THE CYCLICAL NATURE OF CRIMINAL OFFENDING: A 
QUALITATIVE EXPLORATION OF INTERMITTENCY AMONG ACTIVE 
CRIMINAL OFFENDERS

by
Lionel R. Smith

A dissertation submitted to the Faculty of the University of Delaware in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Criminology

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All criminals are not motivated by dark and sinister passions or strange quirks of the mind. Indeed, only a very small percentage may be said to be motivated by pathological or abnormal traits of mind. From bitter experience and through many years of laborious and accumulated research into the various aspects of the offender’s personality and environment, the criminologist has learned that in mentality, physical and even psychological constitution, the offender is not far removed from his law-abiding compatriots.

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DEDICATION

To everyone I have ever learned from, especially ________________
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The primary purpose of this dissertation is to provide an exploratory investigation of criminal intermittency among a demographically diverse cohort of active American adult criminal offenders. This cohort has persisted in offending behavior, despite having been incarcerated, in most cases, multiple times throughout their lives. Guided by Carlsson’s (2013a) forms of intermittency framework, a secondary analysis of existing life history narratives revealed that a myriad of structural, cognitive, and situational factors may spur sporadic offending over the life course. Individually, these crime-inducing factors may not be unique to this sample of offenders, but, more importantly, the results illustrate that the contextual commonalities among a particular cohort of offenders may explain how the etiology and epidemiology of intermittency differs when compared to other groups of offenders. Not only does this research advance existing scholarly knowledge of criminal intermittency and other aspects of offending behavior, the results of this dissertation will help guide criminal justice policies and practices related to addressing the problems and needs of persistent adult offenders, especially considering the multitude of collateral consequences that exist for those with extensive criminal records.
Chapter 1

INTRODUCTION

Understanding the criminal career has been a main scholarly interest of criminological researchers since the advent of the field. There is a general consensus among scholars that, across the life course, delinquent behavior usually begins in adolescence, peaks shortly thereafter, and diminishes significantly, if not completely, in early adulthood (Farrington, 1986). Therefore, one of the major questions within criminal careers research that scholars have long sought to answer is: how and why are some criminal offenders able to desist from a life of crime by early adulthood, while others persist in offending over the life course?

Criminologists have presented a host of theories to answer this question. Although there is still wide disagreement as to how the process of desistance from criminal offending unfolds, there is a plethora of research that has described the process by which some criminal offenders are able cease their criminal behavior over the life course (e.g., Bachman et al., 2013; Bachman et al., 2015; Giordano, Cernkovich, & Rudolph, 2002; Laub & Sampson, 2003; Maruna, 2001; Paternoster & Bushway, 2009; Sampson & Laub, 1993; Sampson & Laub, 2003). However, research that operationalizes desistance using finite measures of non-offending, like having no arrests or involvement in criminal activity within the past six months, twelve months, or two years, may be erroneously labeling some of these offenders as “desisters.” As such, researchers who attempt to study “complete” desistance may be unable to do so. This is because some of these alleged desisters will go on to reoffend later in the life
course, regardless of the length between offenses or the legal sanctions that have been imposed upon them for past criminality (see Barnett, Blumstein, & Farrington, 1989; Cusson & Pinsonneault, 1986; Kurlychek, Bushway, & Brame, 2012). This is evident by merely reviewing recidivism statistics. According to a Bureau of Justice Statistics (2014) national report on recidivism rates at the state-level, among prisoners who were released in 2005:

> Within 1 year after their release from state prison, 43.4% of prisoners had been arrested either in or outside of the state that released them. This percentage grew each year, increasing to 59.5% by the end of the second year, 67.8% by the end of the third year, and 76.6% by the end of the 5-year follow-up period...More than a third (36.8%) of all released prisoners who were arrested within 5 years of release were arrested within the first 6 months, with more than half (56.7%) arrested by the end of the first year (p. 7).

Clearly, then, persistence in criminal offending post-release is not an uncommon activity for many individuals.

According to Allen and Simonsen (2001), there are four distinct goals of correctional efforts within the criminal justice system — retribution, deterrence, incapacitation, and rehabilitation. The efficacy of these goals, especially deterrence and rehabilitation, are questionable, at best. Deterrence theorists predict that people who have been formally sanctioned will be less likely to reoffend in the future through the process of specific deterrence whereby the perceived “costs” of engaging in crime will be increased (Paternoster, 2010). One possible explanation for the inability of prior sanctions to deter future offending is that, instead of increasing an individual’s perceived costs of crime, formal sanctions may operate in other unanticipated ways. Recidivism studies show that recidivating may be more likely for those who have spent time in jail or prison versus those who have not (Devers, 2011). Aposperi,
Alpert, and Paternoster (1992) found that imprisonment may actually lower one’s perception that engaging in crime is a risky undertaking. Here, criminals who had the highest number of convictions also had a reduced fear of future sanctions. Burnett and Maruna (2004) also challenge the notion that the effect of prior imprisonment serves as a deterrent to reoffending, namely because the punitive approach is grounded on the assumption that the offender is a purely rational actor. In a study of how inmates mentally cope while in prison, Zamble and Porporino (1988) suggest that prison merely serves to “deep freeze” the propensity of criminal offenders’ temporarily as they do little to alter the behavioral patterns of criminal offenders while there are in correctional custody.

One possible reason for this failing quality of the criminal justice system was suggested decades ago by Clemmer (1958), who noted that those who have been incarcerated may be less apt to reform once they are released due to the “prisonization process” that occurs in some individuals who serve prison sentences. This process involves an acceptance of deviant norms that are unique to the prison community — ones that would be unacceptable in mainstream society, but are encouraged in the prison culture. The work of Cullen, Jonson, and Nagin (2011) also supports the idea that prisons themselves may provide a criminogenic effect that leads to recidivating. While this may or may not be true for all released offenders, being incarcerated may indeed have an influence on reoffending for some.

Because scholars have begun to recognize both that (1) instances of purported permanent desistance among offenders may, in fact, be false for a segment of the adult population of offenders, and conversely, that (2) even the most persistent of criminal offenders does not offend constantly (Maruna, 2001; Piquero, 2004), a shift in
scholarly attention and energy within criminal careers research has been made towards investigating the phenomenon that lies somewhere in between the concepts of complete desistance and constant offending — the concept of criminal intermittency\(^1\) otherwise known as “temporary desistance” (Tunnel, 1992), an integral, yet understudied dimension of the criminal career.

Matza’s (1964) work on delinquency drift is seminal toward understanding intermittency in that he rejected the rigid categorization of individuals who engage in delinquent acts as either deviant or non-deviant. Rather, he suggested individuals “drift” in and out of periods of delinquency. Relatedly, Glaser (1964) noted that the more criminally entrenched person alternates between criminal and non-criminal means when pursuing economic and other goals rather than desisting from offending altogether. Although the duration and cause of these periods of non-offending may vary across time, Glaser suggested that this on-again, off-again, or “zig-zag,” pattern of offending is a feature that nearly all people who engage in crime follow, which has also been captured in research on the criminal careers of more contemporary samples of offenders (e.g., Bachman et al., 2013; Bachman et al., 2015; Carlsson, 2013a; Maruna, 2001; Maruna, 2004).

**Focal Theoretical Framework**

The main theoretical framework that will guide the analysis of this study is a relatively recent addition to a growing body of literature on criminal intermittency — Carlsson’s (2013a) *forms of intermittency*. Unlike quantitative studies of intermittency.

\(^1\) The terms criminal intermittency, intermittency, and temporary desistence will be used interchangeably throughout this dissertation.
(which vastly outnumber qualitative studies on this topic), where temporary breaks in offending are typically operationalized as the “time between offenses, a change in offending, or an estimate parameter within larger models of criminal careers” (Baker, Falco Metcalfe, & Piquero, 2013, p. 4), Carlsson’s work provides a operationalization of criminal intermittency that can be applied to qualitative research. In his conceptual typology, Carlsson articulated two distinct forms of intermittency, which are identifiable through an examination of one’s life history narrative. In some instances, offenders’ periods of temporary desistance are entered into because they have made a genuine commitment to desist from crime for good (i.e., intermittency as attempted change), but ultimately, this period of desistance is short-lived, thus making the break — however long in duration — temporary. In other instances, offenders consciously choose to temporarily desist without any attempt or desire to stop offending permanently (i.e., intermittency as continuity).

Statement of the Problem

Although recent scholarly research has led to a greater understanding of criminal intermittency, a number of questions remain. First, as mentioned above, a majority of the scholarship examining intermittency has been conducted quantitatively, and research on intermittency that utilizes official statistics only tell part of the story of persistent criminal offending. For one, there are an untold number of criminal offenses (i.e., “the dark figure of crime”) involving released offenders that would have qualified as reasons for re-arrest, reconviction, or recommitment that are not detected by the criminal justice system. Plus, recidivism and other crime statistics themselves are not totally reliable because they are inherently “subject to biases
associated with law enforcement priorities, errors in reporting, and criminal justice administration” (Massoglia & Uggen, 2007, p. 91). Therefore, while these quantitative studies have contributed to our understanding of temporary desistance, they are unable to capture the situational and contextual circumstances that characterizes the “noise” (or random variation) that accompanies the instability of persistent offenders’ criminal behavior (see Cernkovich & Giordano, 2001; Haapanen, Britton, & Croisdale, 2007).

**Purpose of the Study**

The primary purpose of this dissertation is to provide a qualitative exploration of the patterns of criminal intermittency among a contemporary cohort of American active adult criminal offenders through an assessment of their life history narratives, which heretofore, have been virtually nonexistent in the scholarly literature. The second the goal of this dissertation is to provide further insight toward understanding Carlsson’s (2013a) forms of intermittency framework by investigating the influential factors that led offenders to both enter and exit periods of criminal intermittency during times in their lives when a will to permanently desist was not present. Because the sample of offenders in this research was comprised of individuals who all had been sanctioned for their criminal involvement at least once (in many cases, several times) in their lives, yet continued to reoffend, a third purpose of this research is to examine how these intermittent offenders reacted to correctional programming and the impact that this experience had on their subsequent reoffending.
Research Questions

The research questions that this dissertation seeks to answer are two-fold:

1. Between periods of temporary desistance, why are some offenders driven to continue to offend?

2. When persistent offenders lack a will to desist from crime, how do they react to correctional programming and how does this impact the process of reoffending?

Significance of the Study

The results of this research help fill a gap in our understanding of both the epidemiology and etiology of intermittency in offending behavior, and also adds to the existing knowledge of this understudied dimension of criminality across the life course. Second, by examining the narratives of a cohort of offenders who were released from prison in the early 1990s and re-interviewed between 2009 and 2011, this research provides an important glimpse into the effects that criminal justice policies have had on a contemporary and demographically heterogeneous sample of active criminal offenders within the current American social, economic, or legal context.

The opportunity to examine the long-term patterns of incarceration and offending over an extended time period is rarely available. This may be why existing studies on criminal intermittency have thus far paid little attention to the role of the criminal justice system and how this may impact patterns of intermittent offending (Piquero, 2004). Understanding the unique position of the formerly incarcerated offender is one that differs from those who have not been incarcerated. Bereswill
(2011) made a very interesting statement to this point: “resocialization from prison is a complex psychosocial process in which the individual has to balance his or her inner conflicts and anxieties with the — very often contradictory — expectations and limitations of the social world” (p. 204). Thus, this investigation of active criminal offenders who have been under correctional supervision will provide an important understanding of the life experiences — both inside and outside of prison — which may influence alternating periods of offending and temporary desistance.

The use of life history narratives, particularly from active offenders, has a long and storied history in criminology (Bennett, 1981; Maruna, 2001; Presser, 2004; Presser, 2010). First-hand accounts of the lives and stories of active offenders yield rich contextual data on their actual life experience and what motivates them to continue their criminality (e.g., Copes & Vieraitas, 2009; Youngs & Canter, 2012). An analysis of offenders’ life stories may lead to a greater understanding of the circumstances that lead to periodic breaks from offending, whether or not the goal of the break(s) is temporary or permanent desistance. That this research study used a sample of active offenders who are not incarcerated is advantageous to understanding criminal intermittency because, unlike research based on samples of offenders who have self-reported desistance, exploring the life history narratives of active offenders provides insight into perceptions of past, present, and future criminal offending.

Topalli (2005) highlights the notion that understanding the behavior of active offenders is best done when they are not under the supervision of the criminal justice system. Aside from the difficulty in obtaining permission to interview criminals in jails or prisons due to ethical issues, interviewing offenders who are not confined is beneficial because they have greater liberty to discuss their offending patterns and
behavior without fear of retribution from corrections officials. More importantly, interviewing non-institutionalized offenders helps to understand the decision-making processes that are related to their current social environments, personal circumstances, and mind states. In sum, exploring intermittency through the life history narratives obtained through intensive interviews from a contemporary and diverse sample of adult diverse offenders will advance the literature in several areas including our knowledge about criminal careers and long-term patterns of offending, as well as the larger theoretical body of developmental and life-course research.

Definition of Terms and Concepts

To maximize clarity and understanding, I operationalize intermittency as:

- **Intermittency/Temporary Desistance**: Because the primary theoretical framework used in this dissertation’s analysis is Carlsson’s (2013a) *forms of intermittency*, this research relies on his definition of temporary desistance in offenders’ narratives “as all extracts that involved an aspect of intermittency (a direct or indirect account of “ceasing,” “restarting,” “picking up” offending, “failing to quit,” “being unable to go straight,” etc., and/or the event(s) the interview participants described as the reason for such changes in offending” (p. 919).

Description of Dissertation Chapters

The remaining chapters of this dissertation will be organized as follows. Chapter 2 provides an exposition of the existing relevant scholarly literature related to the processes of criminal intermittency over the life course. Chapter 3 outlines the research methodology of this study, including the study’s data source and the analytical approach that was taken to answer the research questions that guided this analysis. In Chapters 4 and 5, the findings of the analysis are presented, while Chapter
6 provides a detailed discussion of the findings, along with the limitations of these results, and how they are situated within the current scholarly discussion on criminal intermittency. Finally, in Chapter 7, the implications of this research are discussed as well as proposed recommendations for policy and practice.
Chapter 2
LITERATURE REVIEW

Research within the criminal careers paradigm is particularly focused on understanding the dynamics of offending behavior across the life span of the criminal offending. As such, research in this area has generally focused on a plethora of dimensions of the criminal career such as the onset, continuation, and desistance of offending behavior (Farrington, 2007). As such, this literature review will outline the relevant extant research related not only to criminal intermittency, but also other extant scholarly work on the additional dimensions of the criminal career that are inextricably linked to this concept. The goal of this review is to provide evidentiary background that underscores the empirical rationale for additional inquiry on criminal intermittency.

2.1 Desistance as a Process

Desistance has been defined and operationalized in many ways by scholars, and at the present time, no consensus has been reached among them on a single operational definition of desistance (Kazemian, 2007). This is especially true when one compares and contrasts static and dynamic theories of criminal desistance. Overall, static theorists have generally defined desistance using time-based measures to represent the point when a termination in offending is reached. Generally speaking, as Meisenhelder (1977) suggested, desistance relates to exiting the criminal role, or the “successful disengagement from a previously developed, and subjectively
recognized, pattern of criminal behavior” (p. 319). To this point, one of the foundational tenets of static theories of criminality, like Gottfredson and Hirschi’s (1990) general theory of crime, is that an individual’s propensity to offend remains constant across time. What does change over time, this theory argues, are the amount of opportunities to offend. Gottfredson and Hirschi’s (1990) contend that, among criminal offenders, the onset of criminal offending typically reaches its peak in late adolescence and subsides drastically around age 30. This finding more or less affirms research by Blumstein and Cohen (1987), who claim that most offenders stop offending at age 28. Moffitt’s (1993) developmental taxonomy theory has been seminal to understanding differential patterns of offending as it relates to the age-crime curve. Unlike Gottfredson and Hirschi’s (1990) self-control theory, however, Moffitt’s taxonomy suggests two classes of offenders: adolescent-limited and life-course persistent. While the age-crime relationship is largely agreed upon among criminal careers researchers (Farrington, 1986; Moffitt, 1993) and may represent the criminal career pathway for most offenders, it is clear that many offenders, for a variety of reasons, desist from crime much later in life, if at all (e.g., Blumstein et al., 1986, Farrington, 1986).

Some scholars have argued that static models insufficiently explain desistance because they cannot account for within-person changes in offending over the life course beyond maturation. For example, as scholars such as Gadd and Farrall (2004) and Shover (1985) contend, the impact of growing older alone on criminal desistance does not adequately account for the social and cognitive processes that accompany aging. The work of Fagan (1989) is instructive in that he notes that the term “desistance,” and the study of this concept, does not merely represent gaining an
understanding of one’s ceasing to offend, but it also includes a consideration of the process that one goes through toward halting criminal behavior, in which offending frequency (primarily as a reduction) and the severity of offending must also be taken into account. As Laub and Sampson (2001) aptly note, both the process of desistance and the ability to understand the process is a very complex endeavor. It involves a complicated mix of “developmental, psychological, and sociological” processes that each has its own set of factors that need consideration (p. 3). For example, they suggest that there is a qualitative difference between termination and desistance from criminal offending. In their view, termination is the point in which an offender ceases from offending, while desistance refers to the process that begins prior to termination.

The work of Maruna and Farrall (2004) was influential in modifying the definition of desistence because they made the distinction between primary and secondary desistance, which respectively differentiates instances of temporarily terminating criminal offending from the complete cessation of it; the former refers to temporary cessations in criminality following onset, and the latter relates to the ongoing maintenance of desistance. Thus, desistance is “a process that occurs over time, rather than as a switch that comes on or goes off” (Maruna, Immagerion, & LeBel, 2004, p. 18). Therefore, while maturation may be highly correlated with reduced criminality over the life course, there are other factors related to the social construction of age that also need to be considered.

2.2 Dynamic Processes of Desistance: The Structure versus Agency Debate

In a rebuttal to static theories’ suppositions about how the desistance process occurs, several developmental and life course theories (DLC) of crime have emerged that have sought to understand how criminological behavior changes across time.
Bushway et al. (2001) noted that, unlike static models, dynamic models of desistance that use longitudinal data are more useful because they are able to capture ebbs and flows of offending across the life course, a contention that has been corroborated in existing studies of the desistance process (e.g., Bachman et al., 2013, Bachman et al., 2015; Bottoms et al, 2004; Bushway & Paternoster, 2011; Fagan, 1989; Farrall, Bottoms, & Shapland, 2010; Giordano, Cernkovich, & Rudolph, 2002; Healy, 2013; Healy, 2014; Kazemian, 2007; Laub & Sampson, 1993; Laub & Sampson, 2003; Maruna, 1997; Maruna, 2001; Paternoster & Bushway, 2009; Shapland & Bottoms, 2011). However, even among proponents of the dynamic model of the desistance, there is disagreement among the causal, temporal order of social-structural and agentic/cognitive factors within the process of moving away from offending. This section will provide an overview of key studies from both sides of this debate.

The Structural Argument

Arguably, the most influential research that has championed the prominence of social-structural factors in the desistance process within the life course paradigm comes from a series of studies conducted by Sampson and Laub. In their early work in a sequence of landmark studies on the criminal career over the life course, Sampson and Laub (1993) introduced their age-graded theory of informal social control. This theory applies canons of Hirschi’s (1969) social bond theory as the theoretical foundation. Hirschi argued that elements of the social bond (i.e., attachment, commitment, involvement, and belief) are developed and fostered in one’s youth, and when one’s social bond to society is strong, conforming to prosocial to behavior is more likely, but when these bonds are weak, delinquent behavior is more likely to
result. Sampson and Laub (1993) take this argument further to explain patterns of offending behavior among adults, saying that one’s attachment to various types of social bonds changes over the life course (i.e., from youth to adulthood). Using a sample of males that were initially recruited for research by Glueck and Glueck (1950) who were located and interviewed decades later, Sampson and Laub make the assertion that other social bonds in adulthood — such as marriage, employment, and participating in the military — serve as informal mechanisms of social control, which, when adopted, represent “turning points” at certain times across the life course of an offender. These turning points lead to a development of relationships and attachments with pro-social networks and activities that limit unstructured time — both of which serve to reduce time spent with antisocial, deviant peers, and thus, leads to the reduction or termination of criminal offending. For some criminal offenders, these socio-structural factors have been most impactful in their personal and behavioral reorientation, especially at “knifing off” offenders’ past deviant networks toward ones that are more normative in composition (Caspi & Moffitt, 1995; Maruna & Roy, 2007).

In an extension of their age-graded theory of informal social control, Laub and Sampson (2003) suggest that the external turning points that contribute to desistance may lead to an internal cognitive transformation once these informal social control factors are firmly established. Other research has supported the role of these external influences on the desistance process, such as securing viable employment (see Cusson & Pinsonneault, 1986; Kruttschnitt, Uggen, & Shelton, 2000; Savolainen, 2009; Shover, 1996; Uggen, 2000), getting married (see Massoglia & Uggen, 2007;
Sampson, Laub, & Wimer, 2006; Warr, 1998), and participation in the military (Bouffard & Laub, 2004).

Despite the fact that the collective works of Sampson and Laub have garnered wide praise and respect within the field, there are other scholars who challenge the theoretical premises of their age-graded theory of informal social control, particularly as it relates to the role, importance, and temporal ordering of the relationship between external factors and internal, cognitive change. This is evident in other empirical research that has relied on more-contemporary samples of offending populations than the Glueck Boys in Sampson and Laub’s various works which have failed to find support for the notion that some of the structural mechanisms of the age-graded theory of informal social control, such getting a good job and/or finding a good partner, is what explains success at desisting from criminal behavior (Giordano, Cernkovich, & Rudolph, 2002; Maruna, 2001; Maruna & Roy, 2007).

One reason that some of the theoretical suppositions of the age-graded theory of informal social control have not been empirically supported is that the context of the lives of the Glueck Boys differ from other types of offenders. Sampson and Laub’s theory has been criticized for a lack of consideration that the nature and structure of the broader social environment changes over time and can impact certain demographic groups differently, a claim that been substantiated in other desistance studies. For instance, the work of Giordano, Cernkovich, and Rudolph (2002) and Bachman et al. (2013, 2015) challenges the assumption that the mechanisms of informal of social control that are espoused by Sampson and Laub that led the Glueck Boys to desist are equally applicable to all offenders, especially for a contemporary and demographically diverse sample of offenders who, in contrast to the Glueck Boys, had different
opportunities, more social and legal constraints, and were significantly more crime- and drug-involved.

Hence, the veracity of research studies that stress the importance of the socio-structural factors over factors that are psychological in nature has been disputed. As Hallet and McCoy (2014) note, control theory-based research that focuses on socio-structural factors only partially captures the meaning and process of desistance, particularly because those external factors, which often are significantly correlated to desistance, do not fully explain the causal forces that may lead to desistance. “Pathways to desistance involve highly subjective assessments of agency and structure amid radically differing explanations for success” (Hallet & McCoy, 2014, p. 14).

*The Agential/Cognitive Argument*

Other scholars who study the dynamic process of desistance have stressed the importance of understanding the agential and cognitive factors related to the desistance process over time (e.g., Aresti, Eatough, & Brooks-Gordon, 2010; Bachman et al., 2013; Bachman et al., 2015; Healy, 2013; Healy, 2014; Maruna, 2001; Maruna, Immarigeon, & LeBel, 2004; Maruna & Roy, 2007; Opsal, 2012; Paternoster & Bushway, 2009; Vaughan, 2007). Scholars who take this theoretical position argue that one’s ability to accept structural mechanisms of social control first requires cognitive changes to take root in order for one to transition from an identity that is criminal to non-criminal.

In their initial work, Giordano, Cernkovich, and Rudolph (2002) acknowledge the importance of external factors, such as those outlined by Sampson and Laub (1993) and Laub and Sampson (2003), but posit that in order for these “hooks for change” to have an impact, a person must first undergo a series of cognitive
transformations that will allow the external, socio-structural factors to be viewed as meaningful turning points to the offender. In an extension of this research, Giordano, Schroeder, and Cernkovich (2007) note that, in addition to being open to change and to view the external hooks as meaningful, the individual must also have a change in their emotional orientation toward transforming their identity, which represents an added cognitive transformation within their original conceptualization. In particular, the offender must emotionally buy into new roles with pro-social partners, which allows them develop healthy and meaningful relationships with those in their immediate social network. Without this emotional transformation, desistance is much less likely to be realized. What is not clear, however, is whether or not the cognitive transformations that Giordano and colleagues outline must always take place prior to the introduction of “hooks for change” for them to be meaningful.

Paternoster and Bushway’s (2009) addresses this critique of Giordano and colleagues’ (2002, 2007) cognitive transformation theory in their identity theory of desistance (ITD). Paternoster and Bushway note that, in order for the offender to accept a new, non-deviant identity, they must find motivation in a recognition of their “feared self” — one that comes about during the process of “crystallization of discontent,” whereby an internal revelation occurs due to the realization that the cons of criminal offending now outweigh the pros. At this point, the offender becomes aware of their “possible self,” one that recognizes what they can become without the risks and other negative consequences that complement a life of criminality. Because ITD itself is a relatively recent addition to the theoretical literature on criminal desistance, empirical research on the ITD is relatively small, but is beginning to emerge in the criminological literature, both quantitatively (Bachman et al., 2013;
Bushway & Paternoster, 2011; Rocque, Posick, & Paternoster, 2014) and qualitatively (Bachman et al., 2015). In a qualitative study of desistance that utilized life history narratives from a sample formerly drug-involved offenders, Bachman and colleagues (2015) found that, while strengthening family ties and gaining employment that provides a livable wage were relevant factors to the process of desisting from criminality, in some cases, these external, structural factors only helped to solidify one’s already-in-progress transition towards a more prosocial, non-offender identity once cognitive changes were made. These desisters’ identity change toward a conventional lifestyle were evident in their narratives because they commonly referred to themes such as the growing disutility of crime, a crystallization of discontent due to the failures endured because of the criminal lifestyle, and a commitment to maintaining their non-offender identity. On the contrary, the individuals who persisted in offending were said to be those who were not yet ready to change, nor willing to shed their criminal identity, despite experiencing numerous periods of temporary desistance along with decreasing the severity and/or frequency of their offending and drug use. In part, this was due to the perception that they were successful at “maintaining functioning lives” while offending as they grew older (Bachman et al., 2015, p. 18).

Thus, in the ITD, it is necessary for actual identity change to occur for the possibility of pro-social relationships or other socio-structural factors to be meaningful in the desistance process. Therefore, this theory would hypothesize that persisters are those who have not yet experienced the “crystallization of discontent” necessary to develop a “possible pro-social self” identity.
While offender narratives have been a common data source among studies of the dynamic process of desistance, some scholars have stressed the centrality of offender narratives in capturing cognitive change within the desistance process because they represent subjective reconceptualizations of one’s “self” and are a “vehicle for self-understanding” (Presser, 2009, p. 191). For example, Maruna (2001), using a sample of 65 respondents from the Liverpool Desistance Study, found that there were clear distinctions in the narratives (i.e., “explanatory styles”) of individuals who had desisted from crime and those who persisted. Maruna noted that persisters described negative events as being caused by external factors and forces (“condemnation scripts”), while desisters attributed events that are positive to the self (“redemption scripts”). Maruna stated that individuals can only truly desist from criminal behavior through the process of “making good,” which occurs when one’s perspective of him/herself cognitively shifts from one that eschews their former, criminal self — which stresses a victim mentality — towards an already existing pro-social, positive self. Maruna (2004) makes the argument that an examination of the “explanatory styles” of persisters and desisters and the differences in how they talk about their respective lives of continued offending or non-offending is invaluable toward understanding how some offenders are able to transition from a criminal identity to a non-criminal identity while others are not.

Similarly, Harris (2011) utilizes the framework of possible selves (Markus & Nurius, 1986) in her analysis of the discourse used by individuals who are discussing desistance. The conceptualization of the “self” is the product of a reflexive process that stems from a negotiation between individual agency and social structure that leads to a revision of one’s understanding of their personal identity. These “possible selves’
can be the motivation to desist from negative behavior and a way to push back against their limited structural environments” (Harris, 2011, p. 68, citing Bruder, 1998; Granberg, 2006; Mead, 1932).

Each of the theoretical advancements described above, in many ways, have served as foundational research in the desistance paradigm that has led to additional research on the relationship between socio-structural, agentic, and cognitive factors on desistance, especially through the analysis of offenders’ life history narratives. Propagated from these recent theoretical and methodological advances on criminal desistance, recent research has focused on investigating the complex process of desistance more closely, with a focus on the gradual, incremental stages that occur within the holistic process of desistance. These more-recent studies examine the various stages that individuals may enter in and/or exit out of on their way toward complete desistance — even if they never reach the stage of total desistance — as well as the myriad of factors that shape and influence this process. As such, these studies recognize that offenders may enter and exit a variety of stages across the continuum of the desistance process and suggest that there may be different forms of desistance as well as different types of desisters. In this vein, King (2013) notes that narratives of early desisters contain commonly identifiable features that suggest acquiring clarity about past events, which often involves a realization that they lacked power and/or autonomy over their previous criminal actions. After this initial stage, King says that early desisters exhibit a sense of moral agency and identity that features a distancing from their past selves toward a future self, which was followed by an indication of how they planned to maintain these cognitive changes. Finally, concerning the influence and significance of one’s social network, King notes that these
developments in early desisters would be reinforced if they had or were able to anticipate having positive testimony of members of their families (sometimes requiring re-established relationships) or other individuals whose opinion they hold in high regard. One issue, though, is that it is unclear if early desistance marks the beginning of the process toward permanent desistance or a temporary disposition that may reverse itself in the future.

Healy (2014) put forth a tripartite model of those who have “achieved a credible desistence identity” (p. 878). Those who have reached a level of imagined desistance are those who in fact desire to achieve a transformed self in the future, but are doubtful of the prospect that this imagined and new identity can actually be reached. Authentic desistance occurs when offenders reach a level of crime-free living and say they are no longer influenced by the temptation to reoffend. These individuals are able to use a high level of agency and can successfully achieve their personal goals through the use of effective coping strategies. Healy suggests that this type of desistance is analogous to secondary desistance because offenders have, in fact, been able to form a new, non-offending identity. Lastly, there is liminal desistance, which is characterized by being able to envision a “self” in the future that is desirable, but unable to be reached due to various circumstances in their current lives. As Healy claims, this research further reaffirms the notion that both agency and identity reconstruction are indeed important in the process of desistance.

Because of ongoing debate within the desistance paradigm on the temporal ordering of structural and cognitive factors, other scholars have offered alternative theories of the desistance process. Fortin-Duford, Brassard, and Martel (2013), for example, challenge the notion that identity change must precede socio-structural
factors in order for them to be effective in the desistance process. Instead, they suggest that understanding the desistance process requires an integrated approach — one that recognizes the interplay of structural and agentic factors. Their argument contends that the desistance process is initially spurred by structure, saying that “without possibilities to rectify their lives, no offender could desist” (p. 16). This is because, in their estimation, an offender’s social network (e.g., probation officers, family members) is vital in assisting the offender toward understanding the “hooks for change” that exist in their environment, even when they may not initially be motivated to change or have the ability to envision long-term change in their personal situation. Once this is established, Fortin-Duford and colleagues (2013) maintain, agentic forces may allow the offender to accept and glom onto a pro-social identity — like being a parent, spouse, or employee — that leads to the rejection of a deviant identity.

In an exploration of their integrated approach to desistance, Fortin-Duford and Brassard’s (2014) study of Canadian offenders suggests that the desistance process operates differently depending on the type of offender. Their findings led to the development of a typology of three sub-groups of desisters: The Transformed, The Remorseful, and The Rescued. The Transformed begin their criminal careers as juveniles who come from disadvantaged backgrounds; however, they are individuals who eventually become law-abiding citizens. The Remorseful begin their criminal offending as adults who tend to come from relatively privileged backgrounds. Individuals in this group do not see themselves as true offenders, but they regret many of their past criminal transgressions. This group looks forward to getting back on the right track and has a firm belief that they will be able to do so. Finally, The Rescued consists of individuals whose criminal onset takes place in adulthood, but they were
raised in disadvantaged social positions and are not well-connected to their families. However, they have a heightened level of agency and their desistance process is aided by psychosocial support found often in the criminal justice system after arrest. A crucial aspect of this three-part conceptualization is that each group is differentiated by the extent to which their personal (whether fractured or not) and social identities work in an integrated fashion during the desistance process.

While this recent research has illuminated the complex nature of the desistance process, the theoretical debate regarding which types of factors are most important in spurring the desistance process is alive and well. While much of the desistance research acknowledges that both external and internal factors may contribute to desistance, the current debate mainly surrounds which set of influences are most important, along with their temporal order, with wide disagreement on these issues still remaining. The longevity of this debate may be partially due to the idea that an offender’s ability to desist cannot be solely attributed to the cognitive and internal changes that stem from human agency, as Copes and Vieraitis (2009) contend. Rather, they argue, an individual’s social, physical, and situational environment, and how they negotiate that environment (i.e., their bounded rationality), must also be taken into full consideration when assessing their ability to desist. This position is exemplified in Campbell and Hansen’s (2012) research into the process of desistance among former drug traffickers. This research illustrated that, for this specific offending population, there was a combination of internal and external factors that led to the cessation of both crime and drug use that included the risk of punishment (by law enforcement authorities as well as other drug actors), the negative self-image that may be developed from being identified as a drug trafficker, the increased importance of
personal social ties and other changes that occurred over the life course, such as a fear of becoming a drug abuser or relapsing after being able to stop abusing drugs. This study exemplifies the notion that, depending on the individual, and in certain periods of each individual’s life, various forces and factors — both internal and external — may have an impact on the desistance process.

Thus, the research that has put forth a greater understanding of the micro-level dynamics of the desistance process is useful toward understanding periods of temporary desistance, especially as it relates to those who appear to be on the cusp of complete desistance, but, for whatever reason, have not been able to cease their criminal offending behavior. It is this research that is perhaps most relevant to this dissertation, as much of this work has sought to tease out the agentic and cognitive transformations that accompany the complex process of desistance between and within individuals through an analysis of their life histories. However, there is still a paucity of research that examines the reasons why some offenders may temporarily desist, especially when they are not attempting to cease offending permanently. This point was made clear by Barnett, Blumstein, and Farrington (1989) when they concluded that there may indeed be false positives when labeling a former offender as a true desister — it is plausible that an offender may terminate one criminal career only to begin another later on.

2.3 Offender-Based Research: Decision-making and Typologies

Understanding the fact that some offenders do not age out of criminality by adulthood like the majority of criminals, other criminal career scholars have focused their attention on understanding persistence in criminality among adult offenders. Many of these research efforts have provided in-depth investigations of offending
patterns and the decision-making processes of criminals, especially those who are active, through the use of offender self-report data. One result of these research endeavors has been the creation of a myriad of offender-type and offender-motivation classifications to differentiate the nature of criminal involvement among offenders, which speaks to the array of sociological, psychological, and environmental factors that stimulate the commission of crime.

One of the earliest comprehensive studies of habitual offenders, from which data was gained through 624 inmate surveys, was conducted by Greenwood and colleagues (1978). They concluded that there are three “orthogonal factors” that subsume the motivations for persistent offending: Economic Duress, High Times, and Temper (p. 11). In the same report, Greenwood et al. assessed offenders’ personal attitudes towards crime, and offered four types of dispositions that characterize individuals who hold professional criminal attitudes: those who offend because they enjoy crime, are good at crime, are able to beat the system, and who will continue in crime after they are released. These authors suggest that differences among offenders’ involvement in criminal activity is positively correlated with how much they accept these four types of attitudes.

Burnett (2004), in research that was part of the Oxford Study of Recidivism, analyzed self-report data from 130 males in Britain who had been convicted of a range of property offenses, and developed a three-part typology of persistent offenders who recidivated after being released from prison based on data collected in follow-up interviews post-release. There are those who are attracted to criminal reoffending for reasons such as the emotional high and the feelings of well-being that come from committing crime (i.e., Hedonists, also seen in the work of Katz (1988) and Shover
Further, there are those who persist due to the financial rewards that offending brings (i.e., *Earners*). And lastly, there are the *Survivors*, who represent many offenders who are drug-dependent and who largely commit property offenses out of necessity, not because of any enjoyment they derive from offending.

Cornish and Clarke (2003), in their theory of situational crime prevention, which incorporated theoretical tenets of both the rational choice and routine activities schools of thought, proposed a set of three distinct types of situational offenders: the *antisocial predator*, the *mundane*, and the *provoked* offender. This typology differs from those of Greenwood et al. (1978) and Burnett (2004) in that they refer to how different types of offenders react to crime-inducing situations, not their motivation for committing crime.

Although these studies provide fascinating insight regarding the nature of persistent criminals’ offending behavior, they do not provide a broad understanding of criminals’ non-offending life and changes in offending patterns that may occur within the individual over the life course. One notable exception is Shover’s (1985) seminal research of aging offenders’ criminal careers. This study assessed criminals’ offending experientially through a longitudinal study of male property offenders using unstructured interviews. A key aspect of this study is its focus on understanding why some offenders desist while others continue offending as they age. Based on the cross-classification of two binary (high or low scores) variables: one’s degree of criminal success and one’s degree of identification with crime (as a means of livelihood), Shover (1985) put forth a typology of offenders, which includes *Successful*, *Unsuccessful*, *Uncommitted*, and a fourth, yet rare, offender type, including white collar criminals (pp. 24-25). In addition, Shover concluded that two broad types of
contingencies (i.e., Orientational and Interpersonal) accompany aging, and that one’s decision to continue or cease offending relates to how they experience these contingences. “Successful” criminals are those who score high on both of the binary criminogenic measures and who are able to adjust their offending behavior as they experience the contingencies that are said to correlate with growing older. However, those who are “successful” at crime are not the only ones who persist in criminality, according to Shover. Others (i.e., Unsuccessful and Uncommitted offenders) may continue offending over the life course as well. For example, for the “unsuccessful” criminal type, they modified their criminal calculus over time because they recognized that crime had not yielded many gains, but their personal identity is closely tied to their criminality because, at such a late stage in life, they have few alternatives to allow them to pivot toward a non-offending lifestyle. This study is invaluable in that it includes a thorough examination of offenders’ criminal behavior over time and illustrates the life course processes that may lead to crime cessation or persistence among offenders.

Despite the important contributions these studies have made, they cannot be generalizable to a broad set of persistent offenders for several reasons: they do not assess criminal offending longitudinally (Shover (1985) being an exception), they narrowly focus on small, often homogenous, samples of offenders, or they rely on samples of confined individuals. Further, the idea of constant persistence does not realistically characterize the offending behavior for even the most criminally entrenched offender, as virtually all of them take breaks from engaging in criminal behavior (Maruna, 2001). As Shapland and Bottoms (2011) observed, “persistent offenders do many things other than think about or commit offenses…for much of the
time, most offenders engage in everyday practices and routines that are similar to those of everyone else” (p. 257). Therefore, while offender-based studies that provide classifications of the variety of internal and external factors that propel ongoing criminality among persistent offenders are useful in illuminating the assortment of reasons that many offenders continue to be crime-involved, like with desistance studies, they do not adequately address criminal intermittency.

2.4 Intermittency

Although efforts at understanding permanent desistance and continued persistence are undoubtedly appropriate goals of criminological research, each fails to fully capture the realistic pattern of most offenders’ criminal behavior over time. The recognition of the erratic nature of the desistance process and the acknowledgement that even the most persistent criminal offender temporarily disengages from criminal activity is what has led to increased interest in understanding periodic breaks in offending (Piquero, 2004). Thus, research on criminal intermittency can be viewed as a branch of research within the scope of the study of both criminal desistance and persistence, and is, arguably, an equally important dimension of the criminal career.

The bulk of existing criminological research has used quantitative methods to operationalize intermittency as either the time between criminal offenses (Baker, Falco Metcalfe, & Piquero, 2013; Barnett, Blumstein, & Farrington, 1989; Falco Metcalfe & Baker, 2014; Piquero, Blumstein, & Farrington, 2007), changes in offending (Kempf, 1989; Horney, Osgood, & Marshall, 1995), or an estimated parameter within broader models of the criminal career (Nagin & Land, 1993; D’Unger et al., 1998).

In a quantitative study of intermittency, Barnett, Blumstein, and Farrington (1989) noted that there is a distinction between offenders with regard to the frequency
in which they commit criminal acts — some offenders take relatively longer breaks (“occasional” offenders) from offending than others (“frequent” offenders). Barnett and colleagues acknowledge that even offenders who may have ceased offending for many years consecutively (especially “occasionals”) may indeed “re-initiate” their offending behavior at some point in their lives. It is this point that cements the importance of this study within criminal careers research because it serves as evidence that desistance studies that operationalize desistance using time-based measures (e.g., being crime-free for two years) may prematurely classify an offender as a “desister,” thus challenging the validity of such studies’ findings.

Baker, Falco Metcalfe, and Piquero (2013) provide more insight into the relationship between the duration of temporary desistance, frequency of offending, age of the offender, and age of criminal onset. Their research illuminates the idea that individuals who initiate criminal behavior at earlier ages and those who offend less often exhibit longer periods of intermittency, while those who offend more frequently and have early criminal onset have shorter periods of intermittency. Further, as an offender’s age increases, the periods of intermittency become larger. Falco Metcalfe and Baker (2014) posit that there is a relationship between the nature of offending (i.e., solo-offending versus co-offending) that impacts offending prevalence and intermittency patterns. They suggest that those who have a history of mixed offending, that is engaging in criminal behavior alone and with others, have shorter gaps in between offenses — or shorter periods of intermittency.

Other research has attempted to understand the role that local life circumstances has on influencing short-term changes in criminal involvement. Using self-report survey data from a sample of 658 freshly convicted male offenders in
Nebraska, Horney, Osgood, and Marshall (1995) make the point that short-term (i.e., month-to-month) fluctuations in criminal offending are largely a function of how local life circumstances (e.g., cohabitating with partner/spouse, employment, enrollment in school, being on parole or probation, and drug and alcohol use) may change, even when controlling for individual-level criminal propensities (i.e., variations in levels of self-control). For example, Horney and colleagues found during times when the respondents reported using drugs, they were more likely to commit crime, but when they were residing with their spouse or attending school, they were significantly less likely to offend. This study is critical because it provides evidence that many of the external mechanisms of informal social control that have been said to contribute to the overall desistance process (e.g., Sampson & Laub, 1993; Laub & Sampson, 2003) may indeed reduce criminal offending or temporarily pause it, but it also illustrates that these factors themselves (and others that prior research has failed to examine) are subject to rapid and frequent fluctuations over the life course, thus contributing to the unpredictable patterns of criminal involvement for many offenders.

While indeed valuable contributions, the extant quantitative research on intermittency does not provide the lived experience contextual dimension toward understanding how these intermittent patterns of offending are played out in real-life situations, nor can they “explain the processes underlying change” (Horney, Osgood, & Marshall, 1995, p. 670). In part, this is due to the fact these studies have relied on official arrest data or cross-sectional offender surveys, which inherently cannot present a true depiction of the frequency and totality of one’s criminal involvement. For example, many criminal offenses go undetected by the criminal justice system (Baker, Falco Metcalfe, & Piquero, 2013; Presser, 2010) and self-report data gleaned from
surveys are limited because they cannot capture the complex situational aspects of beginning or ending of temporary periods of desistance.

2.5 Focal Theoretical Framework: Carlsson’s (2013a) Forms of Intermittency

A much-needed contribution to the literature on intermittency was research conducted by Carlsson (2013a), which addressed many of the deficiencies of quantitative studies on the subject. This study, which assessed the offending history of a sample of 13 Swedish men (i.e., “the Clientele men”) who participated in the Stockholm Life Course Project, employed Maruna’s (2001) conceptualization of “explanatory styles” to investigate the processes of criminal intermittency through an analysis of life history narrative interviews. Carlsson noted that instances of temporary desistance fall into two categorical forms within an offender’s narrative. The first is what he calls intermittency as continuity, whereby offenders temporarily “hold up” from offending, but have no intention of desisting completely. The reasons that lead to these periods of temporary desistance may be due to wanting a “time-out” or “pause” from offending for a finite period of time. During this form of temporary desistance, for example, the Clientele men were able to secure temporary jobs or entered into relationships, which may have motivated them to stop offending for a while, but not permanently. In all, this form of intermittency comes about via “temporary changes in social control and routine activities” (p. 12). What is also important to note is that, typically, this form of intermittency occurred relatively earlier in an offender’s life (i.e., before age 40).

The second form of intermittency revealed by Carlsson (2013a), intermittency as attempted change, is a manifestation of an offender’s genuine attempt to completely desist from offending. Carlsson notes that this type of intermittency occurs when
individuals cease their offending behavior with a willful commitment to desist, which is complemented by changes in lifestyle, activities, and routines in the direction of seeking a conventional way of life. This form typically is characterized by longer periods of crime-free living in comparison to the temporary breaks in offending in the form of *intermittency as continuity*. Many of the respondents who engaged in periods of intermittency in this form cited that they were trying to move toward a conventional life. However, even when breaks from offending were based on a desire to permanently desist, there was an eventual reoccurrence of offending, often due to barriers that came about on the way toward realizing a life without actively engaging in crime. When this occurs, respondents typically explain reoffending in terms of “failure” or “relapse.” Thus, the defining line between the two forms is the presence or absence “will to change” in an offender’s narrative. When a will to change is present, according to Carlsson, it “often emerges through a set of interconnected life course processes that include not only changes in social control and routine activities but also processes of aging and maturation” (p. 930).

In addition to providing the lived-experience context toward understanding periods of temporary desistance that had been lacking in the scholarly literature, Carlsson’s (2013a) *forms of intermittency* framework is useful for future research on the processes of criminal intermittency namely because it provides an operational definition of intermittency that can be applied to a qualitative analysis of offenders’ life history narratives. Moreover, it provides validity for the use of the life history method as an efficacious mode of data collection and analysis related to the study of intermittency (Baker, Falco Metcalfe, & Piquero, 2013).
Despite its unquestionable value to the existing body of knowledge on criminal intermittency, Carlsson’s (2013a) theoretical framework also left a number of questions unanswered. For example, it can be argued that the concept of intermittency as continuity is substantially less theoretically and conceptually valid than intermittency as attempted change. For example, the conditions that may lead one to enter into a period of temporary desistance in the form of intermittency as attempted change are conceptually straightforward. That is to say, if an offender has made the decision to move away from criminality based on a willful desire to change, then naturally, there will be a period of time after making that decision where they will not offend, regardless of how this stretch of non-offending may be terminated in the future. Additionally, intermittency as attempted change is theoretically grounded in existing research on offending behavior across the life course. Despite disagreement about the exact temporal order of the variables related to the desistance process (i.e., internal cognition and external structure), theories within the desistance paradigm widely agree that human agency is involved when offenders are attempting to exit the criminal role. Thus, as a part of the dynamic nature of the desistance process, one’s decision to cease offending ostensibly includes their explicit will to do so.

In contrast, Carlsson (2013a) does not provide adequate insight regarding the concept of intermittency as continuity. In particular, he did not fully discuss the process of reoffending after an offender takes a temporary break from criminality purposefully. This reigniting of the reoffending process after a lull is known as the activation of intent (Apel, 2013). This concept refers to “the more immediate needs and desires which impel offenders from a state of indifference to a state of criminal motivation. The emphasis here is on the proximate or situational factors which result
in an offender’s contemplation of a criminal offense…” (Apel, 2013, p. 88). In the examples that Carlsson cites to illustrate the concept of *intermittency as continuity*, it is not clearly explained why, for instance, someone who would temporarily cease offending after gaining a job would be encouraged to reoffend in the future — save for instances of “moonlighting,” when offenders simultaneously are employed and involved in illegal behavior. Therefore, more research is needed to determine what activates offenders’ intent to commit crime after taking intentional short-term breaks.

Moreover, Carlsson’s (2013a) research has contextual limitations that prohibit the findings of that study to be generalized to other samples of offenders. The first of these limitations relates to the demographic characteristics of Carlsson’s sample. One issue is that the sample was comprised entirely of white males who were all relatively older (for the most part, in their sixties) when they were interviewed as part of the Stockholm Life Course Project. This is problematic, not because of their numerical age, but because the vast majority of these respondents’ criminal careers had ended long before they were interviewed. Therefore, they could only speak about their criminal behavior retrospectively.

A second contextual limitation of Carlsson’s (2013a) research is in regard to the location of the study’s setting. All of the Clientele men were from Stockholm, Sweden. This feature of the study further limits the generalizability of that study’s results because the geo-political and legal structure of Stockholm, Sweden in the 1960s is drastically different than that of the United States during that era, and certainly much different than the context in which individuals are navigating the desistance process today, especially in the United States. As such, one geo-political factor that was notably absent in Carlsson’s work was the influence, if any, that the
criminal justice system may have had on the Clientele men’s intermittent patterns of offending. Carlsson acknowledged that many of them had spent time in prison or experienced some other form of correctional control within their criminal career, but there was no mention of how being sanctioned may have influenced their patterns of criminal intermittency. Thus, there exists a lack of longitudinal narrative research on patterns of criminal intermittency among a demographically and criminally diverse American sample of active offenders who are not incarcerated, but have had extensive contact with the criminal justice system throughout their lives. The purpose of this dissertation is to help fill that void.
Chapter 3

RESEARCH METHODOLOGY

The purpose of this dissertation is to understand the nature and processes of criminal intermittency and subsequent reoffending among a sample of active adult offenders. The goal of this study is to add to the criminological scholarship regarding criminal intermittency and persistent offending among adults. Thus, the primary research question that initially guided this study’s analysis was: How does an American, mixed race and gender sample of active adult offenders who self-report having been involved in criminal offending over a twenty-year period experience criminal intermittency? This chapter will outline the study’s research methodology, including characteristics of the dataset, the analytic approach, related ethical issues and considerations, as well as the efforts made to enhance the trustworthiness of the research findings.

3.1 Research Design

The use and value of qualitative research methods have long been established by criminologists who seek to gain first-hand accounts of criminal offenders’ behavior. Despite the fact that the majority of criminological research uses quantitative methods, there has been a resurgence in the use of qualitative inquiry in criminology over the last two decades (Holt, 2010). Tewksbury’s (2009) position is that the use of qualitative methods within criminology research allows the investigator to “[gain] true understandings of the social aspects of how crime occurs and how the
agents, structures and processes of responding to crime operate in culturally-grounded contexts” (p. 39). In short, unlike quantitative analyses, qualitative inquiry allows for a deep exploration of meaning, interpretations, and individual experiences (Birchall, 2004). As it relates to criminal offenders, an understanding of one’s stories — and drawing meaning from them — is a crucial element toward understanding the explanations that offenders give regarding their unlawful behavior (Presser, 2010).

Specifically, in this study I analyzed an existing qualitative dataset that contains intensive, one-on-one interviews from a sample of active, often drug-involved, offenders who were released from prison in the early 1990s and re-interviewed between 2009 and 2011. This method is appropriate for this study because, as Heaton (2008) posits, analyses of secondary qualitative data is meaningful when it is used to investigate new or additional research questions not addressed in the primary study. With regard to the specific analytical approach taken, this research will serve as a supra analysis of the Roads Diverge dataset (Bachman et al., 2013). A supra analysis occurs when “the aims and focus of the secondary study transcend those of the original research” (Heaton, 2008, p. 39). In this case, understanding criminal intermittency was not among the primary objectives of the Roads Diverge study. In addition, as noted by Fielding (2004) and Long-Sutehall, Sque, and Addington-Hall (2010), when discussing sensitive topics (e.g., criminal offense histories) with an elusive population (e.g., active criminal offenders), analyses of secondary data may not only be appropriate, but also beneficial, because of the difficult nature of gaining entrée and recruiting respondents for such studies.

Within criminological research, the use of secondary data is common. Kleck, Tark, and Bellows (2006), making a stronger statement to this point, said that
“[s]econdary analysis of existing datasets is central to criminological research” (p. 149). This is particularly true with quantitative criminological studies, which often make use of existing data such as official reports of crime furnished by law enforcement and other governmental agencies. While quantitative secondary analysis is more common, qualitative secondary analysis has also been used in previous criminological research studies. For example, Fielding and Fielding (2000) employed a secondary analysis in research on prison life among a sample of maximum security prisoners in Britain based on the original data collected in a study by Cohen and Taylor (1972). Fielding and Fielding said that this approach was taken because the objective of their research was to provide a further exploration into the themes related to prisoners’ psychological survival while in prison that were not addressed in Cohen and Taylor’s original study. This research design was chosen in an effort to provide another analytic conceptualization of prisoners’ incarceration experiences. “Secondary analysis is less a matter of providing an analysis of ‘right’ or ‘wrong’ than of identifying what themes it has not explored” (Fielding & Fielding, 2000, p. 680). Thus, my decision to analyze a secondary qualitative dataset is supported by previous research studies in the field of criminology that have also employed this research method.

3.2 Data

The data used in this study come from the Roads Diverge: Long-Term Patterns of Relapse, Recidivism, and Desistance for a Re-Entry Cohort study conducted by the
Center for Drug and Health Studies (CDHS)\textsuperscript{2} at the University of Delaware. This was a National Institute of Justice-funded study that sought “to increase our understanding about the underlying mechanisms and processes of desistance from crime and drug use among current urban, drug-involved, largely minority and increasingly female criminal offenders” (Bachman et al. 2013, p. 105). Each participant in the \textit{Roads Diverge} study was at one point under the supervision of the state of Delaware Department of Corrections.

The \textit{Roads Diverge} study entailed two distinct phases of data collection. In the first phase, official arrest histories were collected for individuals who were a part of a previous study of offenders — the \textit{Ongoing Studies of Treatment for High-Risk Drug Users} study that began in 1989 at the University of Delaware’s CDHS. The original study aimed to assess the effectiveness of three different types of drug abuse treatment programs offered in the state of Delaware: 1) a 12-month in-prison therapeutic community (i.e., KEY) for males only, followed by conventional work release; 2) an intensive outpatient approach for males and females which combined treatment and case management functions (i.e., ACT); and, 3) conventional community supervision for male and female releasees (for comparison) (Bachman et al., 2013). Phase I of the study relied on official arrest records for the original 1,247 offenders through 2008 from National Crime Information Center (NCIC) data to estimate offending trajectory models.

In Phase II, intensive interviews were completed with 304 (293 of which were audio-recorded) randomly sampled, formerly incarcerated respondents who fell into

\textsuperscript{2} Currently known as the Center for Drug and Health Studies, however, when the \textit{Roads Diverge} study was taking place, and at all times prior, it was known as the Center for Drug and Alcohol Studies (CDAS).
one of five offending trajectories. The goal of the second phase was to “examine the processes and mechanisms that led to persistence or desistance from crime and drugs…specifically to examine the role of identity change and the causal sequencing of events over the lives of these offenders related to both criminal offending and drug use” (Bachman et al., 2013, p. iv). Therefore, the aim of the second phase of the Roads Diverge study was to reveal the “storylines” related to the interconnected, temporal events, circumstances, and contexts that framed respondents’ criminal offending and other life events (Agnew, 2006).

The in-depth interviews were conducted by trained researchers from the CDHS at the University of Delaware. There was a common interview guide used by each interviewer to allow for standardization of the interviews to ensure that important questions and themes related to the objectives of the study were asked. As scholars such as Klenowski, Copes, and Mullins (2011) maintain, the use of a semi-structured interview guide is beneficial in a number of ways: it allows for spontaneity in the wording of questions, it helps the interviewer establish a rapport with the respondent, and it makes further elaboration of a particular topic possible. Moreover, the interview guide closely resembled an Event History Calendar (EHC), which according to Belli, Stafford, and Alwin (2009), serves as an appropriate data collection tool when assessing retrospective data on issues of life events such as relationship changes, medical history, and offending.

To aid the interviewers’ data collection efforts, arrest and incarceration data and dates were placed on the EHC interview guide and used as a heuristic device to enhance respondents’ recall ability. This official data served to jog respondents’ memories of key events, not only with regard to their offending histories, but also
other non-offending-related events. The interviews gave the respondents the opportunity to speak broadly about the events that had taken place in their lives and to testify to the changes they believed had occurred in their lives in the years since their baseline incarceration. Each interview ranged between one to three hours in duration, and the interviews were audio-recorded and subsequently transcribed by CDHS staff into individual Microsoft Word documents, with each assigned a unique respondent identification number. After the transcription process, the interviews were cleaned for identifying information by CDHS staff.

Although the data collected in the Roads Diverge were not collected expressly to answer the questions asked in this dissertation, they served as an appropriate dataset for this study. In fact, it was ideally suited for the present research as it offers one of the only narrative datasets available on offenders who have self-reported recent (i.e., within the previous twelve months) offending behavior after more than two decades of episodic incarceration. As such, this study has several advantages over previous studies of criminal intermittency that have used homogeneous sets of offenders or individuals under correctional supervision, have been conducted in research settings outside of the United States, or those that have relied on official arrest histories only.

3.3 Sample

In total, 293 in-depth, semi-structured interview transcripts were obtained in Phase II of the Roads Diverge study. The respondents interviewed in that phase served as the sampling frame for this study. Of these 293 respondents, a total of 66 self-reported engaging in some type of criminal act — beyond illicit drug use — or receiving a community supervision violation within twelve months of being interviewed. These 66 individuals served as the final sample for the present study.
These individuals generally had a very long history of involvement with the criminal justice system. The mean number of lifetime arrests for this sample through 2008, according to the NCIC data, was 32 with a standard deviation of 15.5 and a median number of arrests equal to 30. The demographic characteristics of the 66 respondents within the sample are:

Table 3.1: Sample Demographic Characteristics (N = 66)

<table>
<thead>
<tr>
<th>Race x Gender</th>
<th>N (% of sample)</th>
<th>Age</th>
<th>N (% of sample)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Females</td>
<td>19 (29)</td>
<td>30-39 years</td>
<td>19 (29)</td>
</tr>
<tr>
<td>White Females</td>
<td>8 (12)</td>
<td>40-49 years</td>
<td>33 (50)</td>
</tr>
<tr>
<td>Black Males</td>
<td>26 (39)</td>
<td>50-59 years</td>
<td>14 (21)</td>
</tr>
<tr>
<td>White Males</td>
<td>13 (20)</td>
<td>Mean Age</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum Age</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum Age</td>
<td>56</td>
</tr>
</tbody>
</table>

3 Additional descriptive data for individual respondents can be found in the Appendix.
Table 3.2: Nature of Respondents’ Drug and Criminal Involvement in 12 Months Prior to Interview

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>N (% of sample)</th>
<th>Illicit Drug Use</th>
<th>N (%)</th>
<th>Illicit Substance Used</th>
<th>N (% of sample)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault</td>
<td>3 (5)</td>
<td>Has Used</td>
<td>57 (86)</td>
<td>Alcohol</td>
<td>5 (8)</td>
</tr>
<tr>
<td>Drug Related</td>
<td>10 (15)</td>
<td>Has Not Used</td>
<td>9 (14)</td>
<td>Crack Cocaine</td>
<td>9 (14)</td>
</tr>
<tr>
<td>DUI</td>
<td>5 (8)</td>
<td></td>
<td></td>
<td>Heroin</td>
<td>12 (18)</td>
</tr>
<tr>
<td>Fraud</td>
<td>9 (14)</td>
<td></td>
<td></td>
<td>Marijuana</td>
<td>11 (17)</td>
</tr>
<tr>
<td>Other</td>
<td>8 (12)</td>
<td></td>
<td></td>
<td>Methadone</td>
<td>1 (2)</td>
</tr>
<tr>
<td>Other Theft</td>
<td>13 (20)</td>
<td></td>
<td></td>
<td>Powder Cocaine</td>
<td>2 (3)</td>
</tr>
<tr>
<td>Other Violent</td>
<td>2 (3)</td>
<td></td>
<td></td>
<td>Prescription Drugs</td>
<td>6 (9)</td>
</tr>
<tr>
<td>Robbery</td>
<td>4 (6)</td>
<td></td>
<td></td>
<td>Not Applicable</td>
<td>9 (14)</td>
</tr>
<tr>
<td>Violation of Parole/Probation</td>
<td>9 (14)</td>
<td></td>
<td></td>
<td>Unknown</td>
<td>10 (15)</td>
</tr>
<tr>
<td>Weapons</td>
<td>3 (5)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4 Total percentage is greater than 100% due to rounding.
3.4 Data Management

In keeping with the ethical standards of research with human subjects, this secondary data analysis was approved by the University of Delaware’s Human Subjects Committee. The raw data were stored and analyzed using a centralized process managed by myself using a password-protected, encrypted USB drive and software that only I had access to. Aware of importance of maintaining the anonymity of the respondents, my hand-written memos only included respondent ID numbers for organizational purposes and did not contain any information in which they could be individually identified (e.g., places of employment, hometowns, names of employers).

3.5 Data Analysis

As noted earlier, each of the interviews from the sample had already been transcribed, cleaned of identifying information, and were provided to me in the form of Microsoft Word documents. To aid in the data analysis, each of the transcribed interviews was uploaded into the qualitative analysis software QDA Miner Lite (Version 1.4.2). While not required, the benefit of using qualitative analysis software was clearly elucidated by Presser (2010), who explained that qualitative analysis software is an efficient and effective way to organize and retrieve codes, compare codes, and to create memos. Further, Presser notes that this type of software also aids in the organization of large amounts of data and to understand how different themes relate to one another. There is a plethora of qualitative analysis data software packages available, but QDA Miner Lite was chosen because of its ease of use, it was cost-free, and its functions and features satisfied the needs of this analysis.
3.5.1 Analytic Strategy

The analytic purpose of this dissertation is both confirmatory (“hypothesis-driven”) and exploratory (“content-driven”) in nature, according to the explanation of each approach provided by Guest, MacQueen, and Namey (2012). On one hand, it is confirmatory in that it was guided by a primary theoretical framework that provided a hypothesis related to criminal intermittency and this research used existing data. On the other hand, the analysis is exploratory in nature because it contained an inductive component as well — additional codes were created directly from what arose during the data analysis. The unit of analysis in this dissertation is the interview segment. However, because the purpose of this research was to assess periods of intermittency contained in each respondent’s interview as well as holistic trends of intermittency across the entire sample, the analysis employed a within-case/cross-case strategy. This strategy is useful to investigate processes and outcomes across interviews to “develop more sophisticated descriptions and more powerful explanations” (Miles, Huberman, & Saldaña, 2014, p. 101).

With regard to the particular method of data analysis used in this research, a thematic approach was taken. Although it has been argued that thematic analysis in and of itself is a not a specific method of qualitative data analysis (Drisko, 2005), is merely a process within the broader realm of data analysis (Ryan & Bernard, 2000), and is a tool that can be used in a number of analysis methods (Boyatzis, 1998), Braun and Clarke (2006) made a thorough case for why thematic analysis is indeed an acceptable primary method of qualitative data analysis. They define thematic analysis as “a method for identifying, analyzing, and reporting patterns (themes) within data” (Braun & Clarke, 2006, p. 79). However, they note that there are a multitude of possible types of thematic analyses, which, individually, are determined by a series of
decisions that the researcher must make prior to the start of the analysis as well as during the analysis process. The “form and product” of thematic analysis, Braun and Clarke argue, relates to: what counts as a theme, the type of analysis and claims the researcher aims for, whether patterns are being identified inductively or theoretically, the level at which the themes will be identified, and the epistemological paradigm in which the thematic analysis will be conducted. What is most important, in their view, is that the method chosen is guided by the research question, and that the researcher explicitly considers and discusses the rationale for using thematic analysis. Thus, the thematic analytical strategy of this research included the following:

- Codes were applied at the within-case level, but the prevalence of resultant themes were assessed across the sample as a whole to assess their relevance to the research questions.

- Coding was both theoretical and inductive (as stated above) — a theoretical framework provided an initial direction for the analysis, as well as a set of *a priori* deductive codes that served as an analytic guide. However, because of the paucity of qualitative research on intermittency, an inductive approach to the analysis was also taken to assess additional themes that emerged from the narratives.

- Relevant themes were identified at the latent level — this thematic analysis “goes beyond the semantic content of the data, and starts to identify or examine the underlying ideas, assumptions, and conceptualizations — and ideologies — that are theorized as shaping or informing the semantic content of the data” (Braun & Clarke, 2006, p. 84).

- Analysis was grounded in both the realist/essentialist and constructionist paradigms at various points in the analysis, which is allowed given the flexible nature of thematic analysis. Some of the research questions relate to situational factors related to intermittency, and others pertain to the respondents’ subjective thoughts regarding the sociocultural contexts and structural conditions that surrounded their patterns of offending.
3.5.2 Coding Scheme

In thematic analyses, Namey and colleagues (2008) suggest that the goal is to identify and describe implicit and explicit ideas, as opposed to the counting of explicit words or phrases. As part of the analysis process, the development of codes that represent ideas and themes is necessary for data reduction purposes when analyzing large qualitative data sets so that recurring themes can be identified and to also investigate relationships among them.

Prior to beginning the formal analysis and coding process, Birchall (2004) suggests that the researcher review each of the transcripts to gain a sense of the tone and the context of the interviews, which helps to initially identify similarities and themes among the set of transcripts — I followed this advice. Also, as part of this initial reading, I began to memo and jot significant themes, thoughts, and notes by hand. The researcher’s analytic memos contain ideas that may be considered for analytic consideration throughout and at the end of analysis process (Saldaña, 2009). The memos that were first created during the initial reading of the interview transcripts were augmented continuously throughout the analysis process.

Following the guidelines and instructions outlined by Miles, Huberman, and Saldaña (2014), prior to beginning the formal coding process, the first entries within the codebook pertained to the major thematic elements related to the research questions being asked. The primary theoretical framework used in this analysis was Carlsson’s (2013a) forms of intermittency, of which there are two: intermittency as continuity (i.e., “holding up”) and intermittency as attempted change (i.e., having a “will to desist”). During the initial review of the interviews, I created a “provisional start list” of deductive master codes (or “first-level” codes) based on the forms of intermittency conceptual framework (Miles, Huberman, & Saldaña, 2014, p. 81). This
scheme is directly tied to the primary research question, which will explore how active offenders explain periods of criminal intermittency. Examples of master codes related to intermittency are *Intermittency Form, Intermittency Factor, and Reoffending after Intermittency*.

Also, because of my prior familiarity with the dataset and its composition, I was able to initially create master codes and sub-codes (e.g., *Master-Sub-Code*) for instances and types of criminal offending (e.g., *Violent Offense; Property Offense; Violation*), drug involvement (e.g., *Drug Selling; Drug Possession; Drug Use-Heroin*) and various factors known to be related to both criminal persistence (e.g., *Crime Motivation-Addiction to Drugs*) and desistance (e.g., *Relationship Formation; Employment; Spirituality; Agency-Gain*).

### 3.5.3 Stages of Coding

Once the master list of codes was finalized, the initial stage of deductive — and complementary inductive — coding began. Coding in this simultaneous manner is useful because it allows the researcher to concurrently explore existing theories as well as develop additional theory that may be grounded in the data (Schulenberg, 2007). This process entailed rereading each interview transcript with the list of master codes and coding each transcript with the master codes. Again, inductive coding took place alongside each of these deductive stages of coding, and inductive codes that were not related to the primary theoretical framework emerged gradually and were added to the codebook. Below is an explanation of my strategy for stepwise deductive coding.
Deductive Coding for Periods and Form of Intermittency

This stage of deductive coding was aimed at assessing when periods of temporary desistance were present in the interviews and how the respondents discussed the circumstances, motivations, and events that led to identifiable periods of intermittency. According to Piquero (2004), “[e]mpirically, intermittency can be operationalized as the time between successive criminal events, controlling of course for exposure time (i.e., time for which individuals are free on the street to commit crime)” (p. 208). Regarding how each form of intermittency was operationalized, I mimicked the approach taken by Carlsson (2013a). He explained that “the two forms of intermittency outlined…can be distinguished by different explanatory styles at the narrative level” (p. 917). Hence, I identified language that indicated what form of intermittency was present in the interview narratives.

Instances of intermittency as continuity were coded when the offender described temporary desistance as a result of their desire to “hold up,” “pause,” or “take a break” from offending. Conversely, instances of intermittency as attempted change were identified when a respondent discussed that their break from offending was entered into by a purposeful will to desist, along with any identifiable evidence of how this will to desist was manifested toward reaching a more conventional life (e.g., changes in lifestyle, desires, or values).

However, due to the topical nature of the primary research study and structure of the interviews, identifying the broader contextual circumstances related to both the entrance and termination of these periods of temporary desistance were critical for assessing the presence of an intermittency form, and at times, served as proxy signals of such in the absence of a direct account of intermittency related factors. This was
particularly true in the case of *intermittency as continuity*. Although periods of temporary desistance were abundant within the interviews, respondents did not always directly describe these breaks in terms of “holding up” or “taking a break” — and interviewers did not always probe when these types of breaks were alluded. In the absence of such direct explanations, Carlsson’s (2013a) statement that the most distinguishing feature between the two forms of intermittency “…is the will to desist…A will to desist is often accompanied by a change in values and desires, and attempts to change one’s lifestyle, routines, and everyday life” (p. 924) was useful. Therefore, periods of *intermittency as continuity* often were recognized in the transcripts when it was clear that a will to desist and the corollary changes in one’s personal life were absent. Hence, understanding the greater context regarding particular, impactful events were kept in mind when I coded for aspects of intermittency, as well as reoffending, as described below.

*Deductive Coding for Instances and Types of Criminal Offending/Reoffending*

The second round of deductive coding aimed to identify all instances of criminal offending, regardless of whether that criminal activity resulted in apprehension by law enforcement personnel. Specifically, additional sub-codes that represented specific types of crime and the contexts of offending were created for non-drug related crimes (e.g., *Violent Offense-Robbery; Property Crime-Vandalism*) and crimes that were directly linked to drug-related behavior (e.g., *Drug Use-PCP; Drug Possession-Cocaine; Drug Selling-Heroin*). The purpose of identifying instances when criminal offenses occurred is that they signified the termination of a particular period of temporary desistance.
Piquero (2004) asserted that instances when offenders are incarcerated “should not be confused with intermittency” because, during these times, they lack the “exposure time” to offend. This is especially true for quantitative studies that rely on official crime data from criminal justice agencies or even offender self-report data gleaned from surveys. Regarding the former, acts of misconduct while in prison or under other types of correctional supervision are not typically included in official criminal records. However, a host of studies have focused on offender misconduct while under correctional supervision (Day, Brauer, & Butler, 2015; Steiner & Wooldredge, 2015; Trulson et al., 2010). Violations of correctional policies, at least behaviorally, represent “crimes” in that they are illegal acts and suggest that an offender may not yet be ready or willing to permanently cease offending, as it has been said that “persistence…is fundamentally a measure of resistance to (formal) social control” (Haapenen, Britton, & Croisdale, 2007, p. 134). Hence, my coding strategy considered both self-reported and on-the-record violations of correctional policies while under the supervision of the criminal justice system as tantamount to criminal acts as well as an indication that the offender lacked the will to desist from criminality during that specific point in time.

**Emerging Inductive Codes**

Throughout each phase of deductive coding, additional codes emerged. In some cases, the inductive codes aligned with the existing master codes, but in other cases, unforeseen aspects related to the topic of inquiry emerged, which produced additional codes. For example, it became clear that interaction with the criminal justice system was a common feature of the respondents’ narratives. Therefore, the
code *Sanction after Reoffending* was developed along with the sub-codes of *Probation, Incarceration, Work Release, House Arrest*, among others. Additional inductive codes and sub-codes were developed related to themes such as respondents’ thoughts and experiences on a variety of topics (e.g., *Thoughts-On Addiction; Thoughts-Aversion to Prison; Thoughts-Apathy*), and experiencing a traumatic event (e.g., *Traumatic Event-Personal Health; Traumatic Event-Family-related Issue*).

Although multiple rounds of coding were necessary, and many of the codes were revised and combined using the constant comparative method (see Boeije, 2002), the coding process ceased when a subjective level of saturation was reached. Once the planned coding process was completed, the entire sample was analyzed as a group to uncover evidence of cross-case similarities. It was at this point where a wide view of the coded text was taken in an effort to identify broad themes related to the research questions.

*Narrowing and Refining the Scope of the Research Question*

Criminal intermittency represents a very large area of inquiry and is a process, not a single event. Criminal intermittency “lies…between persistence and desistance” (Piquero, 2004, p. 120), and involves a wide range of factors that relate to types of offending, drug involvement, the criminal justice’s response to offending, as well as the impact of rehabilitative and treatment programs. It would be overly ambitious, futile, and arguably foolish for any researcher to attempt to fully address all facets of intermittency in a single research study. Considering the vast amount of data that I had at my disposal, I must disclose that perhaps the most challenging aspect of this
dissertation once the analysis was complete was deciding which elements of intermittency to attend to.

Ultimately, however, the scope of the research question was both narrowed and refined as a result of the emergence of various themes throughout each stage of the analysis process. From the initial reading of the interview transcripts onward, a plethora of themes related to temporary breaks in offending arose. I was comforted by Braun and Clarke’s (2006) statement that “the specific research question can evolve through the coding process (which maps onto the inductive approach)” (p. 84). Therefore, in part because my research interests primarily lie in understanding ongoing criminal behavior (as opposed to the movement away from criminal offending), I decided to focus my analysis on how criminal persistence can be informed by an investigation of criminal intermittency (particularly, intermittency as continuity within the forms of intermittency framework).

Hence, the revised research question that this dissertation addressed are the following:

1. Between periods of temporary desistance, why are some offenders driven to continue to offend?

2. When persistent offenders lack a will to desist from crime, how do they react to correctional programming and how does this impact the process of reoffending?

These revised research questions do not represent a departure from the original research questions, but a refinement of them based on the themes that were uncovered throughout the analysis process.
3.6 Ethical Issues and Considerations

This research involved the analysis of data collected from human subjects. As such, prior to beginning the analysis of the data, the dissertation proposal was submitted to and approved by the Institutional Review Board (IRB) at the University of Delaware. It also must be noted that I have undergone the human subjects training offered by the University of Delaware IRB, and I have received a certificate that demonstrates that I have successfully completed training in the ethical and procedural guidelines of conducting research that involves human subjects by the Collaborative Institutional Training Initiative (CITI) program sponsored by the National Institutes of Health.

The application submitted to the IRB for the initial Roads Diverge study included written, informed consent that confirmed an acknowledgement of willing and voluntary participation from each research respondent prior to the start of the data collection process for that study, as well as for future research that may not be affiliated with the Roads Diverge study. This is an important point because “[informed consent cannot be presumed in [the analysis of secondary data], and the researcher cannot rely on any vagueness of the initial consent form” (Long-Sutehall, Sque, & Addington-Hall, 2010, p. 339).

Detailed narrative data of the sort used in this research presents added ethical dilemmas. One risk of presenting in-depth qualitative data findings, particularly when the subject matter is deeply personal, is that it could result in inferred identification, whereby readers of the research may be able to identify the respondents of the study. This issue is especially true in this study given the sensitive nature of the data being analyzed and because all of the respondents in this study were incarcerated at least once in the state of Delaware, which is where most of them resided at the time of the
Interviews. With regard to protecting each respondent’s identity, as stated earlier, the transcript data — for the most part — had been previously cleaned of personally identifying information, including secondary identifying information such as places of employment, addresses, family members’ names, etc. However, the confidentiality of the respondents’ testimonies was not guaranteed because it was explicitly made clear to each of them that segments of their narratives would be used for illustrative purposes. Throughout this dissertation, pseudonyms for respondents were used when detailing their narratives and when quotations that illuminated theoretical constructs and/or processes were displayed. Also, in the rare cases where the interview transcripts did include some identifiable information, that information was redacted prior to being introduced in this document. Also, out of an abundance of caution for ensuring each respondent’s anonymity, all references to their age at the time of the interview were omitted in the presentation of the research findings.

3.7 Trustworthiness

Unlike establishing reliability and validity in quantitative analyses, Lincoln and Guba (1985) suggest that qualitative analyses must establish trustworthiness. Trustworthiness is comprised of four types of assessment: credibility (in preference to internal validity in quantitative research), transferability (in preference to external validity/generalizability), dependability (in preference to reliability), and confirmability (in preference to objectivity). Because this research includes an analysis of an existing dataset, I was unable to address the entire series of techniques that Lincoln and Guba outline for each of the four types of assessment. As Gladstone, respondents’ race was not omitted in order to illustrate within-group similarities despite the demographic heterogeneity of the sample.
Volpe, and Boydell (2007) contend, the “[t]raditional criteria for establishing the quality of qualitative research are not readily duplicated in QSA [i.e., Qualitative Secondary Analysis]” (p. 435). However, some of these quality checks were achievable, and they are detailed here.

**Credibility**

Substantiating the credibility of qualitative research, according to Lincoln and Guba (1985) is among the most important elements of ensuring trustworthiness in qualitative research. This concept relates to “[h]ow congruent are the findings with reality?” (Shenton, 2004, p. 64). This is also related to the concept *authenticity*, which is like the standard of validity for variables in quantitative research (Bachman & Schutt, 2015). Because the themes proposed in the following chapters will be supplemented by extensive excerpts from the interview transcripts, the offenders’ words will serve as credibility assessments for this research. To enhance the creditability of respondents’ reports of offending, official arrest data were incorporated into the life event calendars that were used as heuristic devices to increase the recall of previous events. And finally, other steps were taken during the primary study’s interviews to establish validity, including interviewer responses, which included a brief account of the nonverbal observations made by interviews that occasionally included interviewers’ suspicions that respondents may have been less than truthful. Within my control, however, were efforts to establish the fit of the original research study’s data with the purposes of this dissertation (discussed earlier) and to triangulate the data findings with other sources. With regard to the latter, because I did not conduct any of the interviews from the original study, it was useful to consult with the
interviewers from the original study in an effort to corroborate my findings with their experiences during the data collection phase.

Transferability

In terms of ensuring the transferability of this research, which relates to the ability of the findings to be applicable in other contexts (Lincoln & Guba, 1985), I made a strong effort to provide a thick description of the respondents’ narratives, the contexts of their testimonies, and how the conclusions of the analysis were reached. This, theoretically, could be beneficial to someone who aims to conduct comparable research using similar methods, but in a different context, to assess the extent to which my findings have any application to that effort.

Dependability

As experts in the field of social science research, my dissertation committee — especially via the feedback and advice that they have provided — served as the auditors of whether the research methods and findings are consistent and whether this research could be replicated by other researchers. A boon to this effort is that the faculty chair of this dissertation (and my de facto peer debriefer) was also the primary investigator of the Roads Diverge study. Towards establishing dependability, I was mindful to transparently detail the research methods and analytic strategy taken in this research, which is critical, according to Shenton (2004).
Confirmability

Confirmability pertains to the notion that the findings of this analysis reflect the data provided by the respondents and not my own personal biases. Because of the subjective nature of qualitative research, the analysis and reporting of data based on respondents’ views should be as free from researcher bias as possible. Toward this effort, detailing my reflexive account of the research process and my own assumptions, personal experiences, and position as the researcher is key. According to Moon (2008), “[t]he reflexive process is particularly important when analyzing secondary level data, as the researcher is faced with particular difficulties when trying to understand how the contextual setting may have impacted the original interview” (p.77). As such, I will provide an in-depth commentary on personal reflexivity in the Discussion chapter.
Chapter 4

INTERMITTENCY AS CONTINUITY AND SUBSEQUENT REOFFENDING

To review, the purpose of this dissertation is to explore the patterns of criminal intermittency among a contemporary sample of American mixed-race, mixed-gender, non-desisting criminal offenders. The primary theoretical framework used in this analysis is Carlsson’s (2013a) *forms of intermittency*, of which there are two: *intermittency as continuity* (i.e., “holding up”) and *intermittency as attempted change* (i.e., having a “will to desist”). While many of the respondents in this sample experienced periods of intermittency in which temporary breaks from offending were motivated by a will to desist subsequent to the onset of their offending, the focus of this chapter is on understanding the times when they entered into crime-free breaks in offending in the form of *intermittency as continuity*. Namely, attention in this chapter will be focused on understanding why they “held up” from offending temporarily and the factors related to the resumption of offending.

The first section of this chapter will describe how persistent offenders in this sample entered into periods of *intermittency as continuity*. The second section will explain the factors that activated the intent to reoffend (see Apel, 2013) between periods of temporary desistence when a will to desist was absent. As such, the second section of this chapter will be structured into six subsections that represent broad, cross-case themes that were found to be related to the structural, behavioral, and attitudinal factors that propelled reoffending between periodic instances of temporary desistance. These six themes are: (a) the strong magnetism of drugs, (b) attraction to
criminality, (c) prowess at offending, (d) the ability to downplay offending, (e) the need to survive, and (f) experiencing happenstance situations.

When reading these findings, it is critical to understand that “…intermittency takes place all the time, depending on how the period of time between offenses is operationalized. ‘Drifts’ or ‘lulls’ in offending are likely to occur due to the nature of the social world, full as it is with its complexity, coincidences, and contingencies’” (Carlsson, 2013a, p. 915). Because of this, as well as the structure and content of the interview data, in some cases, it is nearly impossible to assess with certainty whether or not an offender is in a period of intermittency. However, as Carlsson also stated, what separates the two forms of intermittency is having or lacking a will to desist, which is more identifiable in narratives than pinpointing the exact entry-exit details of erratic periods of temporary desistence. Therefore, the examples in this chapter are intended to illustrate common attitudes, behaviors, and other factors that offenders described when they reoffended after temporarily desisting when there was no desire to permanently desist and when there was no indication of changes in one’s lifestyle, routines, and identity that correspond with attempts to move to a conventional life were identifiable (Carlsson, 2013a).

4.1 Describing Intermittency as Continuity

Before explicating the factors that led respondents to resume their criminal behavior after temporarily desisting for a period of time, it is first necessary to describe why they were motivated to “hold up” in the first place.

Brad (Respondent 2102) is a white male who had been incarcerated multiple times throughout his life. Much of his criminality, as was the case for many of the respondents, was connected to his addiction to a variety of different drugs. When
discussing his cocaine addiction, he said that it progressed from occasional, recreational use to a full-fledged addiction: “Just about probably three or four times a week. It's pretty hard to do it daily at that age, when you're just running around stealing for it. I was doing it as often as I could and got in a shitload of trouble robbing houses.” When asked if he was working at the times he was using, he said that: “No, I was out hustling the street, man, stealing, selling drugs and shit, I was on the run from the police and everything. I haven't had a job, dude, since [year]…I've been in and out of jail.” At one point, however, Brad did hold up from offending for a while after one of his prison releases:

_Interviewer (I): What progressed that?_

_Respondent (R): I went to jail, I did like nine months in jail. That was murder, for the burglaries and stuff. I got out and was trying to do well._

_I: Were you clean? What do you mean ‘trying to do well’?_

_R: For about three months._

_I: Ok._

_R: I was clean, then I just got sucked back into it, you make bad choices, I'll put it that way._

It became clear later in the interview that many of the “bad choices” that Brad discussed involved the decision to begin using illicit drugs once again:

_I: So, you got out for the month of October, did you go back to live with your mom? This is [year] now._

_R: I got out September or October, right?_

_I: Yeah, you got out at the end of September._

_R: Yeah, I went home, and I was chillin’, and I was happy that I wasn't being supervised, so I was dabbling with drug use a little bit, but I was acutely aware_
of how out of control it could get, and I was trying to control it, and I was successful for a short period of time.

I: What were you using, was it just weed at that point?

R: Weed.

I: Or were you trying to control heroin use?

R: Yeah, I really enjoyed heroin, it didn't take me long to go back to it.

I: It usually doesn't.

R: Then, I started doing this hustle. This boosting hustle that I put together, then I met [someone], and that's when that took off, and I had three years of holy hell. It was an adventure.

Brad, like other offenders, described how he took short-lived breaks from offending once he was released from prison. He did not mention that these temporary cessations from criminality were entered into in an effort to permanently desist, however. What Brad did say about these breaks was that they ended once he decided to begin using drugs again.

Walter (1394), a black male, also explained how he would cease offending for a period after being released from prison, only to resume his criminality a short while thereafter.

I: You got out in April. How long before you were in selling, drug activity?

R: Like I said, it had came a time when I had gave myself a chance. Even though I wasn't [getting] caught or violating, I still had my hands dirty.

I: So, as soon as you got out, you were selling again?

R: I wouldn't say as soon as I got out; I would say a good four or five months.

I: How long was it until you started using?

R: It was in that same ballpark, I might have had a little Zinfandel, but...
I: No dope? Like three or four months after you got out, you started messing around again?

R: Yea[h].

I: When you started selling again, was it to make your own money or to support your habit?

R: Make more money and take care of responsibilities...

Unlike Brad, Walter did not get sucked into criminal activity because of his drug habit or addiction, but similarly ended up using drugs again nonetheless.

Nadine (2187), a Hispanic white female who had committed multiple thefts in the past, also noted that she paused her offending after being released from incarceration, but she was not wedded to permanently ending her offending during this period. In fact, she appeared to take pride in her criminal ability:

R: Ok. When you first got out, this is like [month] of [year], did [your] boosting continue?

I: I didn't immediately get back into criminal behavior, but my boyfriend was a drug dealer. I went to work every day. I cooked dinner every day. He would come home. I fed him. I would call him even if he was in his hood. ‘Baby, dinner's done.’ He'd come home. I have always been the wifey type anyway, but I always have been [the] stay-home, good type, but my criminal, I'm a better criminal than half the damn men. I'm just…it ticks all the time. And once you got that really, really, ticking like everything, and it's sad because I'm [current age], and I still, everything relates to [it in a way]. There's [no] way around that, you know? And I always think like that, and I hate it. But I tell you it has been quite a beneficial, you know, tool that I have.

Nadine was clear that she was fulfilling multiple roles during her brief pause in offending, despite her admitted criminal propensity. Moreover, despite being incarcerated several times for theft-related activities, she was still convinced that she
was skilled at crime and perceived the benefits of offending, at least at the time of the interview, still outweighed the costs.

In his interview, Logan (6094), a white male, went into greater detail about one of his incarceration experiences, and how that led him to temporarily desist from crime once released.

I: Here comes my next question, how did you do this third bit, this is the third time you're down? You're still a young man, how did you do this two years? Where was your head? Were you serious?

R: At first, when I picked up the two years, I got hit by a car running from probation, so I went to the hospital, then went to jail, I was all broke up in jail.

I: Were you in the medical unit?

R: Yeah, I was in the infirmary for a while, they did surgery on me, and they shipped me up to population for a while after infirmary. But then, I was kind of just depressed, sulking and depressed, but then, I don't know, I just snapped out of it and ended up being a tier man on there for a while.

I: So, did your head change? What happened that your head changed from the depression to now you're doing something?

R: I mean, I really didn't have the choice. I was back in jail. I figured, I just been through it before, I might as well make the best of it. So, I just took the initiative, and instead of being lazy, I signed up to be the tier man, trying to do different things.

I: What was your life plan as you were in the bit this time, what did you say you were going to do? Anything different or...?

R: Pretty much just set myself up for the same things, 'I'm gonna get out, get a job, a car,' you know, like that. Just it's the same area with the same people. I just hung out with the same people and they were doing the same things. A lot of them weren't going to jail, but I was. I get out of jail, and they're still doing the same stuff, and I fall right back into it.
Logan’s post-release pauses from criminal offending, akin to those of many other offenders, seemed to have occurred after developing an *imagined desistance* (Healy, 2014; Soyer, 2014). It was common for the respondents to explain that when they were incarcerated, they contemplated giving up their criminal- and drug-involved lifestyles upon their eventual return to society. However, the development of these “embryonic conventional identities” (Healy, 2014, p. 886) quickly dissipated once they were released (typically within days, weeks, or months). Other scholars would classify those who fail to reach a sustained period of recovery from drugs as “retreatists,” in the vein of Merton’s (1957) typology of deviance. For example, Gideon (2010), based on the results of a study of thirty-nine male inmates who had been members of an in-prison drug treatment therapeutic community in Israel, asserted that individuals who do not have the sufficient will or maturity to fulfill an attempt to desist may relapse as a way to escape from mainstream society.

As we have seen in previous narratives, and will see in Nate and Philip’s narratives forthcoming, this set of persistent offenders often used language that seemed to signal the acquisition of a will to desist while they are incarcerated, but these ephemeral thoughts of imagined desistance do not qualify as a development of a true will to desist because their breaks from offending were relatively short, and no changes in lifestyle, values, and routines accompanied these fleeting aspirations to desist once they were released.

The relatively long arrest and incarceration histories that many of these persisting offenders had experienced illuminated the fact that these episodes of *imagined desistance* were not isolated incidents, and often occurred multiple times. Nate’s (1623) narrative exemplifies this well. A black male, Nate had collectively
spent over fifteen years in prison at the time of the interview, stemming from convictions for drug trafficking, robbery, and probation violations. During one segment of his interview, Nate explained how he, again, held up from offending for five months after being released from prison.

I: So then you got violated, picked up this charge. What I'm looking for right now is the next time you go in, like your first bid, you knew you were gonna drink? Now your second bid, you go in, and you do this other time that you did. The other three years.

R: When I said I was working, doing the [inaudible], got laid off in the wintertime, so I started hustling again, then I caught another drug charge.

I: Because a lot of guys say that, 'look I was working, bill structure, I got laid off, my record, 'you know what I mean? That makes a lot of sense. So, you started hustling? When you're back down this second bid, this second one that you have, did it do anything different for your head? Did you say something like, ‘look, I gotta be smarter?’ What'd you think?

R: When I caught the charge?

I: Yeah, the second one.

R: When I caught the second one, I couldn't believe it happened that fast, anyway. So when I fell, I told myself I wasn't gonna do it no more.

I: What happened that you did do some more?

R: Being around the same people, doing the same thing.

I: So, you think you changed your mind in prison, but then you didn't change your people?

R: I changed my mind, to a certain extent.

I: Explain that to me.

R: I changed my mind to say I wanted to stop, but then when I got out, I did what I wanted to do, I didn't do nothing to help me stop.
I: I appreciate that. So, you didn't put your words into action?

R: Right.

In a similar vein, Kim (2401), a black female, described how she also would abstain from drug use and crime for a very short period of time after being released, but would resume using drugs and offending once she had grown “tired of doing good”:

I: Even though you would come out, was there any clean time where you didn't use for maybe like a month or 2 months, and then started?

R: Maybe, [because] when I get out, I don't just jump right into it again.

I: What would make you jump back into it right away? Was it around certain people [or]...

R: No, me doing the right thing, and then I get tired of doing good, and then I done go on and mess up.

I: What would you say the frequency in between the patterning and which how it would be, let's say you got out Friday, before you binge again?

R: Probably Monday.

I: Like 2 to 3 days?

R: Yes.

Philip’s (6153), a white male, example of intermittency as continuity below is a good example of how post-incarceration offending played out among many of the respondents, particularly among those with a history of drug addiction: when faced with the reality outside prison walls, a shift in thinking appears to occur that causes them cast aside the consideration of desistance that may have arose while incarcerated.
R: Well, to be honest with you, my thing was, I was operating off a number of [positivity] while I was incarcerated, and I never looked at the fact that I do good under some authority, but when I get a chance to have my own will, I crash, you know what I mean? I'm like, you know, like the crash dummy.

I: Why is that?

R: I never took what I learned and done nothing with it. It's like, I take my will back, 'okay, as long as I'm clean, I can do what I wanna do. I don't need to go to meetings, I don't need no sponsor, I don't need nobody saying that I can't do what I wanna do.' I can be the successful guy this way, and I keep trying different stuff. And nothing's never working.

In sum, the most prominent theme related to the entry into temporary desistance in the form of intermittency as continuity was that they were frequently characterized as short-term pauses in offending that occurred after a release from incarceration. Often, drugs were involved when these respondents eventually began offending again. The narratives in this section have provided the typical context for how brief periods of non-offending behavior in form of intermittency as continuity were entered into as described by the respondents. The following sections will highlight the primary reasons for a resumption in criminality that followed these temporary periods of desistance.

4.2 The Strong Magnetism of Drugs

As seen above, the most prominent theme related to these offenders’ resumption of their criminal activity after periods of temporary desistance was that it was commonly, in one way or another, drug-related. The analysis led to the development of three subthemes related to reoffending and the drugs-crime link: (a) an unwillingness to desist from drug use, (b) the inability to control drug use, and (c) the lucrateness of drug selling.
4.2.1 Unwilling to Desist from Drug Use

In their narratives, some respondents disclosed that, at various points in their lives, they enjoyed using drugs and had no desire to abstain from using them. This was not surprising given that 86% of the respondents had reported using at least one illicit substance in the 12 months prior to being interviewed (see Table 2). As such, regardless of any semblance of imagined desistance that may have developed while incarcerated, this attachment to substance use was one reason why crime was resumed after a period of temporary desistance.

Jodie (1340), a white female, said that she had a good childhood; “…we ate dinner together, you know what I mean? We had a mom and a dad. We had nice things,” she commented. However, she began using drugs at the age of thirteen, when she started “smoking weed, taking Quaaludes, doing acid, drinking.” When she turned seventeen, she began smoking crack cocaine. Her criminality also started around this time, as she began stealing cars and committing a series of robberies and burglaries. These offenses led to her first arrest, but that did not deter her from continuing to commit crime and to dismiss criminal justice sanctions in the process:

So, I had probation for [a theft], and I kept violatin’, and violatin’, and violatin’, and violatin’. Over and over again. I just kept violatin.’

As an adult, Jodie said that she had a fourteen-year period where she did not commit any crime or use drugs after one of her releases from prison. However, after experiencing a traumatic event roughly ten years before her interview (which will be discussed later), she relapsed, resumed offending, and picked up her old pattern of repeat probation violations:

I: At any of these times, were you trying to stop? Did you wanna stop?
R: No. I don’t have any kids or nothing to take care of at this point. ‘I can do whatever I want.’ I stopped getting high to take care of the kids. Maybe if I had taken the treatment back then.

I: Were you thinking about consequences or about the future?

R: All I was thinking about was getting high. Getting high.

Here, Jodie described a drug-related fraud she committed just prior to the Roads Diverge interview, for which she had an imminent court date:

I: Still same amount of drug use daily?

R: Yeah, definitely, up until I went to jail. When I got out of jail, I was only dabbing and dabbing, but...I was arrested again. I got pending charges now. I don’t have no probation. For [that] arrest, I took a prescription into a pharmacy that was real, but the doctor didn’t know about it. It was a real prescription with his identity and his phone number and everything, but the pharmacist called the people.

In addition to exemplifying the link between drug use and crime, Jodie’s narrative also demonstrates something very important toward understanding the cyclical nature and motivations for intermittent offending — offenders may acquire a will to desist, which may result in extended periods of desistance, sometimes even many years of crime- and drug-free living. Unfortunately, for those who found solace in drugs, a traumatic event is often all that is needed to compel reoffending in the future. It is possible that any subsequent breaks from criminality that may occur after reoffending may not be repeat attempts to “go straight,” but rather, these subsequent breaks from offending are in the form of *intermittency as continuity*. Therefore, while periods of *intermittency as continuity* generally precede instances of *intermittency as attempted change* across the life course, offenders may lose and acquire a will to desist multiple times in life, which means that they can oscillate between both of these
intermittency forms through the life course. As such, these interviews illuminate that both intermittency concepts are not mutually exclusive, nor do they occur with a consistent time order.

Similar to Jodie, Hank (6157), a black male, also had an extensive history of crime and drug use that began at an early age. He started burglarizing homes at age thirteen and using methamphetamine at age fifteen. When asked by the interviewer how many times he had been to prison prior to his initial interview in this longitudinal research project in the mid-1990s, he said, “I have no idea, a lot.”

After serving time in prison for criminal impersonation and second-degree forgery a few years prior to the Roads Diverge interview, Hank and the interviewer had this exchange regarding his post-release drug use:

*I:* Now, what were you thinking again? Like, ‘I got to do it right this time,’ or what?

*R:* Yeah, yeah.

*I:* What happened? You get out, and [you’re] home in [year], what happens?

*R:* Well, I remember getting high the same day I got out. My sister and her boyfriend came to pick me up, I got the early release, the 12:01 release at midnight, and then my sister and her boyfriend were there to pick me up at midnight, and they had beer, weed, coke, everything right there in the car with them, and I started getting fucked up from the door.

Brad (2102), like Hank, enthusiastically resumed using and selling drugs after his prison release after being detained following an escape attempt — alternating between the assortment of drugs (i.e., phencyclidine (PCP), cocaine, marijuana, and heroin) that he was using before being apprehended.
She died in [year], that’s my mom’s mom. She died in [year] and left me a thousand dollars, so that when I got out, I had a thousand dollars, and I started selling drugs immediately. I hooked up with this chick, and I just started running the streets immediately. I was back in jail in six months. I just was on a mission. I got real strung out on heroin. That’s when my heroin developed into a full-fledged addiction.

Brad, like many of the respondents in this sample and in the Roads Diverge study overall, had an extensive history with heroin use and addiction. Of the respondents in the sample, both those who were active drug users when they were interviewed and those who had used drugs in the past, having a history of heroin use was common. Heroin, compared to other illicit substances, is known to be among the most difficult from which to desist. Also, heroin use has long been closely linked to criminal offending (e.g., Ball, Shaffer, & Nurco, 1983; Hammersley et al., 1989; Inciardi, 1979; McGlothlin, Anglin, & Wilson, 1978; Nurco et al., 1984; Preble & Casey, 1969). Further, Delaware, in comparison to other states, has a well-known heroin- and opioid-abuse problem that continues to impact a demographically diverse segment of its population and has been cited as a major source of crime in the state. This is one of the most important contextual features of this research, and will be discussed in more detail in the Discussion chapter.

Another respondent who remarked that some of his criminality was motivated by his unfettered drug use was Logan (6094), a white male:

*I was out one night late, went by a car and [it] had the windows down and [the] pocketbook was sitting in there. I took the pocketbook and [it] had some checks, and credit cards, and cash, [I] started using that just to get high.*

However, during a two-year prison sentence that preceded this, he completed an in-prison drug treatment program. Following this release, Logan said that he was
able to stay clean from drugs for about three months, but his desire to use heroin eventually returned:

R: I never really intended, thought I would quit using all together. I would think if I would stay clean for a period of time or completed a program, I would use drugs as like a reward. You know, ‘I did that, so I’m entitled to go ahead and do this.’ But, ‘I’m only gonna do it this many days,’ and like that, but that didn’t last too long.

I: So you thought you could control your drug use?

R: Exactly.

A key aspect of Logan’s story is the counterintuitive notion that going back to drugs after a period of abstinence is like a “reward,” and that their use will be controlled “this time.” In cases such as this, some offenders do not view their substance abuse as a serious problem. After relapsing, and committing additional offenses over the years due to his addiction, Logan was re-incarcerated. When asked by the interview if he had a plan for his life after a particular prison release, he said:

Sorry to say, I kind of looked forward to getting out, because I had no probation, because I could do what I want and didn’t have to answer to nobody. I kind of looked forward to that. If I wanted to get high, I could get high; I didn’t have to piss in a cup, I don’t have to be in at 10 o’clock. I kind of looked forward to that. So, I was kind of happy it happened.

Offenders who decide to continue to use drugs regardless of the potential consequences, especially when they view this as a type of “reward,” tend to ignore the alternative possibility of not using drugs, let alone making attempts to desist entirely. As Locke and Frankfurt (1975) posited, one concept of free action is when an individual “acts freely when his action is avoidable or alterable by the agent himself” (p. 106). This is qualitatively different than other offenders who reoffend because they
continue to use drugs because their genuine efforts to break from addiction fail or when one cannot control the intoxicating effects of the substances they use. These similar, yet different, manifestations of intermittency will be examined next.

4.2.2 The Inability to Control Drug Use

For other offenders who consumed drugs, substance-related criminal offending was a function of their inability to control their drug use despite their best intentions. The analysis found that there are two facets to this second drug-related theme related to intermittent offending. There are those who cannot shed their drug addiction even when they desire to, and on the other hand, there are others who are unable to control their behavior when they are under the influence of drugs. Consequently, drug use is connected — either directly or indirectly — to the resumption of criminal offending after taking a break.

Sarah (2260) was one respondent who appeared to have a desire to move away from drug use and the offending that is linked to it, but she was despondent that she was not able to desist from her substance abuse. She is a white female who, at the time of the interview, was an active PCP user. She had been involved in using and selling the drug since she was sixteen years old, which is also when she was first arrested for selling PCP to an undercover police officer. Sarah described how she could not simply stop using this drug:

I: Selling it?

R: I started swinging the hell out of it, and I actually until this day, I still like it.

I: Do you find it a challenge to stay away from it?

R: It’s very much a challenge to stay away from it, very much.
I: And what do you do to make sure you don’t give into it?

R: Are you kidding me? I’m swinging every day, that is my medication, I’m on my Xanax and stuff from my psychiatrist, and I said, ‘look, I can't stop, I'm sorry, it keeps me calm, I can't function.’ It seems like I can't function without it. I've been doing it for so long, and if I don’t have it, I won't even get up out of bed, I won’t do nothing.

I: So it’s been every day since 16?

R: Every day.

Unlike the respondents in the previous section who seemingly had no interest in desisting from their drug use, others, like Sarah, have difficulty breaking away from drug addiction, which is tied to their intermittent patterns of offending. Although she claimed that she still enjoyed using PCP, Sarah also admitted that leaving it behind was “very much a challenge.” As she explained, the therapeutic benefits that she gained from using PCP is the reason why desisting was problematic. Sarah clearly did not perceive the drug as recreational, but as a necessary medication.

Kim (2401) was another respondent who had not yet been able to abstain from drug use and offending. She discussed how she lost her job because of hours-long crack cocaine binges that made it difficult for her to show up for work: “Yes…all night long, I used to hate to see day break when it come, I wouldn’t even feel right when I see it.” Although Kim was using crack cocaine while employed, she didn’t begin to steal until after she lost her job, which coincided with more-frequent drug use.

Like Sarah, Kim acknowledged her physical addiction. She clearly articulated that she had battled hard to decrease the frequency of her use, but stopping completely was an arduous undertaking for her.
I: Did you want to stop?

R: Yeah, like I wanna stop now. I do it, but I don't do it like I used to no more.

I: So, there [is] change?

R: Yeah, it is, a lot. [Because] I don't wake up jonesin' for it, as long as I don't do that...but once I get started, ain't no stopping me now...

Kim continued to intermittently offend to support her habit, but claimed that she wanted to desist from that as well:

I’ll go to the stores [that’s] how I get my money — I shoplift! I still do that, and I need to stop. And I still smoke crack, too, every now and then.

While these last narratives revealed the relationship between drug dependence and crime to pay for their drug habit, others described crime that occurred as a result of their reduced inhibitions while intoxicated on either licit or illicit substances. Cyrus (1283), a white male, described an instance when he committed a burglary while he was intoxicated.

R: I kicked [in] my brother-in-law’s door, and he owed me $22,800, and I went out and got high one night and wanted some money, and he wasn’t around, so I kept trying for like 5 months, you know? I was on-rate at work, and he was paying it. I was working at [a local college] [as a] matter of fact, and he wasn’t paying the rate. He kept saying, ‘I’ll get it to you, I’ll get it to you,’ so after about 5 or 6 months of this money adding up, I went out and got fucked up, kicked his door, and took the change jug out of his house, and that’s what I got 3 years for. They offered me 8 [years] for burglary [in the second degree].

I: For a change jug?

R: Fucking $100; he said I took $8900. It was $111, I think.

It is not clear from Cyrus’ story exactly what substances he was on when he “got fucked up” and committed this burglary, but other portions of the interview
revealed that he had been a heavy user of cocaine and alcohol around the period when this incident took place. Although it is not possible to definitively conclude whether the burglary was a premeditated offense, it appears he believed that his intoxication compelled him to commit this crime. Of course, it may be that being high was simply a post hoc excuse for committing the burglary that he had already decided to commit, an issue that will be revisited later in the chapter.

The psychopharmacological model of the drugs-crime nexus contends that for some individuals, criminal offending is the direct result of drug-induced impairment (Goldstein, 1985). Studies have confirmed that such a link exists (e.g., Haggård-Grann et al., 2006), but the nature of this link varies depending upon the substance ingested and the type of crime committed (see Fagan, 1990).

Brian (2244) was another respondent who had committed crimes while under the influence of drugs. He is a white male who explained that, when he was younger, he would commit crimes in order to obtain drugs, because he did not have any money to buy them:

*Same thing back with the burglary, second burglary, third, like in [year] that was the same type of thing where I needed money for drugs and just didn’t care. Started kicking in people’s doors in broad daylight and just going in grabbing shit and running out.*

However, later in life, he committed a robbery unintentionally because he was *on* drugs — “…wasn’t like…I had money, you know, I had a car, just blacked out” — not out of desperation to purchase drugs.

*I: Oh, ok. Got you. So, so, so, the robbery, you’re saying it wasn’t drug-related?*

*R: Yeah. But, I was on drugs, I mean I was on alcohol and Xanax…instead of my usual, which is heroin. Instead of doing like, the one in [year] was more out of like desperation. I mean, more out of like… the [year] was more out of...*
desperation, the one in [year] was me being all messed up on Xanax and drinking.

Brian’s claim that this robbery was not intentional and was committed when he was impaired due to a mixture of alcohol and the benzodiazepine medication Xanax (i.e., alprazolam) is not all that surprising considering that it is well-known that combining alcohol and benzodiazepines can cause significant cognitive impairment (Lader, 2011).

The two themes discussed so far have been related to the direct or indirect effects of substance use on some offenders’ ongoing, yet sporadic, criminality. The next section will highlight a more utilitarian theme with regard to drug-related crime, which highlights the inherent cost and benefit analysis that some offenders engaged in when deciding to intermittently offend.

4.2.3 The Lucrativeness of Drug Sales

The third subtheme that relates to the drugs-crime link and the continuation of offending after a period of intermittency as continuity is related to the financial benefits that some persistent offenders reap from drug sales. For many of the respondents, drug sales was a common offense type — the lure of making quick, fast money was a strong motivation to resume offending. Some offenders who had obtained a conventional job did cease offending for relatively short periods of time, only to restart their criminal offending later on. Many respondents found that the wages they earned while working were simply inadequate to support themselves and their dependents, which led to the decision to reoffend. In others’ cases, they continued to offend while working to supplement the income that they earned legally.
Walter (1394), a black male, detailed how he sold drugs as a fast way to make money. An active heroin user at the time of the interview, he said that he had a good childhood, but began using heroin around the age of fifteen or sixteen. At age nineteen, he was convicted of drug distribution and spent three-and-a-half years in prison. Like many respondents, as illustrated above, Walter said that while incarcerated, “I would go to rehab here, go to rehab there, trying to get this thing back together, and I come out and do well for a good spell, and then I’ll fall off the wagon. My cycle repeat[ed] itself.” When asked how often he used heroin upon his release, he said, “every day.” After a period of time using drugs and being employed intermittently, Walter began selling drugs.

I: Prior to you getting arrested, you had really stayed out of trouble for the most part...I mean you were using, but you never got caught with nothing. When you started selling, did you think about the consequences?

R: At the time, no. I was just letting it go. It was fast money. I didn’t even stop to think about it.

The reason, it seems, that Walter was not dissuaded by the possible consequences of his cocaine selling was that he was making a large amount of money and he sensed that the risk of apprehension by the police was low:

I made in a week, back then, 5, 6 grand. [Because] you could stand out on the corner all day. Back then, the police wasn’t riding like they riding now. You didn’t have to bag it up; you could sell it out of 7/11 Slurpee straws. Dipping it. And this is when it was just powder. It wasn’t cooked-up rock.

It was common for these respondents to frame their drug selling as something they did sporadically. Many of the offenders had irregular work patterns — cycling between periods of unemployment and employment frequently. Because of the
Tenuousness of their job situations, drug-selling may have started off as a supplementary activity, but eventually evolved into a more-common occurrence. This “moonlighting” in crime is a common feature of intermittency as continuity, according to Carlsson (2013a), and was prominent in some of the respondents’ narratives.

Mario (6181), a white male, was a respondent who had an extensive history of drug sales. His personal drug of choice was marijuana, and he said that he was an active user at the time of the interview. He said that he was a “late bloomer” regarding his crime onset. At the age of twenty, he and a group of friends committed a robbery, the motivation for which was: “Just to do it, man, just to do it.” After serving two years in prison for that offense, he resumed his drug selling. When asked by the interviewer about his thoughts on offending at the time, he said:

*It’s like, I don’t know. It’s like you’re making money, and even at that time, I was probably making some good money, but it’s like so, ‘I want to make more money.’ And being [that] I smoked weed, I figured, ‘hell, instead of calling somebody and giving him my money every week, I get my own stash and take care of my friends.’*

Mario became employed at one point after being released after violating his probation, but he was terminated from that position after nine months. He said that his sporadic drug selling became constant after he became unemployed.

*I: So, where did you go in [year] after [place of employment]?

R: I just grinded then, I was like, ‘fuck this shit, yo.’

I: So, [you] didn’t work at all?

R: Yeah.

I: *Is that when you started hustling?*
R: Yeah. Well, I always hustled dilly dally, but that’s when I was just like, ‘man, bump it, I’m just gonna do it all the time,’ all day, every day.

Nate (1623) also described how he started selling drugs as a way to make additional money. He had worked periodically in between his prison terms. After being released from a residential treatment program, he was able to secure a job (the nature of which was not described), but that ended up being temporary because he eventually got laid off. In this exchange, Nate described how he always returned to drug selling on and off because of his frequent incarcerations and intermittent work history.

I: Was you not looking for jobs [because] you figured hustling was quicker?

R: Yeah, I tried using it as a part-time.

I: So, just ‘make what I can make real quick, don’t worry about it, I don’t need a real job?’ Well, if you’re living with your granddad, you’re living with your girl, you’re living with, you know, other people, so you don’t have to carry by yourself?

R: Yeah, but I still had to bring some income in. A lot of times, I didn’t have to go down the road, but I went down the road.

I: That’s what I'm looking for, why, why’d you go down the road? Why’d you continue down that road?

R: [Because] it seemed easier.

I: Did you ever feel like, ‘what the heck, I'm not gonna get no job anyway?’

R: Yeah, I wanted to be my own boss. I want to get up in the morning when I want to get up.

Kyle (6183), a black male, said that he had been a long-time marijuana smoker, like Mario above, but his use decreased over time. Although he had been
employed more or less steadily since he was a teenager, he said that he began selling marijuana as a low-risk way to supplement the wages he earned at his jobs.

_I: So, what did you come up with, was it selling drugs or trying drugs and stuff?

_R: No, just selling drugs, mostly just selling drugs and just trying to, trying to work and sell drugs and just trying to make it work. You know what I mean, trying to figure out a quick get-rich scheme. So, you know what I mean, so I started hanging with them and started selling drugs and being out in the street more and more every day. I’d say, I mean don’t get me wrong, I’m saying, I always kept a job off and on, but, you know, I always never really, I’d be like, ‘well listen, I’m making more selling weed so that’s better. I’m not really out,’ you know what I mean, ‘I’m not really out there like that.’

Kyle said that he “was not really out there like that” when referring to his drug selling, which indicates that he viewed his involvement in the drug trade as relatively minimal. He also mentioned how drug selling was a more-profitable enterprise than working, especially when, as was the case for nearly all of the offenders in this sample, the vast majority of available employment opportunities were for low-wage jobs.

Bruce (618), a black male, also made references to the profitability of drug sales as well as under-the-table work. After committing a burglary when he was younger, he was sentenced to a ten-year prison sentence. He said in his interview that he entered into a residential drug treatment program as the final requirement of his sentence. Upon his release, he said that he vowed to “use my program” and not to return to prison. He began working, and said that he loved his job, but he was eventually laid off, to which he said, “[I]t devastated me, [because] I didn’t save no money.” Once the assignment ended, his only income came from unemployment insurance, which only provided a fraction of his original income. At that point, he
began selling cocaine and detailing cars as a means to supplement his income, as it appears that he had little hope for any alternative ways to earn a living.

I: What about the drug dealing in [year]?

R: I’m still pumping.

I: Detailing cars as you need to?

R: Yea.

I: Treatment, crime, arrest? Anything like that?

R: No.

I: Where is your head? I know your mother is a very religious person, anything happening with that or you still...[had] your head like?

R: [Still] with a don’t-care attitude.

It is important to note that Bruce was in his forties when he decided to sell drugs. The interviewer was curious as to what led to the onset of this specific form of offending at this stage in his life.

I: Now [I] haven’t heard you mention that before until this late age. How did that happen? [Because] that’s kind of [late] to get started to do that.

R: I seen that you could make some money off of it, so I [would] take my check and flip it.

I: By flip it, he means purchase some product...

R: And [sell] it for retail.

I: So, you start using that, other than that, any kind of criminal activity for [a three-year period]?

R: No, nope.
I: And no arrests?

R: No, nothing.

Bruce commented that his decision to begin selling drugs was a way to “make ends meet.” He also said that he was able sell cocaine for a three-year period without being arrested. As Uggen and Thompson (2003) note, the financial benefits of drug dealing, particularly heroin and cocaine, can be more profitable than working a low-wage job, which are often the types of jobs that offenders with lengthy criminal records are relegated to, if they are able to obtain employment at all.

The findings in this section relate closely to the research of Venkatesh (2006) who found that many people who are either marginally employed or unemployed engage in illegal enterprises in the black market. They may work under-the-table, wash cars, sell drugs, or other money-making activities that characterize the underground economy that exists in many low-income, inner-city communities, such as the Southside of Chicago, where Venkatesh conducted his research, or in sections of Wilmington and other locales in Delaware, where unemployment is high, legitimate opportunities for advancement are scant, and drug use is pervasive.

4.3 Addiction to Criminality

The second broad theme concerning offenders’ return to criminal involvement after temporary pauses was directly tied to the allure of offending. That is to say, some offenders revealed that their continued criminality was primarily motivated by the act of committing crime itself and the thrill that it provides.

At the time of the interview, Natasha (1560), a black woman, was married and had two sons. Her criminality and drug use started at the age of twelve, and she had an
extensive history of offending and incarceration. By the mid-1990s, she remarked that she had been arrested “probably twenty [times]” for various shoplifting and assault charges. As time progressed, she would go on to reoffend from time-to-time and was arrested and incarcerated for mostly shoplifting charges and probation violations.

Although she had used marijuana, cocaine, and heroin, mostly earlier in life, she said that “shoplifting was basically my drug. I liked to shoplift. I would do drugs if I got it free. I wasn’t going to spend my money on it. But, the people I hung around with basically had plenty.” At one point, when directly asked by the interviewer if shoplifting was her addiction, she said that “it is.” Natasha explained:

*No, it’s a high. I mean, it’s like sex, I’d rather go shoplifting. Rather get me something new than have sex. It’s like I gotta have something new every day. Or I did, now it’s not so much every day. But I do have to have something new or I just don’t feel right, you know?*

She confessed that she had started to feel increasingly guilty about her intermittent offending because she did not steal out of necessity, as she had in previous years, but mainly for the thrill:

*Yea, I feel like now it’s just a sport because I got a husband, he makes good money, and I’m not trying to go to jail and lose everything. So, I figure if I do it here and there, then I’m straight.*

Natasha did, however, say that she planned to continue to periodically shoplift, and estimated that she did so monthly at the time of the interview, which was a significant decrease from her past frequency.

*I know I’m gonna do it again. I think even if I’m a millionaire, if there’s something I can get I’m gonna get it. You know, I [steal] from the stores, I don’t steal from people. I mean, I know that’s still stealing from people, but I look at it like they got insurance on their stuff, and if you’re slipping, then I’m gonna get it.*
Respondents like Natasha, whose motivation for offending is for the sake of doing so, represents what Topalli (2006) calls the “seductive nature of autotelic crime.” In these instances, offenders often feel little to no guilt for their criminal transgressions. Natasha viewed stealing as “just a sport,” and acknowledged that her thefts were to satisfy her own addiction to the act of committing the crime and getting away without being apprehended. However, she understood the risk associated with committing frequent thefts, saying that she did it “here and there” in order to reduce the likelihood of apprehension. Natasha also accounted for her thefts “from the stores” by using the denial of victim technique as a justification (Scott & Lyman, 1968), which some offenders use when the victims of their infractions are “faceless or plastic” (Copes, Vieraitis, & Jochum, 2007, p. 453). A further discussion of how offenders account for (i.e., to justify or excuse) their criminality will be discussed later in the chapter.

Vivian (1116), a white female, also began stealing at an early age. At age seventeen, while working at a restaurant, she said, “I started taking money from the register and from that on.” Her first arrest came at the age of twenty-five, which also was for stealing money from an employer, for which she received a probation sentence. As she grew older, Vivian continued her pattern of thefts from her places of employment. On that point, she had no qualms about her offending, even though she indicated that she enjoyed her jobs, overall.

*I:* Each time you did it was there something going in your head, did you ever [think], ‘oh, I might get caught?’

*R:* Mhm, to me my money is a high for me because, you know, like when I was working for the [employer], I would take the money orders and go to the bank and it was a whole way of driving to the bank, and I'm like, ‘oh my God, here I go, I got all this money,’ the adrenaline was just gone. And then after, I would
go to the drive-thru and cash the money orders and just drive away and was, ‘whew, I got away this time.’ And it was excitement to me, and that is my problem.

Vivian, initially described that “money is a high for me,” but she also spoke to the “excitement” that she got from getting away with these crimes, to which she conceded: “that is my problem.”

Anthony (6134), a black male, discussed retrospectively how the sole motivation of some of his past criminal acts was for the “fun” of it. The portion of his interview below followed a conversation about a three-year mandatory prison sentence he received for a drug trafficking conviction:

*I: So tell me, was that most of your crime stuff up until [year], selling?*

*R: No, I was doing robberies then, I was not [doing] burglaries [because] nobody’s home on a burglary, so it’s robberies — crack houses, drug stores. Not drug stores like Rite Aid, but you know in [a city], we got drug stores.*

*I: What was the robbery for in all that, [were] the robberies for money? Money for drugs or money?*

*R: For the fun.*

*I: So the adrenaline thing, excitement?*

*R: Yeah, I’m telling you, like, when I moved to [a city], like I said, my uncles... I got cousins and uncles that was getting the nice dollar. When I moved to [a city], I didn’t have to hustle.*

In addition to his admission that he robbed, not for financial gain, but due to his affinity for the exhilaration he gained during these offenses, Anthony also revealed how he preferred certain targets over others. He said that he would rather stick up crack houses and drug stores versus homes, because “nobody’s home” during residential burglaries. It appears, then, that some of the delight that came from
committing these brazen robberies was because the locations that he targeted were occupied — which suggests that he enjoyed the confrontational nature of face-to-face violence.

A distinctly separate facet of criminal addiction, for some offenders, is having a strong attraction to criminal peer networks and environments, as opposed to an addiction to the commission of crime per se. It was often the case that when an offender was released after a period of incarceration, they were unable to fight the temptation to return to the social environments that, more often than not, they were allied with prior to being incarcerated. This relates to the concept of “criminal embeddedness” and its existence in some communities, which scholars such as Hagan (1993) have described.

One respondent who remarked about the addictive draw of criminal environments was Adrian (1498), a black male. After one of his prison releases, he gained a job, one that he kept for three years. But, like some of the other offenders in the previous section, he eventually started “moonlighting,” selling drugs simultaneously while working. Ultimately, however, he was laid off from this job, but continued to sell drugs, which he linked to associating with his peers.

*When I was working, I won’t lie, I was content, and I told myself, even if, I told myself when I went to jail that if I got a job, then I’m [alright], I never wanted to get back in the game or none of that, I wanted to work every day, [doing] what I do, and I was still stopping in the areas where I wasn’t supposed to be at, but I was still stopping at those areas to holla at my boys and my friends and all that stuff like that.*

Unlike others who lost their jobs, he said that he had sufficient financial support at the time. His partner at the time was able to contribute to supporting him and his children, and he was able to collect unemployment, but he commented that, “I
just ain't satisfied with it, it ain't enough. I've got a family, and [you know], that’s why I started doggin’ back to the drugs, selling…”

I: Now, before you started, what convinced you to sell? Why did you have to get back in the game, was it compensation? Was it the excitement of it all?

R: Probably the excitement of it all, because I really didn’t need to do that.

While he initially cited his familial obligations as his reason for selling drugs, he later admitted that supporting his family may not have been the primary motivation for his offending. Instead, as Adrian confessed, it was his attraction to the criminal lifestyle, which, again, represents a different aspect of addiction to criminality versus an addiction to the commission of the crime itself. This supports the findings of Giordano, Cernkovich, and Holland (2003) who found that contacts with deviant peer networks is closely linked to higher levels of offending among adult offenders.

Kyle’s (6183) narrative supports this finding as well. He also described how strongly he was attached to the criminal lifestyle, and how it led to his persistence in offending, despite his attempts to “slow down” after being incarcerated.

I: So, then after you got off all that, what did you get into next?

R: I think after that I started working here and there, you know what I mean, started messing with these different girls, and...I ended up having my daughter, and I tried to do some different stuff, I tried to slow down, you know what I mean, and stuff like that. But, you know what I mean, I always went back to the street, always went back to the street. Like, even if I was working, like, [I] always sold drugs, always was in the street doing something.

As noted earlier, females in this sample of intermittent offenders were equally likely to be seduced by the excitement of the criminal context. A white female, Darlene (2114) was first institutionalized at an early age. At the age of ten, she was
sent to a youth facility when she was deemed an “uncontrollable child” for assaulting
the principal at her elementary school. She began using marijuana at the age of
thirteen and was a very heavy drug abuser throughout her life. In this passage, she
described her drug use during her mid-twenties:

Oh baby, I was smoking ounces. I spent $7000 one night on cocaine in the base
house. I went right back down there and made 7 thousand more dollars that
night. I smoked a whole $7000 dollars’ worth. When my kids’ father put me
down with that, and taught me how to smoke, and when I really felt how the high
was, the high was like unbelievable.

Later in life, Darlene spent four years incarcerated and participated in
mandatory in- and out-of-prison rehabilitation programs for trafficking cocaine. She
said that, despite completing the in-prison treatment program successfully, and having
a good relationship with the director of the program, she returned to her old peer
associations and environment after her release:

R: Yeah, I just went back to people, places, and things after my mom died, and
between that time, I just went back to people, places, and things and started
getting high again and started smoking.

I: Why did you do that if in [the post-release treatment program] they taught
you not to do that, why did you do that?

R: Stubborn, no reason.

I: Did you have other options?

R: Yeah, I could have stayed home, boredom set in, had no friends, all my friends
got high. I felt like I needed to be around somebody, and NA wasn’t good enough
for me. I couldn’t do NA because of the fact that every time I go speak at an NA
meeting, somebody [wants] to go to bed with me. ‘I ain’t come here to fuck, I
came here to tell a story.’ Shit, they kept you vulnerable, ‘oh it get[s] greater
later, sister it’s gonna get better.’ But as soon as I get out the door, ‘can I take
you out?’ I said, ‘you’re just trying to fuck me, you’re trying to fuck me, and I’m
just coming in trying to tell a story. I just relapsed, and you’re trying to get some
pussy?’ I said, ‘Jesus, no, this is not for me. This is not for me.’ I said, ‘fuck NA, I’m not going back to no NA,’ I never went back neither. Every time I go back to NA, they say, ‘oh it’s gonna be alright,’ then they want to touch you certain ways, you dirty mother, get the hell out of here, oh shit. So I couldn’t do that, and they was sober people, so I went back to the people that was doing the wrong thing.

After returning to her old associations, Darlene said that she relapsed and began offending again, saying that, “I got back into the life. I had assault charges, oh my God.” Leverentz (2011) noted that some released offenders find “comfort in the familiar,” which is why they decide to return to their old neighborhoods and peer associations and are unable to “knife off” such people, places, and things (Maruna & Roy, 2007). We also see that Darlene was averse to the Narcotics Anonymous (NA) treatment program once she was released. It was common for these offenders to reject treatment programs in one way or another, especially when they lacked the will to desist from criminality and drug use. This will be explored more fully in the next chapter.

4.4 Prowess at Offending

Prowess at offending was a third theme that stood out in the analysis when some respondents explained their resumption of criminal offending between temporary breaks. While this may appear to be synonymous with the theme above, where crimes were rooted in an addiction to the act of offending or attraction to the criminal lifestyle, the offenders within this category realized that they were good at offending, which gave them the confidence to reoffend. For them, it was not the thrill of the act or the criminal lifestyle that encouraged them offend, but rather, they perceived themselves as skilled at crime, and therefore at a low risk of getting caught. This prowess appears to have tipped the cost-benefit analysis away from desistance.
Rick (2323), a white male, asserted at the very beginning of the interview that he was an active marijuana user. In the past, however, he developed an addiction to heroin, and many of his crimes were committed to finance his addiction. He was asked by the interviewer if he had a history of drug sales, he said, “No. I always been way better at robbing people. Selling drugs takes too much time, I don’t have the patience for it.”

Rick said that, at one point, he robbed banks every so often, but once his heroin addiction became more severe, his offending frequency increased.

*R: And as soon as I moved back up here, I got in a bad car accident and fractured a disk in my back. And the heroin was just right there. It was like fate. And then as soon as I started doing it regularly, within six months, I robbed the bank.*

*I: Wow. Alright, so when you say regularly, what’s regularly? To rob a bank, you needed money. So, what’s...?*

*R: No, I mean like, from just, like I did it three times, sporadically over a long period of time. And then I just, the next time I picked it up, I was like, it was just on. It was just one hundred miles an hour after that.*

Rick did spend time in prison for some of his crimes, but in relative terms, he said that he was very successful at offending, which is why he continued to do so.

*I: Any major events happen to you in [year]?*

*R: [Year]? Nothing that I got caught for. That’s what I tell my dad. My dad was like, ‘it’s like he always getting locked up, getting caught.’ I’m like, yea, but if you’re me, and you’re thinking, I’m thinking that like if you add up the shit, I got a ninety-eight percent win rate. Because I only get caught for two percent. I’d do a hundred burglaries in a month, and be caught for one.*

Rick’s narrative on his success at offending exemplifies the feeling that many offenders who represented this theme had regarding their prowess at committing crime
they often have a high sense of *criminal self-efficacy* (Brezina & Topalli, 2012), meaning that they perceive themselves at being skillful at committing crime successfully, adept at “beating the system,” and being able to “pull it off.” As Farrall (2004) claimed, a very small percentage (2%) of criminal offenses result in criminal justice sanctions. Hence, while they may take breaks, it is not surprising that some offenders persist in their criminality because they believe that they are adroit at offending and can ably elude capture. In many ways, Rick represents the “successful” type of offender that Shover (1985) discussed — he perceived that there was a sustained value gained through criminal offending, so he continued to do so.

Chase (2393), a white male, also discussed his prowess at offending. In the part of the interview related to his criminal offending pattern early in life, he described his criminality as being “intermittent” after the onset.

*Um, no, I’m thinking it was earlier than that, maybe it was 25, and I stole a purse [then] a couple of DUIs later on in my 20’s, and then I robbed gas stations, and went to jail, so there wasn’t a whole string of crime before I did what I did, so it was kind of intermittent.*

Regarding the gas station robberies that Chase mentioned, those were closely tied to the development of a heroin addiction later in life. He commented that his drug use was also intermittent at times, which coincided with his pattern of robberies. However, during the times when he was heavily using, he would rob gas stations more frequently due to his success at committing these offenses.

*I: Alright, so now you get to the point where you’re robbing gas stations, like it’s your thing, I mean, you had to know it was going to catch up with you at some point, or did you really think you were going to get away with it?*
R: Yeah, I thought I could keep getting away with it, I thought I was pretty good, you know I had did 9 [gas stations], and they weren’t even on me at all. They had a picture of the suspect in the paper, and it didn’t look anything like me, I looked in the paper, and I was like, ‘oh my God, they’re not even close,’ so I was thinking you know, ‘I'm doing pretty good,’ but yeah, in the back of your mind, you’re thinking, ‘yeah, I'm going to get caught,’ but you justify that, too, and say you know, ‘maybe I can get a plea bargain, maybe I’ll get out of it.’

I: Wow, so you were willing to get caught to keep using?

R: Yeah.

I: So, you knew you were going to get caught, but you were willing to [put] on some trick to yourself that you were going to get off in some kind of way?

R: Yeah, I was like, ‘I’ve never done anything like this before, maybe I’ll get a first offense,’ you know, and it was, [if] I get caught, which is probably not going to happen, because I was so good.

I: Right, ‘I’ll do one or two more, and then I’ll stop.’

R: Yeah, it was just like drugs, ‘I’ll do one more, and then I’ll stop, I’ll do one more gas station...’

Nadine (2187) explained that criminality was common in her family. She said that, in addition to herself, all of her siblings had been incarcerated throughout their lives. Her theft onset began at the age of “seven or eight,” when she would steal from stores. When the interviewer asked what she was taking from stores during her thefts as a juvenile, Nadine said:

*Erasers and little tiny pencils. They was real little and tiny pencils. And I wanted them, and I kept going back to the store seeing them and kept asking my mom. She said, ‘I ain’t got money for that shit.’ And so, I stole them. And probably have been throwing it in the bag ever since.*

Nadine’s first prison sentence came about from committing a robbery at age twenty-five. Like other offenders, she bragged about her adeptness at stealing:
Yeah so, I was a good damn thief. I was very experienced. I fit the application, I was very, I was [a] top-level thief by that time, so yeah, that was my big crime, and I got my robbery charge for that. So, it was always stealing.

Despite being convicted and incarcerated multiple times for theft and being employed during the interview, she admitted that she continued to steal occasionally. Nadine said that she was not doing well financially, and cited this, in addition to her competence at offending, as a reason that she continued to commit thefts.

R: I’m struggling now, honey. My daughter needs hair ties. She needs flip flops, honey, come on. I drop the kids off. I never take my kids to do what I do, but I drop them off, and trade this pocketbook in for one that’s probably twice as big. And go hit [a department store]. And that’s the truth.

I: Do you ever think about consequences?

R: Yeah. I think about consequences, but let me tell you how good I am. A shoplifting charge, psssh. It’s a misdemeanor. It’s going to be a ticket, a fine, something like that, and I’m gonna go on home. I never put more [than], I’m not going after big stuff. I’m taking [from the] dollar store. Mostly, I only tear up dollar stores. It’s not going to be, the consequences aren’t going to be something that, that’s going to be, you know, [I] do think about them, and, and, and probably should think a little more, but I also think about, ‘damn, what if I ain’t got no money to get that?’ I have a pocketbook full of money, just got paid today. When I leave here, I’m gonna pay [my] water bill, my cable bill, and my phone bill, and my car insurance, and then there’s nothing, you know. So, what do I do?

We also see that Nadine dismissed the possible legal ramifications that she would face if she was apprehended for theft. Among offenders who believe that they are good at offending, many simultaneously downplay their criminal behavior. This cognitive tactic will be discussed next.
4.5 Ability to Downplay Criminality

An important aspect of gaining a greater perspective of the lived experience of an offender is analyzing how they understand their criminal acts when discussing them, what Presser (2009) calls viewing the *narrative as interpretation*. As such, the fourth theme that will be discussed related to the intermittency of criminality of offenders is that they often downplay their offending behavior when they discuss it, particularly by the use of *accounts* (Scott & Lyman, 1968) in an attempt to excuse or justify their offending.

Because many of the respondents in this study had a long history of offending over the life course, some of the recent crimes that they committed were marginalized and seen as negligible when they discussed them, especially when compared to the severity and intensity of their prior offending. This more frequently occurred when offenders had moved to less-serious crimes compared to the ones they committed earlier in life or when they perceived that the harm caused by their offending as insignificant. Some contend that offenders who commit relatively minor crimes may be able to do so because they cognitively accept neutralizations more easily than when committing more serious offenses, because these crimes do not elicit equivalent feelings of guilt or wrongdoing (Morris & Copes, 2012). For example, as Cromwell and Thurman (2003) found in a study of 137 apprehended shoplifters who were mandated to a diversion program for first-time offenders, a host of neutralization techniques were commonly employed by offenders who commit this specific type of offending. Of course, these techniques have already been alluded to earlier by Natasha, who rationalized her shoplifting as victimless because “stores have insurance,” but this section more fully delineates these social accounts.
Brenda (2013), a black female, was pregnant at the time of the interview, and she also conceded that she continued to use methamphetamine. While explaining her criminal history, she was very adamant about minimizing her behavior:

**I:** I want to get into your criminal behavior, just a little but about your incarceration.

**R:** I really don’t have a criminal behavior! I only got locked up for, um, loitering, trespassing, um, criminal impersonation, drug use, that’s it. I wasn’t too much into robbing, stealing, I wasn’t too much into stuff like that.

**I:** So that early stuff, when you were 14, that grand theft auto...

**R:** [T]hat’s just when I was young, and I didn’t even steal a car then, I just drove it.

**I:** Ok, that was with the boyfriend?

**R:** Yeah.

**I:** And then, when you’re 17, the robbery for which you had to pay $32,000 restitution?

**R:** Yeah, that was my first time, I just took somebody’s wallet. It was all planned out, all I had to do was take the wallet, that’s all I had to do, that was it.

**I:** This is you with the other two girls?

**R:** Yeah. So, I really...I’m not a shoplifter, I really don’t get into stuff like that. Only time I get locked up is when I’m getting high, and I get locked up for dumb stuff, like I say, criminal impersonation, using a different name, or um, loitering, like you know where the stroll is, if I’m out there on the stroll, and you know you ain’t supposed to be out there.

As we see, Brenda made multiple attempts to distance herself from the acts of crime she committed. For example, she employed an appeal to defeasibility excuse
(Scott & Lyman, 1968) to account for her juvenile criminality, saying that “I was young” and that “it was my first time.” While it is true that she had committed some of her crimes when she was a juvenile, she went on to commit a series of criminal offenses as an adult as well. She had an extensive history with prostitution, saying that she did that for over twenty years. Regardless of these convictions, however, she still maintained that she didn’t “do crime.”

Xavier (1092), a black male, commented that throughout his life, he always had a fascination with the nightlife: “I’ve always been attracted to the club atmospheres. Drinking, drugs, late nights.” He also had a history of personal drug involvement, both in terms of selling and using. In the interview, he disclosed that during his early periods of incarceration, he developed a desire to desist from his own drug use, but not drug selling. However, he also had convictions for non-drug crimes, and below, Xavier sidesteps responsibility for some of this criminality:

I: Now, were you engaged in any kind of crimes other than that? You weren’t arrested.

R: Nah, I mean I was just always around drugs. I think my biggest, if I had to really look at, well, I did look at my record, it’s just driving and drugs. The extortion and the terrorist threatening with women, but nothing heavy.

I: Now, what was the offensive touching, was that when you were high?

R: Probably drunk or something, probably.

I: Was that women or men?

R: Women, men didn’t make a difference. I mean, I didn’t beat women up, I only tried to push them. But men, I didn’t give no mercy to. Still don’t.
In this passage, we see that Xavier excused the extortion and terroristic threatening convictions (but not the drug-related crime) by also using an appeal to defeasibility. This may be because he attributed it to the fact that he may have not been in his right mind, saying that he was “probably drunk or something, probably.” He also downplayed his physical confrontations with women — “I only tried to push them,” despite the fact that is official record told another story.

Stephanie (1325), a black female, described her childhood as “nasty.” She was molested when she was a little girl by her mother’s boyfriend for two years. She started using cocaine at age sixteen, saying that this began by stealing the drug from her mother. In the process of describing the reason for her drug-related second arrest, Stephanie also minimized the severity of her first arrest and recounted her nonchalant reaction to being incarcericated for that offense:

* Trafficking cocaine. The first one was for, I don’t even know it was something petty, probably for stealing or something, I’m not really sure. But it wasn’t nothing big, because I only stayed there for two months, and I got out, it was like a playground. Everybody wanted to know who [I] was, I finally got there and it was just, it was fun to me.

It is likely that she viewed the thefts she committed earlier in life as “petty” because she is comparing them to more-serious offenses that she committed later in life, such as cocaine trafficking. As an adult, she developed a serious heroin addiction, which led to her becoming a habitual shoplifter, which she was actively doing at the time of the interview, despite having an “open charge” at the time. When she talked about her history of drug selling, Stephanie attributed it to her responsibilities as a mother:

*I: Did you ever think about the consequences? Now, this is when you were selling drugs, which is committing a crime, using drugs, is crime on yourself.*
Did you ever think about stopping or think about the future, or I really don’t want to do this? Or what impact this was having on your kids, on your family, on you?

R: No, because that was our way of surviving. And at that time, my son was living with me.

I: Oh, you had your son then?

R: I took my son when I was, um — when he was ten. I had just had three months clean.

Stephanie seemed to reconcile her criminality by excusing it as necessary in order for her to be a good provider to her children. She appears to simultaneously use the appeal to higher loyalties (Scott & Lyman, 1968) account (i.e., the need to provide for her child) as well as the defense of necessity strategy to justify her illegal actions. According to Minor (1981), the latter form of justifying deviant behavior occurs when the actor contends that their criminal behavior is relatively innocuous compared to the positive, moralistic intention that the behavior is motivated by, particularly when the offense is to alleviate perilous circumstances. The use of both of these linguistic techniques were common among offenders who justified their offending as a means to survive. This will be discussed in greater detail next.

4.6 No Other Way to Survive

The fifth theme regarding the resumption of criminality between periods of intermittency as continuity that arose inductively in the analysis was that many respondents contended that they continued to intermittently offend out of a need to survive. While Stephanie’s testimony in the previous section is also related to this theme, the narratives in this section more emphatically illustrate this concept.
Dawn (1125), a black female, was a self-proclaimed habitual shoplifter. When asked by the interviewer what the circumstances were behind a misdemeanor she was convicted of nearly twenty years prior to the interview, she said: “Probably shoplifting. I always did that. Don’t get me wrong, I had been doing it all my life, and it was a habit, yes it was, I’m not going to lie to you.”

However, not all of the thefts that Dawn committed were due to her addiction to the act, some were borne out of necessity in order to survive. At one point, Dawn described how she was in an abusive relationship, saying that, “[H]e had chained me with a dog chain eating out of a dog bowl and all of that.” Eventually, she was able to flee from that partner, but found herself struggling to survive as a result.

I: So, then what happened in your life after you were free of him? You had to be so traumatized by all of that.

R: Yeah, I was like that for a while. I talked to a psychologist, but I wasn’t on medication or nothing like that. I tried to be strong, you know what I mean, then I started getting my life back together a little, but I still had nowhere to stay, you know what I mean? My baby sister let me stay with her, but she kept having another child every year, so there just wasn’t room. I started stealing again and went to jail.

I: You weren’t taking drugs or anything?

R: No, I just had to steal because I had to pay for the places I was staying. I would just get whatever they wanted at the store, so I had a place to stay overnight. It wasn’t for no drugs, no, it never was for drugs.

Dawn emphasized that her shoplifting was not fueled by drug addiction, but as a way for her to avoid homelessness. As Richie (1996) posited, black females (a population that is disproportionately more likely to live in impoverished conditions) who are victims of intimate partner violence may go on to commit economically-
motivated offenses out of desperation; many feel as though they have no choice but to commit crime, as they view it as a last-resort option in order to survive.

In other instances, as was shown multiple times in some respondents’ narratives earlier in the chapter, parenthood — especially the need to be a responsible provider to their children — was an underlying reason for many respondents’ ongoing criminality, as seen in the following examples.

Wendy (2367), a black female, was on probation at the time of the interview. She described how she married a man who became a drug addict and did little to provide for her and her children as his addiction became more entrenched. She commented that her children “are my life,” and at one point, she was prostituting as a way to provide for her children at a time when she had temporarily desisted from using drugs.

*I felt good. I did good. I trained my kids. I was a good mother. I just wasn’t consistent. I would give up and let them do what they wanted. I gave them everything, because daddy was so bad. I gave them $1,000 Christmases. I would sell my ass and make a $1,000 — I’m not beautiful, but men like me. I would make money and bring them everything.*

Wendy went on to say:

*If someone had told me I would become a drug addict when I was growing up, I would have laughed. If they said I would become a prostitute, I would have said, ‘you’re out of your fucking head,’ we would have fought. I mean, I didn’t want to lose my house, it was in my name. I didn’t want to lose my kids — I didn’t want to be hungry.*

In this example, we see how Wendy intermittently offended as a way to ensure that her household stayed afloat — she was adamant about being the responsible parent at a time when her spouse was not sufficiently providing. Wendy accounted for her prostitution by categorizing it as work (see Maher, 1997) and framing it as being
the only option she had to deal with the stressful circumstances that she faced. Her narrative, like Dawn’s above, resembles Harris’ (2011) contention that, when accounting for past criminality, one way that offenders may do so is by highlighting a lack of alternatives to mitigate the structural barriers they face.

Rochelle (2466), like Wendy, invoked her role as a parent who was concerned for her family’s survival as a rationale for stealing intermittently. A black female, she had been a habitual shoplifter since childhood. Rochelle said that she first got caught stealing at the age of ten. As a teenager, she began stealing from department stores.

*If I went into the store with a friend of mine and I saw, like the mall, I used to steal clothes, like I stole my graduation dress, like stuff I needed, lotions, shampoos, face products, stuff like that. I never stole anything I didn’t need.*

Rochelle was addicted to heroin by age eighteen, which also is when she was arrested for heroin possession and the intent to deliver heroin, along with two forgery charges for possessing counterfeit money. Over the next several years, she violated her probation multiple times due to her drug addiction, but eventually became drug-free for a four-year period. During that time, she worked, had gotten married, and had children. During the interview, Rochelle was married, and she admitted that she continued to periodically shoplift out of the need for her and her family to survive:

*I: What is the criminal activity like? Have you been able to stay clear from it?*

*R: I steal; I steal from [a department store] and stuff. A lot of the reason why I steal, though, is if we need stuff, and we just don’t have the money, like if my kids need shoes, and it just isn’t in my budget, I go get my kids shoes.*

*I: What is going to happen if one of these incidents makes you get back locked up?*

*R: I am not stealing stuff just to steal it, if it’s clothes or shoes, the way I look at it is I’m not taking what I don’t need.*
Roderick (2182), a black male, had been arrested and incarcerated multiple times since his initial release from prison for various offenses, including assault and drug possession. He said that his family was supportive throughout his cyclical pattern of offending and incarceration. Roderick also noted that he held up from offending when he began working after one of his prison releases and entered into a relationship. However, he eventually quit this job and resumed drug-selling. When asked by the interviewer about his mind state during this period of his life, he remarked, “Hey man, I was a thug. I was just in the streets.” In fact, at the end of the interview, he was shamelessly open about his desire to continue offending and using drugs.

I: So, what’s your plan? Because life is alright, you got your girl, you got a good relationship with your kids.

R: I’m just trying to stay out right now, that’s all, just trying to stay out of jail.

I: But not ready to hang it up yet?

R: No.

I: What do you think keeps you going in the same lifestyle?

R: My family and my kids.

I: You mean for money?

R: Yeah to provide for them, that’s all.

I: Now, is that what keeps you using, because you around it all the time?

R: No, I use because I’m so used to doing [it].

I: So, it’s just part of life?

R: Yeah, it’s become a part of my life, because I've been doing it for so long.
Despite his admission that he had no desire to desist, Roderick’s statement here revealed a number of key insights about the criminal motivations of older, active offenders. First, he also exhibited a trait that Carlsson (2013a) says is common among long-time offenders — he confided that criminal continuity is part of his identity, which is explained when he says that he was “just a thug in the streets” and that his drug use has “become a part of my life because I've been doing it for so long.” These comments align with the “doomed to deviance” condemnation script that many persistent offenders use when discussing their ongoing criminality (Maruna, 2001). The identity theory of desistance (ITD) is also useful in interpreting narratives such as this (Paternoster & Bushway, 2009). The ITD contends that offenders will retain an offender working identity as long as they perceive it will net more benefits than costs. The process of change for an offender is gradual, and occurs “when perceived failures and dissatisfactions within different domains of life become connected, and when current failures become linked with anticipated future failures” (Paternoster & Bushway, 2009, p. 1105). Research has shown that offenders who have successfully desisted from both drugs and crime first change must reformulate their identity before access to prosocial networks such as jobs and relationship can be maintained (Bachman et al., 2015). Clearly, Roderick has not made that transformation yet.

Importantly, however, this section illuminates the reality wherein some offenders see no other choice but to offend. In at least one instance, for example, a respondent who appeared to be moving toward a period of intermittency as attempted change foreshadowed a scenario in which reoffending was certain to occur if the ability to survive was disrupted. A black female, Wanda (2279) said that the onset of her criminality began in her early twenties when she began to prostitute. This
eventually led to her being incarcerated “maybe five or six” times prior to her first interview in the Roads Diverge study in 1997. Further, she noted that, over the course of the years, she had absconded from probation seventy-two times. Eventually, she was ordered to enter a post-release treatment program for ten months, and once she completed that program, she actively sought out employment, and gained a full-time position. She admitted that while employed, she was a habitual marijuana user. But, when asked if her drug use impacted her job, she said, “No, because I still went to work,” and that, “No, it wasn’t a problem, I didn’t become lazy, criminal-minded, I didn’t steal.”

This stability soon changed, however, when Wanda moved out of her mother’s home, drifted away from practicing Islam, and “started living in the streets.” What precipitated these changes is that her then-partner began to physically abuse her. She also lost the full-time job that she enjoyed because she lacked transportation to work. She indicated that, during this period, she felt relieved in a way because she “didn’t have to pay my mom rent, didn’t have to support anybody else’s food or anything like that...” Also, she experienced a major loss of inhibition at this time. She stated that, “I think I started getting into crack then, back into crack. So my mindset changed, my personality changed, my environment changed, everything just changed spontaneously.”

For a five-year period, Wanda continued her drug use, had multiple rearrests for loitering and failure to pay fines, and entered into a new relationship, all while living in the streets. During that time, she said that she experienced “another life changing experience, and was brutally raped and left for dead.” Throughout this time period, she indicated that she maintained a strong sense of spirituality. However, at no
point during this period did she attempt to desist from crime or drugs. A turning point came when she became pregnant again, but Wanda was incarcerated throughout the entire pregnancy, and delivered the child in jail.

Upon her release, she moved in with her partner’s mother, who also took custody of her daughter, and obtained a job at a department store full-time. Wanda claimed that she was clean from drugs while working, but this period of employment and desistance from drug use was short-lived, and she was soon unemployed, had relapsed, returned to prostitution, and was again homeless. Eventually, she was rearrested and released multiple times, either for prostitution, loitering, or failure to pay fines.

At that point in the interview, she reverted back to her experience of being raped and remarked at how it changed her life, saying that it affected her spirituality in a positive way, and that “I talked different, carried myself differently, approached people differently, greeted people differently, started doing more acts of kindness, not realizing that it was me doing that, but inviting myself to do things for people, so it was very life changing.” Wanda cited the impact of the rape on her life when discussing events five years later, at which time she said she “stopped smoking” crack cocaine.

Later still, another life-altering experience occurred, one that she claimed solidified her desire to change. It was then that she met her current (at the time of the interview) partner. She cited that this man helped her through the process of getting Social Security Disability Insurance (SSD) due to her being diagnosed with paranoid schizophrenia. She attributed her latest period of desistance from crime and harder drugs to the acquisition of a steady income through SSD. She maintained her will to
desist by staying involved with alternative activities (going to a local fitness center three times a week), being actively involved in religious services (along with reading “the Word” and listening to gospel stations), and having few, but positive, friends. She even suggested that aspects of the post-release treatment program’s curriculum were useful to her in her quest to remain crime-free. Here are direct passages that occurred toward the conclusion of her interview related to gaining agency:

*I: So the biggest change was when someone helped you, got you assistance and…*

*R: That’s right.*

*I: So, you think if you hadn’t run into that gentleman who took you into his house?*

*R: I would still be out there doing what I was doing, yup, I’d still be out there doing what I was doing.*

Nevertheless, Wanda made it very clear that, if presented with a change in her life circumstances (i.e., having a lack of finances) — which presumably she does not anticipate due to being enrolled in SSD, which is typically life-long when an individual is diagnosed with paranoid schizophrenia — what her response would be (i.e., returning to criminal activity):

*I: So, you never went back for any outside treatment or reinforcement?*

*R: Nope, not on probation, I completed my probation.*

*I: Because we know a lot of times people get into crime again and come in and out and in and out. So, what is the biggest thing that is keeping you from doing and illegal activity?*

*R: Finances, finances, if there were no finances, then I would have to resort into my criminal activity again.*
This illustrates that, despite narratives indicating that Wanda may be moving toward *intermittency as attempted change*, she does not rule out the possibility of having to reoffend if her financial survival was threatened. Seemingly, the difference between her and the other examples in this section is that she has not yet faced the challenging economic and financial circumstances that the other offenders had been posed with when they detailed their accounts of having to commit crime in order to survive. This once again illuminates the precarious existence of many of the intermittent offenders in this sample.

### 4.7 Reoffending due to Happenstance and Life’s Contingencies

This section will outline findings related to the theme uncovered in the analysis of when happenstance circumstances — and not the offender’s intent to commit a criminal offense — resulted in criminal convictions for some of the respondents. In these situations, offenders found themselves in unforeseen positions that ultimately led to a termination of a period of desistance (however long in duration).

Scott (1624), a black male, had a long history of criminal offending, drug use, and familiarity with the criminal justice system. He was on probation at the time of the interview, but only had eighty days remaining — from a period that began in the late 1980s due to multiple probation violations and convictions in the time since.

He began his narrative by explaining that, unlike his siblings who all went to college, from a young age, he was always attracted to the streets, and that his life of crime and drugs stemmed from that. In addition, his father was also involved in street life, saying that “…I was fascinated with what he was doing and he was in the streets, too. So, he was gambling, shot drugs, he taught me what he knew, he taught me the street. So that’s why me and him was cool.” Scott started drinking at age twelve, using
marijuana at age fifteen, then at seventeen, he began using methamphetamine intravenously. At age nineteen, he began using cocaine, and had been heavily involved in drug use from that point off and on, until his current period of abstinence during the interview.

A few years prior to the interview, however, he had a drug relapse about six months after being released from correctional supervision. He said this was due to meeting a woman who was a drug user, although he was not aware of this when they first started dating. This relationship led Scott to eventually relapse, after which, “everything just went south from there, you know what I mean,” he explained. Three years later, he was convicted of robbery, for which he spent almost eighteen months in prison. Here, by his account, he explains how this arrest and conviction was due to happenstance:

I: How long did you think you stayed clean when you got out that time, after the eight-year?

R: After the 8 years, 2-and-a-half years. I stayed clean like maybe 6 months. I started getting high while I was in…I was sneaking it. And, you know how, you know how that goes after that. You can’t sneak and do it.

I: Exactly, your disease stopped caring.

R: Yeah.

I: What about crime?

R: No, seriously I ain’t commit; I didn’t pick up a new charge. That’s a lie, [year]. I got a girl in the car, pull in [a gas station], and she, the lady was cashier in the cashier register, she had the safe open. So, she had all the money on the counter, the girl took two stacks off the counter, and I’m pumping gas into my car she come and give me a thousand dollars. So we pulls up, they got my car on camera, they gave me robbery, technically robbery charge. That’s how I got the 18 months.
I: So, no crime at that point?

R: No crime at that point.

This example in Scott’s narrative illustrates that persistent offenders may find themselves in situations where they are associated with criminogenic peers and/or environments, which may cause them to be apprehended and convicted of crimes that they had no intent on committing. This is qualitatively different from the scenarios described above because the will to offend is not present in these instances.

Relatedly, the analysis also revealed that, in some cases, happenstance terminated periods of crime-free living that were intended to be permanent. In Carlsson’s (2013a) typology, by definition, offenders are expected to reoffend after times when their temporary desistance from crime was a function of them “holding up,” because, in those cases, the offender does not attempt or make a commitment to change. Although all of the respondents in this sample were active in criminality at the time of their interview, a portion of them had previously ceased from offending for extended periods of time. These lengthy breaks from offending were typically in the form of intermittency as attempted change and were achieved by carrying out a will to desist from offending, along with making purposeful lifestyle changes. However, the ending of a period of temporary desistance, as in Scott’s case above, was due to involvement in unpredictable and precarious situations. Often, a subjectively tragic or traumatic event led to the erosion of the attempted desister’s personal agency, which preceded a return to crime or drug relapse. This is a key finding because it further demonstrates that, across the life course, an offender may oscillate between periods of non-offending due to both continuity and attempts to permanently change their offending ways at various times over the life course.
Wade (2336), a black male, said that he was introduced to crime and drugs at an early age due to his neighborhood environment: “Yeah, a lot of violence, a lot of gun play, a lot of hustling, you know, drug selling.” He dropped out of high school at the age of seventeen and quickly became addicted to heroin and cocaine, and he committed many crimes to support his drug habit, ranging in type from violent to white-collar:

_I: Did you sell drugs?_

*R: Yup.*

_I: Just rob, steal, whatever?_

*R: Anything, it didn’t matter...*_

After years of drug-involved criminal offending and periods of incarceration, Wade commented that he never was interested in trying to get clean until he was in his thirties. He cited many of the factors that scholars suggest can be transformational and may lead offenders toward desistance: he completed a drug detoxification program in another state and he became married and steadily employed. At one point, Wade developed a will to desist, which led to the longest period of crime- and drug-free living since his onset: “For three years, best three years of my life.” Ultimately, however, a traumatic event in his life dissolved the will to desist that he had acquired, which helped him to be drug-free for three years:

*R: Well, we don’t need to discuss that, but I got married to a girl who had 3 children, I didn’t have any children at the time, had 2 good jobs, [and] spoiled the girl rotten. That’s just my take, good women deserve nice things. I found out she was cheating. We was only married for a year. And uh, I stopped going to church, everything.*

_I: All the stuff made you happy.*
R: Yeah, the same way the stuff I was doing to get me where I was at, I stopped doing it the same way I did it. It was like the same way I went up a step was the same way I came down. You know, and yeah, before I knew it, I was right back and it all began.

In this example, we see how Wade’s achievement of long-term desistance — and the personal agency that he developed — was destroyed when he found out that his spouse was unfaithful to him, which is clearly an unpredictable and happenstance life occurrence. It became clearer later in the interview that Wade’s ex-wife’s infidelity had taken a severe mental toll on him. He subsequently relapsed on drugs, saying at the time of the interview, that he did a “speedball” (i.e., a combination of heroin and cocaine) the day before. Also, he was unemployed and basically homeless at the time of the interview.

In comparison to Wade, Jodie (1340) had desisted for a much longer stretch of time before the interview. As alluded to in an earlier section, she developed a will to desist and purportedly did not involve herself in crime or drugs for fourteen years. This came about after she was incarcerated for violating probation for a threatening behavior charge. Jodie described how she changed her life following a period of incarceration:

And I was only sentenced to twenty-eight days. Once I completed that, I could have left, but I stayed there almost sixty-some days waiting for a halfway house. Waiting for a bed down in [a Delaware prison]. I stayed down there, I worked in a [factory]. I got myself together...I got married, I got my son back. I went to school, had another baby, had a good job. I didn’t use drugs. I didn’t drink. I didn’t do anything until all that time.
Unfortunately, like Wade, Jodie experienced a traumatic event years later that upended her extended period of desistance in an instant — she found out that her husband had been molesting her daughter:

This is where it gets ugly. I was arrested for one day. My 5-year-old child, I was awoke with my child licking a kissing between my legs. I put her back to bed, and I didn’t flip out or nothing. [The] next morning she was getting ready for head start and I was getting ready for work, like we always do. I asked her what she was doing under mommy’s covers. I said, ‘did anyone ever do anything like that to you?’ And she said, (she nodded), and I said, ‘who did this to you?’ My 5-year-old daughter that I had always wanted had been violated and I just knew it. I went on a rampage, my son was 12, and my other son was 15. I just knew my husband had touched my baby girl in my gut, I just knew it. To this day, I want you to know my life will never be the same because of it.

Jodie said that it was this unfortunate, life-altering event that led to her relapsing on drugs, losing her job, and consequently, a resumption of her criminal offending:

I was convicted of ugly crimes too. Possession of a deadly weapon during a commission of a felony. Aggravated menacing. They found me temporarily insane. Eight days, I didn’t eat or sleep. I went to the doctor the day I pulled the gun, and she gave me 100 Xanax, and I didn’t have any benefits.

Vivian’s (1116) story is also evidence of traumatic events triggering a drug relapse that cycles out of control. Twenty years prior to her interview, she had successfully completed probation, and was working and raising her son in their own apartment. She claimed that she maintained this period of desistance by attending drug treatment meetings and church services. However, during a subsequent pregnancy, Vivian became very ill and almost lost the baby several times, and as a result, could not keep her job because it required her to stand on her feet for long hours. She recalls, “I was pregnant, and I had a very bad pregnancy, I was hospitalized a few times, I
almost lost her. So I couldn’t work due to the pregnancy.” This experience of nearly losing her child during pregnancy took a severe emotional toll on her, one that triggered a relapse and changed her way of thinking:

I: … And were you still going to your AA and NA?

R: Nope.

I: Ok. NA and AA were ending?

R: I stopped hanging around with the supportive people that I had.

I: No, why did you that?

R: I just was getting the case, when I was having difficulties with my pregnancy, I just got a case of, excuse the expression, but the ‘fuck it.’ You know, I didn’t care anymore. I thought I was going to lose my baby, so I didn’t want to live, you know, stuff like that.

I: What about your church support?

R: Stopped going.

I: Ok, so it was just a bad time in your life right then?

R: Yes.

When describing the nature of her resumed offending once her will to desist was broken, Vivian recounted an instance when she stole money from her brother:

I was at his shop, he had a...shop, and of course, me not working, we took a big cut in income. And so, I was at his shop one day...he was working on a car, and the phone was ringing, and he had told me to go in to answer the phone. So, I go in and answer the phone, and I pull the desk drawer open to get a pen to take down a message and there was all kinds of money in there, 'hmm, he won't miss this,' so I just took half of it, which was about 600 dollars.
While each of these cases are somewhat different, they all illustrate how some offenders, especially those who battle addiction, are still vulnerable to traumatic events that may cause relapse or the dissolving of their past commitment to desist, even when they have maintained substance- and crime-free lives for years.

### 4.8 Chapter 4 Summary

This results of this chapter expand the scope of the motivations that lead to *intermittency as continuity* in Carlsson’s (2013a) framework. In contrast to the findings of Carlsson’s research, this analysis did not find strong support for the notion that some offenders take a break from criminal offending — sans a will to desist — because they decided to gain employment or because of relationship formation. While many of the respondents in this sample did indeed cease offending after they became employed, entered into intimate-partner relationships, among other reasons, they did so primarily when they indicated that they were attempting to desist from criminality, not merely taking a break from it. Conversely, for these respondents, *intermittency as continuity* chiefly occurred once they were released from incarceration and other forms of correctional supervision. In these cases, offenders were hesitant to immediately resume committing crimes once they had been under correctional control, so they decided to pause their offending for a period of time.

The findings in this chapter also illuminate the puzzling question of why some offenders continue to offend intermittently as adults. The narratives revealed a variety of factors that are related to offending between periods of temporary desistance. For drug-addicted offenders, some choose to continue their drug use, while others try desperately to stop. In either case, crime may precede or follow one’s use of drugs. While other offenders may not be personally addicted to drugs, they recognize the
monetary incentives of drug selling, which keeps them involved in substance-related criminality.

Further, we see that some offenders, even as they age, remain addicted to the criminal act itself — they gain a thrill or excitement from committing an offense or from successfully avoiding apprehension after offending. Others continue to offend because they are addicted to the criminal lifestyle, especially to their peers who may also be criminally involved, and also to the criminogenic environments that they are accustomed to. And for other offenders, their continued involvement in crime is largely because they perceive themselves as “good at it;” the benefits outweigh the costs, from their perspective.

How do these offenders cognitively manage years of crime and drug use? Some are able to minimize any feelings of guilt or regret that may normally deter other individuals from criminal offending. In addition, there are instances when offenders continue to offend amid temporary breaks because it is a means for them to survive and to support their dependents. Because of their marginalization in society, especially in the job sector, offending is often viewed as the only accessible way to sustain themselves and their families.

And lastly, there are times when unforeseen, happenstance circumstances and contingencies that occur in an offender’s life are responsible for their reoffending. One example of this type of circumstance includes guilt by association — when an offender is in the company of another who commits a crime unbeknownst to the offender. Another example of happenstance-related crime is when an offender commits a crime after experiencing a sudden and traumatic event in their personal lives.
In the next chapter, the findings related to the second research question concerning how intermittency is impacted by the criminal justice system. As was the case for reason why these offenders resumed criminal offending after a period of intermittency as continuity, the results show that there are a wide range of reactions to correctional programming when offenders have not yet decided to attempt to desist from crime permanently.
Chapter 5

PERSISTENT OFFENDERS’ REACTIONS TO THE CRIMINAL JUSTICE SYSTEM AND ITS IMPACT ON INTERMITTENCY

The last chapter revealed the internal dialogue of several respondents who had been in and out of prison on several occasions and who still self-reported engaging in criminal behavior within twelve months of their interview. While several of these intermittent offenders had attempted to stay drug- and crime- free upon release at least once in their lives, rarely did these narratives reveal true identity changes that indicated “they were done,” as those who have truly desisted often do (Bachman et al., 2015). Considering this, how do these persistent offenders navigate the criminal justice system, which is so often a part of their lives, and how do these experiences impact the processes and patterns of criminal intermittency? Very little research has addressed this important question.

One criterion for inclusion in the original Roads Diverge Study was that respondents had been under correctional supervision of the state of Delaware’s Department of Corrections at least once in their lives (but in most cases, it was many more). The men and women in this dissertation’s sample had been under correctional supervision an average of thirty-two times. One of the important insights that emerged inductively in the analysis is that offenders’ patterns of intermittency were often influenced by their experiences under correctional supervision. The narratives indicated that regardless of race and gender, once offenders were apprehended for
their criminality, there were similarities in how they negotiated the constraints that were placed on them while under various types of correctional programming.

An analysis of the respondents’ narratives uncovered five sub-themes that relate to how these persistent offenders interacted with correctional programming: (a) having acrimonious relationships with criminal justice actors, (b) eschewing drug abuse treatment and counseling programs, (c) intentionally manipulating the criminal justice system for their own benefit, (d) intentionally absconding correctional supervision, and (e) reoffending due to happenstance interactions with the criminal justice system.

5.1 Acrimonious Relationships with Criminal Justice Actors

One common characteristic of these intermittent offenders who found themselves under correctional supervision was that they frequently depicted their interpersonal experiences with criminal justice personnel, particularly community supervision officers (e.g., probation officers), as being negative. It was common for these respondents to perceive criminal justice actors’ interactions with them as being biased, unfair, and lacking competence, particularly when they sanctioned offenders for violating the terms of their correctional supervision.

Some respondents, like Stephanie (1325), described the negative interactions that she had with several criminal justice actors, including her probation officer and a judge. In fact, despite acknowledging that she was using drugs, she blamed her probation office for treating her unfairly by violating her probation.

I: So, you didn’t go for any type of treatment, when you came out of [prison], were you on probation, any [treatment program], anything like that?

R: I was on probation.
I: Did you complete it? Successfully?

R: No. That bitch lied on me. She lied, and look, that was my first time ever going through withdrawal, I must have been doing...

I: So, you violated probation?

R: I must have been doing bundles [of heroin]. I paid my fine, my fifty-dollar fine every month when I went, because, of course, we were selling drugs, and she never had a problem about me. The probation officer, she never had a problem. I never gave her no dirty urines, because I used the bottle. I would stick a bottle up my vagina, so I never gave her no dirty urines. Went in front of [inaudible], she lied, tried to give me six months. [Name of person] wouldn’t get me out. My bail wasn’t that much either. And that was the first time I went through withdrawal.

Later in the interview, Stephanie discussed another negative experience with a judge. Here, during a separate probation term, she told the story of how she met her new partner, how they began using drugs together, and how this resulted in violating her probation, for which she expected leniency from the judge.

I was there for a good while, and we started messing around and everything, and they locked me up. I was on probation for about six months, first dirty urine. That motherfucker gave me a 10,000 dollar bail, but [name of person] got me out. I only stayed in there the weekend. I missed my grandmom’s ninetieth birthday party, and I had told him, he said ‘Do you have anybody that could get you out?’ and I said, you know, ‘not really.’ so I’m thinking he’s going to give me a 5,000-dollar bail, that motherfucker gave me 10,000 dollars. So I could have [gotten] out before, you know, that Friday, because I went in on a Thursday; I couldn’t get out [until] Monday. You know, the party’s over and everything; you know, everybody was there. Six months, I was going to them for six months, never had a dirty urine, and he locked me up. He didn’t try to give me no, you know, drug place to go to or anything. You know maybe, ‘you need to go to the clinic,’ anything, nothing. He was an asshole anyway.

In two separate instances, then, Stephanie lamented about the treatment that she received by criminal justice actors. Despite her admission that she was intentionally altering the urine samples that she provided because she was actively
using heroin at the time, and was attempting to evade detection, it appears that she expected the probation officer to give her a break and not violate her because the probation officer “never had a problem about me” and she paid her fines. This narrative clearly indicates that virtually any probation officer would have been perceived by Stephanie as “out to get her,” because at some point, she would have likely been caught and violated her probation. This example illuminates the antipathy that many respondents in this sample had for the probation/parole officers that supervised them, regardless of their own behavior.

Stephanie’s sidestepping of the personal responsibility for her probation violation is an example of how individuals may exhibit self-attribution bias. This psychological concept refers to how an individual credits their successes to personal skill or prowess, but blames their failures on external forces, such as the actions of others (see Bachman et al., 2015; Hoffman & Post, 2014). Self-attribution bias and similar cognitive distortions such as blaming others (Gibbs, 1991; Gibbs, Potter, & Goldstein, 1995; Wallinius et al., 2011) are commonly found in individuals engaging in anti-social behavior. As Chambers et al. (2008) note, individuals who blame others, and utilize other forms of secondary cognitive distortions, typically also lack the readiness to accept and be receptive to rehabilitation initiatives.

In other cases, offenders appeared to willfully antagonize the criminal justice actors for doing their jobs. One such case was Vivian (1116). After committing a theft from one of her employers, she explained why she received a probation violation after threatening a counselor at a work release program.

*I: So, about six months?*

*R: Yep, and in February, I got out on bail.*
I: Arrested, how long were you incarcerated?

R: A week-and-a-half, I got bailed out, and then May was when I got sentenced. I haven't done anything ever since.

I: Sentenced in May of [year], and they gave you?

R: They gave me two years level V, followed by fourteen months level IV, followed by twelve months level III. So I went to [the work release center] in August of [year]. Then, back here in August of [year].

I: So, you're supposed to be done with level at this point right now, why are we back in level V?

R: Because me and my job counselor, we kept having problems and she sent me to the [probation center] three different times. I just had enough, and she was talking a little smart to me, one, and I told her.

I: Your counselor was at [a work release center], right?

R: Yeah, my job counselor, and I told her, if I was on the street, you wouldn't be talking to me like that, and she took it as a threat.

I: Accused of, and then they sent you back here August of [year]?

R: Mhm.

This narrative illustrates how Vivian, like several offenders in this sample, was not only noncompliant, but also hostile toward the criminal justice programming. Bianca (1297), a black female, also discussed the problems she had with her probation officer. In the episode below, she described a physical confrontation that took place between them. She claimed that the skirmish was initiated by the probation officer, and that she was merely defending herself. This conflict led to Bianca receiving a probation violation.

I: So, when exactly did you say, [because] you said you’ve been...how long have you been clean now?
R: I’ve been clean for like 8 months now.

I: Ok, just talk to me a little bit about the last 8 months.

R: 8 months, I got frustrated [because] I couldn’t find a job, [because] I picked up an assault. I think it was 207, 205, 206...

I: So, that had been why you [were] in there for ten months?

R: Yeah, yeah, I think that’s why...I think that’s when I picked up my assault. That’s when I, yeah... [because] I had, me and the officer got in a contact, and then I got a violation in [year]. I do remember that I got another violation.

I: It was a violation. What type of violation?

R: Um um, from my officer.

I: What happened with the officer?

R: Because he had beat me up, and I had the [treatment program], [too], and I turned around and broke his nose and and...yea, yeah [because] I asked him to put some toilet paper so I can use the bathroom, and what he had, what he did, he had took the door and [slammed] it and hit me in my face with it. And I just retaliated; I had to get him back.

I: Did you beat a man?

R: Yeah, a man. Yeah, I did.

I: What’d you do?

R: I took that door, what happened, I can’t even...what happened? I remember me hitting him in his face and his nose went and caught like that. [And] I took, and as he lagged, I put it, and I took the steel door and shut it on his leg. [Because] he did me, he hit me with it, so I figured I’m gonna hit him back with it. That’s why, and that’s why [I] remember I got my violation.

Other respondents, such as Brad (2102), a white male, took umbrage to the fact that their probation officers gave them little to no leniency when they failed drug tests, although they admitted to having drugs in their system at the time of the urinalysis.
I: So, you said your heroin and crack use for about ten years?

R: Yeah at 26, the crack started at around 22, but I had a short period of that, because I got locked right up, so from 21 to 22 when I got out, that period of time between the initial small period of incarceration was nine months, then I was out like a year.

I: Then, you did four years.

R: From [year] to [year], I started smoking crack. Then from [year] to the end of [year], I was in prison, then when I got out in [year], I didn't do no cocaine, I was scared, I was like, 'man, that shit just put me in jail for four years, I'm done with that.' I stayed cleaned, I had a good job with [employer], started going to school, started a business, was making progress, then they were just so inflexible with me, I started smoking pot, and I got real arrogant with my P.O. I was like, 'dude, I'm doing better now, I smoke a little weed, so what,' and he wasn't having that shit, and he put me back in jail. He was inflexible man, he should [have] took a look at the big picture — I was doing okay.

Brad’s example is indicative of how some offenders expect to receive credit for having reduced the severity or frequency of their offending behavior, despite not having desisted completely. In the above case, Brad seemed baffled as to why the probation officer would violate his probation for committing a minor peccadillo such as smoking “a little weed.” In his eyes, the fact that he had made progress in his life by going to school, starting a business, and desisting from heroin and cocaine use represented a substantial improvement from earlier periods in his life when he was more deeply involved in crime and drugs. We see how Brad said that he “stayed clean,” but in the same sentence, he forthrightly acknowledged that he was using marijuana at the same time. Thus, for some offenders, a movement to using less-harsh drugs, such as marijuana, and away from drugs like heroin and cocaine is tantamount to drug desistance. Therefore, they do not believe that it is an infraction (in relative terms, compared to the types of criminality they could have been engaged in or had been previously) that is worthy of receiving a probation revocation.
The same was true for Wendy (2367). She, like Brad, had endured bouts of severe drug addiction in her life. She had ten months of probation remaining at the time of the interview, and despite her saying that she is “on probation, so I can’t use some drugs,” she also openly admitted to buying the prescription drugs Xanex and Percocet illegally on the street to “take my pain away.” Wendy was also very aware of the risks associated with using drugs while on probation: “…pot is my addiction, but probation will test me, and I'll go to jail, and I will lose my house, kids, and everything. I'm doing pretty good with drugs — I don't like crack.” During the interview, however, Wendy discussed how she had recently violated her probation due to a positive drug test for marijuana, and she had negative thoughts about the character of her probation officer when discussing this.

_I: What did you violate the last time?_

_R: Dirty urine. So, I was put on another year, another year for fucking smoking a joint. A real asshole PO..._

In each of the cases in this section, we see how some offenders can feel slighted by the actions of criminal justice personnel for doing their jobs and being strict when enforcing probation policies. Even though in all of the cases the respondent was in fact violating their probation terms, these examples show how, when they lack a will to desist from criminality, some offenders highlight their contentious relationships with criminal justice actors and often use them as a scapegoat when accounting for their wrongdoings.
5.2 Eschewing Treatment and Rehabilitation Programs

Unlike the cases in the previous section, other offenders were unreceptive to court-ordered treatment and other types of rehabilitation programs. In all of the following examples, the respondents, at various points in their lives were not interested in gaining the rehabilitation that these programs intended to provide. There were, however, differences in how they reacted to being mandated or having access to treatment programming. Offenders’ responses to these programs ranged from a passive compliance accompanied by little to no engagement to a complete rejection of these programs with a strong resistance to participating in them at all.

Nate (1623) had previously spent over fifteen years under correctional supervision. He admitted that he resumed drinking alcohol “as soon as I got out of the [post-prison work release program],” but he did not use other types of drugs that he had used prior to his incarceration. He had been ordered to attend twelve-step therapy groups as part of one his sentences, and he complied with the attendance requirement, but he was not open to receiving the program’s curriculum at the time.

I: So it looks like drinking and crack was your primary drugs?

R: Mhm.

I: What was the most? Drinking at first, or was drinking like a gateway drug?

R: Drinking led up to it.

I: Did you go to twelve-step groups when you were at the [post-prison work release program]?

R: Mhm.

I: Were they helpful? Or something you weren’t interested in?

R: Right.
I: Not interested?

R: Nope, it passed time.

Research has shown that being coerced into attending drug treatment may lead one to comply with the attendance requirement, but it does not necessarily lead to a significant level of involvement in the treatment (Joe, Simpson, & Broome, 1999). The motivation behind Walter’s (1394) compliance with Delaware’s reentry services program is analogous to Nate’s above. A black male, Walter similarly was mandated to attend drug treatment meetings after his release, but at the time, he had no interest in gaining anything substantively from the program. He said that during this point in his life he was selling drugs, but had not relapsed:

I: When you got out, did you have to do any treatment, any [post-prison treatment]?

R: Back then, nah. You just completed the [post-prison treatment program], and then you went on about your way. And, you know, then [the reentry services program].

I: Well, did you have that?

R: Yea, I did…I was in [the reentry services program], but I never completed it.

I: Was that once a week?

R: Yea.

I: Did you go to any meetings?

R: Yea, I would go to [a treatment program].

I: How often would you do that?

R: I might do that once or twice a week, just to show my face.
Below, Brad (2102), a white male, told a similar story of perfunctory compliance with treatment programs:

*I:* You didn’t go back to any treatment. The only treatment was [the in-prison treatment program], right?

*R:* Yeah. I did some little country treatment center thing; it was stupid.

*I:* When was that?

*R:* Every time I was incarcerated in one of the county jails. Some alcohol program.

*I:* So you weren't really trying to do anything?

*R:* No, just wanted somebody to talk and socialize with.

*I:* Ok.

*R:* I wasn't serious about it.

Logan, a white male (6094), similarly recalls his apathy toward rehabilitative programming:

*I:* What about twelve-step programs, did you participate in any twelve-step programs ever? Like after the [post-release treatment program], during the [post-release treatment program], any times?

*R:* I attended some meetings here and there, but nothing on a regular basis.

*I:* Can I put sporadic?

*R:* Yeah.

*I:* What'd you think about them?

*R:* I mean, I really have trouble, I mean I never really thought I could get much out of it. I don't know if I gave it a chance or not, but I just think I could do it myself.
Robinson and McNeill’s (2008) dynamic model of compliance is a useful theoretical framework to aid in understanding these offenders’ levels of compliance with treatment programs. Their model includes a continuum of compliance dimensions and is intended “to understand why offenders’ compliance behavior may fluctuate over a period of supervision” (p. 7). This model integrates two pre-existing explanatory frameworks: compliance mechanisms (Bottoms, 2001) and Braithwaite’s (2003) notion of motivational postures. It also contains a number of possible combinations of compliance mechanisms and motivational postures that can explain the four dimensions of compliance (i.e., non-compliance, formal compliance, substantive compliance, and longer-term compliance). Although some offenders may minimally comply with correctional programming (a type of formal compliance), in these cases, their motivation to comply with correctional programming is not substantive — they are not “genuinely motivated to engage” with the programming (Robinson & McNeill, 2008, p. 9). Typically, they are superficially attending meetings or going along with correctional programming only because it is required.

In contrast, when faced with mandatory treatment programs, some offenders actively resisted participating, as opposed to the respondents above who, at minimum, attended treatment sessions despite having no interest in being rehabilitated. Interestingly, some respondents were so staunchly against participating in the treatment programs, they believed that returning to prison was a more-acceptable option, and they did whatever they could to avoid attending treatment programming. Longshore and Teruya (2006) neatly summarized the difference in these reactions to mandated treatment: “The key aspect of resistance is, in short, opposition — not mere indifference” (p. 181).
One such respondent was Xavier (1092), who noted that he was using cocaine and heroin regularly prior to beginning his sentence, the length of which was unclear from the interview. As we see below, he was vehemently opposed to entering into a treatment program due to how he believed he would be treated by the program’s facilitators:

*I: Now, did you get any treatment during this time? Any kind of treatment?*

*R: No, now that I look back on it, I didn’t get any treatment. I dumped treatment, let me say this, I dumped treatment.*

*I: Now, I know what that means because I’m [a therapeutic counselor] can you just describe for my transcriber here, what do you mean you ‘dumped your treatment?’*

*R: Just you know, swearing that I didn’t need it. That I could do this thing by myself because it was offered many times, I just dumped it. I remember seeing the guys at the [post-prison work release program] when I was in the expeditors, and listen up, and I was just refusing, and I had a little bit of money, and I always paid my way out of it. My lawyers coming up to me, ‘well, what [do] you want, da da da da,’ ‘What I don’t want is this. I don’t want nobody hollering at me, I’m not going to do this, I’m not going to do that.’*

Of course, there are many reasons why offenders may be resistant to treatment. As Longshore and Teruya (2006) note, one’s resistance to drug treatment can be due to the perceptions of the content of the treatment, the circumstances that led to the individual’s referral to treatment, or an aspect of the treatment programming, which appears to be the case with Xavier.

Over a span of approximately fifteen months, before this point in his narrative, Gerald (1460), a black male, had been arrested for at least four misdemeanors and probation violations. In spite of this, he was working as a mechanic since his most recent release. However, roughly two months after this release, he was convicted of a
robbery, for which he was mandated to serve time at a work release center. Like Xavier above, Gerald was totally resistant and non-compliant with the work release program and preferred to spend time in prison:

*R: That’s when I went through the [post-prison treatment program].*

*I: So you ended up going over there anyway?*

*R: Yeah, I went to the [post-prison treatment program] and, I did three months at [the jail], then I went to [probation violation center] for another four months, and then I was in the [post-prison treatment program] for like six months. Altogether, I did a total of like a year-and-a-half. And I got tired of [the] bullshit with the [work release program], and I just made them send me back — ‘send me back, find my judge, give me what you’re gonna give me, so I can get it over with.’ And that’s what I did, I got them to send me back, went in front of a judge, he gave me sixty days. No more of that sentence, no more nothing. I came home with no probation, no nothing, I was good. My only problem was I couldn’t stop driving. So anytime I go to jail now, it’s because I’m driving.\*

Olivia, (2394), a black female, also voiced her strong opposition for mandated treatment programs, and like Gerald, she preferred to be incarcerated rather than participate in the post-prison drug treatment program.

*R: I never stayed in [post-prison drug treatment program], I went back to jail.*

*I: Yeah? What happened? Why not?*

*R: I was like, ‘psh,’ they had me down on my hands and knees picking up rice and all that shit, and I was like, ‘what the hell is this?’ This shit makes me want to go out and drink.*

*I: Every time someone tells me about [post-prison drug treatment program], they tell me about some ridiculous task they had to do, and they’re like, ‘I hate this shit.’*

*R: Yeah, they threw food on the walls and gave you a little rag, and I was like, ‘I’m done with this,’ and the counselor was like, ‘are you sure?’ And I was like, ‘take me back to jail,’ he got a lawyer, and I was out in seven days.*
It is not clear whether Olivia would have been equally averse to attending another drug treatment program, but she was clearly preferred prison over the program that she was ordered to attend.

Of all the respondents who eschewed treatment, Veronica (6040), a white female and an active crack cocaine user at the time of the interview, provided one of the most detailed explanations concerning an offender’s adamant opposition to participating in mandated treatment programs; she does not believe that they are effective:

I: And so, how do you get your drugs? Shoplifting?

R: Mhm.

I: Just shoplifting, then you sell it and get your drugs?

R: Mhm.

I: [You’re] managing to live?

R: Yep.

I: Is there anything, I mean, how do you see your life now? Is there anything that could help you? I mean if you had treatment offered to you, would you go for it?

R: No.

I: How do you see your life?

R: I see my life, terrible. But as far as treatment, no.

I: Why?

R: Because they do nothing but brain damage, not brain damage, but they put things in your head that’s supposed to be positive, but in reality, once you do the rehabilitation, once you’re rehabilitated, and you come back out. You gonna do that same thing, most likely.
I: Why?

R: Because of the simple fact, because [the] state of Delaware, or it doesn't even matter what state you're in, but basically, it’s just because, the state doesn't have, they want you to do the rehab. And they’re like 'yeah, you do the rehab, you complete it,' this, that, and the other, then you go to aftercare, and you do that, this, that, and the other. Then, they put you up, there's places they put you up in, the apartments, they'll pay for that. This and that. It’s bullshit. I've been there and done it. Trust me, I've been there and done it.

I: But, why is it bullshit?

R: [Because], I mean it’s like, they...to me, my opinion, if somebody wants help, it’s in their heart. If they wanna stop, if they really, really wanna stop, it’s up to them. It’s not up to anybody for you standing on the floor, and you got another inmate, for instance. At the [post-prison treatment center], that's a therapeutic program. I went through hell in that program. I literally went through, yeah, I went through hell.

The above section reviewed a spectrum of reactions that offenders described having toward mandatory treatment and rehabilitation programs when they had no substantive interest in gaining any programmatic benefits from them. The next section will describe another facet of persistent offenders’ behavior that relates to the criminal justice system more broadly.

5.3 Actively Manipulating the Criminal Justice System

The third thematic finding related to the respondents’ reactions to criminal justice programming was that many intentionally tried to circumvent the criminal justice system by manipulating it to suit their own agendas. The motivations for doing such were two-fold: to receive a more favorable sentence and to inconspicuously continue their drug use.
The analysis revealed that many offenders were keenly aware of the policies of the criminal justice system, and they understood that by complying, but not actively engaging with treatment programs, in particular, they could increase their chances of receiving a sentence that was more favorable than prison, or to avoid being sent to prison altogether. While it is true that they also had no genuine interest in gaining anything from the treatment curricula, as was the case for some offenders in the previous section, these instances differ from those, because here, respondents clearly performed a rational calculation of how they could personally benefit with minimal compliance.

The narrative of Cameron (2402), a black male, is an illustration of how an offender’s acquiescence toward correctional programming may not be because help was being sought, but primarily as a tactic to avoid harsher forms of punishment. Cameron was sentenced to a post-prison work release program after repeated probation violations for driving infractions and being caught trying to beat a urine test by diluting the sample. When asked to explain his numerous probation violations, he said, “Yeah, I kept violating, kept violating. I would get out and I would have a good two-and-a-half-year run. It seemed after two-and-a-half years, I was getting myself right back in trouble again with violations.” Cameron claimed that he was eager to enter into the post-prison work release program. However, a careful examination of his narrative suggests that his enthusiasm to begin the program was not due to rehabilitative purposes, but to avoid incarceration:

_I: Classified to the [post-prison work release program]. So, what did you think about that? ‘I’m getting ready to go to this dorm, to the drug program?’_
_R: I was kind of anxious to get out of jail and go to that program because I heard so many good things as in, you get to have contact, furlough visits after you’re there for so long, you’ll get to go home on furlough, after 3 months there,"_
you’ll get to go to work. Back then, it was the structure you guys had laid out. I wanna say program coordinator, facility manager, things like that. A lot of things have changed over there now, but, I wanna say after you made it to work release. It was just so much better than what I was living at the jail scene, that I couldn’t wait to get there, not even thinking about what I was really going there for.

I: So, hurry to get there, but for other purposes?

R: Other purposes, exactly, for my benefit.

As we see, Cameron was well-aware of the benefits that he would receive if he entered into the drug program. When asked by the interviewer how much of the program’s offerings he internalized, he said, “Nothing. Nothing, for it was like a lot of boring group [meetings] and a lot of structure that was a little unnecessary for me; I’m willing to sit in this room because I’m a very patient dude.” As a follow-up question, the interviewer explicitly asked Cameron if his willingness to enter into the post-prison work release program was a form of manipulation, and he said:

Yeah, exactly. Now I’m here, I got six months of this bull crap, how can I get this one? You know what I mean? It was a mess, but I managed to stay low, and not get no contracts. I think I got out on phase... I did so good.

This finding corroborates the research of Cope (2000) and Frank et al. (2015) that suggests that some inmates elect to enter into corrections-based treatment programs, not intending to be rehabilitated, but because of the prospect of early release from prison, which is employing the “something-for-something” principle (Frank et al., 2015, p. 160).

Another example of this manipulation comes from Calvin (2446), a white male, who battled alcohol addiction throughout his life. On his criminality, he commented that: “Everything I did had alcohol involved, you know.” At one point, he
was sentenced to an alcohol treatment program in another state. While Calvin said that he completed the program, it was not motivated by a genuine interest to recover, as he explained below:

_I: What did you get out of the program?_

_R: You know, I was just doing it so I could get off probation, you know what I mean? That’s basically it, I was, you know, staying out. You know what I mean? And once I got off probation, I started going back again, [because] all my friends drank…_

Tyrell (1126), a black male, similarly took a position of formal, but minimal, compliance with the terms of his parole, which followed an early release from prison after serving twelve years (out of a twenty-seven-year sentence) in prison for a murder conviction. Immediately after his prison release, Tyrell was mandated to attend a post-prison work release program, which he completed. However, he said that he began selling drugs “[p]retty much immediately after I left” the program. Reflecting on this period of time in his life, he said that, “I was feeling great about life, but I didn’t see a lot of opportunities for me at the time, so I knew I was going to take…I came home with the intentions on doing some wrongs to get ahead in life.” He said that he began working, but that was merely a guise to divert correctional supervision actors’ attention away from his reoffending:

_I: What happened with that?_

_R: I left there and went to [employer]._

_I: How long did you work there?_

_R: Few months._

_I: Why did you leave [employer]?_

_R: Because I needed more time in the streets._
I: Did you like the job?

R: The job was alright, I was cleaning the [employer], it wasn’t anything that I really liked, but it was alright.

I: Part-time?

R: No, it was full-time.

I: Did you have benefits and stuff to it?

R: No.

I: Were you bumping and grinding? Or were you selling at this time?

R: Mhm.

I: So you really didn’t need the job, it was kind of like you were on parole, so was that part of the reason for it?

R: Right, yeah.

Antoinette (2389), a white female, also admitted to actively trying to circumvent the sanctions of her conviction through intentional manipulation. She said that through her social network (i.e., her father and husband), she learned tactics that she could use to be manipulative in court. Her first experiences with incarceration were “a joke” because drugs were widely available in prison and drug use was rampant. She went on to say that, “It was like a playground; you come in there and get 3 meals and a cot.”

In the aftermath of being convicted of shoplifting and second-degree forgery, she explained how her coercive actions enabled her to avoid prison time in exchange for the purportedly less-harsh conditions of the treatment program.
I just said stuff just for them to get off my back, basically. I learned about the drug aspect, but when it came to myself, I already manipulated myself out and went to the [treatment program]. And at the [treatment program], they said I could have a relationship. I had a relationship with one of the pioneers of the [treatment program], XX. And they taught me the best. I had my whole case lowered, I was the only female to have my case lowered. And they was all pioneers of the [treatment program]. They started the [treatment program], you know what I mean, and they taught me everything I know. So I knew how to manipulate the [treatment program].

During one segment of the interview when she was relating her experience once she began attending the court-mandated treatment program, Antoinette commented that, “…I participated, but I just told the surface stuff. I didn’t get deep into stuff because nobody even asked me what was going on or questions like you’re asking me. Nobody ever asked me, ‘why did you get into drugs?,’ and stuff like that. They never asked me.” It appears from the conversation that she completed the post-prison work release program, but she said, upon her release: “…I was back out there on the corner of [an] avenue, tricking, selling drugs, rolling with the kingpins.”

Other respondents, like Mario, Scott, Elliott, and Kim, said in very clear terms that the only reason that they complied with mandated treatment programs was because it was an opportunity to avoid prison, and in some cases, it was in anticipation of restarting their drug use.

Mario, a white male (6181):

I: Okay robbery charge, two years, to [the in-prison treatment program].

R: Yeah, I did [the in-prison treatment program] on my own, they were just gonna let me sit in the place. And I was like, ‘man, I can't sit here with ya’ll niggas all day and not learn nothing, not do nothing constructive,’ you know? Yeah, you could do your little hustling in there, but I was like, ‘hey man, I'm trying to get the heck out of here.’
I: Now, what prompted you to fill that? What made you be motivated that you wanted to, was it to get out? Was it to learn something? Why did you want to go to this intense drug and alcohol treatment?

R: Get out of jail, nigga will do anything to get out of jail. Shit, sit in there rotting, if you don’t get out of jail.

Scott, a black male (1624) similarly explained:

I: Now when you got out of the [in-prison treatment program], how long did you stay clean the first time when you got out?

R: I’m gonna say about a good month, man. I did the [in-prison treatment program] the first time just to get out of jail.

I: Okay, that’s why most people do it.

R: Yeah.

Elliott, a black male (2066):

I: Ok. Now, let me ask you a question. I don't wanna, I don't wanna miss something, while you were at the [post-release treatment program], and when you were leaving the [post-release treatment program], what was your, oh no, before you got there, when you was in prison like, what was your mindset? Why did you even go to the [post-release treatment program]?

R: Just to get out of jail, really.

I: Ok.

R: And when they interviewed me at the time, I thought I wanted to just learn, I wanted to learn how not to get in trouble. I didn't really have the mind to stop using...

And finally, Kim (2401), who clearly articulated the advice she was given to avoid prison — attend treatment under the façade of legitimately participating:

I: And you tried any outpatient ones?
R: Yes I did... [what's] the one I had to go mandatory to? No, I didn't, but I felt they was gonna send me to jail [because] somebody told me go to [name of center] counseling.

I: When did you go there? Do you remember when that was, [because] that's something that was a change.

R: But I stopped [because] I thought I was gonna go to jail, and I didn't so, I just stopped going. I don't even remember...

I: So, you didn't complete the program?

R: No. I went on my own, somebody told me about it so they can help me, so I won't go to jail [because] I had two charges, shoplifting.

I: It was a [type of treatment center] then?

R: A person told me go to [name of center] counseling, they [can] interview you there on your own. It wasn't nothing that I had to go. They told me to go there and get myself involved in that, so when I go to court, the judges see that I put myself somewhere.

These findings again support those of Longshore and Teruya (2006), who found that individuals who may have a resistance to mandated treatment programs may comply, despite their antipathy for them, because they are aware of the consequences that may result if they do not comply, such as a prison sentence, probation revocation, or employment termination.

As shown in the previous chapter, some of the persistent offenders’ crimes were directly connected to either a willful continuation or inability to break their drug addiction. The examples that follow demonstrate the various ways that some offenders manipulated the criminal justice system when they specifically cited that their goal was to use drugs while under correctional supervision. For example, Sheila (6066), a black female, detailed how she manipulated correctional sanctions in an effort to evade the restrictions that probation put on her ability to freely use drugs. At the time
of the interview, she was on the last month of an eighteen-month probation sentence for an assault. Shelia’s interview narrative clearly shows that she was non-compliant with the terms of her community supervision — she openly admitted that she continued to smoke marijuana, despite being on probation. In addition, she manipulated the periodic drug tests that she was required to take. In the below exchange, Sheila seemingly boasts about her prowess at eluding testing positive on the drug tests given to her as a part of her probation requirements:

I: Still same drug use?

R: Yup! Now, they done made me start smoking again.

I: They made you start to?

R: Yeah, they made me start! I was doing good! Minding my own business, and here they come all violations, you...

I: When had you stopped? When had you stopped?

R: I was on probation! I been on probation for 18 months! I wasn’t smoking! Until I learned the system, how to beat them, and then once I did that, I was smoking, but they don’t know everything, it’s clean on my charts, so that’s why I ain’t violating. I been on probation 18 months; they haven’t a dirty urine, they have no police contact, I haven’t had anything! So...

I: What are you on level II?

R: I was on level III, eighteen months level III, my first two months home, they had me doing anger management, I completed and paid for my classes, I completed all that, so they flowed me down and put me on level II my first two months on. And I’ve never been in trouble, never had a dirty urine, never nothing. So now, I smoke as much as I want...ain't nothing.

Felicia (6060), a white female, had been involved in criminality since she was a teenager; she began selling marijuana in high school, and then cocaine a few years
later. She admitted to being a serial and habitual shoplifter throughout her life. “Yeah, because I could have $1000 in my pocket and still shoplift because I was addicted to it,” she remarked. After receiving a four-month prison sentence for one of her shoplifting offenses, she described how she intentionally manipulated the corrections healthcare system in an effort to continue her drug use while incarcerated.

I: So, you were on pain meds, did you continue on pain meds while you were in jail?

R: Mhm

I: So, they allowed you to keep going?

R: At that time, but then they stopped. They had a doctor, actually, that molested me, he felt me up, and I let him feel me up, because I wanted the pain medicine.

I: So, he gave you scripts?

R: Mhm, to touch my breasts. But I mean, I manipulated the doctor, I knew what I was doing. There is no defense in that, but in all reality, I was an inmate, and he was a doctor, but I had the power, I always had the power. Being a woman, you always have power. I never prostituted, but I always used the possibility to a man; ‘you might end up with this, if you give me, give me, give me.’

Assuming that Felicia is honestly describing this situation, it is indisputable that the doctor behaved unethically and perhaps even illegally. However, she acknowledged her premeditated intention to manipulate the male physician in order to acquire the prescription medication that she was addicted to — substances that she would not have been able to get otherwise.

Vincent (1330), a black male, had been sent to a variety of treatment programs, and had been on parole and probation on multiple occasions. At one point in his interview, Vincent described how he manipulated probation policies as a maneuver to continue his drug use after being released from prison:
I: I’m going to ask you, what did you think about taking them kinds of risks with all that back up time? You had twenty years back-up.

R: I had twenty years back-up, I took a serious risk.

I: Why?

R: Because other people were beating the system. I seen other people beating the system, and the officer that I had was someone that you can, you could be up front with. Which was really great.

I: Oh, so you had a great relationship with your probation officer, you could talk to him?

R: And I told him I relapsed. And she knew the therapy that we were getting, and we would go to AA, and I wouldn’t deny it, because, she’d come out and do your urine dirty, if you come back again, I have these restrictions. So, I abide by the restrictions, stop smoking for a month, and then two months or three going on, they stop pissing you. So, I knew pretty much of the system, and that’s why the negative behaviors that carry on with you, if you’re not monitored, it will keep it in the forefront. Those behaviors are not gone.

I: You’re talking about manipulation.

R: Yes, yes…

In addition to illuminating how some offenders use their knowledge of correctional programming policies to sidestep them in order to discreetly continue their drug use, Vincent’s narrative also revealed an interesting point regarding the offender-officer relationship. We see that Vincent reported that he had a good relationship with his probation officer at the time. This is starkly different from the respondents’ testimonies in the earlier section when they discussed the poor relationships they had with criminal justice personnel. What appears to be the difference in Vincent’s case is that he had a probation officer that enforced probation policies less stringently than those in the earlier examples when respondents criticized
their probation officers for not giving them leeway when testing positive for drugs. Therefore, it seems that some offenders’ perceptions of their relationships with criminal justice personnel can be influenced by how these street-level bureaucrats (see Lipsky, 1980) use their discretionary power by permitting a certain level of offending before they will sanction an offender (a form of selective enforcement) for violating the terms of their correctional supervision. The implications of this finding will be addressed more fully in the Discussion section.

Philip and Cameron similarly told of how they purposely circumvented their urinalyses in order to continue their drug use:

Philip, a white male (6153):

I: So, what were you selling down there?

R: Crack cocaine.

I: Now, what about using? How soon did you use when you got out of the [probation center]?

R: I was using the whole time I was down there.

I: Weren't you on probation?

R: Yes.

I: What was that like?

R: I was on only probation though.

I: But, I mean they didn't pee test or nothing?

R: Yeah, but I was on the three-day window thing.

I: Okay.
R: You know, I was like taking my urine, my urine at the beginning of the week, and from there I would just take shortcuts, ‘okay, I can get high for three or four days,’ and then, you know, you know that go about. You don’t be cheating nobody but yourself. It shows, it was showing in me, but they just couldn’t prove it.

And, Cameron (2402):

I: Now, before you entered the [post-release treatment center], how many times were you arrested?

R: In [year], I did a burglary, and I got five years in the system — one year mandatory in jail, four years’ probation. After that, it became violations [that] got me hemmed up, because I couldn’t control the need to go out. I wouldn’t give them dirty urines, I would just miss the appointment. I was one of the very smart, stinkin’, thinkin’ addicts that ‘I ain’t going to give them a dirty urine, so the judge can embarrass me, I’ll just give them some missed appointments,’ so the judge possibly just smack me on the hand and say, ‘get it together, and get your appointments.’ Because I would lie and say I was missing appointments for work reasons.

This section described the variety of ways and motivations that persistent offenders purposely manipulated the criminal justice system when they were under correctional supervision in order to suit their own self-serving goals. The next section will outline how some offenders fail to appear or participate in correctional programming at all, much less comply, even minimally.

5.4 Absconding Community Supervision

An additional thematic category regarding offenders’ interactions with the criminal justice system, and arguably the most defiant reaction to correctional supervision, was to intentionally abscond from community supervision and other forms of correctional programming once they were sentenced. Champion (1996) noted that, similar to other forms of corrections, probation is intended to control crime, advocate community reintegration, serve as a form of punishment, offer an offender a
chance to rehabilitate, and to serve a deterrent mechanism for future offending — or, as Paparozzi and DeMichele (2008) concisely summarized: treatment, surveillance, and enforcement. According to Mayzer, Gray, and Royo Maxwell (2004), “Absconders are those who repeatedly do not show up for required contacts with their probation officer and with whom the probation officer has lost contact” (p. 138).

Jerrod (1381), a white male, was on house arrest at the time of the interview due to receiving his fourth DUI conviction. In Jerrod’s family of origin, drug and alcohol abuse was common. In addition to having an alcoholic father, he said that each of his siblings had battled addiction at some point in their lives. Aside from his oldest brother, who did not have any legal trouble and had desisted from drinking, his two sisters and his other brother continued to battle addiction.

His first conviction was a result of a burglary that he committed at age eighteen, where he and his friends burglarized a home and “stole all the guns and stuff.” However, while he claimed that this experience was unpleasant, his initial prison stint did not deter him from continuing to offend. Although it was not clear how much time had elapsed after his initial release, he committed another burglary with a friend and was subsequently arrested and convicted. The second incarceration proved to be a more positive experience for him than the first: “The second time I went down to [a town] it was different because it was…then I knew people that I went to school with that was in there, and I socialized more, and it just became the gym and the yard and playing softball...”

When asked by the interviewer why these previous convictions and prison terms did not lead him to desist, he said, “I don’t know, it’s like you said back then,
young, stupid, and didn’t really care [because] back when I was going to jail, in and out, it did, in a way, it used to be fun being in there.”

On his offending pattern overall, aside from two burglaries earlier in his life, “It’s pretty much been DUls pretty much all my life,” Jerrod said. He relocated to another state at some point, where he said that he desisted from offending (he was not on probation during that time) and that his alcohol intake decreased. Eventually, he returned to Delaware, where his drinking increased, which led to him being convicted of multiple DUls. He was sentenced to probation multiple times and willfully violated on more than one occasion. Describing this pattern, Jerrod said that his cycle of offending was, “getting out and being on the probation, and being stubborn, and bull-headed, and still wanting to go out and sit in bars and taste the women and get drunk, and [I] just kept getting violated all the time.”

I: Okay, now do you remember any, like how you, what happened that you were out for just the three months? Like, did you get dirty urine, or did you get violated for something?

R: Just violated [because] I wouldn’t show up. I might show up one week, and then I’d say you know, ‘hell with it,’ and then I’d be, I guess on the run, you would say until they got me.

Multiple scholars have studied probation and parole absconding, namely with regard to the behaviors that lead to probation revocations (e.g., Belshaw, 2011; Cohen, 1995; Gray, Fields, & Royo Maxwell, 2001; Mayzer, Gray, & Royo Maxwell, 2004; Parent et al., 1994; Stickles, 2007). Failure to report has consistently been found to be the most common type of probation violation (Gray, Fields, & Royo Maxwell, 2001; Mayzer, Gray, & Royo Maxwell, 2004).
Todd (1358), a black male, had multiple probation violations throughout his life as well. After serving a prison term for drug possession and entering into the post-prison work release program, he subsequently reunited with the partner that he was with before prison, became employed, and was mandated to attend a corrections-sponsored substance abuse program. He noted that, for a period of time, he abstained from drug use, but eventually relapsed on heroin. Also at that time, Todd’s relationship dissolved, and he moved back to his mother’s home. When asked by the interviewer if his breakup led to his relapse, he said, “Well, I fell apart... that was the, I already entertained the thoughts of using, and the reason I was holding on was because I didn’t want to go back to jail. I was still fresh out of the [post-prison work release program].” His drug use eventually led to him violating his probation due to a failed urine test:

_I: So, did you ever get caught on that?_

_R: Yeah, absolutely._

_I: And what happened when you got caught, when you peed positive?_

_R: When I got caught, I got violated probation. They were looking for violations because I stopped showing up after I took the urine._

_I: It looks like they didn’t find out for a while, because you didn’t go back in it until [year]. So, was it almost a whole year that you were ducking and dodging?_

_R: Yeah, could have been._

_I: What was your drug use pattern like after you started, or you no longer attended [the substance abuse program]? How frequent was your drug use at this time? Daily? A couple times a day?_

_R: Daily, yea, after I knew I was violating and was heading back to jail, it was every day._
Todd’s narrative, along with the other examples in this section, provide support for Mayzer, Gray, and Royo Maxwell’s (2004) claim that many probation absconders are knowingly avoiding the punitive “just desserts” of the sentences they received. In his case, Todd anticipated that he may have received an additional sanction for failing his drug test. Instead of taking that risk, he chose to abscond from probation altogether as opposed to having to face a near-certain return to prison if he had reported to his probation officer.

Anthony (6134) said that when he was apprehended at one point, he was making a lot of money on the street through drug sales. He revealed that, while residing at the work-release facility, he left the program to “[check] paper real quick,” a reference to his active involvement in the crack cocaine trade at that point in his life. In this exchange, we see how Anthony fled from the post-release work release program to resume offending:

I: You’re like a young man, in prison, go to these programs, where was your head at before you even got to the streets? Were you like, ‘when I get out, I gotta be smarter, wiser’?

R: No, I already had shit man it wasn’t even no, counselor XX could see it, the reservations. Me, XX, a couple other people. And now I can see that people saw it, you know what I mean? I wanted to get back at it...I’ll keep it real with you, when I was in the [post-release work release program], I was eating, I was alright...It was crazy [because], I don't know, it had me like trying to really be on my coveryness. I come out for work or something like that, running somewhere checking paper real quick, keep moving. I was seeing people get time and all that type shit, and it was like, I guess you could see. Like I was getting in trouble, and I had [mis]behaved, so you could see the disease all through, I was trying to mask it, I guess I was. It was just trying to do what I gotta do to get by. I needed to get back to these streets. I need to get back out to these streets.
Like Anthony, Ian and Hank’s narratives below also illustrate how offenders who abscond probation are often led to do so because of the lure of drugs — the sale and/or use thereof.

Ian, a black male (2342):

I: Why were you incarcerated at that time?

R: [Year] ... I had a violation. I think I had a violation. POV. I got at least eight or nine POVs. The majority of the time I’ve been in jail is for a violation. All the time.

I: [You’re] not sure, what [do] you think [it could] be?

R: It could be curfew. Sometimes I just don't wanna go, anything, because before you violate the probation, they give it back to you. Now, you just do it, and you don't have any more probation, like I am now. This is the first time I've been off probation.

I: For a long time?

R: Yeah. I got probation, what, [year]? It's crazy. During the whole time I was on probation, I sniffed every day. Now, I wasn’t on it, I don’t have somebody telling me I can’t do it. I didn’t wanna do it no more. I always had a thing with authority, because I always got to do what I wanted to do.

I: Alright, just to play devil's advocate, by disobeying authority, you kept yourself under supervision.

R: I know. That makes sense. I know.

I: If you just did what they said for a few months, you could have been done and not have to worry about it. Why are you saying, ‘I'm just gonna do what I wanna do?’

R: I come home on probation, and I'm like, ‘I'm already on probation man.' I get six months. After three months, I was just like, ‘I'm tired of coming home at ten o'clock. I'm tired of having no money.' I just started hustling again. I violated, and I only had a month left, and I violated on the six-month probation.

I: So, you had a problem controlling the impulse?
R: Yeah.

Hank, a black male (6157):

I: Were you using like 24/7 around [year]?

R: Yeah.

I: Okay, because it looks like, too, that, you weren't in the [methadone] clinic or nothing?

R: I don't think so.

I: Because it looks, now, how are you supporting your habit?

R: Stealing shit.

I: Any dealing at this time?

R: Yeah, I was selling drugs, too.

I: What kind of drugs?

R: Heroin, coke, weed, pills.

I: So that was to support your habit? Now, it looks like in [year], now you've been out then since [year], you got another violation...what was that for?

R: I don't even remember, not sure. Not reporting, that's what it was. I got out of jail, and I didn't report.

I: Okay, still going hard?

R: Yeah, yup.

As shown, there are times when offenders will avoid the constraints of the criminal justice system altogether and flee from the parameters of their sentences, despite their likely apprehension in the future. In these instances, offenders are not interested in abiding by correctional programming at all nor do they appear deterred
by harsher punishments in the future. Typically, they are eager to return to offending or are resistant to any form of legal authority.

5.5 Reoffending due to Happenstance and the Collateral Consequences of Criminal Convictions

This section will detail examples in the offenders’ narratives when they reoffended due to happenstance circumstances related to the criminal justice system. These cases are similar in that each of the respondents committed crimes that were directly related to their interactions with legal actors and institutions and not due to deliberate offending. As will be illustrated, the respondents’ consternation with what they perceived as unjust treatment by the criminal justice system surfaced in their interviews. Although somewhat related, these cases are different from the happenstance circumstances noted in the last chapter. In these cases, offenders appear to be judged guilty because of their criminal records, regardless of their behavior. As such, these cases illuminate the prejudicial labeling that often follows individuals with a criminal record.

Sarah (2260) noted that she had been arrested just weeks before the interview due to unforeseen circumstances that she found herself in related to the criminal justice system:

\[I: \text{Now, when did you go in, this last one that you went in when was it?}\]

\[R: \text{That was 3 weeks ago; it was terrible...}\]

\[I: \text{What...happened?}\]

\[R: \text{They picked me up, somebody, my boyfriend’s stepfather did something, and from all the times of being [raided] and everything, I jumped out the window, and there they were with the guns and everything.}\]
I: So, they were coming in for your boyfriend’s stepson, and you jumped out of the window?

R: Yeah, they had the rifles and everything, and the judge didn’t want to hear nothing because of my bad record.

I: So what’d you get sentenced to?

R: I had to come up with the money, but I actually had an assault on a police officer, too. I was twisting and turning when they tried to put the cuffs on, too, so they got me for resisting arrest, and I was like, ‘are you serious?’ I said, ‘you had a bad day, officer,’ and I went. I had a court day for it, and I missed it, so they locked me up for those ten days, but I went in there and got all of it taken care of.

I: You were only locked up for ten days?

R: Yeah, it took me ten days to get out of the damn system, and now the record is down in Dover.

As Sarah described, she was arrested when the police raided the home of either her boyfriend’s stepfather or stepson (the transcript mentioned both). While she was forthcoming regarding her resisting while being arrested, it appears that this may have been because she did not feel as though the arrest was warranted — any illegal activity that may have been occurring in the home was not associated with her. Moreover, Sarah lamented that the judge was not open to hearing her side of the story because, by her account, she had an extensive criminal record. She admitted that she missed a court appearance, but she eventually appeared, and was subsequently sentenced to ten days in jail. The fact that this situation led to another criminal conviction on her record is an example of how some offenders find themselves in precarious circumstances with the criminal justice system which — fairly or unfairly — reinforces their persistent offender status and terminates a period of desistance.
Earlier in the chapter, we saw how Gerald (1460) was very resistant toward taking part in the mandated work release program. At first blush, it appears that the robbery Gerald was convicted of was just an additional offense in a series that he had committed in quick succession over that past year. But, as an examination of the surrounding circumstances of that criminal event will demonstrate, the source of Gerald’s intransigence toward participating in the mandatory work release program becomes clear — he adamantly denied having any role in that crime and felt that he was wrongfully convicted:

R: One time I had caught the charge with the boy that I used to hang with. It was so crazy, right, because I honestly didn’t have nothing to do with this, and I just happened to know the boy. I’m coming from [the store]; [my boss] had just dropped me off at the [the store], and I had bought me a [drink] and a hot dog. I come across [an avenue], and it’s a little short block behind the [name of business] building. I’m walking down that block right there, I see the boy I know, so we just end up walking together, we were talking. The police pull up, boom: ‘Y’all fit the description of a robbery that just happened.’ Robbery? I’m like, ‘man, I’m just getting dropped off, I’m coming from [the store], that’s why I got the [drink] in my hand, how would I do a robbery?’

I: Right, right, right

R: So now while they got us stopped, we hear over the walkie-talkie that there’s a theft in progress up the block. And this is happening around the corner from where they got us stopped at. I know nothing about it. Now, whatever that man did before we ran into each other, that’s his business, it’s got nothing to do with me. So they ended up charging me with a felony charge — theft over 1,000 [dollars] and conspiracy second. I went to trial because I actually didn’t do it, you know what I mean? Now, this is what I learned about the law — the difference between a jury trial and a judge trial. If I had the judge trial, I would have beat the charges because, you know the law. But the jury trial, [they] pick 12, they don’t know nothing about the law. They convict me on evidence that wasn’t even no evidence on me at all. They ain’t have my fingerprints, they ain’t have...

I: What was the evidence that they said they had?
R: The boy had [stolen] some rims off the car lot dealer. And when they stopped us both, he had like 20 lug nuts and some gloves inside his sweatpants. I ain’t got nothing on me, but a [drink] and money, that’s it, that’s all I got on me. They said I was covered in grease. I’m a mechanic! I just got dropped off with my boss, he can verify that! So I guess the district attorney painted a hell of a good picture because they found me guilty.

After explaining how this situation unfolded, the interviewer asked Gerald if both he and the other male were found guilty of the alleged robbery; he said this:

R: He pleaded out and ended up getting [the work release center]. That’s what they kept trying to offer me, [the work release center]. I said, ‘I ain’t taking no [work release center] when I ain’t do nothing.’

I: So, what’d you get?

R: They gave me um, what was it? That’s when I went through that [post-prison treatment program].

Later in the interview, Gerald described how he eventually absconded from his subsequent probation following the sixty-day sentence for the robbery conviction. Because of the deflating experience and the presumably baseless conditions that undergirded his robbery conviction, his perception that the probation officer placed unreasonable requirements on him, as well as his sense that the probation officer committed acts of misconduct, Gerald ultimately absconded from his probation:

R: Yeah, I just stopped going. Any time I stopped going to the P.O. was because we wasn’t getting along, they ain’t trying to compromise or work with me, you know what I mean. It’s just like, ‘do this and do that.’ And I’m like, I’m already doing this and doing that, what I’m supposed to. And now [he’s] adding extra stuff into it, man? The majority is for driving, I got probation for driving. So he pulled me over, gave me a ticket, went to court, plead out, get probation. Now he making me come in — I’m supposed to see him once a month, you making me come in once a week? I’m not on level III, I’m on level II, once a month. Now you want a urine? This is for driving, this ain’t no DUI, this ain’t no drug charge, you know what I mean? And then the last violation, I remember one P.O. straight lied on [me]. He wanna say he went to my house, and my grandmother said that
I don’t [live] there. And I’m sitting here like, I don’t know what house he went to, my grandmother’s gone, all I have up here’s my mom. My mom said they came to the house, she said, ‘I didn’t know where he was at, he outside somewhere.’

I: So, they turned it into something different?

R: Yeah, so I ended up violating because he lied, and said I changed address, which I never did. And then there was some missed appointments that he made up. Now, you already know I’m on top of my appointments [because] anytime you give me a card, I keep it, you know what I’m saying? And then the judge went right along with him, they gave me 90 days for that, too.

It is necessary to display Gerald’s narrative in its entirety because this exchange revealed a number of noteworthy points, and is best understood in his own words because it provides a visceral account of his testimony. Although the short period of desistance that Gerald experienced prior to the robbery conviction was not due to him making a forceful attempt to desist from crime permanently, his narrative of how this period of non-offending became temporary is revelatory for a variety of reasons.

First, in his vivid description of the series of events, he provided the context of the alleged robbery. He steadfastly proclaimed his innocence, saying that, by chance, he was in the vicinity of where the crime occurred and happened to see someone that he knew. His resistance to the sentence that he was given was not merely because of unfounded objections to the programmatic features of the work release program, but because of Gerald’s dismay over the circumstances that led to the conviction.

Also, this narrative illustrates how Gerald’s legal consciousness regarding criminal court proceedings was informed by this experience. He explained how he perceived that there can be different implications on a trial’s verdict depending on if a defendant chooses a judge versus a jury trial. In hindsight, he regretted choosing a jury
trial because its members “know nothing about the law” when compared to a jurist, which suggests that he did not view the jury’s ruling in his case as being impartial.

And lastly, Gerald’s exasperation regarding how these events unfolded suggests that, while he was, by definition, both an active and persistent offender at the time of the interview, his narrative revealed that he was gradually trying to better himself, but those efforts were stymied. Gerald acknowledged that he was working and attempting to comply with the sanctions handed to him by the criminal justice system, but the perceived injustices that he experienced in all phases of the criminal justice process produced a high level of aggravation, which led to repeated non-compliance with correctional programming.

This case shows how perceived unfairness of the criminal justice system policies and practices may contribute to some persistent offenders’ seemingly endless involvement in the system, which may have residual effects — it may lead to groundless charges added to their criminal records, and it also may reinforce offenders’ perceptions of illegitimacy and unfairness within the procedures of the legal system. These may, in turn, have the ripple effect of them being averse to all facets of correctional programming, or their willingness to obey the law altogether (see Tyler, 1990). The concepts of legal legitimacy and procedural justice are key aspects related to the discussion of offenders’ reactions to the criminal justice system, and will be discussed in more detail in the Discussion chapter.

Another example of how happenstance circumstances related to the criminal justice system may lead to unintentional reoffending is an individual’s ignorance of the law, or a lack of legal consciousness. We see an instance of this when we return to Vincent’s (1330) narrative, a respondent who had experienced numerous terms in
prison prior to his interview — mainly due to his drug addiction. In one instance, after being convicted of multiple property crimes, he received a thirty-two-year sentence. He served ten years in prison and was later paroled. Nevertheless, later in life, he was able to get his life on track. He credits this to having a good experience in prison treatment programs. “Treatment helped me define what was going on with me at those different stages of my life…,” he said at one stage of the interview. After his release, he became steadily employed. When asked if his criminal record was a hindrance on his employment prospects, Vincent said, “Never. That was the amazing about it, because my record, the things that determines me getting a job, it was nonviolent. Most, my offenses were nonviolent…”

Although he had been cited for driving infractions after his release — relatively minor offenses considering the severity of some of the convictions on his criminal record — he was able to maintain his will to desist and avoided committing any major crimes. However, as will be exemplified below, Vincent explained that a fraud conviction he received after a long period of non-offending was an unintentional crime that occurred because he was not knowledgeable about Delaware’s contract law when he agreed to perform a construction job:

*I gave her a three-day cancellation to cancel that money, and that weekend, they couldn’t get in touch with me, she had cancelled it. [I] [n]ever knew it. I paid my man who came down from Florida, spent some of the money for materials, then all of a sudden here it is, she dropped the contract. Well…that was money up front that was nonrefundable. I didn’t have it with me, in the contract, verbally, about this is the down payment just to start the job. The judge said that I should of had it — if I ever took any money — I should of had it written. Even though he seen the contract, even though he seen that I was beat, he said you did the contract wrong, so they made me pay fifteen-hundred dollars back. But, they gave me a misdemeanor because they knew from the get-go it wasn’t me who was trying to manipulate, based on her, and she actually wrote an email to me that I kept about her disappointment [and] why she wanted to pull back on*
the contract. The judge read it, and said, ‘I don’t get no stuff worked on in my house, and they pay for the sinks.’ It’s all materials that you buy yourself. He said, ‘you just did the contract wrong.’ And that was the only brush of the law I had, and that was a misdemeanor.

Vincent’s inadvertent misdemeanor described here is an example of how contingencies related to the criminal justice system can lead to offending behavior, even after an extensive period of desistance marked by attempted change. Although the fraud offense was not intended, it is yet another mark on his criminal record, and thus, it terminated the long-lasting period of desistence that Vincent was in, which was motivated by his genuine attempt to change his life around. Understanding the context of this, and other situations, helps to explain how some persistent offenders appear to continue in criminality well into adulthood. It is important to underscore that this criminal offending is not necessarily willful. Thus, while on paper, it would appear that Vincent had returned to his criminal career after years of non-offending, an examination of the circumstances that precipitated this crime provides further evidence of how happenstance and the capricious life circumstances of an individual with a criminal record may result in “zig-zagging” in and out of crime over the life course.

Another related theme regarding how the punitive nature of the criminal justice system can both be a barrier to desistance and related to reoffending is the use of monetary punishments as a tool of retribution and deterrence. There are times when attempts to desist are disrupted because of the stress that some offenders experience due to their inability to meet the stringent requirements of these financial sanctions. Several respondents noted times in their lives when the financial burden of criminal justice-related fines hindered their lives. Roy (1564), a black male, for example, had
desisted from crime for over twenty years at one point in his life. During the interview, it was apparent that he was very proud of this achievement, and he attributed this long-term period of desistance to finding alternative activities instead of engaging in drug use and crime, as well as maintaining a positive and healthy relationship with his partner. However, Roy explained how the financial and mental strain from receiving a barrage of financial punishments eventually triggered him to reoffend and relapse on drugs.

I: So, since [year] you haven’t, well from the time you got arrested in [year], you haven’t been, so it has been 20 years?

R: Yeah.

I: Okay, so 20 years.

R: I haven’t been in jail for 20 years. But...last year, it started on me, that’s when I went to jail. From [month] to now, I’ve been in jail like seven times.

I: Really? How?

R: [Because] when I got busted, then I got bailed out. Then they locked me [up] again for child support about 2 or 3 times, right. Then, they busted me again, found me with a little gram of coke on me [because] I had relapsed after that. I was getting high, they found me with that on me, and I violated one time. I had a dirty urine, and they violated me, so I’ve been in jail like 7 times since October.

I: That’s interesting.

R: It is, man. See how my life turned back around? But, I had stopped dealing with drugs, man, for a long time. And I had stopped selling and everything, and I have been working...for 10 years. But, these people keep taking my money, they keep taking my money. IRS, child support, other tax arrangements, you know? You know the agreements.

I: So, you actually did stop selling drugs?

R: Yes, I stopped, I stopped. I stopped, man, for like, I ain’t sell nothing in like 20 years or nothing. I ain’t get in no trouble in 20 years. And I just started back
trying to make money when they start messing with my money. And I couldn’t do it. Got busted.

Roy’s narrative shows how the burden of meeting the multitude of financial obligations greatly vexed him, which led to him relapsing and selling drugs. He was consumed by having to pay restitution for child support, unpaid federal taxes, and other fines. Roy was disheartened that the progress he made in his personal life vanished because he could not keep up with these monetary penalties. This example serves as a real-life instance of how criminal justice policies may become overwhelming to some individuals, and may have the latent effect of being the catalyst that ends a period of desistance, regardless of length or underlying motivation.

And finally, to return to Wade’s (2336) narrative, at the conclusion of his interview, and despite being an active drug user and unemployed, he appeared to be developing a desire to move beyond his offending behavior and toward a conventional, pro-social life. He said that he wanted to get a fresh start and move out of Delaware because he felt as though that environment was not conducive for him to better his life. Wade explained how the stringent policies and the inefficient nature of the criminal justice system are impediments to his wish to normalize his life.

*R: I need to turn myself in.*

*I: Oh, so you got a capias right now?*

*R: So, that ain't the problem, the problem is right now if I were to turn myself in to them, it’s gonna, the last time I did it, it took them 3 months to get me into court. You know what I’m saying, it took them 3 months to get me into court. So right now what I’m actually trying to do, I’m actually trying to put up 500 dollars to give them, so when I turn myself in, if they give me any kind of bail or whatever, I can pay that and come right now back, you know what I mean? That was the same day I get out I can go straight and get an ID.*
As he explained, Wade had a warrant out for his arrest at the time of the interview. However, a close examination of Wade’s narrative provides the context of his current status as an offender who is on the lam. He wanted to turn himself in so that he could resolve his outstanding warrant, but as he explained, he knew that if he did so without the ability to post bond, he would be detained for a relatively long period of time before his court date. Therefore, he was delaying turning himself in so that he could secure enough money to post bond, if assessed:

**I:** So you’re just trying to put some money together right now?

**R:** Yeah, you know [because] like I said, it ain’t all about getting high or nothing like that. It’s a lot of things man [that] I would like to do that don’t have anything to do with drugs. Like I said, I’ve been clean for a while, I enjoy it. Love it man, love I don’t think [there] is a greater high than being sober.

In that last sentence, we see that Wade has an understanding that life would be better if only he could shed his drug use once and for all. Regarding his ongoing drug use, Wade said that using drugs was not something that he truly wanted to continue to do. For him, it was a way to occupy time, since he had few legitimate avenues to foster his will to desist. When asked by the interviewer what leads him to continue using drugs, he commented that: “[I have] [n]othing to put in place of it.”

At one point of the interview, Wade succinctly explained the realities of life that many criminal offenders face once they are released from correctional supervision. They often reach a point in their lives when they wish to move toward a conventional life, but they realize that there are numerous barriers that hamper their access to the institutional mechanisms that many theorists suggest are vital toward carrying out a desire to desist:
Yeah, for the duration of your life, you know what I mean, you can get out, go to jail, go to jail, now to get out of jail, [and] they won't even allow you to get welfare. See what I'm saying? And then you gotta let the people know that you're trying to get the job. [F]rom that, you have a record, because if you don’t let them know, and they find out, then they’ll never let you. Then, if you tell them the truth, some of them won't let [you get it]. So, it wasn’t just a thing where I came straight back out and straight to that. I came back out, and I tried.

5.6 Chapter 5 Summary

Illustrated in this chapter were the variety of responses and reactions to correctional programming for this sample of persistent offenders. It was common for respondents to describe having poor relationships with the criminal justice personnel with whom they came in contact. During periods when an offender had not made a commitment to desist, they were rarely receptive to correctional programming. Persistent offenders, especially when they are not ready to desist from their drug use, are often apathetic toward participating in mandated treatment programs. In other cases, especially when they were coerced into rehabilitation programs, offenders were steadfastly resistant to participating in treatment programs because of a perception that they did not need the program’s offerings or they had a negative perception of how the rehabilitation curricula was administered.

To navigate the criminal justice system’s constraints, it was common for offenders to actively and purposely manipulate various aspects of criminal justice system programming, which included complying with mandated treatment programs when they calculated that they perceived there would be rewards for doing so. Primarily, these efforts were directed at minimizing the retributive and rehabilitative elements of correctional supervision, especially court-ordered counseling and treatment programs, and community supervision programs such as probation, parole,
or home confinement. Other drug-addicted offenders admitted to manipulating drug testing as a way to continue using drugs while evading detection.

Further, in select instances, some offenders may abscond from community supervision programs for several reasons: they are eager to resume their criminal offending, are at risk for being sanctioned for using drugs, they have no interest in being involved with the criminal justice system in any way, and/or because they perceived they were unfairly treated and labeled by the criminal justice system.

And lastly, we see how happenstance interactions, along with both real and perceived problems within the criminal justice system and its processes as well as the collateral consequences of a criminal record led some offenders to reoffend. In some cases, offenders find themselves in criminogenic environments that may lead to an arrest due to association. In other cases, offenders may not be knowledgeable about the law itself, which may lead to inadvertent offending. Further, the financial penalties and/or lack of access to other forms of government assistance results in some growing frustrated by the taxing and never-ending requirements of correctional punishment. Offenders’ frustrations with elements of the justice system that they deem as unjust may also have long-term effects on their compliance with the law and correctional programming, which is inextricably related to their commitment, or lack thereof, to desist from crime.
Chapter 6
DISCUSSION

The primary objective of this dissertation was to explore how a demographically diverse and modern sample of adult, persistent criminal offenders who were actively involved in crime and the criminal justice system experienced criminal intermittency across the life course. Guided by Carlsson’s (2013a) forms of intermittency framework, the analysis of the respondents’ narratives inductively led to the development of two specific research questions:

1. Between periods of temporary desistance, why are some offenders driven to continue to offend?

2. When persistent offenders lack a will to desist from crime, how do they react to correctional programming and how does this impact the process of reoffending?

Thus, this chapter will provide a thorough discussion of the findings related to the research questions of the study, connect them to existing literature on criminal intermittency and other pertinent studies on offending behavior, and outline the limitations of the results, which includes my reflexive account of the research process.

6.1 Factors That Led to Intermittency as Continuity

Because the focus of this study was on understanding how persistent criminal offenders experience criminal intermittency when they are not attempting to permanently desist from offending, the analysis focused on segments of the respondents’ narratives when the presence of a will to desist from offending was
absent in their narratives. Of particular interest were the conditions under which this set of active offenders temporarily “held up” from offending at times. Thus, Carlsson’s (2013a) intermittency as continuity concept was applied in identifying instances of this within this sample’s life history narratives. Based on the results of the analysis, the most noteworthy theme related to pauses in offending is that they were most often described by respondents as occurrences that happened after being released from a period of correctional supervision. In some cases, it appeared that respondents contemplated permanently desisting from crime while incarcerated, which resulted in brief, and sometimes long, periods of desistance. In other cases, respondents were skittish about reoffending immediately upon their release due to the risk of being apprehended swiftly or out of fatigue from their recent involvement with the criminal justice system. Regardless of which cognitive mechanism was involved, all respondents ultimately resumed their criminal behavior.

This finding ties closely to the existing research on the process and various types of desistance by scholars such as Fortin-Duford and Brassard (2013) and King (2013). Fortin-Duford and Brassard contend that the negative cases in The Transformed group are most likely to zigzag in and out of criminality. This is because these individuals “are still hesitant between their new life as a non-offender and their previous criminal social identity” (p. 12). King (2013) adds to this idea when he suggests that would-be desisters display signs that mark the beginning of the individual change process, while not yet having reached. These early stages of desistance may be “tempered by a degree of trepidation” for individuals who are exhibiting signs of early desistance, and until a state of non-offending is reached, periods of intermittency may continue (p. 161). As Shapland and Bottoms (2011)
stated, “wishing to desist is one thing, actually getting there and doing it is another” (p. 271).

This finding represents a departure from the results of Carlsson’s (2013a) discussion of *intermittency as continuity*, which highlighted narratives where the Clientele men voluntarily decided to cease offending for a short period of time in order to “pause” or “break” from offending so they could pursue jobs in occupational sections like banking or transportation (i.e., bus driving). In contrast to the older, male Swedish offenders from the Stockholm Life History Project, rarely did the respondents in the current study cite that they willingly stopped offending because they wanted to temporarily pursue legitimate work, then return to criminality. While there were indeed times in some of the respondents’ lives when they did associate themselves with prosocial activities such as employment, this occurred when they testified to having a desire to cease offending permanently (i.e., when they entered into periods of *intermittency as attempted change*).

Why are the qualitative data from the sample of offenders used in this dissertation devoid of narratives consistent with temporary desistance in the form of *intermittency as continuity* compared to Carlsson’s (2013a) sample? On one hand, it could be due to the differences in the social-structural and environmental contexts of each sample. It must be reiterated that the Clientele men were from Stockholm, which is Sweden’s capital city as well as the national center of industry, commerce, arts, and politics — a location that is far greater in magnitude and one that has a significantly more complex and developed economic infrastructure than the city of Wilmington, Delaware or any other locale in the state. At the time these interview data were collected, Wilmington was experiencing high rates of unemployment and many of its
industries were closing or significantly reducing their workforce. Except for a few isolated locations where industry has remained steady, this is also largely true for urban areas in United States in general. Frankly, the contemporary persistent adult offender in the United States rarely has the ability to access the types of alternatives to criminal offending that it appears the Swedish men in Carlsson’s study had access to during the 1960s and 1970s. These contextual differences are undoubtedly one of the primary reasons for these disparate findings.

An additional contextual difference that may explain these divergent findings relates to general geo-political differences between the United States and Sweden, and more specifically, to national variations in crime- and drug-control policies. For example, Garland (1996) has argued that the modern, punitive-driven, “tough on crime” approach to fighting crime that criminal justice agencies in the United States (and also in England) have adopted has been grounded in taking advantage of the public’s fear of crime. Garland’s (2001) theory of the “crime complex” posits that modern crime control efforts rely on the public’s belief that high crime rates are widely considered to be social facts. As a result, individuals become preoccupied with worry that they may become victims of criminal activity themselves, and police agencies seem to play on this fear by publicizing the threat of crime and criminal activity by certain portions of the population.

One cornerstone of crime-control efforts in the United States has been the “War on Drugs.” First instituted in the late 1960s by President Richard Nixon, the drug war continues to be a featured aspect of crime control, reduction, and prevention in the United States. Over the past forty years, although there have been slight changes in the war on drugs, reducing the trade and use of illicit substances has been a high
priority for presidents, the U.S. Congress, private-sector leadership groups, health professionals, and almost every civic, professional, and political organization in our society (Blendon & Young 1998).

Garriott’s (2011) work is relevant and contributes to the body of research on the war on drugs and its social implications. One of the key contributions that he makes with this work is the notion and rise of “narcopolitics” in America. This concept is defined as a mode of political practice that works to “rationalize the practices of governance in terms of the problems associated with narcotics” (p. 3).

Beyond the issue of the drug trade, Garriott argues that narcopolitics has become a lens through which other societal issues of poverty, immigration, and intergenerational politics are examined — both by citizens and the state. Garriott suggests that there are three key features of narcopolitics. First, the policing of drug activity is more focused on targeting illicit substances and their effects rather than on the problems and actions of individuals. Second, multiple methods of intervention are being utilized to stymie the trade of narcotics. These methods include the use of legal statutes, various levels of law enforcement agencies, drug-testing programs, and the military. Lastly, Garriott says that narcopolitics has caused the “bridging of punitive and actuarial modes of governance,” where a general immoral view of drug use has led to additional forms of surveillance and the disproportionate targeting of drug-involved populations.

Unfortunately, the drug war has not led to a decrease in the availability, nor the use of illicit drugs in America (Caulkins et al., 2005). What the war on drugs has caused, though, is the mass incarceration of non-violent, low-level drug offenders, particularly among racial and ethnic minorities (Beatty, Pettruti, & Ziedenburg, 2007),
which is among the most widely noted negative effects of this so-called war (see also Alexander, 2012; Clear, 2007, Pager, 2003; Western, 2006).

Even beyond mass incarceration, a considerable amount of research has shown that criminal offenders in the United States may experience multiple collateral consequences after their release from correctional supervision due to their past involvement with crime, such as being barred from gaining employment in some sectors and discriminated against being employed in others, banned from public assistance benefits through government-sponsored welfare and other social programs, and being disenfranchised through policies that render them ineligible to vote. These consequences are even more dire for persons of color (Pager, 2008; Petersilia, 2003), who represented a majority of the respondents in this dissertation research. This underscores the point made by Healy (2012) that challenging social conditions may inhibit the process of desistance, even when agentic and cognitive changes toward moving away from criminal offending have begun to take root.

In sum, it is clear that the social, economic, and political environment was vastly different for members of the Swedish men in Carlsson’s (2013a) research than for those who took part in the Roads Diverge study, and may explain why the Clientele men were able to enter periods of temporary desistance as *intermittency as continuity* while those in this study’s sample did not. Simply put, the Swedish men in Carlsson’s work did not experience a hyper-punitive “war on crime” era of justice, nor the “war on drugs” at the time they were actively offending, as did all members of the current American sample. Therefore, the Clientele men’s involvement in crime did not have the same socio-legal consequences when compared to the experiences of the men
and women of this study. This aligns with Farrall, Bottoms, and Shapland’s (2010) statement on the importance of structural context on patterns of criminal offending:

…agency is always exercised within the context of social structures, and there has been far less enquiry into the potential impact of social-structural differences — in different countries or different decades — on opportunities for and processes of desistance (although see Farrall, 2009; Savolainen, 2009). Such structures, and episodes of structural change, are important because they may present new possibilities for human agency (they may be enabling), as well as sometimes closing down to some agents avenues that were once open to them (they may also be constraining) (p. 547).

6.2 Factors That Activate Intermittent Reoffending

Regarding the factors that led to the resumption of criminal offending after temporarily desisting in the form of intermittency as continuity, the thematic results demonstrate that the process of reoffending after a period of intermittency for persistent offenders may involve cognitive/agental, social/structural, and, at times, situational motivations and factors. This is a key finding because scholars who investigate the process of desistance from criminal offending have also asserted that both structural and cognitive factors play a role (despite theoretical disagreements regarding the temporal order of these factors) in the movement away from offending. Therefore, these findings illustrate how the process of reoffending after a period of temporary desistance also includes these same two domains.

Results indicate that some persistent criminals continue to offend for other reasons related to addictions, either to substances or to the act of committing crime. Regarding the latter, these individuals are continually drawn to the act of crime because of the perceived satisfaction gained from successfully offending. While the monetary or tangible gains that may result from committing crime for some persistent
offenders are often seen as a bonus, the real motivation is the “phenomenological rewards” that offending provides, such as the thrill and sense of power derived from this behavior (Copes & Vieraitis, 2012). This is consistent with the work on identity thieves conducted by Copes and Vieraitas (2012). They found that some offenders repeatedly engaged in identity theft because of the mental and emotional rush they experienced after getting away with these crimes. While the “sneaky thrills” factor of crime commission has been noted in previous studies (e.g., Katz, 1988), the narratives of some of the adult offenders in this study appeared to convey that their criminal addiction, particularly later in life, was more of a compulsion to offend rather than a desire to have fun while offending. Other respondents continued to offend because of their attraction to their criminogenic peers and social environments. Leverentz (2011) makes a clear point that, unlike other past research on released offenders who were socialized in past eras (e.g., Laub & Sampson, 2003), offenders in the current social environment are more likely to have a social network that is comprised of others who may also be drug- and/or crime-involved. Mears et al. (2008) similarly concluded that social and ecological factors may impact one’s likelihood of recidivating. Mears and colleagues found that offenders who lived in resource-deprived and racially segregated environments were more likely to reoffend compared to those who did not live in such environments. It may be the case, then, that for many persistent offenders, their intermittent offending is a function of continued association with criminally involved peer groups or criminogenic environments.

Additional cognitive factors related to persistent reoffending among the adult criminal offenders included having a perception of having a high-level of prowess at crime and an ability to downplay crime via the use of neutralizations and social
accounts. These cognitive factors have been found to be associated with persistent criminal behavior in previous studies (e.g., Brezina & Topalli, 2012; Copes & Vieraitis, 2009, Copes & Vieraitis, 2012; Cromwell & Birzer, 2012). This is related to Brezina and Topalli’s (2012) conclusion that possessing these cognitive characteristics, which are indicative of offenders having high criminal self-efficacy, is fairly common among persistent offenders. In their research of self-reported perceptions of criminal self-efficacy among active street criminals, they found that 80% of the respondents believed that they were highly effective at offending. Brezina and Topalli also note that offenders who possessed a high level of criminal self-efficacy often perceived arrest and incarceration experiences as “opportunities to learn, improve, and become more effective at crime” (p. 17). This illustrates why both threats of formal sanctions (e.g. incarceration) as well as actual punishments may not be effective long-term deterrents to future criminality for some persistent offenders, even after previously experiencing multiple arrests, convictions, and other violations.

Cromwell and Birzer (2012), in an examination of the criminal career of one long-term persistent offender, “George,” concluded that he continued to offend for many decades, despite “over 200 arrests and multiple convictions” because he was able to use techniques of neutralization as cognitive distortions to perceive himself simultaneously as both a good criminal and a good person. “Over 60 years of neutralizing behavior may have cleared his conscience of guilt and shame,” the authors concluded about George’s persistent criminality over the life course (p. 524). Consequently, these points suggest that some persistent adult offenders continue to intermittently offend well into adulthood because they have the cognitive ability to successfully negotiate their dual identities as both a criminal offender and a
conventional member of society, which may be a significant driver of some offenders’ prolonged criminal careers and a major contributor to the process of reoffending after a period of temporary desistance when the will to desist is not present.

Additionally, the role of drugs was unmistakably prominent in the respondents’ narratives regarding past and, in some cases, current criminal behavior. Although they may have taken breaks from offending, drugs often played a leading role in reoffending for many of the respondents in this sample. Interestingly, drugs’ role in one’s intermittent criminal offending includes both cognitive and structural components. At times, the cognitive power of addiction clearly fuels persistent criminality, namely as a means for purchasing drugs. Individuals whose offending was linked to their substance use often reported using drugs that are known to be highly addictive such as crack cocaine, heroin (and similar opioid medications), benzodiazepines, and alcohol. This is especially true of users of heroin, who have been found to offend at higher rates and participate in acquisitive crimes more frequently than users of other drugs (Stewart et al., 2000). Thus, despite having experienced multiple drug-related arrests and convictions, as well as numerous admissions into drug treatment and rehabilitation programs, an individual’s substance addiction has the power to propel them to sporadically reoffend regardless of their personal stance toward their drug use. This finding corroborates other studies that have posited that the criminal desistance process is uniquely complicated by drug use (Schroeder, Giordano, & Cernkovich, 2007).

Involvement in drug sales was another substance-related motivation behind intermittent offending for many respondents, which itself has both cognitive and structural components related to the motivation for intermittent offending. Several
offenders interviewed here were still actively involved in the drug trade as adults
because they were attracted to the “thrill” and “excitement” of the “hustling” game, in
addition to the economic benefits of this offense, which is a motivation that is not
exclusive to drug sales. Some offenders are able to obtain and maintain employment
once they have been released from correctional supervision, but may intermittently
sell drugs as a way to supplement their wages, especially if their jobs are low-paying
(Uggen & Thompson, 2003). Other offenders whose employment prospects are less-
secure or non-existent may decide to sell drugs — or other economically motivated
crimes such as prostitution, shoplifting, and fraud — because they perceive this as a
last-resort mechanism as a means to survive. In cases such as this, the motivational
factor in the commission of certain acts fall squarely in line with conventional values
of life. For example, those who assume the role of being a provider for their families
may commit a variety of criminal acts (e.g., shoplifting, robbery, drug sales), which
may differ in relative severity, but for purposes that are in line with normative
attitudes about appropriate adult behavior. As noted in an earlier chapter, in many
areas, drug selling remains a financially lucrative enterprise, which should come to no
surprise to anyone who is aware of the spectrum of challenges that chronic offenders
with extensive criminal histories face obtaining employment in modern America,
coupled with the high demand for illicit drugs that exists. For offenders who sell
drugs (or commit other crimes) while employed, the results of this study suggest this
continuity of illegal behavior may be attributed to the cognitive and/or structural
benefits that can be gained. Therefore, while some persistent offenders continue to
commit acts of crime over time because of their “enjoyment of good times” (Shover,
1996, p. 94), it appears that a greater number do so to survive.
The prominence of drug-related criminality among persistent adult offenders in this study also speaks to the importance of the localized context of this research. Despite the fact that drug use is a ubiquitous phenomenon globally, the nature of the drugs-crime nexus (including the substances involved) can vary widely depending upon location. For example, the state of Delaware has a notorious public health and crime problem associated with the use and trade of heroin and opioids, which has gained much attention among the public at-large and various mainstream media outlets. In 2014, Delaware’s flagship newspaper, *The News Journal*, published a multi-part series devoted to investigating the current heroin “crisis” that exists in the state. Articles in this series touched on many of the state’s issues related to heroin, including its wide-spread availability, its connection to crime, the state’s criminal justice response to this epidemic, the availability of treatment options in the state, among others. This set of articles made it clear that the scourge of heroin exists among all demographic groups and across all areas of the state.

In one of the series’ articles entitled, “Heroin in Delaware: Cheap, pure, and plentiful,” author Adam Taylor (2014) described how the recent crackdown by governmental agencies on the distribution of prescription opioid medications such as OxyContin, Vicodin, and Percocet has led to a resurgence in the use of heroin in Delaware. As the article’s title hints, high-quality heroin is widely available in the state, and is less expensive and often easier to acquire than opioid medications on the black market. Due to the high demand for and supply of heroin and other drugs in the state of Delaware, many persistent offenders in this location may choose to continue offend to finance their addiction or choose to sell drugs, despite the risk of apprehension, because it remains a lucrative, albeit criminal, enterprise.
Also in 2014, the widely circulated American news magazine, *Newsweek*, published an article on the crime epidemic that Delaware is undergoing, specifically in the state’s largest city, Wilmington. Entitled “Murder Town USA (aka Wilmington, Delaware),” the article’s author, Abigail Jones (2014), discussed the rampant violence that this small, but densely populated, city of roughly 70,000 has recently experienced. The piece, which included statistical data as well as anecdotes from city residents, government officials, and criminal justice personnel, described a city that has traits that are commonly found in other municipalities that have high-crime rates: high levels of poverty, unemployment, and recidivism, a strained criminal justice system, and very active drug markets.

Further, although commonly considered a problem of urban areas (like the city of Wilmington), the more rural and sparsely populated area of southern Delaware, which encompasses two of the state’s three counties (Kent and Sussex), has also been severely impacted by the perniciousness of heroin. “Addicts come from all walks of life, but their lives soon take nearly identical paths,” commented Taylor (2014). The results of this dissertation corroborate these journalistic observations. Despite the demographic heterogeneity of the sample, virtually all respondents in this study had similar experiences with criminality once they became addicted to drugs, especially heroin, regardless of their age, gender, or race. Therefore, Delaware’s heroin problem is a critical contextual feature related to some of the persistent criminality of active adult offenders within this sample.

Beyond the cognitive and structural motivations that were found to be associated with intermittent offending, results also indicated that some criminal reoffending is related to happenstance circumstances and contingencies. In some
cases, respondents in this study had ceased offending for an extended period, only to reoffend years later. Often, these long breaks from criminal behavior were achieved by forming a will to desist from offending, but the resumption of offending was largely due to being caught in a precarious situation that led to a criminal offense. Several respondents found themselves in unforeseen positions where the offending behavior was not intentionally done. While unpredictable contingencies of life, like experiencing a traumatic event, can affect criminals and non-criminals alike, at some point within the life course, it is not uncommon for persistent offenders to find themselves in situations where it appears that crime seems to find them or they are provoked into committing an offense (see Cornish & Clarke, 2003). The life history narratives of this sample of respondents highlighted the fact that, even during periods when an offender is actively involved in criminality and has no intention to desist, not every criminal act they may commit may be attributed to their willful intention to do so. The respondents’ narratives illustrated examples where they were charged with crimes related to several types of happenstance situations: due to their association with other criminals — and being similarly labeled because of their criminal records, being at “the wrong place at the wrong time,” inadvertently breaking the law due to their ignorance of it, and unintentionally committing criminal acts when they were under the influence of drugs or alcohol. This is an important finding related to intermittency because it illustrates how the process of reoffending after a period of temporary desistance — whether due to “holding up” or attempting to change — does not always involve a willingness to commit a criminal act. This counters Carlsson’s (2013a) assertion that “the offender who holds up and ‘restarts’ is an actor acting according to his or her intention and will” (p. 930).
In sum, reoffending after a period of temporary desistance among active and persistent adult offenders may involve cognitive and/or structural factors, either alone or in combination, as well as unpredictable circumstantial factors that arise at different points in one’s life. It is important to underscore the fact that each of the factors related to recidivism outlined are not specific to distinct sets or types of offenders. These factors may operate to differentially influence re-offending at different points during a persistent offender’s criminal career. As such, they represent broad categories of cognitive, structural, and other unpredictable influences that may impact an individual’s intermittent patterns of offending, either exclusively or in concert, at a single point in time (e.g., one possessing prowess at crime and/or being drug-addicted). Prior research has found that changes in local life circumstances indeed serve to impact short-term changes in patterns of criminality (Horney, Osgood, & Marshall, 1995), especially among offenders who abuse drugs and alcohol (McGloin et al., 1997).

Therefore, caution should be exercised when using stringently defined typological labels to describe an offender’s motivation for intermittent offending at a particular moment in time, as the underlying context and circumstances of that time point may shift drastically over time. So, for example, Burnett’s (2004) classification of persistent lifestyles should be grounded within the particular life space of a persistent offender. At one point in time, a persistent offender may appropriately be classified as a “hedonist” because he or she is motivated by the thrills of crime, but during another life space, that same offender may sporadically offend out of the need to acquire the basic necessities of life or out of the need to procure drugs that they are
addicted to (“Survivors”). This comports with Copes’ (2003) discussion of the results of a research study on auto thieves, where he notes that:

[t]ypologies imply exclusivity and stability; they are based on the idea that offenders in one group are qualitatively different from the offenders in the other group. Based on the current data, this portrayal does not accurately represent auto thieves because the motivational categories are not mutually exclusive. It is common for car thieves to have multiple motivations over their careers and for a single theft (p. 22).

Hence, broadly labeling adult offenders as “persisters” may be useful for researchers to distinguish them conceptually from less-involved criminals, or from former criminals who appear to have “desisted,” but it obscures the contextual nuances linked to their ongoing, yet intermittent, criminality, as well as specific criminal acts and events that occur throughout the whirlwind lives of long-term adult offenders (see also Soothill, Ackerley, & Francis, 2003). Involvement with the criminal justice system was found to be a contextual factor that can impact processes and patterns of criminal intermittency as well, as the following section will explain.

### 6.3 Intermittency and the Criminal Justice System

The findings related to this dissertation’s second research question illustrate that persistent offenders who lack a will to desist generally display and hold non-compliant attitudes toward criminal justice programming across a variety of correctional supervision types (e.g., incarceration, probation, parole). Untoward behavior such as eschewing drug treatment and rehabilitation programs, intentionally manipulating the criminal justice system to suit one’s own self-serving purposes, and intentionally absconding community supervision programs represent a continuum of non-compliant, resistant behavior that ranges in level of severity. While the reasoning
behind a particular persistent offender’s negative reaction to the criminal justice system may relate to time-specific, individual-level circumstances, extant research has suggested that there are shared commonalities among offenders in how they view correctional programming (Apel, 2013; Frank et al., 2015; Franke, Berie, & MacKenzie, 2010; Halsey, 2007; LeBel, 2012; May & Wood, 2005; Petersilia, 1980; Petersilia & Deschenes, 1994; Wodahl et al., 2009).

Wodahl et al. (2009), in a study of offender perceptions of graduated sanctions among a sample of inmates in Wyoming, concluded that incarceration is generally not viewed by offenders as being more harsh or punitive than other forms of sanctions, such as community supervision programs like probation or electronic monitoring. In addition, this study found that it is common for offenders to view participating in court-ordered treatment programs as a more punitive sanction than other types of graduated sanctions. These observations help to explain why some of the respondents in this study may have rejected participating in treatment programs or intentionally manipulated the system to return to prison. These results also help explain why some offenders are more averse to certain forms of sanctions than others, which may also help explain their non-compliant actions in specific correctional environments or contexts. Other offenders, however, were resistant to all forms of legal authority.

The majority of offenders in this sample generally perceived their relationships with criminal justice actors to be poor and acrimonious during times when they had no desire to desist from criminality. In fact, several respondents contended they were treated unfairly and it was this prejudicial treatment that was said to be responsible for their current life problems. A notable anomaly regarding this finding was that some persistent offenders reported having positive relationships with criminal justice actors,
which typically occurred when correctional personnel such as probation officers overlooked certain violation-worthy infractions (e.g., failed drug urinalyses) and did not sanction them as a result. It is useful to remember that street-level bureaucrats, like probation officers, have “wide discretion over the dispensation of benefits or the allocation of public sanctions” (Lipsky 1980, xi). In addition, Katz (1982) notes that the character traits of individual offenders often are taken into account by probation officers, thus leading them to “individualize justice,” which may explain why some probation officers are more tolerant of some offenders’ infractions than others (p. 469).

Overall, these findings suggest that persistent offenders have a general aversion towards a criminal justice system that they are typically very familiar with. Their attitude concerning correctional supervision, and the justice system as a whole, may range from a general disregard, to distrust, to total abhorrence. Taken together, these thematic findings are indicative of how persistent offenders generally react to the criminal justice system when they have not made a commitment to cease their offending behavior permanently; policy violations and other forms of misconduct are common. Some criminological scholars may view this finding as further evidence that persistent adult offenders, for whatever reason, are either unable, unwilling, or simply unready to become law-abiding citizens, compared to the majority of offenders who have desisted by early adulthood. However, while in some cases it may be expected that offenders who have not made a cognitive commitment to desist from crime and/or drug use would be averse to legal authority, especially those who exhibit low self-control (Piquero, Gomez-Smith, & Langton, 2004), it is important to reiterate that external factors may also contribute to these perceptions and behavior.
To this end, law and society scholars, particularly critical legal scholars, have placed an emphasis on the role of the law and the legal system for persistent offenders’ resistant attitudes and ongoing criminality. In this line of inquiry, one such possible hypothesis is that persistent offenders who do not comply with correctional programming, based on their common experiences, may share the belief that there is lack of legal legitimacy within the criminal justice system. Legal legitimacy refers to “the willing acceptance of law based on people’s beliefs and reasons” (Turkel, 1996, p. 219). On this concept, Turkel notes that it is not a “constant or necessary feature of the law” — rather, it is socially constructed (p. 201). One’s interpretation of a legal system’s legitimacy is rooted in the context of their individual beliefs, values, commitments, and power, which may change over time depending on their lived experience with the law across the life course.

Related to legal legitimacy, is the concept of procedural justice (or “procedural fairness”), which, according to Berrey, Hoffman, and Nielsen (2012), relates to an individual’s perception of fairness within the legal process. One’s assessment of fairness within the criminal justice system may be based on an individual’s experience with the legal process and also with the outcomes of legal proceedings (Tyler, 1990). Many of the respondents’ reactions to correctional programming is illustrative of how offenders may come to perceive a lack of procedural fairness when involved with the criminal justice system. There is much support for this contention in the empirical literature. For example, in their study of boot camp participants, Franke, Briere, and MacKenzie (2010) found that offenders’ perceptions of how they are treated by correctional staff members impacted the level of trust they had in the system, as well as their willingness to comply with correctional programming. A similar finding was
made by Skogan (2006) while researching community policing efforts in Chicago, who noted that an individual’s interaction with police officers may impact their view of the legal system’s legitimacy and willingness to comply with criminal justice system directives. Therefore, individuals will have different perceptions of justice and fairness based on their own understanding of the law and their experiences with it and its agents across time.

Like the other findings in this research, this sample’s reaction to the criminal justice apparatus must also be viewed in the local context. For example, while the war on drugs has been implemented nationwide, the reality is that this war may not play out identically in all areas of the country — the United States has a federalist system of government, whereby each state has its own political and legal structure. In an analysis of the seven subsystems of the American criminal justice system (i.e., citizen and police law enforcement, defendant and public prosecution, trial and appellate court, and corrections), Reiss (1980) discovered wide disparities in how justice is administered among criminal justice jurisdictions both at the state- and local-level across the nation. Reiss attributes this systems-level variation to a number of factors, including divergent judicial latitudes, constitutional separation of legislative, executive, and judicial powers, organizational structure and size, and differing degrees of bureaucratization and style of organization among these criminal justice systems. Empirically, in a recent study of Sex Offender Registration and Community Notification (SORCN) laws in the United States, Lytle (2015) found that there is wide policy variation between states, which Lytle hypothesized may be due to state-specific attitudes toward sex crimes, which may be influenced by localized instances of collective moral panic and fear of crime. One obvious example of this policy disparity
pertinent to this research is in regard to widely divergent drug laws seen at the state level. For example, the sale and possession of marijuana for personal use (depending upon the amount) is completely legal in some states (e.g., Colorado), decriminalized in others (e.g., California), and remains (very) illegal in others (e.g., Texas). At the time of this study, both the sale and possession of marijuana remained illegal in the state of Delaware and in other states where it is currently legal.

Relatedly, Petersilia and Honig (1980) found that there are gulfs among states with regard to correctional policies. Based on an analysis of official corrections data and inmate surveys in just three states, they found that each administered treatment programs much differently, including how they encouraged inmates to participate in these rehabilitative programs. Hence, each jurisdiction’s system of justice — and respective definitions of and responses to crime — is unique, which inherently impacts an offender’s criminal career. Behavior that may be deemed illegal in one jurisdiction may be perfectly legal in another. And further, legal statutes are often differentially enforced by criminal justice actors within and between law enforcement agencies. Thus, irrespective of the American context of this research, respondents’ experiences with correctional institutions and programs in the state of Delaware provides another layer of context regarding offenders’ experience with criminal intermittency that is no less relevant. This contextual feature is also important for the limitations of this research, which will be discussed the section that follows.
Figure 6.1.: Intermittent Reoffending May Involve a Myriad of Factors (Example)
6.4 Limitations

As with all research, this study is not without its limitations. Most simply, the one limitation of previous studies on patterns of criminal offending that served as an impetus for this research endeavor also is a limitation of this study — the contextual specificities of this dissertation’s research findings limits the generalizability of the results. This study assessed the nature of criminal intermittency among a sample of offenders in a particular era of time and in a particular geographic location. While this point has been discussed in detail in other sections of this dissertation, there are additional limitations that will be elaborated more fully in this section.

Methodologically, many of the limitations of this study relate to some of the inherent drawbacks of qualitative research. For example, in-depth, one-on-one
interviews provide a valuable way to access information from respondents, however, there are a number of challenges that this technique presented in this study. One problematic issue in this analysis is that, undoubtedly, not all instances of criminal intermittency and subsequent reoffending that occurred in the offenders’ lives were discussed in the interviews. One possible explanation for this, according to King and Harrocks (2010), is that when interviews transition to sensitive topics, respondents may become upset or may be reluctant to elaborate on the specific topic. Although not limited to the interviews with criminal offenders, another problematic issue that may arise when interviewing respondents is that it may lead to social desirability distortion. As Richman et al. (1999) note, this concept refers to “the tendency by respondents, under some conditions and modes of administration, to answer questions in a more socially desirable direction than they would under other conditions or modes of administration” (p. 755). Hence, it is possible that some respondents chose not to disclose specific instances of criminal offending and/or failed to detail contextual information about some of the criminal events they were involved in.

Apart from the issue of respondent candor during interviews, another potential explanation for missing narrative accounts of intermittency and reoffending in the interviews may be due to the problem of respondent memory recall. It is important to reiterate that for many in this sample, the interviews asked them to recall their perceptions and behavior over a span of ten years or longer. It became clear to me early in the analysis phase of this research that many respondents simply could not recall portions of their past criminal involvement. There were numerous instances in the interviews when respondents had a difficult time remembering the occurrence of one or several of their criminal convictions (and the preceding criminal act(s)), periods
of incarceration, the circumstances behind community supervision violations, and general happenings that occurred during their lives for long stretches of time (e.g., many years). While most of the respondents were seemingly very open about discussing their past and present involvement in criminality, due to most respondents’ historically deep and frequent involvement with crime, it is possible that many of the criminal offenses they may have committed were simply forgotten or neutralized cognitively to the point where they failed to register in respondents’ minds — even when they were provided the specific details about these events, such as dates. This comports with the notion that offenders often do not view acts of crimes as discrete events (Cromwell & Birzer, 2012; Topalli, 2005). For many offenders, crime is a lifestyle, and as a result, individual acts of offending become confounded. The issue of offender memory recall has been discussed by other scholars who have conducted interviews with criminal offenders (e.g., Fortin-Duford & Brassard, 2014; Topalli, 2005). Fortin-Duford and Brassard (2014) commented that “vagaries of memory” pose a threat to the accuracy of interviewees’ retrospective recollection and interpretations of past events. This point ties to Massoglia and Uggen’s (2007) discussion of subjective desistance, in that some offenders have “a subjective sense of change in their own delinquent behavior over time” (p. 92). Regarding the subjectivity of interviewees’ responses, Walford (2001) noted that:

…the interviewee may have incomplete knowledge and faulty memory. They will always have subjective perceptions that will be related to their own past experiences and current conditions. At best, interviewees will only give what they are prepared to reveal about their subjective perceptions of events and opinions. These perceptions and opinions will change over time, and according to circumstance. They may be at some considerable distance from ‘reality’ as others might see it (p. 90).
Therefore, while official statistics, like arrest records, fail to capture a large amount of committed crimes (Huizinga & Elliott, 1986), even offenders’ self-reports of criminal behavior — which are said to help shed light on “the dark figure of crime” — can be unreliable. If some criminal acts are unable to be recalled even when presented with personal arrest history data to enhance their recall ability, instances of unreported criminality — which outnumber reported crimes — and the circumstances that surround these offenses may be even more difficult for persistent offenders to remember. This limitation may represent a significant form of information bias for this sample, specifically, and when interviewing long-term, adult criminal offenders, generally.

Further, that fact that this research utilized a secondary analysis of an existing qualitative dataset may also have contributed to the problem of missing data or context. One important facet of the qualitative technique of interviewing is the use of probes and clarifying questions by the interviewer. Probes are “follow-up questions that encourage a participant to expand on an initial answer” (King & Harrocks, 2010, p. 40). While a semi-structured approach to the interviews in the primary study was taken, generally, the interview conversations were guided by the chronology of the respondents’ official arrest histories, and the interviewers’ probes and requests for respondent statement clarification were skewed toward understanding the process of long-term — and not temporary — desistance over the life course. Therefore, because the purpose of the interviews of the Roads Diverge study was not to explore the ins-and-outs of criminal intermittency, there were instances within the transcripts where the interviewer did not probe the respondent to “clarify, elaborate, or complete” (King & Harrocks, 2010, p. 53) a statement where a period of intermittency and subsequent
reoffending was discussed. This is possibly one reason that this research may not have found much insight on how periods of temporary desistance in the form of *intermittency as continuity* were entered into by the respondents. This, of course, is no fault of the interviewers — it is an inherent limitation of utilizing existing qualitative (especially interview) data.

The limitations of this study, however, go beyond the methodological aspects of this research. Also, the biases that I brought to the analysis of the data and in the interpretation of the findings have an impact, which will be discussed below.

### 6.5 Statement on Reflexivity

It is important to expand the discussion of the trustworthiness of this research that was previously introduced in the *Research Methodology* section of this dissertation. This section is intended to provide an in-depth reflexive account of my experiences conducting this research. Because they are less structured methodologically than quantitative studies, transparency with regard to the position of researcher, and the potential impact this may have on the study’s design and outcomes are especially critical in qualitative research. Moreover, it has been noted that this is even more important for studies that utilize qualitative secondary analysis because of the distance between the researcher and the primary study (Bishop, 2007; Moon, 2008). On this matter, I, of course, was not among the interviewers in the *Roads Diverge* study, so I was unable to observe the interaction between interviewers and respondents — I was completely reliant on the data provided by the interview transcripts. Because my analysis was limited to interview transcript data, contextual features of the actual interview often were not included in these documents. These features include both the immediate context of what the conversation entails, such as
non-verbal communication and paralinguistic aspects (i.e., voice intonation, volume, pitch, and the use of non-linguistic utterances such as laughter, sighs, and pauses), as well as the broader context of the interview (King & Harrocks, 2010). Therefore, the problem of having not “been there” is one that Heaton (2008) says is true of all qualitative secondary analyses.

However, while the data collection phase of the study was ending just as I began my first year in this doctoral program, I did serve as a Research Assistant for the Roads Diverge study during the data analysis phase. Therefore, I was familiar with the general contents of the interviews and the logistics of the study. Plus, I was able to interface the Principal Investigator of the Roads Diverge study, Dr. Ronet Bachman (who also happens to be the chairperson of this dissertation), as well as the study’s other interviewers. This afforded me the opportunity to understand the day-to-day progress of the project as well as the challenges that arose during the data collection phase of this research. In addition, I was a member of the original coding team for the Roads Diverge study, which allowed me to become immersed in the data before this dissertation. Along with Dr. Bachman, the coding team was responsible for the initial analysis of the interview narratives. This process also involved identifying both deductive codes extrapolated from existing desistance literature as well as inductively emergent themes. Before coding began, training sessions ensured that definitions of each category were understood along with the coding guidelines. Next, team members coded the same transcripts and discussed their coding strategies in group meetings. In these team meetings, the decision to add new categories was adjudicated and coding discrepancies were illuminated. The coding process continued with weekly “marathon” reliability meetings in which the same interview was coded by all team
members, including Dr. Bachman. These meetings were forums for the discussion of emerging categories and opportunities to clarify coding strategies for ambiguous narratives. To facilitate future analyses, all emergent themes were coded, which resulted in over twenty main categories (e.g. Discontent, Turning Points, Incarceration) with over one hundred subcategories used in the coding. Participating as a member of this coding team, I believe, provided me with a strong foundational knowledge of these qualitative data and further enhanced my own conceptual decision making processes throughout this dissertation research (Sanders & Cuneo, 2010).

Moreover, the cumulative impact of my academic and personal experiences have given me prior insight on this topic, which influenced how I approached this dissertation research, analyzed the data, and interpreted the findings. While I am not from the state of Delaware, I am from a fairly populous city in upstate New York that, similar to Wilmington, Delaware, also has high rates of poverty, unemployment, crime, and substance use. Also, I personally know many people like those in the study very well: active criminal offenders who offend from time-to-time, despite being sanctioned in the past for their illegal behavior, some of whom are both current and former drug users. Therefore, I am familiar with many of the social, cognitive, situational, and contextual factors that such individuals’ experience. In all honesty, the decision to pursue a doctoral degree in criminology and the choice to investigate this particular aspect of offender behavior as a dissertation topic was influenced by my familiarity and attempts to understand criminal populations and environments. With that being said, however, I also believe that my personal experience with offenders has not influenced my objectivity in this project. To ensure the authenticity of my results,
my coding strategy and the respondent identification numbers attached to the sample participants whose narratives appear in this work are available.
CONCLUSION AND RECOMMENDATIONS

Those who seek causation are like the blind men touching an elephant so as to describe it. Each described the elephant as being like the segment of its anatomy that he explored. Each was partially correct, but missed the entire truth.


In sum, this research provides additional evidence that not all persistent criminals are alike — there are wide differences both within and between them regarding the reasons they continue to intermittently offend throughout adulthood. These results help to provide insight as to why some persistent adult offenders are anomalies with regard to some of the life course theories that aim to explain the process of desistance within criminal careers. Taken together, these findings reveal that the processes that lead an offender into and out of periods of temporary desistance, as well as persistent offenders’ reactions to criminal justice programming when a will to desist is absent, are complex, time-variant, and sensitive to macro- and micro-level contexts of their lives. Therefore, understanding how some offenders seem to drift in and out of crime throughout the life course requires an in-depth analysis of how they narrate the events — both criminal and non-criminal — that transpire throughout their lives.

One important aspect of these findings is that it helps fill the gap in Carlsson’s (2013a) *intermittency as continuity* concept within the *forms of intermittency* framework. The narratives from this contemporary American sample of adult
offenders provides evidence of how and why the intent to offend is reactivated after taking temporary breaks from crime without attempting to permanently desist. The value in these findings is that they illustrate the assortment of factors that relate to ongoing criminal persistence among these respondents, which has been absent in the literature on criminal intermittency. What these findings suggest, then, is that persistent adult offenders’ intermittent criminality has diverse origins, which sheds light on the heterogeneity of persistent offenders’ involvement in crime. Therefore, this study further substantiates the position that understanding context, both at the macro and micro levels, is critical to the study of criminal intermittency, specifically, and offender behavior, generally. Despite the limitations of this dissertation and its findings, this research has implications for both future research studies as well as for criminal justice policy and practice.

7.1 Research Implications

By and large, life course theories of crime view adult offenders who persist in criminality as being those who have failed to foster social bonds that serve as social control mechanisms (i.e., “hooks for change”) or at achieving the requisite amount of personal agency to transform their criminal identity into a non-criminal identity, compared to the majority of offenders who have been able to desist. While this may be true for some, this research illustrates that this may not be the case for all of persistent adult offenders. This has implications for research in the life-course tradition that seeks to further understand why some offenders appear to desist from criminality and others fail.

Regarding the theoretical aspects of structural theories of desistance, such as Sampson and Laub’s (1993) age-graded theory of informal social control, the findings
here illustrate why some offenders continue to offend despite having formed relationships, acquiring employment, and being involved in other pro-social activities that this theory suggests are integral turning points in the desistance process. One way to explain this conundrum is that, on one hand, certain acts of crime simply are not, in the eyes of some offenders, necessarily incongruent with these facets of conventional life. Many respondents in this study professed their love for their partners, children, and even jobs when describing their offending history, but they continued to intermittently offend irrespective of these informal social control mechanisms. Some offenders chose to intermittently reoffend directly because of the importance of these conventional social bonds in their lives (e.g., stealing or selling drugs to support families), in which case, crime was seen as work (Maher, 1997; McCarthy & Hagan, 2001). Other respondents who also had formed some of the informal social bonds continued to offend as adults because they suffered from a cognitive disorder such as having an addiction either to drugs or to committing crime itself, the power of which superseded the ability of social bonds and attachments to serve as turning points towards a cessation of criminality.

Turning to cognitive-based theories of desistance, such as Giordano et al.’s (2002, 2007) cognitive transformation theory or Paternoster and Bushway’s (2009) identity theory of desistance, these findings also help illuminate why some adults continue to reoffend even after they have accepted the “hooks for change” or after undergoing an identity shift from a “feared self” to a “possible self.” One possibility for this about-face is that, while it may be true that offenders who are able to desist from criminality may have experienced a “crystallization of discontent” along with an identity transformation, for some persistent adult offenders, the ability to make a
reverse identity change again is also possible. The results of this study show that there were times when some adult offenders, in fact, appeared to transform to a prosocial identity, and were successful at doing so for an extended period of time. For a few, however, a traumatic or other impactful life event later in life triggered a relapse in substance abuse, and in other cases, the challenges that accompanied the transition to a crime-free identity became too burdensome, especially when attempting to meet the needs of themselves and their families. For instance, some respondents noted how they were able to desist from criminality for a while, but they eventually became frustrated by their inability to procure or maintain gainful employment (or other forms of legal income) due to their criminal histories, or because of their frustrations with involvement in the criminal justice system — including being assessed excessive financial punishments (without the ability to pay), incessant and onerous post-release community supervision requirements, and negative contact with or perceived misconduct by criminal justice actors. As a result, these offenders decided — or were seemingly forced — to return to their criminal identities.

Therefore, criminological researchers that investigate the process of desistance (whether permanent or temporary in type) longitudinally, and are curious to understand why apparent instances of desistance fail would be well-served to increase their attention to the situational and contextual circumstances associated with processes of criminal intermittency.

### 7.2 Recommendations for Policy and Practice

If the goals of the criminal justice system are rehabilitating criminal offenders and deterring them from future offending, the results of this research suggest that these efforts have a long way to go, as it pertains to persistent offenders. A host of scholars
have remarked on the inability of the criminal justice system, particularly through incarceration, to deter future criminality in some types of offenders (e.g., Burnett & Maruna, 2004; Cullen, Jonson, & Nagin, 2011; Nagin, Cullen, & Jonson, 2009; Wright, 2010). In this section, I will outline my recommendations for policy and practice based on the implications of this research. In policy and practical terms, because the best measure of ongoing reoffending at the individual-level are found in official recidivism statistics, the goal of these recommendations is to reduce instances of both recidivism and criminal behavior that is not known to criminal justice agencies.

First, because drug use plays a prominent role in intermittent offending among persistent offenders, the most obvious policy implication is that the criminal justice system’s approach to treating substance abuse among offenders must be revised significantly. The acquisition of drugs because of addiction is a major driver of reoffending — and therefore, recidivism — among many persistent offenders. As such, criminal justice system programming needs prioritize the substance abuse needs of its clients at times when they are under correctional supervision, especially during re-entry to the community following periods of incarceration. Recent statistics of drug use among criminal offenders support this contention. For instance, 80% of the state of Delaware's offender population has issues related to substance abuse (Delaware Department of Corrections, 2015).

Although studies have shown that treatment programs, especially therapeutic communities, which are a major component of the Delaware Department of Corrections’ approach to rehabilitation, can be effective in reducing both drug use and recidivism for some offenders (e.g., Inciardi, Martin, & Butzin, 2004; Martin et al.,
1999; Martin et al., 2011), the fact remains that there are other addicted offenders who have experienced treatment episodes in these programs, often numerous times, but continue to offend and use illicit substances despite having participated (see Zhang, Roberts, & McCollister, 2011). One thing that may account for some of the ineffectiveness of treatment programs is that there are wide disparities among drug-abusing offenders regarding the substances they abuse and the types of crimes they commit (Farabee, Joshi, & Anglin, 2001). “There is…considerable diversity among the offenders within each of these crime genres. Unfortunately, most correctional agencies who come into contact with offenders with drug problems lack the capacity to deal with this level of diversity,” remarked Casey (2015, p. 88) on this issue. Therefore, as it relates to treatment and rehabilitative programming, the research findings support a revision of the programmatic components of mandated treatment programs that meets the specific needs of each drug-addicted offender. This recommendation is supported by the findings of Mericle et al. (2010) who found that agency efforts to implement personalized drug treatment among clients are hampered when “individualized treatment planning, individual treatment sessions, and individual counselor supervision” are lacking (p. 819).

Relatedly, sanctions that mandate treatment program participation need to be reexamined. Although many of the respondents who eschewed treatment in this study did so because they desired to continue their drug use or were leery of the ability of treatment programs’ to assist them in overcoming their addiction, there were others who rejected treatment programs either because they were not drug addicts or had not been convicted of drug-related crimes. Included in this group are those who admitted that their addiction was committing the act of crime, such as some of the female
shoplifters in this study. One possible remedy is to better match treatment programming offerings to the specific needs of individual offenders — drug-involved or not — via more accurate needs assessments that can differentiate between clients’ needs. It is beyond the scope of this research to determine which type of treatment offerings are best for specific types of offenders, but at minimum, it may be advantageous for criminal justice practitioners to identify the offenders who hope to make substantive changes in their lives versus those who do not, which has been found to be a critical quality of offenders who wish to desist (Farrall & Calverly, 2006). Recent research by Martin and Stermac (2010) found that offenders who exhibit higher levels of hope are less likely to recidivate, and these authors recommend that measures of hope be incorporated in rehabilitation program needs assessments.

Relatedly, the effectiveness of any treatment program is dependent upon an offender’s readiness and willingness to comply, which may be affected by a number of factors, some of which are external to the offender. Asay and Lambert’s (1999) analysis of treatment therapy outcomes concluded that variations in a client’s motivation, chance factors, and expectations, along with the quality of the interpersonal, therapeutic relationship between the client and practitioner, has a greater impact on a positive outcome in treatment than the specific interventions of the treatment. As Robinson and McNeill (2008) explained, an offender can move across the continuum of compliance in either direction over time, which often correlates with the quality of the officer-offender relationship (see also Burnett & McNeill, 2005). “The practices of individual probation officers/social workers and the enforcement policies of ‘offender management’ or ‘correctional’ agencies are likely to impact significantly on the ‘motivational postures’ of offenders” (Robinson &
McNeill, 2008, p. 6). Toch (2010) also noted how criminal justice personnel may play a critical role in aiding older offenders’ personal development with the desistance process through support via effective programming and positive activities. Rex (1999) found that, when a probationer recognizes that a probation officer is in their corner and advocates for their success, they tend to cooperate more — and offend less — because they do not want to disappoint them. In addition, Rex (2005), in her study of desistance among a sample of desisters in Britain, found that most of them believed that their journey to desistance was positively aided by their probation experience.

Hence, another practical implication of this research is that criminal justice jurisdictions should focus attention on how correctional programming (e.g., community supervision programs) is administered, especially as it relates to educating and raising awareness among individual members of personnel on the importance of their role, the rights of alleged and convicted offenders, and significance of how their work performance and behavior may affect offenders’ compliance in correctional programming and their subsequent criminality post-release. Community supervision personnel, such as probation officers, must reconcile two drastically different roles; they are on one hand social caseworkers, but they are also law enforcement agents (Paparozzi & DeMichele, 2008). The way that they interact with their clients may reflect which of these roles they hue more closely to, which may have a direct impact on their clients’ perception of their relationship. The sobering reality is that, as recent research on the practice of parole supervision (which similar to that of probation) illustrates, this work often focuses more on surveilling clients than providing service to them (Rudes, 2012).
One possible revision to criminal justice practitioners’ work orientation may be to adopt a relational approach to case management (Weaver & McNeill, 2011). This approach highlights the importance of supportive relationships in the process of desistance; the practitioner plays an integral role in fostering constructive and collaborative working relationships between the client and others including other criminal justice actors, family members, and other community services. Davis, Bahr, and Ward (2013) found that offenders returning to the community after incarceration perceived the nature of the support they received from external sources such as from family, friends, employment, and treatment programs significantly impacted their internal motivation to desist. This, of course, is also related to the aforementioned literature on procedural justice, which finds offenders who perceive they are treated fairly are more likely to be amendable to treatment than others (Tyler, 1990). Hence, a revision in how community supervision personnel conduct their work needs to shift from one that is punishment-focused to one that service-oriented to maximize the likelihood that offenders can transition from a life of criminality. In short, this is what Farrall (2004) referred to as a “desistance-focused” perspective of correctional practice as opposed to one that is “offending-related.”

Further, because these findings illustrate the reasons why persistent adult offenders continue to intermittently offend despite multiple formal sanctions and rounds of treatment and rehabilitation, these results also have implications for reentry services and resources for offenders once they have completed their sentences. The problems that plague offenders re-entering society from prison have been detailed at length in other research (e.g., Nelson, Deess & Allen, 1999; Petersilia, 2003; Richards & Jones, 2004; Visher & Courtney, 2007). Petersilia (2003) explained that post-
release, many individuals are not prepared for the realities of life on the outside. Having an official criminal record, a chemical dependency, a lack of effective job training programs, and severed ties from family and other social networks, often places released inmates at a severe disadvantage. These circumstances undoubtedly serve to increase the probability of reoffending, regardless of any will to desist. In an effort to best mitigate these problems, reentry services that offer a “wraparound” model of care would be best suited. Wraparound services are defined as “psychosocial services that treatment programs may provide to facilitate access, improve retention and address clients’ co-occurring problems” (Etheridge & Hubbard, 2000, p. 1762).

Consistent with other research, this study also found that an additional factor affecting post-release outcomes is the excessive use of Criminal Justice Financial Obligations (CJFOs) by the criminal justice apparatus as an alternate form of punishment (e.g., Harris, Evans, & Beckett, 2010). Considering the difficulty that many offenders have at basic survival once they are released, it seems impractical to exacerbate this stressor by assessing fines as a form of restitution. The findings of this research suggests that the financial gains local jurisdiction may obtain from such fines are almost certainly overshadowed by the extra costs they incur from re-incarcerations from failures to pay, not to mention the continued negative impacts these fines have on individuals who have already paid a high price for our nation’s war on crime and drugs.

It is important to note that there are some encouraging public policy developments that have occurred recently that suggest that policymakers have begun to understand that hyper-punitive criminal justice approaches — such as the mass incarceration of non-violent, low-level drug offenders — are ineffective in reducing
the availability and use of illicit drugs and, counterproductively, contribute to the “revolving door” of drug-involved offenders (Harrison, 2001). For example, on the national level, the Fair Sentencing Act of 2010 was passed by the U.S. Congress and signed into law by President Barack Obama. This law reduced the crack/cocaine disparity in federal sentencing that had existed since the 1980s from 100:1 to 18:1 (U.S. Department of Justice, 2010). Of course, this ratio still does not reflect the reality that crack cocaine and powder cocaine are pharmacologically the same, but it is a step in the right direction, considering the “tough on crime” approach to justice that has dominated America’s political and legal landscape for decades. In addition, based on the U.S. Sentencing Commission’s recommendations, just prior to the completion of this dissertation, on November 1, 2015, the 2014 Reduction of Drug Sentences statute took effect, which stipulates a number of federal drug reforms aimed at rectifying the life-altering sentences that many low-level offenders have received (U.S. Sentencing Commission, 2014).

The idea that criminal justice reform is sorely needed and overdue is becoming more accepted among policymakers at the state level, as well. In the state of Delaware, for instance, Attorney General Matt Denn announced his support for sentencing and other types of reform within the state’s criminal justice system. According to a press release issued by his office on October 15, 2015, Denn’s proposals include: modifying the state’s stringent three-strikes mandatory minimum sentencing law for violent offenders to allow for more judicial discretion in the adjudication process; allowing a review of an offender’s sentence in cases where the law had been modified post hoc; reducing the state’s inmate population via an increased investment in “front-line” law enforcement, along with crime prevention and drug treatment programs; enacting
state-wide guidelines for evidence gathering to improve accuracy; and expanding the
Office of Civil Rights within the Attorney’s General office toward the goal of aiding
citizens who believe that they were unfairly convicted or plead guilty for crimes for
which they maintain their innocence (Office of the State of Delaware Attorney
General, 2015). If implemented, these efforts may serve to reduce the prison
population, the financial costs of corrections to the taxpayer, and criminal offending
and recidivism rates by enhancing legal legitimacy and procedural fairness among
some offenders. As Tyler (2010) explained, “[a] focus on policies that promote
procedural fairness most likely would maximize that legitimacy and minimize
violence and misconduct within prisons and subsequent reoffending” (p. 132).

In sum, I support the statement on the pressing need for criminal justice reform
that was made in a white paper issued by the National Institute for Corrections
entitled, “Evidence-based Practice to Reduce Recidivism”:

Today, we need smarter and more individualized sentencing and corrections
policies that allow judges, prosecutors, corrections officers, and other
practitioners to more carefully target those individual offenders who should be
imprisoned and those who are the most appropriate candidates for effective
treatment, intermediate sanctions, or community corrections programs” (Warren

7.3 Recommendations for Future Research

Because in many ways “intermittency is the criminal career” (Carlsson, 2013,
p. 931), due the commonplace zig-zagging in and out crime that characterizes the
nature of persistent offenders’ criminality across the life course, this research could
only attend to a small portion of the nearly endless facets of intermittent criminal
behavior. Therefore, while the findings of this dissertation indeed answer a number of
questions about criminal intermittency, there are many potential opportunities to expand the findings of this study.

Although this research did not find support for all aspects of Carlsson’s (2013a) forms of intermittency framework, future research is needed with other adult offending populations to determine whether, and under what circumstances, these forms may be present. This is related to the samples from which much research on intermittency are based. A majority of the respondents in Carlsson’s (2013a) research spoke retrospectively about their criminal history because they were no longer actively involved in offending. Conversely, while not abundant in quantity, there were instances in this dissertation’s research when some respondents — although considered “active criminals” based on how this concept was operationalized in the primary study — appeared to be in a period of intermittency as attempted change because their narratives indicated that they no longer desired to willfully commit crime in the future and had seemingly taken concrete steps at revising their lifestyle, activities, and routines in a more conventional direction. However, they also intimated that they would be willing to offend in the future, if certain hypothetical changes in their life circumstances were to occur. For example, as was described earlier, “Wanda,” admitted in her interview that, if there were changes in her financial situation (i.e., losing her Social Security Disability Insurance) at some point in the future, she would “have to resort” to her criminality once again.

Therefore, in future research efforts, it would be fruitful to avoid assessing an offender’s pattern of intermittency based on the rigid, non-specific, and binary choice of: “has the individual formed a will to desist from offending or not?” — which is what distinguishes Carlsson’s (2013) two forms of intermittency — but rather through
a lens where one’s desistance from criminal offending is evaluated more narrowly: “has the individual formed the will to desist from certain types of offending versus other types of offending, and if so, under what circumstances?” People often “oscillate” between crime and conformity, but there also may different types of “conformities” where individuals view some criminal behaviors as being “more illegal than others” (Bottoms et al., 2004, p. 384). Future research should take into account the specific contexts in which an individual would be led to commit an offense in the future, if applicable. This effort may gain from borrowing tenets of Wikström and Treiber’s (2009) Situational Action Theory, which places an emphasis on the role of an individual’s social environment in their ongoing offending or Van Gelder’s (2013) Hot-Cool Perspective of Criminal Decision Making, which emphasizes the role of emotions in the criminal decision-making process alongside rational choice and deterrence considerations.

Additionally, future research would benefit from explicitly incorporating elements of offender decision-making theories that challenge some of the criminal-calculus assumptions of rational choice perspectives of crime (i.e., those that “[recognize] the limitations of human rationality and cognition” (Carson, 2013, p. 50)). In particular, a variety of decision variables rooted in the field of behavioral economics — including bounded rationality, reference dependence & attitudes towards risk, and the availability heuristic — have been proffered to explain the criminal behavior of certain types of offenders (Carson, 2013; Copes & Vieraitis, 2009; Copes & Vieraitis, 2012). For example, many of the respondents in this research exhibited many of the qualities of the respondents in Copes and Veiraitis’ (2009) research on the bounded rationality of identity thieves. Therefore, as others have found
(e.g., Jacobs & Wright, 2010, regarding retaliatory urban violence), I would argue that the factors that contribute to bounded rationality, such as the risk/reward perception of offenders, is not necessarily unique to offenders who choose to participate in one particular type of criminal offense. As such, investigating this concept as it relates to criminal intermittency is viable, especially since “[t]he changing assessments of risks and rewards suggest that these subjectively weighed options are instrumental in determining whether offenders continue on a criminal track or desist in part or all together” (Copes & Vieraitis, 2009, p. 243). The same is true for the behavioral economics concepts of reference dependence & attitudes towards risk and the availability heuristic. In an essay that examined how these concepts, along with bounded rationality, may help to uncover why officials decide to engage in institutional corruption, Carson (2013) contends that these variables “[describe] some of the other informational and cognitive challenges potential criminals face in assessing accurately the costs, benefits, and the respective probabilities thereof with respect to contemplated corrupt activities” (p. 20). There is little reason to believe that such concepts are exclusive to any specific type of offender or criminal offense.

Although the findings of this dissertation found virtually no differences in the etiology of intermittency between males or females, future studies would benefit from an explicit focus on comparing and contrasting the experiences of each gender group. Existing research has shown that the process of desistance from criminality may in fact differ between males and females (Uggen & Kruttschnitt, 1998). Also, research has found racial and gender differences in the process of substance abuse desistance (Anderson & Bondi, 1998). Towards this point, Carlsson (2013b) posited that the social construction of masculinity asserts a unique influence on males’ involvement in
crime, which also changes over time. Future research with a focus on the concept of intermittency through a “doing gender” lens may uncover any potential gender differences that do exist (see Messerschmidt, 1993; Steffensmeier & Allan, 1996; West & Zimmerman, 1987).

Methodologically, the possibility that future research on criminal intermittency has the potential to identify additional forms of intermittency alone supports the ongoing use of the technique of analyzing life history narratives. Particularly because identifying forms of intermittency when analyzing narratives is predicated on studying language, future research on criminal intermittency should be especially mindful of how offenders utilize justifying devices — “phrases that interject, before the action, a structure that makes the criminal act seem appropriate or necessary” (Presser, 2010, p. 440; drawing on O’Connor, 2000) — to qualify the potential circumstances surrounding hypothetical future reoffending, especially if they also profess that they are committed to desisting from criminality altogether. This would be representative of conceptualizing narratives as a shaper of experience (i.e., as being constitutive of experience or reality), which would benefit future studies on intermittency “for its ability to tell us about past, present, and future according to the narrator. The emphasis in this view is on the reciprocal influence of discourse and action” (Presser, 2010, p. 434). It may be the case, then, that respondents will hedge their will to desist with the recognition that contingencies in their lives may change in the future, which may lead to the determination that one’s professed will to permanently desist is qualified in one fashion or another.

Also, future studies on criminal intermittency may benefit from incorporating nascent criminological theoretical advances, including the criminal event perspective
(CEP), which was first introduced into criminological scholarship by Meier, Sacco, and Kennedy (2001). This is a useful analytical aid when researchers are seeking to thoroughly contextualize the commission of criminal offending, especially among “situational offenders” who do not commit crime regularly (see Haskell & Yablonsky, 1978). This relatively recent theoretical advancement on criminal offending incorporates the canons of many theories of criminality that focus on characteristics of the offender, victim, or social/environmental contexts of crime (Meier, Sacco, & Kennedy, 2001). To this point, Anderson and Meier (2004) noted that:

CEP is not a theory of criminality or criminal behavior but a tool by which theorists and researchers can construct models composed of variables that they believe are related to crime. These variables may include such things as characteristics of offenders, behavior patterns of victims, places where offenders and victims might interact, and contexts that may interact with offenders and victims (p. 416).

Therefore, just as scholars have remarked about the concepts of criminal desistance, persistence, and intermittency, the CEP views the commission of crime as being processual in nature, and not a static, solitary event (see Kazemian & LeBlanc, 2004). The CEP views the act of crime as being qualitatively different from the crime event — the former relates to particular behaviors associated with the commission of an illegal offense, whereas the latter refers to the criminal event’s pre-crime, during-crime, and post-crime contexts. Criminal events are a process, including a beginning, middle, and end (Kazenmian & LeBlanc, 2004; Sacco & Kennedy, 2002) This perspective may offer insights into the contextual factors of crime, which may help explain why some offenders experience instances of “failed desistance,” especially after an extensive period of non-offending.
The strategy of combining the life course perspective with CEP has been established by criminologists in past studies of criminal offending (Kazemian & LeBlanc, 2004; Pino, 2005). In a case study of the offending history of one serial rapist, Pino (2005) integrated the CEP with the life course perspective of criminal behavior in order to assess the respondent’s pattern of continued, serial offending. Regarding the circumstances that led to the respondent’s repeated offending, Pino contended that, “each criminal event involving the respondent had a history, a motivated offender, a time, place, and situation that brought the offender and victim together in time and space, an interaction that progressed toward a criminal act, and the aftermath of the event, sometimes involving law enforcement, that influenced the offender’s later behaviors,” (2005; p. 145). Hence, due to the finding that persistent offenders’ lives are complex and rife with unpredictable contingencies that influence patterns of temporary desistance, future research on the processes of intermittency may be well-served to incorporate the methodological tenets of the CEP as a way to understand the complexities of recurring reoffending across the life course.

7.4 Concluding Statement

In my view, the most important take away from this research does not relate to the specific findings regarding why offenders may temporarily desist when they have no commitment to do so, why they resume offending after taking time off from offending, nor even how they react to criminal justice sanctions — these factors have been found in previous studies in criminological inquiry. Rather, the most revelatory aspect of this research is that it reaffirms the notion that criminals’ behavior is subject to change because of the nearly endless experiences that they face on a day-to-day basis throughout the course of their lives. Each offender’s life is very complex and
how they navigate the world around them is often unpredictable — even to them. The choice to offend or not is often so situationally dependent that the quote that appears at the beginning of this chapter could not be more accurate. One reason that there are so many unsettled debates in criminal careers research is that offenders’ behavior is so highly contingent on the precarious nature of their lives along with their often jaded perceptions about the mechanisms designed to purportedly “help them.” Therefore, it is imperative that, as criminologists continue to understand the ways of offenders, they continue to uncover as many layers of context as possible in order to identify each segment of the “elephant.”
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Appendix A

RESPONDANT TABLE
<table>
<thead>
<tr>
<th>Respondent ID</th>
<th>Pseudonym</th>
<th>Gender</th>
<th>Race</th>
<th>CRIME TYPE IN PAST 12 MONTHS</th>
<th>DRUG USE IN LAST 12 MONTHS</th>
<th>DRUGS USED IN PAST 12 MONTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>614</td>
<td>Clyde</td>
<td>M</td>
<td>W</td>
<td>Other Theft</td>
<td>HAS USED</td>
<td>Marijuana</td>
</tr>
<tr>
<td>618</td>
<td>Bruce</td>
<td>M</td>
<td>B</td>
<td>Drug Related</td>
<td>HAS USED</td>
<td>Heroin</td>
</tr>
<tr>
<td>1025</td>
<td>Christina</td>
<td>F</td>
<td>B</td>
<td>Fraud</td>
<td>HAS USED</td>
<td>Crack</td>
</tr>
<tr>
<td>1092</td>
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<td>B</td>
<td>Other</td>
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</tr>
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<td>F</td>
<td>B</td>
<td>Fraud</td>
<td>HAS NOT USED</td>
<td>No drugs or alcohol</td>
</tr>
<tr>
<td>Respondent ID</td>
<td>Pseudonym</td>
<td>Gender</td>
<td>Race</td>
<td>CRIME TYPE IN PAST 12 MONTHS</td>
<td>DRUG USE IN LAST 12 MONTHS</td>
<td>DRUGS USED IN PAST 12 MONTHS</td>
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<td>Race</td>
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<td>DRUG USE IN LAST 12 MONTHS</td>
<td>DRUGS USED IN PAST 12 MONTHS</td>
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<td>HAS USED</td>
<td>Crack</td>
</tr>
<tr>
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<td>Todd</td>
<td>M</td>
<td>B</td>
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First, I want to thank you for agreeing to talk to me today. I will warn you right up front that this is going to take awhile, so if you need to get up or get a drink, please feel free. I cannot stress to you how important this research is. As you know, the original study was used to determine how drug treatment works and for whom. You were a big part of that research and that study helped a lot of people, so I again say thanks. This time, we want to try to understand better what happens to people across long periods of time. Basically we want your story, starting with when you first enrolled in the study. What we really want to understand is what things changed and what things remained the same, and what you thought and felt at the time. By doing this with a lot of people, we hope to be able to understand the long term effects of encountering the criminal justice system directly from those who have experienced it, such as yourself. Because we will talk a lot about how you felt about things, I am going to record out talk. We are doing this with everyone. After we have made a transcript of the interview, we will destroy the tape. Your identity will not be able to be linked with the transcript.

Do you have any questions before we get started?
First, we are going to talk about some of your experiences year-by-year since we last talked to you in __________. We are going to start with the first year after your release in __________ and move forward through today, but please feel free to go back if you recall something we missed along the way. In addition to the major holidays in each year, I want to note your birthday and other special occasions like anniversaries to help you think about the year. We have filled in as much as we could from the previous interviews. We have also filled in any criminal justice related information from the data we received from the Statistical Analysis Center. We will
want to verify all of this with you. Remember that what we really want is your story, so we are most interested in how all of these things fit together.

OK, first we want to talk about where you were living. (INTERVIEWER: refer to the prefilled information below on where the person lived when they first got out of prison. Verify this with them and begin probes.)

**STEP #1: ESTABLISH TIME SEQUENCE**
**FOR EACH YEAR**

- DRAW HORIZONTAL LINE TO SHOW START/END OF EACH EVENT/CIRCUMSTANCE;
- X OUT THE TWO NOT-APPLICABLE EVENTS/CIRCUMSTANCE
<table>
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<tr>
<th>INSERT BIRTHDAY/HOLIDAYS/KNOWN CRIMINAL JUSTICE EVENTS</th>
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<tr>
<td>XYEAR</td>
</tr>
<tr>
<td>First, where were you living in XYEAR?</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>A. RESIDENCE</strong></td>
</tr>
<tr>
<td>A1. Did you live in Delaware?</td>
</tr>
<tr>
<td>If no, where did you live?</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Specifically, where did you live in XYEAR?</td>
</tr>
<tr>
<td>A2. Lived Alone</td>
</tr>
<tr>
<td>a. rented   b. owned</td>
</tr>
<tr>
<td>A3. Lived With Partner/Spouse</td>
</tr>
<tr>
<td>a. rented   b. owned</td>
</tr>
<tr>
<td>A4. Lived with Own Children</td>
</tr>
<tr>
<td>a. rented   b. owned</td>
</tr>
<tr>
<td>A5. Lived with Partner/Spouse and Children</td>
</tr>
<tr>
<td>a. rented   b. owned</td>
</tr>
<tr>
<td>A6. Lived with other family members</td>
</tr>
<tr>
<td>A7. Lived with friends</td>
</tr>
<tr>
<td>A8. Was in correctional setting e.g. prison, work release</td>
</tr>
<tr>
<td>A9. Was homeless</td>
</tr>
<tr>
<td>A10. Other</td>
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<th>January</th>
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<th>March</th>
<th>April</th>
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<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
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</thead>
</table>
Next we would like to know about the jobs you had that year. (INTERVIEWER: refer to the prefilled information below. Verify this with them and begin probes.)

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<th>August</th>
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<th>October</th>
<th>November</th>
<th>December</th>
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</thead>
</table>

**For Each Job**

B1a. Describe your job. What exactly did you do?
B1b. Did it come with Health Benefits?
B1c. How did you find that job? Who helped you?
B1d. Did you like the job?
B1e. If job lost, what happened to the job?

**B9. Unemployed**

B9a. Did you do anything to try and find work?
B9b. Go on job interviews?

B9c. What were some of things that prevented you finding a job?
What would typically happen when you went for an interview?
Bd. Did your record prevent you from getting jobs? Talk to me about this. How do you know it was because of your record?
B10. EDUCATIONAL TRAINING

- B10a. Did you get any educational training during the year? Yes _________ No _________
- If yes, what kind?
  ____________________________________________
  What time period>

B10b. Would you have liked to get more educational or vocational training if it were available? What prevented you from getting it?

<table>
<thead>
<tr>
<th>XYEAR C. RELATIONSHIPS</th>
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<td>Could you tell me about your marital status or other romantic partners? Were married or living with a sexual partner in XYEAR? Did this relationship last the entire year?</td>
</tr>
<tr>
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</tr>
<tr>
<td>Ca. What kind of relationship did you have with your partner? Tell me about it?</td>
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</table>
D. CHILDREN XYEAR: Next we want to talk about your children.

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<th>August</th>
<th>September</th>
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<th>December</th>
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</thead>
</table>

D1. *I know that you had _____ children when you were released. What are their ages now?*  

(Interviewer: Record here whether children are to different partners and if so, which child it with which partner).

D2. *Have you had any other children since your release in _______?*  

IF YES. What year were they born? INTERVIEWER: Make note of this so you can bring it back up in the appropriate year.)

D2a. *If so, what are their ages now?*

D3. *Do you have any grandchildren?*  
A. no  
B. yes, age?

*Open-Ended Questions for Each Child/Grandchild: Thinking back to that time, _____  
Let’s talk about your contact with them while you were incarcerated?  -- Did you see or contact some more than others? If so, who and why?*
<table>
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<th>Answer</th>
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<td>How many times did you talk to them in an average month? ___________</td>
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</tr>
<tr>
<td>How many times did you see them in an average month? ___________</td>
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<tr>
<td>Would you have liked to have seen them more? __________</td>
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<tr>
<td>What was your contact like with them when you were first released that time in _____?</td>
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</tr>
<tr>
<td>Tell me about your overall relationship with your children in XYEAR</td>
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</tr>
<tr>
<td>What were your children doing then?</td>
<td></td>
</tr>
<tr>
<td>How were they provided for financially during XYEAR?</td>
<td></td>
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<tr>
<td>What kind of relationship would you have liked to have with your children then?</td>
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</tr>
<tr>
<td>What kind of relationship would you have liked to have with your grandchildren then?</td>
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<tr>
<td>Were any of your children arrested in XYEAR?</td>
<td></td>
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<tr>
<td>Were any of your children serving time in prison or on probation in XYEAR?</td>
<td></td>
</tr>
</tbody>
</table>
I. SPIRITUALITY/RELIGION

Next we want to talk to you about your spirituality or religious beliefs and practices.

What religion were you brought up in?

What do you consider yourself to be now?

Did your religion or spirituality change during the time you were incarcerated that time Yes no.

**HOW?**

When you got out that time in XYEAR What role did religion or spirituality play, and can you talk about how it may have changed?

F. DRUG USE

Next, we would like you to think back to this year and try to remember your drug and alcohol use

When you first got out of prison in _______, What we mostly want to know is what role drugs played in your life, and whether there were times when you used more drugs during the year and how you used them. That is, was it all the time, on weekends, etc. Was there a time in the year where you used more heavily? We also want to know who you mostly used with- not names of course, but was it friends, family or your partner and so on. Remember, what we are really after here is your story, so for this part, we want to know what role drugs played in your story for the year when you first got out in. To keep it organized, I’d like to ask some questions, but these are

<table>
<thead>
<tr>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
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<th>June</th>
<th>July</th>
<th>August</th>
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<th>October</th>
<th>November</th>
<th>December</th>
</tr>
</thead>
</table>
mostly to guide us. Let’s go one drug at a time, and then look at the overall picture.

F1 ALCOHOL: Can you tell me about the role alcohol played in your life in XYEAR.
   If person reports no alcohol use, move to F2. ________ No Use.
   - How would you describe your patterns of drinking then?
     - a. using daily   b. using several times a week   c. using once a week   d. using once a month or less
   - Would you describe your drinking then as a problem? (why/why not).
   - Who were you mostly likely to drink with?
   - Tell me about the times during the year when you drank more, or less than at other times.
   - Talk to me about those changes? Why do you think you drank more or less.
     (INTERVIEWER- if possible, record changes in use on calendar).

How about other drugs? Were you using:
F1 Marijuana: talk to me about the role that Marijuana played in your life in XYEAR.
   If person reports no Marijuana use, move to F2. ________ No Use.
- How would you describe your patterns of smoking then?
  a. using daily   b. using several times a week   c. using once a week   d. using once a month or less
- Would you describe your smoking pot then as a problem?
  (why/why not).
- Who were you mostly likely to smoke with?
- Tell me about times during the year when you smoked more, or less than at other times.
- Talk to me about those changes? Why do you think you smoked more or less?

(INTERVIEWER- if possible, record changes in use on calendar).

F1 Cocaine: talk to me about the role that Cocaine played in your life in XYEAR.

If person reports no Cocaine use, move to F2. ______ No Use.
- How would you describe your patterns of cocaine use then?
  a. using daily   b. using several times a week   c. using once a week   d. using once a month or less
- Did you use a. powder   b. crack   c. inject   (why?)
- Would you describe your cocaine use then as a problem?
  (why/why not).
- Who were you mostly likely to use with?
- Tell me about the times during the year when you used more, or less than at other times.
- Talk to me about those changes? Why do you think you used more or less?

(INTERVIEWER- if possible, record changes in use on calendar).

F1 Opiates: talk to me about the role that Opiates played in your life in XYEAR.
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>If person reports no Opiate use, move to F2. ________ No Use.</td>
<td></td>
</tr>
<tr>
<td>- How would you describe your patterns of Opiates use then?</td>
<td>______</td>
</tr>
<tr>
<td>a. using daily  b. using several times a week  c. using once a week</td>
<td>______</td>
</tr>
<tr>
<td>d. using once a month or less</td>
<td>______</td>
</tr>
<tr>
<td>- Did you use a. heroin  b. prescription opiates  c. inject  (why?)</td>
<td>______</td>
</tr>
<tr>
<td>- Would you describe your opiates use then as a problem? (why/why not).</td>
<td>______</td>
</tr>
<tr>
<td>- Who were you mostly likely to use with?</td>
<td>______</td>
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<tr>
<td>- Tell me about the times during the year when you used more, or</td>
<td>______</td>
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<tr>
<td>less than at other times.</td>
<td>______</td>
</tr>
<tr>
<td>- Talk to me about those changes? Why do you think you used more or</td>
<td>______</td>
</tr>
<tr>
<td>less? (INTERVIEWER- if possible, record changes in use on calendar).</td>
<td>______</td>
</tr>
</tbody>
</table>

F1 OTHER DRUGS talk to me about the role that other types of drugs played in your life in XYEAR.
Probe: What other drugs were you mostly likely to use that year

________________________________________
________________________________________
________________________________________

If person reports no drug use, move to F2. ________ No Use.
- How would you describe your patterns of MOST USED OTHER DRUG use then?
  a. using daily  b. using several times a week  c. using once a week  d. using once a month or less
- Why were you using that particular drug?
- Would you describe your__________ use then as a problem? (why/why not).
- Who were you mostly likely to use with?
- Were there times during the year when you used more, or less than at other times?
- Talk to me about those changes? Why do you think you used more or less?
  (INTERVIEWER- if possible, record changes in use on calendar).

F10. If using drugs, did you inject any of these drugs with a needle?
  a. yes   b. no
  Talk to me about that.
  - Who were you mostly likely to use with?
  - Tell me about the times during the year when you used more, or less than at other times?
  - Talk to me about those changes? Why do you think you used more or less?
  (INTERVIEWER- if possible, record changes in use on calendar).

**OPEN-ENDED QUESTIONS FOR THOSE USING**

Lets talk about your overall use. How much would you say you enjoyed using during this time?
  a. A great deal  b. Some  c. Not much  d. I didn’t enjoy it at all
  Why do you think that is?
  (IF PARTNERED)
  What was your partner's role in your drug use?
  Tell me about how your partner felt about your use?
  How did drug use (both of yours) affect the relationship?
  (IF PARENT) How did your children feel about it?
  How did it effect those relationships
  Was it different for different children?
  How did drug use impact the rest of your family?
  How did drug use impact the rest of your job?
<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
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<tbody>
<tr>
<td>Did you want to stop using?</td>
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<tr>
<td>Did your family try to help you quit in any way this year?</td>
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<tr>
<td>Did your friends try to help you quit in any way this year?</td>
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<tr>
<td>What other factors prevented you from quitting?</td>
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<td><strong>OPEN-ENDED QUESTIONS FOR THOSE WHO QUIT USING DRUGS/ALCOHOL IN XYEAR.</strong></td>
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<tr>
<td>When did you quit?</td>
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<tr>
<td>Why?</td>
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<td><em>Tell me more.</em> <em>(INTERVIEWER use silence here. Let them think and speak)</em></td>
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<td>What steps did you take to stop using?</td>
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<td>What was the toughest part of stopping?</td>
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<td>Who or what helped you the most?</td>
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<tr>
<td>How did they help you?</td>
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<td>What do you think was the most important reason you were able to stay clean?</td>
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<td>How long did you stay clean that time?</td>
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<tr>
<td>If Person went back to use:</td>
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<tr>
<td>What happened?</td>
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<tr>
<td>Why?</td>
<td></td>
</tr>
<tr>
<td><em>Tell me more.</em> <em>(INTERVIEWER use silence here. Let them think and speak)</em></td>
<td></td>
</tr>
</tbody>
</table>
**H. DRUG TREATMENT.** As part of the original study, you were enrolled in __________. Once you got out of __________, did you seek or get any other type of drug treatment that year? If yes, what was the program's name? ________________

H1a. If yes, was it mandated by the court? Yes______
No ______
If no, talk to me about why you went?
H1b. Did this involve any inpatient or residential treatment?
   a. yes, about ________ nights  b. no  When? (Use Calendar)
H1c. How often did you go to the program?
   a. Everyday  b. 2-3 times a week  c. Once a week  d. 1-2 times a month  e. Only a few times ever
H2. Did you successfully complete the program? If yes, what do you think helped you complete the program? If not, why didn’t you complete the program? What factors prevented you from completing the program?
How about other events – were you hospitalized or did you
Go to the emergency room at any time in XYEAR?

E6. Hospitalizations
For ____________________

E7. Emergency Room Visits
For ____________________

E8. Did you get help for emotional or psychological problems
Like depression in XYEAR? If so, did it involve an overnight stay
In a hospital or treatment facility?

**CRIMINAL JUSTICE/INSTITUTIONAL EVENTS XYEAR** Next we want to talk about your involvement in the criminal justice system and any criminal involvement you might have had. Remember that this is completely confidential. We have a number of years recorded from our earlier interviews, so let me go over what we have from that interview and maybe you can tell me whether it’s the way you remember it or not. Then we want to talk about what you were feeling at that time.

<table>
<thead>
<tr>
<th>We have information from Delaware Showing that you WERE/ WERE NOT arrested in XYEAR. Describe arrest and incarceration data below. Did you have events that may have occurred in other states?</th>
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</thead>
<tbody>
<tr>
<td>For each arrest/incarceration on timeline. Does that sound right? (IF NOT PROBE FOR INCIDENT).</td>
</tr>
</tbody>
</table>
If yes: What happened? I’d like you to try to remember what you thought AT THE TIME.
   How did you feel about what you were doing at the time?
   What do you remember thinking about whose fault it was at the time?
   How did it impact your relationship with your family?
   Spouse?
   Children?
   Other family members?
   What about your employment (if they had any?)
   What role did drugs play in this incident?

<table>
<thead>
<tr>
<th>G. OTHER ILLEGAL ACTIVITIES</th>
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<tbody>
<tr>
<td>G2. (IF ENGAGING IN CRIME)</td>
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</tbody>
</table>
| Remembering that what we are after here is your story, and having just gone through your relationships, employment, drug use and all of those other things in your life, what was your **pattern** of crime like during that year?
| Talk to me about the times you were more involved or less involved in criminal activity. |

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<td>Why do you think your involvement in crime went up and/or down?</td>
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<td>What were you thinking about the consequences of engaging in crime then?</td>
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<td>Tell me about how you thought it would affect your future? (If they respond that they did not think about the future, ask why not).</td>
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<tr>
<td>Tell me about how you felt about the consequences for your family? Consequences for your friends? Your job?</td>
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**IF NOT ENGAGING IN ILLEGAL BEHAVIOR**

We know that people try to get out of crime from time to time. It looks like you were less involved in criminal activity in XYEAR than at other times in your life.

Talk to me about that please.

How did you avoid engaging in illegal activities?  
What steps did you take to stay out of trouble?  
What was the toughest part of staying out of trouble?  
Who helped you the most?  
If you had to list the three most important things that helped you stay out of trouble that year, what would they be?
<table>
<thead>
<tr>
<th>J. REFLECTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>J5. Please consider the important decisions (good or bad) you made during this year. What was the first important decision you made after getting released from prison? How did the decision turn out? Why do you think it turned out this way?</td>
</tr>
<tr>
<td>J6. What was another important decision you made this year? How did the decision turn out? Why do you think it turned out this way?</td>
</tr>
<tr>
<td>J7. What happened that was beyond your control that impacted your life during this time?</td>
</tr>
</tbody>
</table>
**PROBE:** Did anyone close to you die or have a health scare of some kind?  
Talk to me about how that affected your life?

*Is there anything else I should know about your life in XYEAR?*
Appendix C

DISSEMINATION APPROVAL FORM

DATE: February 20, 2015

TO: Lionel Smith, M.A.
FROM: University of Delaware IRB

STUDY TITLE: [725885-1] The Cytotoxic Nature of Criminal Offending: A Qualitative Exploration of Intermittency Among Active Offenders

SUBMISSION TYPE: New Project

ACTION: APPROVED

APPROVAL DATE: February 20, 2015

EXPIRATION DATE: February 20, 2015

REVIEW TYPE: Exempt Review

REVIEW CATEGORY: Expedited review category # (4)

Thank you for your submission of New Project materials for this research study. The University of Delaware IRB has approved your submission. This approval is based on an appropriate risk/benefit ratio and a study design wherein the risks have been minimized. All research must be conducted in accordance with this approved submission.

This submission has received Exempt Review based on the applicable federal regulation.

Please remember that informed consent is a process beginning with a description of the study and insurance of participant understanding followed by a signed consent form. Informed consent must continue throughout the study via a dialogue between the researcher and research participant. Federal regulations require each participant receive a copy of the signed consent document.

Please note that any revision to previously approved materials must be approved by this office prior to initiation. Please use the appropriate revision forms for this procedure.

All SERIOUS and UNEXPECTED adverse events must be reported to this office. Please use the appropriate adverse event forms for this procedure. All sponsor reporting requirements should also be followed.

Please report all NON-COMPLIANCE issues or COMPLAINTS regarding this study to this office.

Please note that all research records must be retained for a minimum of three years.
Appendix D

COLLABORATIVE INSTITUTIONAL TRAINING INITIATIVE (CITI PROGRAM)

COLLABORATIVE INSTITUTIONAL TRAINING INITIATIVE (CITI PROGRAM)
COURSEWORK REQUIREMENTS REPORT

*NOTE: Scores on this Requirements Report reflect quiz completions at the time all requirements for the course were met. See list below for details. See separate Transcript Report for more recent quiz scores, including those on optional (supplemental) course elements.

- Name: Lionel Smith (ID: 2389525)
- Email: lmsmith@outlook.edu
- Institution Affiliation: University of Delaware (ID: 1185)
- Phone: 302-831-6167

- Curriculum Group: Course in The Protection of Human Subjects
- Course Learner Group: Human Subjects Protection - Social-Behavioral-Educational Focus - All Researchers
- Stage: Stage 1 - Basic Course

- Report ID: 127740128
- Completion Date: 03/03/2015
- Expiration Date: 03/03/2016
- Minimum Passing: 80
- Reported Score: 80

REQUIRED AND ELECTIVE MODULES ONLY

<table>
<thead>
<tr>
<th>Module</th>
<th>Date Completed</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolster Report and CITI Course Introduction</td>
<td>12/15/14</td>
<td>80 (100%)</td>
</tr>
<tr>
<td>Students in Research</td>
<td>12/15/14</td>
<td>70 (100%)</td>
</tr>
<tr>
<td>History and Ethical Principles - 101E</td>
<td>12/15/14</td>
<td>55 (100%)</td>
</tr>
<tr>
<td>Defining Research with Human Subjects - 101E</td>
<td>12/15/14</td>
<td>55 (100%)</td>
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<tr>
<td>The Federal Regulations - 101E</td>
<td>12/15/14</td>
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<tr>
<td>Assisting With - 101E</td>
<td>12/15/14</td>
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<td>Inform Consent - 101E</td>
<td>12/15/14</td>
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<td>Privacy and Confidentiality - 101E</td>
<td>12/15/14</td>
<td>55 (100%)</td>
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<tr>
<td>Research with Children - 101E</td>
<td>03/03/15</td>
<td>55 (100%)</td>
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<tr>
<td>Research in Public Elementary and Secondary Schools - 101E</td>
<td>03/03/15</td>
<td>45 (80%)</td>
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<tr>
<td>Institutional Review Board - 101E</td>
<td>03/03/15</td>
<td>55 (100%)</td>
</tr>
<tr>
<td>Internet-Based Research - 101E</td>
<td>03/03/15</td>
<td>55 (100%)</td>
</tr>
<tr>
<td>Conflicts of Interest in Research Involving Human Subjects</td>
<td>03/03/15</td>
<td>30 (0%)</td>
</tr>
<tr>
<td>Unanticipated Problems and Reporting Requirements in Social and Behavioral Research</td>
<td>03/03/15</td>
<td>45 (80%)</td>
</tr>
<tr>
<td>University of Delaware</td>
<td>03/03/15</td>
<td>55 (100%)</td>
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</tbody>
</table>

For this report to be valid, the learner identified above must have had a valid affiliation with the CITI Program subscribing institution identified above or have been a paid independent learner.

CITI Program
Email: citiprograms@umiami.edu
Phone: 305-348-7973
Web: https://citiprograms.miami.edu