

Factors Influencing Recidivism in Offenders with Felony Charges on Life and Sex Offences

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Abstract

Thailand is encountering higher recidivism rate, especially in felony cases. As recidivism is becoming a major challenge, factors influencing recidivism should be determined in order to develop policies on custody, rehabilitations and pre - release preparation. The purpose of this research is to study factors influencing recidivism in pre - release inmates on felony charges on life or sex offences. Random sampling method was used in the study. The participants consisted of 370 life and sex offenders on felony charges using Oxford Risk of Recidivism Tool (OxRec) as an assessment tool. The data was evaluated using multiple logistic regression analyses. The results showed that factors significantly influencing recidivism are male, 12-24 month length of incarceration, previous criminal history, employment and drug abuse.

Keywords: risk factors, recidivism, offenders, felony crimes.

Introduction

According to the Ministry of Justice, Ministerial Regulations 2018, the main responsibilities of the Department of Corrections are custody and rehabilitation of inmates or detainees under custody of the Department of Corrections. The department of corrections has a goal on human resources development: to develop and rehabilitate inmates or detainees to ultimately become law abiding citizens, to help them develop skills and abilities that are essential to live in the society. The department of corrections are working under laws, rules and standards such as criminology and penology principles, United Nations' recommendation, international standards and Corrections Act 2017.

Nowadays, prisons in Thailand are encountering overcrowding problems which means that the number of prisoners have always exceeded the capacity of the prisons¹. Not only overcrowding negatively affects prisons' quality of life but also prison management because it leads to difficulties in distributing limited resources². Moreover, the pattern of crime has increased violence and more complex. The Department of corrections is now having various types of people. Some people re - offend when they are released from the prisons. According to statistics of convicted prisoners³, there were 231,414 convicted prisoners in Thailand. 96,773 or 41.82%, which was almost half of those, had a criminal history of 2 - 5 records. While the prisons release approximately

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20,000 inmates per month (including those who are on parole and those who have served their sentence), the society has raised concern that people who are released from prisons would re-offend, especially in violence crime, which threatens the safety of the people in public society

The department of corrections has a responsibility to rehabilitate inmates or detainees to have healthy physiques and mentality, become a law abiding citizens and be able to blend in the society after they are released. However, the current situation shows that there are several people who are released and re-offend. This has become a major challenge for the department of corrections. The juridical process in Thailand emphasizes on imprisonment which lead to prison overcrowding and consequently affect the effectiveness of the rehabilitation programmes⁴. Therefore, this issue has triggered an interest in pre-release treatment programmes for inmates with felony crimes in life and sex offences. Pre-release programme is a programme that would help prisoners to prepare themselves before release and also support them in aspects that they need. Prisoners with felony crimes in life and sex offences are seen as a threat to the society and the department of corrections has a determination to rehabilitate these groups of inmates to assure the society that they would not re-offend when they are released from the prisons. A study to determine risk factors of recidivism is an important part to better understand the inmates in order to design and develop effective rehabilitation programmes in the future. Studies in the past⁵⁻⁸ suggested that factors influencing recidivism include male, unemployment, young age, criminal history, low educational level, drug and alcohol abuse and psychiatric conditions. The purpose of this research is to study factors influencing recidivism in pre-release inmates on felony charges on life or sex offences. Knowing the risk factors would help in the future development of rehabilitation programmes or pre-release programmes to be more effective and responsive to the inmates' needs to reduce the chance of recidivism.

Materials and Methods

Participants. The participants in this study are those who are charged with felony crimes on life and

sex offences according to article 276 or article 288, 289 and 290 in the Criminal Code and are incarcerated in prisons in Bangkok Metropolitan. The total population of inmates who met the criteria was 5,016. This study used Yamane method⁹ to determine the number of samples needed. It is found that, at .05 percentage discrepancy, an optimal number of participants was 370. Random sampling method was used to select the participants in this study.

Assessment Tool. Assessment tool used in this study was Oxford Risk of Recidivism Tool (OxRec) derived from other research.^{5,10,11,12} The assessment tool is available on website <https://oxrisk.com/oxrec/>. The assessment tool collects data which are: gender, age, nationality, incarceration length, most recent offences (violent index offence), previous violent crime, marital status, highest education level, employment, income, alcohol abuse, drug abuse, and mental disorder. The questionnaire was translated to Thai and checked by the supervisor on accuracy, clarity and content and language comprehension. Moreover, it was also approved by 3 experts in forensic science and justice on content validity. Some questions with lower than 0.50 Index of Item-Objective Congruence: IOC score¹³ was adjusted according to the experts' recommendations.

Data Collection. This research was approved from the Ethics Committee for Human Research of Silpakorn University. It was also approved by the Department of Corrections on data collection with inmate participants. Every participant has signed an informed consent. They were informed about the detail and the objectives of the study and were informed that their personal data would be kept confidential and they could withdraw from the research any time.

Data Analysis. Descriptive statistics was used (i.e. frequency and percentage). Multiple logistic regression analysis was used to determine factors which influence the risk of recidivism. Some factors were changed from Nominal scale to Dummy variable.

Results and Discussion

Participants were 370 inmates with felony charges on life and sex offences who were incarcerated in

prisons in Bangkok Metropolitan area. 317 (85.7%) of the participants were male. 361 (97.6%) participants were Thai. 359 (97.0%) of them had more than 24 - month of incarceration period. 355 inmates (95.9%) had violent index offence. 353 (95.4%) participants had no prior criminal history. 64.9% or 240 inmates were single. 219 (53.2%) of them finished secondary school or equivalent. 297 (80.3%) participants were employed. Most of them (367 or 99.2%) had no alcohol abuse history and 314 participants (84.9%) had no drug abuse history. (See table 1)

Table 1 General Information (n = 370)

General Information		Number	%
Gender	Male	317	85.7
	Female	53	14.3
Nationality	Thai	361	97.6
	Others	9	2.4
Incarceration Length	Less than 6 months	1	0.3
	6 - 12 months	3	0.8
	12 - 24 months	7	1.9
	More than 24 months	359	97.0
Violence Index	Absent	15	4.1
	Present	355	95.9
Criminal History	Absent	353	95.4
	Present	17	4.6
Marital Status	Single	240	64.9
	Others	123	33.2
	Unknown	7	1.9
Education	Secondary school or equivalent	219	59.2
	High school or equivalent	59	15.9
	Diploma	17	4.6
	Unknown	75	20.3
Career	Unemployed	62	16.8
	Employed	297	80.3
	Unknown	11	3.0
Income	Minus	17	4.6
	Zero	116	31.4
	Less than 20%	38	10.3
	20 - 80%	196	53.0
	More than 80%	3	0.8

General Information		Number	%
Alcoholism history	Absent	367	99.2
	Present	3	0.8
Drug use history	Absent	314	84.9
	Present	56	15.1
Mental Illness history	Absent	343	92.7
	Present	27	7.3

Factors influencing Recidivism

Multiple logistic regression analysis was used to study risk factors that influence risk of recidivism. Hosmer and Lemeshow test at p - value = 0.34 which was more than 0.05 showed that Multiple Logistic Regression is an optimal method to analyse the data. It was found that 5 out of 27 independent variables significantly influence the risk of recidivism at 0.1 significant level. Factors which influence the risk of recidivism were 1. Male. It was found that male were 486.91 times (OR = 486.91) more likely to re - offend than female. 2. Prisoners with 12 - 24 months of incarceration length were 269.84 times (OR = 269.84) times more likely to re - offend than prisoners with other incarceration periods. 3. Prior criminal history. Prisoners who had a criminal history were more likely to re - offend for 150.59 times (OR = 150.59). 4. Employment. Prisoners who were employed are 0.03 times (OR = 0.03) more likely to re - offend. In other words, it could be said that those who were unemployed were 33.33 times more likely to re - offend ($1/0.03 = 33.33$) and 5. Drug abuse. Prisoners who had drug abuse history were 62.34 times (OR = 62.345) more likely to re - offend. The above mentioned factors could predict the risk of recidivism for 68.8 % as shown in table 2.

Table 2 Factor analysis on recidivism risk factors

Risk factors	B	SE	OR	p-value
Gender : male	6.188	1.906	486.91**	.001
12 - 24 month of incarceration	5.598	1.862	269.84**	.003
Criminal History	5.015	1.026	150.59**	.000
Employment	-3.558	0.733	0.03**	.000
Drug Abuse	4.133	0.593	62.34**	.000
Nagelkerke R² = .688				

Multiple logistic regression analysis was used to study risk factors that influence risk of recidivism. It was found that there were 5 independent variables

that influenced the risk of recidivism at .01 significant level. These factors could predict the risk of recidivism for 68.8 percent. The factors were as follows:

Male. Male were 486.91 times (OR = 486.91) more likely to re - offend than women. The result conformed to the Piquero et al.¹⁴ study which systematically reviewed age, sex, nationality and ethnicity as predictive factors in violent recidivists. It was found that male significantly correlated with the risk of violent recidivism at .05 significant level. It was also in line with Yukhnenko et al.⁸ which found that male was a risk factor of recidivism. As well as Maden et al.¹⁵ which studied sex differences in after release recidivism in medium security prisons. It was found that male were more likely to re - offend than women at .05 significant level. The research of Olson et al.¹⁶ also found similar results. It was found that male who did not finish high school, were single and had a previous imprisonment history on violent offence were likely to be arrested in violent offences at .05 significant level. Male was a static factor. There were several male inmates which lead to higher risk of recidivism. Mannerfelt and Håkansson¹⁷ mentioned there should be different rehabilitation programmes for each sex to prevent recidivism due to the differences in risk of recidivism.

12 - 24 month incarceration length. Inmates with 12 - 24 month of incarceration length were 269.84 times (OR = 269.84) times to re - offend. The study of Budd and Desmond¹⁸ which examined sex offenders and violent sex recidivists. The results showed that when recidivism means re - arrest, incarceration length had no correlations with violent sex recidivism. However, when recidivism means re - offending, incarceration length positively correlated with recidivism in sex related offences at .05 significantly level. It was possible that inmates who live with others with similar offences in a period of 1 - 2 years could positively learn criminal behavior from one another. Therefore, when they were released, they were more likely to re - commit similar crimes.

Prior criminal history. Inmates with prior criminal history were 150.59 times (OR=150.59) more likely to re - offend. Boonnikoon¹⁹ studied factors that lead inmates to lower classes in Thai prison settings and the rehabilitation guidelines. Prisoners who are classified as a lowest class means they are

recidivists, difficult and at a higher risk of recidivism. The research interviewed inmates who were at the lowest class. It was found that these groups first committed crime at young age and committed crimes for more than 3 times. This showed that if a person has committed a crime once, there is a higher risk for them to re - offend. Yukhnenko et al.⁸ also found similar results. It was found that prior criminal history was a risk factor of recidivism. Prior criminal history might reflect that a person is engaging in a criminally related occupation which leads to higher risk or recidivism.

Employment. Inmates who were employed were 0.03 times (OR = 0.03) times to re - offend. In other words, those who were unemployed were 33.33 times more likely to re - offend. It was likely that people who have criminal record find it difficult to secure a job after release which lead them to engaging in criminal behavior to make a living. Klinkhae et. al.²⁰ also found similar results. The research examined factors influencing recidivism rates in Mae Hong Sorn Provincial prison. It was found that economic status significantly affected recidivism risk ($p = .05$) that is, families with lower economic status such as families with low income, labour workers or those who struggle to make a living would mainly engage in criminal behavior that is linked to theft and drug trafficking. Those who had these problems tended to re - offend when they were released because of shortage of family income. Moreover, having criminal records also exacerbates chances of employment. Employers would likely to refuse to recruit those who had criminal records. Therefore it is difficult for them to have a stable career after released, which could lead them to criminal path to earn money. In addition, Oueslati et al.²¹ studied the recidivism rates in schizophrenia patients. It was suggested that people who were unemployed were 2.18 times more likely to re - offend than those who secured a job. As same as Yukhnenko et al.⁸ study which examined the risk factors of recidivism and it was found that unemployment was one of the risk factors of recidivism.

Drug abuse. Inmates with drug abuse history were 62.34 times (OR = 62.34) to re - offend. Lammers et al.²² studied the evaluation of risk of recidivism in drug users. It was found that drug abuse history

could predict the risk or recidivism in 1 – 2 years at a .05 significant level. Moreover, Oueslati et al.²¹ also studied the correlation between recidivism and drug abuse history in schizophrenia patients. It was found that patients who use drugs were more likely to re – offend for 6.01 times than those who did not use drugs. Yukhnenko et al.⁸ studied the risk factors of recidivism. It was found that drug abuse was one of the risk factors because drugs lead to lower self control and could trigger criminal and violent behavior. Drugs was one of the factors that influence crimes.

Conclusion

This study found that factors influencing recidivism in offenders with felony life and sex offences are male, 12 – 24 month of incarceration length, prior criminal history, employment and drug use. The results of this study can be used as a basis on policy development on custody and rehabilitations to reduce the risk of recidivism in the future. Correctional staff plays an important role in rehabilitations. Rehabilitations should include occupational training and drug rehabilitations as well as other programmes to help inmates to develop skills and ability to live in the society after release and prevent recidivism.

This study is a cross – sectional study. There for the time frame is a limitation for this study. In the future, a longitudinal study is recommended to determine the predictability or the risk assessment tool. There should be a study that periodically assess risk of recidivism to examine whether those risks vary over time in order that future research can be done to develop more advanced and systematic programmes or assessment instruments. Moreover, this study collected data from inmates who had felony crime in life and sex offences. Future research could involve more various groups of participants such as those with property crime or drug related offences which would lead to a more comprehensive study that include all types of population. This might lead to a more understanding of recidivism risk factors and could eventually lead to a more comprehensive rehabilitation programme development.

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