

A STUDY OF CRIMINAL RECIDIVISM IN SRI LANKA COMPARED TO NORWAY

EMN Perera

Faculty of Law, General Sir John Kotelawala Defence University, Sri Lanka.
naminip93@gmail.com

Abstract - The recidivism can be defined as the leaning of a convicted criminal to reoffend. Similarly, Black's Law Dictionary¹ is also defined recidivism as the tendency of a convicted criminal to relapse into a habit of criminal activity or behavior. In this context, there are many errors with regard to criminal recidivism in Sri Lanka with compared to Norway. The mean of the recidivism rate in Sri Lanka is 20.8 percent within the period of 2011 – 2015. In Norway the recidivism rate is 20 percent and Norway is the country which has the lowest recidivism rate in the world. It is evident that large number of people are reoffended in Sri Lanka when compared to Norway. There is a tendency to go back to the prison again and again in Sri Lanka because most of the prisoners are reoffended for crimes. But in Norway few citizen go to prison and those who go usually go only at once. Moreover, Norway depend on a concept called 'restorative justice' that aims to repair the harm caused by crime rather than penalize people.² Thus, this research study is focused to identify the causes of criminal recidivism in Sri Lanka with compared to Norway and to analyze the criminal recidivism rate in Sri Lanka with compared to Norway. The qualitative research method will be used for this study. Under the qualitative research method data will be collected through secondary sources. Secondary data will be collected from published books, journals, theses and online data from websites, e- databases. e-journals, e-theses and e-books. In this research study, it is expected to find out a concrete solution to prevent a person from reoffending for a crime and educate the public on such convictions.

Keywords – Recidivism, Sri Lanka, Norway

I. INTRODUCTION

Recidivism is a broad term that includes re-arrest, reconviction and re-imprisonment. The term re-arrest can be defined as an act of arresting a person again,³ reconviction as an act of being convicted again and re-imprisonment can be defined as, to put someone to prison again. In this manner, it is clear the term recidivism is used for a criminal activity that occur again and again. There is a significant number of causes that can be identified with regard to criminal recidivism in Sri Lanka with compared to Norway. The recidivism rate in Norway is 20 percent and it is the country which has the lowest recidivism rate. However, Sri Lanka's recidivism rate is fluctuating time to time. There are differences in recidivism rates in between countries and may be secondary to many factors. This should be the subject of investigation, particularly if more comparable recidivism data becomes available. Possible explanations include the level of post-release supervision, the beginning for imprisonment, the range and quality of intra-prison programs and investment into prison medical services, particularly those targeting drug and alcohol problems and other psychiatric disorders.⁴ In this manner, it is clear that there are some specific factors affect for the tendency of recidivism. There is a need of recidivism for drug adductors in Sri Lanka as they are reoccurred the same offence time to time. In this context, it is clear that there pros and cons of criminal recidivism in Sri Lanka.

II. SIGNIFICANCE OF THE STUDY

This research study is a significant one that makes comparison study on criminal recidivism in between

¹Black, H. C., 1968. Black's Law Dictionary. [Online] Available at: <http://heimatundrecht.de/sites/default/files/dokumente/Black%27sLaw4th.pdf> [Accessed 13 May 2018].

²Sterbenz, C., 2014. Why Norway's prison system is so successful. [Online] Available at: <http://www.businessinsider.com/why-norways-prison-system-is-so-successful-2014-12> [Accessed 12 05 2018].

³Butorac, K. G. D. S. N., 2017. The challenges in reducing criminal recidivism. Public Security and Public Order, Issue 18.

⁴McGuire, J., Bilby, C.A., Hatcher, R.M., Hollin, C.R., Hounsoms, J., & Palmer, E.J., 2008. Evaluation of structured cognitive-behavioural treatment programmes in reducing criminal recidivism. Journal of Experimental Criminology, 4(1), pp. 21-40

Sri Lanka and Norway. Sri Lanka's recidivism rate is fluctuating and Norway recidivism rate is considered as the lowest rate in the world. This research reveals the causes that influence the Sri Lanka's recidivism rate with compare to Norway and that will be a valuable research piece for the scholars and the public who make further research on recidivism.

III. LIMITATIONS

This research is carried out in between Sri Lanka and Norway even though recidivism can be seen among many countries in the world.

IV. PROBLEM STATEMENT

It is identified that large number of people are reoffended in Sri Lanka when compared to Norway. Moreover, there is a tendency to go back to the prison again and again in Sri Lanka because most of the prisoners are reoffended for crimes. But in Norway few citizen go to prison and those who go usually go only at once. Norway depend on a concept called restorative justice that aims to repair the harm caused by crime rather than penalize people. However, there is no restorative justice system in Sri Lanka and criminal recidivism has become a burning question to this small island.

V. RESEARCH OBJECTIVES

01. To identify the causes of criminal recidivism in Sri Lanka with compared to Norway
02. To study the restorative justice concept of Norway and its applicability to Sri Lanka

VI. RESEARCH QUESTIONS

01. What are the causes of criminal recidivism in Sri Lanka with compared to Norway?
02. Is restorative justice concept of Norway applicable to Sri Lanka?

VII. LITERATURE REVIEW

Recidivism covers re-arrest, resistance to rehabilitation, repeat offending, re-conviction, re-offending, re-admission, re-incarceration, repetitious criminal tendency, among others. In broad terms, recidivism means a decline into crime and criminal lifestyle or activities by an offender who had once or more times been processed through the

penal system. Otherwise known as repeaters, incorrigible offenders and offenders beyond rehabilitation, recidivists are persons who repeatedly violate the law, get arrested and processed by the criminal justice administrators.⁵

According to the existing literature it is revealed that number of studies have tried to identify factors that impact recurrence of ending rates within and between countries⁶ but these studies are delayed by problems with sample selection, definitions of what creates recidivism, and the length of follow-up.⁷ Recidivism measures immensely helps to identify the relative threat to public safety posed by various types of offenders, and the success of public safety initiatives in (1) deterring crime and (2) rehabilitating or weakening offenders. Moreover, this has been used by many public safety agencies to measure performance and inform policy decisions and practices on issues such as pretrial detention, prisoner classification and programming, and offender supervision in the community. Recidivism is usually measured by criminal acts that caused in re-arrest, reconviction, and/or the re-incarceration of the offender over a specified period of time. Provided multiple measures of recidivism allow users to select the performance measure best suited to their outcome of interest.⁸ In this context, numerous ways of recidivism measurements such as re-arrest, reconviction, and/or the re-incarceration facilitate the community to supervise the offenders. Re-arrest is a person who has released to the community for a short period on probation or after serving a term of imprisonment and again arrested for a different crime. In addition, it is an arrests for suspected violations of administered release, probation, or state parole. Reconviction means a person as a recidivist if capture lead to in a subsequent court conviction. Violations and cancellations of supervision are not included in reconvictions since no formal trial happened. Re-incarceration can be treated that a person as a recidivist if a conviction or revocation resulted in a prison or jail sentence as punishment.⁹ Recidivism rate is differ from country to country. The gap of recidivism rate is noted in between Sri Lanka and Norway.

⁵Otu, M. Sorochi, n., n.d. Analysis of causes and effects of Recidivism in the Nigerian Prison System. [Online] Available at: <https://www.ajol.info/index.php/ijdmr/article/viewFile/120972/110401> [Accessed 10 July 2018].

⁶Fazel, S. & Y. R., 2011. Psychotic disorders and repeat offending: systematic review and meta-analysis. *Schizophrenia Bulletin*, 37(4), pp. 800-810.

⁷Butorac, K. G. D. S. N., 2017. The challenges in reducing criminal recidivism. *Public Security and Public Order*, Issue 18.

⁸Butorac, K. G. D. S. N., 2017. The challenges in reducing criminal recidivism. *Public Security and Public Order*, Issue 18.

⁹Butorac, K. G. D. S. N., 2017. The challenges in reducing criminal recidivism. *Public Security and Public Order*, Issue 18.

The rate of recidivism in Sri Lanka can be described as due to the level of post-release supervision, the threshold for incarceration, the series and quality of intra-prison programmes, and investment into prison medical facilities, mainly those aiming drug and alcohol issues and other mental disorders.¹⁰

VIII. METHODOLOGY

The qualitative research method has been used for this study. Under this method data has been collected through secondary sources such as published books, journals, theses and online data from websites, e- databases. E-journals, e-theses and e-books.

IX. DATA ANALYSIS

According to the statistics of Department of Prisons in Sri Lanka there was a reduction of recidivism from 21.7% in 2011 to 15.7% in 2015. However, in between 2011 – 2015 that there was a fluctuation of recidivism rate. The escalating rate of recidivism was in 2012 at 26.5% and 2013 at 23.1% with compare to other years (Table 1). But later on it has gradually reduced.

Table 1. Recidivism Rate in Sri Lanka 2011 – 2015¹¹

Year	Recidivist	Percentage
2011	5868	21.7
2012	7512	26.5
2013	7110	23.1
2014	4731	17.1
2015	3793	15.7

There was a reduction of recidivism rate in Sri Lanka since 2013 (Table 1). However the Sri Lanka has a fluctuating recidivism rate though it indicates a decline from 2013 – 2015. When it comes to Norway there recidivism rate is always stable. Though the Sri Lankan recidivism is fluctuating it was a good sign that even it reduced to that rate from 2013 - 2015. Sri Lankan government has taken action to train the prisoners in the different fields such as carpentry, mason work, electrical/electronic work etc.

¹⁰McGuire, J. B. C. H. R. H. C. H. J. & P. E., 2008. Evaluation of structured cognitive-behavioural treatment programmes in reducing criminal recidivism.. *Journal of Experimental Criminology*, 4(1), pp. 21-40.

¹¹Dept. of Prisons, 2016. Prisons Statistics of Sri Lanka. [Online] Available at: <http://www.prisons.gov.lk/Statistics/Statistics-2016.pdf> [Accessed 20 May 2018].

Once they leave the prison they can engage their own self-employment. This has become the reason for the decline of recidivism rate in Sri Lanka.

The causes for criminal recidivism in Sri Lanka are identified as that most of the prisoners in jail suffer psychological wounds from childhood relating to poverty, joblessness, family background, environments (especially in slums), community disrespect, a low educational level and other factors. It is evident that people in Sri Lanka used to condemn the released prisoners regardless of the nature of the crime committed and without understanding the reasons behind their committing such offences. In addition when the father or mother gets branded as a criminal, society judges these people's children the same way, ultimately letting those children be led into criminal circles.¹²

However, the lowest recidivism rate is recorded in Norway in the world. Most of the crimes are connected to robbery, and most vicious crime areas are with drug trafficking and gang problems that are reported to the police. In this context, it can be assumed that Norway's criminal justice system is working correct way. The significance is that the citizens who go to the prison, generally go only once.¹³ Norway depended on a theory called "restorative justice," and its purpose is to repair the damage caused by crime rather than punish people. This system applies on rehabilitating prisoners.¹⁴

Restorative justice is a process through which regretful offenders accept responsibility for their bad behavior to those injured and to the public and that makes the sense to reintegrate the wrongdoer into the law abiding society. The importance of restoration can be described as in terms of offender's self-respect, the relationship in between offender and victims, as well as restoration of both offenders and victims within the community.¹⁵

According to the existing data it is clear that rate of recidivism in Sri Lanka is fluctuating. It was more than

¹²Weerakkody, C., 2015. Prevent recidivism with work chances, pleads prisons chief. [Online] Available at: <http://www.sundaytimes.lk/151227/news/prevent-recidivism-with-work-chances-pleads-prisons-chief-176568.html> [Accessed 13 May 2018].

¹³Sterbenz, C., 2014. Why Norway's prison system is so successful. [Online] Available at: <http://www.businessinsider.com/why-norways-prison-system-is-so-successful-2014-12> [Accessed 12 05 2018].

¹⁴Sterbenz, C., 2014. Why Norway's prison system is so successful. [Online] Available at: <http://www.businessinsider.com/why-norways-prison-system-is-so-successful-2014-12> [Accessed 12 05 2018].

¹⁵Haley, J. O., 2011. Introduction—Beyond Retribution: An Integrated Approach to Restorative Justice. [Online] Available at: https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1040&context=law_journal_law_policy [Accessed 10 July 2018].

20% from 2011 -2013 and slight reduction can be seen in 2014-15. According to the present available statistics it is difficult to predict the future. It might go up or down.

X. DISCUSSION AND CONCLUSION

Employment can be taken as one of the rehabilitation initiatives for the prisoners that just released or soon to be released from the prison as it facilitates the reduce recidivism rates.¹⁶ According to the Norwegian perspectives prisoners should be treated as human beings not as animals. In Norway they pay attention to prisoners as human beings. The prison system should be a one that provide shelter for offenders and also in the same vein it should be a place that transform the wrongdoers to a law-abiding citizens, in that way assisting their easy reintegration and to protect from worsening.

There are three major elements of programmes that can successfully reduce recidivism such as treatment for substance abuse or psychological disorder can help remove barriers that prevent employment and integration; education provides the assistance essential for prisoners to obtain the type of jobs that lead to more successful outcomes; and meaningful employment provides released prisoners an income and supports reintegration by increasing stability and self-confidence.¹⁷

To guard against recidivism in the prison system in Sri Lanka, educational and vocational programmes should be made more accessible to prisoners by increasing the capacity and removing barriers, reserves and restrictions in enrollment as this will help immensely to reduce the recidivism rate in the society. Appropriate employment may reduce the economic incentive to commit crimes, and also may connect ex-detainees to more positive social networks and daily routines.¹⁸

Therefore, it is suggested to implement restorative justice in Sri Lanka to reduce the recidivism rate. And also to make an environment for prisoners and their kith and kins

to move ahead as an ordinary citizen in Sri Lanka without any harassment or obstacle.

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¹⁷McKean, L. & Ransford, C., 2004. Current strategies for reducing recidivism. [Online] Available at: http://www.targetarea.ord/research.doc/ recidivism_fullreport.pdf [Accessed 10 July 2018].

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