

FACTORS INFLUENCING THE OCCURRENCE OF CRIMINAL RECIDIVISM

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Abstract: *The presence of a relatively large segment of recidivist prison population, characterized by the repetition of criminal acts with negative consequences upon the entire spectrum of social life (for victims, inmates and the society at large) imperatively requires a scientific approach to factors that jointly contribute to the perpetuation of such undesirable situations for society. This paper aims to identify the social factors that contribute to the existence of criminal recidivism, in order to emphasize the mechanisms of the most severe form of legal non-responsibility.*

Key words: *recidivism, social exclusion, prison, social re-integration*

Introduction

Criminal liability is reflected by the extent to which the citizens of each state accept and respect penal juridical norms. The most dangerous form of penal juridical non-responsibility is the recurrence of criminal acts and is revealed by the dimensions of phenomena such as criminal recidivism. The task of preventing repetitive anti-social forms of behaviour must be a constant concern for the society at large and particularly for specialists activating within the social and the legal domains. In this respect, the prevention and the treatment of this type of delinquency should represent priorities for actions associated with the social and the penal activities of the state.

The phenomenon of criminal recidivism is subordinated to the field of deviance from the norms and values of society, being simply one of its specific manifestations. Criminal infractionality, as well as criminal deviance, might be analysed starting from a multitude of theories that, over time, have elaborated casual frameworks; however this paper will focus upon the possible relationship between the forms of social exclusion and the infractional recidive, as the former might generate the latter.

The social importance of this subject lies in the need to analyze and understand the dynamics of recidivism as a phenomenon that: endangers the social order, since recidivists repeatedly transgress juridical norms; contributes to the proliferation of negative emotions such as fear and insecurity among people, given the antisocial potential of recidivists; involves significant costs allocated to the prison system; presents a high incidence among inmates.

The level of common knowledge is insufficient for addressing a phenomenon that seriously threatens the social order and consequently a scientific approach, rigorous especially from a theoretical and methodological point of view, is required, since the phenomenon referred to above is characterized by complexity, diversity and specificity. It is worth mentioning here that the explanatory paradigms characterizing the sociology of deviance (the theory of social disorganization, the theory of anomie, the theory of cultural transmission, the functionalist conception, the theory of social control, the paradigm of conflict and the labelling theory) have searched for and elaborated answers to delinquency causes, but have not approached separately the phenomenology of criminal relapse, which has a longitudinal dimension in the life of criminals.

The scientific approach to the theme is relevant for the following reasons: it refers to a segment of the population that is difficult to investigate; the social problems confronted by liberated inmates have not been the object of either scientific research or of special measures of social inclusion on the part of national authorities.

The present survey aims to decipher the social factors that influence criminal relapse. In order to investigate this field, it is necessary to understand the social characteristics of this segment

of imprisoned population and the situations the previous inmates have confronted during the post-release period. Once such information has been gathered, the mechanisms that determine criminal relapse can be identified. The results of a scientific study focusing upon the criminal relapse phenomenon could be turned to good account in the implementation of strategies for the social recovery of inmates, taking into consideration the fact that the measures for social inclusion, promoted at various levels, are not very efficient.

Research question

The research question is: why do some of the previous inmates relapse into crime?

Conceptual framework

The theoretical construct below will be directed towards meeting the demand of determining “the increase of our collective capacities to build verifiable scientific explanations” for some aspects related to the investigated domain.¹

The preparation of the research requires the definition of dependent and independent variables, between which a relation of interdependence might be established. The term variable refers to indicating the property of social phenomena and processes to change and have different values at different moments in time, or from one community to another, regardless of the nature of the respective phenomenon.² In the present research, the dependent variable is the phenomenon of criminal relapse, and the interdependent variable is represented by social exclusion. The definition of these two variables should be followed by the identification of their dimensions and indicators, with the view of observing the different forms in which the phenomenon under investigation manifests itself. This process of conceptual operationalization is meant to direct us towards observable and measurable “signs”, which might help in characterizing social units and their qualities.³

Criminal relapse

The concept of criminal relapse is a legal rather than a sociological one.

In common language (Webster’s dictionary), criminal relapse is defined as the tendency to revert to a previous criminal behavioural pattern.

From the scientific point of view, there are several ways of defining criminal relapse.

Thus, criminal relapse can be associated with: “the re-imprisonment and isolation of convicts by means of penal sanctions”⁴ a new arresting of former inmates, after the period of their imprisonment ended⁵ a delinquent act that is subsequent to a prosecuted offence⁶; a return to prison as a result of violating the post-detention supervision and/or a new conviction⁷ either a re-arrest or the revocation of supervision.⁸

We shall assume that criminal relapse refers to the juridical situation of a person who is imprisoned for having committed a new criminal act, which entails the state of relapse.

Social exclusion

The concept of social exclusion is more comprehensive than that of poverty since it refers not only to the absence of material means but also to the impossibility to be included within different social, economic, political and cultural “networks”. Besides the deficit of material means, social exclusion also involves a deficit of normal participation to everyday life and different social activities. Another definition of social exclusion is that of “incapacity/failure to integrate a person or a group into one or more (sub)systems: the democratic and the legal system, implying civic integration; the job market, which promotes the economic integration; the system of the welfare

¹ King, Keohane, Verba, 2000, p. 28

² Mărginean, p. 170

³ Chelcea and al., p.77

⁴ Broadhurst et al. 1998, p. 85

⁵ Kim et al., 2007, p. 437

⁶ (Schwalbe et al. 2007, p. 351

⁷ Pettus & Severson, 2006, p.210

⁸ Kubiak, 2004, p.427

state, which promotes what can be defined as social integration; the system of the family and of the community, which promotes the interpersonal integration.”⁹

The following sections will attempt to achieve an optimal operationalization of this concept, starting from an understanding of the particularity of this phenomenon that is as accurate as possible, but constantly relating it to the objectives of this research. We consider the following dimensions as being relevant for the concept of social exclusion, in relation to the phenomenon of criminal relapse: the occupational one (labour market integration), locative, familial, interpersonal (relations with both individuals and representatives of institutions). The literature in the field also refers to two other dimensions: the educational and, respectively, the sanitary one, but we believe that these are not significant for the present research as the subjects are often too old to be included in any educational system, and the exclusion from health is not significant in relation to the recurrence of the criminal behaviour.

The research

The current research is characterized by the following elements: it was a practical study, based upon the interaction with the investigated subjects; the research method was the sociological survey; the questionnaire was used as method for gathering data; the analyses were of the qualitative type; most data referred to was of the transversal type; the results aimed at were preponderantly exploratory; the level of representativeness was high for the prison space of Oradea Penitentiary and relatively low for the entire imprisoned population in Romania. The method of information gathering was the questionnaire. These choice had in view the adaptation of the research instrument to the specific of the research, taking into account the advantages provided by the questionnaire in relation to other techniques: limited time and material costs, eliminating the disturbing influence of the operator, eliminating the registration and interpretation mistakes of the operator, ensuring anonymity, allowing subjects a time to think before formulating the answers and a higher possibility of representativeness.¹⁰

The analysis unit was made up of 176 persons, namely a group of relapsed inmates who were imprisoned in Oradea Penitentiary at 25th of August 2009. The registration unit was the person included in this group of inmates, who answered the questionnaire. For different reasons (refusal, psychic problems, transfer), only 153 questionnaires could be used. Before being asked to answer the questionnaire, the investigated inmates were presented with the reasons for their inclusion in the research and with a brief description of the research; they were informed about anonymity and the confidentiality of data, as well as about the coordinates to be followed in the completion of the questionnaires. The questionnaires were self-administered for the inmates who had a high schooling level; the ones who encountered difficulties in reading, writing or understanding were assisted by a survey operator. The 153 questionnaires were answered during the period 26.08.2009 – 31.08.2009. The data obtained were implemented and processed using the SPSS (Statistical Package for the Social Sciences) computer software. After finishing this process, taking into account that most scales are nominal and ordinal, we have proceeded to the stage of statistic processing, respectively to designing the frequency tables that might be useful in constructing graphics, interpreting data and eventually drawing conclusions.

Results

In terms of guilt, most inmates (75,8%) consider themselves as responsible for their state of criminal relapse, while others (15,2%) attribute their guilt to the social environment they belong to. There are relatively few subjects who attribute their guilt to their familial background, or to their educational level.

⁹ Zamfir, 2007, p.240

¹⁰ Rotariu, T., Iluț, P., 1997, pp.60-61

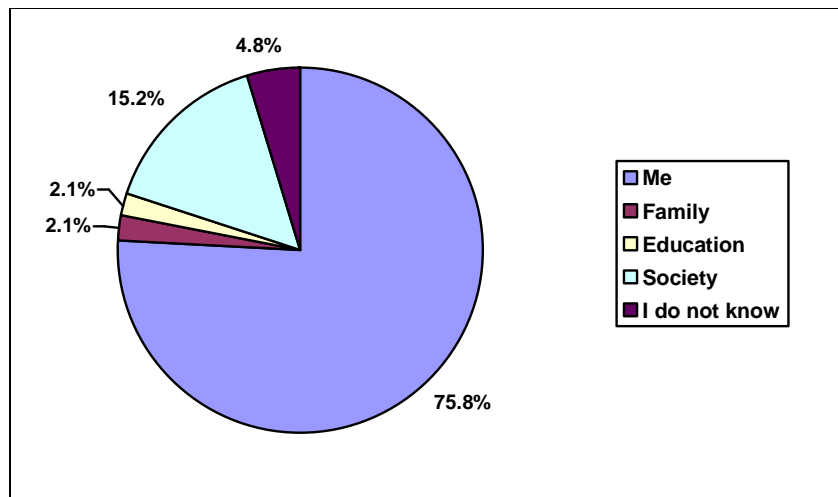


Figure 1 Evaluating the level of guilt associated with the state of criminal relapse

The difficulties encountered by inmates after their last liberation, as presented in figure 2, concern the possibility to find a job, arrange their locative situation, renew family ties, re-establish relationships with friends and the communication with state institutions. In order to facilitate the understanding of figure 2, we merged the response options “very difficult”, “difficult” and “rather difficult” in the generic words “hardships”, or “difficulties”.

As far as the *reintegration into the labour market* is concerned, about half of the respondents (49,1%) state they have encountered difficulties in obtaining a job. This percentage can be considered quite alarming, since for most former inmates a job might ensure them licit sources of livelihood.

Regarding their *locative situation*, more than a quarter of the respondents (26,1%) said they had difficulties in solving this problem. The absence of satisfying housing, which might ensure the satisfaction of indispensable existential needs, can determine individuals resort to antisocial acts, which might help them satisfy their basic needs or ensure their return to prison, where the locative problem is solved.

In terms of *family relations*, 16,8% of the interviewed inmates said they encountered difficulties in re-making these ties. It is highly probable that this relatively low percentage might be made up of de-structured and disorganized families, characterized by alcoholism and permanent conflicting situations. Renewing family relations after the end of the imprisonment period was a rather easy process for most former inmates. Such a situation might be explained by the legal possibilities provided to inmates in order to maintain the relations with their families, namely: visits, telephone conversations, correspondence and permission to go out of prison.

Re-establishing the relations with the group of friends, relatives and different acquaintances proved difficult in 23,3% of the cases. Thus, almost a quarter of the interviewed persons encountered difficulties in renewing such relations, which might indicate a disguised form of interpersonal exclusion as a result of being labelled as a former inmate. Restoring relationships with the group of friends was generally achieved without difficulty. Sometimes such connections facilitate the re-integrative process in the community, if the respective group is not specialized in criminal activities.

Communication with the state institutions, with the view of solving different types of social problems, has been perceived as difficult by more than half of the respondents (51,3%). Such a high percentage can be explained in many ways: communication has been perceived as difficult because applicants did not obtain what they had asked for; officials lacked the communication abilities needed in interactions with such social categories (characterized by low schooling levels, low capacity of verbalization, multiple social needs); or, given their social characteristics (ex-convicts, poor persons, etc.) they were treated improperly.

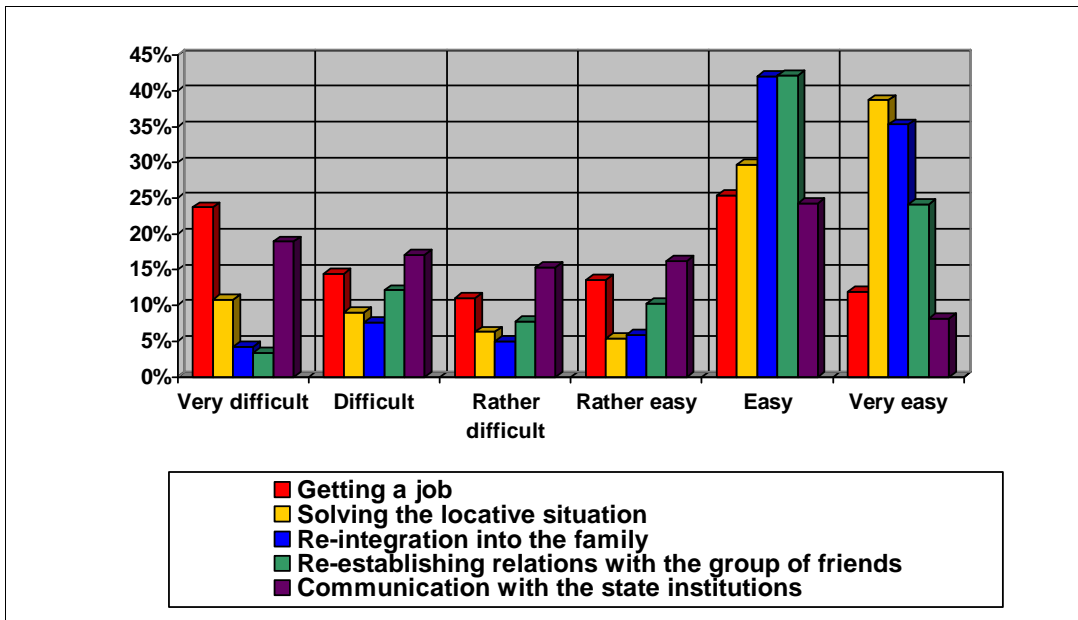


Figure 2 Perceiving the process of resuming some aspects related to social life, after liberation

In the questionnaire, the recidivist inmates were asked to indicate why they felt they had relapsed. The answers are indicated in Figure 3.

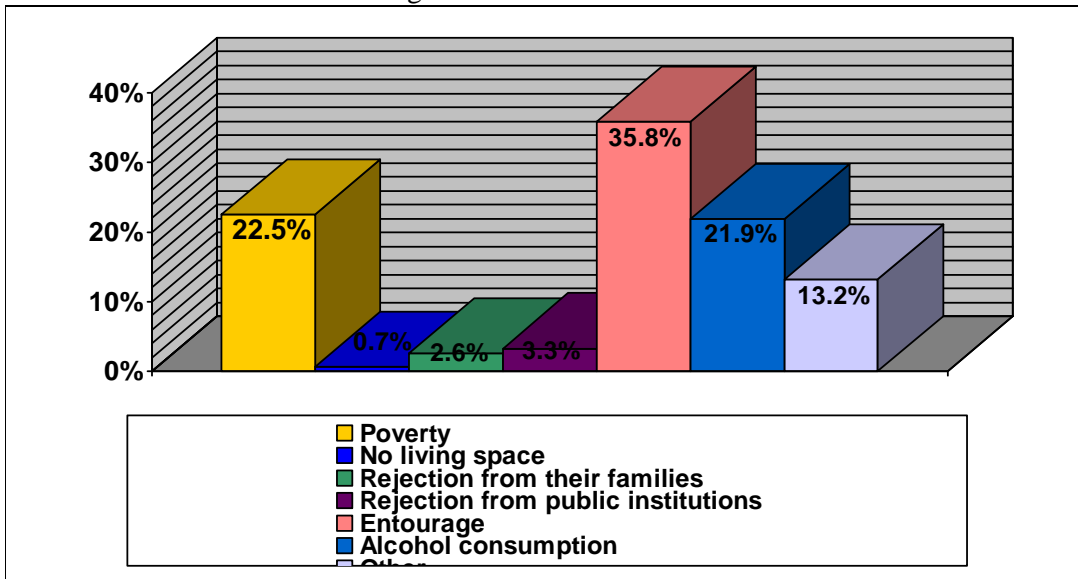


Figure 3 Opinions concerning the reasons associated with criminal relapse

The most cited reason for acquiring the state of recidivist was the *entourage*. We believe that one can identify at least two explanations for this high score (more than a third of the subjects). The first refers to the fact that the great majority of penal acts are most frequently perpetrated by more authors or co-authors. The second explanation is that most criminals, once they have been identified and prosecuted, demonstrate a strong defensive attitude during the trial, minimizing or even denying their contribution to the crime, with the aim of being charged with minimal penal sanctions. This defensive attitude often turns into a process of rejecting guilt and attributing it to others.

Poverty is considered by almost a quarter of the interviewed recidivists as the reason that had determined the criminal relapse. It is very likely that these figures might closely reflect reality if we take into consideration other characteristics of the imprisoned population, such as: structure by nationality (about one third are Roma ethnics); low schooling level (about one fifth are illiterate); weak professional training (the massive absence of professional qualifications); lack of abilities that

might facilitate their integration into the labour market; improper living conditions; very low income. The existence of such factors among families and the communities the inmates belong to determine them to trespass laws in order to satisfy basic needs for themselves or their families.

Alcohol consumption is third among the reasons for which the inmates become recidivists. Such a classification, with a percentage of 21,9%, can be largely explained by the attempt to minimize guilt, but also by associating alcohol consumption with lifestyles that characterize the environment the inmates belong to.

Another dimension of this research has sought to apprehend the intentions and the perception of some aspects of prison and post-prison life. With this purpose in mind we have asked the respondents to express their agreement or disagreement in relation to some statements. The options related to these statements are presented in Figure 4.

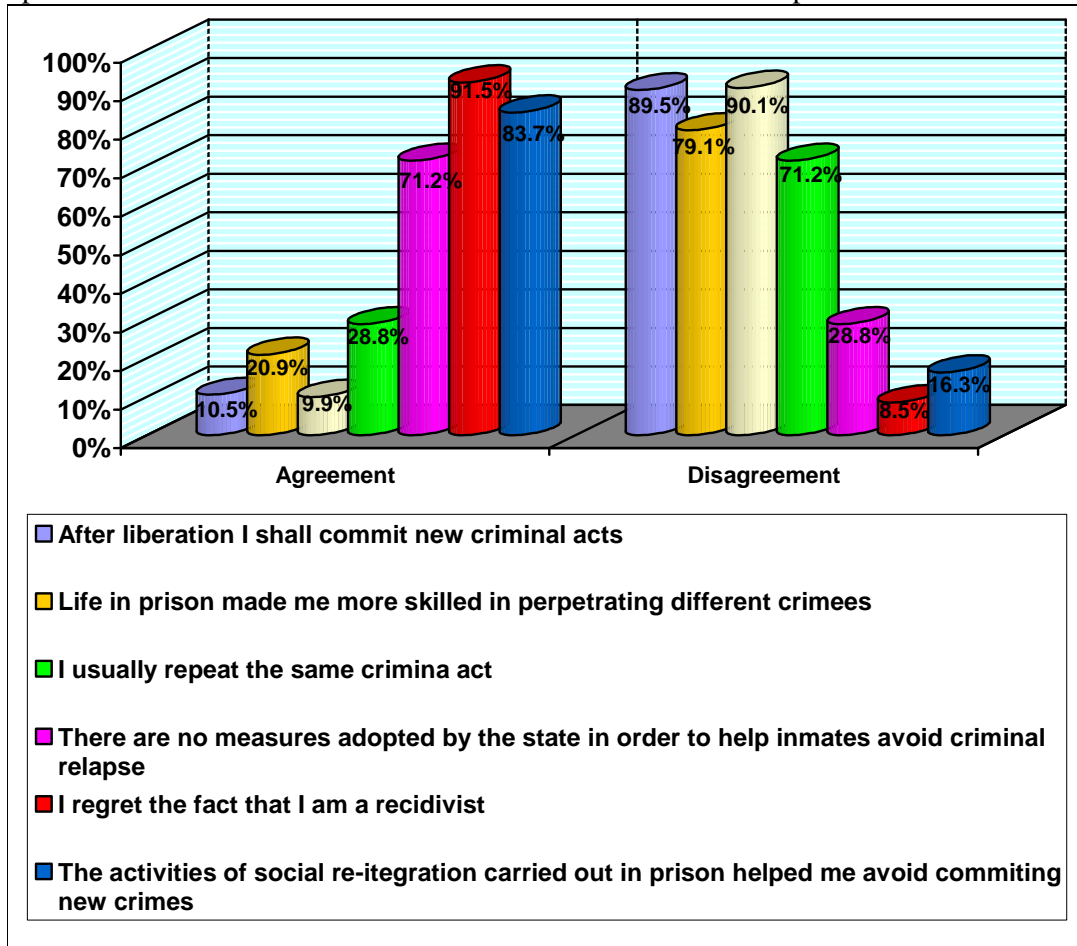


Figure 4 Opinions regarding some aspects of social penal and post-penal life

As regards the *delinquent future* of the respondents, 10,5% of them agree that they are going to commit criminal acts again. Certainly, the number of those who relapse will be much higher, as indicated by the statistical figures referring to the phenomenon of criminal relapse, which oscillate around the value of 50%. It is possible that the difference of 40% to be represented by inmates who do not intend to become recidivists, but for various reasons end up committing antisocial acts again. At the same time, the percentage of 10,5% is probably represented by what the literature in the field calls professional criminals, who are usually “trained and socialized in the direction of committing the crime”.¹¹

The percentage of those who admit that the detention period made them more *experimented* in delinquent techniques is rather high (20,9%). Such an undesirable situation has been explained

¹¹ Mitrofan and al., 2000, p.81

some decades ago by the theories of the delinquent culture, according to which “deviance is the result of a splitting between goals and means and an individual can move from one way of adaptation to another”.¹²

The detention conditions, which are currently rather acceptable (food, heat, rights, etc.) are in some cases beyond the possibilities that characterize the inmates’ lives in freedom and for this reason 9,9% of the recidivists are indifferent with regards to the prospect of their criminal relapse. I can state here that the ones who expressed such view are largely the same individuals who said they were going to commit new criminal acts after liberation (10,5%) and therefore I believe we cannot find a correlation between the detention conditions and the occurrence of criminal relapse. According to international regulations and recommendations, reasonable detention conditions must be provided for people in general and for the inmates in particular, as they can represent an example for living a balanced and orderly life after liberation. This idea is emphasized by two fundamental principles, found among the Recommendation of the Ministers Committee from the member states of the European Council, referring to the European rules for penitentiaries (2006): “all the persons deprived of freedom shall be treated so that the human rights will be respected” and “life in penitentiaries should be as close as possible to the positive aspects of life outside prison”.

Criminal versatility has been emphasized by the statement “I usually relapse with the same type of crime”, to which 71,2% of the respondents did not agree. This fact indicates a certain diversification of criminal preoccupations, which might be explained either as a result of developing a certain criminal “professionalism” during prior periods of imprisonment, or as an instability of the antisocial behaviour, attributable to different causes (poverty, alcohol consumption, entourage, etc.).

The measures adopted by the state in order to prevent criminal relapse are perceived as inexistent by 71,2% of the recidivists. This percentage clearly indicates the absence of strategies and programs for the monitoring and the rehabilitation of inmates after they are liberated from prison: these former inmates must manage alone, without a minimum amount of support. The only forms of preventing criminal relapse are the forms of education and psycho-social assistance carried out in penitentiaries, but these might become inefficient if not continued after liberation, until the reinsertion of the individual in different social networks (family, work, etc.).

Understanding the *unpleasant social position* of inmates is appreciated as regrettable by most subjects (91,5%). This high score is indicative of the fact that these people partially admit the fact that they did wrong thing, and feel ashamed in the situation they find themselves; such a situation could be improved during recuperative strategies aimed at helping inmates increase their self-esteem and self-confidence, in order to return to a normal social life.

The usefulness of activities aimed at social reintegration, carried out in penitentiaries, is appreciated by 83,7% of the respondents. Such an acknowledgement of the useful character of social reinsertion activities results from the fact that lately these recuperative efforts have been adapted to the inmates’ individual needs for education and psycho-social assistance (literacy, education, professional qualification, etc.), which is actually one of the objectives of the Strategy of the Romanian Penitentiary System for the period 2009-2013.

Conclusions

The great majority of recidivist inmates accept the guilt for having committed criminal acts and regret the undesirable situation that isolates them at the most undesirable extreme of the social scale.

The most important hardships encountered by former inmates when trying to adapt to the demands of normal social life (away from criminal environments) have been: communication with authorities and the possibility to have their social problems solved by the institutions of the state (51,3%); finding a job (49,1%); solving housing problems (26,1%); re-establishing relationships with the group of friends or acquaintances (23,3%); re-establishing relationships with their families (16,8%).

¹² Ogien, 2002, p.109

The negative effect of acquiring new criminal “competences” during the period of imprisonment, through the moral contamination of inmates with elements of a criminal subculture, can also be emphasized.

For a rather narrow segment of recidivist inmates (10,5%), their social future remains the criminality area and consequently there are weak chances of social recovery in their case: most probably, they can be included in the category that the literature in the field calls “professional criminals”.

The information gathered during this research indicate that inmates have different degrees of perception in relation to forms of exclusion they are faced with (institutional, occupational, locative, familial), which can further direct them towards criminal existential routes. The poor capacity of the state to manage and prevent the phenomenon of criminal relapse can also be emphasized.

The answer to the research question is that the elements that determine criminal relapse are very diverse (entourage, poverty, alcohol consumption, etc.), are facilitated by the possibility to develop an even more accentuated antisocial behaviour during the period of detention and can be related to the incapacity of public institutions to monitor and support former prisoners.

The limits of the present study derive from two sources: the lower degree of confidence in terms of information provided by inmates as compared to other categories of respondents and the absence of other research instruments, which might prove the veracity of data gathered with the help of questionnaires.

Such research should be continued and intensified in order to design recuperative strategies for a category of inmates that so far has proved that previous imprisonment periods did not determine them to give up antisocial forms of behaviour and the penal politics of the state have failed in terms of their social recovery.

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