

COMBATING RECIDIVISM THROUGH PRACTICAL ACTION PLANS AND PROGRAMS: A CRITICAL APPRAISAL

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“When a man is denied the right to live the life he believes in, he has no choice but to become an outlaw.”– Nelson Mandela

ABSTRACT

A common belief is expressed that imposing sanction on the criminal offenders is the only procedure to restrain crimes in a society. Many a times the offenders are convicted after committing an offence and after a certain period of time they are released. A large number among them again perpetrate crimes; are rearrested, and resented. Sometimes they remain undetected after repeating the crimes and are never convicted. Such tendency of a delinquent to relapse into a transgression is called recidivism which is ultimately a consequence of the malfunction of the paradigmatic prison management. The preeminent objective of the prison system should be reducing the crime rates in a positive manner. But the provisions of prison system alone cannot reduce the crime rates. It is obvious that maximum prisoners will return to the communities of their own at some point of time. So, to combat recidivism it is imperative to apprehend as well as effectuate some implicit action plans and programs with practical purpose and active participation of the prisoners is also necessary. Accomplishing the specific plans and programs does not signify that the necessity of sanction is nullified. Proper and reasonable sanction along with various practical and correctional programs inside and outside the prison can embed the combat against recidivism with an enthusiastic approach. This work tries to discern the pivotal reasons behind recidivism along with the fact-based specification of the real scenario regarding recidivism. The sphere of this article is limited to the action-based guidelines.

I. INTRODUCTION

In a criminal justice context, recidivism connotes the reversion of a person to criminal activities after the conviction period or his release from the prison. Reverting or relapsing into past criminal pursuit after experiencing a specific period of time in prison is referred as recidivism. The word recidivism is related with re-arrest and reconviction of the inmate after getting exemption from the prison. Rehabilitation of the released prisoners and the effective role of different correctional initiatives for reintegration of the prisoners in the society can be properly understood by the rates of recidivism.¹ It is true that the rates

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¹ Mckean, L. and Ransford, C., “Current Strategies for Reducing Recidivism”, Centre for Impact Research, (August 2004), available at <<http://www.impactresearch.org/documents/recidivismfullreport.pdf>> (Last visited on January 1, 2015)

of recidivism lack of proper computation and imperil public safety.² The problem of recidivism is ever-increasing and because of this problem an enormous number of public money is lavished for the purpose of the detention of the re-offenders but unfortunately the problem of recidivism cannot be suppressed completely.

A report of a project of the *PEW Centre on the States* asserts that,

“Recidivism is the act of reengaging in criminal offending despite having been punished. The prison recidivism rate the subject of this report is the proportion of persons released from prison who are rearrested, reconvicted or returned to custody within a specific time period... Offenders are returned to prison for one of the two reasons-

1. For committing a new crime that results in a new conviction or,
2. For a technical violation of supervision, such as not reporting to their parole or probation officer or failing a drug test.”³

Why people reoffend or return to the criminal activities is a crucial question and the answer of the question varies from country to country, society to society. The main objective of this study is to take the age-old idea of sanction-based reformations into consideration for exemplifying purposes and to correlate and compare the concept as well as the rate of recommitting the offences with the cognition of sanction.

There are some reciprocal explanations or causes which have impacts on the rates of recidivism. Long-term convictions, continuous isolation from the family as well as society, lack of education and vocational skills and as a result unemployment crisis, financial insecurity, harsh standpoint of the society and social provocation, alliance with other criminals, and lack of support in reintegration are some of the major causes behind re-offence. The failure of the paradigmatic rehabilitation programs and paucity of correctional procedure are also important reasons behind recidivism. A few programs are available for reducing recidivism. Unfortunately there are no proper and practical implementations of these programs and they are misdirected as well as not pragmatic in an empirical sense.

Professor Paranjape describes the psychological reasons behind recidivism in the following way,

“The stigma of prisonisation makes him shun and avoid the normal society. He, therefore, finds no charm in free life and prefers a routine life of the

² Ibid

³ PEW Centre on the States, “State of Recidivism: The Revolving Door of America’s Prisons”, Public Safety Performance Project, (2011), available at <http://www.michigan.gov/documents/corrections/ Pew_Report_ State_of_ Recidivism_3503377.pdf> (Last visited on January 1, 2015)

prison to which he is well accustomed. Another psychological reason for non-adjustability of released inmate to normal life is that he begins to feel that the law-abiding members of society look at him with suspicion, distrust and doubt. Thus he suffers from inferiority complex and in an anxiety to overcome this weakness he repeats crime which he considers to be an adventurous task.”⁴

There is a relation between reducing recidivism and improvements in public safety as well as proper reintegration of the inmates into the society.⁵ For combating recidivism, implicit and effectual practical initiatives regarding offender re-entry programs are influential. According to a report of *Congressional Research Service*,

“Offender re-entry includes all the activities and programing conducted to prepare ex-convicts to return safely to the community and to live as law-abiding citizens. Re-entry programs are typically divided into three phases: programs that prepare offenders to re-enter society while they are in prison, programs that connect ex-offenders with services immediately after they are released from prison and programs that provide long-term support and supervision for ex-offenders as they settle into communities permanently. Offenders re-entry programs vary widely in range, scope and methodology.”⁶

Science, technology and human knowledge have been advanced with time and now different new clinical procedures are successfully taking place for the reformation of the inmates instead of the age-old mechanical procedures.⁷ So, it can be said that, like other difficulties that need to be resolved, recidivism is also capable of being hardened by some additive methods. This detailed critical inspection raises some questions regarding harsher prison and recidivism and curtails the practical application of different programs regarding the questions.

II. IS DELINQUENCY ALWAYS CONSISTENT?

Recidivism is that kind of proclivity which refers to the reoccurrence of the criminal behavior by the miscreant after the punishment or conviction period. So a question may be inflated in this regard that whether an offender convicted for a particular offence will be involved in another or same offence again after

⁴ Pranjape, N. V., *Criminology and Penology*, Central Law Publications, 2007, at p. 558

⁵ Solomon, Amy L., Waul, M., Ness, Asheley V. and Travis, J., “Outside the Walls: A National Snapshot of Community-based Prisoner Reentry Programs”, Reentry National Media Outreach Campaign (January 2004), available at <http://www.urban.org/uploadedpdf/410911_otwresourceguide.pdf> (Last visited on January 1, 2015)

⁶ James, N., “Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism”, Congressional Research Service, (June 12, 2014), available at <<http://fas.org/sgp/crs/misc/RL34287.pdf>> (Last visited on January 2, 2015).

⁷ Supra note 1 at p. 560