

## 4. CHARACTERIZING FEATURES OF PEOPLE RELEASED FROM PRISON

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Upon dealing with problems related to prisons and prisoners, the data on socio-demographic composition and criminal career of people held in prison are usually set out. However, such data do not give a complete picture about the people released from prison, as depending on the severity of criminal offence, the punishments imposed on prisoners differ many times as to the duration and usually only the most serious crime is taken into consideration upon describing the criminal offences which caused the imposition of a prison sentence. For example, thefts have been the most frequently committed criminal offence (44% of registered criminal offences in 2008) but in prisons the proportion of people punished for thefts as the most serious criminal offence has been considerably smaller (18% of convicted offenders held in prison in 2008). Thus, only the description of people held in prison does not provide an adequate idea what is the composition of people released from prison during a certain period and the latter has to be addressed separately.

Often, the people released from prison have difficulties in coping and they need help in the form of several services; at the same time, their background may pose an obstacle upon employing them and they are being feared as people potentially committing new criminal offences. The studies of foreign countries have shown that within a few years after release, former prisoners indeed have a great risk of committing a new criminal offence and once again find themselves in prison which will increase even more the risk of committing the following criminal offences (Drabsch, 2006; Hypén, 2004; Jehle, 2009); the same was also confirmed by the current study. Therefore, it is important to observe the following course of life of people released from prison and examine the background of people who have committed new crimes in order to find out the main risk factors contributing to recidivism.

Thus chapter describes people released from prison during the last few years on the basis of main socio-demographic characteristics and indicators characterizing their previous criminal career. This database forms a background for chapters addressing the coping of people released from prison and recidivism following the release.

### 4.1. Database

All data on people released from prison were obtained from the information system of prisons. All data used in this chapter and other chapters dealing

with people released from prison cover people convicted by court who were released from prison in 2004–2007 due to one of the following reasons:

- The sentence has been fully served;
- The prison sentence imposed to be served in part has been fully served;
- Release on parole;
- Electronic surveillance is imposed upon release on parole (possible since 2007);
- Pardon.

If some of these people had been repeatedly released from prison under the bases referred herein because of repeatedly being in held in prison during the same year, the last of these releases was chosen (being held in prison as an arrested person was not counted).

All arrested people were left out from observation. A small number of convicted offenders, who were released due to an incurable disease or sent to another country to serve their sentence, as well as people who died in prison and people with a missing, defective or non-standard (e.g. foreign country) personal identification code<sup>55</sup>, who from the aspect of recidivism are not of interest and were therefore left out from the analysis.

One and the same person could have committed criminal offences of different type and sentenced to prison and released from prison several times during the observation period. The analysis takes into consideration all criminal offences which caused the imposition of imprisonment, not just the most serious one. Thus, one and same person may occur repeatedly:

- Among people released in different year;
- In case of people released during the same year in the lists of people who committed several criminal offences of the same type (upon committing several criminal offence of the same type<sup>56</sup> each person is taken into consideration only once).

In all observed groups (e.g. people released in 2004 who were held in prison for manslaughter or murder) each person always appears once. Data reflect the number of people, not the number of criminal offences committed by them – primarily in case of criminal offences against property prison sentence could have been imposed for several criminal offences at once; this occurred less frequently in case of serious crimes of violence.

In case of criminal offences which caused the imposition of prison sentence the criminal offences registered both on the basis of the Penal Code (PC) and

<sup>55</sup> The number of people with missing or non-standard personal identification code among the released people was 37 (1,6%) in 2004, 17 (0,7%), in 2005, 13 (0,5%) in 2006 and in 11 (0,4%) 2007.

<sup>56</sup> A type of criminal offence is always considered with the exactness of the Code of Criminal Procedure section without differentiating individual subsections or clauses.

the Code of Criminal Procedure (CCP) (so-called prior criminal offences) are taken into consideration, however, after release only the criminal offences registered on the basis of PC are considered (so-called new criminal offences). One person could have committed several criminal offences of the same or different type. All data reflect the number of people, not the number of criminal offences committed by them. In some case, just criminal offences with a bigger number of people are observed.

**Table 3.** Types of criminal offences under observation

Crime types included	Penal code §
Manslaughter (Homicide)	113, 114
Violence	121, 263
Sex offence	141, 142, 143, 1431, 144, 145, 146
Drug offence	184
Theft	199
Robbery	200
Fraud	209, 210, 211, 212, 213
Drunk driving	424

## 4.2. Socio-demographic composition of people released from prison

The composition of people released from prison in 2004-2007 is described next by main socio-demographic characteristics for release by years. In years observed, men formed 92-94% from people released from prison which is slightly more than the proportion of men to the people who had committed criminal offences.<sup>57</sup>

**Table 4.** The sex and total number of people released from prison by year of release

	Number				Proportion			
	2004	2005	2006	2007	2004	2005	2006	2007
Male	2064	2423	2205	2530	91,7%	94,1%	93,2%	93,9%
Female	188	151	160	163	8,3%	5,9%	6,8%	6,1%
<b>Total</b>	<b>2252</b>	<b>2574</b>	<b>2365</b>	<b>2693</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<sup>57</sup> According to the Criminal Procedure Register, the proportion of men being suspected and accused of the commission of criminal offences has been 89-90% in recent years.

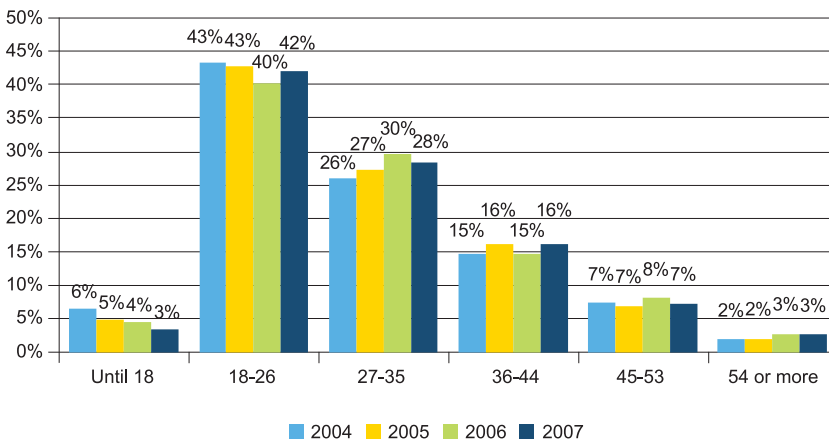
The age of people released from prison is hereafter reflected by the date when the people arrived to prison, which enables among other things to point out the group of people who have come to prison as minors. Thus, it has to be taken into consideration that upon release from prison the age of people had increased by the time they were held in prison – for most people this remained under one year (see below the duration of prison sentence).

The proportion of minors to people released in 2005-2007 decreased. The average age of people released (median value) in the beginning of imprisonment was about 28 years (except in 2004) and upon release about 29 years.

**Table 5.** The average age of people released from prison (median) in the beginning and in the end of imprisonment by year of release (years)

	2004	2005	2006	2007
In the beginning of imprisonment	24,2	27,6	28,3	28,0
In the end of imprisonment	28,5	29,0	29,6	29,6

From the people released from prison in 2007 45% were up to 26 years old upon commencement of imprisonment. The proportion of 14-26 year old people held in prison exceeded twice the proportion of people with same age (23%) to the population in the age for criminal liability (in the age of at least 14 years) that reflects a relatively high activity of young people. For comparison – the proportion of 27-35 year old people was 28% and of 36-44 year old people 16%; the proportion of these age groups to the population in the age for criminal liability was respectively 15% and 14%.



**Figure 23.** The age of people released from prison in the beginning of imprisonment by year of release (%)

By level of education (in the end of imprisonment) the people with basic education have dominated, who formed 40% among the people released from prison in 2007. They were followed by proportion by people with secondary education (21%), people with primary education (18%) and people with secondary specialized education (12%). The proportion between people with different level of education has generally been similar also in earlier years. Compared to the employed population of working age, the level of education of people released from prison is considerably lower (See more closely in the chapter “Coping of people released from prison”).

In 2007, people with Russian as their mother tongue formed 52%, people with Estonian as their mother tongue 47% and people considering other languages as their mother tongue formed less than 2% from people released from prison. By nationalities Estonians formed 48%, Russian 46% and person of other nationalities 6% from people released from prison. From total population the proportion of Estonians was 68%, of Russians 26% and of people from other nationalities 6%<sup>58</sup>.

In 2004–2007, the proportion of Estonian citizens among people released increased and the proportion of people with unspecified nationality decreased. Among the people released from prison in 2007 there were 64% of Estonian citizens, 30% of people with unspecified nationality, 4% of Russian citizens and 1% of citizens from of other countries. The proportion of people with unspecified nationality considerably exceeded their proportion to total population (9%), however, the proportion of Estonian and Russian citizens was smaller than this (proportion from total population respectively 83% and 7%)<sup>59</sup> (Republic of Estonia ..., 2009, p 104).

Among the people released from prison the highest number belongs to the residents of the Harju County, who have been followed by the residents of the Ida-Viru County and the Tartu County. In 2004–2007, the proportion of residents of the Harju County and the Ida-Viru County decreased and the proportion of some other counties increased (primarily in the Tartu County). From the people released in 2007 36% lived before second imprisonment in the Harju County (29% in Tallinn), 16% in the Ida-Viru County, 14% in the Tartu County and 30% in other counties. The breakdown generally corresponded to the proportion of population in the age for criminal liability by counties but the proportion of people released from prison exceeded it in the Ida-Viru County and the Tartu County and was smaller than in the Harju County<sup>60</sup>.

<sup>58</sup> *It would be more accurate to consider only the national composition of population in the age for criminal liability, however, the data on this are not available.*

<sup>59</sup> *Pervious comment also holds in case of citizenship data.*

<sup>60</sup> *The county population proportion from total population of corresponding age was respectively 13%, 11% and 39%.*

### 4.3. Prior criminal offences of people released from prison

Upon describing the type of criminal offences which caused the last prison sentence of people released from prison all types of criminal offences being observed are taken into consideration, whereas one and the same person could have served his/her sentence simultaneously for several criminal offences of different type – thus, the proportions of people punished for criminal offences of different type partially overlap.

Among the people released in 2004-2007 the number and proportion of people punished for repeated drunk driving has grown nearly three times (during 2003-2007, the registration of such criminal offences increased twice), as well as the number and proportion of people punished for crimes of violence<sup>61</sup>.

The number of people who had committed thefts remained the same and their proportion to people released from prison decreased. From the people released in 2007 there were most of all people punished for theft (44%), followed by people punished for repeatedly driving a vehicle while intoxicated (14%) and for robberies (13%).

**Table 6.** The number and proportion of people released from prison by the type of criminal offence causing the last prison sentence and by year of release (selected types of criminal offences; one and the same person may occur repeatedly different types of criminal offences; % from the total number of people released)

	Number				Proportion			
	2004	2005	2006	2007	2004	2005	2006	2007
Manslaughter	75	79	82	129	3,3%	3,1%	3,5%	4,8%
Violence	106	148	190	300	4,7%	5,7%	8,0%	11,1%
Sex offence	38	37	39	49	1,7%	1,4%	1,6%	1,8%
Drug offence	117	155	135	200	5,2%	6,0%	5,7%	7,4%
Theft	1137	1254	1151	1182	50,5%	48,7%	48,7%	43,9%
Robbery	299	319	260	351	13,3%	12,4%	11,0%	13,0%
Fraud	113	87	87	104	5,0%	3,4%	3,7%	3,9%
Drunk driving	125	203	263	380	5,6%	7,9%	11,1%	14,1%

A large proportion of people released from prison have served prison sentence also earlier: from the people released in 2007 55% had been held in prison as convicted offenders at least once. The existing database does not enable to explain to which extent this indicator has changed since 2004.

<sup>61</sup> Crimes of violence are predominantly cases of physical abuse in case of which public prosecution instead of earlier private prosecution is used since 1 July 2004 and registration of such cases started to grow after that year by year.

#### 4.4. Prison activities of people released from prison

In prison the prisoners may be engaged in various housework, production work and learning offered by a prison or participation in social programmes. A person released from prison was considered as engaged in activities during the time held in prison, if he/she was associated with such activity immediately before release from prison.

Social programmes have been implemented in prisons since 2001 and at present ten programmes are in use. Their objective is to influence the views and behaviour of prisoners and develop self-control skills in order to improve prerequisites for coping after release and refraining from new criminal offences. For example, in anger management programme it is learned to recognize and control one's anger reactions and replace them by acceptable behaviour; the orientation of aggression replacement training is also similar. The purpose of programmes designed for prisoners with dependency problems is to decrease alcohol dependence or drug addiction. There are special programmes aimed at people repeatedly punished for drunk driving and sex offenders. In recent years, the possibilities of learning in prison have been expanded.

Prisoners' engagement with work, studies and/or social programmes has considerably increased in 2007–2007; when only 27% of people released from prison in 2004 were engaged in activities, then in 2007 already 52% from people released.

**Table 7.** Engagement in activities of people released from prison by year of release (number and %)

	Number				Proportion			
	2004	2005	2006	2007	2004	2005	2006	2007
Was engaged	608	838	989	1391	27,0%	32,6%	41,8%	51,7%
Was not engaged	1645	1736	1376	1302	73,0%	67,4%	58,2%	48,3%

The level of engagement in activities has been the highest in case of minor prisoners, exceeding 50% for all people released from prison. After 2004, the proportion of people engaged in prison activities has considerably increased for people who started their prison sentence as adults, especially in the 18–25 age groups. During the observation period, the level of engagement in activities of older prisoners also increased and differences between age groups diminished.

#### 4.5. Bases for the release from prison

This study observed people released from prison as convicted offenders who were released due to having partially or fully served their sentence, premature release or pardon (See description of methodology in the beginning of chapter). At this point it has to be taken into consideration that the structure of bases for release cannot be precisely compared, although general trends can be observed: since the beginning of 2007, conditional release from prison under electronic surveillance became possible; the hearing of premature release of prisoners in court became also obligatory after the expiry to term prescribed by law and with this it was no longer necessary for the prisoner to apply for it himself/herself<sup>62</sup>.

During 2004-2007, the number and proportion of people who had fully served their sentence among people released considerably decreased; when four fifths (82%) were released in 2004, then already less than half (49%) in 2007; also the number of people released within a year reduced by more than 500. At the same time, the proportion of prematurely released people increased from 18% to 38% and the number of people released on that basis increased by more than 600. Such development was made possible first of all by the strengthening of probation supervision system and consequently more active recourse of prisons to the court in order to consider the premature release.

**Table 8.** Basis for release of people released from prison by year of release (number and %)

	Number				Proportion			
	2004	2005	2006	2007	2004	2005	2006	2007
Release after serving full sentence	1839	1689	1588	1319	81,6%	65,6%	67,1%	49,0%
Premature release	409	559	572	1035	18,2%	21,7%	24,2%	38,4%
Premature release with electronic surveillance	x	x	x	181	x	x	x	6,7%
Release after serving shock imprisonment	1	321	200	156	0,0%	12,5%	8,5%	5,8%
Pardon	4	5	5	2	0,2%	0,2%	0,2%	0,1%
<b>TOTAL</b>	<b>2253</b>	<b>2574</b>	<b>2365</b>	<b>2693</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<sup>62</sup> In addition, an amendment to the Penal Code which entered into force on 15 March 2007 with which offences against property involving objects or proprietary rights of small value were decriminalized and this provided an opportunity for people who have been previously punished for such an act for premature release. These people were released "on other bases" and these are not taken into consideration here.

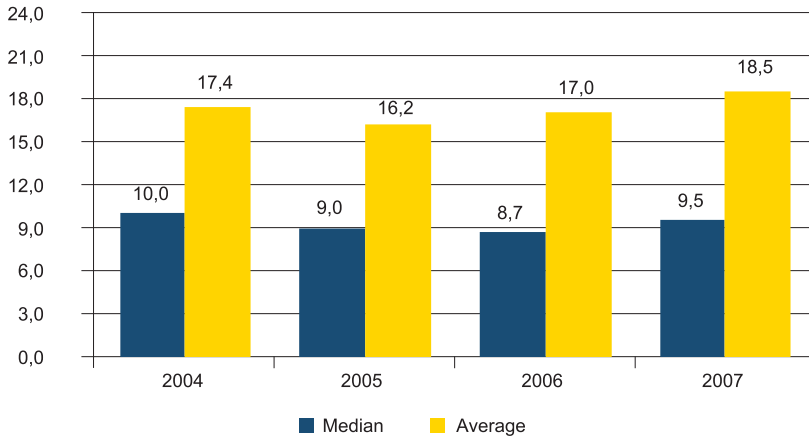
#### 4.5.1. Electronic surveillance

Since May 2007, release on parole under electronic surveillance was started to implement. It can be applied for by a person who has served from the imposed imprisonment at least one third in case of a criminal offence in the second degree and one half in case of a criminal offence in the first degree. The court may order electronic surveillance with the term of one to twelve months. The person under surveillance will be fastened a bracelet around his/her ankle which the person is not allowed to remove during the whole surveillance period; a person's presence at home at prescribed times is checked with control equipment installed there. The person under surveillance is allowed to leave home only at the time authorized by probation officer. An authorized movement range is determined for each person under surveillance; upon leaving the range, the ankle bracelet will send a signal to control equipment and the signal will reach through this the surveillance official at once.

In most cases, 3-4 months are determined as the duration of electronic surveillance and after the term of surveillance the probation supervision and probationary period will continue and if these are successfully passed, the punishment is deemed to be served. Violations of electronic surveillance are deemed, for example, the removal of bracelet or destruction of home surveillance equipment, as well as ignoring the timetable. In addition, a probation officer monitors the performance of other obligations (e.g. appearance for registration, refraining from alcohol abuse). Upon violation, the court may order again enforcement of the part of the punishment which was not served. In 2007, the electronic surveillance equipment was installed for the total of 179 people. By the end 2010, nearly 500 people had been imposed electronic surveillance.

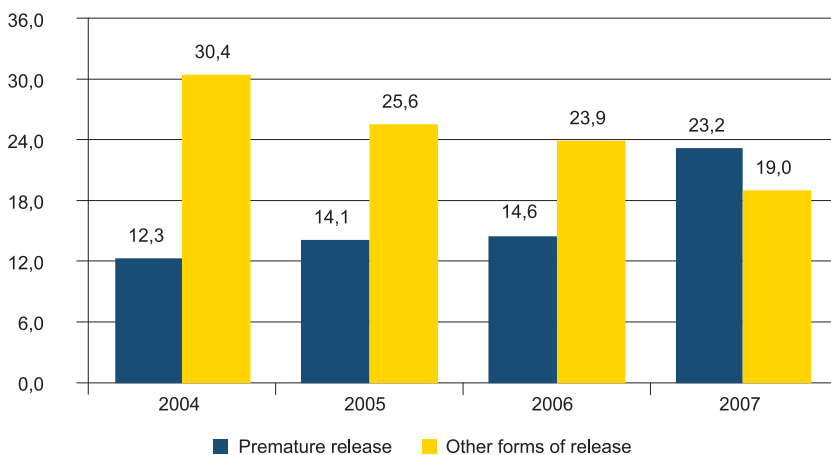
#### 4.6. Duration of imprisonment

The bigger proportion of people released from prison in 2004-2007 (56%-62%) were people who were held in prison predominantly for one year, whereas slightly more than one third (35%-38%) of people released were held in prison up to 6 months. The median of imprisonment duration was from 8.7 months up to 10 months, i.e. half of people released were held in prison for a shorter period and half of people released for a longer period. The arithmetic average is considerably higher due to a small number of people who served a long-term prison sentence.



**Figure 24.** The term of imprisonment by year of release (median and arithmetic average, in months)

Average term of imprisonment of people released in 2007 (both median and arithmetic average) was somewhat longer than in case of people released in 2005-2006. The reason to this was the procedure for premature release enforced from the beginning of 2007 related to which the proportion of people serving a prison sentence longer than one year among the people released from prison increased from 38% to 42%, including the increase of prematurely released people from 15% to 23%.



**Figure 25.** The proportion of people held in prison for more than 12 months to all people released from prison by the basis for release and year of release (%)

The proportion of all people released in 2004–2007 who were held in prison longer than three years remained in the range 12%–15%, without a specific trend. During the same period, the proportion of people held in prison more than five years increased from 3% in 2004 to 7% in 2007.