

AN CRITICAL ANALYSIS ON RECIDIVISM IN AMERICAN PRISON COMPARISON WITH INDIA

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ABSTRACT:

Recidivism is a tendency to lapse into a previous pattern of behavior, especially a pattern of criminal habits. Many courts are now utilizing drug and alcohol treatment programs to reduce the recidivism rate of offenders who commit drug or alcohol related crimes. Recidivism is often used to identify the success of a specific institutional program. The objectives of this research is To analyze the recidivism in American prison comparison with India, To examine the causes for recidivism in India and To describe programs that work to reduce recidivism in India. Empirical Research is used for the purpose of the study. The methodology used by the researcher is a convenience sampling method to collect samples. The sources used are primary sources such as questionnaires , surveys and secondary sources such as books and journals. The total sample size collected through questions is 200. The independent variable used such as age, gender, marital status and education qualification. The dependent variable used causes for recidivism, programs to reduce recidivism, risk factors for recidivism. The statistics tools used by the researcher are chi square tests and frequency table , Independent sample test and Anova test. The research concluded that just social conditions must be provided. Everything in the social environment must be carefully looked after in order to insure the best development of the individual and to prevent his environment from being in any way a drawback to him.

KEYWORDS: Recidivism, peer influence, prisoners, heinous crime, offence

INTRODUCTION:

Recidivism is a tendency to lapse into a previous pattern of behavior, especially a pattern of criminal habits. Many courts are now utilizing drug and alcohol treatment programs to reduce the recidivism rate of offenders who commit drug or alcohol related crimes. Recidivism is often used to identify the success of a specific institutional program. The statutory provision related to recidivism are Code of Criminal Procedure, 1973 - Sec.110: Security for good behaviour from recidivists, Section 365: Order for notifying address of previously

convicted offender and Indian penal code, 1860 - Section 75: Enhancement of Punishment. The causes for recidivism are Shortcomings of Law Enforcement, Difficulties of Social Adaptation of Persons Released From Punishment, Drugs and alcohol and peer influence. Current trends related to recidivism, The Indiana Department of Correction (IDOC) defines recidivism as a return to incarceration within three years of the offender's date of release from a state correctional institution. A recent study by the IDOC calculated the 2021 recidivism rate for offenders released from IDOC during 2018. This

study found that: Of those offenders released in 2018, 33.82% were recommitted to the IDOC within three years of their release date, for either a new conviction or a violation of post-release supervision. They are designed to counter recidivists by physical incapacitation via imprisonment. Laws punishing recidivists are existent in several jurisdictions, right from the U.S.A to Pakistan, India and Australia. While the substantive content of the law and the sentence prescribed therein may vary from country to country, and from state to state in some countries, but generally they apply when a person has been convicted a minimum of twice for various crimes. Some codes may differentiate between classes of crimes (for example, some codes only deal with violent crime) and the length of time between convictions. Usually the sentence is greatly enhanced, in some circumstances it may be substantially more than the maximum sentence for the crime. The aim of this research is to analyse recidivism in American prison comparison with India.

CASE LAWS:

In *Bai Chaturi v. State*, evidence of general bad repute is a type of evidence of bad character. It is provided in Section 54 of the Evidence act that in criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character in which case it becomes relevant. Explanation 1 of Sec. 54 provides that this section does not apply to case in which the bad character of a person is itself a fact in issue. Explanation 2 of Sec. 54 provides that a previous conviction is relevant as evidence of bad character. It is therefore, clear that evidence of bad character is relevant only when evidence has been given of good character of the accused and in cases where bad character of a person is itself a fact in issue.

In *Mankura Pasi v. Queen Empress*, It was held that the character of the accused not being a fact in issue in the offence of belonging to gang of persons associated for the purpose of

habitually committing theft punishable under Sec. 401 of the I.P.C., evidence of bad character or reputation of the accused was inadmissible for the purpose of proving the commission of the offence.

OBJECTIVES:

- To analyse the recidivism in American prison comparison with India.
- To examine the causes for recidivism in India.
- To describe programs that work to reduce recidivism in India.
- To determine the effect of longer sentences on recidivism in India.

REVIEW OF LITERATURE:

De Claire and Dixon (2017) prove that recidivism is not only the repeat offenders' guilt because surrounding persons can also be responsible for this. Furthermore, it means that criminals need support to become fully-fledged members of society again. **van der Linden (2015)** stipulates that so-called green prison programs are helpful in reducing recidivism rates among U.S. prisoners. These initiatives include specific therapy that is said to influence criminals' psychological and physical health positively. For example, participants of these programs deal with gardening, landscaping, caring for animals, and other "green" activities. A recidivism rate is between 10% and 24% among the graduates of these programs. Even though the given rate is significantly lower than 83% mentioned by **Alper et al. (2018)**, these programs are not universally applicable. **Zgoba (2018)** stipulate that numerous elements of prison experience are associated with further recidivism among sex offenders. The researchers focus on this particular type of criminals because they account for a significant part of all repeat offenders. **Hsieh et al. (2018)** mention that misconduct in custody is a secure sign that a person will keep committing crimes. It can be interpreted in the way that if the prisoner does not change their behavior while in custody, they will not do it after they are released. **Bales**

(2017) argue that prison experience “has no appreciable impact on recidivism” among offenders in Florida. These researchers focus their study on all criminals rather than on their particular groups, which explains why their information opposes the study by Hsieh et al. (2018). **Mitchel et al. (2017)** stipulate that the ethnicity of offenders does not influence their recidivism. Instead, gender is of crucial significance here because male criminals are associated with higher recidivism rates. **Markman (2018)** shows that “83% of state prisoners released in 2005 were arrested at least once over nine years following their release”. This information is useful for law enforcement agencies because it proves that previous prisoners tend to continue their unlawful actions, which can be helpful in solving some crimes. The reason behind this population increase differs between women and men. BJS data (**Harrison & Beck, 2003**) indicate that violent offenses are the major factor in the growth of the male prison population, and for women, drug offenses represent the largest source of growth. Along with disproportionate representations in the drug offense category, the level of violence in instant and repeated offenses is another contextual factor that distinguishes female and male offense patterns. **Greene and Pranis (2006)** attribute this to changes in prosecutorial and judicial decision-making. This is attributed to the proportion of women convicted of violent offenses and drug offenses. They note that in 1979 one-tenth of women were incarcerated for a drug offense, which now account for one-third of women in comparison to one-fifth of men. **Orsagh and Chen (1988)** concluded that the longer a person is removed from outside society, the weaker his or her social bonds. These bonds include interpersonal, familial, work place, and economic relationships. Weakened social bonds resulting from incarceration are likely to increase an offender’s propensity to commit new crimes after release. **Clemmer (1940)** hypothesized that during imprisonment, inmates learn the norms of the antisocial

subculture from other prisoners (prisonization). Therefore, the longer offenders stay in prison, the higher their degree of prisonization, thus the greater likelihood of reoffending. **Wheeler (1961)** found that the degree of prisonization was the highest among prisoners who were in the middle phase of their prison terms. For newly-entered prisoners and for those prisoners who were close to their time of release, their attitude toward crimes, justice, and discipline conformed more to the norms of the society. **Walker, Farrington, and Tucker (1981)** used data obtained from a sample of 2,069 male offenders in England to analyze the reconviction rates for offenders with different types of sentences. These sentences included discharge, fine, probation, suspended sentence, and immediate imprisonment. The researchers statistically controlled for the effects of offense type, previous convictions, age, and length of sentence. **Garofalo (1977)** investigated the relationship between time served and parole outcome in a single jurisdiction. The study followed 5,349 male prisoners paroled in Ohio between 1965 and 1972, with a follow-up time of one year. The offenders were classified into nine categories of reoffense risk according to their age, offense type, prior criminal history, alcohol and drug use, and parole performance. **Maltz (2001)**, recidivism in a criminal justice context is defined as an individual’s reversion to criminal behavior after he is being convicted of a prior crime, punished and (apparently) corrected. Gaining insight from this particular description, it could be analyzed that recidivism is indeed seen as a source of social chaos from the point of distinguishing individual reactions to the situation that are happening the community. **Gendreau and Goggin’s (1999)** study on the effects of prison sentences on the inmates specifically point out that the culture of badness grows into the being of the individuals who are situated inside the said facilities. Relatively, even though the case that one has been charged seemed to be a ‘small time’ source of social criminality, the normative attitude that he develops in relation to crime and the label that

the put on the individuals making them often motivate them to do something harsher than that of the past actions they have incurred. **Sampson RJ (2010)** reviewed that Through interviewing nine participants to get different points about juvenile delinquency and its relation to recidivism, the author was able to carefully see through the lapse of programs offered to help incarcerated individuals to recover from their past acts and reestablish acts that are more morally defined and are aligned with the law. **Kubrin CE (2006)** examined that there was a relative decrease in the rate of crime from one month to another, it has been realized that the increase of the number of incarcerated individuals have been accounted against the fact that most of the individuals who have already been released from the incarceration facilities are usually coming back to serve for extended years due to repeated criminal acts. **Maruschak LM (2009)** described that juvenile offenders are the ones at a higher rate of repeating their crimes after being released from jail. Being young and

ANALYSIS:

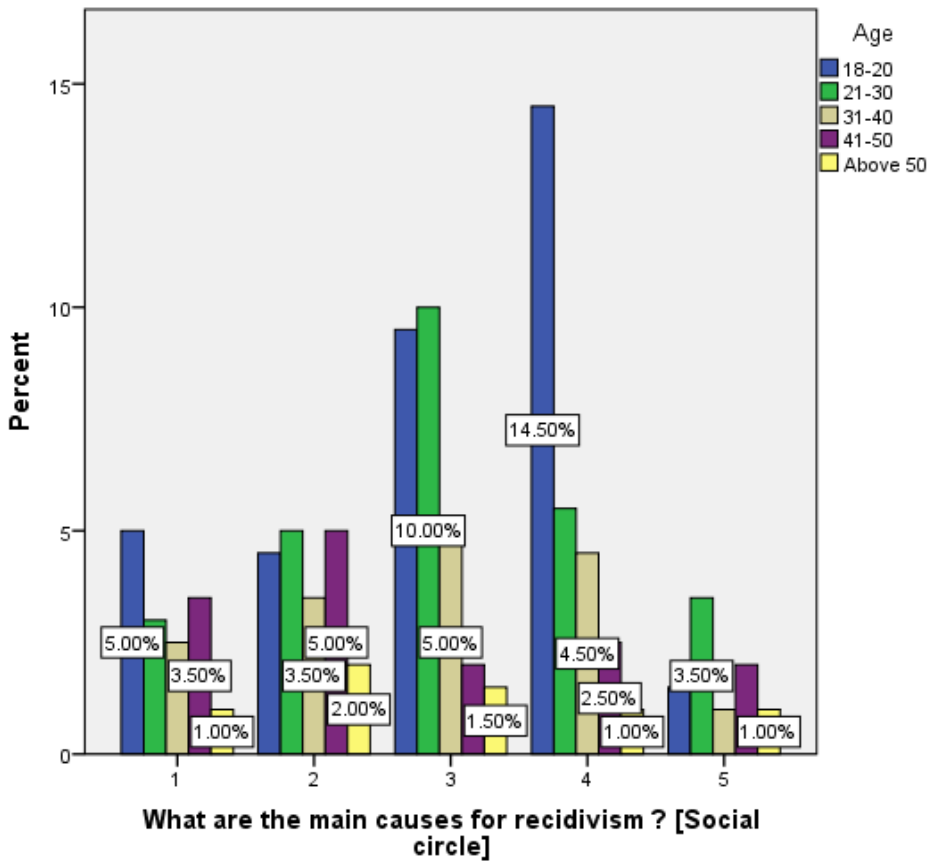
Fig 1:

vulnerable to the society they are living in and the pressures that come with it, young offenders often repeatedly follow the same path even though they have already been placed under custody during the first time.

METHODOLOGY:

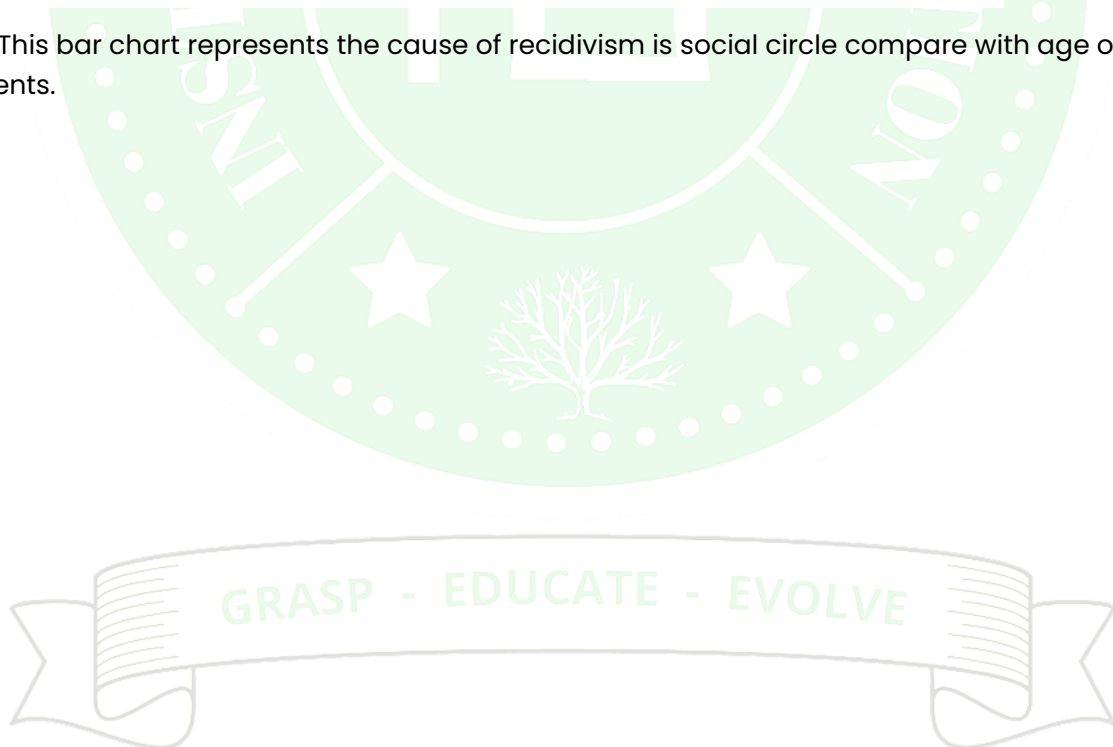
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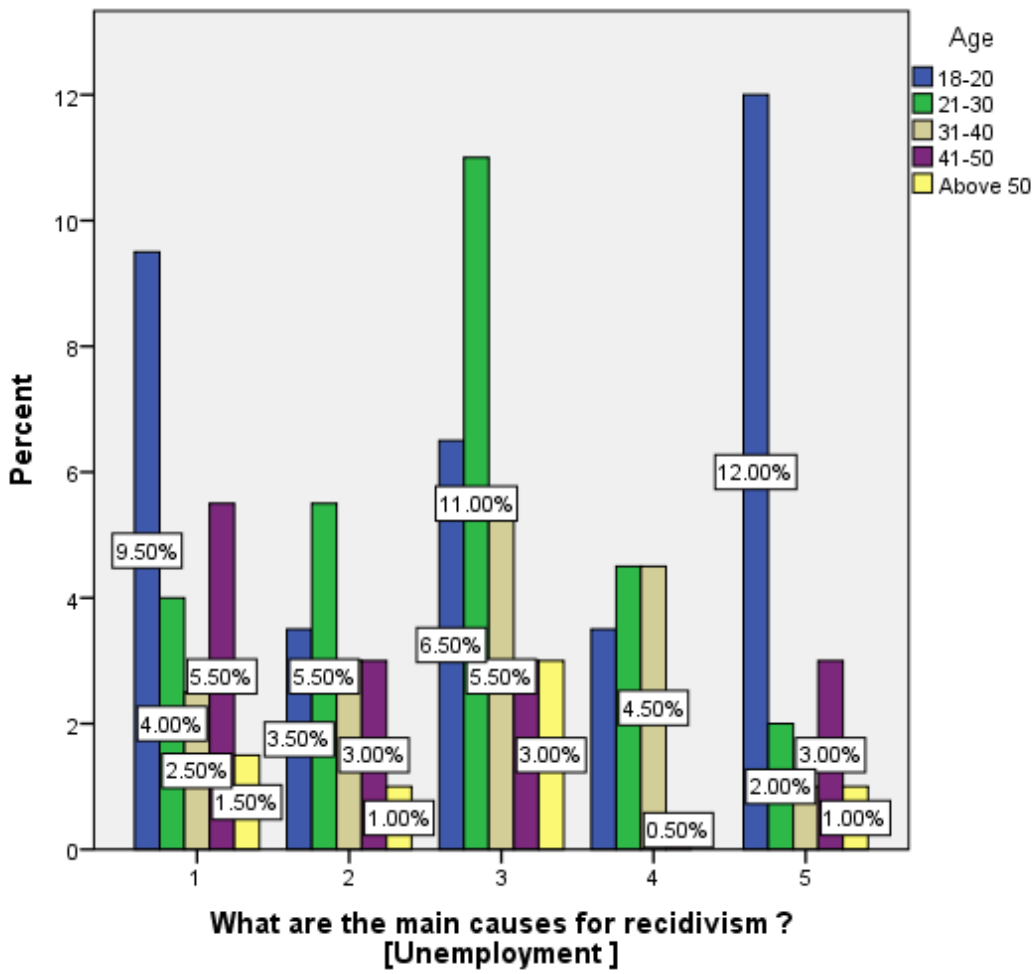




LEGEND: This bar chart represents the cause of recidivism is social circle compare with age of the respondents.

Fig 2:





LEGEND: This bar chart represents the main cause of unemployment compared with age of the respondents.

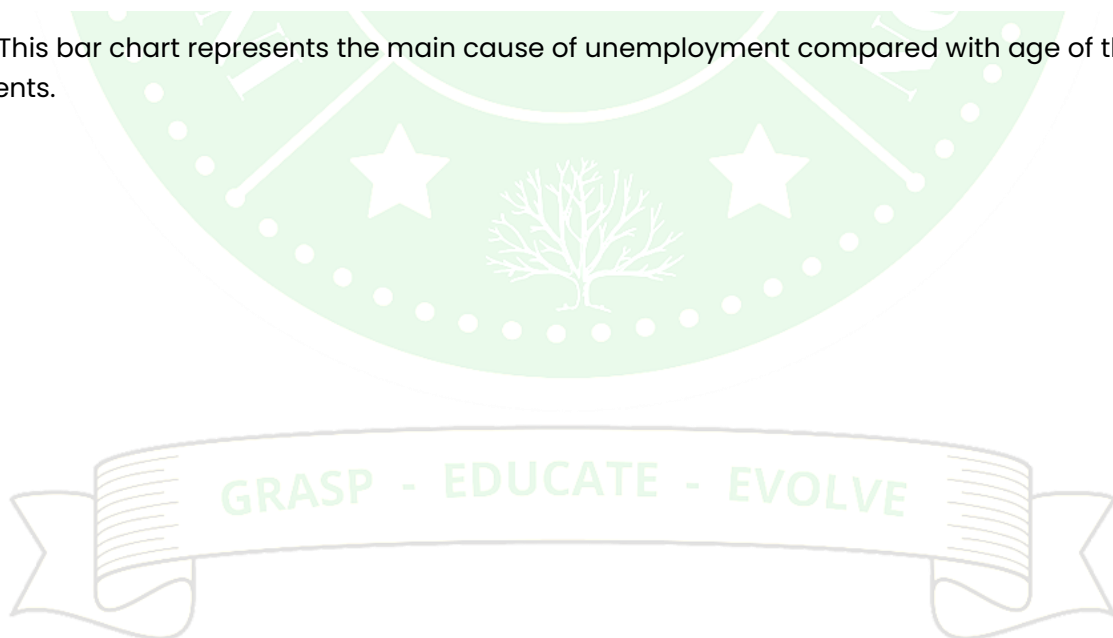
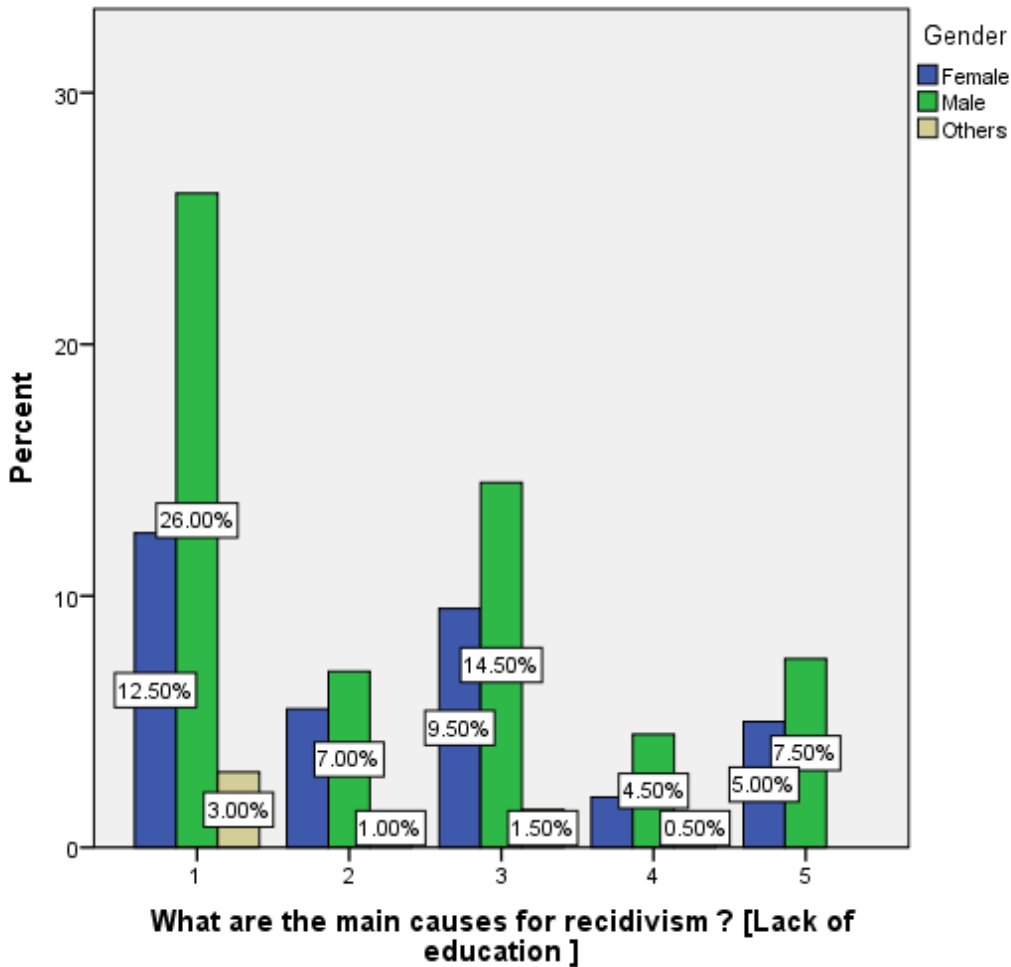


Fig 3:



LEGEND: This bar chart represents the main causes for recidivism is lack of education compare with gender of the respondents.

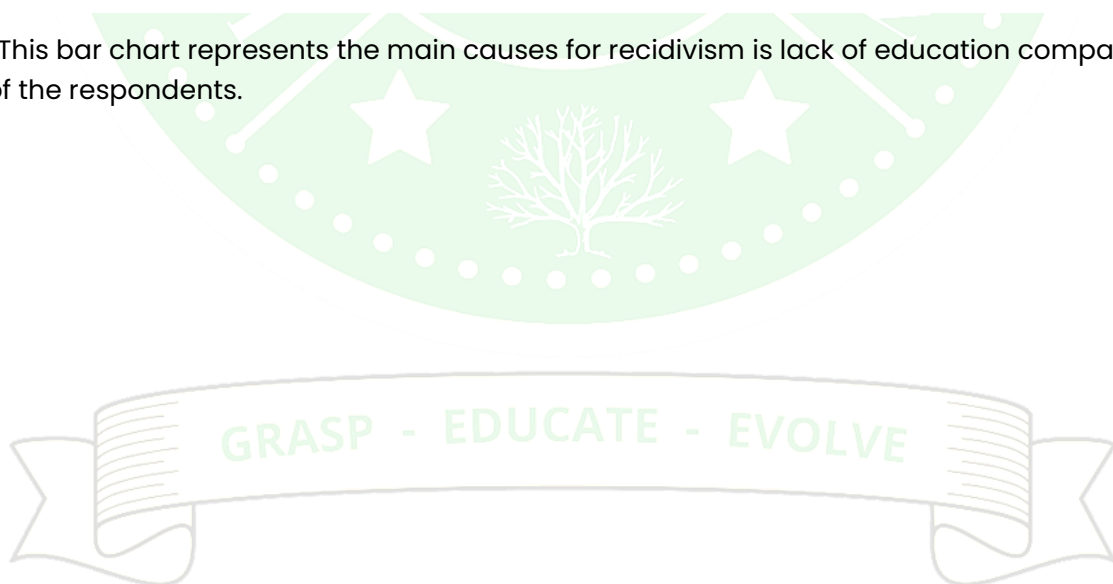
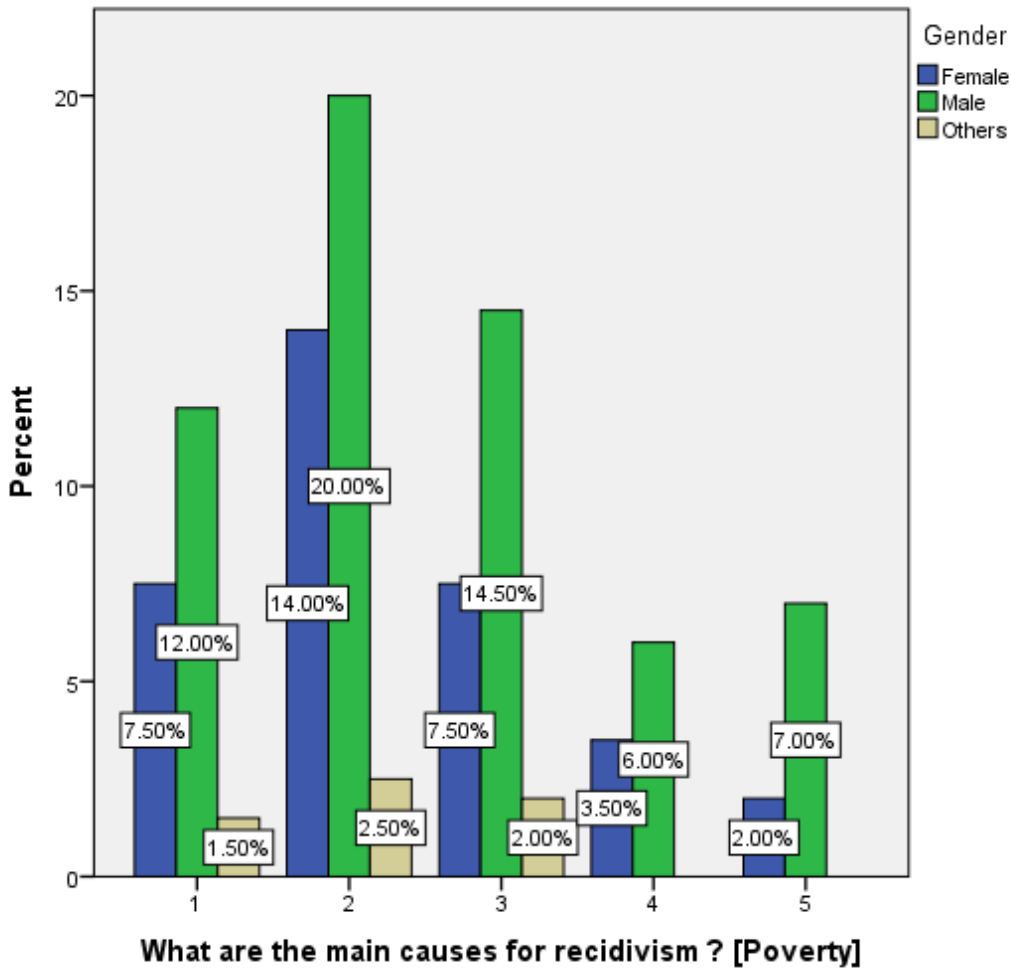


Fig 4:



LEGEND: This bar chart represents the main causes for recidivism is poverty compared with gender of the respondents.

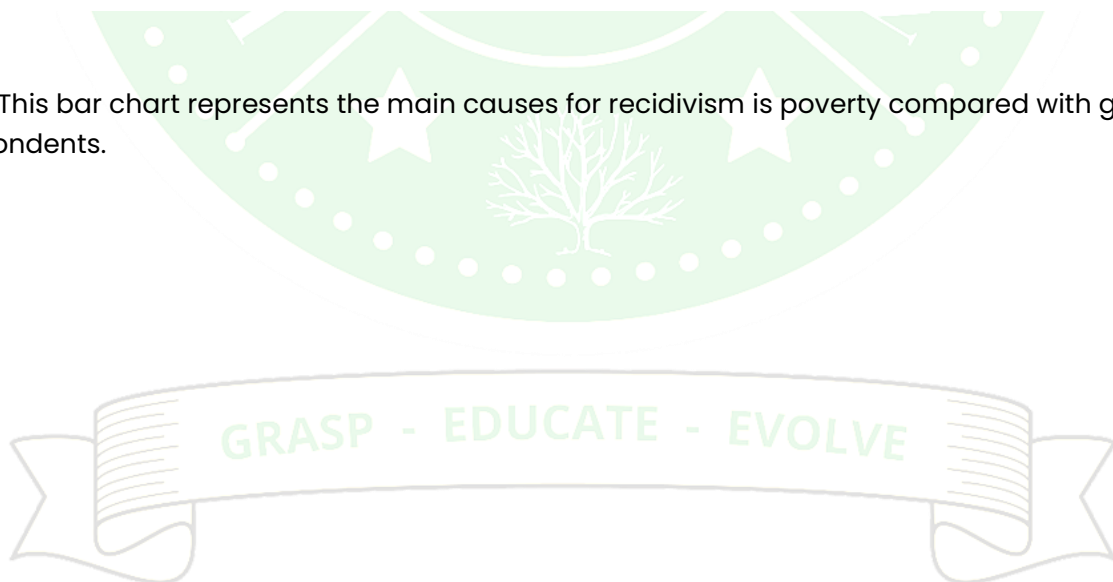
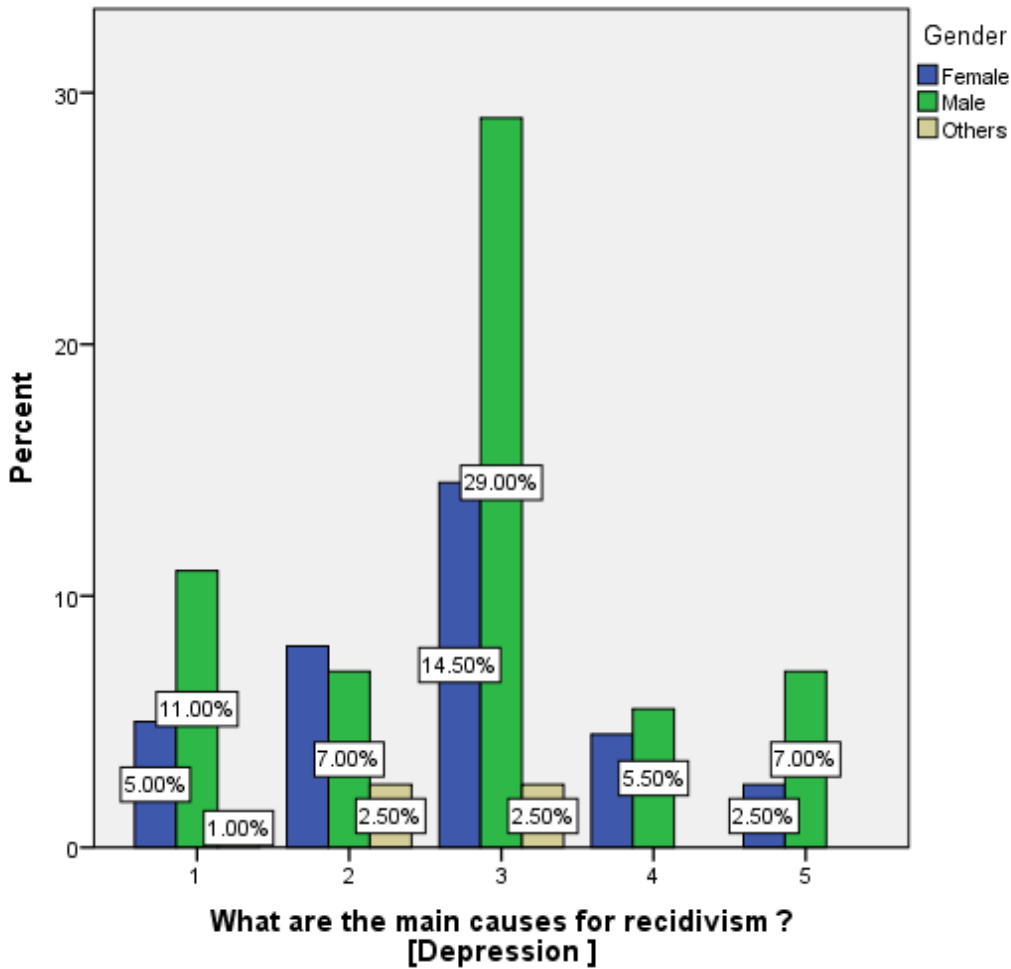


Fig 5:



LEGEND: This bar chart represents the main causes for recidivism is depression compare with gender of the respondents.

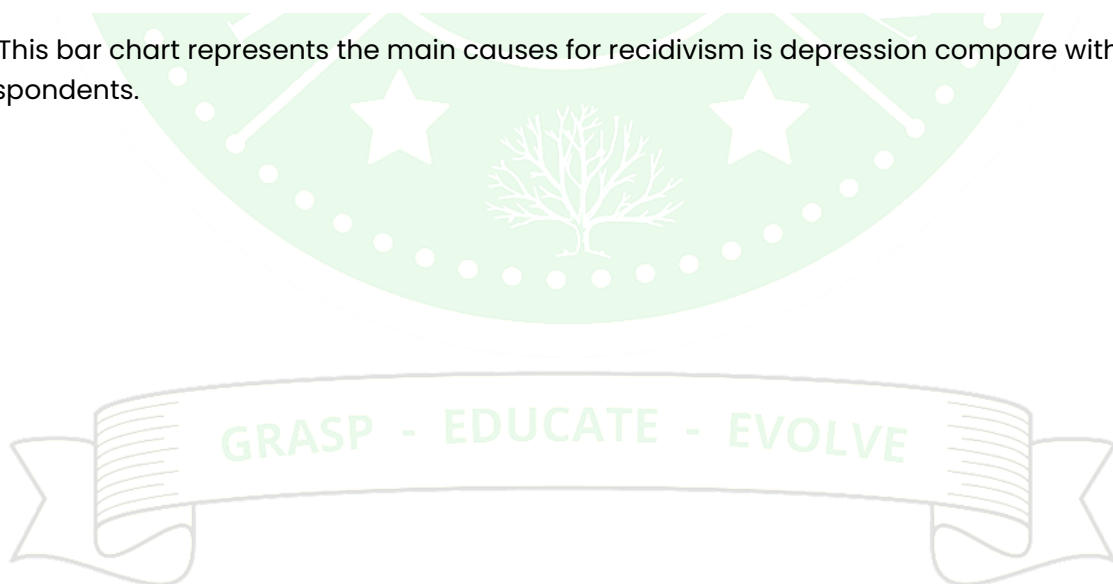
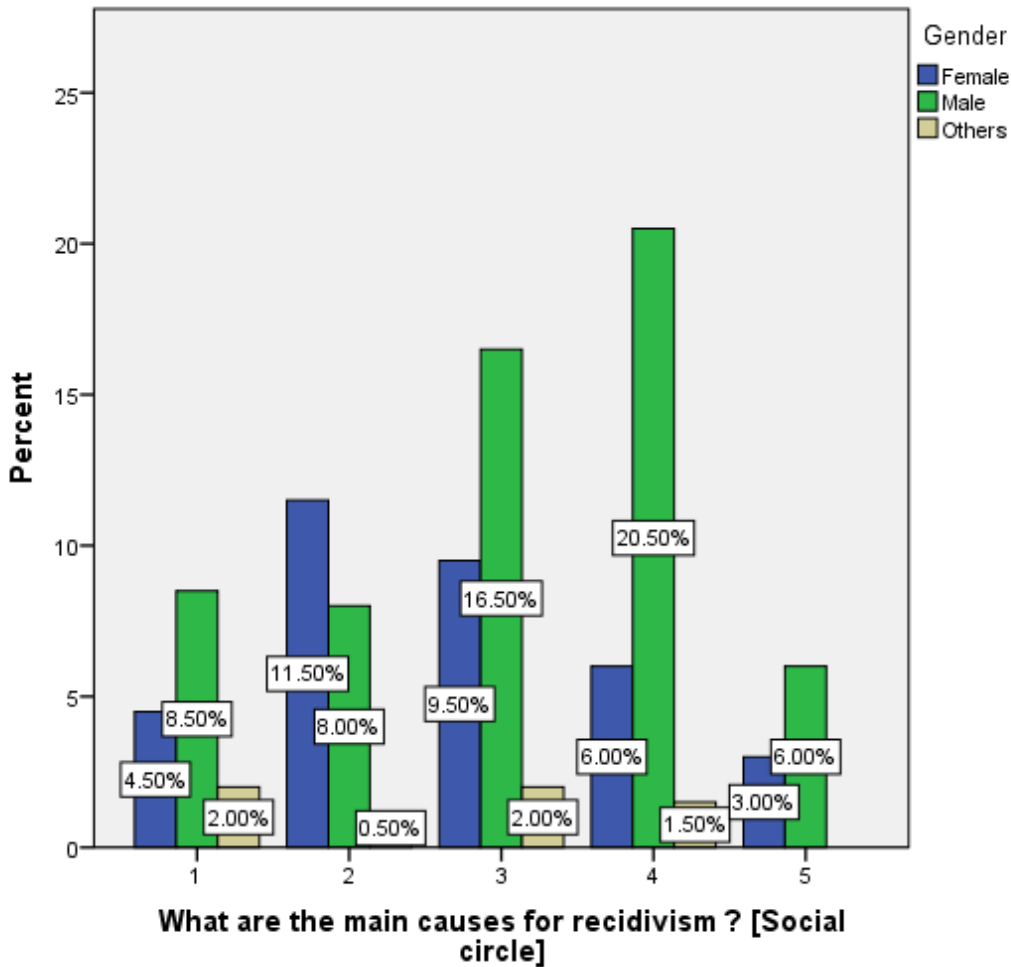


Fig 6:



LEGEND : This bar chart represents the main causes for recidivism in social circle compared with gender of the respondents.

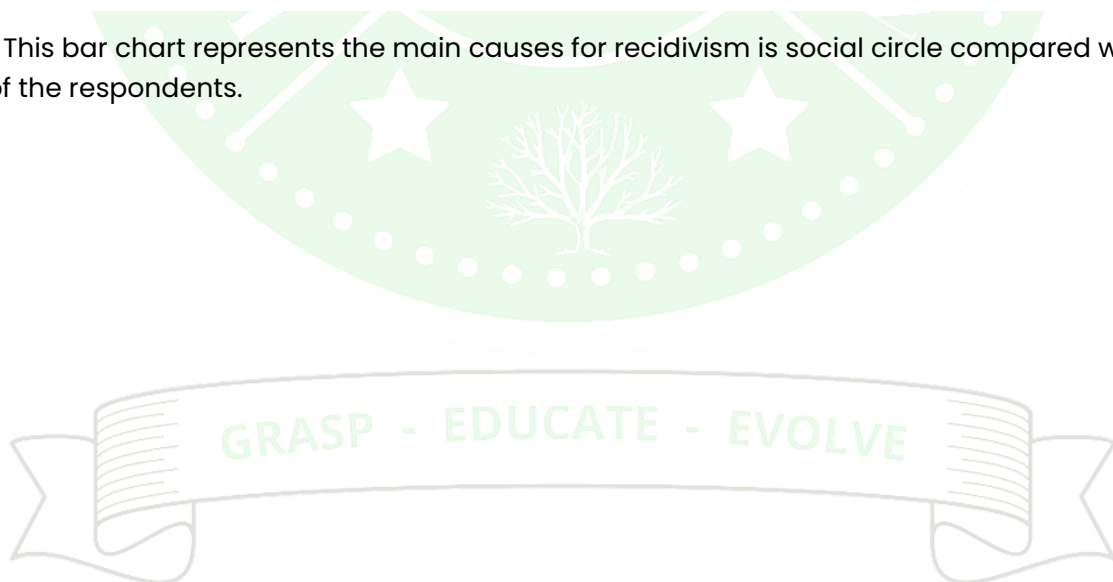
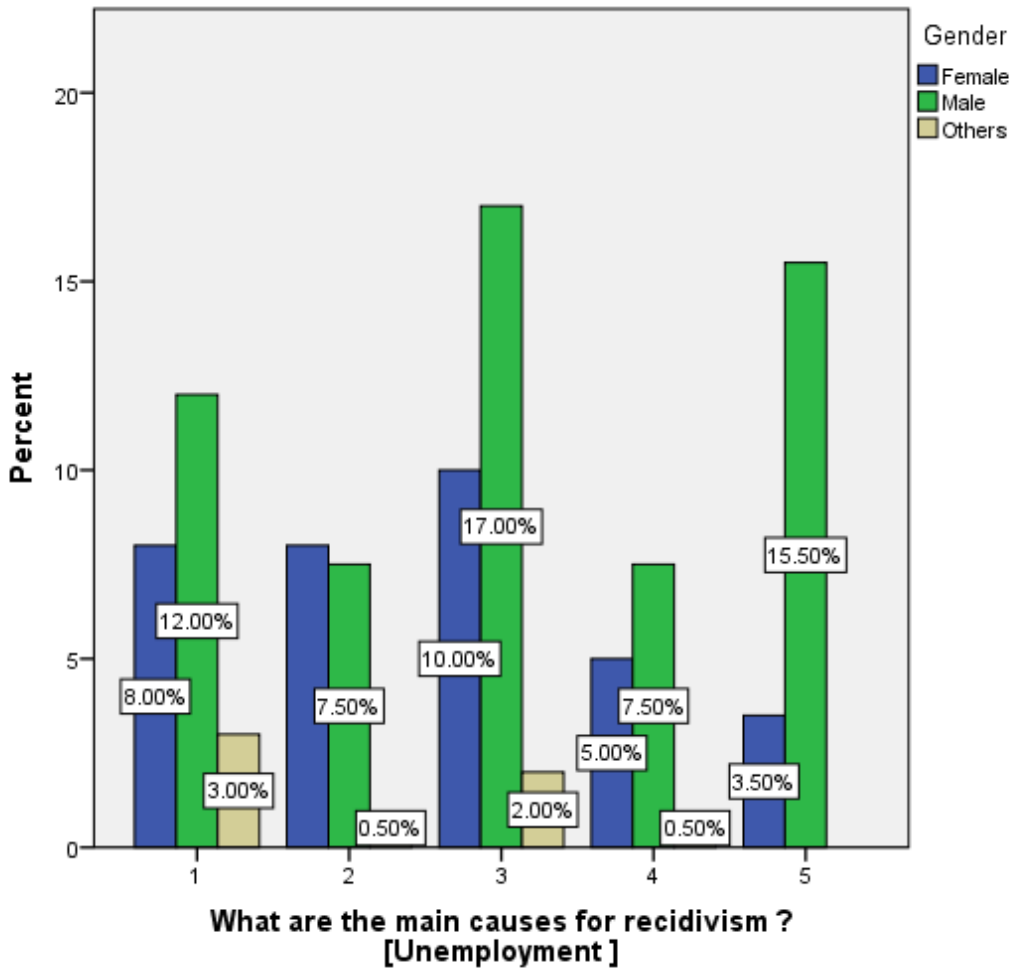


Fig 7:



LEGEND: This bar chart represents the main causes for recidivism is unemployment compared with gender of the respondents.

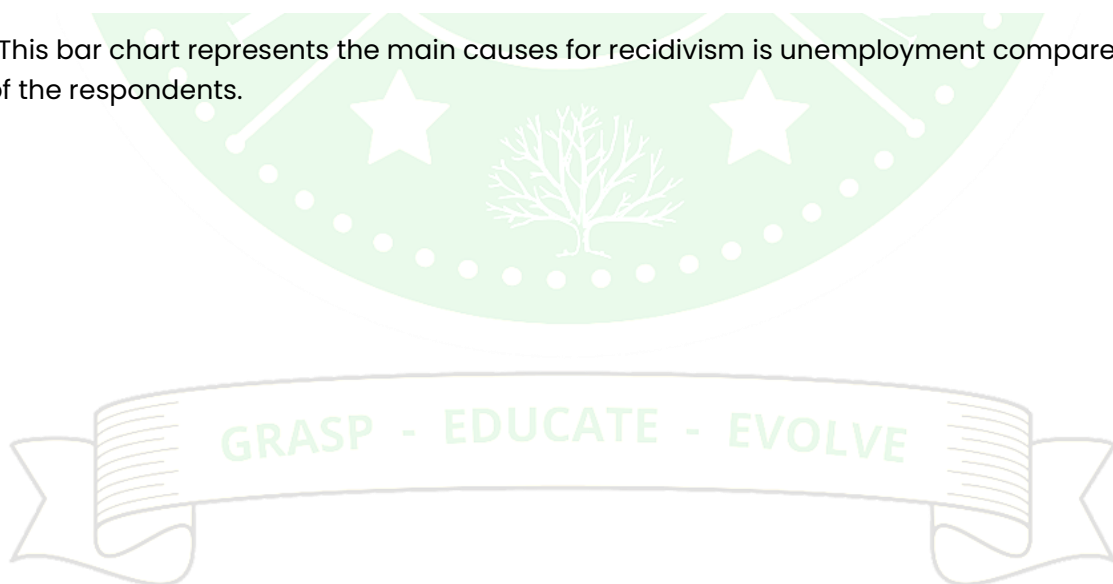
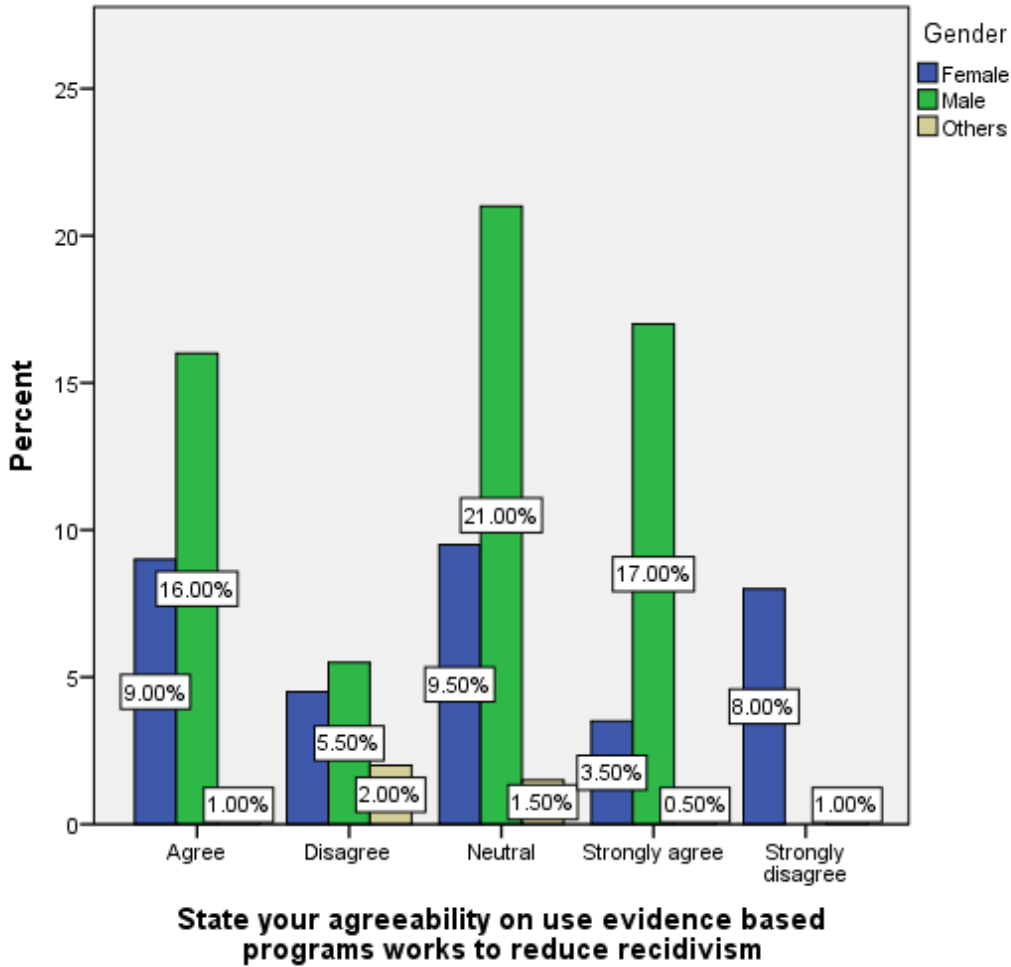


Fig 8:



LEGEND: This bar chart represents the evidence based programs work to reduce recidivism compared with gender of the respondents.

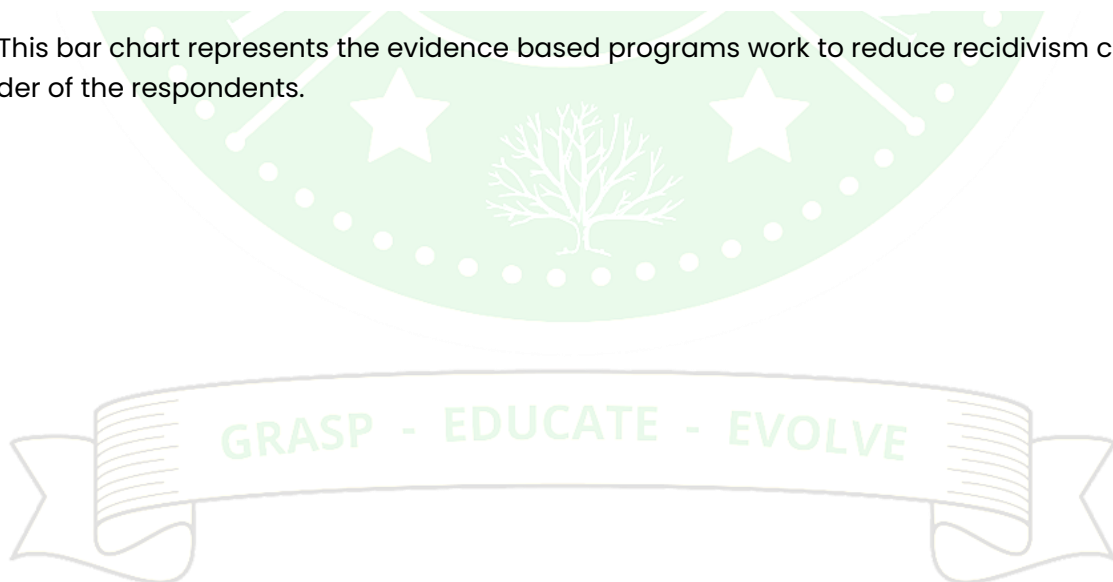
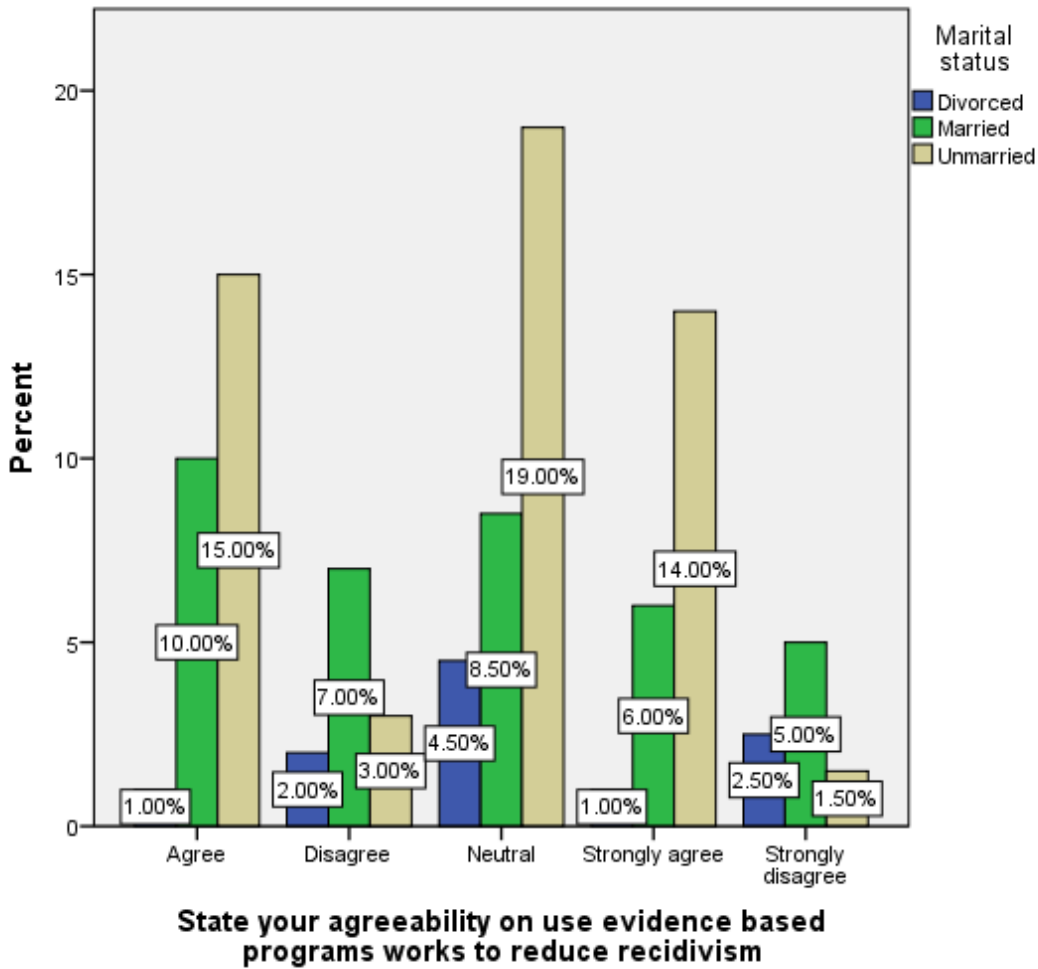


Fig 9:



LEGEND: This bar chart represents the evidence based programs work reduce recidivism compared with marital status of the respondents.

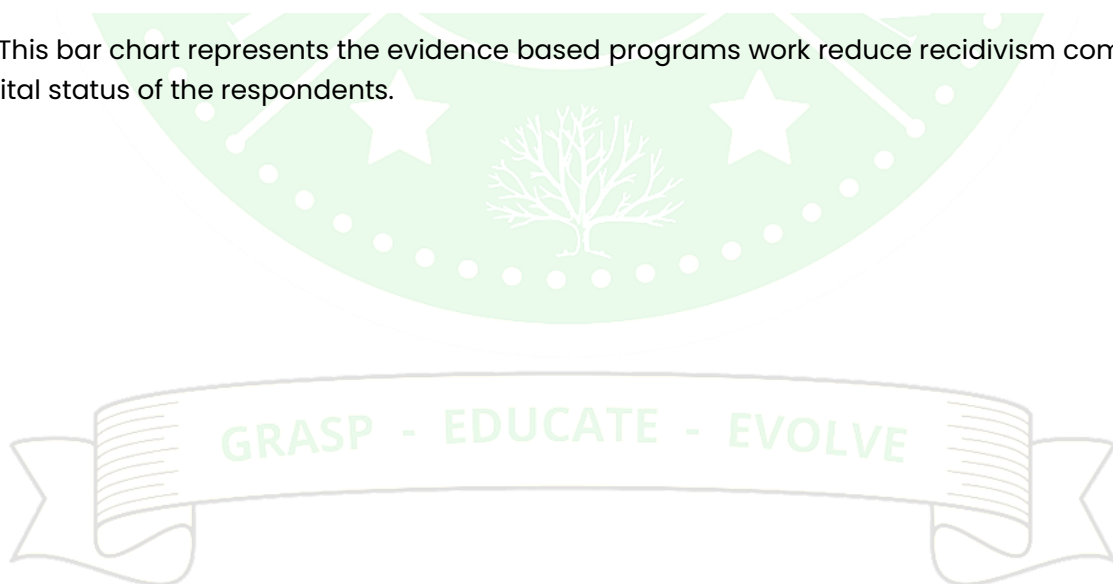
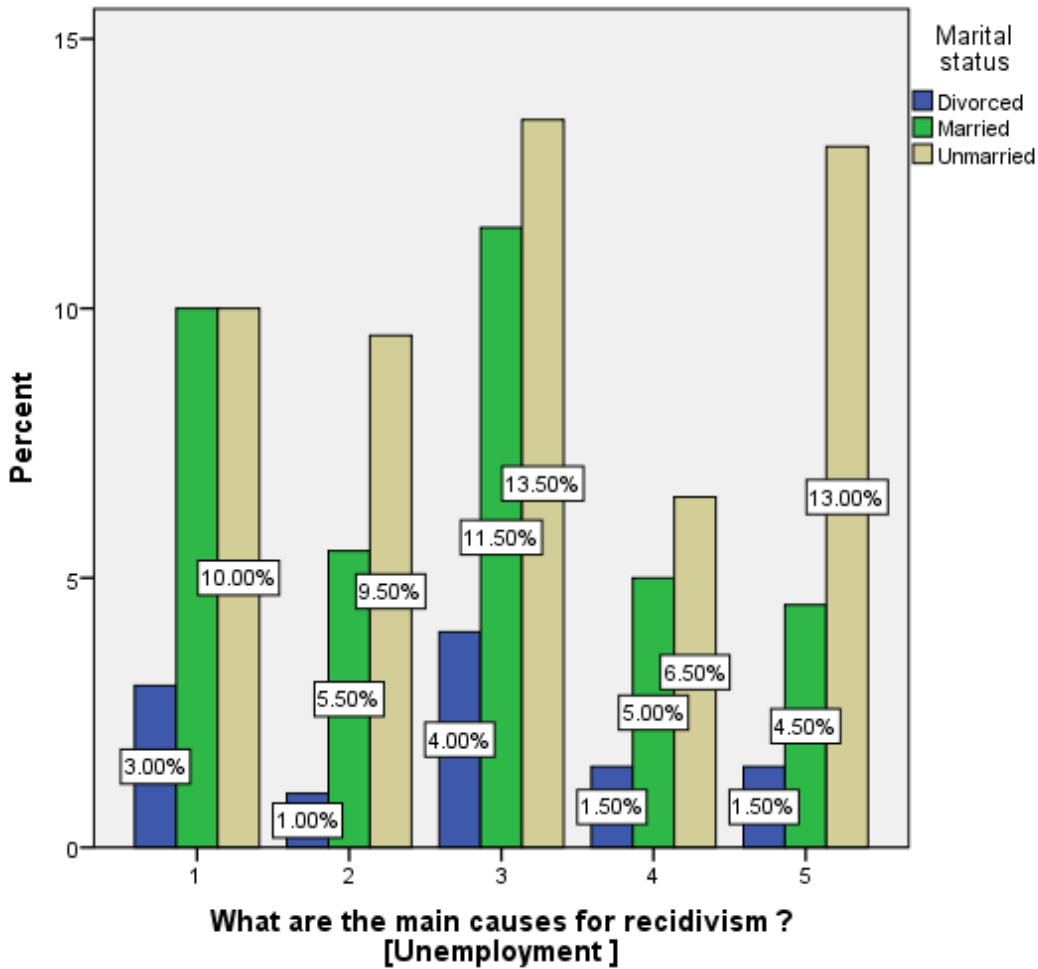


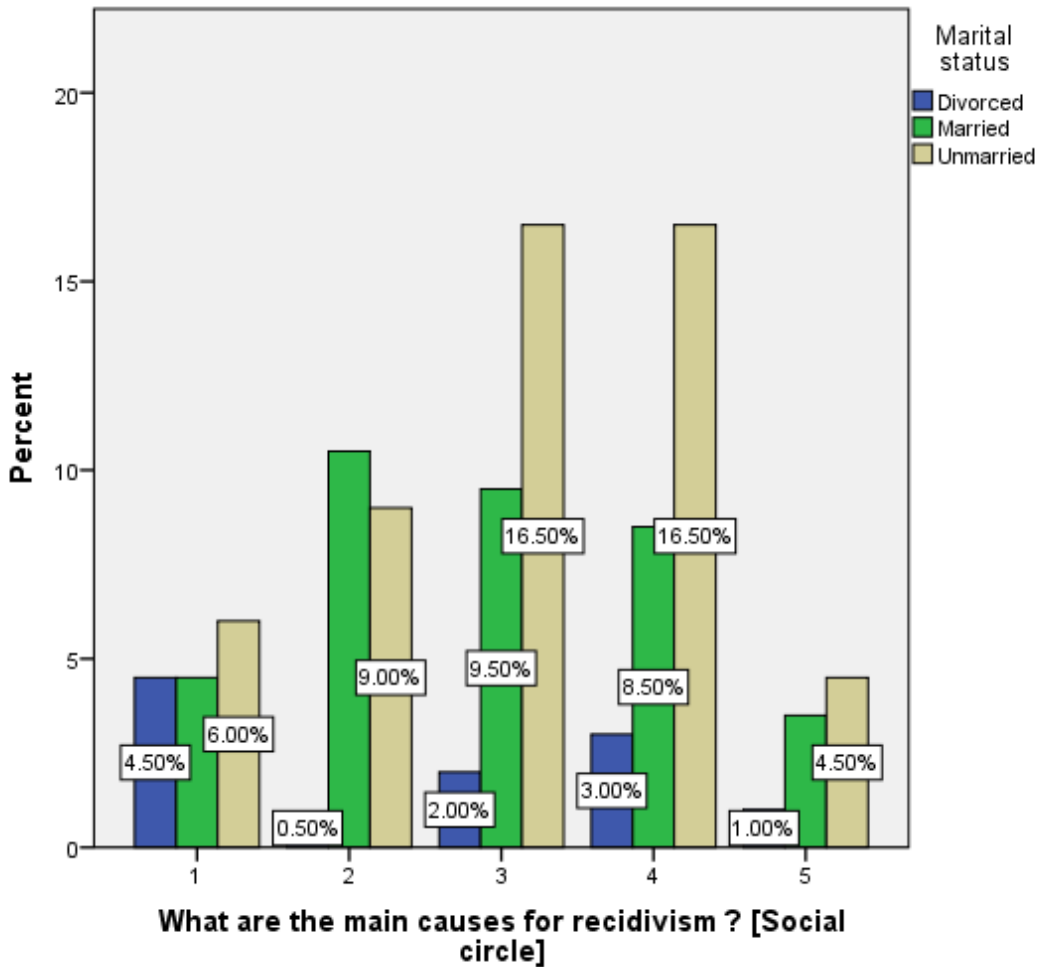
Fig 10:



LEGEND: This bar chart represents main causes for recidivism is unemployment compare with marital status of the respondents.



Fig 11:



LEGEND: This bar chart represents the main causes for recidivism is social circle compare with marital status of the respondents.

Table :1 Chi square test

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	51.965	4	0.000

INTERFERENCE: This table represents the chi square test for the evidence based programs that work to reduce recidivism.

RESULT:

From **figure 1** we can see that many of the respondents aged 18 to 20 have given up to 7.48% for grade 4 that Social circle is the cause for recidivism. From **figure 2** to we can see that many of the respondents aged 18 to 20 have given a lower response up to 12% that unemployment is the cause for recidivism. From **figure 3** we can see that the male respondents have given up to 26% that lack of education is

the cause for recidivism up to grade 1. From **figure 4** we can see that the male respondents have given up to 20% that poverty is the cause for recidivism up to grade 2. From **figure 5** we can see that the male respondents have given up to 29% that depression is the cause for recidivism up to grade 3. From **figure 6** we can see that the male respondents have given up to 20.5% that social circle is the cause for recidivism up to grade 4. From **figure 7** we can

see that the male respondents have given a response which is on average up to 17 % at a grade of 3 for the same. From **figure 8** we can see that the male respondents have stayed neutral up to 21% that evidence based programs work to reduce recidivism. From **figure 9** we can see that the male respondents have agreed up to 10% that evidence based programs work to reduce recidivism. From **figure 10** we can see that the married respondents have given a response which is average up to 13 % at a grade of 3 for the same. From **figure 11** we can see that the married respondents have given up to 13.08% to the same.

DISCUSSION:

The analysis of this study proves that there is lack of awareness on the concept of Prison recidivism. Since Prison recidivism is an important aspect in the long run, it is necessary to administer awareness among the general public. The public opinion evidence based programs work to reduce recidivism in India.

LIMITATIONS:

A limitation to generalizability that arose includes the fact that this study focused on male ex-offenders within the Town and no female ex-offenders. Hence, conclusions presented from this study are limited to the male ex-offender population from the One region only. Further, the study did not include any information regarding culture, ethnicity, race, sexual orientation, age, socioeconomic status, religion, or any other demographic information.

SUGGESTIONS:

Some of the preventive measures which may be suggested for suppressing recidivists are as follow: Improvised Integrated Programme of Legal Sentence and Treatment, Arrange the Prisons with Maximum Security, Adequate After-Care Treatment and Need for Amendment in the Lengthy Criminal Trials. Some classes of offenders may be reformed outside of prison walls. This is especially true of children, of the

younger misdemeanants, and of those who have committed their first felony. It has been found that by suspending sentences in such cases, giving the person liberty upon certain conditions, and placing him under the surveillance of an officer

CONCLUSION :

In conclusion, order to wipe out crime in society, as we have already said, three things are necessary. First, every individual must have a good birth; that is, heredity must be controlled so that only those who are physically and mentally sound are allowed to marry and reproduce. Second, every individual must have a good training, both at home and at school, so as to adjust him properly to the social life. His education must fit him to take his place among other men, make him able to take care of himself, and to help others; and make him, in every possible way, acquainted with the social inheritance of the race. Last but not least, just social conditions must be provided. Everything in the social environment must be carefully looked after in order to insure the best development of the individual and to prevent his environment from being in any way a drawback to him.

REFERENCES:

- De Claire, K., & Dixon, L. (2017). The effects of prison visits from family members on prisoners' well-being, prison rule breaking, and recidivism: A review of research since 1991. *Trauma, Violence, & Abuse*, 18(2). Web.
- Hsieh, M.-L., Hamilton, Z., & Zgoba, K. M. (2018). Prison experience and reoffending: Exploring the relationship between prison terms, institutional treatment, infractions, and recidivism for sex offenders. *Sexual Abuse*, 30(5). Web.
- Mitchell, O., Cochran, J. C., Mears, D. P., & Bales, W. D. (2017). Examining prison effects on recidivism: A regression discontinuity approach. *Justice Quarterly*, 34(4), 571-596.

- Van der Linden, S. (2015). Green prison programmes, recidivism and mental health: A primer. *Criminal Behaviour and Mental Health*, 25, 338-342.
- Kaeble D, Glaze L, Tsoutis A, Minton T. *Correctional populations in the United States*, 2014. Washington, DC: Bureau of Justice Statistics; 2015. Available from: <https://www.bjs.gov/content/pub/pdf/cpus14.pdf>
- Dumont DM, Brockmann B, Dickman S, Alexander N, Rich JD. Public health and the epidemic of incarceration. *Annual Review of Public Health*. 2012;33:325.
- Council of Economic Advisers. *Economic perspectives on incarceration and the criminal justice system*. Washington, DC: Executive Office of the President of the United States; 2016. Available from: <https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/CEA%2BCriminal%2BJustice%2BReport.pdf>
- Kessler D, Levitt SD. Using sentence enhancements to distinguish between deterrence and incapacitation. NBER Working Paper no. 6484. *Journal of Law and Economics*. 1999;42(1):343-63.
- Clear TR. The effects of high imprisonment rates on communities. *Crime and Justice*. 2008;37(1):97-132.
- Freudenberg N. Adverse effects of US jail and prison policies on the health and well-being of women of color. *American Journal of Public Health*. 2002;92(12):1895-99.
- The Pew Charitable Trusts. *Collateral costs: Incarceration's effect on economic mobility*. Washington, DC: The Pew Charitable Trusts; 2010.
- Travis J, Western B, Redburn FS. *The growth of incarceration in the United States: Exploring causes and consequences*. Washington, DC: The National Academies Press; 2014.
- Sampson RJ, Loeffler C. Punishment's place: The local concentration of mass incarceration. *Daedalus*. 2010;139(3):20-31.
- Kubrin CE, Stewart E. Predicting who reoffends: The neglected role of neighborhood context in recidivism studies. *Criminology*. 2006;44(1):165-97.
- Mears DP, Wang X, Hay C, Bales WD. Social ecology and recidivism: Implications for prisoner reentry. *Criminology*. 2008;46(2):301-40.
- James DJ, Glaze LE. *Mental health problems of prison and jail inmates*. Bureau of Justice Statistics Special Report. Washington, DC: Bureau of Justice Statistics; 2006. Available from: <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>
- Binswanger IA, Krueger PM, Steiner JF. Prevalence of chronic medical conditions among jail and prison inmates in the United States compared with the general population. *Journal of Epidemiology and Community Health*. 2009;63(11):912-19.
- Restum ZG. Public health implications of substandard correctional health care. *American Journal of Public Health*. 2005;95(10):1689-91.
- Maruschak LM, Beavers R. HIV in prisons, 2007-08. *Bureau of Justice Statistics Bulletin*. Washington, DC: Bureau of Justice Statistics; 2009.
- Spaulding AC, Seals RM, Page MJ, Brzozowski AK, Rhodes W, Hammett TM. HIV/AIDS among inmates of and releasees from US correctional facilities, 2006: Declining share of epidemic but persistent public health opportunity. *PLoS One*. 2009;4(11):e7558.