BEST PRACTICES IN THE PREVENTION OF RECIDIVISM – CURRENT STATE AND FOREIGN EXPERIENCE

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Abstract. The article is highlighting best practices in the prevention of recidivism and international standards in this area. Current international standards for the treatment of convicts include, inter alia, provisions relating to interference with prison activities, including education, training and other programs, as well as the need to ensure contact with the outside world; early release of convicts; providing assistance and support to convicts after release; community involvement in the reintegration process; and standards that encourage the use of NGO programs as an alternative to imprisonment. International standards provide for the formation of strategies for the reintegration of offenders, which should include, inter alia: analysis of the problems that the offender will face after release from prison and ways to solve them; mobilization of available resources and cooperation of various bodies to solve the problems of persons released from prisons; special attention is paid to the needs of women released from prisons, criminals living in rural areas or belonging to national minorities, etc. The issues related to the practical implementation of probation legislation in Ukraine are analysed and it is concluded that there is no existing regulation. The author emphasizes that at this stage it is impossible to talk about a comprehensive approach of the state to the prevention of recidivism due to the existence of effective national programs to prevent it, which are reflected in relevant programs and, in turn, in individual plans to combat new crimes for specific criminal offenders. Also, the probation programs currently available in Ukraine are essentially training courses that contribute to the acquisition of a specific skill, but are not sufficient for comprehensive changes in the life of a person at high risk of recidivism. Without diminishing the role of controlling the behaviour of a person who has already committed a criminal offense, more attention should be paid to feedback from criminal offenders and helping them to resolve issues related to employment, housing and social networking. Thus, there is a need to implement scientifically and normatively approved national programs developed in accordance with foreign experience and international standards by the best scientists with the active participation of the public.

Keywords: probation, recidivism, reintegration of prisoners, international standards, release from punishment and serving it, prevention of criminal offenses.

INTRODUCTION

It is now well known that no crime prevention strategy can be effective without a focus on recidivism. After all, criminal offenses committed by people who have already been subjected to criminal law enforcement measures, and who have proved to be ineffective,
are particularly socially dangerous. Their presence characterizes systemic problems in the application of criminal law, but at the same time encourages scientists to seek new strategies to address such issues. The achievements of related sciences on this issue are widely used.

Today, researchers have identified that one of the main reasons for repeated criminal offenses is the inability to effectively integrate offenders into society without appropriate state assistance. Of course, this provision does not release criminal offenders from personal responsibility for their actions. This only leads to the conclusion that taking measures to ensure the effective reintegration of convicts into society is probably one of the best and most effective ways to prevent the recurrence of criminal offenses.

The aim of the article is to conduct a detailed analysis of best practices in relapse prevention, proposed by researchers from different countries, and on their basis to develop practical recommendations that will be relevant for Ukraine in modern conditions.

MATERIALS AND METHODS

Research methods are selected based on its object and subject. In general, general scientific (analysis and synthesis, methods of empirical research) and special methods (systemic and structural-functional) are used.


RESULTS AND DISCUSSION

International standards and norms reaffirm that the social rehabilitation of convicts and their successful reintegration into society is one of the main goals of the country’s criminal law policy. A set of such measures is needed both to support the reintegration of offenders and to prevent further crime and protect society. Ensuring the effective reintegration of convicts into society is perhaps one of the most cost-effective ways to prevent recidivism. The main purpose of rehabilitation programs for convicts is to help offenders overcome the stigma of a criminal record, the disastrous consequences of imprisonment, and the many obstacles they face in trying to re integrate into society.

Currently, the largest review of various scientific and practical concepts in the development of reintegration programs for perpetrators of criminal offenses is the Introductory Guide to Recidivism Prevention and Social Reintegration of Offenders (UNITED NATIONS, 2012), developed by the Vienna United Nations Office on Drugs and Crime.

As noted in this guide, the development of government relapse prevention programs contributes to public safety. Such issues should be part of any comprehensive crime prevention strategy and meet international standards. At the same time, effective crime prevention strategies are needed at both the local and national levels, focusing on the social integration of offenders and the reintegration of ex-prisoners into society. Ultimately, the
time when criminals are tightly controlled can be used to stabilize and rehabilitate them, but these achievements are often short-lived without supporting the reintegration of prisoners into programs designed to help them return to life as law-abiding citizens.

Current international standards for the treatment of convicts include, inter alia, provisions relating to interference with prison activities, including education, training and other programs, as well as the need to maintain contact with the outside world; early release of convicts; providing assistance and support to convicts after release; community involvement in the reintegration process; as well as standards that encourage the use of programs of public organizations as an alternative to imprisonment (UNITED NATIONS, 2012).

Stephen Farrall (Stephen, 2002) points out that changes in family and work circumstances were key factors in determining probation for those who had served their sentences. That is, drug and alcohol use, lack of proper work and stable positive relationships with others were associated with a high risk of relapse. At the same time, good motivation, employment, relationships and other positive social and economic factors have been associated with a reduced risk of relapse.

Gemma Harper and Chloe Chitty (Harper & Chitty, 2004) point out that, although in practice it is difficult to distinguish between different factors in a person’s life - for example, to assess the impact of the offender’s own motivation and the effect of the probation program, the effectiveness of probation programs ultimately depends on the effectiveness of identifying real needs.

Yvonne Dandurand (Dandurand, 2008) indicates the presence of a number of problems with parole. First of all, this is a question of not very justified increase in the number of people who were released on parole. In addition, the researcher determines the complexity and subjectivity of the decision-making process for such a release. Some issues include proper oversight of public authorities’ compliance with the conditions of such release and the development of algorithms for such inspections.

Chen and Adams (Chen & Adams, 2017) also point to the importance of early removal of convictions as a measure of encouragement. And although both men and women seek early retirement, women are more motivated by moral and religious influence and reputation concerns. Women are also more likely than men to acknowledge personal shortcomings and want to be law-abiding. Early withdrawal of women’s beliefs is combined with their willingness to change, as well as personal and professional goals.

Willis and Moore (Willis & Moore, 2008) studied the problem of recidivism among Indigenous peoples in Australia. Researchers focused on evaluating the implementation of correctional programs, participating in programs, and analysing barriers to participation and improving programs. Effective reintegration of prisoners requires both proper policy formulation and research to change correctional programs. Appropriate implementation and supplementation of the program, evaluation of the program and involvement of families and communities in reintegration are also issues for further research.

Telefanko (Telefanko, 2019) studied the problem of recidivism in Ukrainian context. According to him, it is crucial for society to be aware of the causes and consequences of recidivism. Of course, it did not receive any distorted information, because where there is a
vacuum of official information, it is filled with other sources. A person can only be persuaded by what has happened to him personally, that is, first of all, a person who has been a victim of a crime. It is important for society to be aware of this need – to be supportive for such citizens. And the harsh judgments of the courts should be the tools to accomplish this. The recurrence of crimes reflects a sign of heredity of antisocial behavior; not simply a fact of secondary violation of the law. The nature of recidivism is a concern for every society. And everyone in their own way is looking for options to warn her. Therefore, preventing this type of crime is one of the most important tasks of Ukraine’s criminal justice policy. This is due to the fact that recidivism is one of the most dangerous types of criminal manifestations, a specific unit in the overall structure of all crime, which has its own laws and cannot be eradicated in the near future. The maximum possible to combat it is to reduce it to a certain size, to maintain it at a controlled level, to exercise effective control by society of its condition and measures to combat it.

Luhina (Luhina et al., 2020) considers one of the topical issues of criminology in the classification of the history of recidivism on the classification of the history of recidivism both in general and in Ukraine. The criminological concept of “recidivism” is related to the criminal law concept of “recidivism”. The term “relapse” comes from the Latin word “recidivus” and determines what is returned, repeated, that is, a repeated manifestation of something. So foreign scientists studied prisons, after which they provided the opportunity to make adjustments to the legislation. Recurrence of crime during the Russian province, identification of the fact that the uneven level of primary and recurrence of crime is associated with economic factors. The history of recidivism during the acquisition of independence was considered, then they drew attention to the scientific developments of V.I. Shakun, during 1990–1996 years. carried out a number of basic thirty-nine studies on the problems of recidivism. Among many useful findings and conclusions, the scientist cited the data we reviewed in the paper. During 2001–2018 years. Systematically analysed data on the regional structure of recidivism in Ukraine, according to which every tenth crime in the country is steadily committed in the Black Sea region. Based on the synthesis of the research results of scientists of past centuries, it was concluded that already in those days scientists paid attention and tried to explain the presence of significant regional, as well as sexual differences in the quantitative and qualitative indicators of relapse crime. These differences are related to differences in the living conditions of the population, the specificity of the psychophysiological qualities of certain categories of people, the peculiarities of the socio-demographic and economic parameters of countries, as well as its territory, features of climate and geographical location, and the like.

Berezhnyuk (Berezhnyuk, 2021) in his dissertation deals with the comprehensive criminal law study of the concept and general criteria of individualization of punishment in sentencing under criminal law of Ukraine. It is established that individualization of punishment is the determination of the type and specific measure of punishment by the court. It is based on the individual degree of seriousness of a criminal offense, personalized qualities of the perpetrator and a number of mitigating and aggravating circumstances aimed at ensuring the goals of general prevention (rectification of social justice) and private prevention (correction of the convict).
Burdaga (Burdaga, 2018) has presented the criminological characteristics of these crimes, has examined the person who commits relapses, has identified a group of determinants that determine these crimes, has proposed the main directions and measures for preventing recidivism in the specified region of Ukraine. It has been noted that recently in Ukraine, recidivism of criminality is one of the most dangerous types of crime in any regions, which demonstrates the negative tendencies and perspectives of installing certain categories of people to antisocial way of life. The scale of the spread of recidivism in certain areas of Ukraine threatens even the national security of the country and causes a legitimate concern in society and in the state. Particularly acute is the situation with the state of recidivism of criminality in the Black Sea region, in which recidivists commit every tenth offense from all crimes committed in Ukraine.

Podkovenko (Podkovenko, 2020) analyzes the current state and dynamics of crime in Ukraine through the prism of the axiological standards of a democratic society. In the conditions of the rule of law, the problem of protecting its citizens from criminal encroachments, as well as counteracting attempts to criminalize society, neutralize negative social trends are of paramount importance. In this context, the issues of combating crime, crime prevention and other offenses, and preventive work with the population are particularly acute. Based on current perceptions of the nature of crime, it is determined that countering crime and its manifestations is a system of social and legal efforts aimed at preventing and responding to criminal offenses.

Tymchuk O. L. (Tymchuk, 2012) points out that criminality in Ukraine is caused by a number of criminogenic ones determinants in key areas of public life. In the socio-economic sphere they are: relative poverty, unemployment, including hidden, social inequality, unformed institutions market economy, the negative impact of urbanization; corruption, outright disregard for the law officials at various levels (including senior political leadership), alienation of the population from power; shortcomings in legislation, low efficiency of court and law enforcement agencies; in socio-cultural sphere: anomie, low level of political and legal culture of the population and the ruling elite, legal nihilism, negative the influence of mass culture, the spread of various forms of social pathology.

Golina (Golina et al., 2017) points out that the main features of the public as a subject of crime prevention should include the following: social activity; interest participation in crime prevention measures; focus on protection citizens from criminal encroachments and representation of their interests; carrying out its activities within strict compliance with the current legislation and principles of morality; defined organization and cooperation with other prevention actors. Thus, the study of the public as a subject of crime prevention gives grounds to provide the following definition is a socially active part of society (individual citizens and their associations), interested in participating in crime prevention measures, which voluntarily directs its activities to the protection any member of the community from criminal encroachments and other offenses and acts within the strict observance of laws and principles morality.

Kovalenko (Kovalenko, 2019) analyzes the criminological aspect of preventing crime by the national police of Ukraine in conditions of cooperation with mass media. The concept of crime is investigated and prevented, the essence of activity of the National Police of Ukraine
and mass media is clarified, as well as the possible effectiveness of their cooperation is assess.

Bolibrukh (Bolibrukh & Yakymova, 2020) provides a criminological analysis of the organizational and legal support for the prevention of self-aggrandizing crimes against property by students of the institution of higher education. Emphasis is placed on the peculiarities of educational and preventive work with students of the institution of higher education, which should be taken into account in the development of criminological measures to prevent the perpetration of selfish and violent crimes against property by this category of youth. The gaps and shortcomings of the organizational and legal nature, which do not contribute to the effective prevention of committing self-reported violent crimes against property by the students of the institution of higher education, were identified.

Currently in Ukraine, the Law of Ukraine “On Probation” legally establishes the prerequisites for quality reintegration of convicts into society. Although this law generally meets international standards in the field of probation, it is not without significant shortcomings. In Art. 10 of this Law states that probation programs are implemented for specific persons, but the procedure for their development and implementation is approved by the Cabinet of Ministers of Ukraine.

The resolution “On approval of the Procedure for the development and implementation of probation programs” (On approval of the Procedure for development and implementation of probation programs, 2017), which states that the draft probation program should contain tasks, functions, characteristics of the target group to which such a program is aimed, information about skills and knowledge of the object probation based on the results of the specified program, resources required for its implementation, the content of activities, as well as the procedure for passing the probation program and evaluation of the results of the passage.

Such provisions, on the one hand, are positive, as they allow differentiating probation programs for different categories of convicts. However, the negative is the lack of indications that Ukraine should have a comprehensive recurrence prevention program, and that specific programs should be in line with it. The lack of such a provision indicates a lack of understanding by the legislator of the importance of comprehensive combating crime by reintegrating criminals at the state level, which is an extremely negative phenomenon for the entire criminal law policy.

Today, as the analysis of practice shows, today the probation program is understood as the district sectors of the state institution “Probation Centre” system of classes that are conducted on schedule and aimed at correcting behaviour that contradicts generally accepted norms in society (community). and socially favourable personality changes. At the same time, the current probation programs are “change of pro-criminal thinking”, “prevention of the use of psychoactive substances”, “overcoming aggressive behaviour”, “formation of life skills”.

This understanding of probation programs is much narrower than existing international standards for the reintegration of criminals. Therefore, in accordance with the purpose of the article, we will consider possible ways to expand the understanding of probation programs for re-socialization of convicts in order to prevent recurrence.
Thus, international standards provide for the formation of strategies for the reintegration of criminals, which, inter alia, should include: analysis of the problems faced by the offender after release from prison, and ways to solve them; mobilization of available resources and cooperation of various bodies to solve the problems of persons released from prisons; special attention is paid to the needs of women released from prisons, criminals living in rural areas or belonging to national minorities, etc.

At the same time, to be successful, a reintegration program must: reflect public safety priorities; involve the territorial community both in planning and conducting probation activities; targeting a specific target group of offenders and their specific problems; take into account the specific needs of women; be based on reliable methods of assessing the needs and risk factors of offenders; to promote the development of persons released from prisons, responsibility for their own actions and, if necessary, include sanctions for non-compliance; start as early as possible while the person is in custody and continue throughout the period of the released person’s transfer to the community; to promote a balance between monitoring and control, on the one hand, and support and assistance, on the other; provide comprehensive assistance and address many of the interrelated issues faced by persons released from prisons; include the possibility of constant contact with persons released from prisons and have a reliable component of assessment that allows for self-improvement.

That is, the process of developing a program for the reintegration of criminals has three phases: strategic planning of a specific program; its implementation; productivity control. At the same time, successful employment, housing and educational activities have a great positive impact on preventing relapse. Undoubtedly, employment is a key factor in the successful reintegration of former prisoners. Work is more than just a source of income. Employment provides a structure for life and opportunities to contribute to the lives of others, to promote valuable social contacts.

In addition, released convicts tend to return to a community with very limited financial resources, which affects their ability to both obtain and retain employment because of their negative impact on interview attendance, access to work, or the purchase of clothing or tools. Former convicts are also hampered by distrust of employers, lack of qualifications, personal problems (such as alcoholism) or living in areas with very low employment. It is also important to solve the housing problem in time, because the lack of assistance in this case leads to homelessness or living in special institutions among people with similar problems, which increases social isolation.

At the same time, resocialization should include not only assistance but also control. Surveillance in this case is more than just monitoring the offenders’ compliance with the conditions associated with their release. This includes managing the risk posed by the offender, purchasing and / or organizing resources to help meet the offender’s needs. These measures include acts of observation, training, support, strengthening of positive behaviour and sanctions as a consequence of negative behaviour. Therefore, probation officers often have a dual purpose – to help the detainee meet basic needs and to protect society from the risk of recurrence by a person at risk.
For many offenders, imprisonment is a poor way to prevent recidivism. Instead of imprisoning offenders, non-custodial sentences can be applied in the community and under supervision, which will allow offenders to make other choices, change their lives, and repair the harm done. Unlike imprisonment, non-custodial sanctions are aimed at establishing a relationship between offenders and community members where possible. They seek to strengthen, not break this relationship.

**CONCLUSIONS**

Today in Ukraine there are such main means of influencing law-abiding behaviour of persons who have committed criminal offenses as: release from probation, parole, replacement of the unserved part of the sentence with a milder one, amnesty and pardon, as well as mechanisms, early removal of a criminal record.

Unfortunately, at this stage it is impossible to talk about a comprehensive approach of the state to relapse prevention due to the existence of effective national programs for its prevention, which are reflected in relevant local programs and, in turn, in individual relapse prevention plans. prevention of new crimes offenders. That is, the process of developing a program for the reintegration of criminals has three phases: strategic planning of a particular program; its implementation; performance control. At the same time, successful employment, housing and educational activities have a great positive impact on preventing relapse.

Ukraine has taken serious steps to implement international standards to prevent recidivism, which is reflected in the adoption and implementation of the Law of Ukraine “On Probation”, the adoption of the Cabinet of Ministers of Ukraine from 18.01.2017, which approved the Procedure for developing and implementing probation programs. certain probation programs, such as “change in criminal thinking”, “prevention of substance abuse”, “overcoming aggressive behaviour”, “development of life skills”.

At the same time, these programs are in fact training courses that promote the acquisition of a certain skill, but are insufficient for comprehensive changes in the life of a person at high risk of relapse.

Given the dual purpose of probation supervision, which includes managing the risk posed by the offender, purchasing and / or organizing resources to meet the needs of the offender, the latter aspect should be given more attention.

Without diminishing the role of controlling the behaviour of such a person, more attention should be paid to feedback from criminal offenders and help them address issues related to employment, housing and social networks. At the same time, such assistance should be provided not chaotically, but in accordance with scientifically sound, normatively approved national programs developed in accordance with foreign experience and international standards by the best scientists with the active participation of the public.

**RECOMMENDATIONS**

It is now well known that no crime prevention strategy can be effective without a focus on recidivism. After all, criminal offenses committed by people who have already been
subjected to measures of criminal law influence, and who have proved to be ineffective, are particularly socially dangerous. Their presence characterizes the systemic problems in the application of criminal law, but at the same time pushes scientists to seek new strategies to address such issues. At the same time, the achievements of related sciences on this issue are widely used.

Current international standards for the treatment of convicts include, inter alia, provisions relating to interference with prison activities, including education, training and other programs, as well as the need to ensure that contacts with the outside world are maintained; early release of convicts; providing assistance and support to convicts after release; community involvement in the reintegration process; and standards that encourage the use of NGO programs as an alternative to imprisonment.

At this stage, Ukraine needs to develop a new approach to the prevention of recidivism through the introduction of effective national recurrent crime prevention programs, which are reflected in relevant local programs and, in turn, in individual plans to prevent new crimes designed for specific offenders.

There is a need to implement scientifically sound, normatively approved national relapse prevention programs, developed in accordance with foreign experience and international standards by the best scientists with the active participation of the public.

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