

The Influence of Procriminal Attitudes On Recidivism Among Non-Custodial Offenders In Nairobi County, Kenya

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Abstract

The paradigm shift from over-reliance on imprisonment to non-custodial measures to check recidivism has seen the number of offenders under probation supervision surpass those in prison facilities. Past recidivism studies aimed at those in prison, and this study sought to address the knowledge gap by studying the influence of pro-criminal attitudes on recidivism among non-custodial offenders in Nairobi County, Kenya. Procriminal attitudes, the independent variable in this study, refers to attitudes that support reoffending. Recidivism as the dependent variable in the study was measured using the police rearrest, reconviction and imprisonment. The study used self-administered questionnaires to obtain information on pro-criminal attitudes that were analyzed through descriptive statistics. Results indicated that recidivists have well established pro-criminal attitudes. The most prevalent pro-criminal attitudes were pro-criminal associates' presence 48.9% and justification for criminal behavior 46.8%. The study recommends capacity building for probation officers with skills to assess pro-criminal attitudes in offenders.

Keywords: criminal values, pro-criminal attitudes, probation, recidivism, risk factors.

I. Introduction

The cognitions, feelings, and beliefs that support and reinforce criminal behavior constitute pro-criminal attitudes (PCA). Criminal psychologists widely accept that pro-criminal cognitions promote and reinforce criminal behavior (Andrews & Bonta, 2017). In this study, pro-criminal attitudes are conceptualized to mean the wide array of thinking patterns that justify antisocial behavior. Literature review shows that the construct of pro-criminal attitudes refers to a constellation of criminally oriented attitudes comprising anti-social attitudes, criminal attitudes, cognitions, and criminal sentiments (Simourd & Olver, 2011). Researchers have identified cynical attitudes towards legal and established authorities and institutions to manifest pro-criminal attitudes (Wright & Gifford, 2017). People with PCA tend to take pride in delinquency and reject or devalue conventional institutions such as the law, the courts, the police, and education (Bonta & Andrews, 2017).

PCA is a strong risk indicator of criminal recidivism; the other main risk predictors of recidivism are criminal history, anti-social personality patterns, and pro-criminal associates. Offenders learn criminal values and attitudes through close

association with peers or associates with anti-social values. The length and the frequency of the interaction with associates with pro-criminal values determine the pro-criminal values (Monnery, 2013).

Past studies have shown a strong influence of pro-criminal attitudes on criminal recidivism. Offenders with criminal attitudes are said to be in a perpetual state of the mental state of preparedness to commit offenses when opportunity suffices (Simourd & Olver, 2011). A Longitudinal Study in the UK among a cohort of adult probationers indicated that 59% of recidivists had pro-criminal attitudes compared to 21% offenders with pro-social attitudes (Cattell, Mackie, Prestage, & Wood, 2013). Andrews and Bonta (2010) claimed that the anti-social attitudes and beliefs increased with age. These antisocial beliefs and attitudes start in early childhood and continue to increase until mid-adolescence. This happens due to the declining family social influence and attachment and increasing influence from peers and associates.

Pro-criminal attitudes manifest themselves through aggression tendencies, a sense of entitlement, anti-social intent, and associates' attitude. Persons with violent attitudes tend to believe that it was reasonable to hit back to someone who insults you. Sense of entitlement entails offenders justifying stealing from people under the pretext of taking what they perceive is owed to them. A person who believes it is okay to commit a crime for a good reason manifests anti-social attitudes. Offenders harboring these values are deemed to have a high likelihood to recidivate (Mills, Kroner & Hemmati, 2004). Persons with pro-criminal attitudes tend to feel hopeless as they perceive a lack of control and tend to make excuses and justifications of their criminal lifestyles.

Offenders with PCA tend to engage in neutralization to minimize the effects of their offending behavior. Such offenders tend to neutralize their criminal acts through a lack of responsibility by blaming the victim or reducing the injury. Offenders who effectively employ the technique of neutralization succeed in deflecting blame and position themselves more broadly as victims of society (Banse, 2013). Pro-criminal attitudes are strong dynamic risk factors responsible for reoffending and are considered key targets for the correction rehabilitation officers' intervention. To mitigate against reoffending, probation officers should



challenge the offender's attitudes, values, and belief systems that cause criminal activities (Andrews & Bonta, 2010). According to Bisset (2015), recidivism is reduced when probation officers increase offender motivation enhance self-efficacy to achieve desired goals.

There exists quite a number of instruments developed that measure pro-criminal attitudes and criminal thinking. The main ones are the Psychological Inventory of Criminal Thinking Styles (PICTS), the Criminal Sentiments Scale, the Criminogenic Thinking Profile, among others (Taxman, 2013). Community correctional officers trained in Effective Practices in Community Supervision (EPICS) effectively identify, challenging antisocial thoughts, and effectively use role-play pro-social skills to reduce recidivism (Wright & Gifford, 2017).

While there is a vast amount of research linking pro-criminal attitudes as a risk factor for reoffending in Western countries among prisoners, there is limited research on PCA's influence among non-custodial offenders in Kenya.

Purpose of the Study

The purpose of the study was to find out how the psychosocial correlates influence recidivism among non-custodial offenders in selected sub-counties in Nairobi County, Kenya

Research Questions

How do pro-criminal attitudes influence recidivism among non-custodial offenders in selected sub-counties in Nairobi County, Kenya?

Justification of the Study

The researcher chose to study recidivism among non-custodial offenders due to a number of considerations. The first consideration is the high recidivism rate in Kenya that ranges between 60% and 80% (Oruta, 2016). The high recidivism rate has consequently contributed to the congestion of correction institutions and exerts huge budgetary pressure on the national government. Nairobi Remand and Allocation Prison had the highest number of inmates, 2549 against its official capacity of 1228 inmates representing 207.5% congestion. Lang'ata Women Prison, also in Nairobi County, is overstretched by 137.2% (NCAJ, 2016).

The second reason for the study is that most of the past studies on recidivism have largely focused on prisoners, and few have been directed to non-custodial offenders serving community sanctions in Kenya. The neglect of community corrections is despite the increasing use of non-custodial measures by the judiciary and the prominent role of Probation and Aftercare Service in supervising and rehabilitating a high number of clients. The numbers now under PACS are almost surpassing those of Kenya Prison service.

Lastly, the researcher wanted to study the influence of psychosocial correlates on recidivism. Most past studies have

focused on rehabilitative programs that focused on antisocial personality patterns and pro-criminal attitudes. This is informed by the cognitive-behavioral theory that emphasizes the change of thinking patterns, and thinking errors are necessary to change behavior.

Concept of Recidivism

Recidivism refers to the offenders who lapse back to criminal behavior. It is measured by either one or a combination of the following; rearrests, reconviction, sentence revocation, imprisonment over some time (United States Sentencing Commission, 2018). Recidivism among prisoners is the most studied, while those in community sentences have received little focus. A recent meta-analysis of 28 studies of 20 countries with the highest number of inmates found that only 2 countries reported recidivism among those in community correction (Yukhnenko, Wolf, Blackwood, & Fazel, 2018). The meta-analysis further found that community supervision recorded a lower recidivism rate as compared with prison.

The concept of recidivism has received lots of interest by psychologists and criminologists in their attempt to understand what makes offenders keep reoffending, the public outcry about offenders when they commit subsequent offenses (Hanson, 2018). Measuring recidivism remains a challenge due to the different measures adopted. Re arrest refers to police arrests for reported offenses and is a more promising indicator of recidivism than reconvictions and incarcerations. This is because not all those who are rearrested are charged in court, and not all those charged in court end up in convictions because of high thresholds of judicial procedures. Further, not all convicted are incarcerated as others may be imposed fines or given suspended sentences (United States Sentencing Commission, 2018).

II. Research Methods and Procedures

The study used a descriptive survey design owing to its suitability in describing a phenomenon like recidivism. Closed-ended questionnaires were used to obtain information about pro-criminal attitudes and to measure recidivism. The questionnaires had the first section dealing with participants' demographic characteristics, the second part on recidivism, and the third part focused on pro-criminal attitudes. The research tool was piloted at Ngong Probation office, a suburb of Nairobi County, to ensure reliability and validity.

The target population was the 146 repeat offenders serving non-custodial orders in Nairobi County. A complete census was carried out as the number of recidivists was considered small for sampling purposes. This implied that inference statistics were not performed but rather descriptive statistics (Creswell, 2014).

The questionnaires were both self-administered and administered by the research for those offenders with literacy challenges. Research ethics were maintained by ensuring that

participants gave informed consent, and privacy and confidentiality were strictly observed by ensuring proper coding of questionnaires. The study excluded both the juvenile, psychiatric offenders, and aftercare probationers.

III. Results and Analysis

The study's objective was to determine the influence of pro-criminal attitudes and beliefs that support the continued commission of criminal acts. The pro-criminal attitudes included in the questionnaire were justification for criminal

behavior, the rationalization for crimes, opportunist, presence of pro-criminal peers and associates, and negative attitude those in authority, community, and seeing criminal lifestyle as a viable option to earn a living. The pro-criminal attitudes were measured using 7 item statements with a Cronbach's Alpha $\alpha = .710$, indicating that items are well related. This pro-criminal thinking tends to initiate and perpetuate criminal behavior (Andrews & Bonta, 2017).

Table 1
Demographic Characteristics of recidivists

Demographic Factor	Previous convictions				Total
	1	2	3	over 3	
Age					
18-25 years	47	4	0	0	51
26-35 years	48	3	0	1	52
36-45 years	24	1	1	0	26
46-55 years	7	0	0	0	7
over 55 years	2	1	0	0	3
Gender					
male	100	7	1	1	109
female	28	2	0	0	30
Offense type					
Violent	42	4	1	0	47
Property	22	1	0	0	23
Drug	52	4	0	1	57
Other	12	0	0	0	12

The study recorded an impressive response rate of 95.2% of 139 returned questionnaires from the target of 146 repeat offenders. Respondents in the age bracket 26-35 years, as shown in Table 1, were 52 respondents representing 37.4%, while those in 18-25 years followed with 51 respondents representing 36.7% of the total respondents. The participants were 109 males and 30 females, as depicted in Table 1. Cross-tabulation of gender variable against previous conviction indicated that there were 100 males and 28 females with one previous conviction. The study found that drug-related offenses were the most prevalent offense committed by 41.0 % of recidivists, followed by violent offenses at 33.8%. Table 1 shows that other offenses committed by recidivists were 12, accounting for 8.6%.

	<i>Respondent's responses on pro-criminal attitudes</i>										
	SD		D		U		A		SA		
	f	%	f	%	f	%	f	%	f	%	
Denial of victims	56	40.3	37	26.1	0.7	29	20.9	16	11.5	2.3	1.47
Justification	56	40.3	12	8.7	0.7	50	36.0	15	10.8	2.6	1.55
Rationalisation	58	41.7	57	40.3	2.2	19	13.7	8	5.8	2.0	1.23
Opportunist	66	47.5	56	40.3	0.0	12	8.6	5	3.6	1.8	1.05
Pro criminal associates	38	27.3	31	22.3	1.4	47	33.8	21	15.1	2.8	1.50

Table 2

Negative attitude to community	27	19.4	10.5	10.8	3.2	2.2	2.0	14.4	7.4	53.2	3.7	1.63
Crime as only option	10	72.1	2.0	14.4	5.3	3.6	6.4	4.3	7.7	5.0	1.5	1.09

Key: Key: A- Agree, SA- Strongly agree, D-Disagree. U- Undecided.

Source: Researcher, 2020

Table 2 illustrates responses on whether the recidivists denied victims of their crimes. Those who minded their victims were 26.6% disagree and 40.3% strongly disagree. Those who showed little concern for victims were 20.9% agree and 11.5% strongly agree. Having no concern for the empathy of the victim is a risk factor for recidivism. Offenders exhibiting this lack of remorse and concern for victims portray behavior that tends to blame the victims. Table 2 also shows that 40.3% strongly disagreed and 10.07% disagreed that justification of crime was responsible for recidivism. The study also found that 36% agreed and 10.8% agreed that justification was responsible for recidivism.

The study found mixed results about the influence of pro-criminal associates on recidivism. Table 2 showed that 48.9% of the respondents had they are reoffending as a result of peer influence. However, 49.6% stated that peer influence had no influence on reoffending. Table 2 further shows that 13.7% of the respondents agreed, and 5.8% strongly agreed to rationalize criminal behavior. However, the respondents who did not express rationalization of criminal behavior were 36.7% disagree and 41.7% strongly disagree. The key informants strongly felt that rationalization was a key factor in recidivism, with only 10% holding a contrary view that rationalization does not influence recidivism, as indicated in Table 2. This was a surprise find as most literature indicates that rationalization is a key predictor of recidivism. Rationalization is one of the defensive mechanisms employed by offenders to minimize personal responsibility for the actions (Stevenson, Hall, & Innes, 2004).

On the question about readiness to commit a crime if the opportunity arose, 87.8% of the recidivists disagreed with the statement that they could consider committing a new crime if the opportunity arose. This indicated that the majority of offenders are not ready to recidivate. Those who expressed readiness to commit a new crime if given the right opportunity were 8.6% agree and 3.6% strongly agree. Of many recidivists, 53.2% strongly agreed, and 14.4% agreed that police and many people in the criminal justice community have biases against persons with a criminal record.

IV. Discussion

This current study sought to understand how pro-criminal attitudes influence recidivism among non-custodial offenders. The study found that the majority of repeat offenders are youthful between the ages of 18 years to 35 years are in tune with studies in Canada by Olver and Wong (2014) that observed that as offenders grow in age, so does the reduction of the rate of reoffending. Table 1 further shows that 128 recidivists had one previous conviction and 9 offenders with a second conviction. The current study had 109 males and 30 females, representing 78.4% and 21.6%, respectively. These findings support recent studies by Zara and Farrington (2018) that found males recidivists were more than females and accounted for 85.4% of recidivists in England and Wales. This finding is consistent with findings of a meta-analysis of 28 studies across 20 countries that observed that recidivism measured by reconviction within two years follow had males accounting for 45% and female 35% recidivism (Yukhnenko, Wolf, Blackwood & Fazel, 2019). Recidivists who had committed violent offenses were 33.8%, while those engaged in drugs and substances accounted for 41.0%. This is supported by a study in the USA that also established that prisoners and probationers with drug and alcohol dependency recorded high rates of rearrests and sentence revocation (Linhorst, Dirks & Groom, 2012).

The study found that recidivists are acknowledging lack of empathy 21.6%, denial of victims 32.4%, justification of criminal behavior 46.8%, rationalization of criminal behavior 19.5%, opportunist offenders 12.4%, having pro-criminal associates 48.9%, and those who viewed crime as the only option 48%. Similar studies found that pro-criminal attitudes are good predictors of recidivism (Banse, Oberlander, Gosset & Schmidt, 2013).

This current research found that 46.8% rationalized and justified their criminal behavior. Offenders who engage in justification and rationalization of criminal behavior tend to minimize the impact of the criminal activities. The findings are consistent with research by Andrews and Bonta (2017), who found that recidivists often engage in justification and rationalization of their criminal acts. This pro-criminal thinking tends to initiate and perpetuate criminal behavior (Andrews & Bonta, 2017). Rationalization is one of the defensive mechanisms employed by offenders to minimize personal responsibility for the actions (Stevenson, Hall, & Innes, 2004).

A significant number of participants, 53.2% and 14.4%, strongly agreed and agreed, respectively, that holding negative views of those actors in the criminal justice system. This findings support literature that holds that offenders with pro-criminal attitudes have negatives regard for law enforcement officers and those in authority (Wright & Gifford, 2017). The literature reviewed indicated that many recidivists have negative attitudes towards charged with the

responsibility of investigation and prosecution, and judicial functions. The findings supported literature that holds the presence of negative attitudes towards those authority reoffending. Cynicism towards police, judicial officers, and correction officers is positively correlated with recidivism (Wright & Gifford, 2017).

The study found that 48.9% acknowledging the influence of peers and pro-criminal associates for their continued reoffending. These findings are consistent with reviewed studies that found pro-criminal associates to be a strong predictor of recidivism (Mills, Kroner & Hemmat, 2004).

V. Conclusion and Recommendations

Based on the current findings, the study concludes that pro-criminal attitudes play an important role in influencing recidivism among non-custodial offenders. The study concludes that demographic characteristics such as age, gender, and type of offense are associated with recidivism. The main pro-criminal attitudes exhibited by the participants were rationalization, justification of criminal behavior, negative attitudes towards those in authority and criminal justice agencies.

Recommendations

- i) The study recommends programs that identify and assess pro-criminal attitudes that support and maintain criminal behavior.
- ii) The study recommends more studies on the influence of pro-criminal attitudes on recidivism
- iii) It recommends interventions that restructure the criminal attitudes

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Reference

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