

Reflections on Recidivism and the Implications on Communities in Less Developed Countries: A Case of Criminals in Zimbabwe

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Abstract

Levels of crime and criminality have reached unprecedented levels in Zimbabwe at the moment. The prisons are overwhelmed and efforts are being pursued to decongest them as well as considering the open prison concept. The Harare Central prison for instance has a daily holding capacity of 1470 yet on average it is accommodating more than this figure on daily basis. The efforts to promote hands on skills to facilitate reintegration of offenders into the main stream society are failing to sufficiently rehabilitate the offenders. Some of the offenders have been seen disparaging the efforts to take up skills training while they are serving their prison sentences for crimes committed. The study premised on the social learning theory, adopted qualitative approach on a sample drawn from the local prisons within Harare, Mashonaland West and Midlands provinces. The study used interviews to collect data from this sample of 60 respondents. Of these respondents 52 were inmates while 8 were prison officers. The study concluded that recidivism is being fueled by the non-performance of the economy, failure by the society to reintegrate offenders, lack of sufficient resources to provide adequate training to prisoners while in prison. Consequently the study recommends that the prisoners must be sufficiently segregated from the point of entry so that first offenders are not exposed to hard core criminals. Government should also avail resources to facilitate intensive training of prison officers and inmates.

Keywords: Recidivism, crime, criminals, infrastructure vandalism, prison, Zimbabwe

Introduction

The failure by many governments within the LDCs to deal convincingly with their macro-economic fundamentals fuel crime and criminality. Even after incarceration some ex-convicts may fail to be sufficiently rehabilitated leading to reoffending, rearrest, reconviction and incarceration again. This study of inmates at Harare Remand, Mashonaland West prison (in Chinhoyi) and Kadoma prison confirmed the possibility of recidivism in many communities due to a diversity of challenges. The main reason for committing crimes after incarceration were failure by society to appreciate that the ex-convicts were now rehabilitated. The stigma repeatedly haunted them till they felt that there was nothing out of prison. Resultantly, the ex-convicts chose to return to prison because the society was failing to give them a chance.

Recidivism within Communities in Less Developed Countries

Recidivism within the criminal justice system can be defined as the reversion of any individual to criminal behaviour after the individual has been convicted, sentenced and rehabilitated before for another or similar crime (Maltz, 1984) ^[40]. It has been seen that some of the inmates that serve at Zimbabwean prisons find their way back into the prisons in no time. The reasons advanced for this position have been many and varied. This view agrees with Muchena (2014) ^[41] who identified that Zimbabwe prisons have high recidivism. Those interviewed revealed that some inmates just resign from ordinary life hence grab the next available opportunity to get

back to prison after serving their sentences defeating the intention of the Zimbabwe Prisons and Correctional Services whose primary focus is to rehabilitate and integrate all offenders that pass through the prison doors into society. A Rehabilitation officer at the Harare Prisons revealed that barely a month after the presidential amnesty in 2020 a number of criminals had been rearrested and reconvicted. The Rehabilitation officers went further to reveal that none of the reconvicted offenders had undergone hands on skill training while serving their earlier prison terms. An analysis of this position confirms that such individuals will be career offenders. Career offenders are those individuals who are destined to commit crime at every opportunity. For them committing crime or running battles with law enforcement is normal, exciting and their way of life. Every successful criminal act is a motivator for them.

The intention of every prison facility is not to entirely punish but rehabilitate offenders yet some the offenders fail to appreciate the gesture of the institution to give them a new lease of life through skills training. Hands on training would provide the ex-convicts with new opportunities of survival upon release from prison. With such skills the ex-convicts would be in a position to lead their lives sustainably and lawfully. Peace of mind is the desire of every man regardless of station in life yet this is what some criminals deny themselves by continuing to engage in crime and criminality that then leads to recidivism. The inmates who participated in this study from the Harare Remand Prison indicated that in the long run the issues relating to infrastructure vandalism can

be controlled through the segregation of offenders at the prisons. Segregation of offenders entails separating the offenders so that the seasoned and the first and young offenders are separated in the interest of preventing the young or first offenders being corrupted by this lot. They argued that all those classified as D Class offenders are still different and batching them as the authorities do often hardens them. The respondents advised that opportunist offenders and hard core criminals ought to be separated at every point during the criminal justice processes in the interest of promoting a proper rehabilitation process for the offenders.

One respondent (HP 16) from Chikurubi Farm prison provided an illustrative view by saying, 'If say a person was in custody for a crime of rape which is classified as a D class offence, such as murder, robbery or armed robbery, fraud or violation of the Zesa/PTC Act the inmates may be tempted to try the high risk but paying crimes because there is a lot of coaching that takes place within the prisons. The career offenders (*those criminals that are determined to keep on committing crime*) need to be on their own to give way for the rehabilitation of the first time offenders or those with minor offences which is the same model as that one adopted for the juveniles.' This view was equally collaborated by respondent KP 03 from Kadoma prison who said, 'in earnest, the best way to deal with crime in the long run is not to contribute towards the hardening of first offenders through exposing them to some of those hard core criminals. My brother there is a lot of coaching, mentoring within the prisons. Some first time offenders may actually walk out of the prison determined to try their luck in more lucrative crime escapades though risky like smuggling, robbery or even murder. For me, crime can be contained if the criminals are segregated. The State should not hide behind the unavailability of funds because the costs are far reaching. They ought to sacrifice. With that my brother I submit...' (He then started to giggle) When interviewed one of the Officers in Charge at Harare Remand Prisons indicated that while the idea segregating the offenders was noble, the prisons did not have that kind of space and resources. He stated that the Harare Central Prison for instance has a holding capacity of 1470 but is on average having to contain with around 2000 inmates at any given time. This shows clearly that the prisons are overwhelmed.

The study revealed that the D Class inmates at the Chinhoyi Remand Prison (Mashonaland West Province) indicated that they were heavily assaulted by the police at the time of arrest as well as during the investigations. Assuming that this response was true this attitude of the police seems to confirm the position that ordinarily criminals do not volunteer information during the investigations. This being the case the police need to find ways of securing the information from the accused persons. This information is what the police will then present as evidence in a court of law. The courts are however supposed to reject any such evidence extracted from the suspects following such levels of interrogation.

The documents analyzed at the Prison reception revealed that there are four classes of prisoners according to the risk or security assessed. These are known as Classes A, B, C and D. Every prisoner who has at any time escaped or attempted to escape shall be classified as a C or D class prisoner unless the Commissioner authorizes a 'B' classification. Class A prisoners are those who are considered no risk at all and who could be held in an open prison. It includes persons who have short sentences and who are well known to have family ties, etc., persons at the end of a long sentence with earned remission, persons who have demonstrated by good conduct,

trustworthiness, co-operation and diligence that they have a genuine desire to reform.

The D class inmates are prisoners with a record and/or convictions of serious crime of daring or aggressive nature or other aggravating circumstances such as robbery, rape, violence in one form or another, or participation in daring escape or gang activities involving e.g. knife assaults. Any prisoner, who, it is considered, will not hesitate to inflict serious bodily harm in order to escape. All extended sentence prisoners and prisoners serving sentences of life imprisonment shall be classified as "D" on admission to prison. This group will include persons likely to receive outside aid e.g. prominent saboteurs. (Source: ZPS Standing Orders).

Returning to crime and criminality for ex inmates has been seen to be prevalent within many jurisdictions. Asked why this is the trend respondent HP 17 stated that all recidivists:

- Suffered rejection from their communities.
- The economy was not performing so there were no opportunities for them out there.
- They had no skills to adapt to normal life.
- There was no freedom for them outside compared to when they were in prison.
- It was exciting to successfully beat the system each time they committed an offence.

The inmates at the Mashonaland West prisons (Chinhoyi and Kadoma) believed that the community leadership need to take the people back to their traditional or cultural roots so that they look at life more positively and purposefully. They said the traditional leadership also need to set up programmes within their communities that promote the traditional way of life to foster *ubuntu*. One of the prison officers PO 04 stated that 'yesterday crime was not as high as it is today'. Many people now think that engraining the traditional values and principle would en-culture discipline and responsible behavior among the citizens.

The majority of the respondents though in different words went further to suggest that the Government need to improve the economic fundamentals so that criminals should be kept off the prisons or crime. They believed that the performance of the economy was central in fostering peace and stability. When the citizens are gainfully employed they would not find any rationale for engaging in crime and criminality.

The statistics in Table 1 below are revealing. They are showing the number of inmates daily every month since 2015.

Table 1: Average Daily State (Harare Central Prisons)

Period	2015	2016	2017	2018	2019	2020
January	1831	1391	1707	2211	2006	2169
February	1918	1445	1713	2253	2032	2209
March	2010	1577	1764	2188	2101	2382
April	2034	1713	1849	1651	2031	2223
May	1981	1409	1500	1735	2035	1894
June	1969	1443	1832	1785	1976	1914
July	1809	1393	1980	1836	1980	1983
August	1407	1557	2013	1816	2004	2005
September	1440	1609	2060	1814	2116	2126
October	1477	1644	2095	1926	2153	1990
November	1457	1667	2026	1943	2069	
December	1302	1605	2115	2035	2120	

Source: Harare Central Prison (2021)

The authorities at the Prisons who were interviewed revealed that these figures are well above the holding capacity for the Harare Central Prison which stands at 1470. These figures seem to agree with the views advanced by interviewees who cited the status of the economy as the cause for high crime within communities. Some of the inmates serving at Chikurubi Maximum said they had failed to reform because of the police attitude towards them. The majority of them said, being arrested was not the issue but how they were treated during the arrest, motivated them to reengage in crime citing that the first time they were arrested they had been brutalized yet their crimes did not warrant such brute force. They argued that the accused persons deserve respect since this is provided for within the Constitution. According to these inmates, the police ought to be professional as they discharge their Constitutional mandate and if this was adhered to, it would not trigger any resentment between the police and the people or recidivism in the majority of cases. However, Moore (1992) [29] argues that the citizens ought to understand that the core mission of the police is to control crime.' Any perpetrators should thus understand that police officers are not *salvation pulpit practitioners*. They have to emphasize that peace is realised within communities. Peace and tranquility within communities fosters economic growth and promotes foreign direct investment and the police are the main State machinery to ensure that this is realized. Tony Parker (1963) [42] cited by Mc Laughlin (2003:47) weighed in and said accused persons should never decry police heavy handedness because "...the occupational hazards associated with being a professional criminal included being beaten up in police custody, having to offer a bribe to officers, having evidence planted on them and being fitted up for crimes not committed."

From the interviews conducted with serving inmates at Harare Central Prisons, Chikurubi Maximum Prisons, Chinhoyi Prisons, Kadoma Prisons and those still at the Remand prison the major reason why the network at Telone and infrastructure at ZESA and NRZ continues to be vandalized is the non-performance of the economy. There was convergence on all respondents that the high unemployment rate and spiraling inflation and prices of basic goods and services forces otherwise law abiding citizens into crime and criminality. Respondent HP 024 from Harare Central Prison said this of this challenge, '*economy ngainake chete. Zvadaro hapana anopara mhosva. Jeri harinakidze.*' (The economy should just perform. None of us here will engage in crime and criminality. Prison life is not good.) These views were collaborated by Tsokota *et al.* (2013) [43] who acknowledged that vandalism at Zesa began around 2001 which means that the economy has been suffering a severe hemorrhage. To this they added that theft and vandalism of public infrastructure has resulted in government departments and municipalities losing property and equipment worth more than US\$100million every year. This view was also supported by Budima (2018) [44] who found out that when the economy is not performing the level of corruption increases hence recidivism. He went further to suggest that, 'underdeveloped countries are more prone to corrupt acts'.

The study also revealed that efforts to foster reintegration of offenders need to be bolstered because high level of crime and criminality is not good for any economy. The increase in crime was attributable to the following features and developments within communities

- Failure of individuals to live up to the expectations of society

- Failure by society to provide for the individuals
- Failure of individuals to stay out of trouble with law enforcement
- Failure as an inmate to take advantage of rehabilitation efforts by the prison officials
- Failure of institutions to provide rehabilitation programmes

Probed Further For the Reasons That Promote Recidivism the Majority of Respondents Cited The Following

- Failure to control temper by the individual
- Need for wealth accumulation or economic survival
- Drug abuse by the individual
- Excitement on each successful outing by the criminal
- Peer pressure
- Need to belong

Recommendations

In View of the Findings and Conclusions Drawn in This Study It is recommended that

- Governments improve the status of the economy to reduce the rate of unemployment.
- Prison officials adopt segregation of inmates.
- Prison officials aggressively embark on the open prison concept.
- Civil Society Organizations dedicate resources more resources towards the hands on skill training of inmates
- The police to aggressively embark on training its officers on human rights

Conclusions

The Study Concludes that

- Recidivism can be reduced within communities
- Criminal segregation has no place in most prisons
- Prisons are congested.
- Police officers use excessive force when dealing with suspects

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