

RISK AND PROTECTIVE FACTORS TO PREVENT RECIDIVISM OF MINORS IN CRIMINALITY, A PREVENTIVE APPROACH IN CRIMINAL JUSTICE

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Abstract

The model of risk and protective factors results as a model that is in full agreement with the principles of literature “What works” in the field of criminal sentences.

Ministry of Justice in Albania has not developed yet a model to address recidivism, especially recidivism of minors and young age. Despite the fact that Probation Service and General Directorate of Prisons, lately in the main documents of assessing offenders have reflected the preventive approach, there is no an integrated strategy to address recidivism according to the model of risk and protective factors.

The discussion presents the principles of preventive approach in the field of criminal sentences and in this frame the model of risk and protective factors it’s viewed as an approach to be accepted from the policymakers as the only effective strategy addressing recidivism.

Keywords: Preventive approach, recidivism, strategy, policymaking

1. Introduction

The model of risk and protective factors for recidivism comes from the field public health, and uses the preventive approach or theoretical approach of reduction of risk and the increase of protection.

Preventive approach (Fraser, Randolph&Benett, 2000; Mrazek&Haggerty,1994) has four main key ideas: definition of the target, meaning of risk and protection, interrupting the rik and building the protection, assesment of efectivity in prevention.

The statistics coming from National Prison Administration in Albania for 2014 show that 53% of minors sentenced with imprisonment are

recidivists. Also the statistics for adults profited from an amnesty from the Parliament in Albania at 2014 are showing that 69% of prisoners who benefited from amnesty were came back in prisons in a period of 4 months.

The need for an preventive approach is evident but this approach requires qualified prison staff and a strong collaboration with the stakeholders outside the prison system such as local government, state police, social services, NGO-s, etc.

2. Methodology

The purpose of this article is to explore the literature for preventive approach to recidivism for children 14-18 years old and discuss the current situation of recidivism at this age in prison system in Albania.

The methodology of this paper is to review the literature in connection with some of the central issues of the article as preventive approach, recidivism, areas of risk and protective factors, risk and protective factors.

The literature reviewed for this article has been mainly academic, books published in the field of criminal justice, studies about recidivism in countries that lately faced the issue of recidivism, such as Estonia.

The article is a report of recent studies about the issues that concern the researchers and not a systematic study.

3. Literature review about Preventive Approach

3.1 Preventive Approach

Definition of target means that preventive group must be well defined and target is referring to either a problem or a population or a subgroup in risk.

Meaning of risk and protection is related to knowledge based on research about the causes and posible correlations to be used in a efective prevention and to different factors in multiple levels of the system of a human being. In preventive approach, factors related to positive results are called protective factors, while factors related with negative results are known as risk factors. Studies in certain populations have shown that exists a corelation between risk or protective factors and the results. But, status of a risk factor or protective factor doesn't mean the existance of a relations between the factor and the result. Some risk and protective factors simply tell about a raised prevalence of a result in a certain group.

Identification of a risk factor leads to a potential need for preventive objectives. But this doesn't defines the way the prevention will be developed or the results of a study in a population can't be implemented in other population without a detailed assesment. To define a risk indicator as ethnicity from risk and protective factors playing a causal role, researchers

do theoretical studies which bring knowledge about risk and protective processes and how risk and protective factors interact during the time and affect the results. Preventive approach in consistency with the ecology perspective, lead the attention to the factors in different levels of the system, interactions of the person with the environment and to changeability during the life.

Interruption of risk and building the protection means that researchers in collaboration with practitioners develop designed interventions to interrupt risk processes and to promote protective processes. For example, the studies discover a correlation between harsh parenting style (risk factor) and the aggression in children (result). Different individual factors, familiar and contextual factors contribute to the risk process. A key element includes parenting modelling and the implementation of a harsh style in problem solving, seems to lead in a failure of children in learning alternative non-aggressive strategies for the problem solving and in reflecting a high level of aggression. Studies suggest that harsh parenting plays an important role in a risk process that repercussions in mental problems, school failure and criminality. Based in these studies, practitioners and researchers have designed and tested preventive interventions that focus to the capacity building in parenting skills to interrupt this risk factor.

Assessment of effectiveness in prevention is the fourth key idea in preventive approach and it is in consistency with the evidence based approach in social work practice. For example, the groups of parents trained in parenting skills have resulted in a better parenting (short-term effect) from those not trained (control group) and in a reduction of the aggression of children (long-term effect). Assessment of effectiveness of intervention must take into the consideration the different effects in different groups of population as: age, gender, culture, etc.

3.2 Risk and Protective Factors as a Preventive Approach in Criminal Justice

Developments in prevention and intervention have shown that there are individual, familiar and environmental characteristics (for ex. Schools, communities) that affect the possibility of negative effects as: substance abuse, criminality, violence and school dropout. Other characteristics serve to protect the persons or reduce the effect of negative characteristics. These characteristics have been identified as risk and protective factors (Hawkins, Catalano, Miller, 1992).

Quantitative researches show correlations that do the difference between the life of young persons who do offend and the others who don't. Results have shown that the relations between risk factors and protective factors determinant to recidivism is not casual.

The roots of recidivism might be found in the way that risk factors relate together and affects the life of young people during the time that protective factors are lacking (Utting et al,1993; Farrington& Hawkins 1991;).

Risk factors for the children under 14 years old are related mostly to the individual sphere such as: birth complications, hyperactivity, adventurist feeling, and to the familiar sphere as parent’ anti- social or criminal behaviors, substance abuse in the family, weak parenting skills, etc. For children of 14-18 years old the risk factors affecting their involvement in recidivism are peer pressure, school and the community where they live (Lobber&Farrington, 2001).

Risk factors and protection factors for recidivism among young people are categorized into four spheres: the individual sphere, family sphere, spheres of peers and the school and community (Lobber & Farrington, 2001).

This article takes into consideration the above division because other subsequent studies have seen categorization as encompassing all the most important factors for recidivism risk to children and young ages.

However there are other studies that have attempted recently to identify and list the most significant factors in recidivism of children and youth. For policymakers this recognition is important because it serves as the basis for criminal and social policies to prevent recidivism among youth. Report of criminal justice in New Zealand (Ministry of Justice, 2008) estimates that the risk factors and the factors of protection found in longitudinal cohort studies in Christchurch and Dunedin in New Zealand were proved to be significant in the inclusion of children and youth in recidivism as well as the termination of involvement in the crime.

Figure 3.2.1 summarizes the ten most important risk and protection factors for recidivism at ages under 13 years old and adolescents over 13 years old.

Figure 3.2.1. Ten most important risk and protection factors for recidivism identified in Christchurch and Dunedin city in New Zealand.

| Areas | Risk factors for children under 13-years old | Risk factors for adolescents over 13 years old | Protection factors |
|------------|--|---|--|
| Individual | <ul style="list-style-type: none"> • behavioral problems (antisocial behavior, disrespect of rules and norms, committing offenses / contraventions before the age of 12 years) • Use of tobacco, alcohol, drugs before the age of 12 years | <ul style="list-style-type: none"> • Previous criminal offenses (the more the greater the risk) • Aggressiveness, involvement in the altercation and / or violence • Impulsiveness, low self-control • Hyperactivity, low | <ul style="list-style-type: none"> • Higher self assessment • Higher restraint and higher temperance |

| | | | |
|--------------------|---|--|---|
| | <ul style="list-style-type: none"> • Gender male • Impulsiveness, low self-control • Hyperactivity, low attention • Aggressiveness, involvement in the altercation and / or violence before the age of 12 years | <ul style="list-style-type: none"> attention • Tendency to experience anxiety, stress • Duration of the first sentence of imprisonment (the longer, the greater the risk) | |
| Social (Family) | <ul style="list-style-type: none"> • Low income • Both parents are unemployed, or low skills, or employed in jobs that do not require high qualifications • None of the parents are not graduate in secondary education • One or both parents with a history of antisocial behavior | <ul style="list-style-type: none"> • Low control by parents / guardians • Low levels of warmth, love and affection between parents and teen | <ul style="list-style-type: none"> • greater control and monitoring by parents; reasonable and durable rules as well as consequences for violations • emotional attachment and greater vicinity of the young to parents • lower level of problems in the family (social and economic problems, family dysfunction, marital conflict) |
| Social (Community) | | <ul style="list-style-type: none"> • A few friends and lack of social activities / recreation • Contacts with peers involved in antisocial or criminal behavior | <ul style="list-style-type: none"> • Relationships and socializing with peers with socializing behavior • Reduction or lack of contact with peers involved in crime • Better results at school • As long education in school years <ul style="list-style-type: none"> • Positive relations with young adults in the community |

Source: Report of criminal justice in New Zealand, the Ministry of Justice in 2008 found in <http://www.justice.govt.nz/pubs/reports/2008/criminal-justice-sector/Final%20outcomes%20report%20080829.pdf>

3.2.3 Recidivism in Albania

There is growing involvement of juvenile perpetrators of theft, robbery, robbery resulting in death; The yearly reports of General Prosecutor Office of 2011-2014 “On the Situation of Criminality in Albania” documents the involvement of minors in criminal social dangerousness high as offenses against the person and crimes against life.

According to the literature, circumstances or factors that lead to the continuation of committing crimes in the future are similar to those that led

to the commission of the first offense and if they remain unaddressed, there will be a recidivism situation. Recidivism is higher in the age group under 18 years old compared to others groups in Albania.

From the study of recidivism in minors in Albania 2013 (Sota, 2014) resulted that minors who were recidivists ≥ 2 times have changed residence often compared with those who were recidivists for the first time(51.4 % vs. 29.8 % , respectively , $P < 0:05$). According to this study, risk factors for juveniles in Albania were: change of residence, ethnicity , change parental figure , the biological mother's death , the desire for the spotlight in school , hyperactivity , age of first arrest , addiction and gambling bets , experiencing physical abuse , history of arrests the father or sisters / brothers , access to drugs in the community where they lived.

According to Sota (2014), although risk factors and protection are present in the whole group of children in this study, but there are more risk factors than protective factors. Risk factors in the family and school sphere dominate the individual and the community spheres.

4. Conclusion

Developments in prevention and intervention have shown that there are individual, familiar and environmental characteristics that affect the possibility of negative effects as: substance abuse, criminality, violence and school dropout. Other characteristics serve to protect the persons or reduce the effect of negative characteristics. These characteristics have been identified as risk and protective factors.

There are studies that have attempted recently to identify and list the most significant factors in recidivism of children and youth.

There is growing involvement of juvenile perpetrators in serious crimes as: theft, robbery, robbery resulting in death. The periodic reports on situation of the criminality in Albania document the involvement of minors in criminal social dangerousness high as offenses against the person and crimes against life.

According to the lately study on recidivism in Albania, risk factors for juveniles in Albania were: change of residence, ethnicity , change parental figure , the biological mother's death , the desire for the spotlight in school , hyperactivity , age of first arrest, addiction and gambling, experiencing physical abuse , history of arrests the father or sisters / brothers , access to drugs in the community where they lived.

The need to develop a preventive approach on juvenile criminality and recidivism in Albania as although risk factors and protection are present in the whole group of children participated in recidivism study, there are more risk factors than protective factors. Risk factors in the family and

school sphere dominate the individual and the community spheres, so special focus is needed on these spheres.

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Preventive measures in the criminal procedure are temporary restriction of the rights of the individual, which is applied by the investigation, the prosecutor's office or other justice bodies to the defendant. Sometimes such measures are applied to suspects in the case, for example, when it is possible that the accused will abscond from an inquiry, investigation or trial, will continue to commit crimes or will be able to prevent the establishment of truth in this process. If preventive measures (MP) are established the suspect must be charged by the law enforcement authorities within 10 days from Delinquency is the criminal behavior usually of young people and juvenile is connected with young persons who are not yet adults. Officially, juvenile delinquency consists of misbehavior by children. The other reason behind it is that considerable juvenile delinquencies are the factors of certain type of psychological maladjustment produced by guardian's incapability of giving significant fundamental requirements. It is proved through the study in the juvenile justice that the number of cases refereed by guardians is far more than the police, which are submitted at the correctional in a child if such a disproportionate number of police refereed cases should not be construed as indicating a decrease in juvenile criminality. The discussion presents the principles of preventive approach in the field of criminal sentences and in this frame the model of risk and protective factors is viewed as an approach to be accepted from the policymakers as the only effective strategy addressing recidivism. RISK AND PROTECTIVE FACTORS TO PREVENT RECIDIVISM OF MINORS IN CRIMINALITY, A PREVENTIVE APPROACH IN CRIMINAL JUSTICE, European Scientific Journal, 2015, Volume 11, Issue 20