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**Kriminální recidiva a recidivisté**  
**Criminal Recidivism and Recidivists**  
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*Summary*

This study by a team of authors: Marešová, Blatníková, Kotulan, Martinková, Štěchová and Tamchyna “Criminal Recidivism and Recidivists (characteristics, displays, options for criminal justice)” attempts to concentrate a considerable amount of inhomogeneous findings into one whole. It contains information on criminal recidivism accessible both in Czech and foreign literature. Furthermore it contains data on the scope and development of recidivism compiled from statistics on criminality in the Czech Republic, alongside the results of their own research of imprisoned Czech recidivists, including comparison of the results gained with the results of all authors of known research of criminal recidivists conducted over the past approx. 50 years in the territory of the Czech Republic.

Specifically: The first capital of the study is devoted to the topic of recidivism in criminology and criminological research. Herein is an explanation of what the terms criminal recidivism and recidivists used in the study comprise and there is also reference to previous research of criminal recidivists performed in the Czech Republic. A special subchapter introduces the reader with how criminal recidivism is approached abroad and with the results of research into the criminal career as described in foreign literature.

The second chapter contains information on contemporary recidivism and criminally prosecuted recidivists gleaned from statistics of the Ministry of the Interior of the Czech Republic (Police of the Czech Republic) and statistics of the Ministry of Justice of the Czech Republic. This data is supplemented by some data from the period before the year 1990.

The third chapter provides basic information concerning this particular research, the number of respondents, place where the basic data on the respondents was collected and on psychological examination made of them. There is also reference to the profuse obstacles encountered during implementation of the research.

The fourth and fifth chapters contain a summary of the results found in the research. They are compiled in numerous charts and supplemented by detailed commentary, including excerpts from separate court rulings and case studies. The fourth chapter is devoted to an analysis of data regarding recidivism of 126 imprisoned respondents gained from court

rulings. It also contains information on legal regulations regarding recidivism from the origins of the Czechoslovak state until the new Criminal Code entered into effect, i.e. until 2010. The fifth chapter summarises the results of research of 31 imprisoned criminal recidivists/perpetrators of property-related crimes and of 32 imprisoned criminal recidivists/perpetrators of violent crimes and demonstrates an overall view of both groups of recidivists researched.

The sixth chapter deals with other findings gained in the course of the psychological examination of selected samples of recidivists. It also contains a comparison of the results of the present research with those gained in older research and study of recidivists in the Czech Republic.

The final chapter summarises the most important findings both of this research and of comparisons made with the results of previous research. It addresses several of the wider socially psychological aspects of research of contemporary “neo-recidivists”, in particular of the differences found in the case histories and characters of contemporary recidivists and recidivists studied before the year 1990. Their family situations, marital status, level of education, psychopathology, addictions, aggressiveness, neurotic symptomatics, temperamental characteristics and intelligence.

**The following basic findings issue from the research performed by the authors:**

- Although legislation relating to recidivism has undergone certain development over the years, it has always contained provisions for a special approach to recidivists, in particular stricter punishment.
- In recent years, the number and proportion of unconditional penalties of imprisonment imposed on recidivists.
- Special recidivism as a legal attribute to a crime was expressed in the legal qualification for one third of recidivists in our sample, in all cases concerning the perpetrator of the crime of theft.
- Only four convicts of those researched by us (3 % of 126 persons) were declared by the courts to be exceptionally dangerous recidivists.
- Their criminal history was taken into account in the selection of type of prison for serving their sentence. Several (10) recidivists from the sample of 126 persons were transferred to a lower-security type of prison in the course of their sentence.
- Almost one half of the criminal cases of recidivists were completed with legal finality within one year the crime being committed.
- According to the number criminal records, the majority of inmates investigated were, from a criminological point of view, significant recidivists – almost 70% had 6 and

previous convictions. More than one half of had earlier served more than three unconditional prison sentences, while for half of them the courts had decided on conditional discharge from some of their previous unconditional prison sentences, for some persons repeatedly.

- Most frequent reoffending arose in persons whose first conviction had occurred between 15 and 18 years of age.
- First-time offenders were given sentences not involving imprisonment (approx. 80 %). For approx. 40 % of those, who were sentenced to penalties not involving imprisonment, failure to comply with conditions meant this penalty was changed to unconditional imprisonment.
- The second case of conviction occurred most often within 3 years from the first.
- Approximately 40 % of recidivists investigated were sentenced to imprisonment for a period of one year.

*The results of detailed analysis based mainly on the results of psychological examination of two groups of recidivist – perpetrators of property-related and violent crime (while the respondents in both groups were selected from the total sample of 126 persons) showed the findings below.*

*At the very start we must supply some fundamental information which, in our opinion, significantly influenced the data presented here. This includes the **obligation imposed over the past few years on researchers to gain the convicts' written consent to being studied. Study is then restricted to a special group of inmates – those who are communicative and who have a positive approach to people "on the other side of the bars" etc., i.e. the type of inmate who are more similar to the ordinary Czech population which must certainly have an effect on the results of the study** which come closer to the norm than we would expect from those prisoners refusing the researchers. For this reason we later added findings from similar studies performed by the prison psychologist on a non-sorted, random sample of prisoners (appearing in chapter 6).*

*The results gained in our research, in view of the fact that a statistically significant difference between recidivists/perpetrators of property-related crime and recidivists/perpetrators of violent crime was not found, can be presented as common for both groups of respondent:*

- *Most of the recidivists come from originally complete families, but from disharmonious, later disintegrating and changing over the course of the years both in number and in composition of its members. Frequent is the occurrence of criminal infection within the wider family – in the case of almost two thirds of the respondents/perpetrators of violent crime, less in the case of property-related crime.*
- *School education is low – only roughly half of the recidivists completed primary education. Data on vocational education cannot be differentiated from data on apprenticeship, when apprenticeship could have been gained while serving their previous prison sentence. More than half of the respondents researched demonstrate a negative attitude to school and education in general.*
- *Single (unmarried) recidivists, or those living in a relationship with a partner, significantly predominate. Usually they live with her, otherwise living with parents*

*predominates. If they have a child (almost in half of cases), they take no interest in it and do not contribute to their support.*

- *If the recidivists have a job, then it is only casual, part-time and their job is not their prevalent source of income.*
- *Addiction to psychotropic substances was found in 40 % of respondents – this does not include consumption of marijuana. Approx. 90 % of respondents are smokers (mostly heavy smokers), more than half of the researched recidivists admit to consumption of excessive amounts of alcohol.*
- *Property-related crime is often not directly dependent on the perpetrators' unenviable financial status.*
- *The criminal career of the recidivists in question is mostly of a long-term – the interval between the first and last registered crime is usually longer than 10 years.*
- *As far as the period between serving their sentence for their previous crime and new conviction is concerned, this was shorter than one year in the case of roughly half of the recidivists studied. For 40 % of them, reoffending occurred within half a year of their first conviction.*
- *Motivation of recidivists in property-related crime is not at all complicated and relates to the need to gain funds for repayment of debts, providing for their families, but also primarily for satisfying their own needs, including a need to buy drugs or alcohol.*
- *The intellectual capacity of the respondents (according to the non-verbal section) is average to slightly above-average.*
- *Extraverts predominate, with choleric temperament and extreme neurotic tension.*
- *A common characteristic of recidivists is their incapability and unwillingness to bear the consequences of their own actions, i.e. irresponsibility and thoughtlessness.*
- *Most of the recidivists studied can be identified as asocial delinquents – i.e. they do not recognise the structure of values and norms of society as a whole.*
- *The results of the research also suggest a predetermination in the studied recidivists for lifetime failing influenced mainly by a preponderance of choleric temperament, mental instability, neuroticism, professional and personal unsettled and asocial stance.*

From further comparison performed in the study it is evident that criminal recidivists with a criminal career stretching back into the preceding period (pre-1990) – the “old recidivists”, were actually different in many ways to today’s neo-recidivists whose criminal career began in the period after 1990.

Unfortunately, it is apparent both from investigation of their case-history and from the psychological examination that the findings regarding the character of our neo-recidivists are closer to the normal population – the findings place them between the recidivists from preceding years and contemporary Czech population, the same ordinary population upon whom the norms of a large part of the methods used in the study were standardised to establish personality traits. In the past, recidivists displayed lower intelligence (below the norm), more psychopathological symptomatology, were more aggressive, came from worse family situations etc. Today’s recidivists are also in many respects below the norm for the normal population of the Czech Republic, but not at all significantly. The reasons for this are

diverse – for instance, even though almost all recidivists have tried drugs, the same applies for the contemporary population – part of the normal population commit socially pathological acts more often than was the case in the past and so this approaches behaviour that used to be characteristic only for the criminal population. Also the neurotic symptomatics of the recidivists under our scrutiny do not reach the striking values of the former criminal population and, together with a low incidence (in comparison with the old-recidivists) of pathological aggression in them, the contemporary population of recidivists is closer to the norms of the normal population and is moving away from the values of the criminal population before 1990.

As for comparison of behaviour of recidivists while serving their unconditional prison sentences in Czech prisons, i.e. of contemporary prisoners with prisoners from years past, the following differences can be observed. Involuntary, enforced, mechanical obedience and discipline was characteristic for the external conduct of the vast majority of the imprisoned recidivists of the 1970s and 80s under the conditions of the past social system (during socialism). This outer obedience was accompanied by an inner disinterest, coldness, hostility, often secret hate. Their resistance to the demands of the prison staff was passive resistance, manifesting itself on the surface as reluctance, inertia, passivity, lack of interest, single, literal performance only of an expressly imposed task, intentional ignorance of other activities (performance of which the prison staff did not supervise), destruction of prison property, formal performance of tasks and duties, i.e. manifestations of indirect aggression and negativism, typical for the criminal population in general were characteristic for them. Under the conditions of collective imprisonment, the prisoners behaved as a group of people with mutual solidarity or at least conformity in common opposition to the prison staff.

Recidivists (neo-recidivists) committing crimes at the turn of the 1990s and the first decade of the twenty-first century during capitalism under the conditions of contemporary society and serving sentences under the liberal conditions of the contemporary prison system while maintaining a series of types of behaviour described in this study differ fundamentally from the preceding criminal population in many aspects. Under the conditions of collective imprisonment which for various reasons continues in a modified fashion in the present, prisoners are significantly more individualist and less tolerant of each other and do not demonstrate such solidarity, bound together less. Contemporary recidivists do not hold back in their outer behaviour between one another and in relation to the authorities; they are markedly sensitive to type of treatment they receive, undisciplined, outspoken, cheeky, freely ventilating their own uncontrollable patterns of behaviour and actions. It is possibly due to such formerly unthinkable and not tolerated cases of overt self-expression, which is today not

only possible, but completely common, that under the current conditions of a liberalised prison system, the formerly commonly diagnosed symptoms of pathological aggression do not arise so often during psychological examination. Contemporary recidivists (including recidivists/perpetrators of violent crimes) do not consider themselves to be aggressive, regardless of commonly arising mutual aggression, and this is surprisingly confirmed over the long term in psychological examinations (in comparison with their predecessors) by a low level of hostility and aggression.

The study is supplemented by 10 examples of case studies of recidivists from the research: five from the property-related crime perpetrator group and 5 from the group of perpetrators of violent crime.

Translated by: Presto