

5. RECIDIVISM OF PEOPLE RELEASED FROM PRISON AND FACTORS INFLUENCING IT

ANDRI AHVEN

Studies of foreign countries have shown that in general the recidivism risk of people released from prison is higher than in case of people punished with other sanctions (Wartna, Beijersbergen et al., 2008; Jehle, 2009). Taking into consideration that prison sentence is primarily imposed for repeated criminal offenders, this could be expected but in most cases the imposition of new prison sentences does not solve the problems, instead it increases the recidivism risk. In Estonia the recidivism of people released from prison and factors related to it have not been thoroughly examined so far, however, it is known from practice that namely people released from prison are the ones with whom serious social problems are associated.

Next, the recidivism of people released from prison, as well as socio-demographic factors related to it and other factors are dealt with based on different databases. It is of interest which proportion of all criminal offences is committed by people who have been in prison earlier, what is the recidivism of people released from prison within a few of years after release on the whole, and in case of individual most common types of criminal offense how many people go back to prison and to which features characterizing people released from prison these circumstances are related.

5.1. Methodology

People released from prison in 2004–2007 were taken under observation because in their case it was possible to obtain data on new criminal offences committed at least within one year after release. The database concerning people released from prison and the classification of types of criminal offences under observation and the meaning of definitions are described in more detail in the beginning of previous chapter concerning the methodology.

Information about the commission of new criminal offences was obtained from the National Criminal Procedure Register and this means the interrogation of a person as a suspect in a new criminal offence after the date of prison release, whereas in each person's case only the first criminal offence after the date of prison release was taken into consideration. These criminal offences were taken into consideration in which the first interrogation was held before the end of 2008. In case of different criminal offences committed on the same day, only the criminal offence with the longest term of punishment has

been considered. In individual cases a person had committed several criminal offences with equal term of punishment; in such case, a criminal offence with the smallest number of the Penal Code section was considered.

The recidivism rate in this chapter means the proportion of people who committed a new criminal offence within a specific time after release to all people released from prison during a certain year; this is observed both totally in case of all people released and also in case of groups with a specific feature. Main observation units are 1 year and 2 years after a release of a person from prison, however, in case of overall recidivism rate data on other period are also indicated.

5.2. Overall recidivism of people released from prison

Next, the commission of new criminal offences of any type by people released from prison is described (recidivism rate) up to within 4 years after release depending on the people's year of prison release and consequently the maximum possible observation period. Overall trends for several years should in general reflect developments also in case of individual types of criminal offence in which case a shorter period is restricted to.

No substantial changes in the general recidivism level of people released from prison in 2004–2007 have taken place. During the 6 months following the release, a new criminal offence was committed by 25%–27% of people and within 1 year by 40%–43% of people.

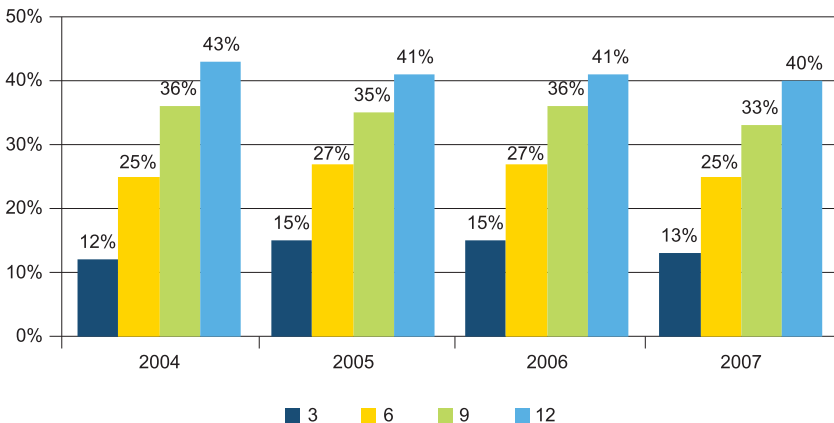


Figure 26. The proportion of people who committed a new criminal offence within 3 to 12 months after release by year of release from prison (%)

The longer period we are dealing with, the more the increase of proportion of people who have committed a new criminal offence slows down. Within 2 years after release, 55%-58% of people released from prison in 2004-2005 committed a new crime. Within 3 years, 63%-64% of people released in 2004-2005 committed a new criminal offence and within 4 years 69% from people committed in 2004 committed a new criminal offence.

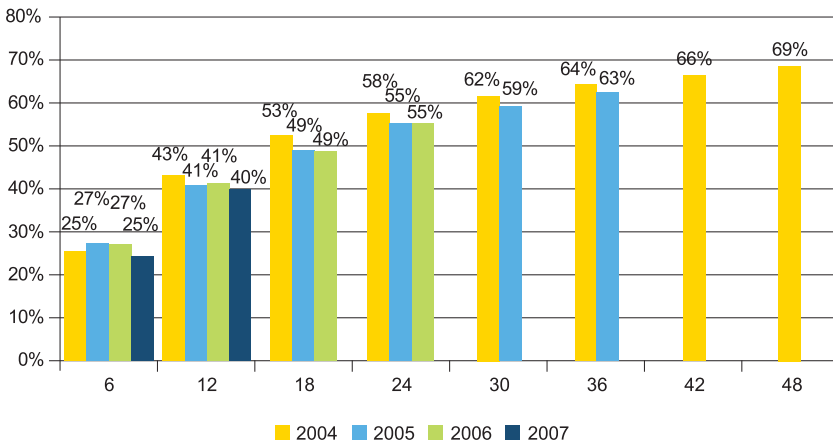


Figure 27. The proportion of people who committed a new criminal offence within 6 to 48 months after release by year of release from prison (%)

5.3. Overall recidivism of people released from prison taking into consideration the type of prior criminal offences

Next, it is shown how big proportion of people released, who were punished earlier for one or another type of criminal offence, committed some new criminal offence within 12 and 24 months following the release.

In case of some types of criminal offences, the number of people released in one year has been so small that the recidivism indicators with respect to them are rather variable (in case of people punished for sex crime, the number of people released in one year was 37-49, in case of people punished for manslaughter 75-129 and for people punished for fraud 87-104).

Within one year after release, a new criminal offence of any type was most frequently committed by people punished for theft (52%-54%) and most infrequently by people punished for manslaughter (9%-14%). No clear trends in the comparison of people released in different years become apparent. The bigger the number of people, the more stable the recidivism indicators have been.

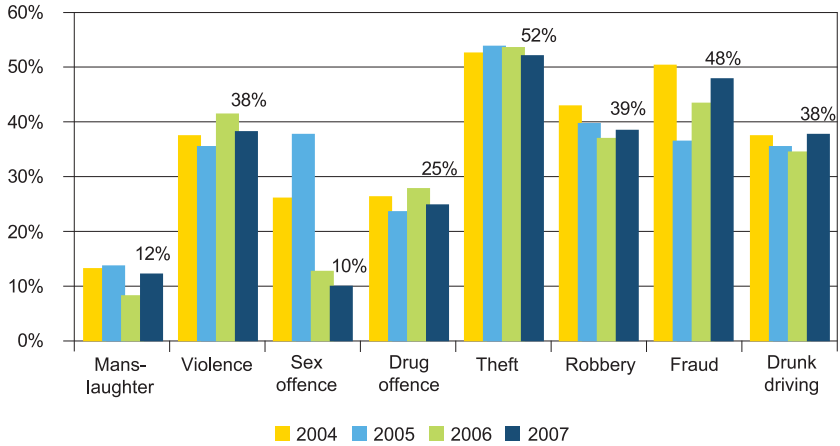


Figure 28. The proportion of people who committed a new criminal offence of any type within 12 months after release by the type of prior criminal offence and year of release from prison (%)

By types of criminal offences the picture is similar also within two years after release - the recidivism of people punished for theft has been steadily the highest (67%).

Table 9. The proportion of people released from prison who committed a new criminal offence of any type within 24 months after release (by the type of prior criminal offence and year of release from prison, %)

	2004	2005	2006
Manslaughter	21%	25%	18%
Violence	58%	51%	60%
Sex offence	42%	51%	21%
Drug offence	42%	37%	46%
Theft	67%	67%	67%
Robbery	58%	55%	55%
Fraud	59%	56%	62%
Drunk driving	60%	48%	49%

5.4. Repeated commission of criminal offences of the same type by people released from prison

Next, it is described how big proportion of people released from prison committed within one up to four years following the release a criminal offence

of the similar type as the criminal offence committed before. In case of several types of criminal offences (especially in case of sex crimes) the total number of people is small and therefore the indicators are not sufficiently reliable for making definite conclusions.

People who were in prison for manslaughter and released in 2004-2006 did not commit any new criminal offences of the same type during the observation period (2004-2008) and these are not shown on the figure. The only person repeating a criminal offence of the same type was punished for murder and he was prematurely released in spring 2007 after serving a 7 year sentence. He committed a new manslaughter nearly ten months after release.

A criminal offence of the same type as before was most frequently committed by people punished for theft (within one year 26%-35% and within two years 40%-43%); they were followed by people punished for repeatedly driving a vehicle while intoxicated (respectively 6%-16% and 23-29%). In case of thefts the amendments of law related to petty thefts may have influenced the statistics to a small extent⁶³.

People punished for sex crime or drug crime committed relatively infrequently a criminal offence of the same type again (within two years not more than 6%). No clear trends in the comparison of people released from prison in different years become evident.

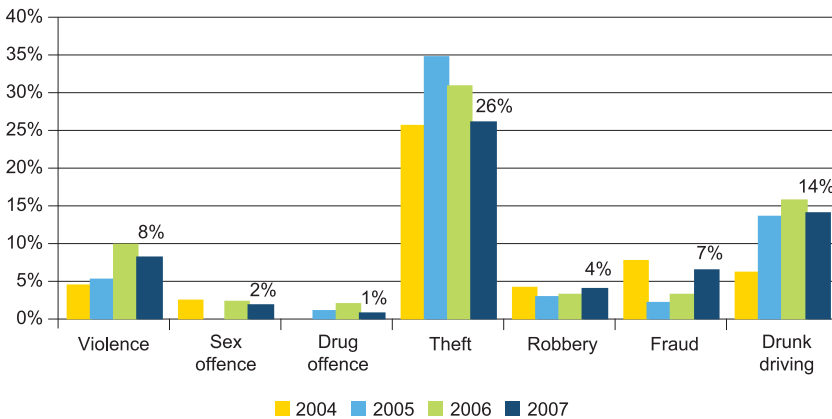


Figure 29. The proportion of people who committed a new criminal offence of the same type within 12 months after release (by the type of prior criminal offence and year of release from prison, %)

⁶³ From 15 March 2007 to 27 July 2008, a theft of objects of small value (less than EEK 1000) was punished due to lack of aggravating circumstances only as a misdemeanour pursuant to § 218 of the Penal Code, not depending on the number of incidents. On 28 July 2008, a provision of the Penal Code entered in to force (§ 199, sub-section 2, clause 9) according to which regardless of the size of caused damage, beginning from the third theft the act constitutes a criminal offence (regular theft).

5.5. Recidivism of people released from prison by socio-demographic characteristics

Next, the commission of any type of criminal offences by people released from prison within one year and two years after release by various socio-demographic characteristics and characteristics reflecting criminal career is addressed.

5.5.1. Sex of criminal offenders

In general, the recidivism of men exceeded the recidivism of women both by one year and two years (except in case of people released in 2006 when the indicator of women was relatively high). Within one year, a new criminal offence was committed by 41%-44% of men and on the average by one third of women.

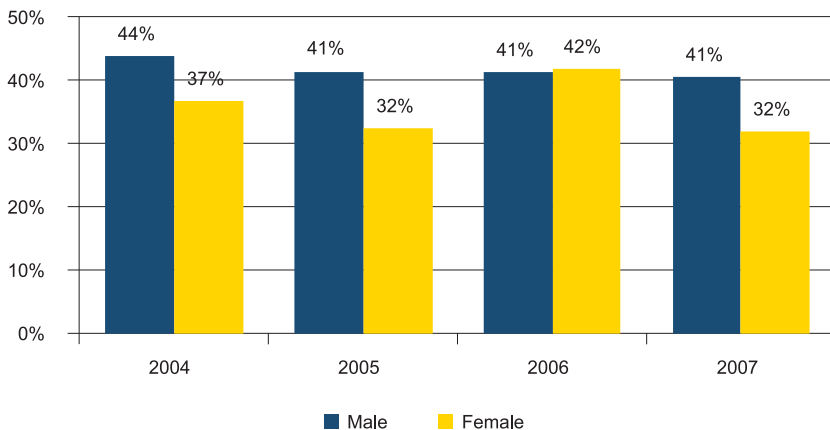


Figure 30. The proportion of people who committed a new criminal offence of any type within 12 months after release from prison by sex and year of release (%)

With respect to men released in 2004-2006 the same indicator was higher by 14-15 percentage points within two years after release than in case of one year, staying in the range 55%-59%. Due to a small number of women the indicators were more variable and the proportion of women who committed a new criminal offence reached from 41% (women released in 2005) up to 55% (women released in 2006).

5.5.2. Age of criminal offenders

The recidivism rate has been the highest among people imprisoned as minors and has decreased with aging. No clear changes in the recidivism rate of people released in 2004-2007 became apparent.

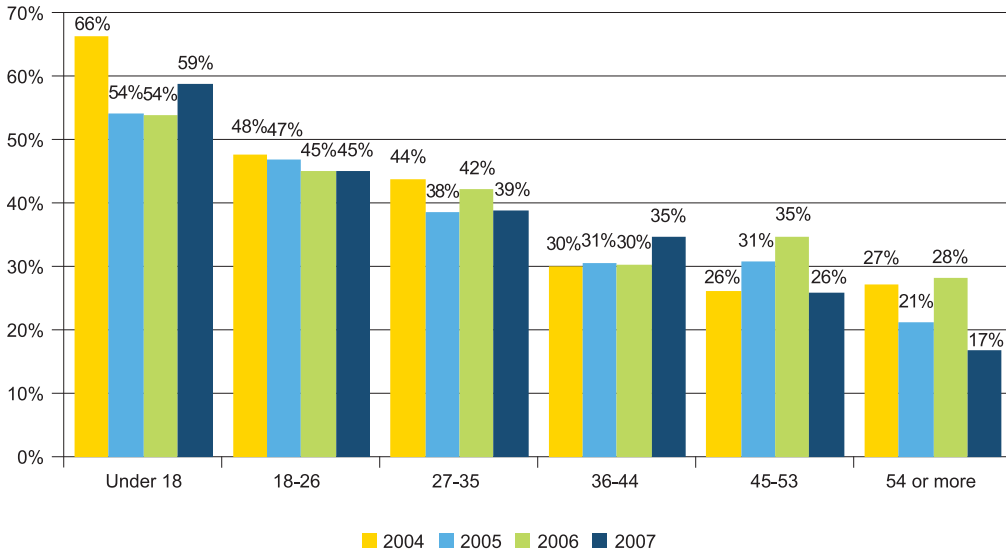


Figure 31. The proportion of people who committed a new criminal offence of any type within 12 months after release by age and year of release from prison (% from all people released in every age group)

Within two years after release from prison, a new criminal offence was committed by more than two thirds of people who commence serving their sentence as minors. In the 18-26 year age group the recidivism rate remained in the range 60%-64% and in case of 27-35 year people on the level of 56%. From 45 year old people a new criminal offence was committed within two years after release by less than 45%.

5.5.3. Education of criminal offenders

During the observation period, the recidivism has stably remained the highest in case of people with primary education and the lowest in case of people with higher education; this indicator has been rather variable in case of people with vocational education (for the last two groups the number of people has

been relatively low)⁶⁴. From people with primary education 49%-57% from people released in different years committed a new criminal offence within a year after release; in case of people with secondary and secondary specialized education this indicator remained in the range 33%-42%.

Within two years after release from prison 66%-70% people with primary education and about 50% of people with secondary education had committed a new criminal offence.

5.5.4. Nationality, mother tongue and citizenship of criminal offenders

Taking into consideration the nationality of people released from prison, a higher recidivism of Russians compared to Estonian can be detected. Similar differences become apparent in the comparison of people with Estonian and Russian as their mother tongue⁶⁵, where the recidivism of people with Russian as their mother tongue has persistently exceeded the recidivism of people with Estonian as their mother tongue.

Within one year after release, the proportion of Russians who had committed a new criminal offence (45%-49%) exceeded on the average by one third the corresponding indicator of Estonians (33%-37%), however, within two years the difference diminished and stayed on the average on the level of one fourth. In the comparison of people with Estonian and Russian as their mother tongue the difference were similar but slightly bigger.

Table 10. The proportion of people released from prison who committed a new criminal offence of any type within 24 months after release by age and year of release from prison (% from all people released in every age group)

		Within 12 months				Within 24 months		
		2004	2005	2006	2007	2004	2005	2006
Nationality	Estonian	37%	33%	33%	34%	52%	49%	47%
	Russian	49%	48%	48%	45%	62%	61%	61%
	Other	42%	41%	47%	44%	60%	56%	67%
Mother tongue	Estonian	36%	33%	33%	34%	51%	49%	47%
	Russian	49%	48%	49%	46%	63%	62%	63%

In case of people released from prison in 2004–2007 the recidivism has been the highest among people with unspecified citizenship from whom nearly

⁶⁴ Within a year, 25–37 people with higher education and 97–110 people with vocational education were released from prison.

⁶⁵ There were too few people with other mother tongues to have them separately pointed out.

one half (46%–52%) committed a new criminal offence within one year after release. Among Estonian citizens the proportion of people who committed a new criminal offence within one year mostly remained below 40%.

The number of Russian citizens released from prison every year was relatively small (106–119 people) and in their case the indicators have been more variable, being mostly in the same range with Estonian citizens. The number of citizens of other countries has been so small that they cannot be separately shown.

Table 11. The proportion of people released from prison who committed a new criminal offence of any type within 12 and 24 months after release by nationality, mother tongue and year of release from prison (%)

	Within 12 months				Within 24 months		
	2004	2005	2006	2007	2004	2005	2006
Estonian	41%	38%	37%	37%	56%	52%	52%
Russian	44%	34%	38%	41%	61%	47%	54%
Unspecified citizenship	48%	48%	52%	46%	61%	63%	62%

5.5.5. Number of criminal offenders' prison sentences

A clear connection between the number of prison sentences and recidivism has been observed in the studies conducted in foreign countries – the bigger the number of person's prison sentences, the bigger the person's risk to commit new criminal offences. The characteristic reflecting the number of previous prison sentences does exist in the prisons information system of people released from prison but unfortunately the data on people released in 2004–2007 cannot be correctly compared due to technical reasons and therefore the data on people released in different years cannot be presented here.

For example, the data on differences in the recidivism rate of people who have been held in prison several times are suitable for the people released from prison in 2006, in case of which more than a twofold difference in case of the one year recidivism became evident and more than one and half times difference in case of two year's recidivism:

- Within one year after release, a new criminal offence was committed by 26% of people held in prison once and by 55% of people repeatedly held in prison;
- Within two years after release, a new criminal offence was committed respectively by 42% and 68% of people.

5.6. Recidivism according to the bases for release from prison

Remarkable differences in the level of recidivism become apparent in case of people released from prison on different basis. The recidivism rate has been permanently the highest and moreover, a very stable one in case of people who fully served their actual prison sentence, from whom 48%-49% of committed a new criminal offence within one year after release and 62%-63% within two years after release. In case of people released in 2005-2006 they were followed in terms of recidivism rate by people who had served a long-term actual prison sentence or the so-called shock imprisonment⁶⁶.

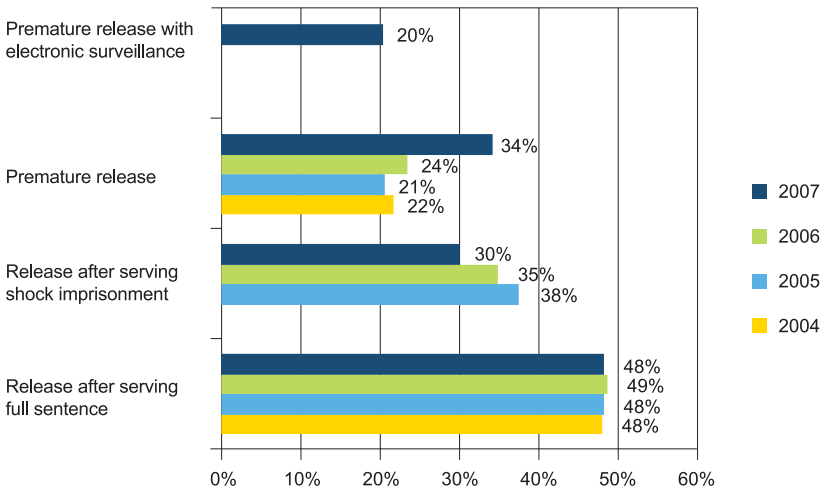


Figure 32. The proportion of people who committed a new criminal offence within 12 months after release by basis for release and year of release (%)

People released from prison on parole deserve separate attention: their recidivism among people released in 2004-2006 was the lowest (within one year after release a new criminal offence was committed by 21%-24% and within two years by 35%-40%), however, it considerably increased in case of people released in 2007, reaching up to 34% within one year after release.

The increase in the recidivism rate when comparing the people prematurely

⁶⁶ The possibility for release from prison on this basis (serving the imprisonment imposed to be served partially) was created since 2005. Shock imprisonment is imposed on convicted offenders pursuant to § 73 and § 74 of the Penal Code, in such case a person shall serve from imprisonment only a short-term (mostly up to 6 months) part and he/she will be released on parole. The purpose of this is to create a shock effect for the convicted offender and thus give him/her a serious warning concerning subsequent behaviour. During a long-term (more than a few months) imprisonment, it is found that a person may adjust to prison life and in such a case the partial release from serving the punishment would no longer have the desired effect.

released in 2007 with people released in earlier years is probably related to the new order enforced in the beginning of the same year according to which upon the formation of the right of release on parole, relevant materials were started to file with the court automatically unlike the earlier practice, without a prison applying for it himself/herself. Earlier, a prisoner submitted a petition to the prison director for release on parole and added to it the certificate of employment waiting outside the prison, the certificate of the place of residence and other materials supporting his/her petition, to which the prison added the person's character reference. Based on these materials the director decided whether the person is suitable and motivated to cope at large and in case of a positive decision, forwarded the file and the proposal for releasing the person to the court. According to the new procedure, the file and character reference shall be sent directly to the court and only the court shall decide on the release of person. The growth of recidivism refers to a possibility that such a change was not sufficiently prepared; during a short period of time, people with high risk level not suitable for that were also released, the people who would probably not have been prematurely released pursuant to the procedure which was effective earlier.

In 2007, the premature release from prison together with the imposition of electronic surveillance became also possible. The recidivism of people released on this basis can be now observed only during one year after release but their recidivism has been the lowest (20%) during this time. Since the implementation of electronic surveillance in spring 2007 up to the beginning of 2010, nearly 500 people have been imposed such surveillance, from whom 8% have been re-imprisoned. Violations have been mainly connected to ignoring the timetable; in some cases also removing the ankle bracelet and use of alcohol or commission of a new criminal offence. Predominant majority of people under probation supervision has successfully passed electronic surveillance the pre-condition for which has been a strict selection and application of such measure in case of people with relatively low risk – the court has granted only up to one fourth of the petitions for electronic surveillance.

5.7. Engagement in activities of criminal offenders in prison

From people released from prison, these people were considered as engaged in activities who during the imprisonment worked, studied or participated in some social programmes (See more thoroughly the previous chapter). Effective participation in such activities assumes obedience to prison regime and prisoner's motivation to work with oneself – thus, it can be guessed that people engaged in activities in prison have better prospects of coping at large when compared to the people not engaged in activities.

After release, people who were engaged in activities in prison had clearly a smaller recidivism risk in comparison with people not engaged in activities both within one year and two years after release. At the same time, it is not possible to say what has been the role of this engagement in activities⁶⁷, as probably there were relatively more people among the ones engaged in activities who were interested in purposeful activity and had a low recidivism risk.

From people released in 2004–2007, nearly one third of people engaged in activities and nearly one half of people not engaged in activities committed a new criminal offence within one year after release.

Within two years after release, a new criminal offence was committed on the average by 50% of people engaged in activities in prison and nearly by 60% of people not engaged in activities.

5.8. Re-imprisonment of criminal offenders

Re-imprisonment of a person released from prison may be related to an arrest or the imposition of a new actual prison sentence. In most cases this is related to a new criminal offence committed after release from prison, however, a reason to this may also be some pre-imprisonment criminal offence which was discovered later or the investigation of which was terminated after the release of the person from prison.

In case of people released in 2004–2007, it is not possible to exactly compare the proportion of re-imprisoned people by years due to inaccuracies in the reporting of repeated imprisonment. From the people released in 2007 about one fourth was re-imprisoned within one year due to arrest, enforcement of conditional prison sentence or a new prison sentence. Approximately for two thirds of cases, the re-imprisonment was related to arresting the person.

It was noted above that 40% of these criminal offenders committed a new criminal offence within one year, however, it has to be taken into consideration that these numbers are not mutually comparable; for example, the reason of re-imprisonment could have been not only a criminal offence committed after release from prison, but also some other violation of regime, or a prison sentence imposed in a criminal offence which preceded the imprisonment and has reached the court judgement only now.

⁶⁷ *The database does not enable to simultaneously control the influence of other possible factors in order to compare the engaged and not engaged groups of people which are similar by other characteristics.*