

**CORRELATES OF RECIDIVISM AMONG RELEASED PRISONERS, A STUDY OF  
KAKAMEGA COUNTY, KENYA**

by

**EVANS MAKORI ORUTA**

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SUPERVISOR: Prof. Dr. Willem FM Luyt

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### **Declaration**

I declare that this thesis is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

I further declare that I submitted the thesis to originality checking software and that it falls within the accepted requirements for originality.

I further declare that I have not previously submitted this work, or part of it, for examination at Unisa for another qualification or at any other higher education institution.

A handwritten signature in black ink, appearing to read 'J. Macfarlane', written in a cursive style.

**SIGNATURE**

9/12/2019

**DATE**

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I would like to express my sincere appreciation to the following

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## Summary

**TITLE:** CORRELATES OF RECIDIVISM AMONG RELEASED PRISONERS, A  
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Released prisoners in Kenya have a 75% likelihood of committing another crime and a 50% probability of going to jail two years after their discharge from prison custody. From the trend of recidivism in Kenya, there are a staggeringly high number of offenders being incarcerated and eventually released back to the community, and the high risk of re-arrest and reincarceration is a concern for policymakers, criminologists and correctional managers.

This study examined the influence of offender characteristics, offender reintegration and community perception and attitude regarding recidivism in Kakamega County, Kenya. The study adopted a survey research design. Findings reveal a statistically significant relationship between offender characteristics and recidivism. In addition, offender reintegration and community perception and attitude towards offenders greatly influence recidivism.

From the study, it is recommended that the government provide correctional officers with the required resources to use the actuarial risk assessment model. The model is applied to the released offenders to predict the future probability of recidivism. In addition, it is recommended that the government and the various correctional stakeholders come up with an integrated approach that specifically targets successful re-entry of offenders upon release from prison. Finally, it is recommended that the government develop programmes targeting awareness of the community members to desist from stigmatising ex-offenders.

**Key terms:** Recidivism; recidivist; recidivate; offender; prisoner; re-offending; re-arrest; reconviction; rehabilitation; reintegration; re-entry; prisons; overcrowding

## MANWELEDZO

**DZINA:** VHUSHAKA HA U TSHINYA HAFHU VHUKATI HA VHAFARIWA VHO VHOFHOLOLWAHO, NGUDO YA DZINGU LA KAKAMEGA, KENYA

**NGA:** VHO EVANS M. ORUTA

**DIGIRII:** VHUDOKOTELA HA FILOSOFI KHA VHULAMUKANYI HA VHUTSHINYI

**MUTOLI:** Phurofesa. Dokotela Vho Willem FM Luyt

Vhafariwa vho vhofohololwaho ngei Kenya vha na khonadzeo ya 75% ya u ita vhuñwe vhutshinyi na 50% ya khonadzeo ya u ya dzhele miñwaha mivhili nga murahu ha u bva tshitolokisini. U bva kha nzulele ya u tshinya fhafhu ngei Kenya, hu na u mangadza huhulwane ha tshivhalo tshi re ntha tsha vhatshinyi vha re dzhele vhane vha fhedzisela vho vhofohololelwa murahu kha tshitshavha, khohakhombo khulwane ya u dovha u farwa hafhu na u valelwa hafhu dzhele zwi vhilaedzisa vhabvedzi vha mbekanyamaitele, vhadivhi vha zwa vhutshinyi na vhalanguli vha vhululamisi.

Ngudo i tola tshuñwedzo ya zwiñaluli zwa mutshinyi, mbuedzedzo ya mutshinyi na zwine tshitshavha tsha mudzhiisa zwone na vhuvha zwi tshi ya kha u tshinya hafhu kha Dzingu la Kakamega, Kenya. Ngudo yo shumisa tshedzuluso ya pulane yo dzudzanywaho ya tshodiso. Mawanwa o dzumbulula tshivhalo tsha vhushaka ha ndeme vhukati ha zwiñaluli zwa mutshinyi na u tshinya hafhu. U dzadzisa khazwenezwo, mbuedzedzo y mutshinyi na zwine tshitshavha tsha mudzhiisa zwone na vhuvha zwi tshi ya kha vhatshinyi zwi tshuñwedza nga huhulu u tshinya hafhu.

U bva kha ngudo, hu themedelwa uri muvhuso u tshedze vhaofisiri vha ndulamiso zwiko zwine zwa todea u shumisa tshiedziso tsha u tola khohakhombo tsha vhukuma. Tshiedziso tshi shumiswa u vhofoholola vhafariwa u humbulela khonadzeo ya vhumatshelo ya u tshinyahafhu. U dzadzisa kha zwenezwo, hu themedelwa uri muvhuso na vhadziamukovhe vho fhambanaho vha vhululamisi vha de na kuitele kwo tshanganelaho kwo livhiswaho tshothhe kha u dzhena hafhu ha vhatshinyi musi vha tshi tou bva dzhele. Tsha u fhedzisela, hu themedelwa uri muvhuso u bvedzise mbekanyamushumo dzo livhiswaho kha u tsivhudza mirado ya tshitshavha u sa i sa phanda na u fara vhatshinyi vha kale nga ndila i si yavhudi.

**Mathemo a ndeme:** U tshinya hafhu; mutshinyi hafhu; u dovha wa tshinya hafhu; mutshinyi; mufariwa; u tshinya u tshi ya phanda; u farwa hafhu; u hweswa mulandu hafhu; mbuedzedzo; mbuedzedzo; u dzhena hafhu; dzidzhele; u dala lwo kalulaho

## NKOMISO

**NHLOKOMHAKA:** VUXAKELANI BYA VUYELELO BYA KU ENDLA VUGEVENGA NAKAMBE EXIKARHI KA VAKHOTSIWA LAVA TSHUNXIWEKE, NDZAVISISADYONDZO WA XIFUNDZA XA KAKAMEGA, EKENYA

**HI:** EVANS M. ORUTA

**DIGRI:** DOKODELA WA FILOSOFI EKA FAMBISELO RA SWA TIKHOTO TA SWA VUGEVENGA

**MULANGUTERI:** Prof. Dkd Willem FM Luyt

Vakhotsiwa lava tshunxiwaka eKenya va na 75% wa ntolovelo wa leswo va nga endla vugevenga byin'wana na 50% ta nkoteko wa ku ya ejele nakambe endzhaku ka ku tshunxiwa ka vona ejele. Kusuka eka ntolovelo wa ku vuyelela ku endla vugevenga nakambe eKenya, ku na nhlayo ya le henhla hindlela yo hlamarisa ya vaonhi lava va nga eku pfalleriwani ekhotsweni naswona endzhaku ka swona va tshunxiwa ku vuyela eka tindhawu ta vaaki, naswona ku na nxungeto wa le henhla wa ku khomiwa nakambe na ku pfalleriwa ekhotsweni nakambe hi vuntshwa, leswi i xivileriso eka vaendlatipholisi, vativi hi swa vugevenga na vafambisi va makhotso.

Ndzavisisadyondzo lowu wu kambele nhlohotelo wa swihlawulekisi swa vaonhi, ku hlanganisa nakambe vaonhi na vanhu eka tindhawu ta vaakandhawu na mavonelo na maehleketelo ya vaakandhawu hi mayelana na ku vuyelela ka swigevenga ku endla vugevenga eka Xifundza xa Kakamega, eKenya. Ndzavisisadyondzo lowu wu tirhise dizayini ya ndzavisiso wa mbalango ku nga *survey research design*. Leswi kumiweke swi paluxe vuxaka bya le henhla hindlela ya tinhlayonhlayo exikarhi ka swihlawulekisi swa vaonhi na vuyelelo bya ku endla vugevenga nakambe. Na le henhla ka sweswo, ku hlanganisa hi vuntshwa vaonhi na vaakandhawu nakambe hi vuntshwa na mavonelo na maehleketelo ya vaakandhawu eka vaonhi swi hlohotela swinene vuyelelo bya ku endla vugevenga nakambe.

Kusuka eka ndzavisisadyondzo, ku bumabumeriwa leswaku mfumo wu nyika vaofisiri va makhotso swipfuno leswi lavekaka ku tirhisa modlolo wa nhlahluvo wa nxungeto wa xiakichuwari ku nga *actuarial risk assessment model*. Modlolo lowu wu tirhisiwa eka vaonhi lava tshunxiweke ku vhumba nkoteko wa nkarhi lowu taka wa vuyelelo bya vugevenga nakambe. Ku tlhela nakambe ku bumabumeriwa leswaku mfumo na vakhomaxiave va makhotso vo hambanahambana va va na endlelo leri

hlanganisiweke leri kongomisiwaka ngopfungopfu ku humeleka kahle ka ku vuyela ka vaonhi eka tindhawu ta vaaki loko vaonhi va tshunxiwa ekhotsweni. Xo hetelela, ku bumabumeriwa leswaku mfumo wu endla minongonoko leyi kongomisiweke eka vulemukisi bya vaakandhawu leswaku va tshika ku nyenyemuka khale ka vaonhi lava a va khotsiwile.

**Mathemekulu:** Vuyelelo bya vuendli bya vugevenga nakambe; loyi a vuyelelaka ku endla vugevenga nakambe; ku vuyelela vugevenga nakambe; muonhi; mukhotsiwa; ku endla vugevenga hi vuntshwa; ku khomiwa hi vuntshwa; ku kumiwa u ri nandzu nakambe; mpfuxeto wa vululamisi; ku hlanganisiwa hi vuntshwa na vaaki; ku vuyela eka tindhawu ta vaaki; makhotsi; ku tala ka vanhu ku tlula mpimo

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## CHAPTER ONE

### THE RESEARCH

#### 1.1 Introduction

The term recidivism originated from the Latin language 'recidivus' meaning 'falling back' (Maltz, 2001: 54). One interpretation of this is that a first-time offender who commits a subsequent crime is a recidivist, but the literature shows that various other definitions for recidivism are used. Maltz, (2001: 1) looking at recidivism in a criminal justice perspective defines it as the exposure of a person to criminal conduct after an arrest, probation and possibly correction of a previous offence. Recidivism has been described in different ways like a return to custody for any cause, even procedural breaches (Verbrugge, Nunes, Johnson & Taylor, 2002: 2). Others see it as re-arrest (Benda, 2005:326), re-incarceration (Law, 2015: 465).

The International Centre for Prison Studies estimates that as of August 2016, over 11 million people were held in prison custody throughout the world (Walmsley, 2016: 2). According to Owens (2009: 326) prisoners account for 5 percent of the world population. In spite of interventions by corrections to enable offenders to live crime-free lives after a period of incarceration, ex-convicts been exposed to the criminal justice system through either being re-arrested, re-convicted or re-incarcerated again and again, suggesting that the treatments and support systems they receive in and out of prison are either ineffective or non-existent. Since the founding of jails, people have faced challenges in transitioning from incarceration in penal facilities to liberty in the streets (Travis, Solomon & Waul, 2001: 1). Every year, hundreds of jailed criminals leave the prison environment and return to prisons once again. The act of offenders encountering the criminal justice system after their release, whether through technical violations or new offences finds expression in the concept of recidivism (Duwe, 2010: 57).

Statistics throughout the globe suggest that most prisoners coming out of prison are likely to be re-sentenced within three years of their release. (Freeman, 2003: 2) avers that almost 80 percent of prisoners are likely to be rearrested within a decade of being free. (Hassin, 1989: 46) in his study suggest that rearrests around the world may occur within the first year of release if no support is given to the offender. High recurrence rates mean more violence, more victims, and more criminal justice system

stress. Recidivism is a technical term which, when loosely understood, bypasses the major problem it faces, the problem of continuity of criminal behaviour.

In England and Wales (LeBel, Burnett, Maruna & Bushway, 2008: 132) announced that 67 percent of male prisoners released from jail were arrested within two years of 2002. Likewise, within two years, 64 percent of female prisoners discharged in England and Wales reoffended. Prison populations are out of reach for many causes. Not only are more inmates sent to jail for less serious offenses, but they are also sent to jail for violating their release conditions. As Baroness Corston noted in her study, the use of detention is raked up to little use and potential public approaches need to be discussed (Corston, 2007: 55). In contrast, in England, a substantial number of prisoners (42,721) who were released from custody or issued a court order between January and March 2000, 20 percent were charged within three months, 43 percent were convicted within a year, 55 percent were convicted within two years, 68 percent were convicted within five years and 74 percent were convicted within nine years (Ministry of Justice in England, 2011: 3).

According to Soyombo (2009: 17), the prevalence rate for juvenile recidivism in Nigeria was 37.3 percent in 2005. In comparison, Abrifor, Atere, and Muoghalu (2012: 26) placed the incidence of recidivism in Nigerian jails at 52.4 percent in 2012. Since then, there has been no suggestion that the pattern has deteriorated. Recidivism is a general phenomenon within inmates in Nigerian jails, both men and women, in Nigerian jails. Wilson (2009: 81) recorded that findings in Nigeria showed that 81 percent of male prisoners in prison and 45 percent of female offenders in prison were re-arrested within 36 months after the completion of their prison term.

Released prisoners in Kenya have a seventy-five percent likelihood of committing another crime and a fifty percent probability of going to jail two years after their discharge from prison custody (Oruta, Omosa & Lumumba, 2017: 101), which compounds the high prison population problem and overcrowding. A large number of inmates is exacerbated by an increasing number of re-offenders being imprisoned. The incredibly high recidivism rate has enormous costs of public safety and money spent on prosecuting, charging and incarcerating re-offenders.

## **1.2 The research problem**

The Kenya Prisons Service is mandated by the Prisons Act Chapter 90 Laws of Kenya (Republic of Kenya, 2012: 8), to handle rehabilitation and transformation of prisoners by learning, counseling education and career programmes. One of the core functions of the Kenya Prisons Service is rehabilitation and reformation of prisoners for social re-integration. The Probation Service in Kenya is charged with the reintegration and resettlement of offenders released from prisons through the aftercare services provided under the Probation of Offenders Act 11 of 2017.

Despite the resources spent by the State Department of Corrections, which comprises of the Kenya Prisons Service and the Probation Service to rehabilitate, reform and reintegrate offenders, a high rate of recidivism has been recorded in the country. According to the Kenya National Bureau of Statistics Report (Republic of Kenya, 2019: 277) in the year 2018, there were 16 987 recidivists in prisons out of 53 765 average daily prison population representing 35,59 percent. This cyclic movement of offenders to prisons from the community and back to prisons after release will without any doubt contribute enormously to the growth of the prison population and strain the allocated resources. In addition, there will be increased crime rates in society.

From the trend of elevated recidivism incidences in many nations all over the world, including Kenya, a growing number of people are incarcerated and finally released to society. Additionally, offenders who persist in their criminal behaviour put society at great risk because they represent the faults occurring either in the criminal justice system or in the intervention programmes, or both (Georgia & David, 2016: 22). The heightened risk of re-arrest and re-incarceration is of interest to policymakers, criminologists and those interested in the correction of prisoners. Little has been documented about an integrated offender management process in Kenya. The transitional challenges offenders face upon release from prisons have not been adequately addressed. Thus, it becomes imperative through sound research to find out the correlates of recidivism among released prisoners by specifically establishing the role of prisoner reintegration on recidivism, the relationship between offender characteristics and recidivism, and the influence of the community perception and attitude on recidivism. This will adequately address the transitional challenges that offenders face upon release from prisons that influence their re-offending behaviour in

addition to developing an integrated approach towards the offender management process.

### **1.3 Research aim and objectives**

The research aim is to establish the correlates of recidivism among released prisoners in Kakamega County, in Kenya. More specifically the research objectives are to

- i. Examine the relationship between offender characteristics and recidivism in Kakamega County
- ii. Establish the role of offender reintegration on recidivism in Kakamega County
- iii. Determine the influence of the community perception and attitude on recidivism in Kakamega County
- iv. To examine the international perspectives on recidivism in selected countries.

### **1.4 Scope of the study**

The study has been conducted in Kakamega County in Kenya. It covered all the three Penal institutions found in Kakamega County namely; Kakamega Male G.K Prisons, Kakamega Female G.K Prisons, and Shikusa G.K Prisons.

### **1.5 Justification and significance of the study**

According to (Walmsley, 2016: 2), Kenya is ranking high in the rates of prison overcrowding owing to continued relapse into crime by the ex-offenders. In addition, the total prison population in Kenya, comprising pre-trial inmates and remand prisoners, was 57 000 as of August 2016. Kenya has one hundred and eight prison institutions with a design capacity of 26 757 prisoners. This translates to an occupancy level of 213 percent, which is one of the highest in the world and confirms the fact that there is overcrowding in Kenyan prisons. According to the Kenya National Bureau of Statistics Report (Republic of Kenya, 2017: 272), repeat offenders accounted for 25,8 percent of the Kenyan prison population. In direct correlation with this high level of confinement, the country annually also discharges some 255 000 convicted and non-convicted inmates back into various communities across the country. This pattern indicates that offenders do not leave criminality and yet government resources are continuously being spent in trying to reform convicted offenders.

The value of this study is outlined as follows:



- This study is important as students and academics wishing to undertake studies on recidivism and its related concepts will use this study and its findings as a rich source of literature. The academia will further benefit in terms of stretched frontiers of knowledge in regard to the appropriate methodology employed, reviewed theoretical underpinnings of recidivism as well as the practical solutions to the challenges antecedent to recidivism in Kenya;
- In addition, findings from this study will contribute to filling the knowledge gap with regard to recidivism. A review of the literature reveals limited information in the field of correlates studies regarding criminal recidivism among released offenders. In addition, the findings of this study will complement the existing knowledge base and understanding of recidivism in Kenya. The study suggests proper mechanisms based on an integrated prisoners management approach to prevent recidivism among released offenders;
- Furthermore, the importance of this study is based on the study findings and recommendations that will provide a basis for policy formulation and application. This will influence approaches to resolving and managing the increased rates of recidivism in Kenya and globally. Specifically, correctional managers, the criminal justice system agencies, other government departments, and non-governmental organisations will use the findings of this research to inform their policies especially crime prevention strategies targeting recidivists. For instance, Kenya's Blueprint Vision 2030 identifies crime prevention as one of the key programmes which foster overall state-building, social development and social order (Republic of Kenya, 2007: 27);
- Additionally, the value of this study lies in the extent to which correctional services will use the findings to develop guidelines and policies that enhance community participation in correctional service's programmes and thus create awareness of correctional programmes. This will ensure that the implantation of correctional programmes and interventions are effectually achieved. In a nutshell, the success of this study informs the improvement of safety in the community as a result of the rehabilitated offenders that will be successfully reinstated into the society and who will not go back to criminal behaviour;

- Moreover, the study has made recommendations to address the factors established in order to prevent ex-prisoners from re-offending and make them productive members of society. This will benefit ex-convicts families, it can mean having a parent, child or spouse who contributes, rather than detracts from their financial and general well-being. To victims, it can mean freedom from fear of further victimization. For the country, it can mean the opportunity to direct additional resources toward enhancing the positive aspects of life rather than at efforts to counteract the negative.

## **1.6 Research methodology**

This section covers the research methodology that has been utilised to complete the research, including the research design, study population, sampling methods, data collection procedures, data analysis, validity & reliability, and ethical considerations.

### **1.6.2 Research design**

The research design explains the reasoning, framework and values of the research methodology and procedures and how they apply to research questions, conclusions and suggestions (Jupp, 2017:266). Newing (2011:66) points out that the word ' analysis design' is used both for the general research methodology system and, more precisely, for the research development framework.

Jupp (2017:266) reports that key components of an effective research design are

- Have a clear, concise and researchable set of questions or hypotheses;
- Explains the rationale, framework, and values of the research methodology and procedures and how they apply to research questions, theories, and suggestions (Jupp, 2017:266). Newing (2011:66) points out that the word 'research design' is used both for the general research methodology system and, more precisely, for the research development framework; and
- Identify how data processing will operate and how the analysis will be conducted.

Study designs available include experiments, interviews, case studies, intervention study, grounded theory, ethnography and archival analysis (Kothari, 2004:33). The selection of research design is driven by the research question(s) and objective(s), the

scope of existing knowledge, the amount of time and resources available, as well as the theoretical context (Sounders, Lewis & Thornhill, 2009:138).

The study on “the correlates of recidivism among released offenders in Kakamega County” has been conducted by survey research design. This design is usually based upon samples whereby instead of directly studying whole populations, surveys typically collect evidence from a small sample of people selected from the population (Jupp, 2002:34). This design aids the researcher in collecting original data to describe a population that is too large to observe directly.

### **1.6.3 Study population**

The study population refers to the universe of people to which the study could be generalised (Vanderstoep & Johnson, 2009:26). Therefore, the study population is the aggregated cases that adhere to the defined parameters and are available to the investigator as a pool of subjects for a test. The study population for this study comprises of recidivists serving custodial sentences in three Penal Institutions within Kakamega County, Western Region in Kenya.

### **1.6.4 Unit of analysis**

The unit of analysis is the focus of the study (Jupp, 2017:271). For that reason, offenders incarcerated in Kakamega Male, Kakamega Female and Shikusa Government of Kenya Prisons constitute the unit of analysis. In addition, correctional officers (probation officers and prison officers) based within Kakamega County are interviewed.

### **1.6.5 Sample design and size**

Sampling refers to selecting part of a population to represent the study population (Maxfield & Babbie, 2015: 202). The sample design is the procedure the researcher adopts in selecting items for the sample (Kothari, 2004:55). The sample size is part of the population selected from the study population to constitute the required sample (Kothari, 2004: 56). The purpose of sampling is based on the inference that the findings and conclusions drawn from the sample are likely to be equally true of the population as a whole, this is done by drawing upon a branch of the statistical theory known as probability theory (Jupp, 2002:36). In Criminal justice and criminology research, a sample can be used to generalise findings to an unobserved population to which the sample is intended to represent (Maxfield & Babbie, 2015: 203).

According to Kothari (2004:55), researchers in the social sciences are faced with the challenge of populations that are too large to test. In addition, researchers may not have enough resources in terms of time or money to collect data on every case of concern. Even with a small population, the logistics for testing is difficult to obtain. To deal with this problem, social researchers select samples or subsets of cases from the population of interest. Kothari (2004:55), suggests that it is possible to obtain sufficiently accurate results by studying only a part of the total population.

Both probabilistic and non-probabilistic sampling techniques are utilised in this study. Purposeful selection to classify members of the general population of prisoners based on the currently approved prison reports was used. This is because not all offenders in prisons qualify as respondents for this study, but only those who have been convicted more than once. Purposive sampling is also used to identify released prisoners who have successfully reintegrated into the community to participate as key informants.

Purposive sampling is used to identify key informants for the study including correctional service providers such as probation officers and prison officers. Local administrators, recidivists currently on community sentences, victims of recidivism, and family members of both the recidivists and victims are also purposively sampled. These are respondents who have been intentionally selected based on their peculiar characteristics, knowledge, feelings, and experiences in regard to correlates of recidivism among released prisoners. They understand the dynamics and transitional challenges faced by the prisoners upon release from prisons. Marlow (2005:87), reports that key informant sampling relies on people in the community identified as experts in the field of interest.

Stratified random sampling is used to achieve the desired representation proportionately from the various sub-groups in the recidivist population in prisons. The stratified sample consists of four groups based on the number of times each offender has been previously convicted. That is, those who have been convicted twice, thrice, four times and more than four times. After respondents are grouped into the respective strata, random sampling is finally used to identify the respondents with an appropriate number of subjects for each stratum being determined proportionately.

The researcher has determined the required sample size for this study. In social sciences research, the following formula is used to determine sample size (Sekaran and Bougie, 2016).

$$n = \frac{z^2 pq}{d^2}$$

Where:

n = the desired sample size (if the target population is 10,000)

z = the standard normal deviate at the required confidence level

p = the proportion in the target population estimated to have characteristics being measured

q = 1- p

d = the level of significance being set

$$\text{Normally, } n = \frac{(1.96)^2(0.50)(0.50)}{(0.50)^2} = 384$$

Since the study population was less than 10,000, the required sample size was smaller.

Thus, the study established the final estimate ( $n_f$ ) using the following formula:

$$n_f = \frac{n}{(1+n)/N}$$

Where;

$n_f$  = desired sample size where the population is less than 10,000

n = desired sample size when the population is more than 10,000

N = the estimate of the population

Hence:

$$n_f = \frac{384}{(1+384)/10000} = 329$$

(1+384)/330

The sample size for this study is 384 recidivists. This is the sample whose findings and conclusions are used to generalise the overall study population of 2 069 recidivists across the three penal institutions within Kakamega County, Kenya. The distribution of the sample across the three penal institutions and across the strata are illustrated in tables 1.1 and 1.2 below.

**Table 1.1: Distribution of sample across the penal institutions**

<b>Name of Prisons</b>	<b>Total number of prisoners</b>	<b>Total number of recidivists</b>	<b>Average Percentage recidivism (%)</b>	<b>Number of sampled recidivists</b>	<b>Percentage of sampled recidivists</b>
Kakamega Male	1 202	792	65,9	147	18,56
Kakamega Female	269	194	72,1	36	18,56
Shikusa Male	1 585	1 083	68,3	201	18,56
<b>Total</b>	<b>3 056</b>	<b>2 069</b>	<b>-</b>	<b>384</b>	

**Source: Research data, 2019**

The total number of prisoners across the three penal institutions are 3 056. Kakamega Main Prisons for the male has 1 202 offenders, Kakamega Female Prisons 269 and Shikusa has the highest prison population of 1 585. The total recidivist population stands at 2 029. Shikusa Prison has the highest number of recidivists 1 083, followed by Kakamega Main Prison for male 792 and Kakamega Female Prisons has the least number of 194. The researcher has sampled a total of 384 respondents spread across the three penal institutions who are distributed proportionately as illustrated in the above table. The table below shows the distribution of respondents according to the various strata.

**Table 1.2: Distribution of the respondents in each stratum**

<b>No. of times convicted</b>	<b>Number of recidivists</b>	<b>Total number of respondents</b>
Twice	582	108
Thrice	851	158
Four times	550	102

More than four times	86	16
<b>Total</b>	<b>2 069</b>	<b>384</b>

**Source: Research data, 2019**

### **1.6.6 Data collection procedures**

The researcher submitted the proposal to the supervisor for approval. After the proposal was approved, the researcher went ahead to apply for and was granted Ethical Clearance from the Ethics Review Committee in line with the University of South Africa's Policy of Research Ethics. Additionally, the researcher applied for and was granted a research permit by the National Commission for Science Technology and Innovation of Kenya, which is a pre-requisite under the Kenyan laws.

Both primary and secondary sources of data are used in this study. Primary data sources are those observations collected at first hand through direct communication with the respondents for the specific purpose of addressing the criminological issues in question (Jupp, 2002:33). The primary data sources for this study include responses collected by the use of questionnaires, semi-structured interviews and focused group discussions from the field of study.

Secondary data sources include a review of the official statistics obtained from the Annual Kenya Economic Survey Reports, Kenya National Police Service, Kenya Prisons Service, Probation and Aftercare Service, resources from the media, textbooks, research findings, journal articles, magazines and internet databases. Most criminal justice research utilises data collected by Government agencies such as the Police, Criminal Courts, Probation and Corrections Services (Maxfield & Babbie, 2015:230). Furthermore, secondary data is most obvious with survey research design. By reviewing the documents, the researcher aims to better understand the phenomenon under study.

Questionnaires are used for data collection in this research. A questionnaire contains a set of questions that are written on a type or group of forms in a specific order (Kothari, 2004:100). The questionnaire is sent to respondents who are expected to read and understand the questions and, for the purpose, compose the answer in the questionnaire space itself. A questionnaire is an instrument specifically designed to elicit information from respondents that will be useful for analysis. In this case, people

are asked questions in order to gather data (Maxfield & Michael, 2015:237). The questionnaire is popular due to its versatility and efficiency (Bachman & Schutt, 2017:569). The questionnaire that has been used in this study is clear and concise. The questionnaire includes both closed-ended and open-ended questions that seek to tap into personal experiences and shed light on participants' perceptions and also collect profile data. Questionnaires were distributed to literate respondents who are recidivists found in selected Penal institutions within Kakamega County in Kenya to answer by themselves with minimal guidance. Illiterate respondents were guided by the researcher in completing the questionnaires.

The researcher conducted personal interviews with experts in correctional management that is, probation officers, officers in charge of the three penal institutions and twenty-two sectional heads. The data collection interview method involves oral-verbal prompts and oral-verbal answers (Kothari, 2004:99). This method is appropriate as the experts give a professional overview of the phenomenon under study.

A semi-structured interview guide is used to gather information from prison officers, probation officers, and non-governmental organisations. The interview method is felt to be of the most use in the study because it has the potential to elicit rich, thick descriptions. It also provides an opportunity for the author to explain claims and check for additional information. Marshall and Rossman (2006:56), say that a major advantage of collecting data from individual in-depth interviews is that they provide the ability to obtain an activity or encounter insight from a subject.

The interview schedule is used in interviewing for this study. This is the instrument containing the questions asked by the interviewer (Bachman and Schutt, 2017:482). The interview schedule comprises of questions that are strictly based on the specific objectives of the study for easy categorisation. The foundation of the questions mainly includes the thorough analyses of the applicable philosophical, conceptual framework and the goals of the research. An interview manual has been used with versatility in order and formulation. Changes were made to questions as important issues arose through interviews outside prior scheduling.

Focus group discussions are also utilised in data collection. Focus group discussions possess elements of both participant observation and individual interviews, while also



maintaining their own uniqueness as a distinctive research method (Jupp, 2017:121). The goal of the focus group discussion is to

- Create a candid conversation that addresses in-depth exploration on recidivism with a view to eliciting a range of feelings, opinions, and ideas on recidivism
- Understand differences in perspectives on recidivism matters among participants
- Uncover and provide insight into specific factors that influence recidivism
- Seek ideas that emerge from the focus group discussion

The underlying assumption of focus groups is that within a permissive atmosphere that fosters a range of opinions, a more complete and revealing understanding of the issues surrounding the phenomenon could be obtained.

Seven focus group discussions were held across Kakamega County (Kenya), in three different sub-counties. Each focus group comprised of two ex-offenders, two family members of the ex-offenders, two members representing the victims of crime, four community members, a representative of the local administration and a religious leader. The researcher served as the moderator in these discussions in order to make sure that no one person dominated the discussion.

#### **1.6.7 Data analysis and interpretation**

Data analysis refers to the computation of certain measures along with searching for patterns of relationships that exist among data-groups (Kothari, 2004:122). In addition, data interpretation is an attempt to find meaning in the data. The process of qualitative data analysis in this study begun with putting in place a plan to manage the data which was collected and reducing it in a meaningful way. This process identifies significant patterns and constructs a framework for communicating the essence of what the data would reveal given the purpose of the study. Discovering patterns is central in the analysis of data.

The study has both quantitative and qualitative data. Therefore, both descriptive and inferential statistics are used to analyse the data. Once the questionnaires were received they were coded and edited for completeness and consistency. After data from the questionnaires were edited, cleaned and coded, it was analysed. Kothari, (2004:131) indicates statistical measures that are used to analyse the survey data are

- Measures of central tendency such as the mean, median and mode are applied
- Measures of dispersion, that is, variance and standard deviation are commonly applied
- Measures skewness, mostly uses the first measure of skewness based on mean and mode or on mean and median
- Measures of relationship - amongst the measures of relationship, Karl Pearson's coefficient of correlation is the frequently used measure in case of statistics of variables, whereas Yule's coefficient of association is used in case of statistics of attributes. Multiple correlation coefficient, partial correlation coefficient, regression analysis

An analysis is done to establish the patterns and trends inherent in the responses and to figure out the correlates of recidivism among inmates in correctional facilities in Kakamega County. Kothari (2004:134), enumerates the various forms of analysis such as descriptive analysis, factor analysis, reliability and validity tests and Pearson correlation which were carried out using Statistical Package for Social Sciences (SPSS).

Data collected is subjected to Factor analysis. Factor analysis is a set of procedures applied to simplify complex sets of quantitative data by analysing the correlations between variables to reveal the small number of factors that can explain the correlations (Jupp, 2017:114). This is a powerful statistical procedure often used to validate hypothetical constructs (Mugenda & Mugenda, 2003:118). It has become customary in factor analysis literature for a loading of 0.33 to be the minimum for interpretation (Kothari, 2004:329). Factor analysis is used to determine correlations among the correlates of recidivism to eliminate traits such as multi-collinearity and autocorrelation to ensure the validity of the chosen study variables, as well as reducing the data into the relevant number of factors to enable further analysis.

Correlation analysis is carried out to establish the correlation between independent and dependent variables. It serves to check the results of the experiment and to demonstrate the degree of interaction between independent and dependent variables. The comparisons aim to enable the analysis to determine how the parameter deviates from normal. Pearson r is used to evaluate whether there is a meaningful correlation

between each independent variable and the dependent variable. Pearson  $r$  is a calculation of the degree of interaction between the two variables expressed in the spectrum or the size of the ratio. The meaning varies from -1.0 to + 1.0, with lower absolute values suggesting a stronger relationship, the symbol shows the orientation of the partnership. A positive correlation means that, when one parameter decreases, the other also increases. Additionally, a negative correlation means that, when one parameter rises, the other correspondingly declines (Kothari, 2004:335).

### **1.6.8 Validity and reliability**

This section highlights the validity, reliability, and accuracy of the collected information.

#### **i) Validity**

It applies to the degree to which experimental test results provide a clear description of what happened and why (Jupp, 2017:311). Assessing the ultimate reliability of experimental findings can be achieved by discussing estimation validity, interpretation validity, and generalisation validity (Jupp, 2017:311). Measurement accuracy means questioning whether a research tool, such as a survey, tests what it is supposed to do. Explanation reliability means questioning whether the research-derived theories and assumptions are the right ones for the specific subjects. The feasibility of generalisation includes determining whether the conclusions drawn from a particular study can be applied to other individuals by collecting a representative sample from the community as specified in the survey.

To enhance the measurement validity of the research instruments, the researcher submitted the instruments to the supervisor to determine the concepts the instruments were measuring and whether the elements precisely represented the phenomenon under study. Besides, the researcher carried out a pilot study at the Bungoma Main Prison to test the instruments of data collection. This involved selecting five percent of the sample size, administering the questionnaire to them and also interviewing them. This helped the researcher to identify any ambiguous questions in the interview schedule to rephrase them. On the questionnaire, the researcher got an opportunity to check for completeness, clear ambiguity and estimate the time taken to complete the questionnaire.

## **ii) Reliability**

This is the extent to which measuring instruments gives consistent results (Jupp, 2017:262). The test-retest method is used to evaluate reliability whereby the researcher expects to get the same answer by using an instrument to measure something more than once (Maxfield & Babbie, 2015:125). The researcher has employed this technique as data collection instruments were administered to the same respondents after one week to determine the consistency of the answers provided.

### **1.6.9 Ethical considerations**

Researchers planning to carry out criminal justice research should be aware of the general agreements shared by researchers about what is right and what is wrong in the conduct of the scientific study (Maxfield & Babbie, 2015:58). Also, ethical issues in criminal justice can be especially challenging because research questions frequently examine outlawed behaviour that people are anxious to conceal.

Maxfield and Babbie (2015:58), suggest that the researcher should take into account some considerations to conduct research that is in the best interest of the research participants. Two ethical issues arise and are considered in this study

- Voluntary participation
- Anonymity and confidentiality

#### **i) Voluntary participation**

Voluntary participation in criminal justice research means that the respondents are not forced to participate (Maxfield & Babbie, 2015:62). To achieve voluntary participation, willing respondents were introduced to the “Letter of informed consent and consent form” which they were required to read, understand and voluntarily sign before questionnaires were administered to them. Voluntary participation was also sought from participants of interviews and focused group discussions for the study.

#### **ii) Anonymity and confidentiality**

Anonymity is achieved in criminal justice research when the researcher cannot associate a given piece of information with the respondent (Maxfield & Babbie, 2015:62). This has been achieved since respondents were not required to provide their identity on the questionnaires. On the other hand, confidentiality means that a researcher is able to link information with a given participant’s identity but ensures nondisclosure of this information (Dawson, 2007:157). The researcher is committed to

keep the names and other significant identity characteristics of the sampled participants for interviews and focus group discussions confidential. To enhance confidentiality amongst participants of focused group discussions, the researcher emphasises respect to the confidentiality of individuals and also for participants not to disclose information from the focused group discussion directly to third parties.

**iii) Avoiding duplicate publication**

The aim of undertaking this study is to fulfill a prerequisite that contributes to the recognition of the University of South Africa's Degree in Philosophy of Criminal Justice. Therefore, this dissertation will not be released (in whatever form) until completion of the analysis.

**iv) Avoiding plagiarism**

The researcher has ensured that all the sources in the study are referenced in order to prevent plagiarism. All the sources such as books and journal articles used are acknowledged and referenced in conformity to the UNISA guidelines as regards the standard of reference.

**v) Transparency**

The study is funded through the researcher's resources and does not have any conflict of interest. As such, the study cannot be biased.

**1.7 Definition of terms**

**Community** - this is a group of people who share the geographical area with a released offender or the victim of crime in a given village or neighbourhood

**Community members** - they include all persons who live, learn, work, play, and pray with the released offender or the victim of crime in a given village or geographical area.

**Family members** - it means the offender's or the victim's spouse, former spouse, children, grandchildren, parents, siblings, grandparents, niece, nephew, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, including the adoptive relationships of the released offender.

**Neighbourhood** - this is the immediate geographical area surrounding a released offender or the victim of crime residence

**Offender** - this is a person who has committed a crime

**Overcrowding** - this refers to the inmates exceeding the spatial capacity of a prison institution based on the available space as established by the rated capacity of that prison

**Prisoner** - this is a person legally committed to prison as a punishment for a crime

**Prisons** - this is an institution for the confinement of offenders who have been either remanded by a court of law or who have been denied their liberty following conviction by a court of law

**Re-arrest** - this is the act of arresting someone who has committed a crime for a second time

**Recidivism** - this is the tendency of an offender relapsing into criminal behavior after receiving sanctions for a previous crime

**Recidivist** - this is a person who has relapsed into criminal behavior after receiving sanctions for a previous crime

**Reconviction** - this is the subsequent convicting of an offender after a previous conviction

**Re-entry** - this is the transition from life in prisons to life in the community for released offenders

**Rehabilitation** - this is the restoring of an offender through training and therapy to that state which he or she was before committing a crime

**Reintegration** - this is the process of reentry of an offender into the community after incarceration

## **1.8 Chapter layout**

### **1.8.1 Chapter one: The research**

This chapter provides the background of recidivism from a global perspective to the Kenyan context. The chapter also explores the research problem, research aims, and objectives, scope and justification of the study. In addition, the chapter presents the research methodology, ethical considerations and definition of terms.

### **1.8.2 Chapter two: History, theory, and philosophy of recidivism**

This chapter explores the concept of recidivism from a historical perspective, theories underpinning recidivism and the philosophy of recidivism. The chapter reviews the relevant literature on recidivism under the various themes including offender characteristics and recidivism; the Influence of the community on the offender, the role of the community on reintegration.

### **1.8.3 Chapter three: International perspectives on recidivism**

This chapter explores recidivism within the context of international perspectives with a specific focus on the United States of America, the United Kingdom, South Africa, Finland, and Sweden. A comparative presentation of the correctional management practices within these countries is explored.

### **1.8.4 Chapter four: Recidivism in the Kenyan context**

This chapter provides an overview of recidivism and correctional management in the Kenyan context. The Chapter explores the recent studies and statistics provided by the Kenya National Bureau of Statistics and also Kenya prison. The chapter also discusses the history, establishment, structure, composition, functions, and practices of the Kenya Prisons Service and the Probation and Aftercare Service.

### **1.8.5 Chapter five: Discussion of the data results**

This chapter explores the data results of the study. The data results are presented systematically as per the objectives of the investigation. Descriptive statistics are evaluated and displayed in the form of distribution charts, maps, frequencies, and percentages. Inferential statistics utilised are the Pearson Product Moment Correlation Coefficient, multiple regression testing, t-test, and ANOVA.

### **1.8.6 Chapter six: Findings and recommendations**

This chapter presents findings, recommendations, and conclusions of the study on correlates of recidivism among released prisoners in Kakamega County, Kenya. The findings are presented in line with the specific objectives and the constructs within the specific objectives of the investigation.

## **1.9 Chapter summary**

This chapter provides the background of recidivism from a global perspective to the Kenyan context. The chapter also explores the research problem, research aims, and objectives. The research aims to establish the correlates of recidivism among released prisoners in Kakamega County, in Kenya. More specifically the research objectives are to examine the relationship between offender characteristics and recidivism, establish the role of offender reintegration on recidivism and find out the influence of the community perception and attitude on recidivism in Kakamega County. The study has been conducted in Kakamega County in Kenya. The justification and significance of the study have been explained in this chapter. Further, the chapter discusses the research methodology utilised in conducting the study. The chapter discusses survey research design which is applied in the study, describes the study population, sampling, sample size and procedures, data collection procedures and data analysis, validity & reliability. The chapter also provides details of the ethical considerations. Measures that are employed to ensure ethical compliance such as how to avoid duplicate publication & plagiarism and how to enhance transparency are explained in the chapter. The next chapter covers the history, theory, and philosophy of recidivism.



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## CHAPTER TWO

### HISTORY, THEORY AND PHILOSOPHY OF RECIDIVISM

#### 2.1 Introduction

According to (Maltz, 2001: 1) recidivism originated from the Latin word "recidere" which can be interpreted as "to fall back." Despite current public outrage regarding career criminals, evidence has shown that recidivism is not a fresh thing and dates back to Warner's study in Massachusetts in 1923, on the success or failure of parolees.

Williams (1979: 15) noted that in order to form a recidivism scale, three issues were to be resolved - What criminal justice system occurrence is to be called a recidivistic, a re-arrest, a re-prosecution, or a re-conviction? How can the gravity of the offence that gave rise to the occurrence of the offence be taken into account? How can the frequency of the event be taken into account? A study by Frederique (2005: 10) reports that people completing longer sentences are more likely to recidivate, unlike those serving shorter sentences. The question arises as to whether the sentence actually prohibits offenders from offending as it is common practice for incarcerated persons who spend time in prison to re-offend as noted in Maltz (1984: 11). It compromises the position of institutions that fight crime. The intention of this chapter is to address the idea of recidivism.

#### 2.2 Historical perspectives of recidivism

In the mid-19th century, according to Sykes (1958: 67), inmates in many prisons were allowed to meet after church service or be released in open spaces during free time to enjoy several hours of fresh air and exercise. Nevertheless, in 1876, New York prison was the first facility to offer a variety of entertainment and leisure facilities, including sports, social clubs, theatre, arts, and many other activities as suggested (Sykes, 1958: 67). It has also been noted that many inmates in other countries have had little use of yards, libraries, and auditoriums. Maltz (1984: 45) states that it wasn't until the 1960s that leisure activities became part of mainstream prison life.

It was found in 1994 that 53.9 percent of the inmates convicted for violence were charged for a new offense but not generally for other ferocious crimes (Southey,

Braybrook & Spier, 1994: 56). Barnett and Hagel (1977: 34) observed in their study that “a review of Federal Bureau of Investigations data directed that between 64 and 81 percent of offenders that were released in 1972 were rearrested within the same year. This is an indicator that convicted criminals are more likely to be re-arrested. This is confirmed by Klein and Caggiano (1986:iv) whose study revealed that disciplinary directives were released in 1978 to assess the degree to which California, Michigan and Texas persons convicted or imprisoned for violence have re-offended upon release.

In New Jersey, 336 offenders who were set free around 1990 and 2000 were surveyed for a period of not less than five years to determine the likelihood of reoffending after release (Lievore, 2004: 87). Broadhurst and Maller (1992: 12) examined how sex offenders were likely to commit repetitive crimes. Around 1975 and 1987, they tracked for up to 12 years, some 502 sex offenders discharged from Western Australian jails. Follow-ups disclosed that most of the released offenders were re-arrested for serious sexual offenses such as rape of girls under the age of 13 years and carnal knowledge. Another 113 had been imprisoned for indecent transactions, 63 for carnal knowledge and 31 for incest.

A study by Robert, Zgoba and Shadullah (2007: 494) in the United States of America focused on 826 sex offenders who were released from Ohio prisons in 1989 and studied for five years. Out of these, 15 percent had previously been incarcerated with slightly fewer than two percent having served sentences for prior sexual offences. Their research also found that nearly half of the victims of the new sex crimes were under 13 years of age, while another 23 percent were ranging at 13 and 17 years of age.

Recidivism was investigated by Burgones (1979: 123) in New Zealand using 115 people who were incarcerated for rape or attempted rape in Victorian prisons. Most of them have been convicted of other offences concurrently with the conviction of rape or other second sexual crimes. Burgones (1979: 123) reports that during the 4 – 9 years of surveillance, over half of the offenders were convicted of at least one crime within two years after release. In a related study, Southey, Braybrook and Spier (1994: 76) followed sex offenders for a length of 5 to 10 years after release in New Zealand.

They established that a large number of the offenders committed atrocities in the first years of their release and most of them recidivated.

In England and Wales, sex offenders convicted in 1963 were examined for a period stretching over 32 years from 1963 to 1995. Findings showed that in their first 10 years of release, over 44 million were sentenced (Ackerley, Soothil & Francis, 1998: 67). While this offers ample proof that most sex offenders are likely to be convicted again after a short time, evidence suggests that some have been prosecuted for more than 20 years since completing their final sentence in jail (Loucks, 2002: 10).

According to Lievore (2004: 60), recidivism predictors involve variables in the socio-demographic and criminal record such as age, class, ethnicity, marital status, health, socio-economic status, jobs, peer control, criminal history, the severity of the crime committed, previous prosecution and prison sentences.

### **2.3 Statistical methods of detection of recidivism**

According to Broadhurst (2000: 54), there are different statistical approaches used to measure the rate of recidivism which includes

- Frozen time method that reports the accumulated proportions of perpetrators who have reoffended after a given follow-up period.
- Analysis of the rate of survival or failure taking into account the bias generated by the censored follow-up period and differing follow-ups for individual offenders. This method estimates the ultimate likelihood and rate or rate of recurrence.
- The life table model calculates the likelihood of recurrence at specified time intervals by comparing the number of offenders failing with the hazard numbers at each time interval.

Not all offenders are at the same risk of sexually reoffending during the follow-up period as some may be treated and detained for different periods of time (Broadhurst, 2000: 55). Urahn (2011: 7) states that prisoners were returning to jail either for committing a new crime resulting in a new conviction or for a minor lack of supervision, such as not reporting to their probation officers.

Elkins (2013: 4) states that reoffending assessment approaches like self-report studies that do not classify the individual are therefore likely to be inaccurate. Reoffending is

seen as the main indicator of the effectiveness in England and Wales of the criminal justice system (Ministry of Justice, 2012: 32). The Ministry of Justice (2012: 28) confirmed that sufficient evidence must be present in England and Wales for any crime to be counted as "detected," so several approaches can be separated into two groups to count crimes as detected. First is the recognition of punishments that happen when a criminal receives an official punishment, such as being convicted or recalled, or when a crime is tried in court. Second, the detection of non-sanction occurs when an offense is 'cleaned up' but no further action is taken against the offender.

England and Wales take a high crime rate compared with other parts of the United Kingdom (Ministry of Justice, 2012: 14). The reason England and Wales have a high crime rate is that the crime occurrence is actually higher than many countries or perhaps due to some variations in calculation and categorization (Ministry of Justice, 2012: 16). Crime in England and Wales dropped by 22 percent between 2005 and 2009 (Ministry of Justice, 2012: 14). Yet England and Wales remain a high crime rate area relative to the other areas of the United Kingdom. The Ministry of Justice in England and Wales measure the level of reoffending in just the first year after the release of an offender from jail or the beginning of a community sentence since 2007. Previously, the first two years were measured (Ministry of Justice, 2012: 32).

#### **2.4 Theoretical underpinnings of recidivism**

Recidivism is not explained by a single theory (Ryan & Yang, 2005: 186). Correlations in relapsed offenders' recidivism and criminal activity are the product of a complex phenomenon. Strain theories, labeling theory, differential social support and coercion theory, social bond theory and inoculation theory are applied in implementing a theoretical framework for this research. One model, positive psychology is also used. These theories and model explain the relationship between socio-economic, human and environmental factors and recidivism.

##### **2.4.1 Strain theories**

In this category of strain theories, two theories are discussed, namely: the General Strain Theory by Robert Agnew and the Strain Theory by Robert K. Merton.

In 1992, Robert Agnew developed the General Strain Theory, partly as a response to the disadvantages and limitations of older strain models that were almost abandoned in the latter part of the 20th century (Agnew, Brezina, Wright, & Cullen, 2002: 334; Slocum, Simpson, & Smith, 2005: 468). Nevertheless, Agnew's strain model has origins that could probably trace back to the turn of the 19th century, when Emile Durkheim published his notorious novel, "Suicide" (Durkheim, 1897: 597). Durkheim's emphasis on self-destruction and suicide led him to the idea of anomie which he defined as a state of normality that could lead to a lack of norms or guidelines for people's behaviour (Durkheim, 1897: 693). As with Agnew's general theory of strain, Durkheim's concept of anomie is also quite direct, especially when looking at his explanation of anomie. Throughout his study of suicide, Durkheim speaks also about the influence of crises, and how crises reflect dislocations and irregularity throughout one's existing existence, forcing people into unusual or unknown circumstances (Durkheim, 1897: 699). Being in this state without rules or expectations as to what is appropriate or feasible can cause people to lose understanding and lead them to a state of dissatisfaction and torment triggered by their pursuit of unattainable goals and capabilities (Akers & Sellers, 2004: 317).

The basic premise of the General Strain Theory by Robert Agnew is that strain causes frustration and other negative emotions which lead certain individuals to respond to criminal and delinquent coping strategies to such stressors or strains. Agnew believes that stress is crucial to understanding crime and describes crime and delinquency as the result of social-emotional strain, anger, and tension (Agnew, 2006: 189). Using General Strain Theory to explain the causes of recidivism, it suggests that engaging ex-offenders in illegal activity after release represents the coping mechanisms they pursue because of the stressors they face when released from prisons.

The second theory under this section is the strain concept. The Strain theory was firstly done by Durkheim who initially introduced a phrase, "anomie" that pronounced a feeling of confusion and anxiety as a product of the "breakdown of traditional life in modern society" (Giddens, Duneier & Appelbaum, 2005: 145). Merton expanded on the term of Durkheim by adding that the theory encompasses the tension that people feel every time cultural expectations clash with social reality. Looking at gangs inside



society is an example. Some gangs hate and oppose rules, principles, and laws and substitute them with standards that represent a defiance celebration.

Merton's theory of Strain clarifies that it is not an abrupt social change that causes the real problem, but rather a social arrangement which maintains the same aims for all its participants without giving them equivalent means to realize them. It is this absence of integration that creates deviant behaviour between what the environment asks for and what the system requires. Deviance is then a social structure symptom. According to Merton, there is an imbalance between cultural goals and the institutionalized means obtainable to realise these goals. This is because not everyone has equal access to the legal means of achieving those goals. Then the stage is set for pressure.

Applying the Strain theory to explain the causes of recidivism between released prisoners from Kenyan prisons, the concept indicates that the dominance level of delinquency and inmate recidivism should be interpreted as the reflections or results of the society's approach to organising its priorities and the valid means of achieving those goals. Especially when we do not have fair legal resources and have an added advantage for the dominant group. The Strain theory as used here alludes to the interconnectedness of socio-economic aspects in explaining the social advance dynamics, which in this case is recidivism.

#### **2.4.2 The Labeling theory**

Labeling theory is founded on the premise that some members of society are capable of building and applying attributes to other members of the same society (Becker, 1963: 207). According to research, the application of a negative label by one social group to another produces another and thereby stigmatises the individual or group to which the tag has been applied and is considered beyond traditional society (Akers & Sellers, 2009: 211; Becker, 1963: 201). Becker (1963: 201), the founder of labeling theory, stated that deviant behaviour only exists after members of society have defined it as such.

Labeling theory falls within the symbolic interactionist paradigm which assumes that one's identity and self-concept are continuously determined by interactions with others and thus exist only on the basis of social interaction (Akers & Sellers, 2009:169). This

can, therefore, be concluded that those individuals who are negatively branded would incorporate this tag into their view of themselves. Goffman (1963: 73) assumed that those who were branded would not act in ways that undermined the tag, but rather display actions that validated it. Akers and Sellers (2009: 188) say a person will face humiliation and shame once it has been branded. It is these feelings that will provide motivation to engage in further deviant acts for labeled individuals. Furthermore, once labeled, the label recipients adopt the characteristics generated as part of their primary identity and live in ways that confirm the stereotypes attached to the label, thereby confirming their authenticity to the individual.

Labeling and the form of identity development it encourages are crucial to the cycle of reintegration, as it can clarify how other members of society should view released prisoners and how they will respond to their care. Other members of society can mark and stereotype criminals and internalise the label in ways that reinforce stereotypes or labels (Goffman, 1963: 67; Akers & Sellers, 2009: 211). This is important in terms of reintegration as it is possible to explain why many prisoners are experiencing difficulties with their efforts to reintegrate effectively into the community after being released from prisons. Not only can released offenders act in ways that validate their membership in a deviant group, but they can also suffer the effects of the risk of stereotyping which reinforces the tag. Therefore, released prisoners are likely to act in ways that reaffirm the assumptions of the "offender" tag. This can impede the efforts of the offenders to reintegrate effectively into society.

The tag "convicted felon" is an initial obstacle for all returning inmates. Those convicted of a felony in Florida in the United States of America were more likely to recidivate (Chiricos, Barrick, Bales, & Bontrager, 2007: 566) than those condemned to probation with a "withholding adjudication" of culpability. The label itself "convicted" causes recidivism, particularly for those who are otherwise less likely to re-offend, and maybe the label has more to gain. In the United States of America, criminals more likely to recidivate, such as males, racial and ethnic minorities, and those with a larger criminal record, are less affected by the prosecution (Chiricos et al., 2007: 568).

### **2.4.3 The differential social support and coercion theory**

A modern systemic crime theory promoted by Colvin, Cullen and Van der Ven (2002: 37) is differential social support and coercion theory. It is based on two main topics, social support, and coercion. "Social support is an organized network of human relationships that help others meet their expressive and instrumental needs to prevent crime" (Colvin et al., 2002: 39). Social support can also be seen as supporting community members, social networks and trustworthy partners like wife or husband to fulfill the person's expressive and instrumental needs (Cullen, 1994: 547).

Expressive support includes feelings, self-worth, and integrity, while instrumental support includes physical and financial support, guidance and contacts in a legitimate society for positive social progress. It can be seen at different levels of society, such as family interactions, between mates, and within the broader social networks of peers, societies, and nations. Expressive and active social support networks are typically provided in informal social interactions between families and friends, as well as formal institutions such as universities, workplaces and health and criminal justice departments of government. The level of social support, however, differs across households, neighbourhoods, cultures, and nations. Social support reduces stress by providing the resources needed to help deal with the situation and prevent crime (Cullen & Wright, 1999: 199). Social support strengthens social bonds because assistance ensures mutual trust between the donor and the recipient and thus prevents crime (Cullen, 1994: 545).

Therefore, coercion is the force that pressures or threatens an individual because of the dread it generates to obey specific instructions. Coercion can be interpersonal as it happens within the settings of the family or impersonal linking invisible forces like unemployment. Coercion may also involve the real or threatening elimination of social support (Colvin, 2000: 525). It is important to note that coercion leads to strain predisposing a person to commit a crime. Including social support, micro and macro-level coercion may occur. Patterson's micro-level manipulation (1990: 241) involves aversive interchanges between families and coercive disciplinary patterns. It also includes physical assaults and exchanges of non-physical coercion, including bullying, embarrassment, criticism, mistrust, and ostracism. Coercion yields alienated bonds while weak social bonds yield juvenile delinquency (Hirschi, 1969: 13). Agnew (2006:

43) states that the causes of stress are negative factors like being in an unwanted room or parental rejection. For example, coercive interpersonal relationships produce anger, and intensifying these relationships leads to authority defiance (Sherman, 1993: 450). In addition, unbiased demanding forces such as during a period of unemployment result in strain leading to crime.

This theory advances that social backing prevents crime, but coercion prevents an individual from committing a crime. Nevertheless, there is an inverse relationship between social support and coercion. The assumption is that it is true that the more support, the less violence, and the opposite. The premise of this theory is based on the observation made by Athens (1994: 73) that: social understanding begins from the interaction between the individual as a human organism and the social environment. What makes this interaction so unique is that they generate thoughts and emotions. Actions by one person towards another can be supportive or abusive and occur on a more or less regular or irregular basis. Differential social support and manipulation may produce emotional social responses that are linked to criminal or non-criminal outcomes differently. Individuals are trapped in socially oppressive and supportive partnerships at different points in the course of life.

If the person is exemplified in positive social support from legitimate sources, the individual experiences low frustration, a high sense of self-control and a strong social relationship based on a moral obligation to others. Consistent social support contributes to pro-social behaviour, which, in effect, furthers the encouragement of others to build up social capital. If support from a legitimate source is inconsistent, it results in a moderate level of anger, low self-control and a social relationship based on measured interest. The results of social psychology are such that they predispose individuals, due to interpersonal interactions, in particular with peers, to become vulnerable to exploratory deviance by alternative sources of harmful information that are illegitimate in complementing insufficient help from the right sources. (Cullen, 1994: 542) found that, when there is no access to legitimate sources, the person is trapped in a moderate level of unskilled and unorganised crime. However, where access is granted, individuals are engaged in a chronic level of specialised and organised crime (Sherman, 1993: 451). If coercion is inconsistent, the person is expressed in an intense, other-directed rage, low self-control, and fragile and

estranged social bonds that lead to predatory crime. This is because erratic violence raises the sense of injustice generated by arbitrary treatment. It adds to a tendency for persistent criminal behaviour. When access is blocked, individuals participate in persistent rates of unskilled and unorganised crime. All erratic social support and erratic coercion pursue illegitimate help because it is the only reliable source of assistance to meet the verbal and instrumental needs of an individual. If the individual is trapped in a persistent manipulation, the person feels a strong sense of fury fixed toward the individual (Athens, 1994: 68). This is because external speech can be met through coercion. Self-control is based on fear of punishment and weak, calculated social bonds. Consistent bullying leads to low pro-social behaviour and vulnerability to mental health problems.

#### **2.4.4 The Social bond theory**

Hirschi (1969: 39) suggested a model that explored the correlation among strong bonds and the probability of deviance in an attempt to explain criminal offences. This social bond hypothesis is constructed on the idea that all humans are susceptible to deviance and criminal activity, but can be regulated by the use of social bonds (Tibbetts & Hemmens, 2015: 119). Such social bonds are characterised by connection, engagement, participation, and conviction held by "prosocial" people. Hirschi's Social Bond Theory notes that people who have strong ties to society are less likely to break the norms of society. Attachment refers to the emotional bond between individuals and their mates, families, and peers. Commitment is the amount of time and effort already invested in potential targets that may be wasted by criminal activity. Involvement is the time spent in non-crime activities. Finally, belief is the acceptance of conventional ideas (Chriss, 2007: 46).

Tibbetts and Hemmens (2015: 12) note that attachment is the most critical social connection. Attachment is critical in imputing the norms of society and in cultivating a sense of self-control (Hirschi, 1969: 31). It can be argued that the other aspects of the social bond theory are solely dependent upon the attachment of the person.

Commitment is a reflection of what might be lost by deviating from social norms. Commitment will take the form of training, job skills and the exploration of numerous conventionally recognised avenues (Tibbetts & Hemmens, 2015: 93). Hirschi (1969: 27) assumed that active participation in traditional practices would lead to less

delinquency. Through completing certain tasks, the time of the adult cannot be spent in delinquency.

Belief is consistently linked with ethical beliefs in accordance with the law and culture. It refers to whether a person finds an activity unethical or not (Tibbetts & Hemmens, 2015: 93). Hirschi (1969: 40) conducted a study to test his social bond theory. This test was performed on males involved in the Richmond Youth Programme who were chosen from a random stratified sample. The sample consisted of 3 605 adolescents and was structured to research the influence of attachment, commitment, participation, and belief. Hirschi drew his conclusions that attachment was primarily vital and that involvement had less impact (Kempf, 1993: 221).

Attachment is similar to services that foster ties between imprisoned prisoners and their parents, friends or peers in relation to recidivism. For example, prison visiting services that allow families and friends to visit and connect with inmates. Commitment is seen as an expenditure of effort and time in socially accepted skills such as correctional education and vocational training. Involvements are activities that consume space for criminals, such as sports, masonry training, farming, carpentry, etc. Belief programmes are aimed at altering the offender by trying to re-educate, teach, train or introduce a new morality to a socially accepted point of view and religious belief, such as the drug rehabilitation programme and the religious programme.

#### **2.4.5 The Inoculation theory**

McGuire's (1961a: 78, 1961b: 64, 1962: 171; McGuire & Papageorgis, 1962: 211; Papageorgis & McGuire, 1961: 209) the main conceptualisation of the Inoculation theory says that people can be inoculated in a way similar to how individuals can be immunised against a virus against manipulative attacks on their traits. Medical inoculation works by injecting a weakened type of virus into a person to allow the individual to build up immunity to forthcoming attacks by the virus.

McGuire concluded that attitudinal opposition could be also caused by advising the person of an imminent spell on the attitude he or she holds, and by making a weaker case against the attitude. The debilitated argument will, seemingly, allow the person to establish counter-arguments in line with his or her initial attitude and thus reinforce

his or her attitude to future attacks. Two key issues in the development of McGuire's inoculation theory (1961: 64; McGuire & Papageorgis, 1962: 171) warrant analysis of the original work on contemporary applications. In the first place, McGuire (1964: 201) limited the application of the theory of inoculation to "cultural truisms" or "beliefs that are so shared widely in a person's surroundings that he would not have heard them invaded, and would have doubted the chance of an attack."

Early inoculation work was therefore performed on non-controversial issues, such as the use of X-rays to diagnose pneumonia, the effects of penicillin, and teeth brushing. Although the use of social truisms was in accordance with the biological metaphor, it remained unclear whether or not inoculation would be effective with less covered subjects (Pryor & Steinfatt, 1978: 291; Ullman & Bodaken, 1975: 162). Material is no longer a requirement for inoculation science, since numerous studies have extended the inoculation principle to controversial topics such as genetically modified food (Wood, 2007: 71); the ban of weapons, the legalisation of marijuana, the regulation of betting, the limitation of television brutality and animal testing (Nabi, 2003: 126).

The subsequent concern in the evolution of inoculation theory is the procedure for inoculation. In a variety of McGuire's early work, for instance, McGuire and Papageorgis (1961: 199), the respondents were offered a one-sentence counter-attitudinal statement and asked to write a paragraph rebutting it. This method, which he perceived to be an effective refutation, put the burden for defending their conduct entirely on the part of the respondents. McGuire (McGuire & Papageorgis, 1962: 212) included rejections along with an attack message. In this active refutational method, the respondents were no longer primarily responsible for developing reasons to justify their views. One explanation of the nature of active refutations was that it offered material and extended to protect one's behaviour, as well as to put fewer emotional demands on the participants. This shift away from McGuire's active refutation method has placed a lot of pressure on preparing successful negation messages and has been a dominant paradigm since the vast majority of studies in the past 20 years have focused on proactive refutation strategies. It is interesting that recent inoculation studies (e.g., Pfau et al. 2001b: 257) have found support for McGuire's original idea that producing counterarguments improves resistance.

As such, the features of effective inoculation are introduced in order to supplement passive refutational procedures; in addition to receiving essays that present and contradict counter-attitudinal claims, traditional inoculation studies challenge subjects to combat assaults. Recent inoculation theory experiments have provided feedback to the fundamental inoculation framework and detailed specific mechanisms responsible for building opposition to inducement (Compton & Pfau, 2005: 342; Szabo & Pfau, 2002: 166). In particular, threat, delay, rebuttal, and involvement have all been identified as key components of the method and/or outcomes of inoculation theory. From the outset, McGuire (McGuire, 1961a; McGuire & Papageorgis, 1961: 189) believed that perceived threat was a central element of resistance to persuasive communication. It was believed that, in order for the inoculation method to be successful, beneficiaries must be aware of the threat in order to motivate them to improve their current attitudes. The risk element in inoculation therapy foreshadows an inevitable coercive assault, and thus motivates opposition by emphasizing the possible weakness of one's current beliefs to shift.

#### **2.4.6 The Positive psychology model**

The belief that unlawful behaviour is a product of cognitive, emotional, and mental deficits (J. Q. Wilson & Herrnstein, 1985: 106) over the past four decades, various offender rehabilitation models have been developed. The study, though, has shown that treatment programmes focused on this assumption have been successful in reducing recidivism. The unanswered question of deficit-based criminal conduct cases is: who militates against single criminals in the first place? Exploring criminal actions and solutions from this viewpoint requires a paradigm shift from a deficit-based model to a strength-based model. The reason for this transition can be seen in positive psychology.

Positive psychology, founded by Abraham Maslow and later approved by Martin Seligman. The philosophy encourages ideas and principles that foster better mental and physical health and counter mental illness and unhealthy emotions, perceptions, and behaviours (Seligman, Linley, & Joseph, 2004: 345). Through observing the mental, psychological, and personality qualities of happy people and analysing topics such as intention, success, potential motivation, nurturing, empathy, intelligence, and bravery, positive psychology has established factors that can make life more rewarding. These involve rewarding jobs, serving people, being a good citizen,



cultivating faith and dignity, understanding capacity and self-regulating instincts (Seligman, 2004: 347). Therefore, the overarching goal of positive psychology is to allow people to live a prosperous life of greater health, well-being, and purpose.

Scientists and physicians have commenced considering the use of a positive mindset for criminal care. Whereas work has shown that a coercive, fear-based rehabilitation method centered on preventing “bad” offences has not been very successful in reducing relapse among sex offenders (Reitzel, 2006: 2), a “good lives” strategy has generated the empirical interest among sex-offender recovery workers (Ward and Stewart, 2003). In this treatment model, sex offenders are considered to be actively seeking the things most people want, e.g. intimacy, but using inappropriate strategies. Treatment, then, starts by defining the life goals of individual desires and by encouraging them to move towards those objectives. Preliminary research confirms the method (Webster, 2005: 1177). Similarly, the No Free Lunch initiative encourages a behavioural change between general inmates, from preventing failure to achieve performance, by introducing basic lifestyle values and problem-solving techniques that can be used by criminals to achieve optimal results and implement such approaches and skills to build character, gain financial security, encourage healthy living, and cultivate a life plan. While much further work is needed, results are positive for those taking the course in a Wisconsin Minimum Security Prison, with recurrence levels of three percent following three years of release.

## **2.5 The philosophy of recidivism**

Recidivism is an act of replication of an immoral act after that person has been harshly disciplined for that action or has been treated or trained to prevent that behaviour. Nevertheless, as with many other constructs in the social sciences, recidivism poses definitional challenges. The reason is that the conceptual definition is simple, but the operational definition is complex. What is included in the concept of recidivism has a significant impact on the level of recidivism recorded (CRS Survey, 2007: 9). This is due to the fact that the concept can be measured using data on re-arrest, re-incarceration, re-incarceration or technical infringement/revocation. As a consequence, calculating the frequency of recidivism is affected by how recidivism is calculated. In fact, recidivism can be assessed at various points of contact between a convicted perpetrator and the criminal justice system (Lievore, 2004: 41). Several

criminologists claim that any further interaction with the criminal justice system no matter how mild the situation may be should be deemed recidivism on the part of an ex-offender.

According to Maltz (2001: 1), recidivism can be defined as the "reversion of an individual to criminal behaviour after he or she has been convicted of a prior offence, sentenced and allegedly corrected." Thus, recidivism is a relapse into criminal behaviour after being released from custody. A study conducted by Minnesota Comprehensive Offender Reentry Plan (2010: 33) measured recidivism in relation to re-arrest, re-incarceration and re-incarceration of a new offense or re-incarceration following a technical violation or revocation of conditional release.

These definitions of recidivism are broad because they include technical violations of parole or probation, such as failure of a drug test or failure to appear for a meeting in the general statistics on recidivism (Maltz, 2001: 21). Technical violations are, therefore, in fact, an extension of the original prison term of the offender and not a new crime. The other shortcoming as a measure of recidivism is that the re-arrest statistics also include individuals who have been found innocent of the charges. As a legal principle, a suspect should not be found guilty unless he/she has been convicted by a court of competent jurisdiction. (MCORP, 2010: 39).

Therefore, for the purposes of this review, recidivism should be more narrowly defined as a relapse of criminal behaviour contributing to re-arrest, re-conviction or re-incarceration. Focusing on re-incarceration with a new prison term is a more accurate measure of recidivism. This is because, unlike re-arrest, the re-arrest requires a plea from the defendant, reduces the likelihood of a wrong person being charged and reduces the means to ensure that the ex-offender has committed a new offense (Lievore, 2004: 53).

## **2.6 The role of offender characteristics and recidivism**

This chapter addresses the influence of gender, age at the time of imprisonment, educational level, employment status, accommodation, romantic relationships, children, peer relationships, prior criminal records, criminal record and alcohol consumption on recidivism.

### **2.6.1 Gender and recidivism**

Benda's research (2005: 328) of 300 women and 300 male boot camp students found that there were significant gender gaps in group tenure predictors of violent recidivism over a 5-year follow-up span (Benda, 2005: 331). Cox Proportional Risk Models (Benda 2005: 332) indicate that residential living, childhood experiences, past childhood abuse, drug sales, pressure, anxiety, distress, suicidal thinking, and suicide are better beneficial predictors for recidivism for both men and women. Because of violent social networks, weapons-bearing, alcohol abuse, and hostile emotions, men are more likely to go to jail. Employment, happiness in the family takes more room for men than for women, while the number of children and marriages in society is more important for women (Benda, 2005: 233).

The United States Bureau of Justice Statistics report (1989: 423) studied the recidivism rates of 108 580 prisoners, of whom 5.9 percent were women released from prison in eleven states in 1983, though female offenders had lower recidivism rates than male offenders.

In the United States of America, while females are much less likely to be incarcerated, the level of female imprisonment has risen even faster than the rate of male incarceration. Women make up around 24 percent of those on community service, 12 percent of those on parole, and seven percent of those in custody (Glaze & Bonczar, 2007: 52; Sabol & Couture, 2008: 387). Women prisoners may be seen as "false deviants" who have broken both sex and lawful codes (Heimer & De Coster, 1999: 300).

### **2.6.2 Age at the time of incarceration**

Incarceration, especially at a young age, may contribute to an accumulation of life-long disadvantages with severely limited future opportunities (Sampson & Laub, 1993: 19; Western, Kling, & Weinman, 2001: 413). Since imprisonment is so widespread among Black men with low levels of education, the effect on their individual incomes further raises wage inequality at the aggregate level (Western, 2002: 529).

### **2.6.3 Educational level and recidivism**

Review by Petersilia (2003: 71) and Travis, Solomon and Waul (2001: 65) show that the majority of returned prisoners are less trained than the general population. Recidivism as a social problem cannot be reduced without prison-based intervention

to reduce the criminogenic needs of offenders. Most prisoners leaving jails lack job skills and experience and are less likely to receive the necessary social support (Lynch & Sabol, 2001: 31). As a result, returning prisoners are less prepared for post-release and will receive less assistance and encouragement to succeed (Petersilia, 2003: 60)

Many prisoners may not feel responsible or have no desire to engage in these services due to the allocation of boring jobs, outdated equipment and lack of initiatives that guarantee post-release opportunities for ex-offenders (Griffiths, 2012: 14). This lack of formal preparation has negative implications for parole, because inmates may not have the skills and training required to be considered by the probation board for this conditional release (Griffiths, 2007: 11). As a result, most inmates are released into the community without supervision and aftercare. In fact, many of them have a history of substance abuse and are more likely to writhe from conceptual health problems, lack of family care or pro-social associates (Petersilia, 2003: 45; Travis et. al, 2001: 27). As a consequence, when these criminals are released from prison, they still depart with the same criminogenic conditions and disabilities that they have arrived with. It should be obvious, though, that one of the explanations why some criminals are unable to partake in recovery is due to mental illness.

The rapid increase in technology and its rapid integration into the American workforce have created a necessary condition for prospective employees to have some basic training qualifications. In the United States alone, software users find it difficult to keep up with the constant technological changes that occur almost on a daily basis (Kaminski, Switzer & Gloeckner, 2009: 268). Training has been described as an effective indicator of reoffending (Esperian, 2010: 132).

In a study conducted to determine the effect of correctional education on post-release employment and recidivism in the state of Indiana, it was reported that criminals who did not take part in correctional education agendas were approximately 3.7 times more likely to re-offend compared to offenders who had participated in such programmes (Nally, Lockwood, Ho, & Knutson, 2012: 71). The study involved a sample of 1 077 inmates who completed different corrective education programmes and a comparable community of 1 078 offenders who did not attend such courses. Data of the analysis

showed that the level of recidivism is 29.7 percent for criminals in the sample category and 67.8 percent for perpetrators in the reference group (Nally, et al. 2012: 79).

In 1983, a survey published by the Bureau of Justice Statistics, which included a sampling of more than 16 000 inmates released from 11 States, comprising around 57 percent of all State prisoners released in the United States of America during that year, it was observed that the rate of recidivism for criminals with some college education was 30.4 percent relative with 40.9 percent of recidivism of offenders with some college education..

In a related study, nearly 60 inmates who had received both their associate degrees and completing different prison terms were monitored upon their discharge from the North Carolina Department of Corrections (Stevens and Ward, 1997: 213). Findings from the study were congruous with similar studies that tended to show negative correlations between education and recidivism. Increased education among ex-offenders reduced their chances of recidivism. The North Carolina study found that inmates that enrolled in prison-based education services and received associate degrees were more likely to become law-abiding citizens and to avoid re-offending than ex-prisoners who had not progressed their training.

#### **2.6.4 Employment and recidivism**

Lack of work is a common factor in breaches of recidivism of probation and rehabilitation, and having a criminal background limits job opportunities and lowers wages (Holzer, 2001: 91). Labor statistics in New York State indicate that 89 percent of formerly imprisoned persons who breach the provisions of their probation or parole were unemployed at the time of the violation (Mukamal, 2000: 441). Further research suggests that up to 60 percent of former prisoners do not work 1 year after release (Nightingale & Watts, 1996: 27). According to a study carried out by Bushway and Reuter (as cited in Solomon, 2004: 152), one in three inmates reported becoming unemployed since entering the State prison and less than half had a job lined up before being discharged.

One of the most frequently cited antecedent to successful reentry and criminal desistance is employment (Uggen, 1999: 144, 2000: 537; Uggen & Thompson, 2003: 146). Employment provides support for conformity assurance, new routines, pro-social

ties, and legal income. On the basis of these factors, work, particularly high-quality jobs, is often recognised as the primary factor for reduced recidivism (Sampson & Laub, 1993: 303; Uggen, 1999: 142, 2000: 539; Uggen and Thompson, 2003: 144). High-quality jobs can be formulated both in terms of stability, income and extra-economic value from one's job (Laub & Sampson, 2003: 294; Maruna et al, 2001: 317; Uggen, 1999: 145).

Researchers also indicated that former inmates get jobs upon their release usually find jobs by friends or family (La Vigne et al., 2004: 77; Travis, 2005: 90). While projects aimed at helping ex-offenders with jobs have seen some degree of success, these services have limitations in terms of ability and regional scope (Solomon et al., 2004: 309).

There is also a need to retain all criminals who work. For example, a study conducted among a three-state sample of former prisoners employed 65 percent at some stage eight months after release, but at the end of that time, just 45 percent worked (Visher, Debus, & Yahner, 2008: 475).

A considerable number of the types of jobs available to ex-prisoners are not stable in most cases and not well-paying which can contribute to desistance (Giordano, Cernkovich, and Rudolph, 2002: 1003; Lucken & Ponte, 2008: 511; Travis, 2005: 94; Uggen, 1999: 143). Being incarcerated also has a miserable outcome on future earnings and thus can emphasize prevailing structures of inequality (Western, 2007: 527; Western et al., 2001: 419).

The link between employment and recidivism was analysed in previous studies (Kyvsgaard, 1990: 609; Wikoff, Linhorst & Morani, 2012: 422). Kyvsgaard (1990: 611) examined the living conditions of Danish prisoners and their risk of recidivism. The author studied the living conditions of recidivists and non-recidivists immediately following their release from prison. The findings of this study found that the community of criminals who did not re-offend was distinguished by substantially better living conditions with respect to their financial status, social relations and jobs. Comparison of factors such as social welfare services, economic and employment status and other associated variables suggested that those who did not have access to these social indicators after being released from prison have re-offended to a greater extent. By

using jobs as a starting point, the study observed that only 14 percent of prisoners working after being released from prison re-offended, relative with 50 percent who did not recidivate.

According to Wikoff (2012: 496), lack of access to vocational training after incarceration may accelerate the pace of recidivism of the ex-offender. It is assumed that prisoners engaging in some form of post-incarceration schooling and vocational training may have a greater chance of securing jobs than otherwise. Moreover, the employment status of released offenders is seen as a major indicator of recidivism (Sampson & Laub, 2003: 304; Petersilia, 2003: 55; Visher & Travis, 2003: 406) and also provides fewer incentives to re-offend due to the legitimate source of income acquired (Sampson & Laub, 2003: 303).

Socio-cultural theorists believe that lack of employment is linked to crime because it makes individuals powerless, non-conformist, poor, and low-level social classes. Merton (1938: 11) observed that criminality is the product of frustration and anger (straining) which creates anomic conditions between those who have been excluded from a legal incentive system. This condition makes it necessary for people to adjust to illegal behaviour in order to meet social objectives.

According to Kleck and Chiricos (2005: 72), lack of employment can have an impact on crime levels in terms of the form of offense, duration, gender, and age. It increases crime because it reduces the chance to lead a conforming existence and be linked to pro-social people. Most specifically, work is a consistent factor of recidivism, so having a criminal background decreases employment opportunities and lowers earnings (Holzer, 2006: 29).

Berg and Huebner (2011: 382) consider that many ex-offenders neglect a successful resume, job qualifications, low skills, and jail prejudice. All of these act as obstacles to jobs. Examining the effect of felony status on people entering the job market, Pager (2003: 47) found that whites with no criminal record earn half as many workplace callbacks than whites with a criminal record. Analysing how crime impacts labour demand and labour supply, Bushway & Reuter (2009: 13) notes that criminal history influences the employability of people and that crime-prone regions are not drawn to

investment. This is because businesses believe that, when ex-offenders are hired, both violence against properties and people will increase.

In a survey of 3 000 businesses, Holzer, Raphael and Stoll (2002: 26) found that employers are more reluctant to hire ex-offenders than other groups of people, such as welfare recipients, those without employment and those with a low educational record. Reasons for not recruiting ex-offenders involve legal restrictions, questions over their honesty and work ethics, lack of trust for ex-offenders and fear of being arrested in the case of relapse of criminal behaviour while at work. Recent studies by Berg & Huebner (2011: 389) also suggest that most businesses are unable to recruit ex-offenders.

Lack of employment among ex-offenders causes apathy and desperation leading to substance abuse, anti-social associations and domestic violence. Agnew (1992: 10) states that joblessness and homelessness trigger family disturbance, especially among black males in the United States of America, and this contributes to violent crime.

### **2.6.5 Housing and recidivism**

In the United States of America, the bulk of discharged prisoners reside near their family members. Approximately three-quarters of Chicago released inmates expected to stay with the family in one analysis of the Urban Institute, and an even greater 88 percent were staying with the family 4 to 8 months later (La Vigne et al., 2004: 39). This is not always an obvious or possible choice, as family members may have been victimised, or otherwise harmed by a returning person. Women offenders experience high rates of abuse and victimization, regularly at the hands of household members, both in childhood and adulthood (Chesney-Lind, 2002: 88; Harlow, 1999: 341; Richie, 2001: 380).

Ex-offenders who have been accused of sexual offenses face additional limits on housing safety. In the United States of America, 47 States and the Federal Government are enforcing Megan's Amendment law which allows people guilty of sexual offenses to enroll. These licensing, among other requirements, renders ex-prisoners unavailable for public housing (Travis, 2005: 67). Some 31 States have a



different version of Jessica's Act, which places additional rules of law for convicted sex offenders, such as those who do not stay within a certain radius from a school or park. Such policies have a negative impact on the ex-offenders efforts to secure accommodation as a result of severely limited housing opportunities, which in turn increases the number of transient ex-offenders (Vick, 2009: 25).

### **2.6.6 Parenthood, social relationships, and recidivism**

In the United States of America, State and Federal jails, well under half of the inmates have minor children; two-thirds of the women and half of the men in prison were parents (Glaze & Maruschak, 2008: 126). Research by Glaze and Maruschak (2008: 117) found that the child's mother was 88 percent the primary caregiver of the offspring of the incarcerated parents. On the other side, just 37 percent of those with imprisoned moms stay with their fathers; 45 percent of those children are most probable to live with their grandparents and 23 percent with other families.

A bond between former prisoners is key to their re-entry experiences. One of the most frequently discussed forms of a bond is that with romantic partners (Giordano et al., 2002: 794); Huebner, 2007: 342; King, Massoglia & Macmillan, 2007: 565). Marriage has a beneficial effect on reducing recidivism between male ex-offenders by increasing social influence, shifting the frequency of daily interactions and reducing the time spent with male ex-offenders (Horney et al., 1995: 663; Laub et al., 1998: 227; Warr, 1998: 203). The impact on females is less evident (Giordano et al., 2002; King et al., 2007: 325; Leverentz, 2006b: 465).

Knowing the peer system and the probability of relapse through criminogenic social networks, especially between male offenders, is the subject of much criminological study (Scott, 2004: 342; Warr, 1998: 204). Those ex-offenders who revive behavioural patterns from pre-incarceration, such as spending time with old friends, searching for easy money, participating in side-relations and one-night stands, were more prone to re-offend than those who socially isolated themselves and participated in more pro-social behaviour or intimacy behaviours (Seal, Eldrige, Kacanek, Binson & Macgowan, 2007: 2398). Nevertheless, for some criminals, when released from prison, the possibility of entering criminal networks can seem to be one of their favourite options, even if they realise that this can be self-defeating (Scott, 2004: 74).

Many ex-offenders neglect and break ties with family and relatives. Nearly half of the Chicago Urban Institute survey recorded no close friends eight months after release (La Vigne et al., 2004: 239). Many criminals may choose to isolate themselves from co-offender friends, while others may lack a sense of commonality, particularly if they are free of crime or substance usage. Many look for new networks and others choose to separate themselves socially. Both of these strategies may be an attempt to create a behaviour that is more pro-desistance and thus stays away from recidivism (Laub & Sampson, 2003: 431; Leverentz, 2006a: 467; Sampson & Laub, 1993: 274; Seal et al., 2007: 2401).

### **2.6.7 Prior criminal history**

Prior illegitimate record, including the aggregate of preceding arrests, prosecutions and the duration of the first crime or sentence, has not only been reliably related to recidivism in empirical studies but has also proven to be a strong correlation to recidivism. Pritchard (1979:27) analysed 71 recidivism trials, including 177 separate surveys of criminals, and found that the prevalence and amount of previous adult convictions contributed to recidivism in 99 of the 116 cases in which it was studied, while the age at first indictment was linked to recidivism in 77 of the 95 studies which examined its effect on recidivism. In contrast, Burgoyne (1979:96) found that the number of former convictions and age at first arrest was the greatest predictor for recidivism in a study of criminals discharged from Victorian jails between January 1972 and December 1973. Furthermore, a higher rate of recidivism was observed for those criminals with a higher number of prior convictions and those whose first arrest came at an early age.

Similar results were recorded if the previous record of the crime was specified in terms of the number of past adult arrests (Bureau of Justice Statistics, 1989: 13). The study found that the more severe a pre-arrest inmate released, the lower his or her possible rate of recidivism. Of those released inmates with only one previous adult conviction, 38.1 percent were re-arrested during the three-year follow-up cycle relative with 82.2 percent of those released inmates with 16 or more prior adult convictions. The percentage of recent adult convictions was a strong predictor for recidivism even when the age of release from prison, sex and race and the number of previous incarcerations (Illinois Criminal Justice Information Authority, 1985: 29) was taken into account.

Empirical studies have found that prisoners who have a past term of imprisonment (United States Bureau of Justice Statistics 1984:22, 1989:51; Burgoyne 1979:39), have been state-owned or have received a number of concurrent parole orders (Burgoyne 1979:39) have a high level of recidivism, indicating that existing punishment and criminal record are also a source of recidivism.

Past jail histories greatly distinguish ex-offenders from the general population. The past criminal history of the defendant is often used to estimate the probability of recidivism for both re-arrest, re-indictment or re-incarceration steps (Blumstein, Cohen, Roth, and Visher, 1986: 411). Offenders with prior criminal histories will continue to conduct additional crimes in the future. Petersilia (2003: 70) reports that 54 percent of prisoners returning home were on conditional release when they were charged for their recent crime.

Goffman (1963: 541) states that stigmatised people are those who do not have full social recognition because their personalities have been corrupted. These involve those with a bad character, such as inmates, drug addicts, mentally deformed individuals, and so on. According to Uggen, Manza and Thomson (2006: 232), the reputation of a prison record is a "special position of dishonour." Uggen, Manza and Behens, (2004: 92) argue that once a person has been branded "ex-convict," the person faces a life-long stigma even after the perpetrator has been disciplined. As the branding hypothesis logically postulates, the addition of formal and informal tags to the criminal justice system contributes to the continuity of criminal behaviour.

Throughout his dissertation on "Seeing Class Self," Cooley (1998: 490) explains that the idea of self-concept is a function of other perceptions towards the person concerned. If others deal with an individual as if he were particular characteristics, then a self-fulfilling prophecy is created. So if other people think that we are such an individual (smart, educated, nice, respectful and criminal), then they act accordingly. Our self-concept and behaviour are therefore formed by a tag. The use of the tag on offenders as "criminals" or "evil" people was meant to prevent violence but, sadly, the unanticipated effect of the mark is the continuation of the offense. Therefore, the more negatively branded an individual, the greater the predisposition to commit more crime. (Akers, 1997: 40).

It is important to note that these marks reflect what Braithwaite (1989: 159) considered disintegrative guilt because they were directed at stigmatizing or condemning the individual as an undesirable member of society. The perception of detention prohibits inmates from having multiple resources and opportunities to avoid re-offending (Malott & Fromader, 2010: 521). Background checks are the gate-keeping tool used by companies to weed out candidates with or without criminal records. According to Petersilia (2003: 87), employment opportunities legally restricted for ex-offenders in America include childcare, schooling, safety, nursing, and home health care. She states that, in a State like California, ex-offenders are legally prohibited from certain occupations such as business, real estate, pharmacy, counseling, physical therapy, and health.

Career jobs requiring a high level of trust, skills, and qualifications or well-placed social links remain generally out of control for those with previous offending backgrounds (Western, 2007: 549). These limitations as a function of the classification of "ex-offender" pose unintended implications (Borzycki, 2005: 271; Travis et al., 2001: 441) and prohibit ex-offenders from engaging in the traditional practices of the community. Individuals with formal criminal records also face obstacles to education, accommodation, licenses, and student loans, as well as the adoption of children and voting in elections (Kurlychek, Brame & Bushway, 2006: 283). Such civil limitations represent intangible retribution (Travis et al, 2001: 659) because they go beyond the sanctions imposed by the criminal justice system, even though they are a means of protecting the community from further injury. In fact, intangible retribution is a means of social isolation that establishes a permanent status to criminals (Travis et al., 2001: 661).

In a specified follow-up period, a criminal with prior contact with law enforcement officers does not become completely indistinguishable from those without prior contact with respect to the risk of offending (Kurlychek et al., 2006: 309). The more a person lives a crime-free life, the more he or she understands the value of criminal isolation. In contrast, criminals with strong criminogenic conditions re-offend more than those who try to avoid fresh crimes. Notwithstanding that, it is an open secret that it is difficult for people with a criminal history to secure employment.

## **2.7 The influence of the community on offender recidivism**

Communities share a sense of place in a given area, such as a village. Communities have social ties that are essential to their identification, practice, and position in social institutions such as their home. In the scope of the offender's re-entry, the community is best viewed as those individuals who, by way of their normal interaction with the offender, have the greatest potential effect on the offender's conduct, or are most impacted by that behaviour. This segment addresses the effects on recidivism of the community, faith, pro-criminal partners and the neighbourhood context.

### **2.7.1 The family**

Ex-offenders who choose to stay away from crime often opt to separate themselves from criminal networks after release from prison, but many are rooted in networks of felonious family members, relationships that are much more challenging to break (Braman, 2004: 41; Leverentz, 2006: 480). Although all ex-offenders feel a hangover from their previous status as prisoners, this residual effect may be particularly pronounced in long-term associations (Ebaugh, 1988: 321; Goffman, 1963: 93). Such partnerships are often rife with stress or record of crime and substance usage, but they can also offer valuable stability and consistency.

A survey of Florida inmates showed that prisoners were likely to be frequented while in prisons by their family (Bales & Mears, 2008: 301). Researchers also observed that trips, and more frequent visits, were related to decreased recidivism. Male inmates reporting successful family relationships previous to their imprisonment have lower rates of recidivism than those recording unfavourable family relationships (La Vigne et al., 2004: 99).

Using differential support and coercion as a framework, social support prevents crime but coercion is the main causal explanation of criminal behaviour (Colvin, Cullen & Vander Ven, 2002: 793). Erratic social support or the lack of these support systems means that individuals do not receive support from significant others and are left to provide for their basic needs by themselves (Colvin, 2000: 79). Such erratic social support produces anger and low self-esteem making the individual manipulating potential sources of support. This makes the individual's social bond not based on

trust or moral commitment to conventional society but based on calculated self-interest.

Adopting the differential opportunity structure as advanced by Cullen, (1994: 411) Cullen observes that differential sources of social support are the main explanation of criminal behaviour. He notes that a social support system may originate from both legitimate and illegitimate sources. Support from legitimate sources such as the family leads to conformity while illegitimate sources of support bring about criminal behaviour. This is because “social support appeals to people’s sense of what is right and wrong in society” (Martinez & Abrams, 2013: 171).

Juvenile delinquency stems from a lack of social support from the family (Hirschi, 1969: 53). This is because if an individual is denied support from legitimate sources, that individual may find support from illegitimate sources. Consequently, illegitimate sources of support allow for the development of “criminal capital” through the development of skills, knowledge, networks, role models and status that promotes criminal behaviour (Hagan & McCarthy, 1997: 372). This encourages persistent involvement in more advanced criminal behaviour.

According to Colvin, Cullen & Vander Ven (2002: 53) coercion also causes criminal behaviour because it brings about strain (Merton, 1958: 211). According to Patterson (1995: 65), aversive family interchanges and disciplinary patterns that constitute coercion are the main sources of juvenile delinquency. These coercive interchanges include the use of physical and non-physical attacks such as negative comments, critical remarks, teasing, humiliation, and threats. For instance, physical abuse and coercive environment bring about criminal behaviour. Coercive control weakens and alienates the social bond leading to persistent delinquent behaviour (Colvin & Pauly, 1983: 541).

While Robert K. Merton in his strain theory believes that societal coercion produces strain causing an individual to adapt conforming or innovative means to achieve the cultural goals, Robert Agnew in his general strain theory postulates that negative stimuli produce strain leading to criminal behaviour. Negative stimuli are characterised by a coercive environment such as putting a person in prison, rejection by parents,

subjective discipline, parental conflict, negative school experience and unsatisfactory relations with peers. Agnew observes that interpersonal coercive relations constitute aversive or negative forces that produce strain or anger. The more intensified the anger, the greater the recipient sees such coercive treatment as unjust leading to the repudiation of authority (Sherman, 1993: 450). In addition, impersonal coercive relations such as unemployment produce strain leading to criminal behaviour (Merton, 1958: 229).

The distinction between interpersonal and impersonal coercion is such that the former is concerned with micro-level control through the use of actual or a threat of physical force or a threat of removal of social support. On the other hand, impersonal coercion originates from structural arrangement and circumstances beyond the individual's control that creates anger leading to criminal behaviour. Some of the structural arrangements and circumstances include unemployment and poverty (Colvin, 2000: 277). Incarceration prevents employment and marriage, making it possible for ex-offenders to come back to crime (Western, 2007: 539). Upon release from prisons, ex-offenders are less likely to be remarried or cohabiting with mothers of their children (Lopoo & Western, 2005: 733). Wilson and Neckerman (1986: 729) suggest that confinement reduces marriage rates by removing men from poor, urban areas and marriage markets. Ex-offenders become undesirable marriage partners as compared to men without a prison record. In addition, husbands who are serving time in prison risk being divorced as a result of their confinement.

As a part of the explanation of "collateral consequences" of imprisonment, ex-offenders are confronted with the problems of acquiring social statuses and assuming their social roles (Hagan & Dinovitzer, 1999: 730). Imprisonment reduces the probability of men getting married in several dimensions. In the first place, imprisonment reduces the opportunity to form a marital union. Secondly, the stigma attached to prison discourages potential partners. Finally, imprisonment reduces employment and income and place ex-offenders at disadvantageous positions (Lopoo & Western, 2005: 339). In conclusion, the geographical distance, the stigmatising label which negatively affects the employment prospect thereby making it hard for ex-offenders to form a marital union and stay away from crime.

### **2.7.2 The religious influence**

Spiritual rehabilitation is an approach that is oriented towards reforming or renewing the minds of the offenders so as to lead a respectable and useful life upon release from prison. Religion rather than the laws guide people's behaviour and serve as a means of social control. Johnson and Larson (2003: 495) found out those participants of the Inner-Change Freedom Initiative, a pre-release faith-based programme between this private organisation and Texas Department of Criminal Justice.

The Inner-Change Freedom Initiative programme (Johnson & Larson, 2003: 495) aimed at providing participants with education, work, life skills, value reconstruction, and one-on-one monitoring through bible teachings. It covers a 16 to 24 months pre-release bible programme and a 6 to 12 months aftercare during parole. Spiritual rehabilitation is focused on themes consistent with physical rehabilitation. Some of these themes include I'm not who I used to be, spiritual growth, God versus the prison code, positive outlook on life; and the need to give back to society (Johnson & Larson, 2003: 495).

Spiritual transformation is seen as a development process aimed at turning the lives in offenders around. The finding indicates that full participation in Inner-Change Freedom Initiative both pre and post-release programmes were accompanied by lower re-arrest and re-incarceration rates than offenders in the control group. On the other hand, those who voluntarily quit the programme or removed for disciplinary were associated with high reoffending rates (Bales & Mears, 2008: 311). The implications of these findings are that prison facilities without pre and post-release religious instructions may render offenders highly vulnerable to re-offending.

### **2.7.3 Pro-criminal associates**

The issue of some offenders being socialised to commit a further crime is very common, especially among inmate populations. The fact is that some offenders become hardened and chronic criminals because of the situational or social context within which they find themselves. Inmates learn the criminal culture including the knowledge, values, attitudes, beliefs, habits, customs and techniques that make law deviation a more desirable way of life rather than a law-abiding life. Just as people in the free world have a society, there is a distinct community behind prison walls. Clemmer (1940: 22) calls it prisonisation, and it is the process of assimilation where



inmates get socialised within the culture of the prison. He observes that every prisoner undergoes universal prisonisation where inmates assimilate the culture and existing patterns of prison life where new prisoners begin to share the sentiments, memories, and traditions of the group.

However, there is a negative aspect of prisonisation which worsens criminality and makes offenders assume characteristic of a criminalistics ideology. The magnitude to which prisonisation occurs depends on the individual person, the offence committed, the age, neighbourhood or home, intelligence, a condition in which the prisoner is placed or institutional factors and less obvious influences (Johnston & Carson, 2003: 446). Other factors that contribute to prisonisation include the level of social relationships, work involvement and the role of a person in prison. Clemmer (1940: 45) believes that in treatment-oriented prisons, the degree of prisonisation tends to be lower than in custody-oriented facilities. Moreover, inmates serving long sentences, those with unstable personalities and conditions that are not suitable for proper adjustment are most influenced by prison life.

According to Hayner and Ash (1939: 369), the prison environment by its very structure is an example of a conflict situation between the custodians and the inmates. The perception of the custodians is that the offenders deserve to be punished while the offenders see the custodians as screws. This clearly demonstrates the antagonistic relationship between the custodians and the offenders in the prison environment. As Sykes (1958: 27) rightly observes, legitimate force is an inadequate means of maintaining law and order in prison. Order is maintained through a struggle between the officials and offenders. Although inmates recognise the authority of the officials, they do not feel morally bound to obey them. Besides, the nerve-racking conditions of penal confinement or the pain of imprisonment, including the multiple deprivations such as deprivation of liberty, autonomy, goods and services, heterosexual relations and security make the inmates adopt strategies to relieve themselves. Consequently, the inmates go underground and adopt the inmate subculture as a mechanism for the relief of themselves of the harsh conditions of imprisonment. As a criminal society, the interactions between these offenders as a relief mechanism are deleterious. Criminal contacts and values are shared by members of this community. For instance, in the theory of "Differential Association", Sutherland (1939: 81) suggests that criminal

behaviour is learnt through interaction with others, especially within the inmate population.

The learning process occurs during the verbal and non-verbal communication and it includes the techniques for committing those crimes, the specific direction, motives, drives, rationalisation, and attitudes that are learnt through the definition of the legal code as favourable or unfavourable to the violation of the law. Thus if a person inculcates more attitudes that are favourable to the commission of a crime than unfavourable ones, then that person perceives criminal behaviour as acceptable. Finally, differential association may differ depending on the frequency, duration, and intensity, the nature of the attitude learnt, for instance, a person may perceive rape as unacceptable but robbery as acceptable, and how early it starts in the life of individuals.

Penal confinement leads to the seduction of a criminal lifestyle and ultimately to becoming persistent offenders. Within the prisoner community, first-time offenders see hardened criminals as their role models. They become attracted, corrupted and contaminated by the influences of these hardened criminals who socialise them with these pro-criminal attitudes and values. Bandura (1977: 11), in his social learning theory, suggests that behaviour is learnt through the observation of models. For Bandura, models are selected based on certain features like attractiveness, status and perceived similarity with the observer. As to whether the behaviour of a model will be imitated or not depends on the observed consequences of their actions. In other words, the higher a model is observed through reinforcement (where reinforcement brings cherished values to the observer), the greater the likelihood of imitation.

On the other hand, the more a model is observed through punishment, the lesser the likelihood of imitation. Such models reshape the pro-criminal attitudes and values of inmates relating to their possibility of furthering the criminal behaviour after release. In reaction to Sykes's observation that prisonisation originates from within the prison walls, Irwin & Cressey (1962: 92) believe that inmate culture develops from outside the prison environment particularly from offender's characteristics and experiences before incarceration. Thus the offenders import those criminal values and attitudes

from outside the prison into prison. This importation model rejects the explanation that the prison is a closed system organised around common values.

Rather, a subculture is developed outside and brought to the prison together with socio-demographic characteristics and criminal career variables, such as the length of the sentence and criminal record. They developed a typology of inmate subcultures such as thief, convict, and straight subcultures. The thief subculture corresponds to the norms and values developed and adopted in the criminal world. They trust each other and refer to fellow thieves as a primary reference group. The code of the group is much more respected than the general inmate code (Abotchie, 2012: 19). The convict subculture is the general inmate code developed from outside the prison while the straight subculture is characterised by offenders who side with prison officials more than the inmates to receive rehabilitation. Generally, custodial sentences are associated with frequent and serious post-release criminal behaviours than non-custodial sentences. Scholars have established that short-term and long-term imprisonment are both damaging. This is because short-term sentences do not permit any meaningful rehabilitation, while long-term sentences bring about contamination and more criminal propensities through contact with other prisoners (Villettaz, Gillieron & Killars, 2006: 37).

#### **2.7.4 The neighbourhood context**

Neighbourhood context plays an important role to criminologists in their quest for developing crime and delinquency theories (Ainsworth, 2001: 523). Given this awareness, the impact of the local background on recidivism has generally been ignored in the literature (Olusanya & Gau, 2012: 169).

Nevertheless, Garvin, Cannuscio and Branas (2013: 202) have shown the effect of an individual's understanding of their local illegal acts. Researchers performed a randomised controlled trial investigating how decreases in violent crime could be accomplished easily by turning unused, empty 'lots' into lush, open spaces. While their analysis showed a significant decline in ferocious crime near action sites, community members reported feeling significantly safer.

Tillyer and Vose (2011: 453) conclude in the research that ex-offenders are particularly affected by the social structure of their communities, as they are often relying on community services, programmes and aid for reintegration into society. The 'Broken Window' hypothesis (Wilson & Kelling, 1982: 32) notes that visible signs of crime create an environment that promotes violence and disorder. Typified by vacant buildings, broken windows, abandoned vehicles, and vacant lots filled with trash, aggressive panhandlers, disruptive pedestrians, and street-cornered youth groups, criminals can believe that others are unconcerned about what is occurring in their setting, and lack the means to stop it (Scarborough, Like-Haislip, Novak, Lucas & Alarid, 2010: 821). Consistent with this, criminals returning to such disadvantaged communities after being released from prison re-offend at a higher rate relative to those returning to affluent communities, even while accounting for individualistic influences (Kubrin & Stewart, 2006: 223).

## **2.8 Offender reintegration and recidivism**

Crime and its effects can be a defining moment for both perpetrators and suspects. Victims suffer both real and psychological damages as well as potential physical damage and social stigma correlated with being "victims." Offenders often flee into a vortex of toxic rationalisation that is exacerbated by obstacles encountered by ex-offenders, Van Ness and Karen (2015: 114). Reintegration sets a high priority of taking the necessary steps to support all those affected by crime and criminals re-enter their community as a whole, successful and active. Victims and criminals also share at least one common problem: each group is viewed as an outcast; each is stigmatised. Victims or criminals feel that they are intimidating many around them. Victims make non-victims feel more vulnerable "if it happens to her, it could happen to me." Offenders stir up anger and fear, "if he did it once, he will do it again" Van Ness and Karen (2015: 116).

The reintegration of the ex-inmates usually refers to re-entry and relocation. In this analysis, these terms are used interchangeably to describe strategies, programmes, and facilities designed to help inmates remain law-abiding in the society upon their release from prison. Reintegration includes the full spectrum of educational instruction and electronic monitoring, which is intended to reduce recidivism after the release of prisoners from custody. As such, the public and government priority are to facilitate

the effective relocation of prisoners in the long term. Resettlement is a comprehensive, evidence-based mechanism through which steps are made to collaborate with the prisoner in prison and on release to insure which populations are more resistant to injury and that reoffending is significantly reduced. It includes the entirety of efforts targeting inmates, their relatives and significant others in collaboration with state and non-governmental organisations (Sampson & Laub, 2001: 89).

Considering these predisposing factors of isolation it is therefore essential for the evaluation of government measures to reduce recidivism. According to Laub (2007: 231), interventions aimed at preventing homelessness, poor education, deprivation, and other social problems can reduce crime. These and other primary and secondary crime prevention strategies, once introduced, can deter the occurrence or continuation of criminal behaviour.

### **2.8.1 Employment and reintegration**

Researchers in offender rehabilitation and re-entry believe that securing employment is a critical factor in offender reintegration. Lipsey (1999: 149) finds that getting employment is the single most effective means of reducing reoffending. Obtaining gainful employment is among the best predictors of the performance of prisoners upon release (Visher, Sara, Sherril & Haner, 2005: 699). Studies have shown that high-quality jobs reduce the probability of reoffending. Research shows that ex-offenders who maintain steady jobs and close ties with their families are less likely to renew their offenses (Berg & Huebner, 2011: 390).

Graffam, Shinkfield, Lavelle & McPherson, (2004: 166) also argue that work offers more than the earnings needed to support sufficient material conditions. It also offers order and consistency when filling up space. This provides an opportunity to extend one's social network to include other productive members of society. Petersilia (2003: 21) states that finding a career upon release from prison is an important component of the inmate process because it enables ex-offenders to be active members of the community, to care for the families, to build work experience and to improve self-esteem, social networks and to live a conforming life.

Empirical research shows that providing ex-offenders with employment opportunities significantly lower their involvement in criminal behaviour (Duwe, 2012: 117; Mackenzie, 2006: 81; MCORP, 2010: 224; Sampson & Laub, 2003: 19). Therefore, desistance is fundamentally based on work, in general seeking and maintaining a good job (Sampson & Laub, 1993: 149; Bushway & Reuter, 2002: 36).

Life-course theorists believe that employment and marriage constitute turning points in the lives of offenders and the pathway out of crime (Sampson & Laub, 1993: 15). This is because work enables an offender to develop pro-social attitudes with conventional others (Warr, 1998: 200). Moreover, the informal social control mechanism at a workplace brings about a law-abiding life. Thus the role associated with employment reduces the possibility of offending because criminal behaviour is inconsistent with such status (Sampson & Laub, 1993: 16). Analysing a longitudinal data on 500 men, Sampson & Laub (2003: 71) found that during the periods of occupation, ex-offenders were less likely to commit a crime and engage in drug and alcohol abuse. This is because a steady job gives offenders a sense of identity and meaning to their lives and place restrictions on their routine activities, thereby decreasing their exposure to an environment conducive to criminal behaviour.

For them, “it is not the employment per se” that reduces crime, rather stability and commitment associated with work (Sampson & Laub, 1990: 611). The meaning is that, for life-course theorists, employment is crucial in the explanation of criminal desistance. Employment also enables individuals to live a law-abiding life by affording the basic needs such as housing, utilities and develop a social network of ties to conventional society (Petersilia, 2003: 291; Visher & Travis, 2003: 14). Providing an economic analysis of crime, Bushway & Reuter (2002: 199) made the assumption that people commit crime because the benefits outweigh the cost. If work opportunities exist, the risk of incarceration reduces.

Therefore, crime prevention strategies should aim at increasing job opportunities, especially for the young offender. Bushway and Reuter (2002: 101) emphasis that there is a need for an employment-based policy intervention that can help low-income areas. Economic expansion reduces crime through the increase in legitimate job opportunities.

Evaluating the Minnesota Comprehensive Offender Reentry Plan (MCORP, 2010: 11) using a random experimental design, it was found that MCORP lowered the risk of re-arrest for a new offense by 37 percent, reduced reconviction for a new offense by 43 percent and reduced re-incarceration by 57 percent. This is because MCORP increased the support for offenders by providing them with employment, housing, and community services. Uggen (2000: 531) in his study on “Work as a Turning Point in the Life-course of Criminals” found that a work programme decreases recidivism among the experimental group compared to a control group. However, research has shown that there is a complex relationship between employment and crime. According to Hagan (1993: 40), employment is the cause of crime and conformity. This is due to different interpretations of the relationship between age and crime. For instance, Gottfredson and Hirschi (1990: 139) argue that the relationship between employment and crime is positive for juveniles. They maintain that “employment does not explain the reduction in crime with age”. Thus, according to them, there is a spurious relationship between employment and crime.

On the other hand, (Hagan & McCarthy, 1997: 166; Sampson & Laub, 1990: 92) also argue that the relationship is negative for adults. Thus life-course theorists suggest “age-graded correctional programmes reduce the social harm associated with recidivism” (Uggen, 2000: 537). From a life-course perspective, employment programmes are a crucial turning point in the criminal trajectories of older offenders. For instance, in their work on the age-graded theory of informal social control, Sampson and Laub (1990:611) found that it is “not employment per se” that reduces crime but rather the stability and commitment associated with employment. Writing on “Social Embeddedness of Crime and Unemployment”, Hagan (1993: 233) suggests that juvenile delinquency prevents adolescents from accessing education and employment networks that help in adult employment. However, at age 26 when crime rates start to fall, the transitions to employment and marriage help in criminal desistance.

### **2.8.2 Family ties and reintegration**

In order to ensure continuity of support for offenders, institutional programmes such as rehabilitation and reformation should be complemented with social and community support systems especially from the family and faith-based groups. Petersilia (2003:

71) has indicated that because of the challenges facing most offenders returning to the communities, providing re-entry services to support them would have favourable implications for them. This is because support services after release are intended to bond the former offender to conventional society, reducing unemployment and homelessness, prevent substance abuse, mental illness, and domestic violence. The re-entry services are seen as “what works” because it provides vocational training and employment, drug rehabilitation and halfway homes (Holliday et al, 2012: 1049).

Social support is assistance from the community, social network and confiding partners in meeting the expressive or emotional and instrumental or material needs of a person (Cullen, 1994: 535). The support system may originate from micro or macro sources and according to Reis and Collins (2000: 172), occurs in the context of social interactions and relationships.

The micro support is derived from an interpersonal relationship between a person and the family members. Rutter (1987: 37) observes that social support is an expression of a personal relationship characterised by a sense of attachment, intimacy, mutuality, and solidarity. Some researchers have suggested that offender re-entry initiatives should include informal support (Altschuler & Armstrong, 1994: 199; Altschuler & Brash, 2004: 221; Mears & Travis, 2004: 301).

Scholars have also suggested that informal support is crucial to a successful offender re-integration (La Vigne, Visher, & Castro, 2004: 34; Wilkinson, 2005: 179). Studies have shown that offenders coming home have serious social, psychological and mental problems such as low education and employment skills, drug and alcohol abuse and mental illness (Petersilia, 2003: 55, Travis et al, 2001: 194). Therefore, family ties provide the needed social capital which helps to make the transition successful. Inmates who maintain family ties have higher rates of post-release success than inmates who do not (Bales & Mears, 2008: 301).

Research has shown that most former prisoners eventually return to their family members and rely on them for support (Altschuler & Brash, 2004: 201; La Vigne et al., 2004: 75; Naser & La Vigne, 2006: 6; Naser & Visher, 2006: 13). Criminological research finds that upon release from prison, prisoners usually rely on relatives,



grandparents, sisters, aunts, and uncles. Family members form the social networks of criminals (Shapiro & Schwartz, 2001: 159). The literature further suggests that returning offenders can benefit from the informal support both tangible and intangible from family members, friends, and neighbourhood social networks (Martinez & Abrams, 2013: 172).

The psychological bonds such as love, awe, respect, and affection would help the family function as an effective social system. Moore (2011: 136) postulates that there are three stages of any successful offender reintegration. The first stage is when the offender relocates into society. This is the starting point of the social-psychological transition from prison life into the free world. This is a critical stage because it signifies the first test of their carceral experience. In this sense, the role of the family members is so crucial because they constitute a social network or capital for the offender. These social support services reduce strain and provide the needed bonding, bridging and linking social capital to help them meet their material and emotional needs.

Many of the criminological theories have established the importance of social support as a mechanism of criminal desistance. The social control theory postulates that a reduction in crime is a function of attachment to the family (Hirschi, 1969: 44). He finds that attachment to parents reduces the likelihood of antisocial behaviour. Social support reduces recidivism (Berg & Huebner, 2011: 191; Visher & Travis, 2003: 29) and act as a social control mechanism (Laub & Sampson, 2003: 119). According to Berg and Huebner (2011: 39), social ties to family involve three social and psychological components that affect a reduction in criminal behaviour. Social ties have a controlling effect on returning offenders' behaviour, provide a provision of emotional support and facilitate identity transformation. In a study by Martin and Abrams (2013: 179), it was revealed that family provided for young offender returnees' expressive and instrumental support and at the same time through high expectations of the ex-offenders had the opportunity to restrict their movement to a non-offending identity. They describe this as "the ties that bind" (p.181).

Farrall (2004: 301) finds that positive family ties indirectly help to re-enter offenders in attaining employment. During individual crises such as unemployment, illness, divorce, death, and other problems, family members provide social, psychological,

material, spiritual and financial support (Cattell, 2001: 124) Life-course theories postulate that life events such as marriage, employment, moving to a better neighbourhood or house and recruitment into the army help ex-offenders to desist from crime (Catalano, Park, Harachi, Haggerty, Abbott, & Hawkins, 2005: 241; Farrington, 2005: 166). For instance, Sampson and Laub (2005: 80) proposed that desistance depends on increasing social controls and structured routine activities that are caused by life events such as getting married, getting a steady job, or getting enlisted into the military. Sampson and Laub (1993) argue that behavioural change is a function of the individual's involvement in conventional social roles such as being a stable worker or a good husband. According to Giordano, Cernkovich, & Rudolph (2002: 1011), openness or motivation to change is a first step in the process of desistance however this depends on factors such as the social environment and opportunities. They also observe that the influence of social processes, social interactions, social experiences, social relationships, originating from informal social bonds and attachments influence the openness to change and ensure self-development. Relationships with conventional society and primarily with intimate partners constitute the social aspect of desistance.

Farrington (2005: 71) suggests that desistance depends on a reduction in antisocial potential resulting from life events such as getting married, getting stable employment and accommodation. Catalano et al. (2005: 94) found that desistance depends on changes in opportunities, costs, and benefits as well as bonding relationships that are influenced by life events. Le Blanc (2005: 201) suggests that desistance depends on increasing internal and external constraints, bonding, pro-social models, and maturation. Research shows that proper marriage can provide an ex-offender with emotional support after release, provide accommodation and the needed motivation to succeed and the financial assistance even before the offender secures a job (Petersilia, 2003: 19).

Successful re-integration efforts should ensure that ex-offenders receive the necessary support by participating fully in social institutions. The implication is that ex-offenders must be provided with job skills, employment, and support from family and friends and neighbours such as social acceptance, love, care, counseling, and encouragement, financial and spiritual care. These serve to increase the bond to

conventional society and reduce the likelihood of relapse into criminal activities. Through the theory of differential support and coercion, Colvin, Cullen and Vander Ven (2002: 203) explain that social support prevents crime but coercion is the main causal explanation of criminal behaviour. Social support can be more consistent or erratic with differential social-psychological effects. Consistent social support brings about trust and this sense of trust strengthens the social bonding leading to a commitment to others and social institutions. Thus support systems promote pro-social behaviour rather than self-interest and prevent crime.

In conclusion, connecting ex-offenders with various services such as housing, employment, and the family is important in their transition to society. This is because employment provides the income, routine activities fill time, expand their social network and make them productive members of society. Moreover, family ties bond them to society, reduce unemployment, homelessness, prevent substance abuse and domestic violence thereby making them lead conforming lives (Griffiths, 2012: 257).

### **2.8.3 The community and reintegration**

Communities have a key function to play in the successful reintegration of ex-offenders. But, particular strategies are required to mobilise and maintain community interest and involvement in assistance and supervision programmes. Across Canada, Aboriginal communities have played a vibrant part in the public reintegration of prisoners. Community-based resources and initiatives for prisoners on the conditional release have been established in Aboriginal communities throughout Canada. Such services embody the indigenous way of life and religion and are generally grounded in the values of restorative justice (Griffiths, 2004: 321).

Offender Reentry Mapping is a technique designed to facilitate community involvement in assisting ex-offenders who contribute to society. It focuses on the needs of the offender, their families and their neighbourhoods (Brazzell, 2007: 349). Key elements of this strategy are the mobilisation of resources and engagement of local stakeholders; creation of a broad and compatible array of communication methods; and introduction of research results strategically to provide a basis for positive community change (Brazzell, 2007: 401).

Many penologists agree that crime prevention approaches must rely on the implementation of systematic programmes focused on continuity of care in order to be able to provide reliable support for prisoners not only within the jail but also outside the facility. Post-release measures will promote an accelerated transfer from jail to the community in order to improve the gains made through correctional rehabilitation and to proceed until a full reintegration is achieved (Fox, 2002: 123).

In his work “Interventions for Prisoners Returning to the Community”, Borzychi (2005: 162) indicates that correctional interventions have three main objectives namely, protecting the community, managing the offender and then helping the offenders to reintegrate after release from prison. In view of the fact that most of the offenders will eventually return home, it is prudent that correctional goals be focused on rehabilitation and community support to prevent the likelihood of re-offending. Borzychi (2005: 170) further notes that there are two main approaches to corrections namely an offender-oriented approach and a community-oriented approach. The former one is aimed at changing the attitudes of the offender while the latter takes into consideration the offender’s broader social context, by building capacity and mobilising community resources to support offenders’ reintegration. This is because it is a system-wide model of intervention aimed at preventing re-offending. All these pre and post interventions are a part of an integrated programme designed to address the offender's needs and challenges. Given the complex and intertwined nature of challenges of returning offenders, there is the need to collaborate efforts between government agencies, Non-governmental organisations and community organisations like faith-based organisations and family members of the offenders to ensure successful reintegration.

According to Ward and Steward (2003: 669), the “Good Life Model” is a framework of the offender rehabilitation which given its holistic nature, addresses the dynamic risk factors of offending. It is a strength-based approach based on the premise that offenders have interests, abilities, and objectives to achieve and through the assistance of parents and the general society, resources can be mobilised to build capacity for the offender to reduce the risk of offending. It is based on adding values to the life of the offenders rather than just removing the problems. Criminal behaviour

is a function of the lack of internal and external assistance to ensure pro-social behaviour.

Offender rehabilitation becomes effective correctional treatment when it is accompanied by post-release aftercare. The aftercare system is part of community supervision where aftercare officers who are social workers attached to a particular prison render essential services to the offenders. These services are so crucial in the re-integration of that offender into the communities. This is because, through the services, social workers assist in case management, post-release adjustment and the full resettlement of offenders after release. This post-release programme can reduce recidivism provided it is properly designed, well implemented and well selected. In analysis to assess the effects of a therapeutic community for substance abuse offenders accompanied by work release or aftercare, it was concluded that treatment intervention decreases re-arrest as a measure of recidivism (Inciardi, Martin, Butzin, Hooper, & Harrison, 1997: 269). Wexler, Melnick, Lowe, and Peters, (1999: 324) find that participants of a three-year in-prison and community aftercare had a 27 percent re-incarceration rate, compared to 82 percent and 79 percent for offenders who did not take part in the programme and those in the control group respectively.

#### **2.8.4 Prison-based rehabilitation**

Prison is that part of the penal system where criminals are held in custody for a considerable period of time as determined by the courts as punishment for criminals' offenses. Prison can also be defined as that part of the penal system where convicts and those on remand are confined, deprived of their personal liberty, provide penal labour and perhaps given treatment and training to ensure re-integration (Griffiths, 2012: 258). Traditionally, offenders are treated through case management which is usually focused on addressing these dynamic risk factors. Based on the prison's rule, convicts are expected to undergo rehabilitation and reformation to enable them to lead law-abiding life after release. Some of the prison-based rehabilitation programmes include the risk assessment, formal education (both basic and secondary) and vocational training as well as specific treatments or Cognitive Behavioural Treatments (CBT) such as life skills/problem-solving skills, anger management, violence prevention, substance abuse, and sex offender treatment. According to Koehler, Loser, and Humphreys, (2010: 291), cognitive behavioural skills will ensure a cognitive

transformation so as to desist from crime. These interventions should be based on programme integrity and efficiency. Programme integrity is the degree to which the programme is implemented in practice as determined by the underlying theory and design while programme effectiveness is the extent to which the specified objective is achieved (Lior & Sung, 2011: 32). Prison-based rehabilitation programmes are usually carried out through case management.

### **2.8.5 Risk assessment and classification**

According to Herbig & Hesselink (2012: 17), re-entry processes of offenders begin with risk and needs assessments involving a profile of each offender, summarising the dynamic and static risk factors, classification of risk level (maximum, medium or low) and intervention strategies by professionals and supervisors. Thus risk assessment is important in offender classification and case management. Over the past decade or so, offender risk assessment instruments have to a large extent been used in correctional programmes. The literature suggests that these risk assessment methods are focused on a strong level of success in reducing recidivism. (Flores, Lowenkamp, Smith & Latessa, 2006: 81). The risk assessment depends on the subjective skills and a structured clinical assessment instrument for the purpose of case management and to ensure effective crime prevention (van der Knaap, Leenarts, Born & Oosterveld, 2012: 122).

Usually, different assessment tools are used in measuring different aspects of offenders' strengths or needs. In the United States of America, the risk assessment instrument is known as Correctional Offender Management Profiling for Alternative Sanction, in Canada, it is called Level of Service/Case Management Inventory-Revised and in Britain, it is also known as Offender Assessment System (van der Knaap et al, 2012: 47). The Psychopathy Checklist-Revised is also used to determine the level of mental illness in offenders. Proper assessment is done through gathering information from different sources including the family, the law enforcement, the courts, the victim as well as the offender. Through the assessment, an appropriate custody and security level will be determined including the mental health status, assignment to a housing unit and a programme placement within the institution. These decisions strongly affect the transition process. This is known as classification and it is the process through which information about offenders is used to make decisions

about the conditions under which they will be confined (Griffiths, 2012: 255). In Ghana, for instance, the assessment is conducted at the diagnose center where first-time offenders undergo the observation, counseling, and allocation of blocks for the purpose of case management. Based on the classification, then treatment and training intervention can now begin. It is important to note that the assessment continues from the admission into the carceral institution until the sentence expires.

Offenders are periodically re-assessed and reclassified based on their progress reports on the treatment and training support services, work assignment and their overall behaviour in the institution. The early and later classifications are decided based on security and risk concerns, offender's ability and programme need. The risk, need and responsivity model are used in modern corrections to ensure successful institutional support for the offenders (Griffiths, 2012: 255).

#### **2.8.6 Correctional education and reintegration**

Correctional education is a crime prevention strategy that focuses on providing offenders with rehabilitation and reformation thereby ensuring their re-socialisation and reintegration. The main purposes of imprisonment according to Foucault (1977: 195), include pedagogical, spiritual and penitentiary techniques. Imprisonment performed functions such as putting fear in inmates, as an instrument of conversion and as a condition for the apprenticeship. Pedagogy is structured around the need to renew the mind, learn a trade, work and earn money. Work in prison should be compulsory for prisoners to earn money and guarantee sustenance and not be idle because the devil finds work for the lazy ones. Reformation, rehabilitation and prison industry would transform the offenders and increase their motivation to succeed after release.

Revisiting the records of successful rehabilitation in Canada, Duguid (2000: x) argues that "through education programmes, prisons can provide a more natural, organic or authentic process of self-transformation through empowerment, communication of values and the formation of new interests." Correctional education would thus ensure a significant personal improvement in the lives of the offenders and successful reintegration into the community.

Rehabilitation is the psychosocial programmes designed to address the criminogenic needs relating to the offenders' offending behaviour so as to lead a crime-free life after release from prisons. Thus programme interventions in prison are supposed to assist inmates to ensure a successful reintegration after release as stipulated in the prisons' rule. Griffiths (2007: 61) believes that a therapeutic model of rehabilitation should be based on the offender's needs and personal development to ensure successful social reintegration.

### **2.8.7 Cognitive behavioural approach**

The cognitive behavioural approach is a prison-based intervention designed to change the criminogenic attitudes of the offenders. It is a therapy that enables offenders to have self-control and be responsible for other people. According to Prendergast (2004: 4), a cognitive behavioural strategy is an approach to treating criminals with the goal of modifying skewed thinking processes or behaviours commonly identified as "crime mentality" which encourages criminal behaviour. It includes anger management, substance abuse prevention, mental health care, an alternative to violence programme, guidance and counseling, living skills, problem-solving approach, reinforcement of behavioural change and other crime prevention initiatives. These programmes ensure cognitive transformation and criminal desistance (Koehler et al, 2010: 217).

Although environmental factors such as family relations influence a person's criminal behaviour, (Sampson & Laub, 2001: 177), it is believed that criminal behaviour is a function of cognition. Thus the way we think, control our moods and feelings ultimately influence our behaviour. Self-defeating habits and hopelessness are a function of unproductive thoughts relating to past experiences. Psychologists believe that human behaviour is shaped by sensory cues. Social learning theorists believe that just as behaviour is learned, this same behaviour can be unlearned. It is believed that the majority of offenders lack self-control, problem-solving skills, critical thinking, and planning skills. Criminal thoughts correlate with maladjusted and criminal behaviour.

The objectives of this programme are to pick out the idea process that leads to negative feelings and maladaptive behaviours and replace them with processes that lead to positive feelings and behaviours. By behavioural adjustment (cognitive self-



change), thinking mechanisms are changed to increasing habits that lead to offensive behaviour. Problem-solving skills, particularly when communicating with others, are learned to improve rational thinking and contribute to pro-social interactions and behaviours. The method calls for the usage of social learning strategies, which employs role-playing and modeling (Ohio Department of Rehabilitation and Correction, 2010: 118). In spite of Martinson's (1974: 199) claim that nothing works in corrections, other researchers report that therapeutic community and cognitive behavioural programme such as substance abuse interventions in prison works to reduce reoffending (Lior and Hung-En, 2011). Studies that evaluate correctional treatments have shown that cognitive behavioural treatments are effective in reducing recidivism (Wilson, Bouffard, & MacKenzie, 2005: 200).

### **2.8.8 Substance abuse treatment**

Because of the high prevalence of substance abuse among prisoners (Mumola, 1999: 311), the continuous use of these substances contributes to reoffending (Petersilia, 2003: 34). Substance-abuse treatment programmes may be a common form of prison-based rehabilitation. These approaches include drug rehabilitation and techniques of relapse prevention. In Canada, Computerised Lifestyle Assessment Instrument is used to identify problems associated with substance abuse and to recommend suitable treatment needs. Substance abuse training and treatment are believed to have reduced reoffending rates in Canada especially when they are followed by community support services in the period of aftercare (Griffiths, 2007: 90).

The most commonly used and researched prison-based, psychosocial treatment is the therapeutic community. Research on prison-based drug treatment determined that the therapeutic community was effective in lowering recidivism for substance-abuse offenders (Lipton, Pearson, Cleland, & Yee, 2002: 441). Final results for studies carried out for prison-based therapeutic community in Delaware (Martin, Butzin, Saum & Incardi, 1999: 307), Texas (Knight, Simpson, and Hiller, 1999) report that participants of therapeutic community treatment and aftercare in the community had a significant reduction in recidivism as compared to the control group.

According to Lior and Sung (2011: 76-77), Strategies for Self-improvement and Change is a major rehabilitative approach to substance abuse offenders. The duration

of the programme is one year and comprises 12 treatment modules and organised in three phases namely challenges to change, commitment to change and ownership to change. The challenge to change phase covers the process of reflecting on experiences and develop the motivation to change, commitment to change enables the offender to acquire new pro-social attitudes while ownership to change strengthens the already acquired pro-social attitudes.

These drug rehabilitation programmes are relevant in Ghana's corrections because most offenders have a history of substance abuse prior to their incarceration. Evaluating the New Horizons Chemical Dependency Treatment (NHCDT) in Washington, Mosher and Phillips (2002: 19) observe that this pre-release therapeutic community intervention for women offenders based on the view that addiction is bio-psychosocial reduced reconviction rates among the experimental group than the control group. The programme assisted women offenders to develop pro-social cognitive, behavioural and affective skills. It includes behavioural modification and therapy such as peer encounter groups, problem-solving skills, rational-emotive, cognitive and assertiveness training, educational training and anger/aggression management.

Johnson, Van de Ven & Grant (2001: 108) found that the High Intensive Substance Abuse Programme aimed at addressing Federal offenders with substantial to severe substance abuse problems in Canada found that pre and post-test measures indicated positive attitudinal changes among participants. Evaluating the Offender Substance Abuse Pre-release Programme in Canada, a multi-faceted cognitive-behavioural substance abuse intervention to address substance abuse needs of offenders with intermediate to substantial substance abuse problems, Millson, Weekes and Lightfoot (1995: 566) found lower rates of re-admission (19.9 percent of technical violation and 13.6 percent new conviction) among those who completed the programme than non-participants into the Federal custody. Johnson, Van de Ven & Grant (2001: 114) found that the Methadone Maintenance Treatment reduces the re-admission rate among participants than the non-Methadone Maintenance Treatment.

In conclusion, there is a need for treatment-process work to tackle various important service delivery issues. How, for instance, do the different versions of the widely

known programme vary in their effectiveness? Taxman and Bouffard (2002:198) suggested that researchers should include a measure of treatment integrity in order to assess programme adherence to its purported model. How do inmate expectations of therapists impact therapeutic performance, e.g., Broome, Knight, Hiller, and Simpson (1996:489) Therapeutic counselor-related factors are almost non-existing in literature. Will expectations of the offender's resemblance (or dissimilarity) to care for workers affect rehabilitation engagement? Proponents of the TC paradigm promote the use of recovering addicts as staff members (De Leon, 2000:231), yet many corporate practices restrict the hiring of ex-offenders. How do impressions of their interaction with patients affect patient commitment and success? While therapist-client relationships are important to the success of rehabilitation, the organisational environment in which services are rooted also concerns connections with accused offenders (Simpson, 2004:213). These process-oriented questions are offered so that future research may guide drug treatment providers to achieve maximum treatment effect.

### **2.8.9 Sex offender treatment**

Research shows that the two predisposing factors of sexual recidivism are sexual deviancy and lifestyle instability (Hanson & Morton-Bourgon, 2004: 93). According to Griffiths (2007: 39) in Canada, the correctional service operates two main programmes to assist sex offenders in their reintegration. These are high-risk offender programme and maintenance. The high-risk offender programme is cognitive-behavior oriented and offers individual and group counseling, in area structured around the four "F's" namely feelings, fantasy, future, and follow-through. The maintenance programme, on the other hand, is offered to sex offenders who are not considered high-risk sex offenders to ensure relapse prevention intervention (Wilson et al., 2000: 179). Most sex offender interventions are interdisciplinary in a team approach involving psychiatrists, social workers, physicians, nurses, chaplains, recreational staff and volunteers working together to reduce re-offending. Programmes must first identify the nature and patterns of the offender's behaviour and providing skills in self-control. The objective is to ensure relapse prevention.

In addition to the growing consensus on what is effective in the general disciplinary literature, there is significant variation in the result of individual studies investigating

the effectiveness of care for sex offenders (Hanson, Broom & Stephenson, 2004: 89). Meta-analyses and summative studies of the effectiveness of care have also shown a number of effect sizes in sex-related therapy (Losel & Schmucker, 2005: 130). Apparent variations in treatment effectiveness that indicate changes in implementation, as more recent studies with primarily cognitive behavioural therapies show significant results, whereas older studies with outdated or indistinguishable treatments do not (Furby et al., 1989: 458). Nonetheless, issues implicit in current literature, such as insufficient reporting and improper handling of care drop-outs and refusals, render conclusions of efficacy challenging (McConaghy, 1999: 387; Rice & Harris, 2003: 433). As a consequence, these mixed results in psychosocial treatment-effectiveness studies have left the field confused as to whether, for whom, and how sex-offender counseling functions (Marques, 1999: 440).

The Marques, Wiederanders, Day, Nelson, and van Ommeren (2005: 93) randomised clinical trial of an inpatient, cognitive-behavioural relapse-prevention programme for convicted inmates is one of the better-designed trials in the history for adult-sex offenders. This well-designed research did not support a medication outcome during an 8-year follow-up span (Marques et al., 2005: 81). Such findings led to speculation on their 1985 model of treatment: the effect of non-relapse avoidance on offenders; failure to comply with the concepts of risk, desire, and responsiveness; and failure to follow an interdisciplinary, individualised case management system. While such tightly controlled trials are difficult and costly to undertake (Marshall & Serran, 2000: 222), the honesty of research design is required to improve the field's knowledge of "what happens" in the care of sex offenders (Craig, Browne & Stringer, 2003: 291). Methodological approaches include arbitrary selection, hazard analysis, the use of accidental development (Marshall & Serran, 2000: 209), the assessment of the form of person for which therapy operates (Craig et al., 2003: 219; Rice & Harris, 2003: 439), the use of intent-to-treat protocols for dropouts (Losel & Schmucker, 2005: 122), and the examination of effectiveness and specific rehabilitation strategies (Marshall & Serran, 2000: 221; Rice & Harris, 2003: 438).

Although the overall results were mostly inconclusive, many scientists and physicians believe that commonly employed cognitive-behavioural therapies (McGrath, Cumming & Burchard, 2003: 432) are the most effective path to impacting sexual recurrence

(Craig et al., 2003: 193). Sex offender treatment providers have also taken into consideration elements of best practice found in general correctional treatment: principles of risk, need, and responsiveness. The use of these criteria makes sense given the variety of sex offenders in care (McGrath et al., 2003: 15), increasing threat of recurrence depending on immediate crime (Hanson & Bussiere, 1998: 351), insufficient recovery capacity, potential danger of over-intensive treatment for low-risk criminals (Marques et al., 2005: 101), importance of behavioural conditions to sexual reoffending (e.g., Hanson). In this respect, the meta-analysis of Hanson and Morton-Bourgon (2005: 1158) identified a number of complex risk factors for sexual reoffending, such as issues of self-regulation and career insecurity, as well as variables not related to sexual reoffending, such as rejection of offense and lack of empathy towards survivors.

Since the latter are common targets for the care of sex offenders (McGrath et al., 2003: 991), future research will investigate whether there is increased "incremental" effectiveness of therapies which reduce the threat of reoffending-related criminal demand variables (Hanson & Morton-Bourgon, 2005: 1161). The "one medicine fits all" method has also been criticised by the standards of clinical training. For example, the model of self-regulation (Ward & Hudson, 1998: 413) describes multiple pathways to offending behaviours, each of which affects the risk of reoffending and treatment approach (Fisher & Beech, 2005: 228). This model enables individualised cycles of offense and treatment plans. It is consistent with the principles of needs and responsiveness and is consistent with recent evidence that treatment flexibility improves outcomes (Marshall, 2005: 1034). It also supports studies on the contribution of self-regulation for reoffending risk (Hanson & Morton-Bourgon, 2005: 1160). Further research is needed in general and specific inmate groups on the efficacy of a self-regulation approach to care (Keeling & Rose, 2005: 622).

As with other categories of prisoners, upon their release from prison, research has continued to grow on the value of community-based support for sexual offenders (R. J. Wilson, Picheca & Prinzo, 2005: 271). Programmes such as Help Circles may be particularly important to sexual offenders (Wilson & Prinzo, 2001: 61), but more research is needed.

In the provision of care for sex offenders, new research has also supported a more client-responsive, "gentler" method (Marshall & Serran, 2000: 211). A "good life" recovery paradigm relies on fostering optimism and partnering with ex-offenders to draw on their talents and improve rehabilitation success (Marshall et al., 2005: 1099). Certain "good" care delivery methods such as cognitive reinforcement (Miller & Rollnick, 2002: 581) may have an effect on reactive ex-offenders' recognition of therapy and warrant further study. Self-deterministic rehabilitation strategies (Sheldon, Williams & Joiner, 2003: 103) recommend a greater commitment to positive outcomes, such as bringing criminals into care or holding them there. Nevertheless, to substantiate the new expectations, we require a close statistical examination (Carich & Smith, 2006: 13).

## **2.9 Chapter summary**

This chapter explores the concept of recidivism from a historical perspective, theories underpinning recidivism and the philosophy of recidivism. The chapter reviews the relevant literature on recidivism under the various themes including: offender characteristics and recidivism where the role of gender, age at the time of incarceration, education levels, employment status, housing, romantic relationships, children, peer relationships, prior criminal history, criminal record, and alcohol consumption on recidivism was discussed. The Influence of the community on offender recidivism specifically focused on the role of the family, religious influence, pro-criminal associates, labeling of ex-offenders, neighbourhood context and employment on recidivism were addressed. The third thematic area that literature is reviewed is on the role of the community on reintegration. Specific areas of concern are on: correctional education and reintegration, Cognitive Behavioural Approach, substance abuse treatment, and sex offender treatment. The next chapter deals with international perspectives on recidivism.

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## **CHAPTER THREE**

### **INTERNATIONAL PERSPECTIVES ON RECIDIVISM**

#### **3.1 Introduction**

The serious challenges that come with the occurrence of repeat offending, specifically with regard to the victims of crime as well as the general community cannot be over-emphasised and have fundamentally informed the current interest of criminology scholars to study recidivism with a view to bringing down the statistics (Ssebuggwawo, 2010: 3). The high rate of recidivism has become a matter of concern to the society, governments, multi-nationals and humanitarian organisations world over (Osayi, 2013: 775). The world's prison population has grown, and one of the main reasons for this growth is a large number of prisoners who re-offend and violate the terms of their parole order and conditional release (United Nations Office on Drugs & Crime, 2018: 8). Recidivism has become a cause of worry for the police in particular, given the increase in crime in the world, because inmates are taken back to jail after other crimes have been committed. This chapter presents the international perspective on recidivism comparatively among selected countries. The chapter explores the recidivism rates of select countries that have recorded high and low rates of recidivism.

#### **3.2 Recidivism in the United States of America**

According to Hudson (2007: 366), one of the most unfailing indicators of their culture as a nation is the negative attitude and frustration of American citizens regarding the treatment of crime and offenders.

The Bureau of Justice Statistics (2019: 1) reports that there are various types of prisons in the United States of America. The first type is Federal prisons which house offenders convicted of Federal law. The second type consists of State prisons that are available in each State. However, there are municipal prisons confining people before or after adjudication and they are typically run by local law enforcement authorities. Normally jail sentences are for a year or fewer. Jails frequently accept people facing indictment or keep parties awaiting trial, conviction, and sentencing; revocation from probation, parole or bail-bond violators and absconders; involuntary custody for minors until referral to correctional authorities; keep mentally ill people awaiting referral to

suitable mental health facilities; keep offenders as suspects to police, protective custody, prosecution, and courts; discharge public detainees after completion of sentence; move of detainees to national, state, or other authorities; household detainees to Federal, State, or other authorities owing to crowding in their facilities.

There are over 2.1 million inmates in the United States of America's State prisons, Federal prisons and Local jails (Wendy & Wagner, 2019: 1). These consists of 1 306 000 State prisoners convicted of various offences as follows

- Public order offences 151 000;
- Drug-related offences 198 000;
- Property related offences 235 000;
- Violent offence 712 000; and
- Other offences 1 000

A further 221 000 prisoners in the United States of America are held in Federal prisons (171 000 convicted and 51 000 non-convicted). The convicted offenders are as follows

- Public order offences 65 000;
- Violence related offences 13 000;
- Property offences 10 000;
- Drug-related offences 81 000; and
- Other offences 1 000

In Local jails, there are 612 000 prisoners, comprising of 149 000 convicted prisoners and 462 000 non-convicted prisoners. Those convicted have been charged with the following offences

- Public order offences 45 000;
- Violence related offences 32 000;
- Property offences 37 000;
- Drug-related offences 35 000; and
- Other offences 1 000

Today, correctional agencies and organisations are facing several significant challenges exemplified by rising crime rates, greater numbers of criminal prosecutions

and establishing new prison and jail records (Champion, 2001:XV). Champion further indicates that prison overcrowding is inevitable and significantly fosters inhumane and unbearable living conditions for inmates.

Drawing on data on more than 25 400 former inmates who were either released outright from Federal prisons or placed on probation in 2005, the United States Sentencing Commission (USSC) Report (2018:1), found almost half, 49.3 percent had, within the next eight years, been arrested again, whether for a new offense or for violating conditions of their parole or release. Among the offenders released or paroled in 2005, during the same period nearly a third, 31.7 percent had been re-convicted, with 24.7 percent of them also re-incarcerated. Re-arrest rates were higher, 52.5 percent for former inmates who had been released than for those who had gone on probation 35.1 percent.

In regard to State Prisons and recidivism, the Bureau of Justice Statistics Special Report on Prisoner Recidivism (2018: 1), analysed the offending patterns of 67 966 prisoners who were randomly sampled to represent the 401 288 State prisoners released in 2005. Key findings of the study are as follows

- The 401 288 State prisoners released in 2005 had an estimated 1 994 000 arrests during the nine-year period, an average of five arrests per released prisoner. 60 percent of these arrests occurred from year four to year nine;
- Forty-four percent of released prisoners were arrested during the first year following release, while 24 percent were arrested during year nine;
- An estimated 68 percent of the released prisoners were arrested within three years, 79 percent within six years and 83 percent within nine years;
- Almost half (47 percent) of prisoners who did not have an arrest within three years of release were arrested between the fourth and ninth year;
- Eighty-two percent of prisoners arrested during the nine-year period were arrested within the first three years; and
- Four out of nine (44 percent) were arrested at least once during their first year after release, one out of three (34 percent) were arrested during their third year after release and one in four (24 percent) were arrested during their ninth year.

The structure of the United States of America's criminal justice system is unique and complex, varying from State to State. However, the laws, sentencing, and punishments are allowing for some variation, standardised and regulated by the overriding administration of the Federal government (O'Connor, 2014: 122). There emerged State sentencing policies as a response to historically high rates of racism and the highest incarceration rates in the world (Warren, 2007: 1). These sentencing policies were originally written in most States over 30 years ago. This coincided with the period when violent crimes rate were at an all-time high. During this time, people were fed up and convinced that sentences were too lenient and rehabilitation and treatment did not work "nothing works" were the watchword of the day.

The "Nothing Works" phrase in correctional treatment has its origins in the works of Robert Martinson. In 1974, Robert Martinson wrote his celebrated review of evaluations of treatment studies, "What Works? Questions and Answers About Prison Reform." He provided a pessimistic assessment of the prospects of successfully rehabilitating juvenile and adult offenders. "With few and isolated exceptions," concluded Martinson (1974: 25), the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism. This technical phrasing would subsequently be reduced to its core idea: "Nothing works" in correctional treatment.

In disciplinary reform, the first offender ideology typically promotes reduced penalties for criminals with little or no experience with the criminal justice system. According to Reno, Marcus, Leary & Gist (2000:1), overcrowding in Municipal jails, State and Federal prisons may become a community issue as a result of events such as lawsuits launched on behalf of inmates, a citizen's initiative, a state agency subpoena for breach of capacity requirements, or a sheriff's request for jail expansion due to a growing population of prisoners.

According to O'Connor (2014: 122), the number of people imprisoned in the United States of America in 2013 rose by 2.3 million to 2 945 003 in Municipal jails, State facilities, and Federal prisons. Carney (1977: 204) suggests that reoffending is the process of regression into a previous pattern of conduct, criminal behaviour in this case. He further states that he or she is said to have recidivated when a parolee resumes criminal behaviour after release from prison.

Since the 1990s, rehabilitation programmes in the prison system have had no significant effect on recidivism. However, a number of studies have shown positive effects on cognitive behavioural approaches with offenders (Martinson, 1974; Carson & Sabol, 2012; O'Connor, 2014: 122). Predicting recidivism has important social and economic consequences for inmate services and actions on probation, parole and public safety and the families and communities of prisoners (Elizabeth, Barbara & Jason 2007: 2). In contrast, women's work was largely limited to checking how recidivism threat factors justified male criminal histories compared to female offenders.

Carney (1979: 82) states that on May 14, 1930, an Act of Congress created the Federal Bureau of Prisons. He further points to the existence of only seven Federal prisons, holding 12 000 inmates. The Prison Office today consists of 122 departments, six regional offices, a central office, and community reentry agencies that manage voluntary reentry facilities and home containment services (Justice Statistics Office, 2019: 1). The Central Office and regional offices provide the organisations and voluntary reentry agencies with operational supervision and aid. The Prison Bureau safeguards public safety by ensuring that Federal prisoners complete their jail sentence in prisons that are secured, compassionate, cost-effective, and sufficiently protected (Wendy & Wagner, 2019: 1). The Prison Bureau frequently helps to reduce future criminal behaviour by motivating inmates to partake in a variety of programmes that will help them maintain a crime-free lifestyle after contributing to society. As of January 25, 2019, the Corrections Department was liable for the treatment and protection of more than 180 315 Federal prisoners.

### **3.3 Re-offending in England and Wales**

The United Kingdom is made up of four constituent countries, namely England, Scotland, Wales, and Northern Ireland (The Commonwealth, 2019:1). Unitary sovereign states within the United Kingdom; Northern Ireland, Scotland, and Wales achieved a degree of autonomy through the devolution process. The United Kingdom Parliament and the British Government deal with all reserved matters for Northern Ireland and Scotland and all non-transferred matters for Wales, but not in general matters transferred to the Northern Ireland Assembly, the Scottish Parliament and the Wales National Assembly (Walmsley, 2012: 323).

Throughout England and Wales, the Ministry of Justice describes the definition of re-offending as "any offence performed in a follow-up of one year and given a prosecution, summons, reprimand or alert in a follow-up year or another waiting period for six months" (Ministry of Justice, 2016: 5).

The Ministry of Justice (2016: 4), provides key statistics below on proven reoffending for adult and juvenile offenders who were released from custody, received a non-custodial conviction at court or received a caution in the period January to December 2014.

- In 2014 around 488 000 adult and juvenile offenders were cautioned, received a non-custodial conviction at court or released from custody. Around 125 000 of these offenders committed a proven re-offence within a year. This gives an overall recidivism rate of 25.6 percent;
- Adult offenders had a proven reoffending rate of 24.5 percent, representing a small decrease of 0.9 percentage points compared to the previous 12 months and also a fall of 0.9 percentage points since 2004. This rate has been fairly flat since 2004 fluctuating between 24.4 percent and 25.4 percent;
- The rate for those released from short sentences has been consistently higher compared to those released from longer sentences. Adults who served sentences of less than 12 months reoffended at a rate of 60 percent, compared to 33.4 percent for those who served determinate sentences of 12 months or more; and
- Around 47 000 proven re-offences were committed by juveniles over the one year follow-up period. Juvenile offenders with 11 or more previous offences have a higher recidivism rate than those with no previous offences 76.1 percent compared to 24.5 percent.

In the period between October to December 2015, it is reported by the Ministry of Justice (2018: 2) that

- Black offenders had the highest rates of reoffending, at 33.9 percent;
- For the same period, offenders in the Other ethnic group had the lowest rate of reoffending, at 20.4 percent;

- Across all ethnic groups, juveniles had a higher rate of reoffending than adults;
- For the period October through December 2015, White offenders had the highest average number of re-offences per reoffender and committed an average of 3.92 re-offences; and
- On average, juvenile offenders from the Asian ethnic group committed fewer re-offences than adult offenders of the same background.

According to the Ministry of Justice Report (2018: 14), in an analysis conducted between April 2016 to June 2016, the following is revealed

- Forty-eight percent of released prisoners are reconvicted within one year of release. Those serving a sentence of fewer than 12 months have a 64 percent tendency of reoffending;
- Forty-eight percent of women are reconvicted within a year upon release from prisons. This rises to 61 percent for sentences of less than 12 months, and to 78 percent for women who have served more than 11 previous custodial sentences;
- Six in ten children, 59 percent sent to prison are reconvicted within a year of release and this rises for those serving sentences of less than six months; and
- Offenders serving prison sentences of less than 12 months had a reoffending rate of seven percent higher than similar offenders serving a community sentence.

The latest report by Ministry of Justice (2019: 1) provides the following key statistics on proven reoffending for adult and juvenile offenders who were released from custody, received a non-custodial conviction at court, or received a caution in the period July to September 2017

- The overall proven reoffending rate, based on just over 108 000 adult and juvenile offenders (made up of 93 percent adults and 7 percent juveniles) in July to September cohort was 29.3 percent, a 0.2 percentage point decrease from the same quarter in 2016. Almost 32 000 of these offenders then committed just under 129 000 proven re-offences over a one-year follow-up period, equivalent to an average of 4.06 re-offences each;



- The adult reoffending rate for the July to September 2017 cohort was 28.7 percent and the rate has remained broadly flat since 2006. Almost 118 000 proven re-offences were committed over the one-year follow-up period by around 29 000 adults. Those that reoffended committed on average 4.06 re-offences; this represents a two percent increase compared to the same quarter in 2016 and an increase of 29 percent since July to September 2009;
- The juvenile reoffending rate was 38.1 percent, a 3.6 percentage point decrease from the same quarter in the previous year. Of the approximately 7 000 juvenile offenders in July to September 2017 cohort, just under 3 000 of them committed a re-offence within a one-year follow-up period (equivalent to around 11 000 proven re-offences);
- Adults released from custody or starting court orders had a proven recidivism rate of 37.2 percent, a decrease of 0.6 percentage points compared to the same quarter in 2016 and a decrease of 3.2 percentage points since the same quarter in 2011. The proven recidivism rate for adult offenders starting a court order specifically was 32.9 percent, a 4.0 percentage point decrease when compared to the same quarter in 2011; and
- The proven reoffending rate for adult offenders released from custody was 47.6 percent, a 1.4 percentage point decrease compared to the same quarter the previous year. However, adults who served sentences of 12 months or more reoffended at a substantially lower rate at 29.1 percent compared to those who served a sentence of fewer than 12 months at a rate of 62.2 percent. Those released from sentences of less than or equal to 6 months had a proven recidivism rate of 64.8 percent, a decrease of 2.7 percentage points since the same quarter in the previous year

Aileen and Wilkins (2006: 11) state that the Home Office, the main central government office of policing and the Ministry of Justice, oversees law and order in England and Wales. The department frequently supervises jails and the legal system. The National Offender Monitoring System, which unites the Probation and Correction Services, is based under the Ministry of Justice to provide a more efficient approach to the monitoring of prisoners both in prison and in the community upon release.

England and Wales have one of Western Europe's largest incarceration rates. In December 2018, the prison population was 153 per 100,000 inhabitants higher than in France and Germany, and only a quarter of that in the United States, which had a total of 762 per 100,000 in 2018 (World Inmate Brief, 2018: 1). As of June 2019, England and Wales had a maximum prison population of 82 710. The convicted prison population was 72 798, 88 percent of the prison population, the pre-eminent prison population was 9 145, 11 million, and the non-criminal prison population was 767, one percent (Ministry of Justice, 2019: 2).

Two-thirds of jails in England and Wales have been overcrowded in 2017/2018. About 20 700 prisoners have been housed in overcrowded accommodation (Ministry of Justice, 2018: 16). Overcrowding impacts the provision of programmes, services, and other assets to reduce the risk of reoffending, as well as the isolation from parents and other support networks (Chief Prison Inspector, 2015: 1). About 21 000 people were held in overcrowded accommodation about a third of the prison population in 2016/2017. For the past 14 years, this rate of overcrowding remained largely unchanged (Ministry of Justice, 2017: 2)

The Ministry of Justice (2019: 2) provides the following analysis in its quarterly report of Offender Management Statistics Bulletin for England and Wales for the first quarter of 2019

- According to the same level 12 months earlier, the remand population declined by two thirds (140). The number of males in remand custody declined by 2 percent (to 8,593) while the number of females rose by 4 percent (to 552). More than half (56 percent) of those in pre-trial detention were kept for either: abuse against the offender (23 percent of the pre-trial population), drug offenses (19 percent) or robbery offenses (13 percent).
- The rise in the long determinate sentenced population is in line with the increasing number of sentenced sexual offenders. However, there is evidence that this trend is leveling off, there was a three percent decrease in the sentenced sexual offender population in the 12 months to 30 June 2018. As of 30 June 2019, there were 13 196 prisoners serving sentences for sexual offences, which represented 18 percent of the sentenced prison population.

- One in every four (27 percent) sentenced prisoners are in prison for violence against the person offence. The number of those serving sentences for a 'Possession of Weapons' offence increased by 17 percent (to 3 021) compared to the same time last year. This substantial increase can be attributed to a range of factors, including more targeted police operations against knife crime. However, this offence group only accounts for 4 percent of the sentenced prison population.
- As of 30<sup>th</sup> June 2019, 5 405 prisoners were serving extended determinate sentences, a 15 percent increase compared to 30<sup>th</sup> June 2018.
- There were 9 342 (8 994 male; 348 female) indeterminate sentenced prisoners (those serving Imprisonment for Public Protection sentences and life sentences) in the prison population. This represents an annual decrease of five percent.
- There was 2 315 imprisonment for public protection prisoners which represents a decrease of 16 percent.
- The number of life-sentenced prisoners (7 027) has decreased by one percent compared to 30 June 2018. There were 63 whole-life prisoners at the end of June 2019, with three additional life prisoners being treated in secure hospitals.
- The prison population who have been recalled to custody (7 435 prisoners) increased by 18 percent over the year leading up to 30 June 2019. This is linked to the increase in the numbers released on Home Detention Curfew (since the policy change in early 2018), with more of whom are being recalled to custody.

Compared to other parts of the country, England and Wales have a high crime rate (Ministry of Justice, 2012: 14). The explanation England and Wales have a high crime rate is that the criminal occurrence is actually higher than many nations or perhaps due to some variations in calculation and categorisation (Ministry of Justice, 2012:16). Crime in England and Wales dropped by 22 percent between 2005 and 2009 (Ministry of Justice, 2012:14).

Thus England and Wales are a high crime rate area relative to the other areas of the United Kingdom. The Ministry of Justice in England and Wales has calculated the rate of re-offending in just the first year after the discharge of a person from imprisonment

or the start of a rehabilitation order since 2007. Prior to 2007, the first two years were assessed (Ministry of Justice, 2012:32).

### **3.4 Recidivism in South Africa**

Section 1 (a) of the Constitution of the Republic of South Africa, embodies the values of human dignity, justice for all and the promotion and advancement of human rights (Republic of South Africa, 1996: 3). Section 35 of the Constitution, describes the right of accused, arrested and detained persons and section 35 (2) extends a number of these rights to all sentenced prisoners. Detained people have the right to be informed of the grounds for imprisonment, to have access to legal services, to question the validity of detention, conditions of detention that are compatible with human dignity, and to contact with and be visited by the spouse or partner of that prisoner, nearest kin, spiritual therapist or medical practitioner (Republic of South Africa, 1996:35). Moreover, section 35 specifies that criminals have the right to equality, liberty and security of the person, anonymity, the right to a fair trial, the right to remain innocent until proven guilty and, if found guilty, the right to incarceration in a manner consistent with human dignity and not to be subjected to barbaric, inhuman or degrading treatment.

According to the Correctional Services Act of 1998 (1998: 28), the object of incarceration is to allow the convicted inmate to live a socially responsible and crime-free life in the future, provided that the deprivation of liberty serves the intent of retribution. The act establishes three objectives: upholding the penalties levied by the judiciary, detaining all prisoners in safe detention whilst maintaining their human dignity and fostering the social responsibility and human development of all offenders and individuals subject to collective corrections.

The Correctional Services Act 111 of 1998 as amended indicates the following

- When engaging in a pre-release plan, a sentenced prisoner must be ready for placement, release, and reintegration into the community;
- Where a sentenced inmate is to be held under correctional supervision and released on parole, section 55(3) of the Act must be complied with; and
- At release, sentenced offenders must be provided with material and financial support as prescribed by the regulation.

The Correctional Services Act 111 of 1998 notes that there is no standardized standard development programme for inmates and that there can't be one programme designed for one inmate that would suit all prisoners as criminals have performed different types of crimes and need to be categorised according to the crimes they have committed for recovery purposes. In respect to section 41 of the Act, the Correctional Service Department has a responsibility to provide access to a full variety of services and initiatives as it is practicable to fulfill the academic and training needs of imprisoned prisoners. One of the provisions that may be laid down is the provision of community services as set out in section 60 of the Correctional Service Act 111 of 1998 as amended: where a condition of community service is laid down as part of community corrections, the number of hours that the offender is required to serve shall be no less than 16 hours a month, unless otherwise ordered by the court.

Section 85 of the Correctional Services Act 111 of 1998 created the Judicial Inspectorate of Prisons, which was mandated by law to oversee prison conditions and inmate care and report to the President and the Minister of Corrections. Additionally, powers are granted to designate Independent Correctional Facility Commissioners to review facilities and to try to resolve them should there be grievances. The Independent Correctional Facility Visitors' mission is to ensure that all inmates are held in humane conditions, handled with human dignity, and ready for public reintegration. Under the Correctional Facilities Reform Act 25 of 2008 (2008: 8), the term "correction" involves the provision of services or interventions to change the criminal actions of incarcerated prisoners and rehabilitate them.

The South African White Paper on Corrections (2005) arose from the need for a long-term national plan and institutional structure that considers corrections operations in jails as an all-inclusive community responsibility. The aim of the correctional system in South Africa, according to the White Paper (2005:74), is not deterrence but community safety, the fostering of social responsibility and the enhancement of human development to deter reoffending or the return of crime. The White Paper (2005:34) presents a plan to interpret reform as a duty to society.

The White Paper clearly indicates that the vast majority of South African prisoners come from communities and families afflicted with deprivation, hunger, homelessness,

corruption, a corrupted culture of meaning and lack of leadership and care. Treatment programmes are focused on fundamental human rights as enshrined in the Constitution, Act 108 of 1996, requires oriented solutions to treatment and aftercare for prisoners where the public plays a major role in legislative response (White Paper on Corrections, 2005).

The following table provides statistics of the total prison population in South Africa from the year 2000 to 2018.

<b>Year</b>	<b>Prison population total</b>	<b>Prison population rate per 100 000 national population</b>
2000	171 462	394
2002	178 998	396
2004	187 640	403
2006	150 302	318
2008	165 840	342
2010	163 312	328
2012	158 165	310
2014	154 648	298
2016	161 984	291
2018	164 129	286

**Table 3.1: Prison population in South Africa**

**Source: Department of Correctional Services, Republic of South Africa**

According to the Department of Correctional Services, as presented by the Institute for Criminal Policy Research (2019: 1), there were 164 129 pre-trial detainees and remand prisoners in South Africa as at 31<sup>st</sup> December, 2018. This translates to 286 per 100 000 national population. Pre-trial detainees accounted for 28.2 percent of the prison population, female prisoners (2.6%), minors (0.1%) and foreign prisoners (7.5%). There are 235 prison institutions in the country with an official capacity of 118 572 prisoners. The current occupancy level stands at 137.4 percent. South Africa is one of the countries that is experiencing high rates of prison overcrowding.

Jules-Macquet (2014: 19), reports that there are no official recidivism figures for South Africa due to the following reasons

- It is unclear which government department should maintain these figures, as recidivism covers all offenders and not just those in prison.
- Different departments use different data management systems that do not integrate with each other
- Attempts to develop an integrated criminal justice data system was first proposed in 2007 by the Ministry of Justice. To date, this has not taken place.

The White Paper (2005) indicates that success in rehabilitation also acknowledges that there is no reliable data in South Africa on recidivism; success in the following areas could be a good indicator of the effectiveness of both internal departmental programmes and societal initiatives: reduction of repeat offending; effectiveness of released offenders to society, and reduction of new offending as societal institutions begin to play their part and reduction or elimination of criminal offending within correctional centers.

South Africa, moreover, is widely known to have one of the world's highest rates of crime and reoffending (Thinane, 2010: 1). Studies conducted by Muntingh in 2001, Open Society for South Africa in 2010 and Prinsloo in 2002 estimate the offenders discharged from prison recidivism rate at 85 to 94 percent, 24 percent and 55 to 95 percent respectively, (Jules-Macquet, 2014: 20). The difficulty of recidivism in the South African correctional system is worsened by the reality that correctional institutions have been unable to prepare offenders meaningfully for release or to survive in a world outside the institution (Shanta, 2016: 9). According to Shanta (2016: 9), the correctional system has failed to provide adequate treatment services for those offenders who suffered the psychological effects of detention in deteriorated and overcrowded environments. This hampers the re-absorption of the offender into society.

### **3.5 Recidivism in Scandinavian countries**

Scandinavian countries are often considered models of successful incarceration practices. The focus of punishment is far more on rehabilitation and less on

punishment. The thinking is that justice for society is best served by releasing prisoners who are less likely to re-offend.

The table below provides recidivism rates among Scandinavian countries.

Country	Year	Cohort size	Follow-up period	Recidivism rate	Source
Denmark	2013	3 904	6 months	36 percent	Statistics Denmark, 2018
Finland	2005	4 507	2 years	36 percent	Graunbol et.al., 2010
Norway	2005	8 788	2 years	20 percent	Graunbol et.al., 2010
Sweden	2011	7 738	1 year	51 percent	Swedish National Council for Crime Prevention, 2012

**Table 3.2: Recidivism rates in Scandinavian countries**

### 3.5.1 Recidivism and correctional system in Finland

In Finland, Lappi-Seppälä (2012: 336) states that the Prison Service enforces jail sentences and fine transition penalties determined by the courts of justice and trial-related detentions and apprehensions. The Prison Service also has a maximum of over 30 prisons in different parts of Finland: 17 closed facilities, 18 open institutions, and two medical units. The Probation Service is liable for criminal penalties, including community service compliance, juvenile probation, oversight of conditionally convicted young offenders, or conditionally released prisoners (parolees).

It can be claimed that Finland has one of the best criminal justice policies most mature and successful programmes ever practiced. The Finns believe in penalties, reduced punishments, transparent jails and heavy emphasis on compassionate psychological treatment as far as the forms of discipline are concerned. Finland's reoffending rate is one of the lowest at 36 percent in the world (Graunbøl, Kielstrup, Muilu, Tiny, Baldursson, Guðmundsdóttir, & Lindstén, 2010: 2).



According to Ikponwosa & Richard (2012: 182), the Sentences Enforcement Act of Finland sets the following requirements on the Prison Service, which emphasizes human dignity

- Punishment is simply a loss of liberty: implementation of the punishment must be arranged in such a manner that the penalty is only a loss of liberty and other limitations can be enforced to the degree that protection of detention and a prison sentence allow.
- Prevention of pain, encouragement of placement in society: discipline must be applied so that it does not interfere unfairly, but encourages the placing of an inmate in the community when necessary. Imprisonment-related damages must be avoided, whenever necessary.
- Normality: It is important to arrange the conditions in a penal institution so that they conform to those in the rest of society.
- Justice, respect for human rights, the prohibition of discrimination: inmates must be treated fairly and their human dignity must be protected. Prisoners can't be held in an unjustified situation because of their skin colour, culture, race, age, family status, sexual orientation, or state of health or faith, public sentiment, political or labor practices or other similar things.
- Special needs of juvenile prisoners: When implementing a sanction sentenced to a juvenile offender, special attention must be paid to the special needs caused by the prisoner's age and stage of development.
- Hearing prisoners: A prisoner must be heard when a decision is being made concerning his/her placing in the dwelling, work or other activity and some other important matter connected to his/her treatment.
- Prisoners have a right to vote and they exercise this right in prisons.

In Finland, in favour of unobtrusive camera surveillance and digital warning networks, walls and fences are eliminated. Instead of clanging iron gates, steel corridors and gloomy cages, in a traditional Ikponwosa & Richard jail (2012:183), there are linoleum floored halls filled with living spaces for inmates that feel more like dormitory rooms than lock-ups. In contrast, wardens were unarmed in Finnish jails, carrying only civilian clothes or uniforms stripped from emblems such as chevrons or epaulets. Throughout Finland, jail superintendents go through non-military roles such as director and

administrator, and prisoners are sometimes referred to as clients or pupils if they are young people.

Supervised Probationary Liberty is given by Finnish courts. This scheme was first introduced in Finland in October 2006, where, if certain pre-requisites are fulfilled, inmates are released from prison up to six months before the actual date of parole (Lappi-Seppälä, 2012: 343). The probationary liberty system allows individual delivery strategies according to the particular prisoner's needs. The pre-requisites for probationary liberty were laid out in Finland's Criminal Code. Second, probationary liberty should facilitate the execution of the particular punishment programme outlining the conditions of completing the sentence: discharge from custody or parole. Second, prison staff decides whether the inmate involved is likely to follow the conditions specified for his / her probationary liberty. This evaluation was based on the prisoner's conduct data during his / her punishment, his / her temperament, and his / her criminal background. Therefore, the prisoner should continue to abide by the terms specified for him / her, be monitored and permit the officials to be in touch with each other, as well as with private communities and individuals in matters relating to the prisoner's probationary freedom.

The inmate is required to live at home, in a half-way house or in a correctional facility when probationary liberty is given and is expected to participate in positive tasks such as school, education or recovery programmes. Correctional officers supervise them by mobile phone traces, home and job calls, and telephone conversations. For each person given probationary liberty, case-specific limitations are established.

### **3.5.2 Recidivism and correctional system in Sweden**

Fifty-one percent recidivism rate was reported in a study conducted in Sweden in the year 2011 involving 7 738 released prisoners in a one year follow up period, (Swedish National Council for Crime Prevention, 2012: 1)

The Swedish Ministry of Justice is responsible for determining penal policies but has no power to intervene directly or regionally with the daily work of prisoners or probation (Hanns von Hofer, 2011: 295). Alternatively, this is the responsibility of the Swedish

Prison and Trial Service, led by a government-appointed Director-General and split into six regions of prisons, remand facilities, and probation units.

Across Sweden, there is no militaristic prison leadership. There are no armed wardens. Local police are informed and allowed to deal with the situation in very extreme disturbance cases. The primary objective of the prison sentence, according to the current Prison Treatment Act of 1974 (2007: 3), is to facilitate the return of the inmate to the population as well as to mitigate the detrimental effects of incarceration. The 1974 Prison Treatment Act was based on four criteria

- Imprisonment as last resort, that is, the usual punishment should be a fine or a community sentence since imprisonment normally has detrimental effects;
- Normalization, that is, the same rules concerning social and medical care and other forms of public service should apply to prisoners just as they apply to ordinary citizens;
- Vicinity, that is, the prisoner should be placed in prison as close as possible to his or her home town; and
- Co-operation, meaning that all parts of the correctional system (probation service, remand prisons, and prisons) should work closely together in individual cases as well as in general.

The practices of the correctional system are distinguished by a compassionate disposition, good care and constructive control on the inmate, maintaining a strong degree of safety with a reasonable attention to the dignity of the prisoner and due process. Operations are targeted at interventions that persuade the inmate not to perform additional crimes.

According to Peter and Eric, (2016: 565), in Sweden, prisoners' enjoy the following rights

- **Contacts with the outside world:** Close interaction with the outside environment in the care of the incarcerated person is seen as an important component. Visits are allowed by family and friends, and this can happen without the presence of a prison officer. Facilities are also made available for those offenders who have a companion for conjugal visits. One type of visit is regular visits by representatives of organisations such as the Red Cross,

Amnesty International, the Churches, etc. In contrast, separate rooms are available to encourage the interaction of children with their incarcerated parents in all-female prisons and in most locked prisons. Prisoners are able to send and receive letters from people outside the jail. These letters may be subject to scrutiny to establish that they do not include illegal items, such as drugs, or that the text does not include any signals of criminal activity, theft, or other similar actions. Prisoners are allowed to use a mobile unless it is suspected that the telephone call would jeopardise jail safety and hinder the cultural integration of the prisoners. Inmates are routinely given furloughs and short-term leave outside the jail. A typical furlough lasts an average of three days.

- **Access to education:** The prisoners are able to study topics at the mandatory primary or upper secondary level. The inmate can also train by online education at the school. Most prisoners concurrently work and study. The Prison and Trial Service is responsible for the training provided for inmates under the guidance of the Swedish National Education Agency.
- **Prison labour:** Both detainees are required to engage in the programmes of the system. The services provide 'conventional jobs,' schooling, specialist recovery and therapy courses, day releases to study or work outside the jail outside normal business hours, internal support, i.e. catering tasks, renovation and general maintenance, and eventually vocational training.
- **Leisure activities:** Each inmate has the right to acceptable recreational activities. The form of action largely depends on the prisoner's facility. Prison establishments include billiards, table tennis, and darts in the areas where the inmates can meet. There are typically services for reinforcing or keeping active workouts to carry out and do. Most establishments provide ball games and field football fields indoor equipment. In contrast, most prisons have facilities where the inmate may borrow books from local and national libraries. As a policy, all inmates have the opportunity to follow developments overseas by journals, magazines and other media, radio, and television, and in other forms.
- **Religion and faith:** All inmates are entitled to pursue their faith or religion and to follow the dictates of that faith while they are in prison. It makes no difference which particular faith the inmate follows. Most institutions have a priest from the Swedish Church and a pastor from a free church.

### **3.6 Chapter summary**

This chapter explores recidivism within the context of international perspectives with a specific focus on the United States of America, the United Kingdom, South Africa, Finland, and Sweden. The next chapter explores recidivism from a Kenyan perspective.

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## **CHAPTER FOUR**

### **RECIDIVISM IN THE KENYAN CONTEXT**

#### **4.1 Introduction**

This chapter provides an overview of recidivism and correctional management in the Kenyan context.

#### **4.2 Recidivism in Kenya**

Article 28 of the Constitution of Kenya provides that every person has inherent dignity and the right to have that dignity respected and protected (Republic of Kenya, 2010: 25). In addition, Article 51 of the Kenyan Constitution provides that a person who is arrested, held in custody or imprisoned under the law shall maintain all the privileges and basic freedoms set out in the Bill of Rights, except to the degree that any specific right or fundamental liberty is explicitly inconsistent with the condition that the person is detained, held in custody or imprisoned. (Republic of Kenya, 2010: 36). The law further provides for the humane treatment of prisoners in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners to which Kenya is a signatory. These legal provisions are entrenched in the Prisons Act (Chapter 90) laws of Kenya which emphasizes on humane treatment of offenders.

Released prisoners in Kenya have a seventy-five percent risk of committing another crime and a fifty percent probability of going to jail two years following their release from prison (Oruta, Omosa & Lumumba, 2017:101). This phenomenon compounds the high prison population problem and overcrowding. The extremely high rate of recidivism has immense costs in terms of public safety and money spent on investigating, punishing and incarcerating re-offenders.

According to the Kenya National Bureau of Statistics Report (Republic of Kenya, 2019: 277) in the year 2018, there were 16 987 recidivists in prisons out of 53 765 average daily prison population representing 35,59 percent. In the year 2017, there were 16 371 male prisoners and 1 453 female prisoners with a previous conviction record totaling 17 826 recidivists in prisons (Kenya National Bureau of Statistics, 2018:267). Additionally, the

Kenya National Bureau of Statistics Report (Republic of Kenya, 2017:272) indicates that in the year 2016, there were 14 724 recidivists out of 57 000 total prison population representing 25,8 percent.

The next sections highlight the various correctional institutions and programmes in Kenya that take part in offender management including recidivists.

### **4.3 The Kenya Prison Service**

Kenya Prisons Service is a State Department within the Ministry of Interior and Coordination of National Government. As a uniformed and disciplined entity, Kenya Prisons Service is established under the Prisons Act (Chapter 90) and Borstal Institutions Act (Chapter 92) Laws of Kenya (National Council on the Administration of Justice, 2013: 75). Kenya Prison Service is headed by the Commissioner-General of Prisons. The Kenya National Bureau of Statistics (2018: 298), reports that there are one hundred and eighteen prison institutions with a capacity of 26 757 prisoners. In addition, there are 23 063 prison officers in adult prisons and a further 473 in borstal institutions.

The total Kenya prison population as of September 2018 was 51 130 (Walmsley, 2019:1). This translates to the occupancy level of 190,5 percent. According to the Kenya National Bureau of Statistics (2017: 272), the prison population total including pre-trial detainees and remand prisoners stood at 57 000 as of August 2016. This means an occupancy level of 213 percent. Prisons in Kenya are known to hold up to 10 times the number of inmates they were originally designed for (National Council on the Administration of Justice, 2015: 43). In recent years new prisons have been built to ease congestion in Yatta, Makuani and Kwale Prisons (Nyaura & Ngugi, 2014: 7).

The Prisons Act (Chapter 90) (Republic of Kenya, 2012: 8) and the Borstal Institutions Act (Chapter 92) (Republic of Kenya, 2012: 7) enables the Kenya Prisons Service to perform the following functions

- Containment and safe custody of inmates;
- Rehabilitation and reformation of prisoners ;
- Facilitation of administration of justice;

- Control and training of young offenders in Borstal Institutions and the Youth Correctional Training Center (YCTC); and
- Provision of facilities for children aged four years and below accompanying their mothers to prison

The Kenya Prison Service leads to public safety by safeguarding the treatment of all people lawfully residing in correctional facilities and by facilitating the rehabilitation of inmates for collective reintegration (Kamakil, 2001: 27). This is done through vocational training and rehabilitation programmes in line with each offender's needs, which are administered by prison officers, chaplains, psychologists, welfare officers, counselors, social workers, and medical personnel.

The Prisoner Rehabilitation Programme was started in two prisons in the former Nyanza Province in 1999, later reaching twenty-seven prisons and over fifty community groups in five former Provinces in Kenya (Omosa, 2011: 121). Currently, the Programme is implementing its activities in Rift Valley, Nyanza, Central, Nairobi and Western Regions. Kamakil (2001: 31) avers that in most long-term custody cases, Prison Service is the main basis of recovery. In general, both commercial and industrial training and academic studies allow the inmate to maintain a self-sustaining lifestyle and to be an important tool in the re-socialisation process.

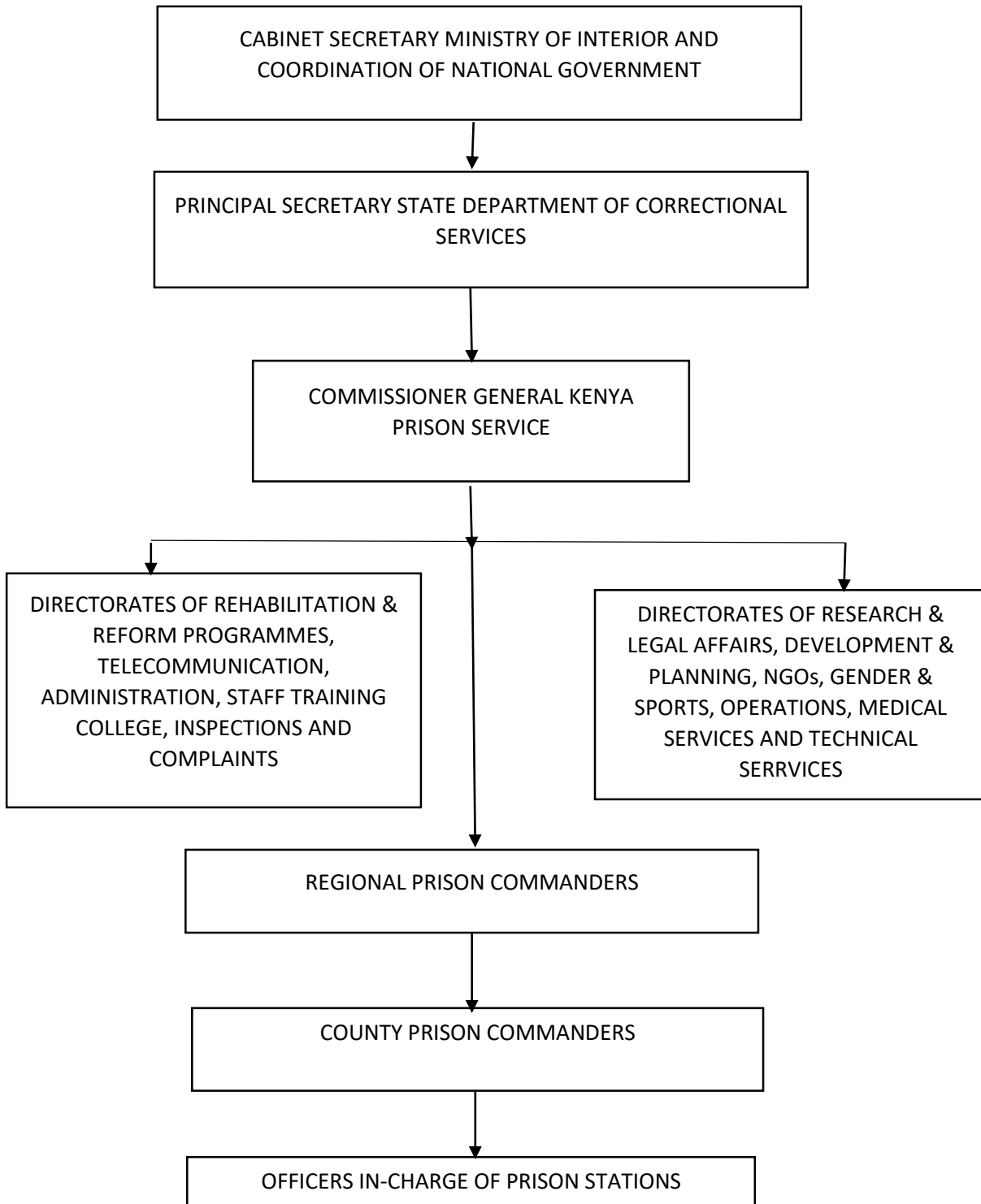
Since 2002, the Kenya Prison Service has embarked on a deliberate attempt to introduce broad reforms and, in particular, to improve the conditions of detention, respect for human rights, and, support for rehabilitation (United Nations Office on Drugs and Crime, 2012: 10). Moreover, this included adopting an "open door policy" that made it possible for the Kenya Prisons Service to work more closely with external stakeholders and partners. The reforms represented a determined move from a punitive to a rehabilitative model. This is represented in the current mission statement of the Prison Service which is *"To contain offenders in humane safe conditions in order to facilitate responsive administration of justice, rehabilitation, social reintegration, and community protection"* (Kimani, 2016: 84).

According to Kimani (2016: 86), the Kenya Prison Service offers a number of programmes to enhance social rehabilitation

- **Vocational training:** This is given to offenders in 60 percent of correctional facilities that have established various forms of apprenticeships such as upholstery, fashion and design, tailoring, pottery, carpentry, metalwork, welding, stonework, leatherwork, mat making, motor vehicle system, number plate producing, polishing, hair styling, painting, planting, printing and fabrication, among others.
- **Educational programmes:** The penal institutions offer both primary school and secondary school education.
- **Professional programmes:** Education is offered for both Certificates and Diploma levels, in subjects such as Theology and Accounting.
- **Guidance and counseling:** Prisons are comprised of professional staff who offer both social and psychological support to inmates in the form of group and individual counseling.
- **Spiritual rehabilitation:** The prison department has employed spiritual workers from three different faiths. They include the Roman Catholics, Protestants, and Muslims to form the Chaplaincy whose responsibility is to offer spiritual nourishment to prisoners.

Figure 4.1 below shows the organisational structure of the Kenya Prison Service.

**Figure 4.1: Organisational structure of the Kenya Prisons Service**



**Source:** State Department of Correctional Services (2019)

#### **4.3.1 The Borstal institution**

Borstal institutions in Kenya are established under the Borstal Institutions Act (Chapter 92) laws of Kenya (Republic of Kenya, 2012: 5). A Borstal Institution is a penal facility for juvenile offenders who have been ascertained by the Court to be between 15 to 17 years of age at the time of committal and who have been convicted of a criminal offence punishable by imprisonment. In Kenya, there are three Borstal Institutions namely Shikutsa in Kakamega County and Shimo-La-Tewa in Mombasa County (for boys) and Kamae for girls. The two boys' Borstal Institutions have a capacity of 300 juveniles each. All inmates are committed to the penal institutions by the Court for a maximum period of three years for the purpose of undergoing rehabilitation and training upon the recommendation of a Probation Officer. The programmes which are run in the three Borstal Institutions are formal education, life skills training, counseling, vocational training mainly carpentry and tailoring and agriculture. Upon release, all ex-offenders are accorded aftercare supervision support for purposes of rehabilitation and reintegration.

#### **4.3.2 The Youth Corrective Training Center**

Section 66 of the Prisons Act (Chapter 90) laws of Kenya provides for the establishment of the Youth Corrective Training Center (Republic of Kenya, 2012: 27). There is only one Youth Corrective Training Center in Kamiti which admits offenders between 17 to 21 years for a period of four months. The correctional facility is run in the same manner as adult prisons. All the Youth Corrective Training Center inmates are committed following recommendations by the Probation Officers.

According to Okech (2017: 7), the Youth Corrective Training Centre was established in 1962 to cater to young offenders who were deemed to be undisciplined and needed short-sharp-shock treatment. Moreover, it was thought to fit those who were considered to be defiant to authority and could not be supervised under probation and yet did not warrant long-term confinement like the Borstal Institution. The Centre was meant for the rough undisciplined youth who needed to be detached from the family and kept in such a facility as a deterrent and corrective measure.

#### **4.4 The Probation and Aftercare Service**

Laws on probation and aftercare, as well as on prisons, are being amended to put them in line with the new Constitution of Kenya, which was promulgated in 2010. Probation and aftercare service is under the Ministry of Interior and Coordination of National Government with 831 probation officers according to the Kenya National Bureau of Statistics (2018: 298). It is the only government administrator of community-based sanctions in Kenya. According to the Judiciary Sentencing Policy Guidelines (2016: 21), when considering between custodial and non-custodial sentence, the court should take into consideration the high rates of recidivism associated with imprisonment and seek to impose a community-based sentence which is geared towards guiding the offender from crime.

The objectives of the Probation and aftercare service are

- The generation of information for the dispensation of administration of justice;
- The supervision and rehabilitation of offenders on non-custodial sanctions;
- The reintegration and resettlement of ex-offenders; and
- The promotion of crime prevention and victim support schemes.

The key functions of the Probation and aftercare service are

- Conducting social investigations and preparation of social inquiry reports;
- The supervision and rehabilitation of offenders on a Probation or Community service order;
- The reconciliation, resettlement, and reintegration of offenders to forestall recidivism;
- The provision of temporary accommodation in the Probation hostels; and
- The empowerment of offenders/ex-offenders and crime prevention activities.

The probation and aftercare's function of reconciliation, resettlement, and reintegration of offenders to forestall recidivism is one of the government's commitments towards addressing the problem of "recidivism" (Obondi, 2011: 58). This is in line with the Service's



objective of resettlement and reintegration of ex-offenders. Proper planning for public re-entry before the prisoner release date helps reduce recidivism because criminals are able to meet their requirements soon upon release (Osher, Steadman, & Barr 2003:79).

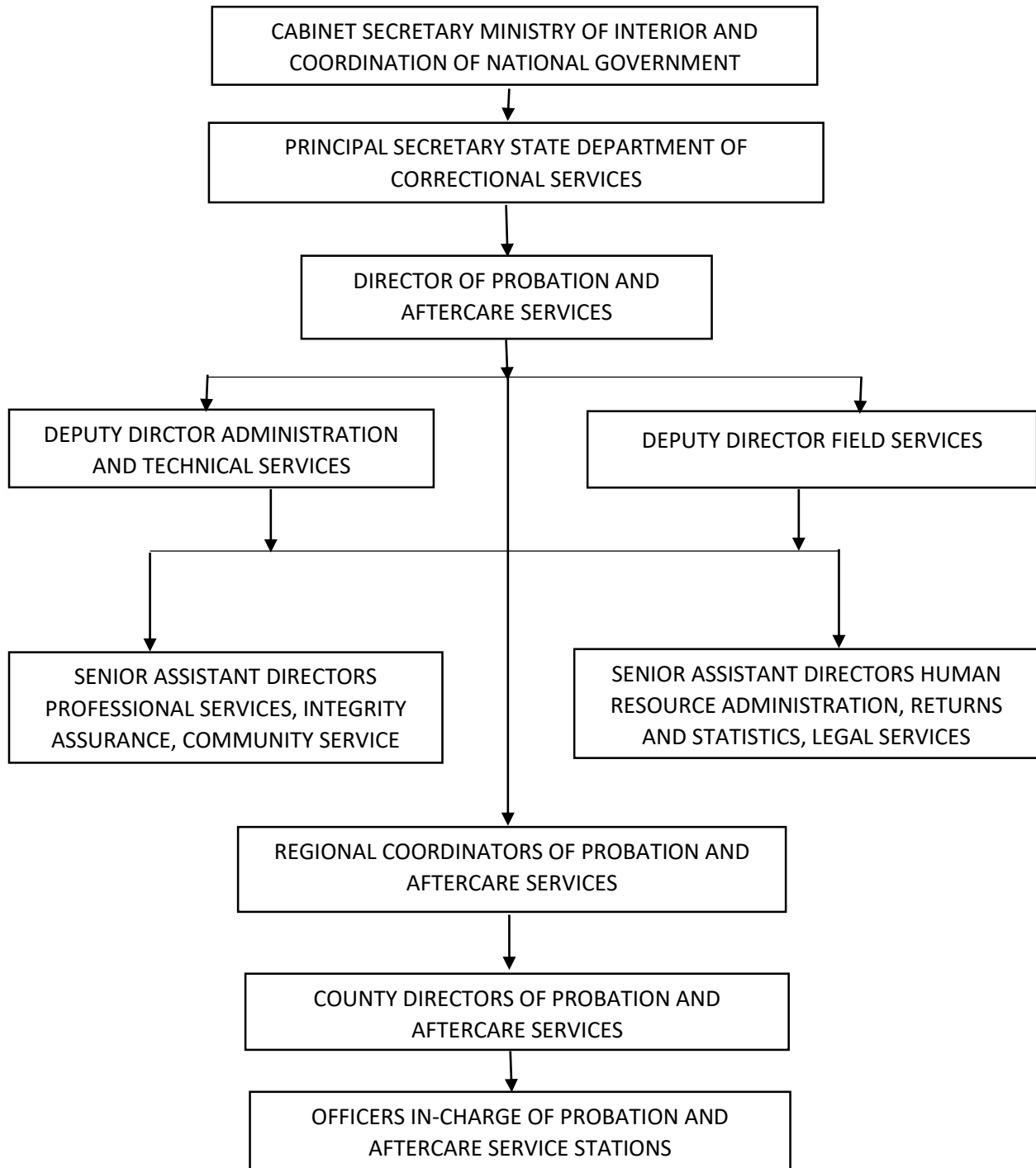
Kenya recognises the United Nations Standard Minimum Rules Measures on non-custodial interventions, commonly referred to as “The Tokyo Rules”. These rules were meant to promote the creation of non-custodial sentences as alternatives to imprisonment. The rules stipulate that the development of new non-custodial measures should be encouraged and closely monitored by the United Nations Office on Drugs and Crime (2012: 88). In particular, the guidelines provide that, in keeping to constitutional protections and the rule of law, consideration should be given when coping with criminals in the society, preventing, as far as practicable, the recourse of a jury for formal hearings and courts.

In Kenya, Probation and aftercare service is charged with three key programmes namely

- Community Service Orders;
- Probation Orders; and
- Aftercare programmes.

The figure below (Figure 4.2) shows the structure of the Probation and Aftercare Service of Kenya.

**Figure 4.2: Organisational structure of the Probation and Aftercare Service**



**Source:** State Department of Correctional Services, 2019

#### **4.4.1 Community service orders**

Community Service Order Programme draws its mandate from the Community Service Orders Act. No 10 of 1998 (Republic of Kenya, 1998: 2). The Programme is hosted under the Ministry of Interior and has a total of one hundred and seventeen offices in all the court stations Countrywide. The offenders liable for a Community Service Order are those who have performed a crime with a maximum of three years in prison and less than or more than three years in prison, but the Court finds that a lesser sentence of not more than three (3) years could be sufficient (Republic of Kenya, 1998: 3)

Offenders who are sentenced to community service have a lower re-conviction rate than those given short term prison sentences (Killisa, Ribeaud & Aebi, & 2000: 45). According to a study conducted in Finland, offenders receiving community service had a lower recidivism rate of 62 percent compared to those convicted to short-term prison sentences whose recidivism rate was 72 percent, (Bouffard, 2007:174). Community service orders instill a sense of responsibility to offenders and as they undertake unpaid public work, they payback to the community that they wronged. Moreover, this form of punishment is retributive in nature particularly to offenders who find it demeaning to publicly serve a public sentence and thus it serves a deterrent to future re-offending (Republic of Kenya, 2016:22)

The functions of the community service programme in Kenya are to:

- Keep non-serious criminals out of jail where they would be vulnerable to hardened criminals;
- Punish the offender by doing work that directly benefits the community in which he resides; and
- Reduce the inflow of prisoners into custody, while minimizing the cost to the taxpayer of sustaining those criminals and rehabilitating the prisoner while ensuring that he keeps contact with friends and family and preserves his or her career when performing work that benefits the community.

Section 4 of the Community Service Order Act No. 10 of 1998 provides conditions that shall be followed by the offender under the direction of the community service officer (Republic of Kenya, 1998: 6). The conditions are to

- Report to the supervising officer specified in the order for an assignment of work;
- Perform, for the period specified in the order work at a specified place and time as instructed by the community service officer; and
- Report any change of address to the community service officer.

The eligibility criteria for approval of a Community Service Order in Kenya are more restrictive than those for Probation Orders. Offenders liable for a Community Service Order are those who have incurred a maximum penalty of three years in prison or an offence which may be less than three years in prison but which, in a particular case, is ruled by the court to be punished by three years or less (Republic of Kenya, 1998: 3). The penalty shall be levied for a period of months or days and shall be converted into a number of hours of unpaid work to be taken out by the defendant (Republic of Kenya, 1998: 4). The average working time per day is two hours and the total is seven hours.

The forms of deployment of prisoners subject to community service orders include the development and repair of public roads; forestry works; ecological protection and enhancement works; and water storage, control, transmission, and procurement schemes (Republic of Kenya, 1998: 4). The statute further defines construction work in public schools, clinics, and other public social facilities, operation of any kind in a foster home or orphanage, and the availability of advanced and professional services in the city and for the benefit of the community.

Community service officers carry out public enquiries on a case-by-case basis in order to determine their suitability for inclusion in the scheme and to report their conclusions to the courts. Placement supervisors who are administrators at public institutions where offenders are put shall ensure that offenders comply with the orders made by appointing and tracking their job on a daily basis before completion (Republic of Kenya, 1998:12).

#### **4.4.2 Probation orders**

The Probation of Offenders Act (Chapter 64) The Kenyan Law sets down parole orders that are usually given by the judge as a form of non-custodial sentence (Republic of Kenya, 2012:5). The act was passed on 12 December 1943 and the rehabilitation system had been officially in use since 1946. Since then, the courts have used supervision conditions as an option to custodial sentences. Throughout time, the ratio of parole orders compared to imprisonment stayed in the relation of one probation order for every four or five prison sentences.

According to section four of the Probation of Offender's Act (Chapter 64) laws of Kenya (2012:5), probation order is the power of the court to permit the conditional release of offenders. Furthermore, where a person is charged with an offence by a court of law and the court thinks that the charge is proved but is of the opinion that, having regard to youthful nature, character, precursors, home environment, health or mental condition of the offender, or to the nature of the offence, or to any extenuating circumstances in which the offence was committed, the court can convict the offender and make a probation order. This will require the offender to enter into a recognisance, Judicial Sentencing Policy Guidelines, (2016:24). If an offender commits an offence during the probation term, he/she becomes liable to be sentenced for the original offence. The minimum period in which an offender can serve a probation term is six months and the maximum period is three years' Probation orders serves as a form of punishment since the offender is under the supervision of the probation officer. On the other hand, probation orders accord the offender an opportunity to complete a good behaviour bond with the assistance of the probation officer.

According to the United Nations Office on Drugs and Crime (2012:87), probation orders seek to enhance relationships between offenders and members of the community. Furthermore, the orders aim to strengthen rather than sever those relationships. Offenders who have strong connections to their community and who care about the people around them are less likely to recidivate. Probation orders provide an opportunity for the offender who supports a family to continue to do so, including the possibility to remain gainfully employed or otherwise engaged in their own community (Republic of

Kenya, 2012:5). Probation officers in Kenya are required to monitor and rehabilitate the criminal. The probation officers use a variety of skills to help in the recovery of the prisoner, based on the offender's conditions and risk factors. Counseling, follow-up and other development programmes, such as skills training, procurement of manufacturing equipment, availability of start-up resources and formal education, are used to promote positive change on the part of the individual.

A study conducted by Pearson, McDougall, Kanaan, Bowles, and Torgerson (2011:91) based on the United Kingdom probation monitoring system found that probation control had an impact on reducing recidivism. In addition, various studies conducted by Bonta, Bourgon, Rugge, Scott, Yessine and Gutierrez (2011:1140), Robinson, Van Benschoten, Alexander, and Lowenkamp (2011:13), Trotter (2012:448), Smith, Schweitzer, Labrecque, and Latessa (2012:172) and Robinson, Van Benschoten, Alexander, and Lowenkamp (2011) concluded that probation supervision reduced recidivism rates.

#### **4.4.3 Aftercare services**

Aftercare services are offered by the Probation and Aftercare Service in Kenya. This programme deals with the supervision of offenders who are released from various penal institutions on certain conditions. Probation and Aftercare Service implements the Aftercare service on behalf of the Prison Service as per the Borstal Institutions Act (Chapter 92), Prisons Act (Chapter 90), and Mental Health Act (Chapter 248) laws of Kenya. The Standard Minimum Rules for the Treatment of Prisoners reiterates that the duty of society does not end with a prisoner's release, rather, there should be governmental or private agencies capable of lending the released prisoner efficient aftercare directed towards lessening of prejudice against him and towards his social rehabilitation (United Nations, 1977:10)

Aftercare consists of services that may be provided for all categories of offenders be they men, women or youthful offenders to resettle back into the community upon release from various penal institutions (Omosa, 2011:118). Probation officers make follow-ups of probationers who have completed their period but require additional assistance for

complete reintegration into the community. Those released from institutions comprise of ex-borstal, inmates, long-term prisoners, offenders released on Prison Decongestion programmes and special category (psychiatric) criminals. Great efforts are made to ensure that they resettle in the community and engage in meaningful economic activities.

The purpose of Aftercare Service is stated by the Probation and Aftercare Service in terms of “empowering offenders to engage and participate in meaningful socio-economic activities in the community so as to reduce recidivism” (Republic of Kenya, 2012:7). The mandate of the programme is to provide vital social background information on offenders to penal institutions to prepare for the release of these offenders and, upon their release, effectively reintegrate and resettle offenders within the community in order to create an environment that is conducive to social and economic development.

#### **4.3.4 Probation hostels**

Probation hostels are temporal houses for probationers who cannot return to the community immediately or who may need intensive supervision and training or have complex needs (Her Majesty’s Inspectorate of Probation, 2018:13). Probation hostel facilities are mostly used by young offenders. There are five Probation Hostels in Kenya, three for males (Kisumu, Shimo la Tewa & Makadara) and two for females (Siaya & Nakuru). In-service services provide vocational training, therapy, professional education, and social skills training. Hostels recognise prisoners placed on probation as a requirement of probation order (Republic of Kenya, 2012:6). The hostels known as national institutions are for boys, girls, youth, and adults and are situated in different parts of the country.

The purpose of initiating probation hostels is to provide a home away from home, provide institutionalised, intensive and close supervision, remove the probationer from environments that are unfavourable for rehabilitation, and provide vocational training. These facilities offer probationers with an array of activities and engage in helping them reform under the strict supervision of concerned authorities.

#### **4.4 Gaps in the literature review**

The current study is attempting to fill the knowledge gap on criminal recidivism correlations. Much of the recurrence work has concentrated on the impact on the reoffending of static and dynamic variables. Fixed predictors include factors including gender, the record of crime, the period of institutionalization, etc. Since correctional programme managers need predictive data that they can adjust to prepare strategies efficiently, the majority of these research may not assist much in enhancing criminal behaviour initiatives.

Literature is also driven by assessment research which tends to focus on specific programme results such as work, housing, and family relationships activities. These findings are not enough to resolve certain nuanced behavioural issues with which prisoners are dealing. Certain areas of study include the estimation of the percentage of recidivating prisoners. There is also a wide range of recidivism research confined to those offenders who are mainly populated by sex, youthful, and incarcerated offenders.

The literature analysed further shows that most of the current life-after-release work focuses solely on recurrence and ignores the fact that recurrence is directly affected by inmate reintegration after release and transition, such as individual characteristics, contextual characteristics, like social understanding and disposition toward the jail.

In contrast, human transfers from jail to research in the community are predominantly observational structures. Follow-up studies of released prisoners include Justice Statistics Bureau (2018: 1) Special Report on Recidivism of Prisoners, and Justice Ministry Report (2018: 14). Most of the follow-up research can provide very little data to assist prison authorities in selecting effective services for prisoners and making decisions based on shifts to inmates.

In Kenya, there are previous studies that have been conducted examining variables on recidivism. Studies by Oruta (2016) focused on challenges offenders face during reentry and Sikasa (2015) examined factors influencing recidivism on male prisoners at the



Kingongo Main Prison. Through the specific objectives of this study which focus on the institutional aspects, the individual personal disposition, and societal contexts, the study comes up with a holistic view on correlates of criminal recidivism.

Given the wide range of recidivism studies currently available, there is a substantial scarcity in a single study of academic material directly exploring individual characteristics, reintegration, and societal causes. Most are dealt with differently, thereby struggling to come up with a holistic view of recurrence.

#### **4.5 Chapter summary**

This chapter focuses on the status of recidivism in Kenya by highlighting the recent studies and statistics provided by the Kenya National Bureau of Statistics and also Kenya prison statistics. The chapter also explores the history, establishment, structure, composition, and functions of the Kenya Prisons Service and the Probation and Aftercare Service. These are the institutions legally mandated with correctional management and practices in Kenya. The next chapter is on the process of data collection.

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## CHAPTER FIVE

### DISCUSSION OF THE DATA RESULTS

#### 5.1 Introduction

This section addresses the findings of the study and their explanations in the context of descriptive and inferential statistics on “correlates of recidivism among released prisoners in Kakamega County, Kenya.” To explain the respondents' demographic characteristics, descriptive statistics are evaluated and displayed in the form of distribution charts, maps, frequencies, and percentages. Inferential statistics utilised include the Pearson Product Moment Correlation Coefficient, multiple regression testing, t-test, and ANOVA. Statistical analysis was carried out using the Windows version 23.0 of the Statistical Product and Service Solutions (SPSS) program.

#### 5.2 Objectives of the investigation

The discussions of this chapter are presented in line with the specific objectives of the study in the following sequence

- To examine the relationship between offender characteristics and recidivism;
- To establish the role of offender reintegration on recidivism;
- To determine the influence of the community perception and attitude on recidivism; and
- To examine the international perspectives on recidivism in selected countries.

Each objective is conclusively discussed separately. In objectives one, two and three, quantitative data of every objective is analysed first followed by analysis of qualitative data. Hypothesis testing is conducted within the discussion of every objective and a decision made depending on significant levels in the output.

Findings from each of the specific objectives are presented using frequency tables, bar graphs, and pie-charts. This is followed by an interpretation, discussion, and comparison with empirical findings from previous research work on the same topic in order to make conclusions about the correlates of recidivism among released prisoners within Kakamega County.

### 5.3 Test of data characteristics

The Kayser-Meyer-Olkin sampling adequacy test is implemented to provide a quality that gives an estimate of the sampling adequacy for this type of study in order to check whether the information is suitable for such an evaluation. Field (2009: 247), corresponding to Hutcheson & Sofroniou (1999: 211), notes that values above 0.9 are superb; values between 0.8 and 0.9 are high; values between 0.7 and 0.8 are great and values between 0.5 and 0.7 are average. A limit of 0.5 was proposed by Smith (2018: 429).

Bartlett's Sphericity Analysis is also performed to analyse whether the correlation matrix has any associations or whether the equation is an identity matrix (all correlation coefficients would be zero in an identity matrix).

Barlett's Analysis produces a highly significant outcome for the data at hand, which is below 0.001. In addition, for this kind of statistical analysis, the information is substantially sufficient.

The table below provides an analysis of the test of sampling adequacy and sphericity of data. Study findings from the table show that the study data is statistically adequate for the study at hand with a KMO value of 0.841.

**Table 5.1: Test of Sampling adequacy and Sphericity of data**

Kaiser-Meyer-Olkin Measure of Sampling Adequacy	.841	
Bartlett's Test of Sphericity	Approx. Chi-Square	31990.995
	Df	2893
	Sig.	.000

**Source: Field data, (2018)**

Due to the huge complexity of this analysis in which correlations of recurrence are tested, perceived normality is evaluated as univariate or multivariate. There are usually two approaches to evaluate normality. Next, in order to identify inconsistencies, statistical experiments map information from empirical observations and their distribution relative to a hypothetical distribution. Third, statistical analysis is used to deduce data on skewness and kurtosis. Although visual analysis is more logical and theoretically simpler to understand, statistical testing is more objective; the quantitative approach is therefore used.

Univariate normality is analysed by merging responses from the study respondents and conducting the Kolmogorov-Smirnov Z test and the Shapiro-Wilk D test on the total factor scores (Refer to table 5.2). Both statistical procedures analyse whether the distribution as a whole deviates from a normal distribution. Study findings reveal that the data does not deviate from the normal and uniform distribution.

**Table 5.2: Test for Normality in data distribution for the study**

	Kolmogorov-Smirnov <sup>a</sup>			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	Df	Sig.
Socio-demoGraphic factors	.133	45	.001	.894	45	.003
Individual characteristics	.139	45	.000	.885	45	.001
Community influence	.146	45	.004	.911	45	.004
Reintegration issues	.137	45	.000	.909	45	.000

**Source: Field data, (2018)**

- a. Test statistic is normal
  - b. Test statistic is uniform
- N =329 list wise

Both tests provide significant results, indicating that the data is normally and uniformly distributed. Such normal and uniform distribution allows for the use of statistical techniques that assume normality and uniformity of data distribution such as ANOVA, Pearson Product Moment Correlation Coefficient and Regression.

#### **5.4 Response rate**

The study targets 467 respondents comprising of

- 384 recidivists serving various prison terms in the three prisons within Kakamega County, namely Shikusa Main Prison, Kakamega Main Prison, and Kakamega Women Prison;
- 25 Prison Officers;
- 13 Probation Officers;
- 27 family members of recidivists; and
- 18 community members from the neighbourhoods of recidivists.

Out of the 467 targeted respondents, 412 participate in the study by way of adequately responding to items in the data collection instruments. This gives the study a response rate of 88.22 percent. According to Sounders, Lewis and Thornhill (2009: 197), a response rate of over 80 percent is highly significant for purposes of generalisation of findings from a sample onto the entire population from which that particular sample is drawn.

#### **5.5 Quantitative analysis of data from prisoners**

This section of the quantitative analysis consists of respondents data obtained from prisoners covering 329 respondents.

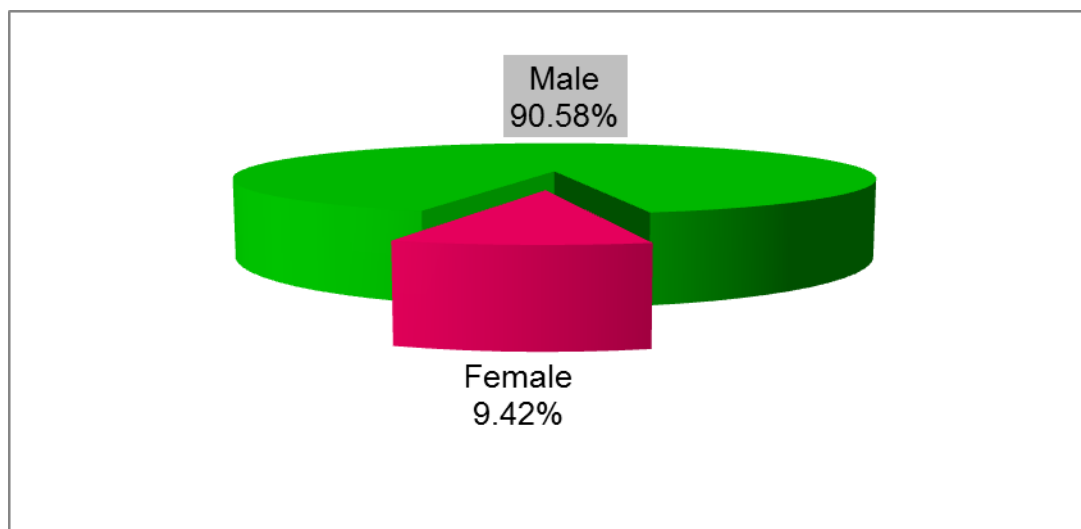
##### **5.5.1 Demographic characteristics of respondents**

In this section, respondents' background information is sought. Focus is placed on respondents' gender, age, education level, religion, employment status before incarceration and current caregivers of recidivists that had children at the time of conviction. These factors are considered because they are depicted in literature from previous studies as having the potency to influence recidivism.

With respect to the gender of respondents, findings are presented in Graph 5.1.



**Graph 5.1: Gender of respondents**



**Source: Field data, (2018)**

Study findings in Graph 5.1 reveal that 90.58% of respondents were male while female recidivists constituted 9.42% of respondents. This shows that there are more male recidivists in prisons within Kakamega County than females. This is in line with the general trend in Kenya where there are more males than females in conflict with the law and hence more male and female being processed through the criminal justice system. In Kenya, in the year 2017, there were 16 371 male prisoners and 1 453 female prisoners with a previous conviction record totaling 17 826 recidivists in prisons (Kenya National Bureau of Statistics, 2018:267). Previous studies have consistently found that female offenders are much less likely to re-offend than their male counterparts, and studied gender differences in recidivism rates. For example, the United States of America Bureau of Justice Statistics Survey (1989:423) studied the recidivism rates of 108,580 prisoners (5.9% of whom were women) released from prison in eleven states in 1983. Released females reported lower rates of recidivism than released males.

Respondents have been requested to state their age and findings presented in table 5.3

**Table 5.3: Age of respondents**

Age	Frequency	Percentages (%)
18 – 25 years	78	23.71

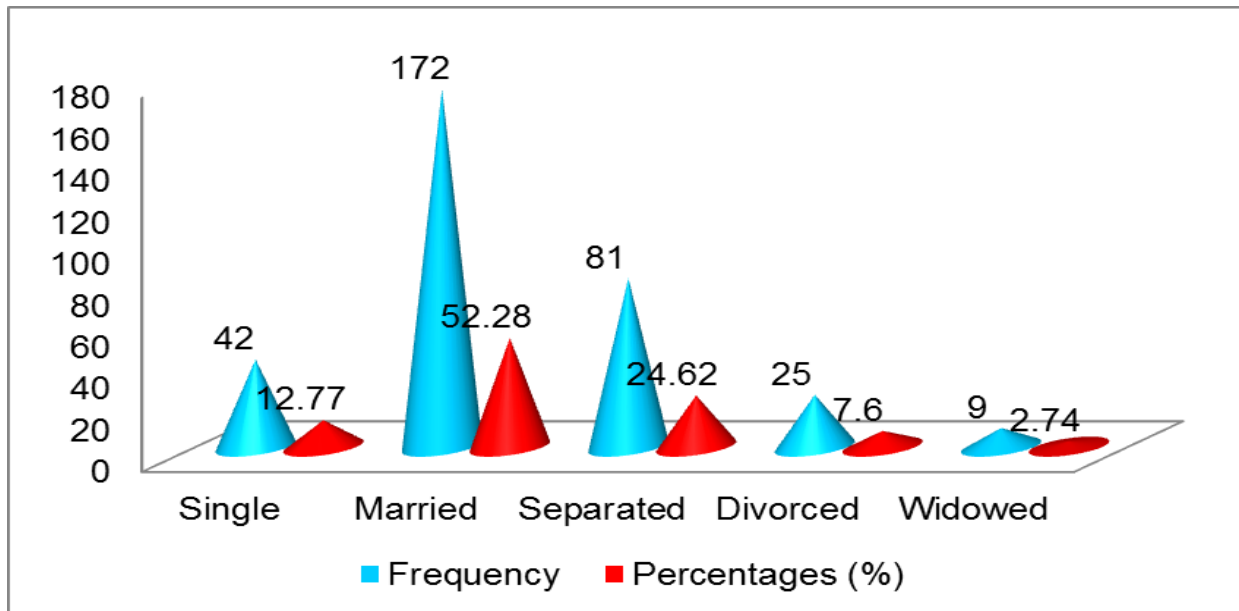
26 - 35 years	96	29.18
36 – 45 years	65	19.76
46 – 55 years	51	15.50
Over 55 years	39	11.85
<b>Total</b>	<b>329</b>	<b>100.00</b>

**Source: Field data, (2018)**

Study findings in table 5.3 reveal that 29.18% of the respondents are between 26 and 35 years of age, while 23.71% are aged between 18 and 25 years. Findings further reveal that 19.76% of respondents are between 36 and 45 years of age while 15.5% are between 46 and 55 years. The study also shows that 11.85% of respondents are over 55 years of age. In the study, most recidivists are youthful offenders aged 35 years and below. This spells doom to the socio-economic development of the country given that youths are energetic people in their prime age who should be taking an active role in nation-building initiatives and socio-economic development. Incarceration, especially at a young age, could contribute to an accumulation of life-long disadvantages with severely limited future opportunities (Sampson & Laub, 1993: 19; Western, Kling, & Weinman, 2001: 413).

Respondents have been requested to indicate their marital status and findings presented in Graph 5.2

**Graph 5.2: Marital status of respondents**

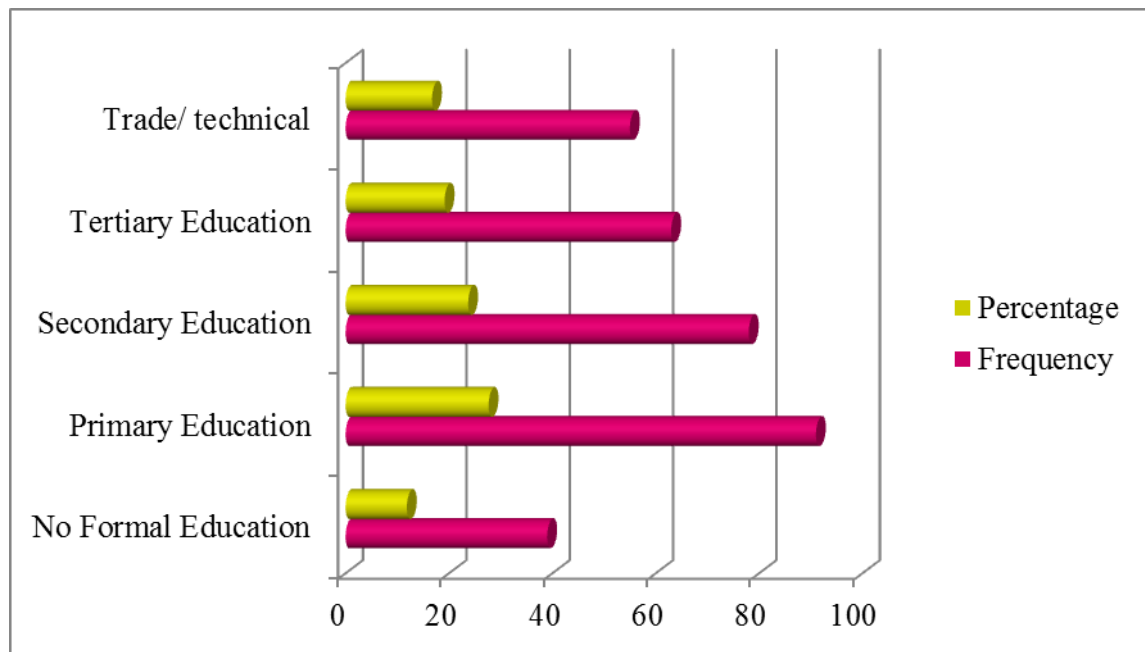


**Source: Field data, (2018)**

Findings in Graph 5.2 show that 52.28% of the respondents are married while 24.62% are separated. Findings also reveal that 12.77% of respondents are single, 7.6% are divorced and 2.74% are widowed. This shows that most recidivists are persons with family responsibilities. Their stay in prisons puts a strain on their families in terms of provision for their families, most of them being young families. This has the potency to breed disjointed families and children who exhibit antisocial personality disorders as a result of a lack of adequate parental supervision and provision.

Respondents have been requested to provide information regarding their level of education and findings are presented in Graph 5.3.

**Graph 5.3: Academic levels of respondents**

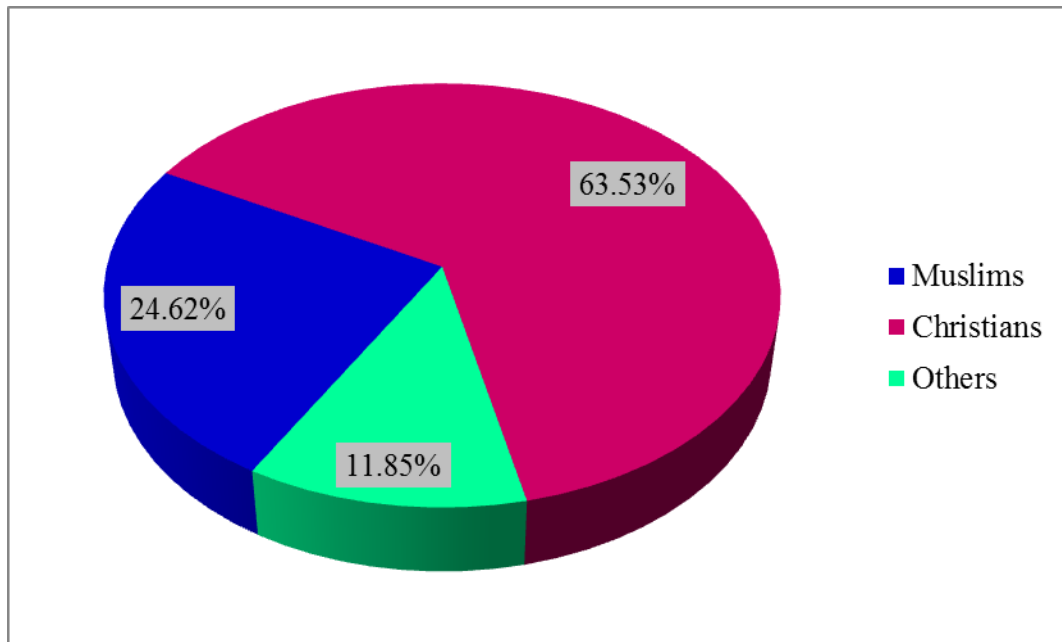


**Source: Field data, (2018)**

Findings in Graph 5.3 show that 28.95% of respondents have a primary school level of education while 24.46% have secondary school level of education. Results also show that 19.19% of respondents have tertiary levels of education and 14.59% have vocational qualifications and technical education. The study also indicates that 12.1% of respondents have no formal education. Therefore, most recidivists are literate people who should be in possession of good judgment to determine what is right or wrong. It also points to the fact that ignorance or lack of knowledge may not necessarily be the main reason for repeat offending, which leads us to investigate other individual characteristics and their role in recidivism.

Respondents have been requested to provide information regarding their religious beliefs and findings are presented in Graph 5.4.

**Graph 5.4 Religious backgrounds of respondents**

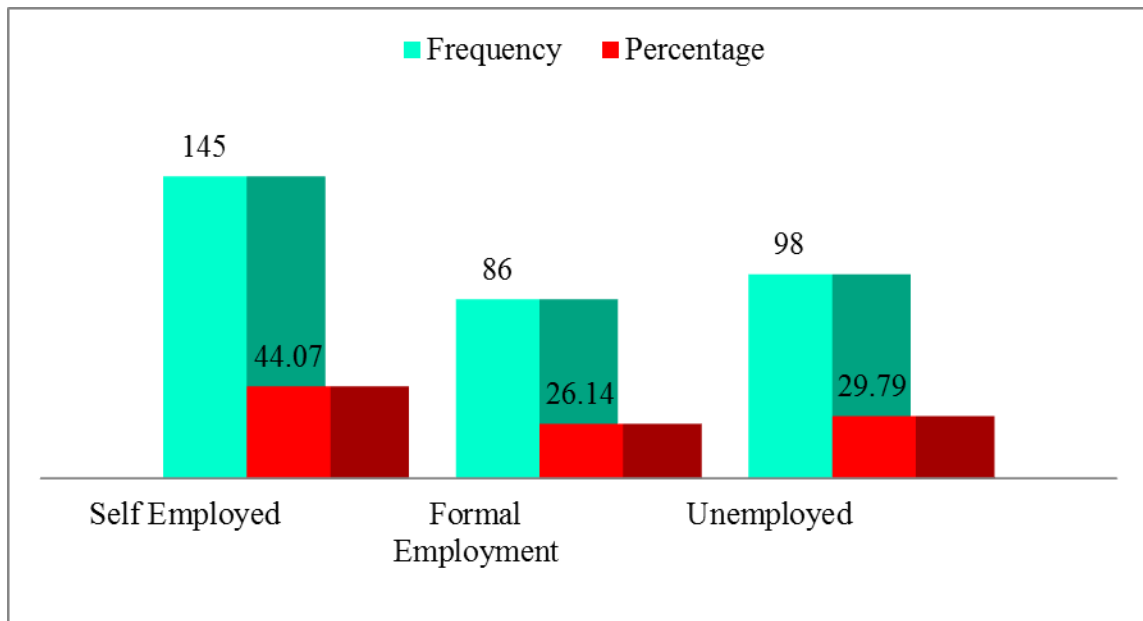


**Source: Field data (2018)**

Study findings in Graph 5.4 reveal that 63.53% of the respondents are Christians, 24.62% are Muslims while 11.85% are from other religious faiths that did not have response options in the study including non-believers. Such a finding that a big number of offenders belong to religious organisations is quite ironical, considering the teachings of both Christianity and Muslim faiths. It is, however, crucial to note that belonging to a religious organisation is one thing and practicing religious teachings is yet another thing. Socialisation, as well as environmental factors, may explain the departure in character from religious values instilled in believers to what is practiced in the real world.

Respondents have been requested to provide information regarding their employment status prior to imprisonment and findings are presented in Graph 5.5.

**Graph 5.5 Employment status before incarceration**

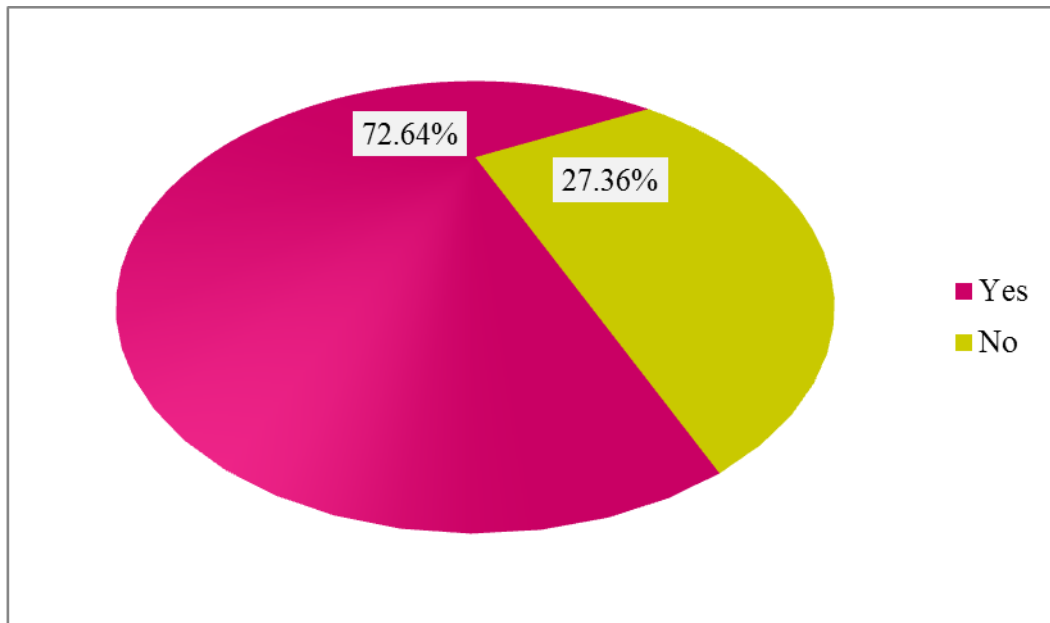


**Source: Field data (2018)**

Results in Graph 5.5 show that 44.07% of the respondents were self-employed prior to imprisonment, while 29.79% were unemployed prior to imprisonment. It has also been established that 26.14% of the respondents were in formal employment prior to imprisonment. This shows that most of the recidivists were economically productive individuals prior to imprisonment. Having close to a third of recidivists 29.79% being unemployed prior to imprisonment while at the same time bearing in mind the fact that most recidivists 53.95% are in custody as a result of offence against property such as malicious damage and theft point to the fact that most recidivists committed offences in the course of attempting to earn a livelihood. Lack of employment is a consistent factor in violations of recidivism or parole and probation, so having a criminal record reduces job opportunities and deprives jobs (Holzer, 1996: 91).

Respondents have been requested to state if they have children. Findings are presented in Graph 5.6.

**Graph 5.6: Whether respondents have children**

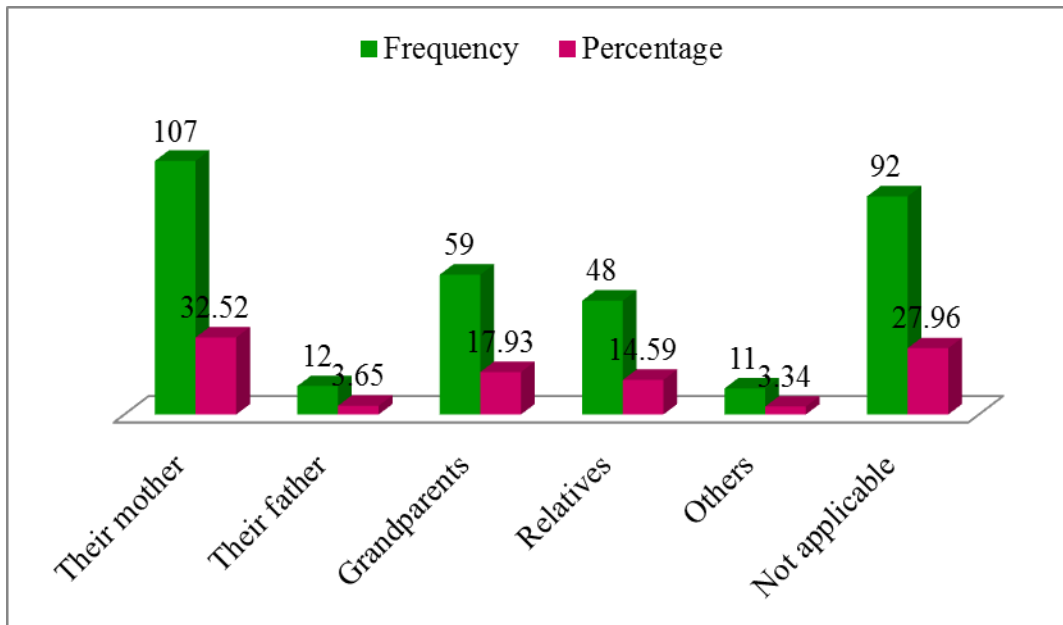


**Source: Field data (2018)**

Results in Graph 5.6 reveal that 72.64% of respondents had children prior to imprisonment while 27.36% did not have children prior to imprisonment. This points to the fact that most recidivists in the sample are people with family responsibilities and children to take care of. This means that children of the incarcerated recidivists in the study are currently lacking one of the parents. Children rely on both parents for guidance and lack of one of the parents creates a gap that may predispose such children to delinquent trajectories (Siegel & Welsh, 2009: 92). Some psychological theorists postulate that lack of one of the parents during the upbringing of children may have a negative impact on the child in later stages of life (Shoemaker, 2009: 78).

Respondents were requested to state the current caregiver of their children since they were now incarcerated and findings presented in Graph 5.7

**Graph 5.7: Caregivers of children of recidivists**



**Source: Field data (2018)**

From the responses, it has been established that 27.96% of the respondents did not have children. This is a very high percentage and perhaps lack of parental responsibility may be the reason why the offenders engage in crime. This is in line with findings from other studies that individuals without responsibilities are more prone to crime as compared to those with responsibilities (Siegel, 2010: 228). Findings in Graph 5.7 show that 32.52% of respondents indicate that their children are left in the care of the children's mothers. It has been established based on the study findings that 17.93% of respondents left their children with the children's grandparents, 3.65% of female recidivists left their children in the care of the children's fathers and 3.34% with other entities including children homes or willing relatives to take care of the children. The Children's Act (Republic of Kenya, 2001: 23) provides the Director of Children Services with the powers to maintain the welfare of children and, in general, to assist in the development, implementation, management and oversight of programmes and facilities designed to promote the well-being of children and their families. Furthermore, Children in need of care and protection are taken care of by the Child Welfare Society of Kenya in various registered Children's



Homes. The mandate of the Child Welfare Society includes care, protection, welfare and adoption of children.

### 5.5.2 Relationship between offender characteristics and recidivism

The first specific objective of the study seeks to investigate the relationship between offender characteristics and recidivism among released prisoners in Kakamega County.

Individual characteristics of respondents that are of interest to the study include

- Gender;
- Age;
- Offence type;
- Number of convictions;
- The period between incarceration;
- Type of prison sentence; and
- Drug use prior to imprisonment

The following null hypotheses are formulated;

**H<sub>0</sub>1: Offender characteristics do not have a significant influence on recidivism**

**H<sub>1</sub>1: Offender characteristics have a significant influence on recidivism**

Study data relating to individual characteristics and recidivism are subjected to the Pearson Product Moment Correlation Coefficient and findings are presented in table 5.4.

**Table 5.4: Relationship between offender characteristics and recidivism**

		Personal Characteristics	Recidivism
Personal Characteristics	Pearson Correlation	1	
	Sig. (2-tailed)		
	N	329	
Recidivism	Pearson Correlation	.669(**)	1
	Sig. (2-tailed)	.000	
	N	329	

**Source: Field data, (2018)**

\*\* Correlation is significant at the 0.01 level (2-tailed).

Study findings in table 5.4 reveal a significant relationship between individual characteristics and recidivism among released prisoners in Kakamega County ( $r=0.669$ ;  $P < 0.01$ ). This implies that individual characteristics of respondents have a significant influence on repeat offending among released inmates in Kakamega County. The null hypothesis that states that there is no significant relationship between individual characteristics and recidivism among released prisoners is therefore rejected at the level of significance of 0.01 and its alternative which states that there is a significant relationship between individual characteristics and recidivism among released prisoners adopted.

To determine the differences in the extent of the influence of individual characteristics on recidivism, measures of dispersion and variability are computed and findings presented in table 5.5.

**Table 5.5: Individual characteristics and their influence on recidivism**

Fear type	Mean	Standard Deviation	Standard Error of Mean
Gender	1.39	.3591	.04541
Age	1.37	.3671	.04356
Offence Type	1.31	.3743	.04691
Number of Convictions	1.04	.3975	.04591
Period Between Incarcerations	1.02	.4167	.03444
Type of Prison Sentence	1.18	.4322	.03549
Drug Use Prior to Imprisonment	1.27	.4191	.03298

**Source: Field data, (2018)**

Study findings in table 5.5 reveal that the mean for gender is the highest, namely 1.39. This implies that gender is the single individual characteristic with the highest influence on recidivism. There is a significantly higher number of male recidivists compared to incarcerated male offenders as compared to female recidivists as compared to incarcerated female offenders.

The age of respondents has the second-highest influence on recidivism with a mean of 1.37. This also reflects the age differences among recidivists, since there are more youthful offenders in prison as compared to aged or older offenders.

Offence type has a mean of 1.31 which points to the influence of offence type to recidivism. Offences against property are more prevalent among sampled recidivists as compared to offences against persons. Drug and substance abuse has a mean of 1.27 implying that even though there are recidivists who have committed offences related to drug and substance abuse, the rate of recidivism in this category of offence is not prevalent. Prison sentence as long, medium or short has a mean of 1.18 implying that the length of a prison sentence has significantly minimal influence on recidivism.

Given the small differences in the means for the various individual characteristics in explaining recidivism, there is a need to establish whether these differences in the means are statistically significant. In this regard, a one-sample independent t-test for equality of means has been computed at 0.05 level of significance and findings presented in table 5.6.

**Table 5.6: T-Test for equality of means**

	Levene's Test for Equality of Variances		t-test for Equality of Means				
	F	Sig.	T	df	Sig. (2-tailed)	Mean Difference	Standard Error Difference
Equal Variances Assumed	0.371	.508	3.308	28	.027	2.945	1.374
Equal Variances not Assumed			3.009	27.417	.042	3.071	1.399

**Source: Field data, (2018)**

*t-critical (df=2,28, t= 2.99, p≤0.05); t-calculated (df=2,28, t=3.308, p=0.027)*

Study findings in table 5.6 indicate that there is a statistically significant difference in the mean between the various individual characteristics as indicators of recidivism among released prisoners in Kakamega County ( $t=3.308$ ,  $P < 0.05$ ,  $df= 2, 28$ ). This is further shown where the critical value of  $t$  (2.99) is less than the calculated value of  $t$  (3.308).

### 5.5.3 Regression analysis of offender characteristics and recidivism

Research data on offender characteristics has been subjected to regression analysis to predict recidivism amongst offenders released from prisons within Kakamega County and findings presented in table 5.7.

**Table 5.7: Model Summary for Offender Characteristics and Recidivism**

Model R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.478 <sup>a</sup>	.237	.78652	1.775

**Source: Research data, (2018)**

- a. Predictors: (Constant), Offender Characteristics
- b. Dependent Variable: Recidivism

Study findings from regression analysis where offender characteristics are used as predictors of recidivism reveal an R squared value of 0.237 implying that offender characteristics account for 23.7% of the variance in recidivism among sampled offenders.

### 5.5.4 ANOVA results for offender characteristics and recidivism

An analysis of variance is computed for the relationship between offender characteristics and recidivism and findings presented in table 5.8

**Table 5.8: ANOVA for offender characteristics and recidivism**

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	59.431	1	48.655	69.771	.000 <sup>a</sup>
	Residual	191.793	327	.584		
	Total	251.224	328			

**Source: Research data, (2018) (2018)**

- a. Predictors: (Constant), Offender Characteristics
- b. Dependent Variable: Recidivism

Study findings in table 5.8 reveal an F value of 69.771 which is highly significant with a p-value = 0.000. This implies that the study model is a good predictor of the association between offender characteristics and recidivism.

### 5.5.5 Coefficients for offender characteristics and recidivism

The Coefficients for offender characteristics and recidivism are presented in table 5.9

**Table 5.9: Coefficient for offender characteristics and recidivism**

Model		Unstandardised Coefficients		Standardised Coefficients		Collinearity Statistics		
		B	Std. Error	Beta	T	Sig.	Tolerance	VIF
1	(Constant)	.671	.107		4.866	.000		
	Environment	.492	.043	.447	6.319	.000	1.000	1.000

**Source: Research data, (2018)**

a. Dependent Variable: recidivism

Multi-collinearity is measured by the variance inflation factor (VIF). In circumstances where variance inflation factor exceeds 10, it means independent variables are highly correlated amongst themselves hence leading to a multi-collinearity problem (a case where the change in the dependent variable cannot certainly be attributed to the independent variables). The VIF value in table 5.9 (VIF=1) is less than 10 so there is no multi-collinearity problem. Analysis of the regression model coefficients shows a beta coefficient of 0.492 for offender characteristics with a P-value = 0.000 which implies a significant relationship between offender characteristics and the dependent variable (recidivism).

## 5.6 Qualitative analysis of offender characteristics and recidivism

In this section, the discussion of findings from interviews and focused group interviews are presented.

### 5.6.1 Interviews with Probation and Prison Officers

Interview guides were used to seek the opinion of Probation Officers and Prison Officers

on the relationship between offender characteristics and recidivism. The aim is to assess whether the characteristics exhibited by offenders would explain the possibility of repeat offending. The majority of the interviewed Probation Officers (69.4%) were of the view that offender characteristics have a significant influence on recidivism among released prisoners in Kakamega County.

The majority of the interviewed Probation Officers (57.1%) were of the general view that more youthful offenders were more likely to breach Probation Orders as compared to older offenders. Probation Officers were also of the view that male offenders were highly likely to breach the conditions of the Probation Orders as compared to their female counterparts. In all cases where an offender breaches Probation Orders, they get arrested for the breach of the Order and an alternative sentence is meted out for them hence making them repeat offenders. In Kenya, in the year 2017, there were 16 371 male recidivists out of an estimated 52 000 male prisoners and 1 453 female recidivists out of an estimated 5 000 female prisoners (Kenya National Bureau of Statistics, 2018:267).

Most of the interviewed Probation Officers (52.9%) also indicated that the type of offence committed had a significant influence on recidivism. Officers who were interviewed noted that offenders who had committed crimes that were utilitarian in nature such as theft, burglary, etc were more likely to repeat similar offences upon release from prisons or more severe offences such as attempted robbery or robbery. This corroborates with the Kenya Economic Survey (2018:270), which reports that the following crimes were committed by convicted offenders in 2017

- Order and administration of lawful authority 8 505
- Injurious to public 3 325
- Against person 6 529
- Related to property 8 306
- Attempts and conspiracies 1 633
- Employment 4 262
- Trade in illegal liquor 26 024
- Drug-related 5 397
- Other cases 1 419

The majority of interviewed Prison Officers (72.3%) were of the view that offenders sentenced for petty offences were highly likely to recidivate due to the nature of the short sentences that they received, with most of them ranging from one week to six months. During this period, offenders are not likely to undergo any tangible rehabilitation programme. Further still, offenders with drug-related offences or those with a history of narcotic drug use were more likely to engage in repeat offending given the negative influence of the drug and also given the peer group associations that come with drug use.

From the above response from correctional officers, it is evident that individual characteristics of an offender have a significant role in determining recidivism among released prisoners.

### **5.6.2 Focus group interviews**

Focus group discussions were conducted between the researcher and family members of recidivists, community members of recidivists to gain an understanding of the general characteristics of the offender and how imprisonment or placement on probation after serving a prison sentence affects the offender's life upon release from prison.

The general thread emanating from the focus group discussions seems to allude to mixed findings for different offenders. Some family and community members (49.8%) were of the view that the offenders have improved in character after incarceration while others (50.2%) were of the view that offenders have worsened in character. Other community members (2.7%) opined that there was no significant change in the character of the offenders before and after incarceration or placement on probation. This is what a mother to an offender had to say when asked on how the offender behaved before and after imprisonment:

*“my son has significantly improved his behaviour, he is helpful at home and relates well with his siblings contrary to what the case was before he was imprisoned”* Murhanda village (14/6/2018).

A local administrator in Murhanda location in Kakamega East Sub-County had the following to say when asked to make comments about the conduct of a specific inmate who hails from his area of jurisdiction:

*“.....as a community, we have keenly observed the offender from the time he was released from prison and I think there is no much difference in his behaviour. He still keeps the bad company of known criminals and is still suspected of smoking outlawed substances such as Marijuana. Based on the behaviour he exhibits.....my assistant chiefs suspect him of involvement in the increased criminal activities in this location and beyond.....”* Murhanda Location (14/6/2018)

The researcher asked family members to make comments on how the offender relates to family members, relatives, neighbours, and community members generally. Family members had mixed feelings when asked if the offenders were supportive of the immediate family. Some family members were of the view that offenders were supportive of immediate family members and were more responsible. Others were of the view that the offenders have neglected their spouses and children, and were more into negative social groups as opposed to assisting their family members. This is what a mother to one of the offenders from Lihovero area in Khayega location had to say when asked how supportive her son was after he was released from prisons and placed on parole:

*“.....my son has reduced alcohol consumption and loitering and is more supportive of his wife and children. ....he works hard to secure casual work that has enabled him to repair their house and buy school uniforms for his daughter....the wife is happier than before and they eat well in their house nowadays”.* Khayega Location (20/6/2018)

Focus group discussions with two ex-offenders, four family members of an ex-offender and a victim of crime, four community members as well as local administration, and a religious leader presented mixed feelings regarding the potential of offenders to engage in repeat offending. Even though family members of ex-offenders were optimistic that ex-offenders would eventually change and become law-abiding, community members and local administrators held divergent views regarding the possibility of ex-offenders



reforming after a period of incarceration. A sibling to one of the released prisoners in Munyuki village within Lugari Sub-County had this to say when asked if his sister would stop selling alcoholic drinks without a license:

*“.... my sister has been selling illicit brew without a license all her adult life but she has desisted from the business for the last five months after she was released from prisons on parole. The probation officer visited her twice and warned her that she would be in breach of the Probation of Offenders Act should she engage in any unlawful activities. She was recently empowered with a tailoring machine and start-up capital from the State Department of Correctional Services since she had prior skills in tailoring.....she does tailoring within Munyuki Market to feed her young family”* Munyuki Village (16/6/2018)

A community member in Sayangwe Village within Matungu sub-County had the following to say when asked to comment on the possibility of offenders returning to repeat offending:

*“...most of the offenders from this area arrested and charged for stealing and possession of narcotic drugs are jailbirds.... they are always in and out of prison.....it would be quite surprising for most of them to finish a whole year before being arrested...”* Sayangwe (15/6/2018)

The same question was posed to a local administrator working at Marenyo Chief's Camp who had this to say;

*“...offenders that get arrested for petty crimes come back from prison when they are hardened and are giving us sleepless nights in this area.....they engage in more serious crimes like burglary and armed robberies .....one offender recently engaged in attempted robbery at a bar in Butere, he has gone missing and efforts are underway to apprehend him and have him arraigned in a court of law to face criminal charges....”* Marenyo Village (21/6/2018)

The above discussions allude to different viewpoints for different categories of community members of recidivists. In as much as close relatives to recidivists might want to portray offenders as being capable of reforming and become good citizens, community members seem to paint offenders as people who cannot change and who should be suspected of any wrongdoing in the community when there is nobody else to suspect.

## 5.7 Relationship between offender reintegration and recidivism

Both qualitative and quantitative analysis of the nexus between offender reintegration and recidivism are discussed in this section.

### 5.7.1 Quantitative analysis on offender reintegration and recidivism

The second specific objective of the study seeks to interrogate the relationship between offender reintegration and recidivism among released prisoners in Kakamega County. This is necessary to help the study to understand how rehabilitation programmes in prison, community reception of offenders upon release, post-release social support structures and social interactions of offenders after release influence the likelihood of repeat offending. The following null hypotheses are formulated to guide the study;

**H<sub>0</sub>2: Offender reintegration does not have a significant influence on recidivism**

**H<sub>1</sub>2: Offender reintegration has a significant influence on recidivism**

Study data relating to community reintegration and that relating to recidivism are subjected to various descriptive and inferential statistics. The Pearson Product Moment Correlation Coefficient is performed between offender reintegration and recidivism among released prisoners in Kakamega County and findings are presented in table 5.10

**Table 5.10: Relationship between offender reintegration and recidivism**

		Offender Reintegration	Recidivism
Offender Reintegration	Pearson Correlation	1	
	Sig. (2-tailed)		
	N	329	
Recidivism	Pearson Correlation	.541(**)	1
	Sig. (2-tailed)	.000	
	N	329	

**Source: Field data, 2018)**

\*\* Correlation is significant at the 0.01 level (2-tailed).

Study findings in table 5.10 reveal a significant relationship between offender reintegration and recidivism among released prisoners in Kakamega County ( $r=0.541$ ;  $P<0.01$ ). The implication of this finding is that rehabilitation programmes in prison, community reception of offenders upon release, post-release social support structures

and social interactions of offenders after release, the possibility of securing a job after release and availability and access to support from faith-based organisations influence the likelihood of recidivism among released prisoners in Kakamega County.

Since the study revealed a statistically significant relationship between offender reintegration and recidivism at the level of significance of 0.01, the null stating that offender reintegration does not have a significant influence on recidivism is hereby rejected and its alternative offender reintegration has a significant influence on recidivism adopted.

To determine the direction and magnitude of the influence of the various study constructs for offender reintegration as used in the study, the researcher has subjected the study data to multivariate regression analysis and findings presented in table 5.11.

**Table 5.11: Multiple regression results for offender reintegration on recidivism**

Variable	Coefficients	t-value	p-value
Constant	0.263	2.890	0.005
Post Release Treatment	0.513	3.669	0.000*
Job After release	0.935	1.724	0.0002*
Certificate of Good Conduct	0.183	4.629	0.000*
Residence	0.133	4.552	0.001*
Vocational Training	0.381	5.727	0.000*
Interaction with hard Core Criminals	0.421	5.871	0.001*

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Goodness of Fit:

R2 0.682

Adjusted R2 0.659

F-value 3.828

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**Source: Filed data, (2018)**

Findings in table 5.11 show multiple regression results for offender reintegration factors as predictors of recidivism among released prisoners in Kakamega County. The constructs investigated are post-release treatment, ability to secure a job after release, access and use of a certificate of good conduct, residence after release, vocational training while in prison and interaction with hard-core criminals while in prison. Study findings establish that calculated t-statistics ( $t = 3.669, 1.724, 4.629, 4.552, 5.727$  and  $5.871$ ) for the following parameters respectively are greater than tabulated t-statistics at 0.05 level of significance: post-release treatment, ability to secure a job after release, access and use of certificate of good conduct, residence after release, vocational training while in prison and interaction with hard-core criminals while in prison. The result of the study shows that all the six constructs have a significant influence on recidivism given that all the p values are less than 0.05.

The coefficient of determination ( $R^2$ ) is 0.682 meaning that post-release treatment, ability to secure a job after release, access and use of certificate of good conduct, residence after release, vocational training while in prison and interaction with hard-core criminals while in prison account for 68.2% of variation in recidivism among released prisoners in Kakamega County. The remaining 38.1 percent unknown parameter was largely due to variance outside of the regression model in other factors that are otherwise included in the stochastic error term. In spite of its overall fitness quality, the cumulative regression method is statistically significant ( $f=3.867, P<0.05$ ).

A descriptive analysis of study data relating to offender reintegration is presented in table 5.12.

**Table 5.12: Frequency distribution for reintegration factors**

Variable	Total (N=329)	Male (N=298)	Female (N=31)
Participation in post release treatment			
Yes	79.2%	53.5%	25.7%
No	13.9%	9.7%	4.2%
Secured a job after release from prison			
Yes	29.1%	19.8%	9.3%
No	63.7%	48.5%	15.2%
How the job was secured after release			
Through friends	39.8%	27.9%	11.9%
Through family members	27.4%	18.3%	9.1%
Through programmes assisting ex-offenders	3.2%	1.9%	1.3%
Through personal efforts	18.9%	13.1%	5.8%
Whether police clearance was necessary			
Yes	23.5%	22.3%	1.2%
No	69.3%	57.1%	12.2%
Type of employment sought			
Formal job in government	17.4%	13.5%	3.9%
Formal job in private sector	63.7%	49.1%	14.6%
Others	9.1%	7.7%	1.4%

**Source: Field data, 2018)**

Note: Data presented are weighted by gender.

The sample size varies slightly for select variables due to missing values.

Study findings in table 5.12 reveal that 79.2% of respondents reported receiving post-release treatment while 13.9% did not receive post-release treatment. It is also established that 63.7% of respondents did not secure a job immediately upon release from prison while 29.1% secured a job immediately upon release from prison. Concerning the assistance received in securing a job after release from prison, the modal response category is through friends at 39.8%. A paltry of respondents 3.2% received jobs through programmes for assisting released offenders. This means that there is a significant scarcity of programmes to assist released offenders to address their employment needs upon release from prisons. The study revealed that 69.3% of respondents did not find certificates of good conduct necessary in securing jobs after release from prison, while 23.5% found them necessary in securing jobs after release from prison. In respect to the

type of employment sought after release from prison, the modal response category was formal jobs in the private sector 63.7%.

Further descriptive analysis of reintegration factors is conducted to gauge the ease of offender reintegration back to the community upon release from prison and findings presented in table 5.13

**Table 5.13: Frequency distribution for reintegration factors**

<b>Variable</b>	<b>Total (N=329)</b>	<b>Male (N=298)</b>	<b>Female (N=31)</b>
Whether lack of good conduct certificate was a hindrance in securing a job			
Strongly agree	7.4	5.9%	1.5%
Agree	11.4%	8.3%	3.1%
Neutral	29.8%	21.7%	8.1%
Disagree	21.9%	15.1%	6.8%
Strongly Disagree	19.5	12.8%	6.7%
Residence before imprisonment			
Rural home	34.1%	23.7%	10.4%
A rented house in an urban area	27.9%	19.1%	8.8%
Relative's home	19.4%	16.3%	24.2%
Friend's home	13.9%	8.2%	5.7%
Whether former residence was secured after release from prison			
Yes	71.4%	56.8%	14.6%
No	19.4 %	11.9%	7.5%
Treatment during the last incarceration			
Yes	31.3%	22.4%	8.9%
No	65.1%	50.2%	14.9%

**Source: Field data, (2018)**

Note: Data presented are weighted by gender.  
The sample size varies slightly for select variables due to missing values.

Respondents were asked whether lack of a certificate of good conduct was a hindrance for them to secure a job after release from prison and findings in table 5.13 reveal that the modal response category is neutral with 29.8% implying that most respondents are not sure that possession of a certificate of good conduct or lack of it is really necessary for securing a job. The study also establishes that most respondents resided in their rural

homes before imprisonment, which represents 34.1% while 71.45% of respondents were able to secure their former residence after previous releases from prison. In addition, the study reveals that 65.1% of respondents did not receive any form of treatment during their last incarceration. This could explain why they relapsed after release from prison given the vital role of offender treatment as a strategy for behaviour change.

Respondents were requested to state the kind of treatment received in prison that would be a basis for their reintegration upon release and findings presented in table 5.14

**Table 5.14: Frequency distribution for reintegration factors**

Variable	Total (N=329)	Male (N=298)	Female (N=31)
Type of treatment received			
Substance abuse treatment	5.2	4.8%	0.4%
Sex offender treatment	21.7%	18.3%	3.4%
Anger management	19.5%	12.7%	6.8%
Formal education	33.3%	21.4%	11.9%
Vocational training	17.9	9.1%	8.8%
Importance of treatment in prison			
Strongly agree	28.8%	16.5%	12.3%
Agree	23.5%	14.9%	8.6%
Neutral	16.9%	10.1%	6.8%
Disagree	19.5%	13.9%	5.6%
Strongly Disagree	6.7 %	4.9%	1.8%
Whether currently undertaking any treatment			
Yes	69.1%	48.9%	20.2%
No	28.3%	19.5%	8.8%

**Source: Field data, (2018)**

Note: Data presented are weighted by gender.

The sample size varies slightly for select variables due to missing values.

With regard to the type of treatment received while in prison, the study reveals a modal response category of formal education with 33.3%. This points to the willingness of offenders to learn and change their ways given the opportunity. A significant number of offenders (28.8%) strongly agree that offender treatment is important and 69.1% replied to the affirmative that they were currently undergoing some form of treatment. The high number of respondents who indicated that they did not receive any treatment during their

last incarceration and an equally higher number who indicated that they are currently receiving treatment are pointers to the fact that there could be a shift in policy at the prisons department to engage in offender rehabilitation as a strategy for behaviour change aimed at reducing recidivism.

Respondents were asked whether they had contact with hard-core criminals while in prison and if the same would hinder effective reintegration and also whether there were any linkages facilitated by prisons for family and community members to interact with imprisoned offenders before release and findings presented in table 5.15

**Table 5.15: Frequency distribution for reintegration factors**

Variable	Total (N=329)	Male (N=298)	Female (N=31)
Interaction with hardcore criminals			
Yes	71.9%	5.9%	1.5%
No	19.6%	8.3%	3.1%
Whether such interaction increased chances of reoffending			
Strongly agree	37.1%	26.3%	10.8%
Agree	27.5%	17.8%	9.7%
Neutral	14.1%	9.3%	3.8%
Disagree	11.1%	7.5%	3.6%
Strongly disagree	8.9%	6.4%	2.5%
Involvement in re-entry programmes			
Yes	13.5%	8.9%	4.6%
No	74.1%	58.2%	15.9%
Necessity to conduct programmes involving convicts, community and victims before release			
Strongly agree	32.8%	19.1%	13.7%
Agree	30.9%	22.8%	8.1%
Neutral	13.1%	9.3%	3.8%
Disagree	11.9%	8.7%	3.2%
Strongly Disagree	9.8 %	6.4%	3.4%

**Source: Field data, (2018)**

Note: Data presented are weighted by gender.

The sample size varies slightly for select variables due to missing values.

Study findings reveal that 71.9% of respondents interact with hard-core criminals while in prison and when asked if such interaction with hard-core criminals increased their



chances of re-offending, the study achieved a modal response category of strongly agree 37.1%. This shows that most respondents are aware that contact with hard-core criminals (mostly out of no choice) has a direct relationship with recidivism.

Respondents were asked whether they were involved in any re-entry programmes prior to their release from prison and 74.1% revealed that they were not involved in re-entry programmes. When asked to comment on the importance of re-entry programmes involving family, community members and victims of crime prior to release from prison, the modal response category was strongly agree 32.8%. This shows that offenders appreciate the importance of re-entry programmes as a means to prepare for a safe and harmonious return home from prison. It needs not to be emphasized that such re-entry programmes foster reconciliation, reintegration, and restitution between offenders, the victims and the communities where they come from. Re-entry programmes also help the government to prepare environmental adjustment reports that ensure the security and safety of both the accused persons, the victims of crime and the community in the event that the accused persons are released from prison.

## **5.8 Qualitative analysis for offender reintegration and recidivism**

In this section, the discussion of findings from interviews conducted to probation and prison officers, and focused group discussions are presented.

### **5.8.1 Interviews with Probation and Prison Officers**

Interviewed Probation and Prison Officers were requested to provide information regarding the nexus between offender reintegration and repeat offending among released prisoners in Kakamega County, Kenya. Study findings from interviews with Probation Officers reveal that the majority of Probation Officers (81.05%) were of the view that offenders who adhered to scheduled rehabilitation plans drawn for them by correctional officers were less likely to recidivate as compared to those who did not follow rehabilitation plans.

According to an interview by 7 Probation Officers based at Kakamega Central Sub-County and 5 Probation Officers based at Mumias Probation office, the following categories of offenders/offences qualify for community sentences

- Offenders who commit minor offences against persons and/or property such as simple stealing;
- Housebreaking; and
- Simple assault.

Such offences which are punishable to 3 years imprisonment or less can be committed to community sentences. The community sentences are Probation Orders and Community Service Orders. Probation Orders draw their legal mandate from the Probation of Offenders Act. A Probation Order is a sentence imposed by a Criminal Court to an offender to provide for the supervision of the offender in the community by a probation officer for purposes of offender reformation (Republic of Kenya, 2012: 5).

Whenever an offender is sentenced to a period on probation, a probation officer is required by law to compile a treatment plan that would help the offender to be rehabilitated so as to refrain from criminal activities. Probation Officers mostly use evidence-based treatment of offenders, including motivational interviewing and cognitive behavioural therapy to help offenders to rediscover their potential and shun criminality (Obondi, 2017: 68).

Offenders' rehabilitation under a sentence of probation sentence requires that an offender reports to a probation officer once a month or sooner, depending on the offender's needs and risk analysis. Offenders serving probation sentences are assessed for their risks and needs and appropriate empowerment interventions provided mainly to reduce their chances of recidivism. Offenders with skills in tailoring, carpentry, masonry, electric wiring and painting works are usually identified during motivational interviewing and are recommended for empowerment with tools and capital to start their own life afresh. This helps to reduce the chances of recidivism. Other offenders who do not have trade skills are trained on how to make detergents, shampoo and how to develop model tree

nurseries. All this is intended to keep the offenders gainfully engaged to distance them from any thoughts of repeat offending.

According to the Community Service Orders Act number 10 of 1998, Community Service Order is a sentence imposed by a Criminal Court to an offender deemed non-injurious to the community (Republic of Kenya, 1998:3). Such offenders are those who would have been imprisoned for less than three years. Offenders sentenced to a community service order are required to abide by prescribed conditions and are subject to imprisonment should they violate the conditions of the order. Community Service Order Programme draws its mandate from the Community Service Orders Act. Offenders placed on Community Service Orders are required to offer unpaid public service work to the community. This is a form of retribution and giving back to the community which the offender wronged through his/her crime. Examples of public work done by offenders on community service include

- Digging of pit latrines in schools;
- Cleaning of market places schools, dispensaries, and other public places;
- Opening, and expanding up of rural access roads; and
- Clearing of bushes and unclogging of drainages.

During the Community Service Order's period, which in most cases is a maximum of three years, Probation Officers compile a rehabilitation plan for the offender. The objective of the rehabilitation plan is to ensure that the offender does not fall back into re-offending.

Additionally, Probation Officers organise reconciliation sessions between offenders in prison, their family members and the families of victims of crime before the release of the offender(s) back into the community upon completion of their incarceration terms. This helps to prepare the offender's re-entry into the community and also prepares their family members and the families of the victims of their crimes and the community at large for proper reconciliation with the offender upon release from prison.

The families of offenders are a potential source of support and assistance upon re-entry into the community. A common attribute of persons in conflict with the law is the absence

of family support. The social control theory postulates that a reduction in crime is a function of attachment to the family (Hirschi, 1969: 44). He finds that attachment to parents reduces the likelihood of antisocial behaviour. Social support reduces recidivism (Berg & Huebner, 2011: 191; Visher & Travis, 2003: 29) and act as a social control mechanism (Laub & Sampson, 2003: 119). According to Berg and Huebner (2011: 39), social ties to family involve three social and psychological components that affect a reduction in criminal behaviour.

Prison Officers were of the view that offenders who complete their training in skilled craft such as tailoring, carpentry, masonry, and painting while in prison were less likely to re-offend (Kimani, 2016:86). According to responses from interviews with Prison Officers, there is an established Chaplaincy Section in every Prison. The chaplaincy office has been mandated with spiritual matters of prisoners and spearheading counseling sessions. This is in line with spiritual rehabilitation which is quite active in all prisons in Kakamega County. The chaplaincy office normally invites external religious organisations to provide spiritual empowerment to the inmates. Most inmates respond positively to such initiatives. It is less likely for the offenders who accepted salvation while in prison to engage in repeat offending. Prisons also allow families of inmates to visit their relatives in prison as a way to prepare both the family members and the inmate for the return of the inmate back home at the end of the prison sentence.

As a strategy to reduce the negative influence between hard-core criminals and petty offenders while in prison, Prison Officers admit different categories of offenders to different accommodation units. In this regard, hard-core criminals and petty offenders are separated. According to interviews with Prison Officers, there are three categories of offenders in prison and each category is incarcerated separately as follows

- **Capital offenders** - those offenders who committed offences punishable by death or life sentences such as murder, robbery with violence and treason;
- **Inmates sentenced to very long sentences of over ten years in prison** - sexual offenders, those convicted for causing grievous bodily harm, arson, possession of firearms and ammunition and attempted suicide; and

- **Inmates convicted for petty offences** - affray, assault, traffic offences, stealing, burglary, forest-related offences, and other misdemeanours.

However, Prison Officers based at Shikusa Prison, Kakamega Main Prison and Kakamega Women Prison noted that in some instances, like during meals, sporting activities, entertainment, etc, all prisoners can meet and interact freely. Such unavoidable interaction provides an opportunity for offenders to exchange negative values.

### **5.8.2 Focus group interview results**

Focus group discussions with ex-offenders' family members, representatives of the victims' family, community members, local administration and religious leaders were conducted to determine whether offenders had been assisted by any agency, either governmental or non-governmental in the process of resettlement and reintegration. This was important given that reintegration involves the safe return of the offender back into the community and his/her peaceful co-existence with community members upon release from prison. Post-release interventions should support the immediate transition from the prison to the community so as to reinforce the gains achieved during prison treatment and continue until a successful reintegration is completed (Fox, 2002: 123).

Findings reveal that a large majority of the family (67.5%) and community members (59.1%) were of the view that most ex-offenders were not provided with tools and other necessary support to assist them in resettlement after release from prison. However, there were exceptional cases where a few ex-offenders had received support directly from the State Department of Correctional Services or from Non-Governmental organisations like Ahadi trust and Rodi Kenya.

This is what one ex-prisoner from Musoli area within Kakamega South Sub-County who had been sentenced to twenty years imprisonment at Kakamega G.K Prison had to say when asked if he received support upon release:

*“.....I was sentenced to serve twenty years imprisonment for the offence of manslaughter. After fourteen years in prison, the Power of Mercy Advisory Committee requested for a report from Probation Officers.....the officers interviewed me and*

*recommended that I be released from prison since I was remorseful and circumstances at home had changed....while in prison I had trained in carpentry up to grade one level and issued with a certificate of competence. Probation Officers recommended me for empowerment and linked me to Ahadi Trust who issued me with a free carpentry toolkit, rented for me a workshop at Musoli Market and paid six months' rent. They bought me timber worth fifteen thousand Kenya shillings and also bought me five hundred tokens of electricity for my new workshop.....I am now settled down and I will be able to educate my two children, marry another wife and never go back to crime again". Musoli Sub- Location Office (24/6/2018)*

Another respondent hail from Emutetemo Village in Mumias East Sub-County. She had been previously incarcerated for six months in prison for the offence of brewing illicit liquor and discharged upon expiry of the sentence. She was later re-arrested and charged in Court for the offence of selling illicit brew barely two months after her release from prisons and placed under six months Community Service Order. She had this to say when asked if she had been assisted by way of provision of tools or equipment to help her settle down upon release from prison:

*"....I was not given tools since I did not have any prior training or skills in any trade....only those people who stayed in prison for long and were trained in some trades were considered for empowerment by way of tools and equipment provision.....we were just called to the probation office during their open day and a person from an NGO called Rodi Kenya trained us on how to make liquid detergents and Shampoo....we were not given any capital to start off but it is a very interesting skill.....if I get money I will try to make liquid detergents and supply to schools and dispensaries around my community to legitimately earn some money.....". Emutetemo village (27/6/2018)*

This indicates that some released offenders are fully supported, while others were partially empowered given their length of stay in prison, nature, and extent of skill level as well as the interest of the offender to further their trade. This means that those offenders who were sentenced to short prison terms did not undergo any significant rehabilitation programme, and also they do not receive support from stakeholders. This makes them be more likely to recidivate.

Close family and community members were asked whether offenders had sought or secured any gainful employment after release from prison. Responses had mixed reactions with some indicating that some ex-offenders had sought gainful employment while others did, not alluding to the fact that some offenders had not secured gainful employment after release from prison. A focus group discussion with family members of an offender living in Shivagala Village of Shirere sub-location within Kakamega Central Sub-County who was recently released from Shikusa Prison after serving a six-month sentence had this to say when asked if the offender had sought or secured any employment:

*“.....he has no time to look for work.....he roams the village day and night and people suspects that he still engages in criminal activities.....he spends most of his time gambling, drinking alcohol, smoking bhang and seducing old women.....it will not be surprising to get information that he has been re-arrested again..... ”. Shivagala village (28/6/2018).*

A village elder of Shikoho village in Kakamega South sub-County had this to say when asked if his neighbour who had been imprisoned for twelve months at Shikusa Prison sought any gainful employment upon his release:

*“....that boy has been working at a construction site at Shikoho Secondary School where he has been undertaking menial work on a Constituency Development Fund (CDF) funded project for the last three months. He is normally paid three hundred and fifty shillings everyday .....he reformed and we have never heard that he is involved in any bad company, he attends to church service every Sunday where he even testifies that he has changed from his criminal ways, ....the boy is truly reformed... ” Shikoho village, (28/6/2018).*

Empirical research shows that providing ex-offenders with employment opportunities significantly lower their involvement in criminal behaviour (Mackenzie, 2006: 81; Sampson & Laub, 2003: 19). Thus desistance depends critically on employment, specifically finding and holding a good job (Bushway & Reuter, 2002: 36). Obtaining legal employment is one of the best predictors of the post-release success of offenders (Visher, Sara, Sherril & Haner, 2005: 699).

The Village elder noted that the boy underwent a rehabilitation programme while in prison which has helped him to resettle back into the community. This means that prison offender rehabilitation can have a significant role in reducing recidivism and it increases the chances of successful re-entry of offenders into the community upon release from prisons.

Focus group interviews also asked family members of recidivists to state whether their offending relatives had gained any skills while in prison and whether they were utilising the skills gained. Responses were mixed. Some family members stated that their offending relatives had not gained any skills while in prison given that they were sentenced to shorter sentences. Other family members indicated that their relatives who had been sentenced to serve long sentences due to the severity of the offences committed were trained in various skills. Some of the skills cited include

- Painting
- Electrical wiring
- Masonry
- Carpentry
- Metalwork
- Farming

The majority of those who completed vocational training were applying their skills to earn a living safe for a few who for one reason or another did not have the necessary tools of the trade.

One offender had served a two-year prison sentence for the offence of shop breaking and stealing. He had this to say when he was asked if he was utilising skills gained while in prison:

*“I spent two years in prison and got trained in carpentry up to grade two. I was not empowered with any tools but I was promised that I will be considered by the probation officer since she had submitted my name to the Empowerment Committee. I am currently attached to an experienced*



*carpenter at Lubao market where I have gained immense skills in carpentry. I am looking forward to opening my own workshop when I get equipment from Probation Officers. The supervising probation officer has visited me once at home and twice at the workshop to see my progress and seriousness. I believe I will receive my tools soon.” Lubao Market (29/6/2018).*

### **5.9 Influence of the community perception and attitude on recidivism**

The third specific objective of the study seeks to interrogate the influence of community perception on recidivism among released prisoners in Kakamega County. Of interest to the study are

- Reception by family and community upon release from prison;
- Visits by family while in prison;
- Social interactions after release from prison;
- Perception of influence of community on recidivism;
- Financial and material support after release from prison;
- Existence of previous convicts in the family;
- Influence of neighbourhood on reoffending; and
- Support from faith-based organisations after release from prison.

The following null hypotheses are formulated to guide the study;

**H<sub>03</sub>: Community perception and attitude do not significantly influence recidivism**

**H<sub>13</sub>: Community perception and attitude has a significant influence on recidivism**

Research data relating to community perception and that relating to recidivism are subjected to various descriptive and inferential statistics and findings presented in the following section.

#### **5.9.1 Quantitative analysis of community perception and attitude on recidivism**

First, the relationship between community perception and recidivism is subjected to Pearson product-moment Correlation Coefficient and findings presented in table 5.16.

**Table 5.16: Relationship between community perception and recidivism**

		Community Perception	Recidivism
Community Perception	Pearson Correlation	1	
	Sig. (2-tailed)		
Recidivism	N	329	
	Pearson Correlation	.565(*)	1
	Sig. (2-tailed)	.015	
	N	329	

**Source: Field data, (2018)**

\* Correlation is significant at the 0.05 level (2-tailed).

Study findings in table 5.16 reveal a significant relationship between Community perception and recidivism among released prisoners in Kakamega County ( $r=0.565$ ;  $P<0.05$ ). This implies that community perceptions and attitudes towards offenders upon release from prison have a significant influence on the likelihood of repeat offending. Perceptions of exclusion, ridicule, and stigmatisation may influence offenders to become generally defensive and develop antisocial personalities that might encourage recidivism as a means to stay away from the community. This confirms findings from interactions with some inmates at Shikusa Prison who alluded to the fact that they prefer to stay in prison since they have been adjudged to be social misfits in the community and will always commit offences so as to stay in prison. Given that this study found a significant relationship between Community perception and recidivism among released prisoners in Kakamega County at the level of significance of 0.05, the null hypothesis stating that community perception and attitude do not significantly influence on recidivism is hereby rejected and its alternative community perception and attitude have a significant influence on recidivism adopted.

To investigate the direction and magnitude of influence of the study constructs on community perception on recidivism, study data is subjected to multivariate regression analysis and findings presented in table 5.17.

**Table 5.17: Multiple regression results for community perception and recidivism**

Variable	Coefficients	t-value	p-value
Constant	0.362	2.541	0.003
Family Reception	0.469	4.158	0.001*
Family visits in Prisons	0.437	3.503	0.001*
Community reception	0.471	3.391	0.000*
Social Interactions	0.532	3.664	0.001*
Labeling and Tagging	0.394	4.296	0.002*
Goodness of Fit:			
R <sup>2</sup>	0.557		
Adjusted R <sup>2</sup>	0.539		
F-value	4.161		

**Source: Field data, (2018)**

Findings in table 5.17 reveal multiple regression analysis results for Community perception and attitude as predictors of recidivism among released prisoners in Kakamega County. The constructs investigated by the study are family reception, family visits in prison, community reception upon release, social interactions, and offender

labeling. Study findings reveal that calculated t-statistics ( $t = 4.158, 3.503, 3.391, 3.664$  and  $4.296$ ) for parameters family reception, family visits in prison, community reception upon release, social interactions, and offender labeling respectively are greater than tabulated t-statistics at 0.05 level of significance. The result of the study shows that all the five constructs have a significant influence on recidivism given that all the p-values were less than 0.05.

The coefficient of determination ( $R^2$ ) is 0.557, implying that family reception, family visits in prison, community reception upon release, social interactions and offender labeling accounted for 55.7% of the variation in recidivism among released prisoners in Kakamega County. The remaining 44.3% unexplained variable is largely due to variation in other factors influencing recidivism which are outside the regression model and which are otherwise included in the stochastic error term. The overall regression model is statistically significant in terms of its overall goodness of fit ( $f = 4.161, P < 0.05$ ).

A descriptive analysis of community perception constructs and their influence on recidivism is done and findings presented in table 5.18

**Table 5.18: Frequency distributions for community perception factors**

Variable	Total (N=329)	Male (N=298)	Female (N=31)
Reception by family members after the release			
Extremely well	4.2	3.1%	1.1%
Very well	9.9%	6.4%	3.5%
Neutral	21.1%	16.3%	4.8%
Not well	52.4%	41.9%	10.5%
Rejected	11.9	8.6%	3.3%
Visits from family members while in prison			
Less often	39.5%	29.7%	9.8%
More often	17.1%	9.7%	7.4%
Never visited at all	33.8%	21.1%	12.7%
Whom inmates spent the most time with after release			
Old friends who were offenders	26.1	19.7%	6.4%
New friends acquired in prison	33.4%	24.9%	8.5%
Pro-social friends	15.5%	11.8%	3.7%
Others	11.9%	9.3%	2.6%
Perception of community influence on recidivism			

Strongly Agree	71.4%	56.8%	14.6%
Agree	34.1%	23.7%	10.4%
Neutral	27.9%	19.1%	8.8%
Disagree	19.4%	16.3%	24.2%
Strongly Disagree	13.9%	8.2%	5.7%

**Source: Field data, (2018)**

Note: Data presented are weighted by gender.  
The sample size varies slightly for select variables due to missing values.

Respondents were requested to state how they were received by their family members upon release from prison. The modal response option is “not well” with 52.4% meaning that most respondents were not received well when they were released from prison. With the majority of respondents reporting not having been well received, a relationship between family rejection and recidivism among released prisoners in Kakamega County is revealed. When asked if they were visited by their family members while in prison, the modal response category was “less often” with 39.5% following by “never visited at all” with 33.8%.

The study also reveals that most respondents spent the most time with new friends acquired while in prison upon release from prison with a modal response for the category being 33.4% followed by “old friends who were offenders” with 26.1%. The implication of this finding is that released offenders are likely to recidivate given the potential negative effect of peer influence arising from association with offenders. This revelation is supported by empirical studies on recidivism (Lievore, 2004: 60; Benda 2005: 233; Scott, 2004: 342)

Respondents were asked if they agreed that the community influences ex-offenders to re-offend through tagging and labeling. The modal response category was “strongly agree” with 71.4% meaning that a significant number of respondents strongly believe that community labeling and tagging have a detrimental influence on the likelihood of re-offending.

A descriptive analysis was conducted to determine how offenders received material and financial support upon release from custody and findings presented in table 5.19.

**Table 5.19: Frequency distributions for community perception factors**

	Total	Male	Female
Variable	(N=329)	(N=298)	(N=31)
How material and financial support was secured			
Family members	8.5	5.9%	2.6%
Relatives	24.9%	17.6%	7.3%
Friends	45.4%	37.6%	7.8%
Programmes for assisting ex-offenders	3.9%	2.1%	1.8%
Others	11.4	7.9%	3.5%
Previous convicts in the family			
Yes	59.8%	49.9%	9.9%
No	33.5%	24.1%	9.4%
Influence of neighbourhood on reoffending			
Strongly agree	35.1%	21.8%	13.3%
Agree	24.4%	18.7%	5.7%
Neutral	9.8%	5.7%	4.1%
Disagree	10.3%	6.5%	3.8%
Strongly disagree	8.2%	5.1%	3.1%
Assistance from faith-based/charitable organisations			
Yes	79.3	68.2%	11.1%
No	18.4	11.7%	6.7%
Type of organisations that provided support			
Faith based organisation	76.1	67.1%	9.0%
Charitable organisation	19.9%	12.4%	7.5%

**Source: Field data, (2018)**

Note: Data presented are weighted by gender.

The sample size varies slightly for select variables due to missing values.

Respondents in the study were requested to state how they secured material and financial support after release from prison and the modal response category was “from friends” with 45.4%. Support from family members was dismal with a mere 8.5%, and support from programmes for assisting ex-offenders even much lower with 3.2%. The low support from family members supports the observation that not many respondents were visited by family members while in prison. This resonates well with the notion that close family members exhibit rejection towards offending family members. Such rejection might be a contributing factor to high rates of recidivism as offenders look for other ways to seek warmth and gain relevance in the family and community. There are also very few

organisations like Rodi Kenya, Muslims for Human Rights (MUHURI) and Ahadi Trust that roll out programmes with the responsibility of supporting ex-offenders.

The study finds that 59.8% of respondents had other family members convicted. This shows that there could be families where criminality runs in the family. This leads us to a concurrence with biological theories of criminal behaviour that holds that crime is an inherited trait (Siegel & Welsh, 2009: 143).

Respondents were asked if the neighbourhood that they stayed in contributed to re-offending and the modal response category was “strongly agree” with 35.1%. This means that neighbourhood characteristics might have a significant role in reoffending. A significant number of respondents 79.3% indicated that they received assistance from Faith-Based and Charitable Organisations like the Seventh Day Adventist Church, Rodi Kenya, Muslims for Human Rights and Ahadi Trust. When asked to specify the kind of organisations that provided support to them, 76.1% of those assisted indicated that they received support from Faith-Based Organisations.

### **5.10 Qualitative analysis of community perception and attitude on recidivism**

In this section, the discussion of findings from interviews and focused group discussions are presented.

#### **5.10.1 Interviews with Probation and Prison Officers**

Findings from interviews with Probation and Prison Officers reveal that there is a significant influence of community perception and attitude on the possibility of repeat offending. All the 13 Probation Officers interviewed are of the view that during the interviewing phase of Probation Officers’ reports, it is mandatory to determine whether an offender’s immediate family, extended family, the victim and his/her family, neighbourhood and the community, in general, are receptive of the offender’s release at that point in time. If it is determined that the offender’s and victim’s families and the community are receptive and willing to accept the offender back to the community, then a recommendation is made to the court to have the offender released. In most cases, offenders who are accepted back home by family and relatives are less likely to engage

in repeat offending as revealed by other empirical studies (Murray & Farrington, 2010: 641; Tenibiaje, 2013: 35; Qadri, 2005: 91; La Vigne et al., 2004: 99; Martinez & Abrams, 2013: 171; Bales & Mears, 2008: 301).

The interviews conducted with 13 Probation Officers reveal that when it is determined during the social enquiry that the offender is not wanted by his family, the victim's family and the neighbourhood, such offenders go back home then return to prison for other repeat offences. All the 13 Probation Officers are also of the view that offenders who engage in negative social interactions upon release from prison were highly likely to be arrested for repeat offences. It is noted that interaction with known criminals reintroduces offenders to other offences and it leads to recidivism.

Labeling and tagging are quite common whenever an offender is released from prison. An interview with Probation Officers reveals that people always label ex-inmates as offenders and always suspect them whenever a crime is committed in the neighbourhood, even though the former inmate may not have played any role in the present crime. Such negative labeling and tagging makes ex-offenders to commit crimes and actualise the expectations of the society that ex-offenders are actually still capable of offending. It is suggested that the method of marking, distinguishing, identifying, segregating, labeling, and emphasizing each person for special treatment becomes a way to stimulate, imply, and invoke the very characteristics that are talked about. The object they are identified as being becomes part of the self. This means that the labeling has a major impact on recidivism.

Prison Officers were of the view that offenders who receive frequent visits from family members and friends while in prison are less likely to engage in repeat offending upon release from prison. On the other hand, offenders who are less frequently visited or not visited at all while in prison are highly likely to engage in recidivism upon release from prison. Prison Officers further explain that visitations always assure prisoners that they are still loved, respected, valued and wanted by their significant others. Such reassurance positively influences the self-esteem of the inmates and helps them to become law-abiding citizens upon release from prison.



Social interaction also has a significant influence on repeat offending according to Prison Officers. Offenders who interacted with hardcore criminals during the short periods that they find themselves together, for example during meals, sports or entertainment are highly likely to return to prison for serious offences upon release at the end of their current sentences.

### **5.10.2 Focus group revelations by family members, victims, community members, local administration and religious leaders**

Focus group discussions with ex-offenders family members, victims' families, community members, local administration and religious leaders seek to find out whether they believe that the ex-offenders have changed their ways for the better. Discussions surrounding this topic elicited mixed signals from respondents. The opinion was divided down the middle with some people saying offenders had changed while others saying that they had not. This points to the fact that family and community members have different perceptions about offending members of the community and they always seek to justify their behaviour towards such offenders by way of sustaining certain perceptions towards the offenders.

A priest at a local Jehovah's Witness Church in Shikangania area of Kakamega Central sub-County had this to say about his church member who had returned from one-year imprisonment for the offence of creating disturbance in a manner likely to cause a breach of peace:

*"....he has reformed and is no longer argumentative as he used to be....he behaves well in church and is supportive of church programmes.....we have not heard of any frictions between him and the neighbours.....he is generally well behaved...." Shikangania village (30/6/2018).*

A villager living in Kambi ya Mwanza within Kakamega North sub-County had this to say about the ex-offender who had assaulted his young son and got imprisoned for six months for the offence at Kakamega G.K Prisons:

*".....he has never talked to us ever since he was released from prison three months ago .....we don't know what he thinks of us..... we did the right thing to report him to the*

*authorities since he injured my son....we still live in fear given his aloof nature.....” Kambi ya Mwanza (29/6/2018).*

Focus group interviews with family and community members of recidivists sought to know if any family or community members still labeled and tagged offenders as criminals. The general finding was that most offenders are labeled and tagged. The majority of the interviewed family members and community members (54.7%) believe in the saying that goes, “once an offender always an offender” and looks at offenders as bad people who cannot change their ways for the better. The mother to an offender in Likuyani had this to say about his son:

*“.....he is a thief and I don’t think he can change....he is a crook and all the items lost in this neighbourhood are stolen by him.....this boy is a thief.....” Likuyani Market (2/7/2018).*

The offender in question served twelve months in prison for the offence of stealing and his immediate family still labels him as a thief even though there is no tangible evidence that he has ever stolen since he was released from prison.

A question was posed to family/community members if they thought that tagging and labeling affected the offender in any way. Responses are mixed on this question with some saying that it affected, some saying they were not sure while others were of the view that tagging and labeling did not have any effect on reoffending. The Assistant Chief of one of the Sub-Locations in Kakamega East sub-County had this to say when asked if labeling and tagging had an effect on the possibility of repeat offending:

*“.....people should not tag ex-offenders as bad people and as criminals, since some of them reform and become law-abiding ....such labeling and tagging can make these offenders go back into criminality ....” Shirere Sub-Location, (29/6/2018).*

A village elder of one of the villages within Roasterman area in Kakamega Central sub-County had this to say about labeling and tagging of offenders;

*“...these offenders never change their character and prison is like a university where bad behaviour is learnt.....some of them that go there for petty offences graduate into hardcore*

*criminals and end up committing capital offences later on....offenders should just be confined in prisons .....*"  
Roasterman Area (2/7/2018).

A comparison is made between findings of this study and findings from similar studies on the influence of community perception and attitude on recidivism. Using differential support and coercion as a framework, social support prevents crime but coercion is the main causal explanation of criminal behaviour (Colvin, Cullen & Vander, 2002: 37).

Erratic social support or the lack of these support systems means that individuals do not receive support from significant others and are left to provide for their basic needs by themselves (Colvin, 2000: 525). Such erratic social support produces anger and low self-esteem making the individual manipulating potential sources of support. This makes the individual's social bond not based on trust or moral commitment to conventional society but based on calculated self-interest.

Coercion also causes crime because it brings about strain (Merton, 1958: 211). According to Patterson (1995: 65), aversive family interchanges and disciplinary patterns (which constitute coercion) are the main sources of juvenile delinquency. These coercive interchanges include the use of physical and non-physical attacks such as negative comments, critical remarks, teasing, humiliation, and threats. For instance, physical abuse and coercive environment bring about criminal behaviour. Coercive control weakens and alienates the social bond leading to persistent delinquent behaviour (La Vigne, Lachman, Rao & Matthews, 2014: 344).

The prison environment by its very structure is an example of a conflict situation between the custodians and the inmates owing to the frequency of misunderstandings and strict enforcement of rules and regulations recidivism (Cunneen & Luke, 2007: 205; Fhooblall, Chitto & Bholoa, 2011: 61). The perception of the custodians is that the offenders deserve to be punished while the offenders see the custodians as screws. Legitimate force is an inadequate means of maintaining law and order in prison (Sykes, 1958: 27; Brown, 2012: 569; Cunneen & Luke, 2007: 199). Order is maintained through a struggle between the officials and offenders. Although inmates recognise the authority of the officials, they do

not feel morally bound to obey them. Besides, the nerve-racking conditions of penal confinement or the pain of imprisonment, including the multiple deprivations such as deprivation of liberty, autonomy, goods and services, heterosexual relations and security make the inmates adopt strategies to relieve themselves.

Penal confinement leads to the seduction of a criminal lifestyle and ultimately to becoming persistent offenders. Within the prisoner community, first-time offenders see hardened criminals as their role models. They become attracted, corrupted and contaminated by the influences of these hardened criminals who socialise them with these pro-criminal attitudes and values. According to La Vigne, Lachman, Rao and Matthews (2014: 339), crime, just like any other behaviour is a learnt trait and is easily learnt especially from members of the primary group.

The tag "convicted felon" is an important hurdle for all returned inmates. Those convicted of a felony in Florida in the United States of America were more prone to recur (Chiricos, Barrick, Bales & Bountrager, 2007: 569) than those convicted of a "withholding adjudication" of guilt determination. The stigma itself "convicted" causes recurrence, particularly for those who are actually less likely to recur, and maybe the label has more to gain. Those most prone to recur (men, ethnic and racial groups, and those with a larger criminal record) are less affected by incarceration (Chiricos, Barrick, Bales, & Bontrager, 2007:568).

Criminologists have long recognised the significance of local history in establishing crime and delinquency theories (Ainsworth, 2001: 523). Notwithstanding this, research has largely overlooked the community context's effect on recurrence (Olusanya & Gau, 2012: 169). However, Garvin, Cannuscio & Bran (2013: 202) demonstrated the influence of the perception of a neighbourhood crime by an individual. The researchers performed a randomized controlled trial investigating how decreases in violent crime can easily be accomplished by transforming unused, empty' lots' into lush, open spaces. Although their study showed a non-significant decline in violent crime around the intervention locations, people reported feeling significantly safer. Tillyer and Vose (2011: 453) suggest that ex-

offenders are particularly affected by their environment's social structure, as they are often dependent on community services, facilities, and social reintegration support. Communities have a crucial role to play in ex-prisoners' positive reintegration. Nevertheless, there is a need for specific strategies to build and maintain community interest and participation in systems of assistance and oversight. There is a propensity for the public to depend heavily on oversight of the criminal justice system. Aboriginal communities in Canada have played an active role in criminal community reintegration. Community-based facilities and initiatives have been established in Aboriginal communities in Canada for prisoners on conditional release. Such services embody mainstream Indigenous faith and culture and are usually grounded in principles of restorative / community justice (Griffiths, 2004: 321).

Re-entry identification for inmates is a technique aimed at promoting community involvement in helping ex-prisoners transitioning to society. This reflects on the offender's interests, their communities, and neighbourhoods (Brazzell, 2007: 349). The key features of this strategy were

- Enlisting public stakeholder aid and participation;
- Developing a diverse and complementary set of dissemination methods; and
- Strategically communicate research findings to build a framework for positive community intervention.

According to Ward and Steward (2003: 669), the "Good Life Model" is an inmate recovery programme which examines the complex risk factors of the crime in its systemic existence. It is a strength-based approach based on the assumption that offenders have interests, abilities, and aspirations to achieve and through the assistance of parents and the general society, resources can be mobilised to build capacity for the offender to reduce the risk of offending. It is based on adding values to the life of the offenders rather than just removing the problems. Criminal behaviour and in extension recidivism by released prisoners is a function of the lack of internal and external assistance to ensure pro-social behaviour upon release from prison.

### **5.11 Analysis of the international perspectives on recidivism in selected countries**

This section presents content analysis of data on international perspectives of recidivism as presented in chapter three of this study. Emphasis is laid on the rates of recidivism, policy and correctional management practices in the selected countries.

Data from reviewed literature indicate that there are over 2.1 million inmates in the United States of America's State prisons, Federal prisons and Local jails. Further, drawing on data on more than 25 400 former inmates who were either released outright from Federal prisons or placed on probation in 2005, the United States Sentencing Commission found that almost half, 49.3 percent had, within the next eight years, been arrested again, whether for a new offense or for violating conditions of their parole or release.

In regard to State Prisons and recidivism, the Bureau of Justice Statistics Special Report on Prisoner Recidivism analysis of patterns of 67 966 prisoners who were randomly sampled to represent the 401 288 State prisoners released in 2005 estimated 1 994 000 arrests during the nine-year period, an average of five arrests per released prisoner.

Analysis of data reveals that in the United States of America, the following strategies have been implemented in corrections management and practice

- Availability of an Act of Congress that creates the Federal Bureau of Prisons.
- The existence of seven Federal prisons, holding 12 000 inmates.
- The Prison Office consists of 122 departments, six regional offices, a central office, and community reentry agencies that manage voluntary reentry facilities and home containment services.
- The Central Office and regional offices provide the organisations and voluntary reentry agencies with operational supervision and aid.
- There is an established Prison Bureau which safeguards public safety by ensuring that Federal prisoners complete their jail sentence in prisons that are secured, compassionate, cost-effective, and sufficiently protected.
- Implementation of cognitive behavioural approaches as a strategy targeting recidivists.

- The Prison Bureau frequently helps to reduce future criminal behaviour by motivating inmates to partake in a variety of programmes that will help them maintain a crime-free lifestyle after contributing to society.

Analysis of data reveal that in England and Wales in 2019 the overall proven reoffending rate, based on just over 108 000 adult and juvenile offenders (made up of 93 percent adults and 7 percent juveniles) in July to September cohort was 29.3 percent, a 0.2 percentage point decrease from the same quarter in 2016. Almost 32 000 of these offenders then committed just under 129 000 proven re-offences over a one-year follow-up period, equivalent to an average of 4.06 re-offences each.

Analysis of data establishes that in the England and Wales the Home Office is the main central government office of policing and the Ministry of Justice, oversees law and order in England and Wales. The department frequently supervises jails and the legal system. In addition, the National Offender Monitoring System, unites the Probation and Correction Services, is based under the Ministry of Justice to provide a more efficient approach to the monitoring of prisoners both in prison and in the community upon release.

In South Africa, analysis of data reveal that prison recidivism rate is estimated to be above 55 percent. Analysis of reviewed literature indicates that there's difficulty of estimating recidivism in the South African correctional system based on the reality that correctional institutions have been unable to prepare offenders meaningfully for release or to survive in a world outside the institution. Further analysis reveals that the correctional system has failed to provide adequate treatment services for those offenders who suffered the psychological effects of detention in deteriorated and overcrowded environments. This hampers the re-absorption of the offender into society.

According to the data analysis, Scandinavian countries are the models of successful incarceration practices in the selected countries. Analysis reveal that the recidivism rate in Denmark is 36 percent, Finland 36 percent, Norway 20 percent and Sweden 51 percent.

In Finland, analysis of data indicates that the Prison Service enforces jail sentences and fine transition penalties determined by the courts of justice and trial-related detentions and apprehensions. The Prison Service also has a maximum of over 30 prisons in different parts of Finland: 17 closed facilities, 18 open institutions, and two medical units. The Probation Service is liable for criminal penalties, including community service compliance, juvenile probation, oversight of conditionally convicted young offenders, or conditionally released prisoners (parolees). The Finns believe in penalties, reduced punishments, transparent jails and heavy emphasis on compassionate psychological treatment as far as the forms of discipline are concerned. Finland's reoffending rate is one of the lowest at 36 percent in the world.

In Finland, there are linoleum floored halls filled with living spaces for inmates that feel more like dormitory rooms than lock-ups. Wardens are unarmed in Finnish jails, carrying only civilian clothes or uniforms stripped from emblems such as chevrons or epaulets. Throughout Finland, jail superintendents go through non-military roles such as director and administrator, and prisoners are sometimes referred to as clients or pupils if they are young people.

Analysis of data reveals that Supervised Probationary Liberty is given by Finnish courts. The probationary liberty system allows individual delivery strategies according to the particular prisoner's needs. The pre-requisites for probationary liberty are laid out in Finland's Criminal Code. In addition, probationary liberty facilitates the execution of the particular punishment programme outlining the conditions of completing the sentence, that is, discharge from custody or parole. The prison staff decides whether the inmate involved is likely to follow the conditions specified for his / her probationary liberty. This is achieved through an evaluation carried out based on the prisoner's conduct: during his / her punishment, his / her temperament, and his / her criminal background. Therefore, the prisoner should continue to abide by the terms specified for him / her, be monitored and permit the officials to be in touch with each other, as well as with private communities and individuals in matters relating to the prisoner's probationary freedom.



## **5.12 Chapter summary**

This chapter explores the data results of the study. The data results are presented systematically as per the objectives of the investigation. Descriptive statistics are evaluated and displayed in the form of distribution charts, maps, frequencies, and percentages. Inferential statistics utilised are the Pearson Product Moment Correlation Coefficient, multiple regression testing, t-test, and ANOVA. The next chapter presents the study findings, recommendations, and conclusion.

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## CHAPTER SIX

### FINDINGS AND RECOMMENDATIONS

#### 6.1 Introduction

This chapter presents findings, recommendations, and conclusions of the study on correlates of recidivism among released prisoners in Kakamega County, Kenya. The findings are presented in line with the specific objectives and the constructs within the specific objectives of the investigation.

#### 6.2 Findings

Findings of this study are presented below. Findings from each specific objective are presented followed by findings of the specific aspects investigated within the objective.

##### 6.2.1 Finding 1: The relationship between offender characteristics and recidivism

Study findings reveal a significant relationship between individual offender characteristics and recidivism among released prisoners in Kakamega County. Findings on the specific offender characteristics and their influence on recidivism are presented in the following order

- Gender;
- Age;
- Offence type;
- Drug and substance abuse; and
- Length of the prison sentence

##### 6.2.2 Finding 2: The influence of gender on recidivism

Study findings reveal that gender is the single individual characteristic with the highest influence on recidivism. There is a significantly higher number of male recidivists compared to the total male prison population than that of female recidivists computed against the total female prisoners. Nationally, out of 57 000 incarcerated offenders, 5 673 (9.96%) are women and 51 326 (90.04%) are men (Kenya National Bureau of Statistics, 2018: 267). In addition, in the year 2017, there were 16 371 male recidivists and 1 453 female recidivists. The study establishes that male offenders return to prison because of

criminal peer associations, alcohol abuse, burglary, theft, assault, robbery, etc. On the other hand, female offenders return to prison mainly as a result of the offence of dealing in illicit brew trade.

### **6.2.3 Finding 3: The influence of age on recidivism**

The study discloses that the age of the offender has a significant influence on recidivism. Offenders who were first incarcerated at a young age recidivated more than those who were incarcerated at an advanced age. Offenders who are incarcerated at a young age accumulate disadvantages that restrict them to future opportunities, including securing gainful employment, thus making them susceptible to criminal ventures.

### **6.2.4 Finding 4: The influence of offence type on recidivism**

The study reveals that offence type has an influence on recidivism. Offences against property are more prevalent among reconvicted offenders compared to offences against persons. The most prevalent offences revealed by the study are burglary, housebreaking, shop-breaking, theft, and robbery among males and dealing in illicit brew among females.

### **6.2.5 Finding 5: The influence of drug and substance abuse on recidivism**

Study findings disclose a relatively weak association between drug and substance abuse and recidivism among sampled recidivists in prisons within Kakamega County. Even though there are recidivists who have committed offences related to drug and substance abuse, the rate of recidivism in this category of offence is not prevalent. However, offenders who relapse into drug abuse soon after release from prison are prone to recidivism.

### **6.2.6 Finding 6: The influence of the length of a prison sentence on recidivism**

The study reveals that the length of a prison sentence, either short, medium or long term has significantly minimal influence on recidivism. This is evident in the minimal mean-variance of recidivism among recidivists sentenced to different lengths of prison terms. From the study finding, there are no clear differences in the rates of recidivism among offenders who served different lengths of sentences in prison. However, reviewed



literature reveals that offenders who serve long prison sentences experience greater reentry challenges and therefore are more prone to recidivism compared to offenders who are incarcerated for short-term sentences.

#### **6.2.7 Finding 7: The relationship between offender reintegration and recidivism**

Study findings reveal a significant relationship between offender reintegration and recidivism among released prisoners in Kakamega County. This discloses that rehabilitation programmes in prison, community reception of offenders upon release, post-release social support structures and social interactions of offenders after release, the possibility of securing a job after release and availability and access to support from faith-based organisations influence the likelihood of recidivism among released prisoners in Kakamega County.

The findings of the specific constructs of offender reintegration investigated and their influence on recidivism are presented in the following order

- Re-entry programmes;
- Post-release treatment;
- Ability to secure a job after release;
- Residence after release;
- Prison-based rehabilitation; and
- Interaction with hard-core criminals.

#### **6.2.8 Finding 8: The influence of re-entry programmes on recidivism**

The study findings reveal a significant relationship between re-entry programmes and recidivism. Offenders who were successfully involved in re-entry programmes recorded low levels of recidivism whereas offenders who encountered re-entry challenges recorded greater levels of recidivism.

#### **6.2.9 Finding 9: The influence of post-release treatment on recidivism**

The study discloses a significant relationship between post-release treatment and

recidivism. Offenders who completed their post-release treatment plans successfully reintegrated into the community and subsequently recorded low levels of recidivism. Conversely, offenders who do not complete their treatment plans record greater levels of recidivism.

#### **6.2.10 Finding 10: The influence of the ability to secure a job after release on recidivism**

The study shows that most of the prisoners discharged did not secure a job immediately after being released from prison. Lack of jobs among prisoners released led to their reoffending. Employment is one of the precursors most frequently cited to positive re-entry and crime desistance (Uggen & Thompson, 2003: 146). Employment is an investment in enforcement, daily practices, pro-social ties, and legitimate income. Jobs are often cited as a primary cause of decreased recidivism, particularly high-quality jobs.

#### **6.2.11 Finding 11: The influence of residence after release on recidivism**

The study establishes that offenders who were able to secure residences upon release from prison recorded low levels of recidivism. On the other hand, offenders who encountered challenges in securing residence upon release from prison exhibit greater levels of recidivism. Affording basic needs such as housing enables individuals to live a law-abiding life by developing a social network of ties to conventional society (Petersilia, 2003: 291).

#### **6.2.12 Finding 12: The influence of prison-based rehabilitation on recidivism**

The study reveals that offenders who completed vocational training while in prison had reduced recidivism rates. Offenders who engaged in some level of educational or vocational training during their period of incarceration had a better chance of securing post-release employment. This is because skills acquisition ensures higher social capital and greater access to legitimate job opportunities.

#### **6.2.13 Finding 13: The influence of interaction with hard-core criminals while in prison on recidivism**

The study discloses that offenders' interaction with hardcore criminals during incarceration increased their chances of recidivism. Criminal behaviour is learnt through interaction with others, especially within the prison population. Despite the fact that different categories of offenders are separated into different accommodation units while in prison, interaction amongst themselves is inevitable especially during meals, open days, recreation, vocational training, and other shared programmes. During these interactions, criminal behaviour is learnt.

#### **6.2.14 Finding 14: The influence of community perception and attitude on recidivism**

Study findings reveal a significant relationship between Community perception and recidivism among released prisoners in Kakamega County. Communities play a key role in the successful reintegration of offenders which in turn influences recidivism rates. Offenders who successfully reintegrate into the community have lower recidivism rates as opposed to offenders whose efforts to reintegrate into the community are unsuccessful. Findings on specific constructs of community perception and attitude and their influence on recidivism are presented as follows

- Reception by family members after release;
- Family visits of offenders;
- Offenders' social interactions after release;
- Material and financial support;
- Programmes for assisting ex-offenders;
- Previous convicts in the family; and
- Neighbourhood context.

#### **6.2.15 Finding 15: The influence of reception by family members after release on recidivism**

Study findings reveal that respondents who were positively received by their family members had lower chances of recidivating compared to those who were negatively received by family members upon release from prison.

#### **6.2.16 Finding 16: The influence of family visits of offenders on recidivism**

Study findings reveal a significant relationship between family visits and recidivism rates. Offenders who were regularly visited by their family members while in prison were less likely to recidivate. In contrast, the majority of offenders who were less often visited or not visited at all by family members recorded high recidivism rates.

#### **6.2.17 Finding 17: The influence of offenders' social interactions after release on recidivism**

Study findings reveal that offenders who resumed pre-incarceration patterns of behaviour including spending time with old offending friends or released offenders involved in criminal networks had a high rate of recidivism. On the other hand, offenders who associated with pro-social friends and kept away from criminal networks recorded significantly low levels of recidivism.

#### **6.2.18 Finding 18: The influence of material and financial support on recidivism**

The study established that offenders who had access to appropriate support services in the community had lower chances of recidivating. Further, failure to access appropriate support services in the community was found to be a key factor in recidivism thus resulting in offenders returning to prison soon after release. Offenders who did not receive support from the community and were left to provide themselves with basic needs experienced strain in accessing legitimate opportunities thus turning to crime.

#### **6.2.19 Finding 19: The influence of post-release programmes and after-care on recidivism**

The study establishes that released offenders who had access to post-release empowerment programmes had successful reintegration into the community that in turn influenced lower recidivism levels. The study further reveals that offenders who had received vocational training while in prison and had access to support by Non-Governmental Organisations such as Faraja Kenya recorded significantly low levels of recidivism. Furthermore, the study reveals that offenders who successfully participated in aftercare programmes and treatment interventions recorded low levels of recidivism.

#### **6.2.20 Finding 20: The influence of previous convicts in the family on recidivism**

The study establishes that offenders who reconnect with offending family members upon release from prison had a significantly high recidivism rate. Desisting former offenders most often choose to distance themselves from offending networks upon release from prisons, but many are embedded in networks of offending family members, the bonds to which are much more difficult to break.

#### **6.2.21 Finding 21: The influence of neighbourhood context on recidivism**

The study establishes a significant relationship between neighbourhood characteristics and recidivism. Furthermore, released offenders are particularly affected by the social structure of their environments, as they are often dependent upon community support to successfully reintegrate into the community and desist from re-offending. Released offenders who return to the disadvantaged neighbourhood have greater chances of reoffending compared to those returning to an affluent neighbourhood.

#### **6.2.22 Finding 22: International perspectives on recidivism in selected countries**

Comparatively, the Scandinavian countries recorded the lowest rates of recidivism globally. Denmark has 36 percent, Finland 36 percent, Norway 20 percent and Sweden 51 percent compared to the United States of America, England and Wales, and South Africa that record recidivism rate above 50 percent.

### **6.3 Recommendations**

This section presents the recommendations of the study based on the findings of the investigation.

#### **6.3.1 Recommendation 1: Offender characteristics and recidivism**

The study reveals a significant relationship between offender characteristics and recidivism. From the study, it is recommended that treatment plans drawn by correctional officers should take into account the individual characteristics of released offenders since there is a strong association between individual characteristics of offenders and recidivism. The government should facilitate the correctional officers with the required

resources to use the Actuarial Risk Assessment model. The model is applied to released offenders to predict the future probability of recidivism (Robinson & Crow, 2009: 91). This can be achieved through the application of the “Offenders Group Reconviction Scale” a windows based programme for use by correctional officers. This involves a database consisting of information about the demographic characteristics and offending histories of the offenders. The instrument provides an estimate expressed as a percentage of the statistical likelihood of reconviction within two years of release from custody (Robinson & Crow, 2009: 91). The key variables that Offender Group Reconviction Scale considers in calculating the statistical likelihood of reconviction are

- Age;
- Gender;
- Offense type;
- Numbers of previous convictions; and
- Age at first conviction.

These are key constructs identified by the study to have a significant correlation on recidivism. The results obtained from the instrument can be used to come up with the necessary categorisation of offenders based on their risk levels of re-offending. Correctional officers’ ability to classify offenders into “low-risk” and “high-risk” groups will enable them to develop offender treatment plans that are effective based on the risk levels of individual ex-offenders.

### **6.3.2 Recommendation 2: Gender**

The study established that there is a significantly higher number of male recidivists compared to the total male prison population than that of female recidivists computed against the total female prisoners. From the study, it is recommended further investigations to establish the main causes of gender differences in re-offending. The study also recommends a gender-sensitive treatment approach to the rehabilitation of offenders. This is because the current generalised approach to the treatment of offenders has been pointed out to be ineffective in addressing rehabilitation needs among male recidivists.

### **6.3.3 Recommendation 3: Age at first conviction**

The study reveals a significant relationship between age at first conviction and recidivism. Because incarceration is particularly prevalent among youthful offenders as found by the study, the impact on their future adult life will be more pronounced since they are wasting the energetic part of their life in prison. It is recommended that the government and other stakeholders come up with policies and programmes aimed at specifically addressing factors influencing increased youth reoffending. In addition, extensive post-release treatment and after-care services for youthful offenders need to be developed, implemented, monitored and regular assessments are done to review the progress made in reducing recidivism.

### **6.3.4 Recommendation 4: Offence type**

Offences against property and drug-related were more prevalent among recidivists. It is recommended that the offenders should take individual responsibility and make a conscious decision to desist from crime and drug abuse. In addition, there is the need for correctional officers to introduce evidence-based treatment of offenders with a specific focus on those convicted against property and drug-related offences as a way to mitigate against the prevalence of the two forms of crime amongst released offenders.

### **6.3.5 Recommendation 5: Drugs and substance abuse**

The need for alcohol and drug treatment should be addressed amongst released offenders. Drug and alcohol abuse is implicated in the crimes and incarceration of the majority of prisoners. There's a strong link between possession and sales of drugs and offences committed by ex-offenders to obtain money to purchase drugs e.g. burglary and robbery. Prison-based and community-based drug treatment programmes should be emphasised in sustaining sobriety. Ex-offenders should be encouraged to form self-help groups to help them with long-term social support that aids them in successful reintegration into the community.

### **6.3.6 Recommendation 6: Length of the prison sentence**

Since the investigation did not find a significant influence of the length of a prison sentence on recidivism, it is recommended that prison-based rehabilitation should take

into account the imprisonment duration of offenders. This will help all offenders regardless of the length of the sentence. To mitigate high-risk offenders who serve long sentences and in turn face greater reentry challenges, the study recommends that treatment plans for long-term offenders should focus on transitional challenges that accompany prolonged prison sentences.

### **6.3.7 Recommendation 7: Reintegration of offenders**

The study unveiled that offenders who successfully reintegrated into the community recorded low levels of recidivism. The government should, therefore, invest in the reintegration of offenders to prevent recidivism. The study recommends that the government and the various correctional stakeholders should come up with an integrated approach that specifically targets successful reentry of offenders upon release from prison. An interagency relationship and partnership should be formed that simultaneously addresses the multiple needs of ex-offenders upon release and deal with systematic challenges faced by ex-offenders upon release. A close working relationship should be formed and maintained among National Government and County Government administrators, law enforcement officers, correctional officers, treatment counselors, criminologists, social workers, medical professionals, non-governmental organisations and other professionals. These agencies and professionals should work constructively and enhance communication among themselves in order to facilitate the successful reintegration of offenders back into the community and avoid recidivism.

### **6.3.8 Recommendation 8: Reentry programmes**

Reentry programmes play an important role in the successful reentry of offenders and desistance from criminal behaviour. Correctional officers should actively involve offenders, their families, victims, and their families and the community at large in an effort to cooperatively achieve a just response to criminal harm. Emphasis should be laid on restorative justice programmes that prioritise restoring a sense of well-being to those harmed by criminal acts, the offender and the community at large. This can be achieved through mediation between the victims and the offenders, reparations, conferencing and negotiation.



### **6.3.9 Recommendation 9: Post-release treatment**

Implementation of a comprehensive post-release treatment plan and after-care services for released offenders would greatly reduce levels of recidivism. Concerning this, correctional officers should utilise available assessment tools to establish an individual offender's risk, need and responsivity factors and draw post-release treatment plans that address the specific criminogenic needs of offenders. A number of assessment instruments incorporating dynamic risk factors and criminogenic needs of the offenders are available to correctional practitioners. Such an instrument is an "Offender Assistant System" which was rolled out in probation areas and prisons in England and Wales between 2001-2004 (Robinson & Crow, 2009: 94). The instrument is designed to meet a comprehensive specification touching on the assessment of reconviction, incorporating both static and dynamic factors and a structured format for the assessment of the risk of harm. Criminogenic areas covered by the Offender Assistant System are accommodation, education, training, employability, financial management; relationships, lifestyle, and associations, drug use, emotional well-being, thinking, behaviour and attitude. The instrument allows the correctional officer to establish a link between an area under examination e.g. accommodation, financial management, etc. with the risk of re-offending. The results obtained will enable correctional officers to draw post-release treatment plans that are geared towards addressing offenders' specific criminogenic needs and challenges. Risk/needs assessment instruments can also provide a measure of the effectiveness of treatment plans that offenders are subjected to as well as provide a hint on the likelihood of relapse.

### **6.3.10 Recommendation 10: Employment upon release from prison**

The government should develop policies that address issues of individual transformations and the strengthening of pro-social relationships. Discrimination through legal requirements that segregate ex-offenders who have undergone a successful rehabilitation programme by the use of the tag "ex-prisoners" should be discouraged. It is self-defeating for the government to spend resources to rehabilitate offenders and thereafter the same government to perpetuate discrimination against ex-prisoners on an account of having a previous criminal record. Background checks done as a pre-requisite

for employment should not only offer incarceration reports on ex-offenders but should also provide an extensive report in regard to successful rehabilitation programmes undertaken by the ex-offenders during incarceration. This will enable employers to make more informed decisions and avoid discrimination of ex-offenders.

In addition, the government should come up with an employment policy targeting ex-offenders. The policy should address the employment challenges that ex-offenders face during reentry to enable ex-offenders to join the labour market. Such a policy should address the limitations of ex-offenders as job seekers and the needs of the employer. Released offenders' barriers such as limited employment skills, work experience, educational attainment, and substance abuse should be addressed. Laws should be developed that guard against discrimination of ex-offenders and guard against denial of police clearance certificates to ex-offenders. There is a need for communication and information sharing to educate employers on the non-discrimination of ex-offenders who have undergone a successful rehabilitation programmer. Non-governmental organisations offering support to ex-offenders should develop programmes designed specifically for people with criminal records based on their educational needs, learning styles, work experience, etc.

#### **6.3.11 Recommendation 11: Residence upon release**

Housing is one of the basic human needs. Unsatisfactory accommodation and homelessness are related to the development of offending and contribute to its continuance. The government should address the challenge of released offenders with no home to return to by securing them halfway homes as temporary holding areas for a smooth re-entry. One of the key concerns of post-release treatment should be addressing the housing problem among released offenders by probation officers and local administrators.

#### **6.3.12 Recommendation 12: Prison-based rehabilitation**

There is the existence of an opportunity to rehabilitate offenders who have been incarcerated to transform them into law-abiding citizens upon release from custody in

order to reduce recidivism. Effective intervention programmes in prisons have a significant impact on enforcing the social functioning of offenders upon release and thus reducing recidivism. Prisons should enhance their rehabilitation programmes to adequately prepare offenders for a crime-free life and successful re-entry into the community upon release. To achieve this, correctional officers should carry out an individual assessment of the offenders' needs immediately after incarceration and draw an individual treatment plan. The treatment plan should take into consideration the longevity of the prison sentence to ensure the successful completion of the programme by the offender. Correctional officers should avoid situations whereby offenders are released after completion of their imprisonment term or on parole, without completing their treatment plan.

#### **6.3.13 Recommendation 13: Interaction with hard hard-core**

Correctional officers should come up with mentorship programmes involving ex-offenders who have successfully reintegrated back into the community and have desisted from criminal behaviour. Programmes and policies should be developed that encourage self-conceptions to help ex-offenders to have a belief in one's self. Incarcerated offenders will have an opportunity of sharing the post-release experience with ex-offenders who have first-hand experience on post-release struggles and have successfully reintegrated into the community. This will enable ex-offenders to share their experience on how they navigated through struggles and transitional challenges that offenders face upon release. Mentors used in these programmes should be recognised by the government by being awarded certificates of rehabilitation by correctional institutions. This can be an advantage to the ex-offenders psychologically and also has a social benefit since the certificate obtained can help them secure employment.

#### **6.3.14 Recommendation 14: Community perception and attitude**

Upon release from prison at the end of their sentences, offenders return to the same communities they offended. Community attitude and reception of ex-offenders upon release from prison has a significant impact on recidivism. The government should develop programmes targeting awareness of the community members to desist from

stigmatizing ex-offenders. Social processes should be initiated with a goal of reducing the exclusion of ex-offenders and instead foster an acceptance of ex-offenders as rehabilitated and productive members of the community. Mechanisms should be put in place that allows ex-offenders to safely revert to the communities and make amends and restitution to the victims of the crime they committed and the community at large. This will not only positively influence the community perception to the ex-offenders upon release from custody but also it will enable the ex-offenders to earn their way back into the good grace of community members. This will foster the successful reintegration of ex-offenders, improve their social bond with the community, open up opportunities and in turn help them live a crime-free life.

#### **6.1.15 Recommendation 15: Reception by family members**

Correctional officers should involve family members of the offenders in reentry programmes to better prepare them to negotiate the changing relationship dynamics that come with a return of an offending family member back into the community. Upon release, the study recommends that the family of the offender should embrace him/her and provide the necessary support to the offender to enable a smooth transition from prison and successful reintegration into the community.

#### **6.3.16 Recommendation 16: Family visits to incarcerated offenders**

The study established a significant relationship between family visits of incarcerated offenders and rates of recidivism. Offenders who were regularly visited by their family members recorded low levels of recidivism as opposed to offenders who are not visited at all. Regular contact between incarcerated offenders and their families and friends should be encouraged by prison authorities. In addition, consideration should be done for the establishment of facilities for conjugal rights for married offenders in all penal institutions. Special visiting apartments should be made available to facilitate children's contact with their incarcerated parents. Leave days should also be granted to offenders who are remaining with less than one-year imprisonment term to enable them to visit their families. Offenders categorised as low risk by correctional officers should qualify for leave days ranging between four days to seven days every quarter. This will enhance contact

between offenders, family, friends and community members and increase the chances of successful reentry upon release from custody.

#### **6.3.17 Recommendation 17: Social interactions after release**

It is recommended that released offenders should make a rational decision pertaining to whom they interact with upon release from custody. They should avoid criminogenic social networks and offending peers. Ex-offenders should be encouraged by correctional officers to focus on constructive contact with pro-social peers.

#### **6.3.18 Recommendation 18: Material and financial support of offenders upon release**

Ex-offender's desistance from criminal behaviour is influenced significantly by the social support received in terms of material and financial support upon release from incarceration. This involves the networks and resources available to the ex-offenders to achieve success and live in a conventional life upon release. It has been noted that offenders come from geographical areas and social backgrounds where there are poverty and disadvantaged neighbourhoods that lack social resources (Travis, 2005: 233). It is recommended that the government not only trains offenders in life skills while in prisons but also facilitates them with the necessary empowerment tools or the capital required to kick-start their life upon release. More non-governmental organisations should be encouraged to undertake ex-offender empowerment programmes to aid them to live a crime-free lifestyle upon release from prison.

#### **6.3.19 Recommendation 19: Post-release programmes and after-care**

Upon the release of offenders from prison custody, community contact should be promoted, supported and monitored. Ex-offenders who are at high risk of victimisation require a more structured environment. Thus, there is a need to establish halfway houses in each of the 47 counties in Kenya to take care of such ex-offenders. In the halfway houses, released offenders should have access to services or treatment plans that meet their individual needs. Halfway houses will also help ex-offenders with challenges of securing residence upon release from custody. Halfway houses should be used to foster

pro-social bonds among released offenders to enable them to live and maintain a crime-free & productive lifestyle. Offenders with low-risk of victimization should be closely monitored by correctional officers to foster pro-social relationships and crime-free life among released offenders. There also is a need for the State Department of Corrections to develop a comprehensive after-care policy.

#### **6.3.20 Recommendation 20: Presence of previous convicts in the family**

Correctional service providers and programmes should help offenders to build skills in negotiating relationships with those who may remain actively involved in criminal activity and drug use but are part of the family member(s) of the released offenders. The correctional officers should work closely with family members of the offenders after their release from prisons to better prepare them to negotiate the changing relationship dynamics that come with the release of the offenders from incarceration.

#### **6.3.21 Recommendation 21: Neighbourhood context**

The study established a significant relationship between neighbourhood context and recidivism. Offenders who return to live in disadvantaged communities after release from prison re-offend at a greater rate in comparison to those returning to affluent communities. Both National and County Governments should improve the appearance of neighbourhoods, especially slum dwellings as a means to reduce recidivism. Programmes should be developed targeting offenders from disadvantaged neighbourhoods. Such programmes should identify specific neighbourhood characteristics that influence re-offending and come up with adequate preventive measures. In addition, ex-offender mentorship and empowerment programmes can also be considered in such neighbourhoods. Authorities should also ensure more police presence and provision of adequate social amenities.

Ex-offenders should be encouraged to distance themselves from offending peers in the neighbourhood after their release from prisons. Drug use among peers should also be discouraged amongst released offenders since it has a significant relationship with re-offending. Released offenders should be encouraged to create new networks of pro-

social friends in order to isolate themselves from offending peers. This can help the ex-offenders to create a lifestyle that is crime-free.

### **6.3.22 Recommendation 22: International best practices**

From the study, Scandinavian countries are regarded as models of successful incarceration practices. Their correctional management practices can be emulated by other jurisdictions. Based on the study, it is recommended that jurisdictions with high recidivism rates should prioritise offender treatment; the placing of an inmate in the community when necessary as opposed to incarceration; imprisonment should be used as a last resort, that is, the usual punishment should be a fine or a community sentence; inmates should be treated fairly and their human dignity must be protected; the prisoner should be placed in prison as close as possible to his or her home town; and that all parts of the correctional system should work closely together in individual cases as well as in general.

## **6.4 Conclusion**

The first objective of the study seeks to investigate the relationship between offender characteristics and recidivism among released prisoners in Kakamega County. The study investigates the influence of the following individual characteristics and their influence on recidivism

- Gender;
- Age;
- Marital status;
- Level of education;
- Religion; and
- Employment status.

Study findings reveal a significant relationship between individual characteristics and recidivism. Based on this finding, the study concludes that offender characteristics have a significant relationship with recidivism among released prisoners in Kakamega County.

The second objective of the study seeks to interrogate the relationship between offender reintegration and recidivism. The study investigates the influence of the following constructs of offender reintegration on recidivism

- Rehabilitation programmes in prison;
- Community reception of offenders upon release;
- Post-release social support structures; and
- Social interactions of offenders after release

Study findings reveal a significant relationship between offender reintegration and recidivism among released prisoners in Kakamega County. Based on this finding, the study concludes that offender reintegration has a significant influence on recidivism among released prisoners in Kakamega County.

The third objective of the study seeks to interrogate the influence of community perception and attitude on recidivism among released prisoners in Kakamega County. The study investigates the influence of the following constructs of community perception and attitude on recidivism

- Reception by family and community upon release from prison;
- Visits by family while in prison;
- Social interactions after release from prison;
- Perception of influence of community on recidivism;
- Financial and material support after release from prison;
- Existence of previous convicts in the family;
- Influence of neighbourhood on reoffending; and
- Support from faith-based organisations after release from prison.

Study findings reveal a significant relationship between community perception and attitude on recidivism among released prisoners in Kakamega County. Based on this finding, the study concludes that community perception and attitude have a significant influence on recidivism among released prisoners in Kakamega County.

The fourth objective seeks to examine the international perspectives on recidivism in selected countries. Study findings establish that the Scandinavian countries record the



lowest rates of recidivism globally. Recidivism rates Denmark is 36 percent, Finland 36 percent, Norway 20 percent and Sweden 51 percent. This is in contrast to the United States of America, England and Wales, and South Africa that record recidivism rate above 50 percent. It is therefore concluded that best practices in correctional management employed in Scandinavian countries can reduce recidivism rates in countries with high rates of recidivism, including Kenya. Such practices include prioritizing offender treatment; the placing of an inmate in the community when necessary as opposed to incarceration; imprisonment should be used as a last resort, and that inmates should be treated fairly and their human dignity must be protected.

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## Appendices

### Appendix A: Timeline

	<b>ACTIVITY</b>	<b>TIME</b>
1.	Submission of the draft proposal / Making corrections to the proposal and Approval of the Proposal.	22 <sup>nd</sup> August, 2017 to 30 <sup>th</sup> November, 2017
2.	Concluding memorandum of understanding with the Supervisor & obtaining ethical clearance	22 <sup>nd</sup> August, 2017 to 30 <sup>th</sup> November, 2017
3.	Obtaining the necessary Research permits in Kenya	1 <sup>st</sup> December, 2017 to 30 <sup>th</sup> January, 2018
4.	Field Data Collection	1 <sup>st</sup> February, 2018 - 30 <sup>th</sup> May, 2018
5.	Analysis of Data	1 <sup>st</sup> June, 2018 - 30 <sup>th</sup> October, 2018
6.	Presentation of the first draft of the thesis	November 2018
7.	Effecting corrections recommended by the supervisor	April-October 2019
8.	Presentation of the Thesis for Examination	December 2019

## Appendix B: Budget

	Budget Item	Amount(KShs.)	Sub-Total (KShs.)
<b>a.</b>	<b>PERSONNEL</b>		
	Allowances for 30 days during collection of data(2 research assistants; 1,500 @ Person @ Day)	90,000	
	Traveling to Shikusa Prisons for three days(10 liters of fuel @ Day)	3,000	
	<b>Total Personnel Expenses</b>		<b>93,000</b>
<b>b.</b>	<b>SUPPLIES</b>		
	Printing questionnaires & Interview schedules	2,000	
	Pens	500	
	Envelopes	500	
	Notepads	1,000	
	Digital Camera	15,000	
	Mini-disc recorder	4,000	
	<b>Total for Supplies</b>		<b>23,000</b>
<b>c.</b>	<b>SERVICES</b>		
	Photocopying	6,000	
	<b>Total</b>		<b>6,000</b>
	<b>GRAND TOTAL</b>		<b>132,000</b>

## Appendix C: Letter of informed consent and consent form

Evans M. Oruta,  
Department of Correctional management,  
The University of South Africa.

Dear Potential Respondent,

My name is Evans M. Oruta. I am conducting research entitled “**Correlates of recidivism among released prisoners in Kakamega County**” in the Department of Correctional Management, the University of South Africa towards a Doctor of Philosophy in Criminal Justice Award.

I am conducting this study to establish the correlates of recidivism, factors that necessitate a released offender to revert into criminal behavior instead of successfully reintegrating into the community and staying away from criminal activity.

In order to gather data, I will employ a questionnaire that you will be required to complete. The questionnaire is designed to capture your perceptions and experiences on the phenomenon under study. It will take approximately 20 minutes to complete. Participating in filling the questionnaire is voluntary without coercion or enticement.

This study seeks to present empirical evidence on the correlates of recidivism among released prisoners in Kenya. The insights obtained from this study will contribute to the development of a theoretical framework for the explanation of re-offending among prisoners; provide a basis for policy formulation towards resolving and managing the increased rates of recidivism in Kenya and come up with recommendations to address the factors established in order to prevent ex-prisoners from re-offending and make them productive members of the society.

In participating in this research, you are guaranteed anonymity and confidentiality. You will not indicate your name in the questionnaire or any of your identification details. Your responses will not be disclosed to any other un-authorized person except me and my academic supervisor. Hard copies of your responses will be stored for a period of five years in a secure place for any future research or academic purposes only. Electronically

coded information will be protected via the use of a password only known to the researcher alone.

The findings of this study will be available to the public once the examination process of the thesis has been completed. For access to the study findings, you can contact the researcher on email [60870796@mylife.unisa.ac.ke](mailto:60870796@mylife.unisa.ac.ke) or [oruta07@gmail.com](mailto:oruta07@gmail.com) or my supervisor at [wfmluyt@unisa.ac.ke](mailto:wfmluyt@unisa.ac.ke) or call +254724882182.

I, the undersigned, agree to participate in this study voluntarily.

Signature:..... Date:.....

Name:.....

Researcher Signature:.....Date:.....

Thank you for taking the time to read this consent letter and for participating in the study.

Yours sincerely,

**Evans M. Oruta**

## Appendix D: Questionnaire

**INSTRUCTIONS: Please tick where appropriate**

### **I. Part One: Socio-demographic and background information of the respondent**

1. What is your gender?
  - a) Male
  - b) Female
2. What is your age?
  - a) 18 Years -25 Year
  - b) 26 Years -35 Years
  - c) 36 Years -45 Years
  - d) 46 Years -55 Years
  - e) 56 Years and Above
3. What is your marital status?
  - a) Single
  - b) Married
  - c) Separated
  - d) Divorced
  - e) Widowed
4. What is your level of education?
  - a) No formal education
  - b) Primary education
  - c) Secondary education
  - d) Tertiary Education
  - e) Trade/Technical
  - f) Others,.....
5. What is your religion?
  - a) Christian
  - b) Muslim
  - c) Others,.....
6. What was your employment status before you were imprisoned?
  - a) Self-employed
  - b) Formal employment
  - c) Unemployed
7. Do you have children?
  - a) Yes
  - b) No
8. Who is the current caregiver of your child/children since you are incarcerated?
  - a) Child's/Children's mother

- b) Child's/Children's father
- c) Child's/Children's grandparents.
- d) Child's/Children's relatives
- e) Others, specify

**II. Part two: Individual characteristics and recidivism**

9. At what age were you first imprisoned?

- a) 18 Years -25 Year
- b) 26 Years -35 Years
- c) 36 Years -45 Years
- d) 46 Years -55 Years
- e) 56 Years and Above

10. What is the number of times have you been imprisoned?

- a) Twice
- b) Thrice
- c) Four times
- d) More than four times

11. What is the period between your last incarceration and the current one?

- a) Less than 6 months
- b) 6 months – 12 months
- c) 13 months – 24 months
- d) 25 months – 26 months
- e) Over 37 months

12. Which type of offence did you commit when you were first imprisoned?

- a) Misdemeanor
- b) Felony

13. Which was your subsequent offence(s) that you committed which earned you a conviction? (Fill the table below appropriately)

No. of Convictions	Type of crime you committed (Indicate)	Type of Sentence you were awarded (Tick where appropriate)			Duration of sentence (In months)
		Custodial (Imprisonment)	Non-custodial (Probation/C.S.O)	Fine	
Second conviction					
Third conviction					
Fourth conviction					



Fifth conviction					
------------------	--	--	--	--	--

14. Which type of prison term are you currently serving?
- a) Remand/Awaiting trial inmates
  - b) Short term
  - c) Long term
  - d) Condemned
15. Were you using drugs 6 months prior to your current conviction?
- a) Yes
  - b) No
16. If Yes, what type of drug?
- .....

**Part Three: Influence of the community on offender recidivism**

17. How do you rate the reception you received from your family members after you were released from prisons?
- a) Extremely well
  - b) Very well
  - c) Neutral
  - d) Not well
  - e) Not at all well
18. While in prison, how often were you visited by your family members?
- a) Less often
  - b) More often
  - c) Never visited at all
19. How do you rate the reception you received from the community after you were released from prisons?
- a) Extremely well
  - b) Very well
  - c) Moderately well
  - d) Slightly well
  - e) Not at all well.....
20. Whom did you spend most of your time with after you were released from prisons?
- a) Old friends who were offenders
  - b) A new network of offenders established while in prison
  - c) Pro-social friends
  - d) Others, specify
- .....
21. (a) Do you agree that the community influences ex-offenders to re-offend through tagging/labeling?

- a) I strongly agree
- b) I agree
- c) Neutral
- d) I Disagree
- e) I strongly disagree

21. (b) Give an explanation to your answer in question 20 (a),  
 above.....  
 .....  
 .....

22. How did you attain your material and financial support after you were released from prisons?

- a) Family members
- b) Relatives
- c) Friends
- d) Through programs assisting ex-offenders
- e) Others .....

23. In your family, is their existence of members who have been previously convicted?

- a) Yes
- b) No

24. Do you agree that the neighborhood you were staying contributed to your re-offending?

- a) I strongly agree
- b) I agree
- c) Neutral
- d) I Disagree
- e) I strongly disagree

25. Did you receive assistance from the faith-based or charitable based organization after you were released from prisons?

- a) Yes
- b) No

26. If Yes, from which organization?

- a) Faith-based
- b) Charitable organization

27. Specify the type of assistance

.....  
 .....  
 .....

#### IV. Part Four: Offender reintegration and recidivism

28. Did you participate in post-release treatment/training during the last release?
- a) Yes
  - b) No
29. After you were first released from prisons were you able to secure yourself a job?
- a) Yes
  - b) No
30. If you secured a job after release from prisons, how did you find it?
- a) Through friends
  - b) Through family members
  - c) Through programs assisting ex-offenders
  - d) Through my personal efforts
31. Did you seek for employment that a certificate of good conduct was a pre-requisite for employment?
- a) Yes
  - b) No
32. If YES, in the question above, what type of employment did you seek?
- a) Formal employment in government
  - b) Formal employment in the private sector
  - c) Others, specify .....
33. Do you agree that lack of a certificate of good conduct after you were released from prisons was a hindrance to your failure to secure employment?
- a. I strongly agree
  - b. I agree
  - c. Neutral
  - d. I Disagree
  - e. I strongly disagree
34. Where were you living before your first imprisonment?
- a) In my rural home
  - b) In a rental house in an urban area
  - c) In a relative's home
  - d) In a friend's home
  - e) Others
35. Did you go back to your former residence after you were released from prison?
- a) Yes
  - b) No
36. If your answer is NO, in the question above, give reasons and the consequences you faced?

.....  
.....  
37. Did you receive any form of treatment/training during your last incarceration?

- a) Yes
- b) No

38. If yes, which type of treatment?

- a) Substance abuse treatment
- b) Sex offender treatment
- c) Anger management
- d) Formal education
- e) Vocational training

39. If you undertook vocational training, did you complete the course as required?

- a) Yes
- b) No

40. If you did not complete the course as required, what were the reasons for in-completion?

- a) I was released earlier before the expiry of my full term
- b) Inability to cope
- c) Others, Specify

41. Can you attribute your re-offending to less or no treatment you received in prisons? Explain your answer.

.....  
.....  
42. Do you agree that the treatment you received while in prisons was important?

- a) I strongly agree
- b) I agree
- c) Neutral
- d) I Disagree
- e) I strongly disagree

43. Are you currently undertaking any treatment?

- a) Yes
- b) No

44. If Yes, what kind of treatment?

.....  
.....  
45. Do you think your current treatment is beneficial and that it will enable you not to re-offend after imprisonment? Explain

.....  
.....  
46. Did you interact with hardcore criminals while you were in prison?

- c) Yes

d) No

47. If YES, in the question above, do you agree that your interaction with hardcore criminals in prisons increased your chances to re-offend?

f) I strongly agree

g) I agree

h) Neutral

i) I Disagree

j) I strongly disagree

48. Explain in your own opinion, what experience during your stay in prisons that contributed most to your re-offending?

.....  
.....

49. Were you involved in any reentry programs to prepare the community and the victim(s) before you were released from prisons?

a) Yes .....

b) No.....

50. (a) Do you agree that it is necessary to conduct programs involving a convict, the community and the victim before an offender is released from prison?

a. I strongly agree.....

b. I agree.....

c. Neutral.....

d. I Disagree.....

e. I strongly disagree.....

51. (b) Give an explanation to your answer in question 45 (a), above

.....  
.....

52. What are the reasons according to you that make an ex-offender relapse into criminal activity after conviction instead of reforming?

.....  
.....

53. What do you think can be done to enable you not to re-offend upon release from prisons?

.....  
.....

## **Appendix E: Interview schedules**

### **I. Interview schedule for the recidivists**

#### **Part one: Offender characteristics and recidivism**

1. Were you on employment six months before you were imprisoned? If not, do you think employment status contributed to your re-offending? Please tell me more?
2. Where were you living six months before you were imprisoned? Do you think your neighborhood contributed to your re-offending? Explain more.
3. Were you a stable relationship before you were imprisoned?
4. What challenges did you encounter with your peers in the course of your interaction? Did the said challenges in any way influence your re-offending?
5. Did your prior criminal history and prior term of imprisonment influence your re-offending?

#### **Part two: Offender reintegration and recidivism**

1. While serving your current sentence, how is the prison service preparing you for release?
2. Identify the treatment/ and explain to me how beneficial it is to you after release?
3. How often do you undergo the treatment program? Describe for me the details of the activities involved in the treatment program.
4. What is the criterion that was used in identifying the treatment that you are currently undertaking? Were you satisfied with the criterion used?
5. Do you feel personally responsible for undertaking the treatment programme?
6. How does the prison environment affect your attitude and reintegration?
7. Do you think there is enough institutional support to promote your successful reintegration?

#### **Part three: Community support and recidivism**

1. What are your perceptions of post-release needs?
2. What are the challenges that you encountered during your last release?
3. What challenges do you anticipate when you will be released from custody?
4. What were the response and attitudes of your family and community members when you were released last?

5. Did you receive the support that you had anticipated from your family and community members?
6. Did you receive any faith-based support when you were last released from custody? Do you think if there is such kind of support it will help you not to re-offend?

## **II: Interview schedule for Prison Officers**

1. What are some of the treatment programs offered by your institution?
2. Are the treatment programs that you offer relevant to the targeted clientele/need-based?
3. What criteria do you use in deciding which treatment program is suitable for the prisoners?
4. Do inmates feel responsible to participate in the rehabilitation programs?
5. What is the success rate of the treatment programs offered by your institution?
6. What are the major challenges facing prisoners during reentry?
7. Do you conduct reentry programs to prepare the community and the victim(s) before prisoners are released?
8. What are your perceptions of the post-release challenges and needs of the ex-offenders?
9. Do ex-offenders receive any support from faith-based organizations upon release?
10. Do ex-offenders receive any support from non-governmental (charity based) organizations?
11. Do we have aftercare programs? What is their role?
12. Do you think that the regimented pattern of life of prisoners which has nothing to do with their own desire contributes to re-offending? If it does, what should be done to avoid re-offending?
13. What is your opinion on the prisoner's experience in prisons and the role it plays in re-offending?

## **III: Interview schedule for Probation Officers**

1. What are the major challenges facing prisoners during reentry?

2. In your department you have an Aftercare program, tell explain to me its objectives.
3. Do you think the Aftercare programme has done enough in promoting successful offender reentry?
4. Do you conduct reentry programs to prepare the community and the victim(s) before prisoners are released?
5. What are your perceptions of the post-release challenges and needs of the ex-offenders?
6. What is your opinion can be done to address the problem of recidivism and ensure offenders don't re-offend after release from prisons?

#### **IV. Interview schedule for key family members and friends**

1. Please tell me about your family background?
2. How do you relate to the offender?
3. Tell me the history of the offender: When and where he or she was born; educational background; how he/she relates to family members and the community in general; whether he/she was working or not before imprisonment; his/her temperament and marriage life
4. How does the offender behave when he/she comes home?
5. Are there any challenges that you encounter when the offender is at home? Explain.
6. What kind of support do you think the offender needs to avoid re-offending and successfully reintegrate back into the community?



UNISA CLAW ETHICS REVIEW COMMITTEE

Date 20180411

Reference: ST35 of 2018

Applicant: EM Oruta

Dear Mr Oruta

**Decision: ETHICS APPROVAL  
FROM 11 APRIL 2018  
TO 10 APRIL 2021**

**Researcher(s):** Evans Makori Oruta

**Supervisor (s):** Prof WFM Luyt

**Correlates of recidivism among released prisoners – A study of Kakamega county, Kenya**

**Qualification:** PhD (Corrections Management)

Thank you for the application for research ethics clearance by the Unisa CLAW Ethics Review Committee for the above mentioned research. Ethics approval is granted for 3 years.

*The **low risk application** was reviewed by the CLAW Ethics Review Committee on 11 April 2018 in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment. The decision was ratified by the committee.*

The proposed research may now commence with the provisions that:

1. The researcher will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
2. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the CLAW Committee.
3. The researcher will conduct the study according to the methods and procedures set out in the approved application.

4. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.
5. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
6. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data require additional ethics clearance.
7. No field work activities may continue after the expiry date of 10 April 2021. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

*Note:*

*The reference number ST35 of 2018 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.*

Yours sincerely,



PROF N MOLLEMA

Chair of CLAW ERC

**E-mail:** [mollena@unisa.ac.za](mailto:mollena@unisa.ac.za)

**Tel:** (012) 429-8384



PROF CI TSHOOSE

Executive Dean: CLAW

**E-mail:** [tshooci@unisa.ac.za](mailto:tshooci@unisa.ac.za)

**Tel:** (012) 429-2005

## Appendix G: Kenya research permit



### NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone: 020 400 7000,  
0713 788787,0735404245  
Fax: +254-20-318245,318249  
Email: dg@nacosti.go.ke  
Website: www.nacosti.go.ke  
When replying please quote

NACOSTI, Upper Kabete  
Off Waiyaki Way  
P.O. Box 30623-00100  
NAIROBI-KENYA

Ref: No. **NACOSTI/P/18/16045/22311**

Date: **25<sup>th</sup> April, 2018**

Evans Makori Oruta  
University Of South Africa  
**SOUTH AFRICA.**

#### **RE: RESEARCH AUTHORIZATION**

Following your application for authority to carry out research on "*Correlates of recidivism among released prisoners, A study of Kakamega County*" I am pleased to inform you that you have been authorized to undertake research in **Kakamega County** for the period ending **23<sup>rd</sup> April, 2019.**

You are advised to report to **the County Commissioner and the County Director of Education, Kakamega County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit **a copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

**DR. STEPHEN K. KIBIRU, PhD.**  
**FOR: DIRECTOR-GENERAL/CEO**

Copy to:

The County Commissioner  
Kakamega County.

The County Director of Education  
Kakamega County.

### CONDITIONS

1. The License is valid for the proposed research, research site specified period.
2. Both the Licence and any rights thereunder are non-transferable.
3. Upon request of the Commission, the Licensee shall submit a progress report.
4. The Licensee shall report to the County Director of Education and County Governor in the area of research before commencement of the research.
5. Excavation, filming and collection of specimens are subject to further permissions from relevant Government agencies.
6. This Licence does not give authority to transfer research materials.
7. The Licensee shall submit two (2) hard copies and upload a soft copy of their final report.
8. The Commission reserves the right to modify the conditions of this Licence including its cancellation without prior notice.



REPUBLIC OF KENYA



National Commission for Science,  
Technology and Innovation

RESEARCH CLEARANCE  
PERMIT

Serial No.A **18386**

CONDITIONS: see back page

**THIS IS TO CERTIFY THAT:**  
**MR. EVANS MAKORI ORUTA**  
of **UNIVERSITY OF SOUTH AFRICA**  
(UNISA), 1699-50200 BUNGOMA, has  
been permitted to conduct research in  
**Kakamega County**

on the topic: **CORRELATES OF  
RECIDIVISM AMONG RELEASED  
PRISONERS, A STUDY OF KAKAMEGA  
COUNTY**

for the period ending:  
**23rd April,2019**

  
.....  
Applicant's  
Signature

Permit No : NACOSTI/P/18/16045/22311  
Date Of Issue : 25th April,2018  
Fee Recieved :Ksh 2000



  
.....  
Director General  
National Commission for Science,  
Technology & Innovation

# Appendix H: Turnitin report

**CORRELATES OF RECIDIVISM AMONG RELEASED PRISONERS, A STUDY OF KAKAMEGA COUNTY, KENYA**

by

**EVANS MAKORI ORUTA**

**SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY IN CRIMINAL JUSTICE**

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**Appendix I: Language editor certificate**

**PASMAK COMPANY LIMITED**

Situated along Kenyatta Avenue, Kakamega

LANGUAGE CONSULTANT

P.O. BOX 1843 – 40200 KAKAMEGA

Email: [pasmakcompanylimited@gmail.com](mailto:pasmakcompanylimited@gmail.com)

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**INVOICE**

**DATE:** 9<sup>th</sup> October, 2019

**Company PIN:** P051701369F

**ORDERED BY:** EVANS M. ORUTA

**BILLED TO:** EVANS M. ORUTA

EMAIL: [oruta07@gmail.com](mailto:oruta07@gmail.com)

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