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Determinantes of Post-Prison Relapse

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Abstract. Post-prison relapse is the commission of a repeated crime by a person after release from prison. He poses a security threat. The commission of a new crime after serving the sentence for the previous one testifies to the incorrigibility of the person, his indifference to the punitive effect, as well as the low efficiency of the penal system and the shortcomings of post-penitentiary control. This makes it necessary to study the causes of post-prison relapse.

Modern research on the causes of recidivism mainly includes a selective study of criminal case materials and a survey of employees of law enforcement agencies. This study presents the results of a survey of 2,895 persons who have committed crimes again after serving a sentence of imprisonment. The overwhelming majority of repeat offenders are males (92.7 %) aged 26 to 45 years (73.6 %) who relapsed during the first three years after release (62 %). 68.5 % of repeat offenders were brought up in a single-parent family or without parental care. Many of them (58.7 %) had criminals in their immediate environment. After being released from prison, 61.1 % of them never got a job; of those who got a job, more than half (61.4 %) worked as they had to. When they were placed after serving their sentence, they did not seek help from the employment service and social services. The most difficult issues in life in freedom for former convicts are employment issues (85.3 %) and refusal to abuse alcohol and drugs, including together with old friends (58.3 %).

They do not seek help from the employment service and social services. After serving their sentence, the released persons return to their former environment, do not engage in socially useful activities, abuse alcohol, as a result of which they commit a new crime. Conditional early release was applied to 46.3 % of repeat offenders, which indicates a rather high risk of relapse. At the same time, a fifth of repeat offenders were under administrative supervision. Such data confirm the significant preventive effect of administrative supervision.

Keywords: post-penitentiary recidivism, causes of crime, personality of a recidivist, correctional facilities, traffic crimes.

Research area: criminal law sciences.

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Причины постпенитенциарного рецидива преступлений

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Аннотация. Постпенитенциарный рецидив, то есть совершение повторного преступления лицом после отбытия наказания в виде лишения свободы в исправительном учреждении, свидетельствует о неисправимости лица, его безразличии к карательному воздействию, а также о низкой эффективности деятельности уголовно-исполнительной системы и недостатках постпенитенциарного контроля за освобожденными. Указанное вызывает необходимость изучения причин постпенитенциарного рецидива.

В настоящем исследовании представлены результаты опроса 2895 рецидивистов, вновь совершивших преступления после отбытия наказания в виде лишения свободы. Подавляющее большинство рецидивистов – лица мужского пола (92,7 %) в возрасте от 26 до 45 лет (73,6 %), допустившие рецидив в течение первых трех лет после освобождения (62 %). 68,5 % рецидивистов воспитывались в неполной семье либо без попечения родителей. У многих из них (58,7 %) в ближайшем окружении были судимые лица (отец (отчим), брат, дядя).

После освобождения из мест лишения свободы 61,1 % из них так и не устроились на работу; из устроившихся более половины (61,4 %) работали кем придется. Наиболее трудными в жизни на свободе для бывших осужденных оказались вопросы трудоустройства (85,3 %) и отказ от злоупотребления алкоголем и наркотическими средствами, в том числе совместно со старыми друзьями (58,3 %). При этом, как правило, они не обращались за помощью в службу занятости и социальные службы. В отношении 46,3 % рецидивистов применялось условно досрочное освобождение, что говорит о довольно высоком риске рецидива. В то же время под административным надзором находилась пятая часть рецидивистов. Такие данные подтверждают значительный профилактический эффект административного надзора.

После отбытия наказания освобожденные возвращались в прежнее окружение, не занимались социально полезной деятельностью, злоупотребляли алкоголем, вследствие чего совершили новое преступление.

Ключевые слова: постпенитенциарный рецидив, причины преступности, личность рецидивиста, исправительные учреждения.

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Introduction

The causes of crime are one of the key criminology issues. To find the roots out is a necessary prerequisite for crime prevention. Only a scientifically well-founded condition determination that result in the commitment and return to crime makes it possible to develop efficient preventive measures.

The issue of crime reasons is one of the most complicated in criminology since crime as a social phenomenon is influenced by many phenomena and processes interrelated in a different way. According to A.I. Dolgova, “there is no general, basic or main reason that would comprehensively stand for the origin of crime in specific context in all its diversity... Nor can we count on the development of any universal catalogue of causes” (Dolgova, 2010).

Lately, most crimes being investigated by the preliminary investigation bodies are re-offending, i.e. committed by those who had already committed crimes before (618158, or 60 % as of 2021). In criminology, the total of repeated offences committed by persons who had previously committed crimes and subjected to criminal law measures is referred to as recidivism (Filippova, 2021).

It is also worth noting the opinion in literature that the notion of *recidivism* should be broader in meaning and include a combination of not only intended but also negligent crime (Agaev, 2002). According to Y.V. Golik and I.J. Mironchik, these cases have an independent legal meaning, whereas return to crimes should be referred to as negligent recidivism. The authors note that reckless recidivism proves that the crime committer tends to take offences easy and are strongly against following social laws (Golik, Mironchik, 1990).

According to the Main Informational and Analytical Center of the Ministry of Internal Affairs, 74.6 per cent of all recorded household offences and crimes against minors were committed by persons who committed crimes in 2021 (Chapter 20 CC) 62 per cent of offences against property (Chapter 21 CC), 58.7 per

cent of crimes related to illicit traffic in narcotic drugs, psychotropic substances and their precursors or analogs, super potent substances, plants containing narcotic or psychotropic substances or their precursors, and new potentially harmful psychoactive drugs. 56.8 per cent of offences against traffic safety and transport operation (Article 27 of the Criminal Code), and 46.6 per cent of offences against sexual immunity and sexual freedom (Article 18 of the Criminal Code) (Report on crime rates of the Main Information and Analytical Center of the Ministry of Internal Affairs of Russia, 2021).

Repeated offences take place among persons both after serving non-custodial measures and release from imprisonment. The latter makes up post-prison relapse, which poses an increased danger referred to the danger of the personality of a persistent criminal – a person who had previously committed a grave or exceptionally aggravated criminal offence for which he went to prison as a rule. The fact that such a person commits further crimes stands for his incorrigibility, indifference to enforcement actions; implies the poor effectiveness of imprisonment, as well as the shortcomings of post-penitentiary monitoring of those released.

At present, 67 per cent of convicts in adult penal facilities are serving their sentences for a grave or exceptionally aggravated criminal offences (Statistics of the Federal Penitentiary Service, 2021). 24.6 per cent are in prison for the second time and 45.0 per cent are for the third time or more. 170,000–180,000 persons are disimprisoned every year.

Nowadays, the rate of post-prison relapse is quite high. According to sample surveys, in average, 55 per cent of those released from standard regime penal colonies and 29.6 per cent of those released from maximum security penal colonies (among those convicted of exceptionally aggravated crimes) commit a new offence within three years of release (Gorodnyanskaya, 2012).

Although criminological literature focuses on recidivism, the causes and conditions of

post-prison relapse have not been covered precisely or comprehensively. Thus, most studies are devoted to the determinants of recidivism in general or its types, such as punitive, penal, violent, self-serving, juvenile and female recidivism. As a rule, these studies are limited to the sampling study of 100–300 criminal case files.

At the same time, authors use different approaches when observing the determinants of recidivism. Some of them prefer to apply a multifoci approach and list a variety of phenomena and processes that produce repeated crimes without dividing them by a gravity or jurisdiction. Others subdivide the causes and conditions of recidivism into objective and subjective. The objective ones are the circumstances of arrangement, law, and education, as well as the social environment that make a person commit the first crime, and connected with criminal behavior of a hardened criminal or a previously imposed penalty. The subjective ones are a report on a recidivist's personal traits, as a criminal becomes a recidivist because of the anti-social personality orientation (Artemiev, Simonov, 2006). According to the authors, the latter are prevailing.

Other scholars present the determinants of recidivism as two linked units. The first unit combines the primary reasons that lead to the commitment of the first crime; they are the same for predicate and recidivism crimes. The secondary unit includes the reasons influencing recidivism in particular, which comprise two groups of interacting circumstances: 1) influencing the unfavorable course of post-penitentiary adaptation; 2) related to various shortcomings of the behavior of law enforcement authorities and courts, which reduce or negate the impact of the law enforcement system on the perpetrators (Dolgova, 2010).

Theoretical framework

The concept of the crime causes is based on the philosophical doctrine of determinism. This is the theory of the universal conditioning of all things, events, phenomena and processes. Philosophers define determinism as a doctrine of depending phenomena and processes on those considerations by which they

are determined during their occurrence and development; the global universal connection of phenomena in the world, which is represented in the interaction and interdependence of these phenomena, in their mutual clearness; the essential explanation of any choice made by man (Causes of Crime, 2021).

In criminology, determination means the statistically defined connection (correlation) between social processes and phenomena, on the one hand, and crime is a set of crimes or individual homogeneous groups of crimes, on the other hand. At the level of a certain crime, criminological determination is defined as the fundamental explainability of the choice of criminal behavior and the commitment of a crime by a person.

One type of determination is causality. Causality means only the derivative, genetic relationship that determines the fact of a phenomenon or a process production (Dolgova, 2010). Therefore, the causes of crime are the phenomena and processes that lead to crime as their expected consequence. Conditions are the circumstances that give favorable opportunities either for the development of causes of crime or for their commitment (another type of determination is conditioning (specification)) (Prozumentov, Shesler, 2017).

The Russian theory of criminological causality develops the following conceptual provisions. The determination of individual crimes, their groups and crime in general is explained by them:

- The recognition of the important role of social contradictions in the production of criminal behavior;
- The three-pronged approach to the main levels of crime reproduction (macro-social, socio-psychological and individual);
- The interaction of criminogenic elements, which forms a kind of socially destructive mechanism (Shestakov, 2015).

Statement of the problem

The recidivism of crimes by individuals after serving a prison sentence for a previous one is a marker of their major social danger and requires a special study of the causes and conditions that could contribute to the commit-

ment of post- prison relapse so that to develop measures to prevent them.

The purpose of the study is to develop the concept in the field of causes and conditions of post- prison relapse.

Methods

First of all, we theoretically reviewed the scientific literature on the causes of recidivism among those released from prison, emphasizing the main approaches to their observation to make a case for the determinants of post-prison relapse.

We widely used the statistical method during the research to analyze data on crime, record of conviction, as well as the dynamics and number of convicted persons for processing the results of repeat offenders' interviews.

The comparative method was also used to find out changes in the crime rate cause of individual reasons compared to the results of earlier studies.

In addition, the study comprised the analysis of monitoring data from the Federal Penitentiary Service of Russia on the causes and conditions of re-offending. The study examined questionnaires of 2,895 repeat offenders who committed crimes between 2019 and 2021 and were taken into custody in remand (SIZO-1 (pre-trial detention facility) of the Federal Penitentiary Service of Russia in the Republic of Buryatia).

The questionnaire was made up of four sections: socio-demographic criteria; information on previous acts of crime and liability for it; information on behavior while serving a sentence for a previously committed crime, the remedial actions taken, the convicts' attitude towards them; questions about supporting actions, a way of living in the post-penitentiary period.

Discussion

Both negative subjective moral and psychological properties of an individual (also influenced by unfavorable living conditions), and external objective circumstances that model a crime rate cause post-penitentiary recidivism.

The conducted research provides information about some criminologically significant

characteristics of post-penitentiary recidivists, as well as the circumstances contributing to the commission of a new crime after release from prison.

Among recidivists, the vast majority (92.7 per cent) were men, 7.2 per cent were women; in terms of age, recidivists were included in the age groups: 21–25-year-old – 6.0 per cent, 26–35-year-old – 38.0 per cent and 36–45-year-old – 35.6 per cent, 46–55-year-old – 13.3 per cent, 56–60-year-old – 3.6 per cent.

The study shows that recidivists mainly commit their first offence before the age of 20–58.5 per cent, including 23.3 per cent of under-age offenders. This confirms the assumption that criminal properties develop during adolescence when the basic world-view wrong beliefs that determine attitudes towards life, style of behavior and plans for the future are generated (Nagaev, 2012).

A person commits a new crime within the first year of release – 22.4 per cent, during the second and third year – 39.6 per cent. In other words, nearly two-thirds of those released return to crime during the first three years after their discharge from custody.

As for family status and upbringing distinctions is concerned, less than a third (31.5 per cent) of the recidivists studied were raised in a two-parent family, 55.2 per cent in a solo parent family, 7.0 per cent were raised by a conservator, while 3.9 % were brought up in a foster family and 1.6 % in an orphanage or a care home. Many of them (58.7 per cent) had an ex-convict in their immediate circle (mostly a father (a stepfather), a brother, an uncle, etc.). As noted in the literature, single-parent families have fewer opportunities for proper parenting. Such a family faces financial difficulties, so that the mother (or father) has to earn additional money. It does not allow her (him) communicating with the children enough and makes it difficult to control their behavior. In such a family, children learn the social roles of adults of the opposite sex worse (Prozumentov, Shesler, 2017). In addition, most repeat offenders have relatives with a criminal record. This fact of committing a new crime implies the criminal impact of the immoral, anti-social behavior of their parents or other relatives on them.

Post-penitentiary recidivists have a low educational background. The share of those who have only primary and compulsory education is high – 45.2 per cent, although this share is only 5.8 per cent among the total population of the country. What is more, a small proportion of recidivists have vocational secondary education (14.5 per cent), whereas the society at large has a higher proportion of people with a vocational education – 44.9 per cent.

Most recidivists (58.8 per cent) have no profession. After release from prison, 61.1 per cent of them never found a job, and for those who did, more than half of them (61.4 per cent), it was any random work. Statistics and the results of surveys of recidivists show that lack of professional skills, workplace and, consequently, of a source of income has a criminogenic effect. According to criminal record statistics, almost three quarters of repeat offenders have no constant source of income when they commit a new crime.

According to the results of the survey, the most difficult thing for recidivists in the post-penitentiary period is to find a job. When asked what the most difficult thing in life after release was, 49.7 per cent said, “Finding any job” and 35.6 per cent said, “Finding a fairly well-paid job”. A total of 69.8 per cent said, however, that they did not apply to the appropriate services for a job and were unaware of an available electronic portal of the Russian Federal Labor and Employment Service. 53.8 per cent of repeat offenders cited lack of permanent employment as the main reason for re-offending.

Convicts also mention alcohol abuse (43.9 per cent), family conflicts (23.7 per cent), drug addiction (21.8 per cent), and influence of friends (21.0 per cent) among other reasons. In our opinion, such answers confirm a rather honest attitude of respondents to the survey, and we can identify another significant criminological circumstance contributing to recidivism – alcohol abuse. Thus, about half (47.6 per cent) of those interviewed abuse alcohol at large. Conviction statistics also show that more than a third of recidivists commit a new crime while under the influence of alcohol – 35.4 per cent.

The Russian Federal Penal Service passed the Departmental Program for Social and Psy-

chological Work with Alcohol and Drug Addicts in Detention Centers and Penitentiary Institutions of the Penitentiary System because of the high level of alcoholization of offenders. The program provides treatment and other measures aimed, among others, at preparing prisoners for release in order to develop prerequisites and attitudes for law-abiding behavior and refusal to use drugs or alcohol and prevention of new crimes (On the introduction of the Departmental program, 2018). We should note that the number of recidivists who takes part in the program is tiny – 4.7 per cent. It may prove its effectiveness, although there has not been enough information on the program achievements till now.

Recidivists also face other problems at large. They include difficulties of psychological adaptation and everyday life after release. Thus, many of them point out failure of trust because of a criminal record – 32.2 per cent, lack of family – 27.9 per cent, inability to refuse old friends to meet together, alcohol abuse, use of drugs and psychotropic substances – 26.0 per cent, lack of money for living (not even enough for food) – 23.0 per cent, domestic difficulties – 21.0 per cent.

Furthermore, when asked what the easiest thing to do when released was, most recidivists replied: to rejoin their former social circle (56.7 per cent) and get along with their relatives and friends (55.9 per cent). Such data shows that after release, convicted individuals return to their previous environment and continue with the same way of life they held before conviction, and it brings to recidivism.

Besides, the released persons come across difficulties not only in occupation but also in everyday life. Thus, only 8.8 per cent of recidivists live in their own home after release from prison, while 17.4 per cent live with their families. Another 34.0 per cent live with their parents, 26.6 per cent with a cohabitee and 16.1 per cent at their friends' place. They rarely apply to social services and non-governmental organizations to solve their post-penitentiary problems (63.2 per cent of those surveyed did not turn to social services and 78.2 per cent did not turn to NGOs).

Relatives (mother, father, children) usually provide the most frequent help in adjusting to

life at large – 34.1 per cent, relatives (spouses, cohabitants) – 30.4 per cent, old acquaintances – 21.5 per cent.

The study shows that for those who re-offended, an early parole for a previous offence was applied in almost half of the cases (46.3 % of those surveyed). This implies major faults of the control of parolees. This situation is partly because of the legislative gap for a long time regarding the determination of an authorized specialized state body, controlling the behavior of parolees under Part 6 of Article 79 of the Criminal Code of the Russian Federation. The latter duty is imposed on the Penal Enforcement Inspectorates of the Russian Federal Penitentiary Service by Presidential Decree No. 119 of 2 March 2021 (On amendments to the Regulations on the Federal Penitentiary Service, 2021).

It is noteworthy that only 22.6 per cent of those surveyed re-offended while being kept under administrative supervision. It may suggest that it is sufficiently effective and pose a question on its more frequent assignment.

Conclusion / Results

A study of 2,895 persons who had previously served a sentence in correctional institutions and who had re-offended found out their criminologically relevant characteristics, as well as the circumstances that contributed to committing a new crime.

Post-penitentiary recidivists are characterized by early criminalization (committing the first crime under the age of 20), growing up in a single-parent family or legally free (in almost 70 per cent of cases), unfavorable environ-

ment (previously convicted relatives), under-education, and alcohol abuse.

Most respondents (53.8 per cent) consider lack of permanent employment as the main reason for a repeated relapse into crime, 43.9 per cent – alcohol abuse, 23.7 per cent – family conflicts, 21.8 per cent – drug use, 21.0 per cent – influence of friends.

The greatest difficulty in life after release given by the surveyed people is searching a job: 49.7 per cent of respondents say, “Find any job” and 35.6 per cent say, “Find a sufficiently paid job”. Among other issues, recidivists emphasize a feeling of non-confidence because of a criminal record – 32.2 per cent, lack of family – 27.9 per cent, inability to refuse old friends to meet together, alcohol abuse, use of drugs and psychotropic substances – 26.0 per cent, lack of money for living (they are not enough even for food) – 23.0 per cent, family problems – 21.0 per cent.

After release, in most cases they resettle to their previous environment, do not engage in socially useful activities, abuse alcohol and re-offend as a result. Many of them were granted premature release, which turned out to be ineffective and undercut the case for its common use. Nevertheless, the low recidivism rate among those under administrative supervision proves to be quite effective and can be kept for a wider range of individuals released from prison.

The obtained data enlarge criminological science with new knowledge about the causes of post-penitentiary recidivism and post-penitentiary recidivists, and allows using them for programs of crime prevention among persons released from prison.

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