

Factors associated with Recidivism The Albanian case

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Abstract

Recidivism is a term that was for the first time used in the 17th century. It comes from Latin, *recidivus*, which means "to reoccur" or fall again prey of a bad habit or crime. Even nowadays, recidivism means to relapse into a previous condition or criminal behaviour.¹ It refers mainly to a person's relapse to a criminal behaviour after having served a previous punishment. Recidivism is measured by the criminal offences that lead to the person being re-arrested, re-punished, or re-imprisonment within a three-year period after his first release from prison. (Gjerasi and Tafaj, 2014:5).²

Reducing recidivism or reoccurrence of criminal offences by offenders is one of the main goals of both criminal justice and institutions where punishments are served, be it closed or community-based. "Recidivism is also seen as a tool to measure the effectiveness of rehabilitation programs in prisons and to make an overall evaluation of such programs. The measurement of recidivism in many countries of the world is made as a separate process or advance study in assessing the effectiveness of prison management or prison services. Lawmakers and policymakers consider recidivism-related data as criteria in evaluating and correcting the performance of the system" (Gjerasi and Tafaj, 2014:6).

The purpose of studying recidivism is to change the attitude and behaviour of criminal offenders. Such change means at least a change of behaviour towards the law and non-repetition of criminal offences in the future. However, before change mechanisms are examined, sufficient data must be collected to show that the risk factors may change and that such change will lead to reducing negative results. (Kroner & Yessine, 2013). Andrews & Bonta (2010) think that appropriate interventions by the criminal justice are effective in reducing negative results.

Keywords: The Albanian case, Recidivism, factors.

1. Introduction

Analyzing factors of recidivism serves a large number of criminal justice professionals. Firstly, judges and prosecutors who have the main task of punishing and evaluating the tendencies that a person shows in committing a certain criminal offence, taking into consideration all the conditions and circumstances that are both stimulating, and indicators of the risk of reoccurrence of the criminal offence in particular, and the criminal behaviour in general.

Secondly, recidivism factors are beneficial to prison staff. Numerous studies show that prison is one of the main environments preparing criminal capital. Therefore, addressing recidivism in prison is a primary need and equally important to other functions of punishment.

Thirdly, recidivism factors are important for professionals involved in developing

criminal policies. Recidivism is both a consequence and an indicator of a criminal policy, which should go beyond punishment, especially when crime is related with wider social or developmental factors like poverty, lack for social mobility, limited access, and others.

Fourthly, recidivism factors are crucial for law enforcement agencies, which have a major role in preventing crime and educating communities with the spirit and presence of the law, and not only with punishment.

Fifthly, factors of recidivism could provide input for multi-disciplinary studies both in social and legal areas at the academic level, as well as thematic reports or reports targeting certain groups such as women, children, youth, persons with mental health problems, users of narcotic substances, and groups with anti-social tendencies. The development of appropriate policies in these areas requires further deeper studies.

2. Review of contemporary literature on factors of recidivism

The modern literature is quite rich of research on recidivism, although such research does not cover all aspects of recidivism to the same level of depth and consistency in very developed countries such as the Great Britain, the Netherlands, or the Nordic countries. Literature is, however, clear enough to illuminate us regarding the main factors guiding the qualitative part of this paper.

First of all, problems with recidivism must be understood from the offender's perspective of processes and environments and the drivers leading to reoffending versus those leading to refraining or reducing such trends in persons, who are serving a criminal sentence, or have already completed it. This consists of three stages: pre-punishment environment, punishment environment, and the post-punishment environment, i.e. re-integration or social rehabilitation in the community.

2.1 Offender's social environment including the community or the close social or family group

Research findings show that social interaction represents the main environment for the key drivers to recidivism.³ Bernburg & Thorlindsson (2005) emphasize the so-called culture or violence or shared values and norms that lead to aggressive behaviour. Socialization theories recognize widely the process of internalizing values and norms that fall contrary to the law, and the creation of an appropriate and supportive environment for such values to turn into concrete forms of violence or justify the violation of the law. Unlike last century's theories of social labelling in delinquent behaviour, Hirschfield (2008) argues that social refusal and delinquent labelling particularly among urban and suburban communities turns into a normal and expected ritual for male teenagers, strengthening thus delinquent behaviour. Employment is also a factor not to be neglected according to Engelhardt (2013). Research results show that unemployed people have twice more chances of going back to prison than those who have a job.

2.2 Prison, environment, or the institution where criminal sentences are served as

a cause of creating or building criminal capital

Deprivation of liberty is one of the toughest punishments in a democratic society (Nagin et. al, 2009). Even though people vary substantially in their experiences of punishment, our sentencing laws pay little attention to such differences (Kolber, 2009).

Group influence affects first of all people, who have already experience with a certain category of criminal offences. Bayer et.al (2009) has found sufficient evidence to prove that the effect of groups of friends or peers varies between residential and non-residential offenders, because people tend to maintain their friendships in communities close to their residence.

Available research does not provide an exhaustive answer to the question why prison could be a preventive or refraining factor for some, and a criminogenic factor for others. Similarly, explanations about the effects of imprisonment on offenders' social and personal characteristics are different, and often partial. Nagin et. al. (2009) conclude that imprisonment does have a minor impact on an offender's future criminal behaviour. Such conclusions, however, are not sufficient to guide changes to criminal policies in general.

One of the widely addressed topics in literature is the early identification of reoffending trends. The process of rehabilitation of criminal offenders, as widely recognized, is guided by the principle of risk, need, and response to risks (Rettinger & Andrews, 2010). Such principles address, on one hand, issues how criminal offenders are treated with a view to reducing the risk of recidivism, and determine, on the other, behavioural and treatment objectives to be reached. (Andrews, Bontà, & Höge, 1990; Andrews, Bontà & Wormith, 2006)⁴. Corrective treatment in prison led by the principles of risk, need, and response is more likely to reduce both recidivism and major institutional abuse. (Placido et. al, 2006).

2.3 Rehabilitation during and after serving the punishment

The probation service and probation officers are key to the execution of criminal sentences in terms of offenders' post-punishment rehabilitation. This applies particularly to juvenile offenders, who require consistent and balanced interventions adapted to restorative justice (Schwalbe & Maschi, 2009). Culen (2013) identifies developments that started with the prevailing of rehabilitation policies, increased risk-need paradigm desistence-based treatment approaches, and application of re-entry programs as a channel for rehabilitation, combination of early and corrective interventions, use of financial stimuli to finance effective programs, spread of rehabilitation ceremonies, increased number of special courts dealing with certain types of offenders. However, there are two major challenges related with the legitimacy of the rehabilitation purpose. First, with the support of policymakers, legal professionals need to embrace evidence-based correction and professionalism. Secondly, criminologists must seriously commit to developing a corrective science that might propose appropriate intervention and treatment to reduce recidivism.

Effective rehabilitation is about re-integration, as offenders face both legal and informal obstacles in becoming productive citizens at work, responsible people in their families, and active members of their communities (Uggen et. al, 2006). Both rehabili-

tation, and re-integration represent a combination of the personal, situational, and structural variables following release and re-imprisonment. Issues like housing, dynamics of social groups, where offenders belong, as well as use or abuse of drugs and alcohol, financial circumstances, bureaucratic gaps, and problematic responses do individual tragedies must be considered individually and in connection to each-other. Thus, according to Halsey (2007), the question is not whether someone's behaviour is dangerous or leads to certain consequences. It is rather about assessing someone's behaviour in the context of the risks, rules, and need for managing a 'start from scratch' situation that an offender faces upon his/her release. Thus, there is an increasing difference between what is expected of a person while under the prison regime, and what is expected of them upon their return to the community and beyond.

2.4 Prevention

In addition to the above, literature discusses widely prevention or lack thereof throughout all the stages above. Heinrich & J. Holzer (2011) discuss, among others, the gap between completion of school and employment, as well as the tendency towards a decrease of the percentage of students, who complete the high school, and employment of young people from the subgroups above. Programmes and policies of a preventive nature may improve both the education and employment performance among these groups or communities at risk, especially young men. Sociologists consider employment as a "turning point" for both young and old offenders (Uggen, 2000).

2.5 Gender profile

Gender differences have been sufficiently documented by researchers (Broidy et al., 2003; Kling, Ludwig, & Kat, 2005; Salisbury & Van Voorhis, 2009), some of whom have even identified specific issues or needs being more present among women than men (e.g. Benda, 2005; Sorbello, Eccleston, Ward, & Jones, 2002; Wright, Salisbury, & Van Voorhis, 2007). According to Van Der Knaap et al (2012), the outcome of research of the criminogenic factors support gender neutrality of both the existing risk, and assessed needs. However, results show that certain criminogenic needs may influence recidivism differently in men and women. Problems with housing, education, employment, and relations with friends are more associated with recidivism in men than women. For women, challenges related with their emotional wellbeing have a stronger connection to recidivism than for men.

3. Factors conducting to recidivism in albania

A number of factors are associated with recidivism, such as social factors, addiction to drugs, lack of employment, family problems, life conditions, and others. After serving the sentence, recidivists do not find proper conditions to adapt to free life. After being released from prison, drug users return to drugs, putting freedom again at stake.

The number of recidivists has increased by around 10% compared to five years ago. A contingent of persons has been identified who are more frequent recidivists compared to others, mainly on offences of theft and narcotics. Given that approximately 75% of

recidivists have committed similar offences, one can deduce that the same factors continue to apply. Recidivists in Albania are between 25-45 years old and mostly live in urban areas. The majority of recidivists are unemployed (82% unemployed). Most of them have 9-grade or low education (some 87 %), have family problems (divorced parents, quarrels etc) and are alcohol and drug users. The main causes of recidivism include mental problems as well as the low economic and social status.⁵

The provision of alternatives to custody and measures to replace imprisonment is one of the main factors in contemporary criminal law and it represents an important reform of the concept and system of punitive sanctions, enabling quicker rehabilitation and reintegration into the society, as well as the reduction of the number of persons treated in penitentiary institutions in Albania.

Social and cultural factors (education, social origin, family) play a key role in the profile of detainees. Taking into account their general profile, one can see a relation between their social profile and the offence committed. Namely economic crime or document forgery, which have been committed by persons of secondary education.

The number of juvenile recidivists has increased by some 30% compared to five years ago.

This requires a multi-agency approach. Lack of family comprehensive support for juvenile after release from prison due to different socio-cultural and economic reasons. Other factors include: Low social and cultural level of the families of juveniles; Divorced parents; Poor economic situation; Dropping out of school at an early age; Prejudice in the social environment (as an ex-offender) and Migration (travel from remote areas to urban areas)

Women who have suffered imprisonment are considered as a vulnerable category. Along the existence of gender stereotypes there is also social prejudice that in a way or another exclude them from social process and continuation of reintegration. Personal factors also influence the profile of recidivists – self-control, personality, etc. Other elements that determine the profile of recidivists include environmental factors such as the environment where they live, social circle, lack of objectives, separation from families, and abusive behaviours. Lack of efforts, will, and motivation for further development of intellectual capacities is a determining factor for recidivists.

There is no change in the profile of recidivists in general. There are two main factors: economic and failure to integrate in social life after serving the sentence. Conducive factors include: Low socio-cultural level; low economic level and unemployment.

4. Conclusions

A number of factors are associated with desistance from crime, such as the acquisition of new skills, full-time employment or significant life partnership. Changes in family and employment circumstances are key factors in accounting for desistance. However, while it seems plausible that desistance becomes less likely when problematic social circumstances increase, the causal relationship between these factors and the absence of criminal behaviour are difficult to specify.⁶

⁵ Statistics received from the Albanian General Directorate of Prisons.

⁶ S. Farrall, *Rethinking What Works with Offenders: Probation, Social Context and Distance from Crime* (Cullompton, Devon, Willan Publishing, 2002), p. 212.

In general, among all age groups, and especially young ones, the lack of legitimate alternatives to increase their social status is one of the main factors leading to crime in general and recidivism in particular. Crime - in addition to known social functions - is also a tool of social mobility among youngsters who, due to economic difficulties and poor educational attainment, find no other legitimate means of raising their social status. In terms of prison infrastructure, penitentiary institutions should upgrade physical and material conditions in prisons; ensure adequate premises to organise various activities; increase staff; provide on-the-job training, enhance institutional competences and increase the prison staff salaries.

In addition, there is a need to categorize prisons based on concrete priorities for each group of convicts. For drug users, especially heroin, methadone treatment remains a problem due to shortages in this medication. Alternative treatments requiring a longer rehabilitation time have been undertaken. Drug users have a very high recidivism rate, thus, special rehabilitation programs for them should be a priority. Likewise, individuals with mental health problems need to be treated in a hospital centre, rather than prison standards.

More efforts must be devoted to the employment of convicts, even against payment. Favourable employment policies for prisoners approaching release or just released would contribute to the reduction of recidivism rate. Though the legislation was recently amended in this regard, there is a need to increase employment opportunities for prisoners. In addition, vocational training should be made available to offenders, especially to juveniles, so that they can find a job in the labour market upon their release. Supportive policies should be designed with the priority of reducing recidivism at a wider social aspect than just policies within prisons. Collaboration at higher levels with the local government should be reinforced, especially with local government social workers who deal with the treatment of vulnerable and convicted persons. Cooperation and constant contacts with the local government where the family of the convict resides seek to ensure that he/she is being assisted by the local government in terms of reintegration in the social life. Also, social assistance should be provided to special groups with significant economic problems.

The use of alternatives to custody should increase as they have a positive impact on reducing recidivism. In this context, cooperation with the National Probation Service and other community-based services is crucial.

Institutional and community-based programmes can address dynamic risk factors by focusing on motivation, education, development of skills, employment, accommodation, interpersonal relationships, mental health care, drug and alcohol treatment and cognitive-behavioural interventions.

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