

Effects of Recidivism on the Self and Family of a Recidivist

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Abstract - The purpose of a jail sentence in criminal law is to serve as a deterrent to the convicted criminal. An offender receives punished so that they may be rehabilitated and given a second chance at life in society in order to recoup the benefits of their criminal behaviour. In spite of the fact that there are no internationally agreed-upon standards for reporting recidivism, the rate of recidivism among criminals has been rising worldwide, and India gives a severely distorted image of that rate. Because of the fundamental role that incarceration plays in defining an offender's trajectory and potential responses, research on recidivism and its connections to incarceration is essential. This article aims to objectively examine the global trends of repeat offenders, their motivations for reoffending, the degree to which these factors are linked, and what can be done to reduce recidivism everywhere. It will also examine some successful approaches used in other countries.

Keywords - Recidivism, Family, Recidivist, Behavior

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INTRODUCTION

A recidivist is a repeat offender whose criminal nature has been hardened by a lifetime of criminal behaviour. These are the people who have chosen a life of crime and act criminally with no fear. Such offenders are completely unresponsive to any form of rehabilitative treatment. Only incarceration can stop recidivists from committing new crimes. Their intended use is to prevent repeat offenders from committing crimes by rendering them physically incapable of doing so while in jail. While the specifics of these laws and the penalties they impose may vary from country to country (and even from state to state within a single country), they typically take effect after a person has been convicted twice for the same or different crimes. Classifications of crimes and intervals between convictions may be made in some codes. In most cases, the punishment is significantly increased, and in extreme cases, it may even exceed the maximum allowed by law for the offence. The sentencing provisions of laws pertaining to habitual offenders may include either mandatory sentencing (where a minimum sentence must be imposed) or judicial discretion (where the court is allowed to determine a suitable sentence). Revocation of a driver's licence after several DUI convictions is an example of a provision that falls within the purview of habitual offender statutes.[1]

Meaning

A relapse into old behaviours, particularly criminal ones, is what we call "recidivism." Offenders who commit crimes while under the influence of drugs or alcohol are increasingly being sent to treatment facilities in an effort to lower their recidivism rates. Reduced recidivism is a common measure of a program's effectiveness in correctional facilities.

Recidivism is defined as the rate at which formerly incarcerated individuals are reapprehended, reconvicted, or recommitted to prison. Recidivism is the most important metric of correctional success, yet measuring it is difficult. The most stringent metric is readmittance to jail, but the most common metric is a fresh arrest for a criminal offence.

Those who worry about public safety and the financial viability of incarcerating criminals are naturally interested in the topic of recidivism and the impact of prison and jail sentences on it. There are individuals who believe lengthier sentences are necessary to ensure public safety, and others who believe shorter sentences are preferable since they believe that more time spent in jail has little effect on recidivism.[2]

CAUSES OF RECIDIVISM

i. Unemployment

One of the primary reasons why correctional or probation programmes don't work is because of the unemployment rate. Offenders and ex-convicts who find themselves without work are more likely to return to criminal behaviour. High rates of unemployment both encourage individuals to embrace criminal culture and make it difficult for those who have relapsed to find gainful work, making unemployment a cause and a symptom of recidivism. Due to unemployment's negative effects on income, more people are forced to resort to petty crime in order to avoid starvation and a miserable existence. Unemployed criminals have no way to pay for court costs or participation in correctional programmes, therefore they may resort to illicit measures to solve their financial problems. People who are unemployed are more likely to engage in risky behaviour since they have nothing to lose by deviating from the norm. If being unemployed isn't what really pushes someone to reoffend, it may at least make it easier to immerse oneself in criminal society. It facilitates recidivism rather than the development of employable skills and the pursuit of gainful employment.[3]

ii. Age, Gender and Education

When trying to determine a prisoner's likelihood of returning to criminal behavior, it's important to take into account demographic information like age, gender, and level of education. In many studies, older offenders have higher rates of recidivism. The Bureau of Justice Statistics in the United States collected data on recidivism rates from 1994 inmates who were released and followed for three years. This data was used in a study published in 2015 to illustrate recidivism risk factors. Researchers found that the recidivism rate for ex-convicts dropped from 38.6% to 25.9% between the ages of 21 and 30 in the study. In addition, this decline in recidivism is visible across the board when utilising follow-up periods anywhere from six months to three years.

iii. Race

Similarly to other demographic factors, race can be used to predict who will reoffend. The incarceration rate is highest among black people and the lowest among Asians and Hispanics. Furthermore, among all racial groups, blacks have the highest recidivism rates. 11 The three-year recidivism rate for blacks is 77.6 percent, while the rate for whites is 69.3 percent. 12 The pervasiveness of Casteism in India, which prevents those from "lower" castes from escaping crime and jail, deserves special attention here. Due to their criminal records and the stigma associated with being a member of a certain caste, it is extremely challenging for ex-offenders to find work in societies that place an excessive value on social status based on one's origin .[4]

iv. Social Ecology

Offender marriage has been shown to reduce recidivism rates compared to offender singleness. Marital status has been shown to decrease criminal behaviour and recidivism because of stronger family connections. These ties to the community have a major role in decreasing both imprisonment rates and recidivism rates among formerly incarcerated individuals. These provide a feeling of "something to lose," reducing the likelihood of recidivism and protecting the value of social ties that may otherwise be jeopardised. There is evidence linking strong family relationships to a lower risk of reoffending after release on parole. Ohlin (1951) studied the frequency of visits and the frequency of visitors for a group of inmates released from Illinois state prisons between 1925 and 1935. There was a high percentage of parole success for inmates who were categorised as having an active family interest, but a far lower rate for those who were categorised as being loners.

v. Substance Abuse

This is something people often forget to consider while evaluating the causes of drug misuse. Because of this, many convicted drug abusers and violent criminals wind up committing similar offences again. In order to feed their addiction, many of these people engage in criminal activity. This encourages a person to take the extreme step of committing a crime that carries the maximum penalty in their country's legal system and ultimately leads to their conviction and imprisonment. Many ex-offenders who have been kicked out of their homes by their families turn to theft, burglary, or dacoity to support their habitual drug use. Such people may not have had a bad upbringing, but they do tend to abandon moral principles in favour of satisfying their physical addiction .[5]

Other factors

i. Peer influence

The choice to commit a crime is heavily influenced by the company one keeps. Young men and women who, say, fall short of society's predetermined benchmarks for intellectual prowess may find themselves unable to keep up with their peers. The same trap may include kids whose families can't afford basics like proper clothes and school materials. Researchers think these young people ditch their friends to join criminal gangs because of the difference social standing and respect members of these groups get. Criminal behaviour and disregard for society are rewarded in gangs. Just like the rest of society, criminal groups care mostly about money. However, gangs often turn to dishonest techniques such as extortion, fraud, and robbery.[6]

ii. Drugs and alcohol

A person's autonomy in making decisions may be significantly impacted by a number of societal circumstances. Abuse of drugs and alcohol is one such cause. The temptation to break the law in order to fund one's drug habit is a major factor in this choice. Drugs and alcohol both lower inhibitions (socially defined standards of conduct) and impair judgement, making it easier to commit a crime when under the influence. Long jail terms and other deterrents are meaningless when an offender is high or inebriated .[7]

PREVENTIVE MEASURES TO CONTROL RECIDIVISTS

The materialism of the twenty-first century has been a major factor in the rise of repeat offenders. Morality, courtesy, fear, love, and religion are no longer significant in today's society. The result is that humanity and human values are no longer taken seriously. Under these conditions, criminal activity is seen as a viable option for meeting basic material and psychological demands. Therefore, it is imperative that today's courts take into account the psychology of the modern "criminal" when deciding on an appropriate sentence that will serve the needs of the offender, the greater good of society, and the goals of criminal justice. These are some of the approaches that might be proposed to reduce the number of repeat offenders:[8]

i. Improvised Legal Sentence and Treatment

As recidivists have repeatedly proven, there is no point in using individualised treatment approaches. Conversely, punitive measures meant to serve as a deterrent have failed to do so in their case. It is therefore desired that the criminal justice system develop an improvised, integrated programme of legal sentence and treatment for the rehabilitation of repeat offenders.

ii. Arrange the Prisons with Maximum Security

People who have been convicted of multiple offences should be housed in maximum security facilities. Security against these criminals requires that they be constantly monitored.

iii. Adequate After –Care Treatment

Inmates who receive proper After-Care upon their release from prison or a correctional institution may be better equipped to rejoin society as contributing members and overcome their inherent feelings of inferiority. This would include instilling the offender with a sense of optimism, self-assurance, and respect, all of which are necessary for him to readjust to society at large. [9]

iv. Long criminal trials need reform

The criminal trial process should be streamlined to ensure that repeat offenders and violent criminals are found guilty quickly and sent to prison without a

protracted appeals process. As a result, it is all the more important that criminal cases proceed without unnecessary delays. It is also possible that quick trials and punishments might be beneficial in preventing the perpetrator from gaining excessive advantage from his illicit behaviour. The fact that he will be convicted of his crime so soon after it has been committed should be enough to prevent him from doing it again.

RELATIONSHIP BETWEEN IMPRISONMENT AND RECIDIVISM

Numerous arguments suggest that time spent behind bars may help lower the likelihood of an inmate returning to prison. People engage in criminal activity, in part, because they are trying to escape the consequences of their own mistakes, which may be addressed via rehabilitative programming, but which lead them to this path in the first place. A number of criminological theories of crime, including general strain and social learning, provide the basis for this viewpoint. 15 The broad consensus is that the goal of rehabilitation is to reduce the vices and iniquities that lead an ex-offender to relapse into criminal conduct via a variety of programmes and interventions. Some aspects of being locked up may have a dissuasive impact, according to an alternative school of thinking. If you follow this line of thinking, committing a crime would have fewer negative consequences than the positive ones you might avoid by not doing so. The perks include money and gaining "high" status, while the cons include loss of freedom, broken social relationships, lost income from lost work, stigma, etc. A deterrence model postulates that the price of punishment is proportional to its certainty, swiftness, and severity.16 Objectively, prison is seen as a harsh punishment, even though individuals' opinions of its severity may differ. However, harshness is not always dissuasive. To provide just one example, the costs of jail, such as decreased employability and access to public housing, may outweigh the advantages of non-offending, making recidivism upon release the more reasonable alternative. 17 Deterrence and, by extension, criminal behaviour, may also be affected by factors unique to incarceration, such as the inmate's outlook on life behind bars, the quality of prison facilities, or the consistency between the time spent and the length of the sentence.[10]

i. Special Deterrence and Recidivism

Whether or whether criminal measures, and prison measures in particular, have a deterrent impact is not addressed in the literature that is presently available to the public. While these findings are not conclusive, they do suggest that the special deterrent effects of penal measures are not overly prominent. It is reasonable to assume that the special deterrent effects of mandatory custodial sentences are not greater than those of non-custodial penalties such as fines and conditional

sentences²⁰, according to a study that accounted for offenders' characteristics like sex, age, and prior criminal career. However, it is possible that the higher likelihood of recidivism found for offenders with relatively severe sentences is not attributable to the sentences themselves, but rather to the fact that such severe sentences were imposed on them for this very reason, i.e. to deter them from recidivating. With regard to the question of whether there is a correlation between the severity of a crime and the severity of its punishment (i.e., mandatory custodial sentences versus non-custodial penalties), the aforementioned study suggests that custodial sentences tend to increase the likelihood of recidivism rather than reduce it. Another possible interpretation of these results is that they show that non-custodial punishments have a suppressing effect on recidivism.

ii. Time Spent In Prison and Recidivism

It's possible that the hardships of incarceration, which may help serve as a deterrent, are felt more keenly towards the beginning of a person's sentence than in the latter stages. ²¹ Concurrently, a person's social and family ties, sense of self-worth, the public's perception of them, the stigma associated with incarceration, and their likelihood of returning to society after release may all change in response to their time behind bars. Longer prison sentences are associated with increased offending after release, as Clemmer pointed out back in 1958. This is because inmates have had more time to get used to prison norms and values. The causal shape of the association between prison term and recidivism was estimated in a research conducted in 2017. The analyses reveal a non-linear relationship between incarceration and recidivism; longer sentences increase recidivism at first, but have the opposite effect after about a year and a half, and have no effect after about two years; they also reveal that the effects of sentences longer than five years are difficult to predict.. [11]

FAMILY PSYCHOPATHOLOGY

It's natural to assume that repeat, violent criminals, especially, have some kind of innate tendency toward criminal behaviour. Adoption was a tool Moffitt utilised to investigate the role of genetics in adoptees' susceptibility to mental illness. Adopted males from households where mental illness and/or criminal activity were common had a considerably raised risk of multiple recidivistic, non-violent criminal behaviour. Rates of violence also increased, although this time the increase was not statistically significant. Drug addiction, alcoholism, and personality disorders were the most common parental diagnostic characteristics connected with sons' subsequent engagement in criminal activity. No association could be shown between parental psychoses and juvenile violent or criminal behaviour. Missing data, pre-adoption institutionalisation,

adoptive parents' knowledge of the child's biological history, historical context, prenatal variables, and selective placement were all taken into account to determine their potential impact on the outcome of an adoption. [12]

THE IMPACT OF DIFFERENT FAMILY STRUCTURES

i. Married Families

Wardle argues that for children to have the greatest possible start in life and the most promising future, they need a solid marriage between their mother and father. Strong, positive, and consistent effects of marriage on children's well-being indicate that marriage plays a significant role in promoting children's happiness, health, and security and, by extension, their access to the best possible opportunities in life. According to Hafen, a child's success in life can be traced back to one single factor: the quality of their parents' marriage.

If both parents are married, their children have a greater chance of avoiding common pitfalls of childhood and adolescence. Research has shown, for instance, that children raised by a single parent are more likely to have academic and behavioural difficulties, including a propensity toward criminal activity. In particular, it has been pointed out that a large number of social issues, such as teen pregnancy, crime, child sexual abuse, and domestic violence, can be traced back to fathers being absent from their children's lives. The Office of Juvenile Justice and Delinquency Prevention in the United States Department of Justice found that juveniles who lived with both parents were less likely to be involved in delinquent acts, such as sexual violence and drug abuse, in their National Report on Juvenile Offenders and Victims. The Report found that only 5% of youths who lived with both parents were involved in delinquent acts, while this number rose to 12% among youths who lived in alternative family configurations. In 2010, a comparable research indicated that of the juveniles in detention facilities due to criminal behaviour, 45% came from single-parent households, while just 30% came from households with both biological parents present.

ii. Divorced Families

Divorce between parents has been identified as a key parent-related risk factor for criminal development in childhood and adolescence, which in turn increases the likelihood of criminal convictions and antisocial conduct in later life. Divorce-related emotional anguish is only one theoretical lens through which disciplinary and behavioural problems have been examined. It shows that compared to children from two-parent households, those from single-parent households are more likely to be involved in sexually violent behaviour, be jobless, and drop out of school. In

many cases, when a family goes from having two parents to having just one, there is a decline in both economic resources and parental supervision. In addition, fathers who are not living with their children tend to have less interaction with their children overall, which might erode loyalty and confidence.[13]

Amato argues that the monetary and familial stability of families may be severely compromised by the unintended consequences of divorce, such as the need to re-enroll children in new schools. High rates of poverty and sadness are a direct result of these types of disturbances, as are bad parenting practises that encourage their children to engage in criminal conduct. Divorce has been shown to increase juvenile criminality, however Capaldi and Patterson disagree this, arguing that antisocial personality traits in certain mothers may be a more direct cause of juvenile delinquency.

iii. Cohabiting Families

According to Sarantakos's research on 74 juvenile offenders, only 26% come from married families. The remaining 74% all come from cohabiting households. And while 21% of children from married couples committed two or more offenses, 49% of children from cohabiting couples did so, and only the cohabiting children committed three or more offenses. These results can be directly traced back to the offenders' dysfunctional homes, which are characterised by low integration, instability, domestic violence, hostile parental attitudes, parental indifference, and parental conflicts. Lack of a correlation between cohabitation and criminal behaviour was among the study's findings.

THE IMPACT OF RECIDIVISM

In the United States, the scourge of mass imprisonment and rising crime rates continues to spread. Our legal system has always had as its primary objective the promotion of desirable behavioural modifications. However, this is not occurring in accordance with current standards in the criminal justice system. Instead, the existing system simply serves to make things worse. There is a greater need than ever for a solution that will have a lasting impact on our communities.

The typical outcomes of prosecution for nonviolent crimes include conviction, imprisonment, and/or probation. Our most pressing issue is the inappropriate use of probation. Probation in Georgia is managed by for-profit businesses. Due to the need to maximise profits, judges have begun giving nonviolent offenders excessively lengthy probation terms. Who's footing the bill for all this extra monitoring? YOU DO. Your tax resources are being put into a system that isn't functioning, when they might be used to enrich the lives of you and your family via things like education, healthcare, infrastructure, and community safety. The

conventional economic model keeps this burden on society. Another problem with conventional prosecution is that it encourages more criminal behaviour. After a conviction, it's difficult, if not impossible, to get decent work. A person who has been convicted cannot receive federal student funding, making it impossible for them to continue their study. Not only does a conviction make it difficult to find stable accommodation, but it also increases the risk of being evicted. People get a sense of social isolation from this kind of punishment. Alienation has psychological impacts that lead to despair and hopelessness, which are the foundations of criminal activity. The current system of criminal justice really fosters reoffending behaviour.[14]

CONCLUSION

Once the legal system recognises convicts as "human beings," then true reform may begin to take place. The public-domain literature proves the significance of the corrections and rehabilitation system. Although incarceration is often cited as a key component in rehabilitating criminals, it shouldn't be used reflexively without first reviewing the research on the correlation between time behind bars and subsequent offending behavior. Education, physical well-being programmes like Yoga and meditation, organising prisoners into social groupings to help them deal with drug addiction, vocational education, like the project Sanjeevan of Tihar jail in India, which provides yoga diploma courses to prisoners, are all examples of how specific care can be tailored to a specific population of inmates. Additionally, it should be noted that different aspects of Imprisonment yield variable results for different groups of prisoners, so it is up to the authorities in the criminal justice system to judge the specific needs of a specific group, which will incur costs but that will be, any day, less than cost of prisoners recidivating.

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