

INTRODUCTION

For decades, the studies of recidivism or repeated commission of criminal offences have been one of the main research areas of criminology. Methods used to assess the level of recidivism can be divided in two categories.

In retrospect studies the criminal offences committed earlier and their number is observed in case of a group of persons. One of the most common techniques is to assess the recidivism on the basis of data concerning people serving their punishment in prison. For example, in 1998, 33.6% of Estonian prisoners were punished for the first time (Saar et al., 2002, p. 331); in 2008, this indicator was 30% (Ahven and Jakobson, 2009, p. 104).

Second type of repeated crime study, the succession study, regards recidivism as behaviour following certain event during a specific period of time. The study sample mostly includes convicted offenders or people released from prison in case of whom, for example, the commission of criminal offences is studied during the period of two years, the indicator of which could be either detention as a suspect, new conviction or re-imprisonment. Depending on the principles of putting together the sample, the recidivism rates also greatly differ: on one hand, the recidivism of people released from prison is higher than in case of convicted offenders' population or some of its special population, e.g. people with pecuniary punishment; on the other hand, the proportion of people who are re-imprisoned during the period is smaller than the proportion of people detained as suspects in new criminal offences. This is caused both by the fact that some suspects never reach the court (not to mention the prison) and also by the length of proceedings: depending on the type of criminal offence and other circumstances this can differ very much and it is clear that, for example, within a year considerably more people have their first contact with the police than people who find their way back to prison by way of criminal proceedings.

This study is the first succession study of recidivism in Estonia. This way, more versatile and extensive information is obtained than with retrospect studies. Among other things this also enables to assess the efficiency of criminal justice system upon reducing recidivism; for example, if we were to compare the recidivism of people released prematurely and people released after serving their sentence and it becomes evident that in case of the first group the proportion of people who have committed new criminal offences is bigger, then this may refer both to the inefficiency of continued care system and decision makers' wrong choices. The influence of underestimating the recidivism risk on the safety of society may be clearly perceptible in such cases.

Recidivism assessments cannot be based on the gut feeling. When approaching this topic emotionally there is a tendency to overestimate the risk of repeated commission of criminal offences. This leads to a big propor-

tion of people punished pursuant to criminal procedure to the population and a high number of prisoners.

Naturally, it is dangerous to underestimate recidivism as well: if a person who has just been released from prison kills a human being, there is definitely a reason to ask why this person is at large and what did this person think who allowed him/her to be released.

During the last decades, the questions where one or the other line should be drawn have been discussed on a continuous basis. At the same time we have had to rely first of all on the experience of other countries because we ourselves have not conducted almost any studies. Often, relying on the experience of developed countries justifies itself well, as the factors leading to criminal behaviour are universal in many aspects and there is no country where these factors could have been liquidated, however, there are countries which have been more successful in this respect than the others.

Circumstances which predict the continuation of repeated commission of criminal offences in the future are similar to the ones which are related to the commission of first criminal offences (Zamble and Quinsey 1997, p. 2). In most cases the criminal justice system cannot change these factors. However, it is being strived to find solutions which would not intensify these factors; for example, it has been understood that in the camp prisons or dormitory-type prisons criminal behaviour increases rather than decreases.

The situations repeatedly occur in criminal proceedings when a prosecutor and a judge have to estimate what is the best way to deal with a criminal offender: whether the offender has to be arrested, imposed actual prison sentence, prematurely released, etc. No matter how much information the body conducting proceedings has, the assessment concerning a person's future behaviour can still be only an assumption. This, on which the assumptions of bodies conducting proceedings are based, is analyzed in the second part of this study.

In addition to pointing out the recidivism indicators and the analysis of recidivism risk, the analysis of how prisoners cope after release from prison can also be found from the study.

In the following chapters only part of the analysis is presented in English. The sections about the evaluation of recidivism risk by judges and prosecutors are available on our web-page: www.just.ee/recidivism.