0.05]
Centrality at age 15 (reversed)	-0.016	-1.8	[-0.03-0.00]	-0.006	-0.5	[-0.03-0.02]
Persons		71,600			71,152	
Selected		2399			1951	
Test of $\rho = 0$		$\chi^2(1) = 68.7^{***}$			$\chi^2(1) = 19.6^{***}$	

AME: average marginal effects; CI: confidence interval; CWP: conditional waiver of prosecution.

AME from probit regressions with sample selection. AMEs are differences in probability of receiving a CWP with terms (Model 1) and without terms (Model 2) for offenders, conditional on being an offender. The model also include county and birth year dummies (not shown).

* $p < 0.05$.

** $p < 0.01$.

*** $p < 0.001$.

In Table 3, we replaced the dependent variable (CWP of any kind) with (i) CWP with terms and (ii) CWP without terms, respectively, allowing for separate analyses of social gradients in the delivery of rehabilitative sanctions (Model 1) and minimal interventions (Model 2). In the first model, the 1258 youths who received a CWP with terms were compared with the 1141 youths who were fined ($N = 2399$), while the second model compared the 810 youths who got a CWP without terms with the same group of fined

Table 4. Summary statistics for sanctions in SES groups.

	Fine	CWP with no terms	CWP with terms	Row totals
Socioeconomic status				
Low	38.6%	25.7%	35.7%	1130 (100%)
Medium-low	37.9%	24.6%	37.5%	754 (100%)
Medium	35.4%	24.7%	39.9%	567 (100%)
Medium-high	32.7%	25.5%	41.8%	404 (100%)
High	24.3%	25.7%	50.0%	354 (100%)
Observations	1141	810	1258	3209 (100%)

CWP: conditional waiver of prosecution; SES: socioeconomic status.

($N = 1951$). As the table shows, the impact of high SES was close to 10% points for CWP with terms, whereas the impact of gender disappeared. Accordingly, high SES youth, who were presented in Table 2 to have a higher probability of being diverted, were even more likely to receive follow-up in the form of specified terms. Conversely, girls did not have a higher probability of receiving rehabilitative measures involving participation in social service and/or healthcare programmes, but were more likely to receive a CWP of any kind, indicating a higher propensity to deliver minimal interventions to girls compared with boys. This was confirmed in Model 2, which shows that girls had a higher probability of receiving a CWP without terms. Unlike for CWPs in general, youth who were born outside Norway were also more likely to receive this form of CWP. The social gradient disappeared in Model 2, indicating differences between the delivery of rehabilitative sanctions and minimal interventions. SES was positively associated with receiving follow-up through specified terms, but had no significant impact on the probability of receiving a CWP without terms.

Discussion

Studies of youth justice policies are easier to come by than empirical research on youth justice practices. The scarcity of studies on policy implementation is closely related to limited data on law in practice (Kilkelly, 2014). In this article, we have described how alternative sanctions were implemented across SES groups in a time of wide-ranging changes in the penalisation of young low-level drug offenders in Norway. Aided by comprehensive register data on all adolescents charged with minor drug offences, we have shown how medium-high to high SES increased the probability of receiving an alternative penal sanction. The positive social gradient was moderate, but could not be accounted for by SES-related selection into adolescents' risk of being charged with minor drug offences or a range of well-known confounders. This substantiates the issue of potential reinforcement of inequalities through sentencing practices (van Eijk, 2017). When examining the alternative sanctioning more closely, we only found a positive social gradient in the probability of receiving a CWP containing rehabilitative measures (terms). For CWPs without terms, we found a positive impact of gender and immigrant status, with girls and youth born outside Norway having a higher probability

of receiving these minimal interventions. The fact that girls had a higher probability of minor system contact is in line with sentencing research, which consistently find that boys are punished more severely than girls (Doerner and Demuth, 2010). Girls' reoffending risk may be perceived as lower compared with boys, which again lowers the perceived need for rehabilitative measures. Regarding immigrants, the increased probability of receiving a minimal intervention could come across as a departure from research on ethnic disparities in sentencing (Lehmann et al., 2017). In the case of the sanctions under study here, one possible explanation emerges. Immigrants may be perceived as less capable of utilising the rehabilitative measures inherent in the CWPs with terms. Insofar as individual suitability/motivation affects the prosecutors' allocation of alternative sanctions, weaker social bonds to conventional society through, for example, language skills may decrease the probability of an actual intervention. This is a general point that also applies to low-SES youth. In line with causal attribution theory (Albonetti, 1991), prosecutors' sanctioning decisions may hinge on limited information about the offenders' relative likelihood of recidivism. Both immigrant status and family SES may serve as attributional stereotypes that either decrease or increase the probability of receiving a rehabilitative measure over a fine. We expected that common indicators of need/risk, such as low SES, would trigger compulsory measures of care, but the inverse was true.

The effects of SES on youth offending seem to be mediated through individual, parental, peer, and school factors (Fergusson et al., 2004, 2008). Similarly, social gradients in sentencing outcomes are likely mediated through a complex of interrelated factors. One possible explanation of the SES-related disparities in the allocation of CWPs with terms could be that at-risk children from low-resource families are more difficult to engage in rehabilitative processes (Nix et al., 2005). Practical and/or informal barriers in these families, such as limited work flexibility and feelings of insufficiency, may inhibit parental engagement in (legal) interventions directed at youth. In line with this, a Norwegian study found that high-SES parents were more likely to attend universal parenting classes (Reedtz et al., 2011). It is possible that the same mechanisms are at work in the utilisation of alternative sanctions. If so, rehabilitative measures may be offered to a disproportionate number of resourceful adolescents. In the worst case, they may be the ones who need it the least (Hart, 1971).

Unfortunately, the mechanisms through which SES may impact crime and sanctioning, including "qualitative aspects of the family situation" (Galloway and Skardhamar, 2010: 21), are hard to study empirically. In such situations, one either looks to adjacent studies for relevant input or calls for more research in the identified area. In our case, a previous, interrelated study on the emerging alternative sanctions in Norway sheds some light on the matter, as it found that parental involvement was the key factor in the adolescents' desistance processes (Sandøy, 2019). Parents stood out not only as the key motivators for change but also for consenting to these legal interventions in the first place. Consequently, the positive effect of SES on alternative sanctioning may be an indication of the resources parents have at their disposal to get involved in their children's legal processes.

Research suggests that youth from modest SES backgrounds may be in particular need of early identification and interventions (Alex Mason et al., 2010; Rekker et al., 2015),

making the positively skewed distribution of alternative sanctions somewhat paradoxical. To be clear, the promotion of CWPs over fines in Norway is not embedded in formalised risk/need assessments, but rests on the notion that all drug offenders below the age of majority need to be ‘stimulated in their continued rehabilitation’, irrespective of social characteristics (Director of Public Prosecutions, 2014). Although the implementation of this legal measure has been recommended by policy-makers on several occasions, the rehabilitative shift has not been formally grounded in legislation. The ‘bottom-up’ character of the growth in alternative sanctions illustrates the importance of moving beyond law on the books when describing their social impact.

Unlike the traditional penal system, which rests on the principle of proportionality between offence and punishment, the welfare system, which facilitates the CWP with terms, tends to stress proportionality between individual needs and the amount of support/supervision offered (Storgaard, 2005). Although this should result in more support for the ones who need it the most, it also raises questions of disproportionality between offence and reaction. Accordingly, the CWP may be viewed as a benevolent but intrusive intervention (Sandøy, 2020), characteristic of ‘Scandinavian style’ welfare sanctions (Pratt, 2008a: 130). Strict drug control policies have been cast as the exception to Scandinavian penal exceptionalism (Pratt, 2008b), and the alternative drug sanctions may be viewed as an expression of ‘interventionism’ rather than leniency. Regardless, they have been implemented for their rehabilitative potential and insofar as they are effective in preventing continued criminal involvement in youth, pre-existing social inequalities in offending could be consolidated and reinforced.

Strengths and limitations

One strength of this study lies in the richness of the register data set, covering *all* adolescents charged with minor drug offences over a period of 10 years. Register data are often advantageous, as common methodological issues pertaining to self-reported data such as non/false responses are eluded (Hovde Lyngstad and Skardhamar, 2011). Register data on net household income, which together with information on parental education made up the main independent variable in our analysis, are deemed to yield more precise measures than self-reported income data. Moreover, several of the strongest predictors of youth offending were taken account of in the statistical models, including hard-to-get information on parental crime. By employing a sample selection framework in model estimation, we could also account for a possible social gradient in the *probability of being charged*, which further strengthened our results.

However, the relationship between SES and penal outcome may be mediated through unobserved factors, such as parental monitoring and individual preferences (Deutsch et al., 2012; Rekker et al., 2017). The lack of (direct) measures of parental involvement and of individual motives for consenting to alternative sanctions is a limitation in this study. For example, the reason why high-SES youth, assisted by their resourceful parents, consent to social service interference over the other two sanction options that do not require this, is unclear. Most likely, the decisions are influenced by the way prosecutors present the different sentencing outcomes during interrogation. The lack of information about this exchange limits our ability to fully understand the distribution

of alternative sanctions in the population of young drug offenders. Depending on the type of drugs and to a lesser extent police district, fines for illicit drug use are quite small (NOU, 2019). Therefore, monetary sanctions may be conceived of as insufficiently punitive for high-SES defendants. Whether prosecutors take such matters into account in promoting CWPs with terms for high-SES youth is also a question that demands more contextual information. Finally, the quality of crime register data is dependent on the priorities and registration practices of the police/prosecuting authorities. Our analysis is vulnerable to potential misrepresentation of criminal cases and their legal outcomes in the police register, including the distinction between CWPs with and without terms.

Conclusion

Our findings suggest that family SES may significantly impact the probability of receiving alternative sanctions. The impact of SES pertained to sanctions containing rehabilitative measures and not to sanctions with minimal interventions only. Social inequality in desistance-oriented sanctions, which may consolidate pre-existing inequalities in criminal charges, is likely related to the resources parents have at their disposal to engage in the legal interventions directed at their children.

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References

- Albonetti CA (1991) An integration of theories to explain judicial discretion. *Social Problems* 38: 247–266.
- Alex Mason W, Hitch JE, Kosterman R, et al. (2010) Growth in adolescent delinquency and alcohol use in relation to young adult crime, alcohol use disorders, and risky sex: A comparison of youth from low-versus middle-income backgrounds. *Journal of Child Psychology and Psychiatry* 51: 1377–1385.

- Andersen SN and Telle K (2019) Better out than in? The effect on recidivism of replacing incarceration with electronic monitoring in Norway. *European Journal of Criminology*: 1–22. DOI: 10.1177/1477370819887515.
- Askew R and Salinas M (2019) Status, stigma and stereotype: How drug takers and drug suppliers avoid negative labelling by virtue of their ‘conventional’ and ‘law-abiding’ lives. *Criminology & Criminal Justice* 19: 311–327.
- Bjerk D (2007) Measuring the relationship between youth criminal participation and household economic resources. *Journal of Quantitative Criminology* 23: 23–39.
- Cameron AC and Trivedi PK (2005) *Microeconometrics: Methods and Applications*. New York: Cambridge University Press.
- Case S and Haines K (2021) Abolishing youth justice systems: Children first, offenders nowhere. *Youth Justice* 21: 3–17.
- D’Alessio SJ and Stolzenberg L (1993) Socioeconomic status and the sentencing of the traditional offender. *Journal of Criminal Justice* 21: 61–77.
- Deuchar R (2010) ‘It’s just pure harassment ... as if it’s a crime to walk in the street’: Anti-social behaviour, youth justice and citizenship — the reality for young men in the east end of Glasgow. *Youth Justice* 10: 258–274.
- Deutsch AR, Crockett LJ, Wolff JM, et al. (2012) Parent and peer pathways to adolescent delinquency: Variations by ethnicity and neighborhood context. *Journal of Youth and Adolescence* 41: 1078–1094.
- Director of Public Prosecutions (2006) Rundskriv 1/2006 Mål og prioriteringer for straffesaksbehandlingen i politiet. Available at: <https://www.riksadvokaten.no/document/riksadvokatens-mal-og-prioriteringer-for-2006-straffesaksbehandlingen-ved-politiet/> (accessed 27 April 2021).
- Director of Public Prosecutions (2014) Rundskriv 2/2014 Narkotikasaker. Available at: <https://www.riksadvokaten.no/document/narkotikasaker/> (accessed 4 December 2020).
- Doerner JK and Demuth S (2010) The independent and joint effects of race/ethnicity, gender, and age on sentencing outcomes in US federal courts. *Justice Quarterly* 27: 1–27.
- Dünel F (2014) Juvenile justice systems in Europe: Reform developments between justice, welfare and ‘new punitiveness’. *Kriminologijos studijos* 1: 31–76.
- European Union (2016) *Study on Alternatives to Coercive Sanctions as Response to Drug Law Offences and Drug-Related Crimes*. Luxembourg: Publications Office of the European Union.
- Fergusson D, Swain-Campbell N and Horwood J (2004) How does childhood economic disadvantage lead to crime? *Journal of Child Psychology and Psychiatry* 45: 956–966.
- Fergusson DM, Boden JM and Horwood LJ (2008) The developmental antecedents of illicit drug use: Evidence from a 25-year longitudinal study. *Drug and Alcohol Dependence* 96: 165–177.
- Galloway TA and Skardhamar T (2010) Does parental income matter for onset of offending? *European Journal of Criminology* 7: 424–441.
- Gauffin K, Vinnerljung B, Fridell M, et al. (2013) Childhood socio-economic status, school failure and drug abuse: A Swedish national cohort study. *Addiction* 108: 1441–1449.
- Goddard T and Myers RR (2017) Against evidence-based oppression: Marginalized youth and the politics of risk-based assessment and intervention. *Theoretical Criminology* 21: 151–167.
- Haines K and Case S (2018) The future of youth justice. *Youth Justice* 18: 131–148.
- Hamilton C, Fitzgibbon W and Carr N (2016) Punishment, youth justice and cultural contingency: Towards a balanced approach. *Youth Justice* 16: 226–245.
- Hampson KS (2018) Desistance approaches in youth justice – The next passing fad or a sea-change for the positive? *Youth Justice* 18: 18–33.
- Hannah-Moffat K (2005) Criminogenic needs and the transformative risk subject: Hybridizations of risk/need in penalty. *Punishment & Society* 7: 29–51.
- Hart JT (1971) The inverse care law. *The Lancet* 297: 405–412.

- Hovde Lyngstad T and Skardhamar T (2011) Nordic register data and their untapped potential for criminological knowledge. *Crime and Justice* 40: 613–645.
- Hughes CE and Stevens A (2010) What can we learn from the Portuguese decriminalization of illicit drugs? *The British Journal of Criminology* 50: 999–1022.
- Jacobson M (2004) Baby booms and drug busts: Trends in youth drug use in the United States, 1975–2000. *The Quarterly Journal of Economics* 119: 1481–1512.
- Justis- og politidepartementet (2011) Alternative reaksjoner for mindre alvorlige narkotikalovbrudd: intervensjonsprogram og motivasjonssamtale. Available at: <https://www.regjeringen.no/globalassets/upload/jd/vedlegg/rapporter/rapportinnmatweb.pdf> (accessed 4 December 2020).
- Kilkelly U (2014) Diverging or emerging from law? The practice of youth justice in Ireland. *Youth Justice* 14: 212–225.
- Kipping RR, Smith M, Heron J, et al. (2015) Multiple risk behaviour in adolescence and socio-economic status: Findings from a UK birth cohort. *The European Journal of Public Health* 25: 44–49.
- Legleye S, Janssen E, Beck F, et al. (2011) Social gradient in initiation and transition to daily use of tobacco and cannabis during adolescence: A retrospective cohort study. *Addiction* 106: 1520–1531.
- Lehmann PS, Chiricos T and Bales WD (2017) Sentencing transferred juveniles in the adult criminal court: The direct and interactive effects of race and ethnicity. *Youth Violence and Juvenile Justice* 15: 172–190.
- Lid S (2016) Ungdom og straff på 2000-tallet – nye praksiser, kjente dilemmaer. *Sosiologi i dag* 46: 38–63.
- McAra L and McVie S (2007) Youth justice? The impact of system contact on patterns of desistance from offending. *European Journal of Criminology* 4: 315–345.
- Muncie J (2005) The globalization of crime control—the case of youth and juvenile justice: Neoliberalism, policy convergence and international conventions. *Theoretical Criminology* 9: 35–64.
- Muncie J (2008) The ‘punitive turn’ in juvenile justice: Cultures of control and rights compliance in Western Europe and the USA. *Youth Justice* 8: 107–121.
- Muncie J (2011) Illusions of difference: Comparative youth justice in the devolved United Kingdom. *The British Journal of Criminology* 51: 40–57.
- Nilsson A, Estrada F and Bäckman O (2017) The unequal crime drop: Changes over time in the distribution of crime among individuals from different socioeconomic backgrounds. *European Journal of Criminology* 14: 586–605.
- Nix RL, Pinderhughes EE, Bierman KL, et al. (2005) Decoupling the relation between risk factors for conduct problems and the receipt of intervention services: Participation across multiple components of a prevention program. *American Journal of Community Psychology* 36: 307–325.
- NOU. (2019) Rusreform - fra straff til hjelp. Available at: <https://www.regjeringen.no/no/dokumenter/nou-2019-26/id2683531/?ch=1> (accessed 28 April 2021).
- O’Brien RM (1989) Relative cohort size and age-specific crime rates: An age-period-relative-cohort-size model. *Criminology* 27: 57–78.
- OECD (2020) Compare your income - Methodology and conceptual issues. Available at: <https://www.oecd.org/statistics/Compare-your-income-methodology.pdf> (accessed 4 December 2020).
- Pedersen W and Bakken A (2016) Urban landscapes of adolescent substance use. *Acta Sociologica* 59: 131–150.
- Pratt J (2008b) Scandinavian exceptionalism in an era of penal excess: Part II: Does Scandinavian exceptionalism have a future? *The British Journal of Criminology* 48: 275–292.
- Pratt J (2008a) Scandinavian exceptionalism in an era of penal excess: Part I: The nature and roots of Scandinavian exceptionalism. *The British Journal of Criminology* 48: 119–137.

- Pruin I, Dünkel F and Grzywa J (2011) The implementation of alternative sanctions and measures into juvenile justice systems. *Romanian Journal of Sociology* 1: 3–22.
- Reedtz C, Martinussen M, Jørgensen FW, et al. (2011) Parents seeking help in child rearing: Who are they and how do their children behave? *Journal of Children's Services* 6: 264–274.
- Rekker R, Keijsers L, Branje S, et al. (2017) The interplay of parental monitoring and socioeconomic status in predicting minor delinquency between and within adolescents. *Journal of Adolescence* 59: 155–165.
- Rekker R, Pardini D, Keijsers L, et al. (2015) Moving in and out of poverty: The within-individual association between socioeconomic status and juvenile delinquency. *PLoS One* 10: e0136461.
- Ryder NB (1965) The cohort as a concept in the study of social change. *American Sociological Review* 30: 843–861.
- Sallée N (2017) Rehabilitation within a punitive framework: Responsibilization and disciplinary Utopia in the French Juvenile Justice System. *Youth Justice* 17: 250–267.
- Sandøy TA (2019) Beyond personal reform: Adolescent drug-law offenders and the desistance process. *Punishment & Society* 21: 578–595.
- Sandøy TA (2020) Alternative (to) punishment: Assessing punishment experiences in youth diversion programmes. *The British Journal of Criminology* 60: 911–929.
- Sandøy TA and Hauge R (2019) Cannabis i lovgivning, rettspraksis og straff. In: Bretteville-Jensen AB and Bramness JG (eds) *Cannabisboka*. Oslo: Universitetsforlaget, 33–49.
- Savolainen J (2000) Relative cohort size and age-specific arrest rates: A conditional interpretation of the Easterlin effect. *Criminology* 38: 117–136.
- Skarðhamar T (2009) Family dissolution and children's criminal careers. *European Journal of Criminology* 6: 203–223.
- Skarðhamar T (2013a) *Straffegjennomføring med elektronisk kontroll i Norge: Konsekvenser for straffedes sysselsetting*. Oslo: Statistisk sentralbyrå.
- Skarðhamar T (2013b) *Straffegjennomføring med samfunnsstraff i Norge: Konsekvenser for straffedes sysselsetting*. Oslo: Statistisk sentralbyrå.
- SSB (2019a) Sjeldnere dom og fengsel til ungdom. Available at: <https://www.ssb.no/sosiale-forhold-og-kriminalitet/artikler-og-publikasjoner/sjeldnere-dom-og-fengsel-til-ungdom> (accessed 4 December 2020).
- SSB (2019b) Nesten alle straffereaksjoner er en bot. Available at: <https://www.ssb.no/sosiale-forhold-og-kriminalitet/artikler-og-publikasjoner/nesten-alle-straffereaksjoner-er-en-bot> (accessed 4 December 2020).
- Starr SB (2014) Evidence-based sentencing and the scientific rationalization of discrimination. *Stan. L. Rev.* 66: 803–872.
- Stmeld (2006) Stmeld. nr. 20 (2005–2006). Alternative straffereaksjonar overfor unge lovbrutarar. Available at: <https://www.regjeringen.no/no/dokumenter/stmeld-nr-20-2005-2006-/id332074/?ch=1> (accessed 4 December 2020).
- Storgaard A (2005) Juvenile justice in Scandinavia. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 5: 188–204.
- van der Laan AM, Beerthuisen MGCJ and Barendregt CS (2021) Juvenile sanctions for young adults in the Netherlands: A developmental perspective. *European Journal of Criminology* 18: 526–546.
- van Eijk G (2017) Socioeconomic marginality in sentencing: The built-in bias in risk assessment tools and the reproduction of social inequality. *Punishment & Society* 19: 463–481.
- van Wingerden S, van Wilsem J and Johnson BD (2016) Offender's personal circumstances and punishment: Toward a more refined model for the explanation of sentencing disparities. *Justice Quarterly* 33: 100–133.

Preventing future crime in adolescent drug offenders:

A study of differential sanction effects on recidivism

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Abstract

This study examines and compares the effects on recidivism of the three most common legal responses to minor drug offences for adolescents in Norway. The essential question is whether alternative sanctions are more effective in preventing any reoffending in youth than the traditional fine. Using a longitudinal register data set, comprising all 15-17-year-old, first-time drug offenders in the 2000–2015 period (N=3,276), we investigate differences in duration between first legal decision and second arrest and the number of offences during follow-up. Our findings suggest that rehabilitative measures, in the form of a conditional waiver of prosecution with terms, were more effective in preventing recidivism in adolescent drug offenders than a fine. Given the design of this sanction, which includes follow-up by social services and monitoring of drug use by health services, deferrals in recidivism may be caused by both positive rehabilitation experiences and negative punishment experiences.

Key words: adolescents, sanction effects, recidivism, drugs, register data

Introduction

The potential gain from reducing recidivism in youth is substantial, making questions of which legal responses are most effective in preventing new incidences of criminal behaviour perpetually topical. Use and possession of drugs for personal use is a common offence for youth, and in the EU about 1.2 million people were charged with this in 2018 (EMCDDA, 2020). Most charges related to cannabis and most offenders were relatively young. For many youth this is their first and only contact with the criminal justice system, whereas for others this is just one out of many. This study examines and compares the effects on recidivism of the three most common legal responses to use and possession of drugs for first-time offenders in a policy setting where drug laws are strictly enforced.

There is reason to believe that even contact with the shallow end of the criminal justice system has an impact on adolescents' future criminal involvement. Legal interventions, however minor, could reinforce certainty of punishment and deter crime. Indeed, if punishment certainty primarily pertains to perceptions of apprehension probability, as deterrence research suggests (Nagin, 2013), arrests/policing may have deterrent effects regardless of legal consequences (Huizinga and Henry, 2008). Contrarily, contact with the justice system could promote future crime through labelling processes (Motz et al., 2019). Studies have documented such criminogenic effects of mere involvement with the youth justice system (McAra and McVie, 2010).

Adolescents' first arrests seem to have a particular impact on their attitudes towards the criminal justice system, making early system contact a potentially negative turning point (Fine et al., 2017; Wiley and Esbensen, 2016). Acknowledging that these first impressions matter for adolescents' reoffending, this study analyses recidivism among young offenders being charged for the first time.

Criminal system contact, shallow or in-depth, is not one thing. As obvious as this sounds, studies of deterrent and labelling effects regularly specify sanctions in the singular (Nagin, 2013) and compare average effects of any justice system contact with no contact (Motz et al., 2019). Hence, researchers on both sides of the deterrence/labelling debate have stressed the need for studies of differential effects of specific sanctions. The impact of any sanction is relative to the impact of other legally available sanctions for the offence (and offenders) under study. In order to capture this heterogeneity, the discrete impact of "different components of the sanction regime" (Nagin, 2013: 199) must be identified and compared.

It could be argued that recidivism is a crude and inadequate measure of behavioural change (Smith, 2005). However, the crime reduction effects of sanctions remain the key concern for policymakers and practitioners in the criminal justice field (Petrosino et al., 2010). This approach to justice delivery has been criticised by desistance theorists, who emphasise the gradual character of changes in criminal involvement (Bushway et al., 2001). Parallel to desistance theory, studies on restrictive

deterrence have shown how punishment activates a range of sanction-avoidance strategies in offenders, including temporal displacement of crime (Moeller et al., 2016). This body of research illustrates how movements in and out of crime constitute a process rather than a turning point. Given the transitory character of deterrent effects (and labelling effects for that matter), this study approaches recidivism as something temporal. Based on a longitudinal register data set of adolescent first-time drug offenders, we investigate differences in duration between first legal decision and second arrest following three comparable sanctions and examine which of these was the most effective in preventing future crime.

Youth justice and sanction effects

Modern penal states deploy both negative and positive power, but the balance between the modes differs (Garland, 2013). Incapacitating power (negative) may outweigh capacity-building power (positive), and vice versa. The distribution of negative and positive modes of penal power within states is clearly a matter of national and cultural specificities (McAra, 2005), but is also contingent on resources. Negative forms of power require less expertise and coordination than positive forms oriented towards social enhancement (Garland, 2013). Put differently, it is more demanding for the state to deploy rehabilitative penal power than to take something – liberty, time, money etc. – away from offenders (McNeill, 2016). Negative penal power can be exercised by the

penal system without cooperation from other services, while positive power relies on collaboration with multiple services and civil society more broadly. Like adult offenders, apprehended youth enter into this nexus of negative-positive power and penal capacity. However, the need for positive and interdisciplinary penal responses is more pronounced for youth than for adults (Haines and Case, 2015).

Prosecutors commonly possess wide-ranging discretionary power in cases involving young low-level offenders. Youth may be confronted with negative penal power in the traditional justice system (e.g. fines), diverted to healthcare/social services or dismissed (Petrosino et al., 2010). This scenario, which involves a choice between three relevant sanction options, is closely related to considerations of ‘what works’. In western jurisdictions, the choice of sanction option has increasingly been integrated in evidence-based policies (McAra and McVie, 2007). In accordance with this dominant discourse, sanctions are chosen for their perceived ability to prevent future crime.

It could be argued, referring as far back as Beccaria’s 1764 treatise *On Crimes and Punishments*, that the study of sanction effects is the historic mandate of criminology (Sherman, 1993). Still, establishing causal linkages between sanctions and future crime remains a methodological challenge. Sanctions may decrease, increase or have a null effect on reoffending, depending on factors such as the type of offender, offence, and level of analysis (Sherman, 1993). Regarding offender characteristics, sanction effects on recidivism seem to vary with age and degree of criminal

involvement (Huizinga and Henry, 2008). Concerns with age heterogeneity are often unresolved due to small sample sizes (Morris and Piquero, 2013), yet there is a large body of research addressing sanction effects in young age groups. Overall, these studies lend more support to labelling theory than to deterrence theory (Huizinga and Henry, 2008; Pratt et al., 2006). Formal sanctions have regularly been shown to have no or amplifying effects on subsequent offending, rendering the youth justice system's effectiveness in promoting positive behavioural change questionable (Smith, 2005). However, the 'fact' of deviance amplification may be contingent on the degree of criminal involvement in youth. Experimental evidence indicates differences between samples with or without priors (Petrosino et al., 2010). While criminal system processing may lead to reductions in crime for first-time offenders, the opposite may be true for youth with priors. This dovetails with findings indicating that sanctions amplify offending in high-risk youth, while having a negligible effect among youth at a lower risk of offending (Morris and Piquero, 2013).

Sanction effects may also vary with the type of offence. Paternoster (1987: 214) concluded his review of early perceptual deterrence research by stating that "the certainty and severity of punishment do not seem to deter the trivial and infrequent behaviors of high school and university students". This finding was corroborated in a later empirical test of deterrence theory, which showed that personal experiences of apprehension and sanctioning led to increases in subsequent substance use in youth

(Paternoster and Piquero, 1995). In line with Sherman (1993), the defiance was linked to perceptions of procedural unfairness. Minor drug offences are a widespread form of crime which most youth get away with, leaving those who are caught and punished with a potential sense of being unfairly targeted. In this way, sanctioning of minor drug offences may produce particular, negative effects. Research indicates that drug abuse complicates desistance processes, likely because desistance from offending is perceived as subordinate to desistance from drug use (Colman and Vander Laenen, 2012).

Whereas this finding applies to entrenched drug users, the desistance process for low-level drug users may take a different form. Studies suggest that criminal involvement decreases rapidly for those only registered for drug use in adolescence, as opposed to those registered for drug offences both as youth and adults (Nilsson et al., 2014).

Longitudinal data indicate that youths' first arrests may perpetuate both reoffending and rearrests. Importantly, the effects of first arrests have been shown to be greater on rearrests compared with reoffending, indicating a distinct 'secondary sanctioning' amplification process (Lieberman et al., 2014). That is, first arrests seem to intensify law enforcement responses, setting the arrestees aside from other youth whose offending levels are comparable but who have escaped apprehension. The increased risk of rearrests for youth who are already 'on the books' could lead to forms of selection bias, potentially undermining studies on sanction effects (Smith and Paternoster, 1990).

Using experimental study designs and statistical techniques (Sherman, 1993; Wiley et al., 2013), sanction effects may be estimated by comparing self-reported crime in youth with and without justice system contact. An alternative approach is to restrict the sample to arrestees and measure differential effects of comparable sanctions. In a study where youth were randomly assigned to different societal reactions, Klein (1986) demonstrated how recidivism risk increased with system insertion. Release led to fewer rearrests than referral to community agencies (diversion), which again led to lower recidivism than petitioning toward juvenile court. Hence, diversion came across as less criminogenic than formal processing in the youth justice system, but more iatrogenic than release. Apparently, crime was best reduced through “minimal intervention and maximum diversion” (McAra and McVie, 2007: 315). More recent experimental evidence substantiates the crime reduction effects of diversion programmes. This body of research indicates that diversion programmes with services are more effective in preventing future crime than formal system processing, and, according to systematic review data, also release (Petrosino et al., 2010). In light of this literature, it appears sensible to offer correctional rehabilitation measures for youth (Cullen, 2005).

Alternative sanctions for young drug offenders in Norway

Compared with most European countries, illicit drug use is of low prevalence among Norwegian youth (ESPAD, 2020). Cannabis is by far the most reported substance, both

in the general and youth population. Survey data show that cannabis use in 15-16-year-olds peaked around the turn of the millennium (12 percent lifetime prevalence in 1999), followed by a decline and stabilisation (7 percent lifetime prevalence in 2015) (Norwegian Institute of Public Health, 2021). In this period, an average of around 500 youth in the 15–17 age group were charged with violations of the Act on medicinal products § 24 (drug use/possession for personal use) annually (Statistics Norway, 2021). Whereas crime statistics do not contain information on the type of substance involved in these cases, we can assume that the majority pertained to cannabis use (Sandøy, 2019).

Unlike most crimes, drug offences are largely disclosed and solved by the police on the spot, making them the least dismissed form of crime in Norway (Thorsen et al., 2009). The apprehended person is required to attend the police station at some later date to receive the imposed legal sanction. Two sanctions have dominated for drug offenders below the age of majority (15–17) in Norway in the 2000s. At the turn of the millennium, drug offences in this age group were almost exclusively settled with a fine. Over the last two decades however, increasing numbers (more than 60 percent in 2015) have been diverted through the use of conditional waivers of prosecution (CWP). This shift has enabled prosecutors to lay down conditions that presumably have deterrent effects on future offending. Firstly, the CWP can be enforced with a trial period stretching from six to 24 months. Crimes committed during the trial period will result in the resumption of the original case in addition to the new offence. Secondly, the CWP

can be enforced with a trial period and specified terms. For young drug offenders, this latter sanction has become particularly relevant (Lid, 2016). Terms may entail diversion to external healthcare and social services, administering counselling and drug testing over 6–12 months (Sandøy, 2019). As specified by the Penal Code § 37, terms may include refraining from using alcohol or other intoxicants or narcotics and providing the necessary drug tests (letter d) and undergoing treatment to prevent abuse of alcohol or other intoxicants or narcotics (letter e).

In this study, we compare the impact of two alternative sanctions with that of the fine. The essential question is whether minimal interventions (CWP with trial period) and rehabilitative measures (CWP with trial period and terms) are more effective in preventing *any reoffending* in youth than monetary sanctions. Further, we examine whether imposing alternative sanctions instead of a fine has any impact on *the number of crimes*. We do this by employing advanced regression techniques to analyse crime register data comprising all 15-17-year-old, first-time drug offenders in Norway in the 2000–2015 period (N=3,276). All participants were followed up for a maximum of 60 months. We took advantage of the possibility of individual-level register linkages offered by Norwegian administrative data and added a set of relevant controls, including a range of socioeconomic background variables. As non-experimental data may be flawed by selection bias into the groups of legal responses, our preferred models employed an instrumental variable (IV) technique.

Data and methods

The sample

Register data were used to identify all 15-17-year-olds charged with drug offences in the period 2000–2015. Given that sanction effects may vary with the degree of criminal involvement and the seriousness of the offence (Petrosino et al., 2010), we omitted cases pursuant to the Penal Code § 231/232 (drug supply), individuals charged with other offences before the first drug offence and/or first-time drug charges compounded by several offences. Since our aim was to estimate effects of the most relevant sanction options in cases of minor drug use/possession, we excluded all court-processed cases (less than 10 percent in our sample), confining our analysis to offenders who received either a fine or one of the two CWP. This process returned a sample of 3,276 unique individuals with no priors charged with minor drug offences committed between the ages of 15 and 17. The register data study was approved by the Norwegian Data Protection Authority (17/00365-2/CDG).

The models

The effect of different sanctions on recidivism was estimated by means of discrete-time proportional hazard regressions in an instrumental variable (IV) framework (Table 2). Sanction effects are interpreted as recidivism hazard rates (HR), i.e. the proportional increase in the probability of a new offence in month t given that no new offence has

happened up to that month. Following convention, we used a complementary log-log regression model to estimate the recidivism hazard rates (Jenkins, 1995; Allison, 2010). To account for possible selection bias with regard to the deployment of alternative sanctions, e.g. if those with a priori lower risk of recidivism were also more prone to receiving alternative sanctions, we instrumented the variable. We indicated which legal response each of the offenders received and used the proportions of young drug offenders receiving either a CWP with trial period or a CWP with trial period and terms in a given police district and year as instruments. The deployment of CWPs gradually increased in the observation period, but at different rates in different regions (police districts). As such, our instrument is a strong indicator of the probability of receiving a CWP over a fine (first equation), without having a (probable) effect on the outcome, recidivism risk (second equation). To include the instruments in the regression model, we employed the user-written ‘qvf’ command in Stata (Hardin et al., 2003).

In IV models, some efficiency is typically sacrificed for reduced selection bias. An alternative approach to using IV models to account for possible systematic, unobserved differences across the subsamples of interest is to employ regression models where unobserved heterogeneity (‘frailty’) is explicitly accounted for. Although the IV approach is our preferred model, we also present results (Table 3) from a random-effects complementary log-log regression, assuming a Normal (Gaussian) distribution for unobserved heterogeneity. Further, if there is non-random selection into the different

legal responses, one may assume that this could be more pronounced in police districts where alternative sanctions are less used than in districts that more frequently make use of alternatives to fines. Thus, we conducted two separate analyses of sanction effects for police districts that predominantly (>50 percent) deployed fines or CWPs with trial period and terms in minor drug cases in a given year (Models 2 and 3 in Table 3).

The duration between first legal decision and second offence is only one measure of the possible effects of sanctioning on adolescents' criminal trajectories (Smith and Paternoster, 1990), and by no means indicative of entrenched criminal involvement. "Youthfulness" is a strong predictor of antisocial behaviours (Farrington, 1986) and most young offenders desist with increasing age (Loeber and Farrington, 2014). However, the accumulation of criminal charges during adolescence/young adulthood could indicate the early stages of prolonged criminal involvement. To examine the effects of alternative legal responses on the total number of offences during the follow-up period, we used a Poisson regression model, where the number of months of follow-up was included as an exposure variable (Table 4). Again, the model was fitted with IV analysis (Hardin et al., 2003).

The starting point for follow-up is harder to establish for non-custodial sentences than for imprisonment. Offenders are not incapacitated, yet community supervision confines their leeway for criminal involvement (Meuer and Woessner, 2020). It is likely that the CWPs regulate behaviour in a different manner than a one-off monetary

sanction. Whereas the CWP without terms has no immediate, practical consequences for the youth, the trial period (6–24 months) may serve as a powerful incentive for stopping, or at least postponing, criminal involvement. Furthermore, youth who receive a CWP with terms are usually subjected to some form of supervision (counselling and/or drug testing) lasting 6–12 months. Unfortunately, we lack information on the duration of these supervisory measures in the data. In order to examine potential incapacitation effects (Nagin, 2013), we calculated the survival function for the three sanctions separately with a stepwise specification of the baseline hazard (follow-up time specified as a linear spline with knots at 6, 12, 18 and 24 months). Based on the model estimates, we calculated the fraction of each group without a second offence at each month of follow-up. These calculations were made for hypothetical persons with average values on all independent variables (measured at the start of follow-up) so that measured differences between groups are controlled (Figure 1).

Dependent variables

Information on criminal history was collected from the police register STRASAK, which is a register of criminal charges (not convictions). This is the preferred register for studies on reported crime in Norway, as it contains all persons who were alleged offenders at the end of police investigation (Skardhamar and Telle, 2012). Although sanctions are usually imposed in close proximity to minor drug offences, we chose

decision date over offence date as the start of the follow-up. As for our main dependent variable – recidivism – we used the offence date rather than decision date, primarily to include those who reoffended during the follow-up period, but whose decision date came after (Andersen and Skardhamar, 2017). If data on offence date was not available, we used decision date as backup. Recidivism risk was then measured in months between the legal decision following the first drug offence and the second criminal offence. We started the count from the month after the initial decision and set maximum follow-up to 5 years (60 months). The number of offences used in the Poisson regression refers to (new) offences registered in this follow-up period.

Independent variables

Information about sanctions was retrieved from a retrospectively updated decision code, showing the final legal decision after the case had passed through the criminal justice system. Sanctions were categorised as fine, CWP with trial period or CWP with trial period and specified terms. We used information about police districts, which numbered 27 in the observation period, as our geographical unit. The age range at inclusion was narrow (15–17), but we nevertheless included age (in months since the 15th birthday) at first offence as a control. While generally short, the time (in months) between offence and legal decision may affect recidivism risk and was also included in the models.

Data from crime registries were linked with population, education, and income administrative register data. This allowed us to control for confounders such as gender, immigrant status, several measures of family composition, parental education levels, household income, and parental criminal history. Immigrant status was measured by indicators of whether the youth or either parent was born outside Norway. Family composition was measured by indicators of whether the adolescents lived with a married/cohabiting couple, single mother, single father or alone/in care at the age 15. The measure on parental education levels indicated whether at least one parent had completed basic, secondary, lower tertiary or higher tertiary education before the child reached age 16. Household net income was CPI-adjusted and equalized by dividing it by the square root of household members (OECD, 2020). The average of equalized income in the years when the child was 10 to 15 years old was used to measure socioeconomic status in the analysis. Parental criminal history was measured as lifetime prevalence of criminal charges, offering an approximation of criminal propensity in parents. These controls offered detailed background information on all offenders and improved our analysis of possible sanctioning effects on recidivism risk.

Results

As shown in Table 1, around half (53 percent) of the youth were fined for their first (drug) offence, while the rest received a CWP with trial period (16 percent) or trial

period and terms (31 percent). The sample was just over 16 years old on average when they were apprehended for their first offence. Unsurprisingly, the majority of offenders were boys, but compared with most crime samples, the gender gap was relatively small (Estrada et al., 2016). Close to 90 percent were born in Norway of parents also born here. Half of the sample (51 percent) lived with a married/cohabiting couple at age 15, while as many as 36 percent lived with their mothers only. Two thirds of the sample had parents with basic or secondary education as their highest educational attainment, and more than one third had at least one parent with a criminal record. Just over 50 percent of the adolescents were registered with a new criminal offence within five years of the legal decision following first arrest. The number of offences in the five-year follow-up period varied between 0 and 136, with an average of 4.9.

TABLE 1 ABOUT HERE

Table 2 shows that the hazard of a second offence was significantly reduced for youth who received a CWP with trial period and terms compared to those who were fined. The hazard rate was 0.637 (with 95% confidence interval 0.46–0.88), amounting to a 36 percent increase in time between the legal decision following first drug arrest and second offence. The effect of the CWP with trial period only was also negative on recidivism risk, but was not statistically significant. The other variables in the model

were associated with the hazard of recidivism in largely expected ways. Youth who were 15 years old (the age of criminal responsibility) at first offence were at significantly higher recidivism risk than their 16- and 17-year-old counterparts. Girls had a considerably lower risk of recidivism compared with boys (HR = 0.510). The two highest levels of parental education were significantly associated with lower recidivism risk, while parental crime was associated with a 30 percent shorter time span between the legal decision following first arrest and second offence (HR = 1.295).

TABLE 2 ABOUT HERE

In addition to the IV approach, we conducted a random-effects complementary log-log regression (a ‘frailty’ model), assuming a Normal distribution for unobserved heterogeneity. As depicted in Table 3, the results were similar to the ones in the main model (Table 2), with the exception of the hazard rate for youth receiving a CWP with trial period only. The hazard for second offence was lower (HR = 0.644) than the estimate in the IV analysis (HR = 0.865) and statistically significant (Model 1). The difference between results in Tables 1 and 2 reflects the greater efficiency of the frailty model compared with the IV model. Hazard rates for offenders who received a CWP with trial period only were not statistically significant in our separate analyses of police districts with either a majority of fines (Model 2) or a majority of CWPs with trial

period and terms (Model 3) in a given year. On the other hand, the hazard of a second offence was significantly reduced for youth who received a CWP with trial period and terms compared to those who were fined across models. We found the strongest effect (HR = 0.372) in police districts that predominately deployed fines (Model 2), suggesting that the minority who received an alternative sanction in these regions was a more selected group.

TABLE 3 ABOUT HERE

Table 4 shows the results from our model examining the number of offences in the observation period. Again, the imposition of CWPs at first arrest seems to have a preventive effect compared with fines, amounting to a 20 and 52 percent reduction in the number of registered offences for CWP with trial period and CWP with trial period and terms, respectively. Again, the sanction containing specified terms had the largest impact on future offending (HR = 0.478), something that could imply prolonged effects of diversion programmes compared with monetary sanctions and minimal interventions.

TABLE 4 ABOUT HERE

In order to test if the reduced risk of recidivism following CWP with trial period and terms (Table 2) was simply an incapacitation effect, we conducted a sensitivity analysis calculating the survival function for the three sanctions separately. As Figure 1 shows, the survival function did not change abruptly after the two first years for either of the CWPs, indicating that the sanctioning effects cannot be ascribed to incapacitation alone.

FIGURE 1 ABOUT HERE

Discussion

Young drug offenders whose first encounter with the criminal justice system resulted in diversion to a desistance-oriented programme (CWP with trial period and terms) were at lower recidivism risk compared with their fined counterparts. Our findings show a 36 percent reduction in the hazard of being registered with a second offence among youth in this alternative penal trajectory. Moreover, and interrelated with the lower recidivism risk following alternative sanctions, our analysis shows that both CWPs had a preventive effect on the number of registered offences in the five years following first legal decision. Taken together, these findings suggest that the sanction containing rehabilitative and supervisory elements did what it was intended to do, namely prevent crime better than a one-off monetary sanction.

While the impact of the minimal intervention (CWP with trial period only) varied across models, the effects of the CWP with specified terms were consistently negative on recidivism. This accentuates the deterrent effect of the follow-up (counselling, drug testing etc.) activated by the terms. Why are these measures seemingly more effective than a trial period or a monetary sanction? Diversion with services may do two things simultaneously (Petrosino et al., 2010). Firstly, the CWP with terms may be more effective because the legal response links the youth to more effective services (rehabilitative effect). The social work contribution to criminal justice has been strengthened through the implementation of these sanctions (McAra, 2005). This wider system of rehabilitation and reintegration, characteristic of penal welfarism, may produce desirable outcomes in youth. Secondly, the services provided may be more effective because they are perceived as more unpleasant and intrusive than their alternatives (Petrosino et al., 2010). Qualitative research on youth who received follow-up for drug offences substantiates this interpretation (Sandøy, 2020). Hence, the CWP with trial period and terms may be more effective both because it works better than a fine and because it is experienced as worse.

Informal sanctions, in the form of damaged relationships with parents and peers, may be of greater importance for future offending than formal sanctions (Huizinga and Henry, 2008). The different sanctions under study here may activate different forms and levels of informal social control, which may serve as intervening mechanisms between

the initial legal decision and the second offence (Smith and Paternoster, 1990).

Interrelated research has indicated how participation in the diversion programmes was intertwined with relationships with significant others (Sandøy, 2019). In the correctional programme context, youth stopped (or postponed) offending primarily to restore broken social bonds (see also Wiley et al., 2013). For several, this may take the form of sanction-avoidance strategies (Moeller et al., 2016). Accordingly, the CWP with trial period and terms may defer rather than deter future criminal involvement. However, the differential effects on the number of offences and the analysis underpinning Figure 1 may suggest durable effects of diversion with services.

Through CWPs with trial period and terms, the state deploys positive and seemingly effective penal power in lieu of monetary sanctions. Under the auspices of this positive agenda, rehabilitative efforts may easily be decoupled from the constraints of proportionality (McNeill, 2016). For the young offenders, the counselling and supervision meted out through alternative sanctions are evidently more costly than paying a fine (Sandøy, 2020). When social work contributions to criminal justice are re-legitimised (McAra, 2005), trade-offs between rehabilitative considerations grounded in a social work logic, and principles of proportionality grounded in a judicial logic, become pronounced. Young drug offenders may well be in need of major interventions, yet their offences are minor.

Strengths and limitations

Through the register data set, we were able to follow the criminal trajectories of the entire population of 15-17-year-old drug offenders in Norway. Moreover, by linking this information with other administrative registries, we could include a wide range of controls in our models. This allowed for estimations of recidivism risk following contact with the shallow end of the justice system on a national level. Despite the extensiveness of data, we still lack information on some factors that have been shown to predict recidivism, including neighbourhood effects, leisure activities, personality traits and genetic inheritance (Cuervo and Villanueva, 2015; Motz et al., 2019).

By using registered and not self-reported crime as outcome, we measured the effects of sanctioning on future arrests and not offending behaviour (Huizinga and Henry, 2008). Whereas this is not a limitation in and of itself, there is a difference between studies of rearrest risk and reoffending risk (Lieberman et al., 2014). However, since we estimate differential sanction effects in a sample of arrestees without priors, our results are not directly affected by differences in police exposure at inclusion.

When analysing non-experimental data, selection bias may influence the associations between sanctions and recidivism. If high-risk youth receive more severe punishments, the likelihood of recidivism will probably be proportional to punishment severity. Our main solution to this potential ‘selection artifact’ (Smith and Paternoster, 1990) was to make the sample as homogeneous as possible and compare the trajectories

of comparable low-level drug offenders with no registered priors. Moreover, we used an IV approach to account for possible remaining non-random selection. We considered our instrument to be a strong indicator of the probability of receiving the sanctions under study, without having a direct impact on recidivism. For this to hold, adolescent drug offenders should not be systematically different at times/places of low and high CWP implementation. This may be a problematic assumption, if the availability of alternative penal measures widens the net of criminal justice systems (Aebi et al., 2015). If the availability of correctional programmes led to an increase in the criminal processing of low-risk youth (less prone to crime), our instrument would be associated with initial sanctioning as well as recidivism risk. Consequently, we also accounted for unobserved heterogeneity in an alternate complementary log-log regression model, capturing unmeasured correlates of recidivism. All models suggested that the CWP with trial period and terms was more effective in preventing recidivism than a fine.

One limitation in this study, which applies to multiple studies of sanction effects, is the lack of contextual information about the sanctioning (Morris and Piquero, 2013). Sanction effects are contingent on the personal interpretations and emotional reactions to the sanction, as well as the relationship between the sanctioner and sanctioned (Sherman, 1993). The general problem of bridging the gap between research and real-world practice is therefore applicable to the findings in this study. We know a good deal about the content of the alternative sanctions (Sandøy, 2019), but content was not linked

to the register data. As such, this is not a study of the effectiveness of any measures in particular (e.g. drug testing), but the effectiveness of *any* intervention and/or minimal intervention over fines.

Conclusion

Our findings suggest that alternative sanctions, in the form of a conditional waiver of prosecution with specified terms, are more effective in preventing recidivism in adolescent first-time drug offenders than the traditional fine. Given the design of this sanction, which includes follow-up by social services and monitoring of drug use by health services, deferrals in recidivism may be caused by both positive rehabilitation experiences and negative punishment experiences.

Declaration of conflicting interests

None.

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References

- Aebi MF, Delgrande N and Marguet Y (2015) Have community sanctions and measures widened the net of the European criminal justice systems? *Punishment & Society* 17: 575-597.
- Allison PD (2010) *Survival analysis using SAS: a practical guide*, Cary, NC: SAS Institute.
- Andersen SN and Skardhamar T (2017) Pick a number: Mapping recidivism measures and their consequences. *Crime & Delinquency* 63: 613-635.
- Bushway SD, Piquero AR, Broidy LM, et al. (2001) An empirical framework for studying desistance as a process. *Criminology* 39: 491-516.
- Colman C and Vander Laenen F (2012) "Recovery came first": Desistance versus recovery in the criminal careers of drug-using offenders. *The Scientific World Journal* 2012.
- Cuervo K and Villanueva L (2015) Analysis of risk and protective factors for recidivism in Spanish youth offenders. *International Journal of Offender Therapy and Comparative Criminology* 59: 1149-1165.
- Cullen FT (2005) The twelve people who saved rehabilitation: How the science of criminology made a difference: The American Society of Criminology 2004 presidential address. *Criminology* 43: 1-42.
- EMCDDA (2020) European Drug Report 2020: Trends and Developments. Luxembourg: Publications Office of the European Union.
- ESPAD (2020) ESPAD Report 2019: Results from the European School Survey Project on Alcohol and Drugs. Luxembourg: Publications Office of the European Union.
- Estrada F, Bäckman O and Nilsson A (2016) The darker side of equality? The declining gender gap in crime: Historical trends and an enhanced analysis of staggered birth cohorts. *British Journal of Criminology* 56: 1272-1290.
- Farrington DP (1986) Age and crime. *Crime and Justice* 7: 189-250.
- Fine A, Cavanagh C, Donley S, et al. (2017) Is the effect of justice system attitudes on recidivism stable after youths' first arrest? Race and legal socialization among first-time youth offenders. *Law and Human Behavior* 41: 146.
- Garland D (2013) Penalty and the penal state. *Criminology* 51: 475-517.
- Haines K and Case S (2015) *Positive youth justice: Children first, offenders second*, Bristol: Policy Press.
- Hardin JW, Schmiediche H and Carroll RJ (2003) Instrumental variables, bootstrapping, and generalized linear models. *The Stata Journal* 3: 351-360.
- Huizinga D and Henry KL (2008) The effect of arrest and justice system sanctions on subsequent behavior: Findings from longitudinal and other studies. In: Liberman AM (ed) *The Long View of Crime: A Synthesis of Longitudinal Research*. New York, NY: Springer New York, pp.220-254.
- Jenkins SP (1995) Easy estimation methods for discrete-time duration models. *Oxford Bulletin of Economics Statistics* 57: 129-138.

- Klein MW (1986) Labeling theory and delinquency policy: An experimental test. *Criminal Justice and Behavior*, 13: 47-79.
- Liberman AM, Kirk DS and Kim K (2014) Labeling effects of first juvenile arrests: Secondary deviance and secondary sanctioning. *Criminology* 52: 345-370.
- Lid S (2016) Ungdom og straff på 2000-tallet – nye praksiser, kjente dilemmaer. *Sosiologi i dag* 46: 38-63.
- Loeber R and Farrington DP (2014) The age-crime curve. In: G B and D W (eds) *Encyclopedia of Criminology and Criminal Justice*. New York: Springer, pp.12-18.
- McAra L (2005) Modelling penal transformation. *Punishment & Society* 7: 277-302.
- McAra L and McVie S (2007) Youth justice? The impact of system contact on patterns of desistance from offending. *European Journal of Criminology* 4: 315-345.
- McAra L and McVie S (2010) Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime. *Criminology & Criminal Justice* 10: 179-209.
- McNeill F (2016) What good is punishment? In: Farrall S, Goldson B, Loader I, et al. (eds) *Justice and Penal Reform: Re-shaping the Penal Landscape*. London: Routledge, pp.69-80.
- Meuer K and Woessner G (2020) Does electronic monitoring as a means of release preparation reduce subsequent recidivism? A randomized controlled trial in Germany. *European Journal of Criminology* 17: 563-584.
- Moeller K, Copes H and Hochstetler A (2016) Advancing restrictive deterrence: A qualitative meta-synthesis. *Journal of Criminal Justice* 46: 82-93.
- Morris RG and Piquero AR (2013) For whom do sanctions deter and label? *Justice Quarterly* 30: 837-868.
- Motz RT, Barnes J, Caspi A, et al. (2019) Does contact with the justice system deter or promote future delinquency? Results from a longitudinal study of British adolescent twins. *Criminology* 58: 307-335.
- Nagin DS (2013) Deterrence in the twenty-first century. *Crime and Justice* 42: 199-263.
- Nilsson A, Estrada F and Bäckman O (2014) Offending, drug abuse and life chances—A longitudinal study of a Stockholm birth cohort. *Journal of Scandinavian Studies in Criminology Crime Prevention* 15: 128-142.
- Norwegian Institute of Public Health (2021) Narkotikabruk blant ungdom. Available at: <https://www.fhi.no/nettpub/narkotikainorge/bruk-av-narkotika/narkotikabruk-blant-ungdom/?term=&h=1> (accessed 11 May 2021).
- OECD (2020) Compare your income - Methodology and conceptual issues. Available at: <https://www.oecd.org/statistics/Compare-your-income-methodology.pdf> (accessed 11 May 2021).
- Paternoster R (1987) The deterrent effect of the perceived certainty and severity of punishment: A review of the evidence and issues. *Justice Quarterly* 4: 173-217.
- Paternoster R and Piquero A (1995) Reconceptualizing deterrence: An empirical test of personal and vicarious experiences. *Journal of Research in Crime and Delinquency* 32: 251-286.

- Petrosino A, Turpin-Petrosino C and Guckenburg S (2010) Formal system processing of juveniles: Effects on delinquency. *Campbell Systematic Reviews* 2010:1.
- Pratt TC, Cullen FT, Blevins KR, et al. (2006) The empirical status of deterrence theory: A meta-analysis. In: Cullen FT, Wright JP and Blevins KR (eds) *Advances in Criminological Theory: Vol 15. Taking Stock: The Status of Criminological Theory*. New Jersey: Transaction Publishers, pp.367-395.
- Sandøy TA (2019) Beyond personal reform: Adolescent drug-law offenders and the desistance process. *Punishment & Society* 21: 578-595.
- Sandøy TA (2020) Alternative (To) Punishment: Assessing Punishment Experiences in Youth Diversion Programmes. *The British Journal of Criminology* 60: 911-929.
- Sherman LW (1993) Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of research in Crime and Delinquency* 30: 445-473.
- Skardhamar T and Telle K (2012) Post-release employment and recidivism in Norway. *Journal of Quantitative Criminology* 28: 629-649.
- Smith D (2005) The effectiveness of the juvenile justice system. *Criminal Justice* 5: 181-195.
- Smith DA and Paternoster R (1990) Formal processing and future delinquency: Deviance amplification as selection artifact. *Law & Society Review* 24: 1109-1132.
- Statistics Norway (2021) Statistikkbanken: Etterforskede lovbrudd. Available at: <https://www.ssb.no/statbank/list/lovbrudde> (accessed 11 May 2021).
- Thorsen LR, Lid S and Stene RJ (2009) *Kriminalitet og rettsvesen 2009*, Oslo: Statistics Norway.
- Wiley SA and Esbensen FA (2016) The effect of police contact: Does official intervention result in deviance amplification? *Crime & Delinquency* 62: 283-307.
- Wiley SA, Slocum LA and Esbensen FA (2013) The unintended consequences of being stopped or arrested: An exploration of the labeling mechanisms through which police contact leads to subsequent delinquency. *Criminology* 51: 927-966.

Table 1: Summary statistics for young drug offenders

	Proportions/means (N = 3276)
Sanction at first offence	
Fine	0.53
CWP with trial period	0.16
CWP with trial period and terms	0.31
Age at first offence	16.1
Months between first offence and legal decision	3.4
Woman	0.33
Immigrant status	
Native	0.89
Immigrant	0.07
Immigrant background	0.04
Family situation at age 15	
Live with married/cohabiting couple	0.51
Live with single mother	0.36
Live with single father	0.09
Live alone/in care	0.04
Parental education level	
Basic	0.30
Secondary	0.36
Lower tertiary	0.25
Higher tertiary	0.08
Net household income (2015 NOK)	296234
Parents any criminal charges	0.35
Recidivism within 5 years of first legal decision	
None	0.48
Number of offences	4.9

Table 2: Hazard rates (HR) of recidivism (second offence)

	HR	z	[95% CI]
Sanction (ref. = fine)			
CWP with trial period	0.865	-0.8	[0.60 – 1.24]
CWP with trial period and terms	0.637**	-2.8	[0.46 – 0.88]
Age at first offence (ref. = 15)			
16	0.833**	-2.9	[0.74 – 0.94]
17	0.858*	-2.4	[0.75 – 0.98]
Months (ln) between first offence and legal decision	1.033	0.8	[0.95 – 1.12]
Woman	0.510***	-11.8	[0.46 – 0.57]
Immigrant status (ref. = native)			
Immigrant	1.141	1.2	[0.92 – 1.42]
Immigrant background	1.201	1.5	[0.94 – 1.53]
Family situation at age 15 (ref. = live with married/cohabiting couple)			
Live with single mother	0.952	-0.9	[0.85 – 1.06]
Live with single father	1.054	0.6	[0.89 – 1.25]
Live alone/in care	1.129	1.0	[0.89 – 1.44]
Parental education level (ref. = basic)			
Secondary	0.912	-1.5	[0.81 – 1.03]
Lower tertiary	0.816**	-2.9	[0.71 – 0.94]
Higher tertiary	0.704**	-3.0	[0.56 – 0.89]
Household income (ln)	0.883	-1.8	[0.77 – 1.01]
Parents any criminal charges	1.295***	4.8	[1.17 – 1.44]
Observations (person-months)		86051	

Note: Hazard rates from discrete-time proportional hazard regression with instruments. The model also includes birth year and region (police district) dummies. Murphy-Topel type standard errors and Weibull specification of the baseline hazard. Time refers to months since the legal decision following the first drug offence. Maximum follow-up after inclusion is 60 months (5 years).

* p<.05, ** p<.01, *** p<.001

Table 3: Hazard rates (HR) of recidivism (second offence). Alternative model specification: all police districts (Model 1), police districts with a majority (>50%) of fines (Model 2) and police districts with a majority (>50%) of CWP with trial period and terms (Model 3)

	Model 1 HR	Model 2 HR	Model 3 HR
Sanction (ref. = fine)			
CWP with trial period	0.644***	0.671	0.792
CWP with trial period and terms	0.506***	0.372***	0.615**
Age at first offence (ref. = 15)			
16	0.784**	0.760*	0.807
17	0.817*	0.858	0.668*
Months (ln) between first offence and legal decision	1.053	0.983	1.144
Woman	0.455***	0.349***	0.621**
Immigrant status (ref. = native)			
Immigrant	1.190	1.367	1.013
Immigrant background	1.219	1.108	1.575*
Family situation at age 15 (ref. = live with married/cohabiting couple)			
Live with single mother	0.950	0.878	1.104
Live with single father	1.112	1.052	1.519*
Live alone/in care	1.161	1.034	0.924
Parental education level (ref. = basic)			
Secondary	0.898	1.004	0.760
Lower tertiary	0.798**	0.741*	0.936
Higher tertiary	0.675**	0.758	0.763
Household income (ln)	0.848	0.882	0.947
Parents any criminal charges	1.369***	1.579***	1.256
Observations (person-months)	86051	49809	19840
No. of groups (persons)	3276	1587	996
Log likelihood	-7962.5375	-4663.9521	-1754.6943

Note: Hazard rates from discrete-time proportional hazard regression (estimated with Gaussian random-effects complementary log-log regression). The model also includes birth year and region (police district) dummies. Weibull specification of the baseline hazard. Time refers to months since the legal decision following the first drug offence. Maximum follow-up after inclusion is 60 months (5 years).

* p<.05, ** p<.01, *** p<.001

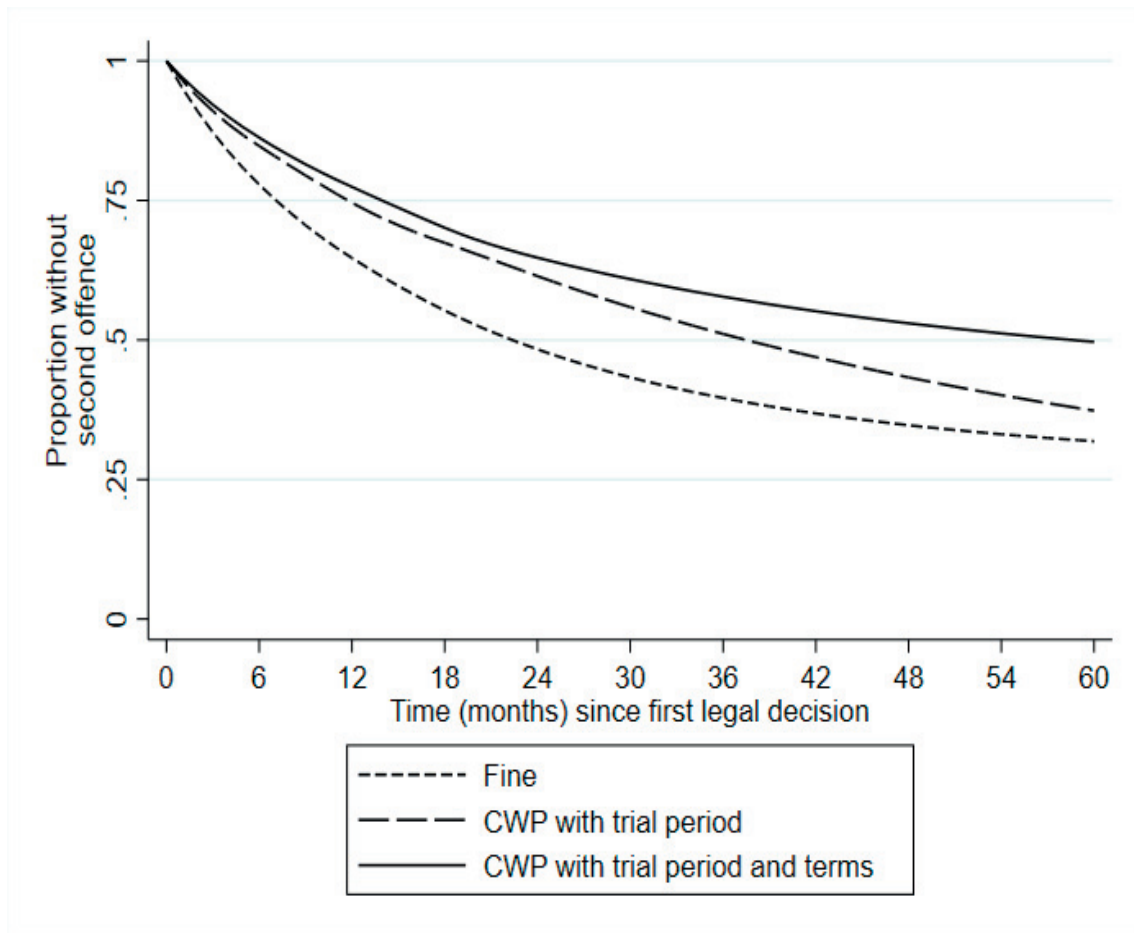
Table 4: Incidence risk rates (IRR) of recidivism (number of offences)

	IRR	z	[95% CI]
Sanction (ref. = fine)			
CWP with trial period	0.793***	-3.5	[0.70 – 0.90]
CWP with trial period and terms	0.478***	-12.5	[0.43 – 0.54]
Observations (persons)		3276	

Note: Incidence risk rates from Poisson regression with instruments (repeated events). The model includes all the same controls as in table 2, as well as birth year and region (police district) dummies. Maximum follow-up after the legal decision following the first drug offence is 60 months (5 years).

* p<.05, ** p<.01, *** p<.001

Figure 1: Survival functions for each sanction (sensitivity analysis)



Note: Survival functions were estimated with a stepwise specification of the baseline hazard (follow-up time specified as a linear spline with knots at 6, 12, 18 and 24 months). Calculations were made for hypothetical persons with average values on all independent variables (measured at the start of follow-up) so that measured differences between groups are controlled.