

Factors affecting recidivism and return to prison male prisoners in the prisons of the west of Guilan and strategies for prevention

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Abstract: Unlike judicial approach, criminological approach believes that the remedy to prevent recidivism and offenders returning to prison is in the correct understanding of influential factors such as individual and social factors. And it believes that noticing to the role of these factors, in particular the issues of prisoners, has more benefits. This study, factors affecting recidivism and return to prison among male prisoners in the prisons of the west of Guilan and strategies for prevention, searches for identifying the factors, and its data are gathered by using a simple 31_item questionnaire of 200 prisoners with precedence in this area between Aban 92 to Khordad 93. It also tries to explain the concept of recidivism and the role of legislative and judicial protection, particularly the judicial system, and study the courts of justice and prisons recidivism rate.

Key words: Crime; Recidivism; Prevention; Prison

1. Introduction

The issue of criminal justice has busied human minds from the beginning of the creation and in the history of criminal law is faced with different perceptions and reactions. Supporters of justice that at any point in time by imposing harsh penalties on offenders are thought to seek justice, have done the most social injustice and humiliation for the victims and perpetrators that may had no share in their criminal acts. The thought of reform and rehabilitation of offenders and friendly behavior with them caused a major change in the attitude toward offenders and concepts such as crime and punishment over time.

In our country after revolution, the policy of punishment escalation in fighting crime was considered and the ineffectiveness of these weapons very soon was shown, the increase in crime and incarceration rates, especially after war, is an evidence of this claim. Today, with the evolution of criminal law, the offender is no longer a person that is revenged for his lawdness and fractionation of human rights, but by the help of a pathological view to his personality and cognitive factors that led him to the crime, with a correct treatment of him, it is tried to clean the society from infection. Also further efforts are done to decriminalize laws, and perpetrators are punished in the best possible deal, to provide the cause of reform and rehabilitation and prevention of crimes. The new Islamic penal law, criminal titles reduction, incarceration reduction, prison reform program and the establishment of

alternative punishment of imprisonment are proofs for this claim.

1.1. Statement of the problem

Although today the attitude toward the offender and punishment is changed and further efforts are done to reduce the number of prisoners and prevention of crime and punishment in the fight against crime, still in most cases, to deal with crime in various human societies, prison is used.

The subject of this study, factors affecting recidivism and return to prison, means that after the law identified an action as a crime and established punishment for that, and some of the members of community for various reasons were unable to adapt to the rules and norms and were violated and committed crime and by security forces and judicial officials were arrested and handed over, what should we do with these people? Do we just need to adapt a law with criminal act and then the committed must be sentenced? After passing the punishment for committing a crime and recidivism of the crime, because of the insistence on the criminal act should sentence him to a heavier penalty? Or the factors that have been instrumental in the development of this situation should be considered?

Statistics provided by the port concerned about the high rate of offenses repetition, enables us to understand why prison as the most common sentence issued by the court in terms of its nature were not only deterrent but also cause an increase in returning to prison. What are the most important factors that lead to recidivism and return to prison and what are the most important ways to prevent it? In this study we seek to find answers to our

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questions and we want to study the factors that cause return to prison and recidivism among the prisoners with criminal records in Some Sara, Masal, Fooman and Shaft cities.

2. The necessity and importance

It seems that the weapon imprisonment largely lost its efficiency to reform criminals and its negative effects has become evident and also traditional foundations are replaced by prison lost their place, and due to the increase in crimes and recidivism, modern strategies are replaced such as mediation, intensive care suspension, daily fines, house arrest, electronic monitoring, etc. (Ashoori, 1382). In this study, due to changes in Islamic penal law in 1392 especially the public sector, in addition to study on some of the expressed variables, these important components are considered as one of the affecting factors on the rate of recidivism and return to prison. In addition, about the recidivism of prisoners, especially in west Guilan, no study or research work has not been done. It can be said that this research is the first study of factors affecting recidivism among experienced male prisoners in this region.

3. Literature research

A. Crime: Crime literally means sin, error and guilt, and sin is used in the sense of sin and evil, crime, lewdness and disobedience. In Dehkhoda's dictionary meaning of sin and aggression is crime. (Dehkhoda, 1377). Crime in different perspectives and sciences has different definitions in a variety of different meanings. In a short and concise definition of the crime in the general sense of the word, crime is an act or omission of a human act that is prevented by society due to the disruption of social order. For sociologists, crime is an act against the interests of human society, including the legislator's attention or not. (Bahari, 1347). Famous French sociologist, Durkheim, about crime says: "we can prove the existence of a series of operations that the public have reactions such as punishment against them. Something can be made from these public operations that we can call it as crime." (Feiz, 1381).

B. Recidivism: The concept of recidivism and trends in criminology include repetition in natural offense, social recidivism, legal recidivism, recidivism after leaving prison. Repetition means to do something twice or say something twice, or to repeat an action more time or several times (Amid, 1363).

C. Prevention: The prevention of crime in the broad sense includes all criminal and noncriminal acts that are used for neutralizing the factors of committing crime. Prevention in the broad sense also encompasses penal measures because the purpose of punishment is special or general prevention of crime. In this status, all actions against crime which cause a decrease in criminal actions are called prevention. On the other hand, the other meaning of prevention, unlike its primary concept,

includes only noncriminal strategies that are the solutions can be used to control crime (Mir Khalili, 1388). However, the possibility of resorting to prevention is not accepted by all criminology theories. Prevention based on the evolution of criminological theories is divided into different types. In the most important division and with a broad vision, prevention includes all violent and nonviolent preventive actions. Violent prevention includes all measures that are done to fight against crime, and has two purposes including specific prevention that is preventing recidivism by the person who commits the crime, and general prevention that is preventing by deterrence of crime to intimidate others. Nonviolent prevention is divided into two social and situational parts. In social prevention factors causing crime including economic, social, cultural and genetic are studied and the purpose is to prevent crime in the minds of individuals and prevent them to think about crime. However, situational prevention seeks to change situations and opportunities to commit crime, make it very difficult or impossible to commit a crime, or in some cases prevent criminal stimulating and motivating (Shams, 1382).

D. Prison: According to article 3 of the regulations of prisons and security and training of the country, prison is a place in which definite inmates by the introduction of juridical and legal authority for a specified period of time or permanently is kept to endure the punishment and probation (Regulations of Prisons, 1384). And the basic philosophy of prisons is the probation of offenders and efforts for a dignified return to society and family. But due to injuries caused by prison, it can be said that not only prison doesn't reform criminals but also in most cases it makes their adaptability process more difficult or delay it. So its disadvantages and its effects on prisoners are more than its advantages. If a prisoner after completing his sentence, return to the community without any supervision and monitoring, may follow the same path that the result is a fall in the mire of crime, and all costs and efforts that were spent for his correction would be forgotten.

One of the important issues and injuries of prison is economic consequences for individuals and community, that the cheapest ones are expenses for keeping prisoners. By considering the lack of reform and rehabilitation of offenders by prison conditions, these expenses that are imposed on society are nonsense and unnecessary. Prison, in addition to economic consequences, has serious social consequences such as the adverse impact on the character of the prisoner and his family. In interviews that were taken from the prisoners, they explained about their feelings during the execution of punishment, feelings such as humiliation and gloom, anxiety, concerns, heartache, fear, astonishment and even depression, ignorance (in case of experienced offenders) (Abdi, 1371).

4. Individual factors affecting recidivism

Individual factors are influential factors in committing crime, recidivism and eventually returning to prison. Human personality is evolving from birth to death. What is certain is that all people inherit some of the characteristics of their parents and grandparents such as intelligence, memory, sensitivity, skin color, body shape of the bones, and the ability to learn and etc. These factors are important since they are inevitable and a person has no authority to select or deselect them, which can be divided into two categories: internal and external. Internal factors such as mental, physical, biological and genetic conditions, and external factors such as age, marital status, education and experiences

Physical illnesses, in addition that sometimes leads to mental illnesses, in general are also combined with illnesses (Tarighati, 1382). Thus, they are indirectly are considered as factors that cause crime. About mental illnesses, it should be noted that their importance in criminology are more than the importance of physical illnesses, and their impact on committing crime as a crime causing factor is crucial.

Rafael Garofalu (1978) believed the influence of psychological factors on crime. Study of psychological factors of crime relates to criminal psychology. Among the missions of this knowledge are to evaluate the nature and the character of the offender, evaluation of antisocial tendencies and study of their conscious and unconscious to determine their ethics and social responsibility. In a study conducted by Denmark criminologists found that 75 percent of offenders between 18 to 25 years old had mental illness. They also found that 79 percent of offenders had mental illnesses such as psychiatric disorders, psychosis and neurosis (Abghari, 1380).

Other factors affecting the relationship between crime and recidivism are age and education. Today the relationship between crime and age of the offenders are proved in criminology. Delinquency rate increases in one period of human life and then reduces, so at the end of the life it's not considerable (Keyniya, 1387). According to the statistics released by the PBO in Guilan province in 1391. Percentage of male literacy is 66 percent and the literacy rate in urban and rural areas had uneven distribution. The literacy rate in urban areas was 81 percent and in rural areas was 64 percent, (visit the registration of Guilan). The imbalanced distribution of literate population between rural and urban areas indicates a deprivation in rural areas. Other variables that were investigated in terms of recidivism are marriage and celibacy, polygamy, number of children, sisters and brothers of prisoners.

5. Influential social factors of recidivism

Some scientists consider social and environmental factors as the origin of crime and recidivism. According to these scientists, crime is not a phenomenon that is affected by physical, mental, spiritual and personal situations of individuals, but society and environment cause the formation of

crime (Shambiyani, 1378). Family is one of the main factors in formation of individual and social personality of the child. From the child's point of view, parents are the most important and most valuable models of the universe. According to criminologists, family is one of the first and inevitable environments of child (Salahi,1381). Violent behavior of the family members with each other and with the child causes this wrong belief in the child's mind that violence and controversy are the solutions of their problem in the community. After family, friends of the same age are the most important element. One of the main issues in the case of recidivism and return to prison can be noted as the lack of social and family acceptance among prisoners who has repeated committing a crime. So that after releasing from prison, if family, friends, formal and informal institutions refuse to accept them, the risk of recidivism and returning to prison will become higher, because the exclusion of the individual from family, group and society causes he escapes from friends and neighbors, loses his job and family, and these things cause more distraction (Sotoodeh, 1384).

Other factors affecting recidivism are including economic deprivation and poverty (job, income), effect of the housing, type of residence, religion and social and family rejection.

6. Legislative and Judicial factors

Besides the role of individual and social factors on the risk of recidivism and return to prison, another reason with the title of the legislative and judicial factors is reviewed. These factors are most affected by the performance of 2 institutions that as the subset of the criminal justice system are somehow responsible for the administration of justice in society and directly deal with criminals specially prisoners. These institutions include the courts of justice and prison. About the role of courts what that more than other factors effect on recidivism and returning to prison are the role of hedge arrangements leading to the arrest and the absence of suspension penalty for offenders who have committed a crime for the first time. Unfortunately, in practice, court judges send offenders to prisons without psychological assessment of personal and social character of their offenders (Milki, 1385). The aim of sending offenders to prison is to enter offenders in to prison environment in order to improve their education and socialization, however, due to the conditions prevailing in the atmosphere, it becomes vice versa, because prison as a social environment that people may intentionally or unintentionally, guilty or innocent, enter it, has very negative implications that its effects on the person cannot be denied.

Prison by creating a culture of common crime can underpin the foundation of prison gangs and criminal organizations after freedom (Derafsheh, 1376). In other words when people are housed in groups, they can be encouraged to do more

professional crimes (Gholami, 1382, p.73). So poor living environments such as prisons and the factors governing it can be one of the major factors affecting the prisoner recidivism (Najafi Tavana, 1381, p.200).

7. The population and the area

The area was the west of Guilan province. The study population included 200 experienced prisoners in Some Sara, Masal, Fooman and Shaft cities, between Tir 1392 to Khordad 1393.

8. Research findings

8.1. Individual factors

According to the results that can be seen in Tables 1, 2 and 3 percent of prisoners had at least one physical illness and 77 percent of them were healthy. 46 percent of prisoners were mentally healthy and 43 percent of them were nervous and 11 percent had a record of psychiatric hospitalization.

Table 1: role of individual factors on recidivism

variable	status	percentage
Physical illnesses	healthy	77%
	Different physical illnesses	23%
Mental illnesses	healthy	46%
	nervous	43%
	Mental hospital record	11%
Age	between 18 to25	35%
	between 25to35	41%
	between 35to45	16%
	More than 45	8%
	illiterate	14%
education	Less than the fifth grade	45%
	high school	20%
	diploma	13%
	Bachelor degree or higher	8%
Marital Status	Single	33%
	married	67%
Number of wives	Had second marriage	12%
	Didn't have second marriage	88%
Number of children	No child	7%
	One child	13%
	Two children	29%
	Three children	24%
	four children	11%
	five children	6%
Number of brother	One child	6%
	One sister or brother	3%
	2 sister or brother	15%
	3 sister or brother	23%
	4 sister or brother	25%
	5 sister or brother	20%
	More than 5 sister or brothers	8%

These figures represent a high percentage of people who were mentally ill or had mental disorders. The findings indicate that there is a

relationship between the age of prisoners and their educational level with recidivism and their returning to prison. In other words, people who were aged between 18 to 45 were more likely to repeat the offense. Table 1 shows the role of individual factors on recidivism.

8.2. Social factors

According to Table 2, the families of 56 percent of prisoners had been torn apart by the loss of a parent or a person. 21 percent of prisoners had no income due to unemployment and the majority of the prisoners had a career that had very little income level. About 24 percent of prisoners had a personal home. 52 percent of them lived in rental houses. 12 percent of prisoners, due to the lack of acceptance by their family, after releasing didn't return to home. 41 percent of prisoners didn't return to their previous work.

Table 2: Prisoners status

variable	status	percentage
Prisoners supervision	With parents	42%
	With mother	9%
	With father	1%
	No supervisor	46%
Prisoners Jobs	unemployed	27%
	farmer	30%
	driver	8%
	worker	17%
	business	13%
In come	clerk	5%
	no income	21%
	50-150	23%
	150-250	42%
	250-400	10%
Location	More than 400	4%
	Village	57%
	City	43%
House	private	24%
	tenant	40%
	With family	6%
	Private house in village	27%
Religion	miscellaneous	3%
	Prayers and fasting	11%
	Prayers and nat fast	89%
	Participated in the Friday prayers and religious ceremonies	39%
	And religious ceremonies	61%
Lack of Social	working	54%
	Not working	41%
Lack of family acceptance	Return to home	85%
	didn't returned to home	12%

8.3. Legislative and Judicial factors

According to the results in Table 3, 75 percent of prisoners didn't use counseling or support services such as care after leaving prison groups. For 65 percent of them that were committed a crime for the first time, an arrest warrant was issued. 96 percent

of prisoners, who repeated a crime, were not suspended and were sent to prison. 42 percent of prisoners had 2 criminal records, 36 percent had 3, 18 percent had 4, and 4 percent had more than 5 criminal records. All crimes committed by 37 percent of them were on drugs. All crimes committed by 31 percent of them were robbery. Committed crimes of 35 percent of them were different such as assaults and divergent, financial, dowry, accident and alcoholic drinks and etc.

Table 3: Prisoners status

variable	status	percentage
Use of advisory services	used	13%
	didn't use	75%
	didn't answer	12%
Number of criminal record	2	42%
	3	36%
	4	18%
	5	4%
type of crimes	drugs	37%
	robbery	28%
	Battery	19%
	different	16%
Preventive detention	Not issued	35%
	issued	65%
Suspension peratty	Suspended	4%
	Nat Suspended	96%

9. Discussion and conclusion

Findings and statistical results of this study suggest that there is a relationship between individual factors including age and education, physical illness, and recidivism and returning to prison. Also, social factors such as poverty and the widening gap between the amount of income, lack of social acceptance, family, religion, peers and family abnormality are effective on recidivism and returning to prison. In addition to individual and social factors, legislative and judicial factors, particularly the judicial system especially prisons and courts of justice, such as issuing orders hedge leading to the arrest and lack of the use of facilities such as suspension and the lack of alternative punishment, having prison experience and lack of supervision and care after leaving prison have a significant role to play in this regard.

The classification of prisoners, their vocational training during incarceration, independent organization created after the withdrawal, the proper implementation of laws and the adoption of new practices can be replaced instead of the traditional approaches for the prevention of recidivism and returning to prison. So by considering these factors we can mention that some of the solutions in social and economic scope are sustainable and productive job creation, job training classes in prisons in order to acquire clients, trying to strengthen spirituality, avoiding prejudices, holding constant prayer and classes, making prisoners familiar with religious issues, strengthening families through maintaining the

values and principles of counseling centers, particularly in prisons, and giving awareness to families to accept the prisoners that are released. Not only prison doesn't work in prevention of crime, but also it increases the repetition of crime and perpetration of a variety of criminal methods and techniques (Ghasem Bogloo, 1388). For this reason and to secure justice and to prevent the occurrence of a feeling of insecurity, create a sense of satisfaction in people, deep structural reforms of the penal system and prisons, the following must be respected:

1. To use administrative mechanisms instead of judicial mechanisms and to use mediation and dispute resolution bodies.

2. Training of judges in order to avoid axial confinement and use of alternative penalties such as suspension.

3. Facilitate correcting and training, particularly in employment, vocational training, rehabilitation and social rehabilitation of offenders sentenced to imprisonment through the introduction of appropriate culture, introduction of the problems of the prisoners and their families.

4. Miniaturization of prisons and creating an independent organization of care after leaving prison in order to increase the confidence of the clients in order to improve performance and achieve greater success, and drafting of a bill to oblige the agencies, organizations and institutions to cooperate with this center.

5. Continuity of the existence of specialists including doctors, psychologists and criminologists, having contact with prisoners in order to work on their mental condition, filing and classification of their characters.

Obviously all of these measures are to reduce recidivism and returning to prison, not to empty prison but to prevent committing a crime. The modern guard duty in the world and in our country must be based on reform policy, rehabilitation, upgrading the capabilities of prisoners, socialization, avoiding reprisals and promoting social security.

After planning and execution of these tasks we can talk about modified and trained criminal and judicial security, the main objectives of the penal system such as ensuring order and security, relative justice and satisfaction among people.

References

Abdi, Abbas, 1371, The effect of prison on prisoners, first edition, Tehran, Noor publishment.

Abghari, Adineh, 1380, Prevention of crimes in kids, M.A thesis, Tehran, Tehran university.

Amid, Hassan, 1363, Amid dictionary, third edition, Tehran, Sepehr publishment.

Ashoori, Mohammad, 1382, Prison replacements, Balanced punishments, first edition, Tehran, Gerayesh publishment.

- Baheri, Mohammad, 1347, Public penalty laws, Ganje Danesh publishment.
- Dehkhoda, Ali Akbar, 1378, Dehkhoda dictionary, Tehran university publishment.
- Derafsheh, Saber, A research on prison and its consequences, 1379.
- Executive regulation of organizations of prisons, 1384, second edition, Tehrn, Rahe Tarbiyat publishment.
- Feyz, Alireza, 1381, Crime and penalty, Tehran, Dadgostar publishment.
- Ghasem Bogloo, Yoones, A research on reforming criminals, Training magazine, number 89, 1388.
- Gholami, Hossein, 1382, Recidivism as a criminal profession, first edition, Tehran, Mizan publishment.
- Key niya, Mahdi, 1387, Principles of criminology, forth edition, Tehran, Tehran university publishment.
- Milki, Ayoob, Reforming of deterrence, Training magazine, number 50, 1380.
- Mir Khalili, Seyed Mahmood, 1388, Prevention of crime by considering Islamic policy, first edition, Tehran, Islamic culture publishment.
- Najafi Tavana, Ali, 1381, Criminology, Tehran, Khate Sevom publishment.
- Salahi, Javid, 1381, Crimes of teenagers and kids, Tehran, Goutenberg publishment.
- Shambiyani, Hooshang, 1378, crimes of teenagers and kids, Tehran, Vistar publishment.
- Shams, Ali, 1381, An introduction on prison sociology, Tehran, Rahe Tarbiyat publishment.
- Sotoodeh, Hedayat Allah, 1384, social pathology, Tehran, Avaye noor publishment.
- Tarighati, Shokr Allah, 1382, An introduction on penal psychology and psychiatry, Tehran, Dadgostar publishment.
- Tavassoli, Gholam Abas, 1369, sociological theories, Tehran, Samt publishment.