

ANALYSIS OF THE CAUSES AND EFFECTS OF RECIDIVISM IN THE NIGERIAN PRISON SYSTEM

OTU, M. Sorochi

Department of Sociology and Anthropology

Faculty of Social Sciences

Ebonyi State University, PMB 053, Abakaliki

Email: otu.soroch@yahoo.com

Abstract

The Nigerian prison system is witnessing an enormous increase in people relapsing into crime and criminality, recidivists. This development has challenged the practicality and feasibility of rehabilitation programmes in Nigerian prisons. Thus, the paper sets out to achieve the following three (3) objectives: causes, consequences, and prevention and control of recidivism in the Nigerian prison system. Although the paper is basically a literature review, it supported and contributed to the body of existing knowledge on recidivism in Nigeria. From the review, it is established that criminal recidivism is caused by many factors: discrimination and stigmatization, lack of aftercare services or reintegration support programmes, familial, structural, substance abuse, peer influence, etc. Also, recidivism has negative effects on inmates, prison institution and the general public, especially the taxpayers, whose tax is used to run the Nigerian criminal justice system. The paper revealed that qualitative treatment of prisoners and provision of educational and vocational programmes are leading recidivism-control strategies. The paper made the following recommendations: establishment of the state-of-the-art correctional facilities (vocational, educational and religious programmes) for inmates to access; the Federal Government of Nigeria should extend the National Open University of Nigeria (NOUN) programme which is established in the Kirikiri, Port Harcourt and Enugu prisons to at least, one prison in each State in the Federation; and a responsive aftercare, rehabilitation and follow-up of inmates by either prison authorities or any other agencies that may be appointed by the government in this regard.

Keywords: Analysis, Nigeria, Prison, Recidivism, System.

Introduction

The etymology of recidivism is derived from the Latin word 'recidere', which means 'to fall back'. Within the context of sociology of punishment and corrections (penology) and criminal justice system (police, court, prisons, etc) across the globe, the concept of recidivism has, over time, been known by different terminologies. Recidivism encompasses 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 relapse 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. According to Abrifor, Atere and Muoghalu (2012), recidivism is a technical term which, if construed narrowly, by-passes the important problem it represents, the problem of persistency in

criminal behaviour. Tenibiaje (2013), citing Rahim (1984), observed that recidivism is the act of a person repeating an undesirable behaviour after he or she has either experienced negative consequences of that behaviour or has been treated or trained to extinguish that behaviour.

The term 'prison', on the other hand, occupies a third position in the criminal justice system of any country, and indeed, plays a central role in the prevention and control of criminal recidivism. Prison is a closed and regimented institution where people who are convicted below life imprisonment and death penalty after trial are physically confined for rehabilitation so as to be law-abiding and acceptable human beings in the society upon release. It is also a place where crime suspects awaiting trial are detained until the determination of their cases. Above all, the prison serves as a veritable agent of 'socialisation', an institution where detainees or inmates are undergoing reformation and rehabilitation so as to be law-abiding upon release, make their reintegration easy and possible and, more importantly, to deter them from relapsing into crime and criminality. Qadri (2005) stated that the objective of prison sentence is not to have retribution against the offender but to make him a better human being so as to be more useful to the society.

Although a global phenomenon, recidivism seems to be one of the serious challenges not only facing the Nigerian prison system but also the society at large. Abrifor *et al.* (2012) admitted that the rate at which released inmates return to the prison few months after release has attracted the attention and interest of criminologists, sociologists and scholars from other disciplines who now doubt the ideal function of the prison institution the world over. For instance, statistics from Nigerian prisons shows that over 60% of inmates are recidivists, and this is an indication that the prison as a 'reformatory or rehabilitation home' has failed in correcting antisocial behaviour of inmates (Chukwumerije, 2012).

Obioha (1995) as quoted in Chukwudi (2012) lamented that prisons have become a training ground for criminals instead of rehabilitation home in Nigeria. The population that goes in and out of prisons shows that there are some problems in the system. The Nigerian prison system has not been able to live up to expectations. The expectations are that the system should have positive impact on the lives and vocations of inmates. But the reverse is now the case and this has raised questions that have not yet been completely addressed on the system's functionality and existence. Recapping on the problem of recidivism in Nigeria, Chukwumerije (2012) suggested that the current Nigerian Prison Act is outdated, unable to define the purpose of imprisonment and silent on the crucial service of reformation or rehabilitation. The Act is focused on retributive/punitive aspect of imprisonment, to the near total neglect of its rehabilitative/reformative demands. Consequently, the Nigerian prison system is witnessing a high rate of relapse of criminal/antisocial behaviour (recidivism) and recycling of unregenerate convicts.

In Nigerian prisons, it is a common sight to see the remand, convicted, the young and older inmates indiscriminately confined together. This development is against the United Nations Standard Minimum Rules (UNSMR) specifications for prisons the world over. According to the UNSMR, prisoners should be locked up according to their various categories: sex, nature of offence, mental condition; it must have correctional, educational and religious facilities; a health care centre or hospital; industrial or agricultural plant; among others. Chukwudi (2012) espoused that reforms in the Nigerian system are needed in the areas of overcrowding, poor staff moral, inadequate funding, need for new rights for prisoners, rights to good food, right to clean environment, right to human dignity, need for other alternatives to (outright) imprisonment (such as suspended sentence, parole, probation, etc). Citing Soyombo (2009) and Abrifor (2010), Abrifor, *et al.* (2012) maintained that the prevalence of recidivism in Nigeria as at 2005 was 37.3% while it reached 52.4% in 2010. Fhooblall, Chittoo and Bholoa (2011) expound that the Standard Minimum Rules which

emphasized that the purpose and justification of a sentence of imprisonment is ultimately to protect society against crime, and that this end can only be achieved if the period of imprisonment is to ensure, so far as possible, that upon returning to society the offender is not only willing but also able to lead a law-abiding and self-supporting life.

Given the UNSMR which Nigeria is a signatory to, the central problem of this paper is to ascertain why our prison system has not been able to rehabilitate inmates for possible reintegration into the mainstream society as law-abiding citizens upon release. Based on this, the paper sets out to achieve the following three (3) objectives:

1. To identify the predictors of recidivism in the Nigerian prison system;
2. To ascertain the consequences of recidivism on individual inmates, prison community and the free society; and
3. To determine how recidivism can be prevented and controlled in the Nigerian prison system.

Predictors of Recidivism in the Nigerian Prison System

Generally, there are many factors that give rise to recidivism in the Nigerian prison system. As there are variations and relativity in the definitions of recidivism, so are there different underlying factors that give rise to this phenomenon. Recidivism is caused by a multiplicity of factors within and outside individual offenders and prison institution. Societal reaction to imprisonment also accounts for the rise in recidivism in Nigeria. The attitude of the people or the people's attitude of mind towards prisoners and even the released ones is discriminatory; they are labeled and stigmatized in the society and thereby making it difficult for (re)integration into the society. Again, the prison system is a place where people of different ethnic/cultural backgrounds, behavioural pattern and personality traits are confined. That is, prison is a specially designed environment where inmates give and take both negative and positive ideologies through criminal subculture. No wonder some scholars like Giddens (2006) and Obioha (1995) cited in Chukwudi (2012) argued that a prison is a school of crime and breeding ground for criminal socialisation. Tenibiaje (2013) listed both the societal and prison factors that make certain individuals to get into prison and consequently predict their eventual re-entry into prison as follows: situational, personal, interpersonal, familial, structural, cultural, and economic, etc.

Guided by a meta-analysis method, Gendreau, Little and Goggin (1996) implicated static risk factors as being responsible for recidivism. The static risk factors represent the demographic or criminal history variables which are determined beforehand such as gender, age when first convicted of an offence, having a parent with a criminal record, present age, types of offences committed, etc. Gendreau *et al.* further argued that the dynamic risk factors are one of the strongest predictors of recidivism. It is associated with 'criminogenic needs' which are referred to as a cluster of factors, and they include: criminal peers, criminal history or history of antisocial behaviour, social achievement, and family factors—all these have an impact on the likelihood of released inmates recidivating. Brown (2002) concluded that criminal companion, antisocial attitudes, and current employment and education problems were among the strongest predictors of recidivism on the average correlations.

The Nigerian prison system lacks resources for the procurement and establishment of the state-of-the-art correctional programmes such as vocational skills and qualitative formal education system for both male and female inmates. Even the few available facilities such as industrial or agricultural plant, trade and vocational trade are moribund or so obsolete that they are incapable of motivating, reforming, mobilising and empowering released inmates to live a crime-free life. It makes sense to argue here that the nature or manner at which Pre and Post-release/follow-up programmes in Nigeria, if any, are carried out within and outside the

prison system determines whether an inmate will return to crime and criminal activities after release or to recluses over time. It amounts to no rehabilitation or reformation when released inmates are not gainfully employed in the free world resulting from lack of vocational tools and acceptable academic qualifications or skill acquisition certificates. This development has profound implications for future reoffending, recidivism. The general implication is that unstable employment and low earnings, poor prison education and skills acquisition programmes, post-release deviant neighbourhoods, dearth of post-release job training and educational programmes, and social stigmatization in the mainstream society, are major causes of recidivism in the Nigerian society.

To release economically, psychologically, physically and socially demoralized inmates without proper follow-up programmes and basic apparatus (such as vocational tools, certificates, etc) to enable them become self-reliant or either secure meaningful employment in the government establishments or private sector portends a great danger. The chances of such persons relapsing into crime and criminality are exceedingly high. Skeem and Peterson (2010) maintained that poor engagement in educational and employment pursuits, which generally are prosocial activities, are risk factors for criminal recidivism. Little wonder therefore that Cunneen and Luke (2007) and Chukwumerije (2012) indicated that recidivism studies are a common way of measuring the effectiveness of various criminal justice programmes and interventions while re-offending is a major overall performance indicator for the criminal justice system.

Peer group influence or pressure is another powerful predictor of recidivism. Although the pressure seems to be more pronounced on youngsters in a group setting than relatively older peers or those perceived to be smart and clever, there exists a trajectory of criminal learning and symbiotic relationship among these social actors. McGuire (2009) as recorded in Tenibiaje (2013) posited that direct behavioural learning through modeling and imitation is the potent factor in group influence. Some offences are particularly among young people and they are committed in a group setting. Effect of the peer group and the pressure this may exert towards experimentation and other manifestations of growing independence of youths are cases in points on criminality and recidivism. The peer generation effects have to do with the link that resides in pattern of social interaction with such groupings. Besides, crime researchers like Agnew and Brezina (1997), Beaver, Shutt, Boutwell, Ratchford, Roberts and Barness (2008) and Murray and Farrington (2010) suggested that spending much time with family or friends who engage in criminal behaviour is a stronger risk factor for offending and reoffending.

Substance abuse is a strong predictor of criminal recidivism among ex-prisons. McKean and Ransford (2004) observed that substance abuse is a primary cause of recidivism. Drugs and alcohol are clearly the major problems relating to both crime and recidivism. Research consistently indicates that a significant association exists between drug abuse and recidivism, beginning in adolescence and continuing into adulthood. For instance, young persons who use drugs are more likely than none abusers to engage in violent acts (Dawkins, 1997; Siegel, 2008). Put differently, family and marital problems are equally strong risk factors for constant violation of conventional rules and regulations. This is so owing to the fact that family members are often primarily responsible for providing housing, financial support and emotional support not only to the law-abiding members but also their relatives who are ex-convicts. But in a situation where these familial care and supports are substituted for discrimination and stigmatization, post-prison rehabilitation, integration and adaptation may be difficult. Hence, the chances of such stigmatized released inmates to relapse into the act that initially took them to the prison are indeed significant. Leschied, Chiodo, Nowicki and Rodger (2008) substantiated this claim when they said that having problems with family

and romantic partners is a weak, but relatively robust risk factor for criminal behaviour (such as recidivism) in both adults and adolescents.

Consequences of Recidivism in the Nigerian Prison System

The Nigerian prison system is witnessing an enormous increase in people relapsing into antisocial behaviour, recidivists. Thus, Senator Uche Chukwumerije, in his 2012 Prison Act Bill titled 'Explanatory Memorandum on Amendment of 'Prison Act' argued that the crime rate in the country continues to rise with continual increase in prison population, resulting in heavier burden on tax payers. This Honourable Senator affirmed that little fund, little reformation and self-reinforcing spiral criminality and recidivism. The result is a vicious cycle of double 'R': little reformation/rehabilitation of prisoners (R) and recycling of recidivists (R), as well as increase in prison population, higher cost to tax payer, higher budgetary demand and budgetary cuts.

Recidivism's toll on local, state and federal government is enormous. Part of the economic loss resulting from criminal recidivism is the cost to Nigerian taxpayers of maintaining the criminal justice system. Chukwumerije (2012) contended that the tax payers bear the cost of our prison system. To illustrate with a random sample, the total sum of Eighty-Seven Billion, Three Hundred and Sixty-Three Million, Six Hundred and Thirty-Two Thousand, Two Hundred and Fifteen Naira (N87, 363, 632, 215. 00) was allocated to the prison service between 2006 and 2007. Of this sum of money, Seven Billion, Six Hundred and Thirty-Four Million, Four Hundred and Twelve Thousand, Two Hundred and Seventy-Seven Naira (N7, 634, 412, 277. 00) was meant for inmate welfare and prison cottage industries. Consequently, the whole sum of money is an enormous burden on the Nigerian taxpayers, though ironically, it is too small to meet the full objectives of imprisonment. To Solomon, Waul, Ness and Travis (2004), crimes by released inmates require ongoing expenditures on law enforcement and prisons, and reduce the public monies (funds) available for other important services such as education and community development. They also impose a tremendous cost on individuals, families and communities.

The success of efforts to rehabilitate inmates is undermined because offenders often return to the same communities where they can easily become involved again in criminal activities. Studies have shown that recidivism was more constant among inmates who returned to their former neighbourhoods than inmates who relocated to new communities (Vozzella, 2004). Although the high crime rate of neighbourhoods where released inmates reside clearly affect recidivism – and vice versa – these conditions should not be seen as inevitably causing rehabilitation efforts to fail. However, McKean and Ransford suggested that although the measurement of recidivism may lack clarity, it is clear that the incidence of recidivism jeopardises public safety and escalates expenditure on law enforcement and criminal justice (McKean & Ransford, 2004). Obviously, the spate of criminal recidivism in Nigeria is inimical to national plan and development. It also has adverse social and economic consequences not only on offenders' families and communities, but also on public safety and cohesion.

Other African nations equally experience recidivism of unprecedented magnitude. Specifically, Mauritius in recent times has witnessed a rapid increase in prison population and thus embarked on construction of new prisons in August 2010. The estimated cost of the new high security prison, according to Fhooblall *et al.* (2011), was Rs 1.4 billion. The same source submits that figures available to the Ministry of Finance of the Federal Republic of Mauritius actual expenditure for the financial year 2008/2009 for the Mauritius Prison Services (MPS) was Rs 416,163,500, out of which Rs 24,459,500 was budgeted for 'Maintenance and Rehabilitation of Detainees'. Ideally, prison inmates are supposed to have received

qualitative formal educational training, vocational skills or different trades to facilitate their reintegration into the mainstream society. Nevertheless, the reality of this expectation is remarkably different, as the number of convicts who return (recidivate) to criminal life course few months upon release and once again incarcerated is on the increase.

Prevention and Control of Recidivism in the Nigerian Prison System

The prison system is expected not only to shelter offenders pending when they will be released but also contribute meaningfully in transforming them into law-abiding citizens, thereby facilitating their easy reintegration and to guard against relapsing. These expectations have led to a number of incisive and forward-looking approaches capable of transforming the objects and subjects (prisons and prisoners) to be better citizens in the real world. For instance, the report of McKean and Ransford (2004) outlined three major elements of programmes that can successfully reduce recidivism: treatment for substance abuse or mental illness can help remove barriers that prevent employment and integration; education provides the skills necessary for inmates to obtain the type of jobs that lead to more successful outcomes; and meaningful employment provides released inmates an income and supports reintegration by increasing stability and self-confidence.

Therefore, a careful appraisal of prison programmes is necessary to identify those ones that are laudable for widespread adoption. On that note, if the outcomes of the Postsecondary education (National Open University of Nigeria, NOUN) programme that is established in the Kirikiri, Port Harcourt and Enugu prisons are positive, then the Federal Government should consider establishing it, in at least, one prison in each State in the Federation. Owing to the low level of educational attainment among prisoners in Nigeria, the dire need for (higher) educational and vocational programmes is desirable. To guard against recidivism in the Nigerian prison system, educational and vocational programmes should be made more accessible to inmates by increasing the capacity and removing barriers, inhibitions and restrictions in enrollment as this will go a long way to reduce the high rate of recidivism in the society. The implication is that high enrollment into these programmes would improve the employability of participants upon release. Fhooblall *et al.* (2011) discovered in their study that legitimate employment may reduce the economic incentive to commit crimes, and also may connect ex-detainees to more positive social networks and daily routines.

The effect of education on inmates' rehabilitation is, to a large extent, a catalyst for reducing recidivism both in the short and long-runs. Qualitative educational programmes are among the leading recidivism-control strategies prison management ought to implement to the fullest in the onerous task of curbing this egregious social problem. The use of academic and vocational training by prison reformers is a leeway to reform inmates and therefore guard released inmates against relapsing into antisocial and morally reprehensible conducts by equipping and empowering them with necessary resources. Generally, comprehensive programmes that provide job training, a wide range of services and social supports, job retention incentives, and access to employers have far-reaching and positive effects in curbing recidivism.

Unfortunately, none of the above or similar programmes are put in place in the Nigerian prisons to assist released inmates for easy reintegration in the mainstream society, and to prevent and control reoffending in the country. Apparently, there is no single programme that can reduce recidivism significantly owing to a myriad of factors affecting this ugly trend. This is because released prisoners encounter a range of common problems that contribute to their relapsing into criminal activities shortly after lease. The general nature and conditions of the Nigerian prison system call for a total overhauling: adaptation and

reintegration upon release are often confronted with a number of problems and challenges, which include finding a place to live and a job, reuniting with family members, and rebuilding one's life. Accordingly, efforts to reduce recidivism require special attention to these needs and prevailing circumstances faced by ex-offenders. There is the urgent and dire need to adopt prison best practices as recommended by UNSMR and sensitization of the public not to stigmatize or discriminate against people who had served their time. No wonder Solomon *et al.*, (2004) stated that success in reducing recidivism can translate into improvements in public safety and reintegration of former prisoners into the labour force, families, communities, schools, and religious organizations.

The Nigerian prisons system has gone through different reform processes that are geared towards reducing recidivism, and general reformation and rehabilitation of offenders. Chukwudi (2012) asserted that the intention to reform Nigerian prison system in recent times can be traced to June 2001, when the government proposed to review prison laws and prison reform, train personnel, rehabilitate inmates and revitalise the prison system with the prison reform programmes (in order to prevent and control recidivism). Efforts have been made to actualise the mission to reform all the prisons in Nigeria. The preliminary step has been taken by the government as regards the establishment of several working groups and committees on prison reforms with different mandates and terms of references. These committees are: National Working Group on Prison Reform and Decongestion established in 2005, Inter-ministerial Submit on the state of remand inmates in Nigerian Prisons formed in 2005, Presidential Committee on Prison Reform and Rehabilitation constituted in 2006, Presidential Commission on the Reform of the Administration of Justice established in 2006, and Committee on the Harmonization of Reports of Presidential Committees Working on Justice Sector Reform formed in 2007. The agenda set for most of these committees and groups, Chukwudi further explained, focused on all or at least one of the following most pressing areas: congestion and overcrowding, physical infrastructure, facilities, treatment of inmates, logistics and transportation system, skill development, reduction in the rate of recidivism, etc.

The most recent programme established to reduce or combat recidivism in Nigeria is the prison Act Bill championed by Senator Uche Chukwumerije in 2012. The objective of the Bill is to improve the prison and penal system, and to update the scope of their services in order to adequately serve both the retributive and reformatory purposes of imprisonment. The Bill also seeks to do so by updating the existing law through the following three provisions:

1. Introduction of rehabilitation and reintegration programmes which will focus on inmate development and it will consist of five components, namely, psychological/mental well-being, social services, religious care, education, and prison industry/vocational skill acquisition;
2. Emphasizing the non-retributive and humane purpose of imprisonment, viz: reform and rehabilitation, integration of inmates into wider society, and welfare of prisoners; and
3. Adequate funding through self-sustaining/financing prison industry.

By and large, this Honourable Senator came to the conclusion that if Nigeria is to produce reformed, productive and 'born-again' (reformed) ex-convicts, its Prison Act must explicitly recognize the due purposes of retribution and reformation, and the ensuring policies should stipulate comprehensive programmes that give adequate expression to this necessity. The structure, facilities, welfare schemes and educational curricula of the prisons must be tailored to this end.

Conclusion

The paper drew its conclusion from the review. In the light of the foregoing, the paper concluded that there is no single factor that is responsible for recidivism. Indeed, there is the interplay of a number of variables that lure released inmates into reoffending. These factors include: negative public or societal reaction and attitudes towards released inmates, prison subculture, poor correctional facilities, familial and structural problems, peer influence and substance abuse. The paper revealed that recidivism has adverse effects on recidivists themselves, prison system and the entire society, especially the taxpayers who bear the major cost of maintaining the Nigerian criminal justice system which include the prison service. By implication, tax money and other monetary allocations are channeled to the prison at the expense of other essential institutions like education sector, community development, etc.

The paper emphasized that a careful appraisal of prison programmes is necessary to identify those ones that are laudable for widespread adoption. Specifically, if the outcomes of the Postsecondary education (National Open University of Nigeria, NOUN) programme that is established in the Kirikiri, Port Harcourt and Enugu prisons are positive, then the Federal Government should consider establishing it, in at least, one prison in each State in the Federation. Owing to the low level of educational attainment among prisoners in Nigeria, the dire need for (higher) educational and (advanced) vocational programmes is desirable. Hence, educational and vocational programmes should be made more accessible to inmates by increasing the capacity and removing the barriers, inhibitions and restrictions in enrollment as this will go a long way to reduce the high rate of recidivism in the society.

Recommendations

In keeping with the content and context of the paper, we made the following recommendations:

- The government, alongside other relevant organizations, should furnish the prison system with the state-of-the-art correctional facilities for inmates to access as and when due.
- Conscientious efforts should be made by the Federal Government of Nigeria to extend the National Open University of Nigeria (NOUN) programme which is established only in the Kirikiri, Port Harcourt and Enugu prisons, to at least, one prison in each State in the Federation.
- The Federal Government of Nigeria should realise that the process of reformation and rehabilitation of inmates is an integral aspect of the total process of social and political reconstruction. Therefore, the development of prisons should be proactively and responsively considered in the national development plans.
- A responsive aftercare, rehabilitation and follow-up of inmates by either prison authorities or any other agencies that may be appointed by the government are highly recommended, as these will go a long way towards solving the problem of recidivism in Nigeria.
- Given that stigmatisation is one of the leading constraints in integration and reintegration of ex-convicts into the free world, it becomes imperative to properly sensitise the public, especially family members not to stigmatise or discriminate against ex-convicts in their midst.

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