

Reintegration of convicts

Class 10

The prevention of recidivism



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KATEDRA PRAWA KARNEGO WYKONAWCZEGO

Reintegration of offenders

- ▶ Most offenders face significant social adaptation issues, which can include family and community stigmatization and ostracism, and the ensuing negative impact on their ability to find jobs or housing, return to formal education or build (or rebuild) individual and social capital.
- ▶ Unless they receive help to face these issues, they risk getting caught up in a vicious cycle of failed social integration, reoffending, reconviction and social rejection.

The rehabilitation of offenders and their successful social reintegration into society should therefore be among the basic objectives of criminal justice systems. Legally binding international human rights conventions, as well as the United Nations standards and norms in crime prevention and criminal justice, clearly acknowledge this point and emphasize the importance of interventions to support the social reintegration of offenders as a means of preventing further crime and protecting society

Reintegration of offenders

to desist from crime

- * United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules): a rule 4, paragraph 1

Rule 4 1. The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and **to reduce recidivism**. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life

- * Polish Executive Penal Code - art. 67 § 1

Art. 67 § 1 of the Executive Penal Code, the primary aim of the execution of penalty of deprivation of liberty is to “evoke in a convict the will to cooperate in his shaping socially desirable attitudes, in particular, the sense of responsibility and the need to abide by the law, leading to **refraining from returning to crime**.”

What are social reintegration programmes?

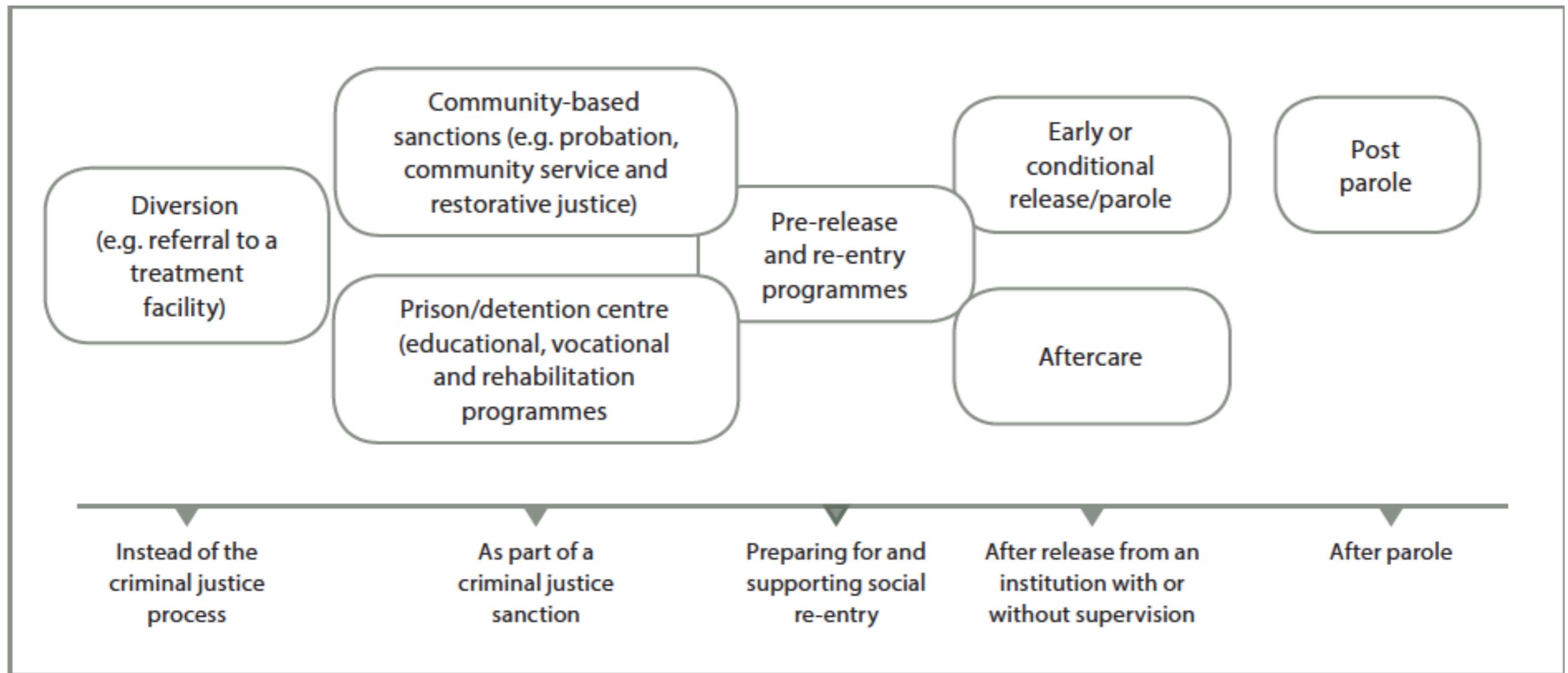
- * The primary objective of social reintegration programmes is to provide offenders with the assistance and supervision that they may need to desist from crime, to successfully reintegrate into the community and to avoid a relapse into criminal behaviour.

- * In general, there are three main categories of social reintegration programmes:
 - A. prison-based rehabilitation programmes;
 - B. reintegration and aftercare programmes delivered upon release;
 - C. non-custodial, community-based programmes.

What are social reintegration programmes?

- * The boundaries between these categories are not always clear. Some post-release interventions do in fact begin while offenders are still imprisoned; such interventions are aimed at facilitating their post-release adjustment. In many countries, renewed emphasis is being placed on managing the re-entry of offenders into society.
- * Re-entry support typically occurs at the end of a period of imprisonment, but it can also occur earlier as part of a conditional release programme, with or without formal supervision.
- * They cover a wide range of services and initiatives implemented or sponsored by the criminal justice system, often complemented by collaborative schemes with community agencies

What are social reintegration programmes?



What are social reintegration programmes?

- All such interventions are best delivered as part of an integrated programme designed to address an individual offender's specific issues and challenges.
- Positive reintegration outcomes are more likely to be generated when factors predisposing offenders to criminal behaviour are confronted and their physical and social needs are addressed in a continuous and holistic manner both during and after imprisonment.
- For that reason, it is important to emphasize comprehensive interventions, based on a continuity of care, and to provide consistent assistance to offenders within and beyond the prison environment. Preparation for re-entry into society, for example, should obviously commence before an offender is released.

After release, interventions should facilitate a smooth transition from the prison to the community, reinforce the gains achieved in prison through treatment and educational programmes, and continue until reintegration is successfully completed.

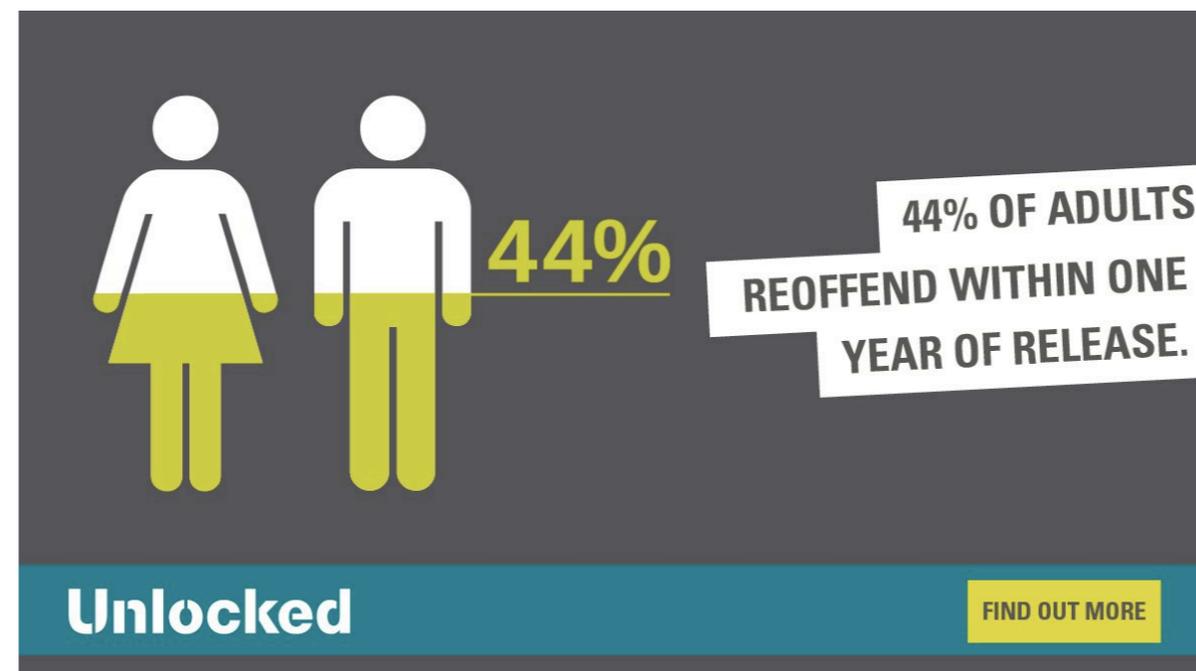
The link between social reintegration and public safety

- ▶ The criminal recidivism rate continues to be very high among certain groups of offenders.
- ▶ Although global statistics are not available, data from individual countries confirm that the rate of reoffending is high, sometimes higher than 70 per cent.
- ▶ Many offenders, even after serving repeated prison sentences, fail to desist from crime and to reintegrate into the community. Imprisonment, in itself, is incapable of addressing the offenders' social integration issues.
- ▶ Even when effective prison programmes have helped offenders to achieve progress during detention, that progress is often lost because of lack of follow-up supervision and assistance after release. Therefore, effective crime prevention strategies at the local and national levels must pay special attention to the integration (and reintegration) of offenders into the community.

In fact, adopting corresponding measures is arguably one of the best and most cost-effective ways of preventing their reoffending

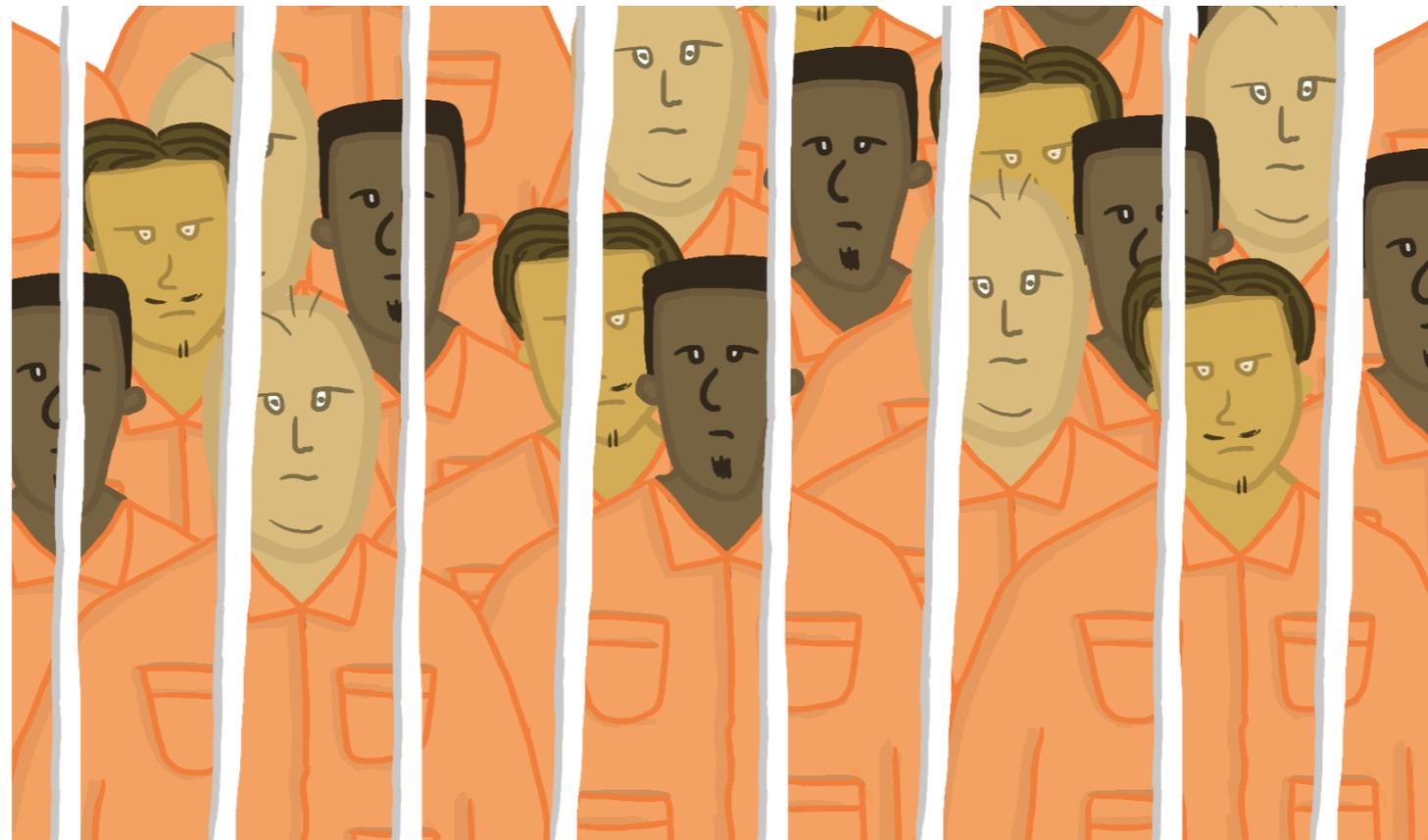
The link between social reintegration and public safety

- * If an ex-prisoner does not successfully reintegrate, there are direct and indirect costs to the community.
- * If prisoners re-offend after release, community safety is compromised through increased crime. There are the costs associated with policing and adjudicating these new offences plus the costs of imposing new sanctions.
- * There are far less easily quantifiable or indirect costs to society, such as those borne by the victims of these crimes, those associated with lost economic and community capacity, or through ex-prisoners relying on social services rather than contributing to society



Prison overcrowding

- * Furthermore, prison overcrowding is a major challenge in many countries.
- * Although prison overcrowding is a complex problem, there is no doubt that it is attributable in part to the large number of repeat offenders who populate the prisons and for whom imprisonment has had little or no effect in terms of their desistance from crime. One key strategy in reducing the number of persons in prison is to provide effective rehabilitation programmes for prisoners and support their social reintegration upon release.
- * Unfortunately, prison overcrowding itself affects the ability of prisons to offer meaningful rehabilitation programmes and tends to limit prisoners' access to existing programmes.



The prevention of recidivism

- * Facilitating offender reintegration is a complex task, and the impact of specific interventions is often difficult to measure.
- * Reduced criminal recidivism remains the ultimate indicator of successful social reintegration programmes.

“Recidivism” (“reoffending”) refers to whether a person who is the object of a criminal justice intervention reoffends later on.

- * At the level of the individual, recidivism is prevented when an offender desists from crime.

“Desistance” refers to the process by which, with or without external intervention, offenders stop to engage in criminal conduct and maintain crime-free lives.

- * A number of factors are associated with desistance from crime, such as the acquisition of new skills, full-time employment or significant life partnership. Changes in family and employment circumstances are key factors in accounting for desistance.

The prevention of recidivism

- ▶ Desistance becomes less likely successful when problematic social circumstances increase, but the causal relationship between these factors and the absence of criminal behaviour are difficult to specify
- ▶ Programmes based on desistance theory emphasize long-term change over short-term control, recognizing that progress is unlikely to be direct or continuous. The focus is on supporting offenders to see themselves in a new and more positive light, with hope for the future. The approach assumes that the successful social reintegration of an offender rests on a combination of motivation and human and social capital.

“Human capital” refers in part to the capacity of the individual to make changes and achieve goals.

“Social capital” includes factors such as employment and supportive family or other relationships

The prevention of recidivism

- ▶ Preventing recidivism requires effective interventions based on an understanding of the factors that place offenders at risk and make it difficult for them to successfully reintegrate into society.
- ▶ Some risk factors are dynamic—meaning that they are willing to change—whereas other (static) risk factors are not.
- ▶ Static risk factors do not change over time; they include aspects such as, inter alia, an offender's gender, criminal history, age at the time of arrest or prior mental health problems.
- ▶ Dynamic risk factors, on the other hand, can be addressed through interventions within or outside the criminal justice system. Corresponding programmes vary according to the risk factors and the type of social reintegration challenges that they are designed to address.
- ▶ Many programmes focus on specific challenges confronting offenders, such as a low educational level, unemployment or drug use. Other programmes have been designed to deal with specific categories of offenders, such as young offenders, repeat offenders, offenders with drug disorders, offenders with mental disabilities or sexual offenders.

The prevention of recidivism

- ▶ Most offenders are confronted by a range of social, economic and personal challenges that tend to become obstacles to their social integration. Some of those challenges are a result of the offender's social environment, family, peer group or low educational and skill levels.
- ▶ Offenders may have a history of social isolation and marginalization, physical or emotional abuse, poor employment or unemployment, and involvement in a criminal lifestyle that began at an early age. Offenders may also be challenged by physical and mental disabilities or health issues, including problems related to substance abuse and drug addiction.
- ▶ Many offenders have serious skill deficits that make it difficult for them to compete and succeed in the community: poor interpersonal skills, low levels of formal education, illiteracy or innumeracy, poor cognitive or emotional functioning, or a lack of planning and financial management skills.
- ▶ Institutional and community-based programmes can address such dynamic risk factors by focusing on motivation, education, development of skills, employment, accommodation, interpersonal relationships, drug and alcohol treatment, mental health care and cognitive behavioural interventions.

The prevention of recidivism

- ▶ There is no simple recipe for developing an effective and comprehensive strategy on the prevention of recidivism and the social reintegration of offenders.
- ▶ The approach taken in each country is determined, to a large extent, by existing laws and the resources that are available in the justice system and in the community, as well as the receptiveness of the population to progressive recidivism prevention initiatives.

