

Recidivism of Prisoners in Bangladesh: Trends and Causes

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Abstract

A common belief is expressed that imposing sanction on the criminal offenders is the only procedure to restrain crimes in a society. Many a times the offenders are convicted after committing an offence and after a certain period of time they are released. A large number among them again commit crimes; are rearrested, and resentenced. The preminent objective of study is to explore the patterns and trends of recidivism and also to identify the causes of recidivism among prisoners. The study finds that deficits in education, employment, and housing as well as the lack of treatment programs pose significant barriers to the successful reentry of inmates released from prison. Moreover, outdated laws and procedures and long term justice system process are the main factors of recidivism in Bangladesh. There have been used differential association theory, classical school thought of criminology to explain the patterns, trend and causes and inoculation theory as prevention or reduction of recidivism of prisoners. This study concludes with a discussion that offers suggestions for future research.

Keywords: Prisoner, Recidivism, Criminal Justice, Offenses and Sentence.

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INTRODUCTION

Bangladesh as a developing country is still facing a number of challenges that need to be prioritized such as a high level of crime. It is also a noted fact that the causes and effects of the crime committed have a detrimental impact towards growth and development of the country at large. Crime is increasing day by day and as a result the country is failing to achieve its intended goals that are established to improve the lives and safety of own our people. The word recidivism is not that much familiar with us. However, of late, specially, after incarceration of serial killer 'Rasu Kha' we are talking about it; in newspaper, television, or even in our home (Suchana, November 14, 2009). Recidivism is defined as the act of relapsing into a former mode of behavior, in this case criminal behavior. According to the section 303, if a convicted person is being punished with lifetime imprisonment and commits murder; shall be punished with death (The Penal Code, 1860). However, it indicates that recidivism is an act of reengaging in criminal offending despite having been punished. In a criminal justice

context, recidivism connotes the reversion of a person to criminal activities after the conviction period or his release from the prison. The prison recidivism refers to the subject or the proportion of persons that are released from prison, then re-arrested, reconvicted or returned to custody within a specified time period. Recidivism is a problem that exists in all the prisons in the world. Recidivists of different types of crime are treated the same (combination of minor and major offences). The recidivism rate is increasing day by day and the patterns of offenses committing by recidivist are also changing. This study tries to find out the causes and patterns of recidivism of prisoners in Bangladesh.

Recidivism is the act of a person repeating an undesirable behavior after they have either experienced negative consequences of that behavior, or have been trained to extinguish that behavior. Recidivism is the reversion of an individual to criminal behavior after he or she has been convicted of new offence (Champion, 2001:37). Recidivism and reoffending are most synonymous (Blumstein & Larson, 1971). In a criminal justice context, recidivism connotes the reversion of a

person to criminal activities after the conviction period or his release from the prison. Reverting or relapsing into past criminal pursuit after experiencing a specific period of time in prison is referred as recidivism. As it is one of the reasons for increasing crime in Bangladesh, we have to take proper step against it as soon as possible. The report published in April 2011 by the Pew Center on the States, there says that the average national recidivism rate for released prisoners is 43% (Florida Department of Corrections, June 2015). The report published by the National Institute of Justice, in the study of U.S Department of Justice, there found that about 68 percent of 405,000 prisoners released in 30 states in 2005 were arrested for a new crime within three years of their release from prison, and 77 percent were arrested within five years. Released prisoners with the highest rearrested rates were robbers (70.2%), burglars (74.0%), larcenists (74.6%), motor vehicle thieves (78.8%), those in prison for possessing or selling stolen property (77.4%) and those in prison for possessing, using or selling illegal weapons (70.2%). Within 3 years, 2.5% of released rapists were arrested for another rape, and 1.2% of those who had served time for homicide were arrested for homicide. These are the lowest rates of re-arrest for the same category of crime (CBS News, April 23, 2014). The 272,111 offenders discharged in 1994 had accumulated 4.1 million arrest charges before their most recent imprisonment and another 744,000 charges within 3 years of release. The 11 States in the sample included California, Florida, Illinois, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon, and Texas. These States accounted for more than 57% of all State prisoners released in the Nation during 1983. An estimated 68,000 of the released prisoners were rearrested and charged with more than 326,000 new felonies and serious misdemeanors, including approximately 50,000 violent offenses (of which 17,000 were robberies and 23,000 were assaults), more than from 141,000 property offenses (of which 36,000 were burglaries), and 46,000 drug offenses (Beck & Shipley, 1997:12). The study among the 404,638 prisoners released in 30 states in 2005, 31.8% were in prison for a drug offense, 29.8% for a property offense, 25.7% for a violent offense, and 12.7% for a public order offense. Nearly 9 in 10 (89.3%) of released prisoners were male. More than a third (36.9%) of these persons was under age 30 at release and about a third (31.5%) were age 40 or older. The proportions of non-Hispanic black (40.1%) and non-Hispanic white (39.9%) prisoners were similar. An estimated 25.7% of the released prisoners had 4 or fewer prior arrests, while 43.2% had 10 or more. Half of the released prisoners had 3 or more prior convictions (Within 3 years of release from prison, 69.0% of male and 58.5% of female inmates had been arrested at least once. Five years after release from prison, more than three-quarters (77.6%) of males and two-thirds (68.1%) of females had been arrested. At the end of the first year, the male recidivism rate (44.5%) was about 10 percentage points

higher than the female rate (34.4%), a difference that remained relatively stable over the following 4 years (Durose et al., 2014:11). Among homicide offenders 54% are recidivated with property offense and 15% are recidivated with a violent offense. Race and original conviction for a financially motivated homicide were significant predictors of recidivism (Liem *et al.*, January 16, 2014). A study shows that within 3 years, about 95% of released state inmates with drug use histories return to drug use (W. L. White, 1998, as cited in Martin, Butzin, Saum, & Inciardi, 1999), 67% of drug offenders are rearrested (41% for a new drug offense), 47% are reconvicted, and 25% are sentenced to prison for a new crime (Langan & Levin, 2002). More recent studies at the state level suggest that recidivism rates are still high, including one study reporting that 22% of a sample of released offenders were re-incarcerated within a year of release (Visher, Yahner, & La Vigne, 2010) and other studies showing rates as high as 80% (The Sentencing Project, 2011). Among the study of 2963 prisoners who are released each year, if history is any indication, 21% will return to prison within one year; 35% will return within two years; and 42% will return within three years (Bailey, January 30, 2007: 07).

Among the South Asian Countries the recidivism rate of prisoners in India is from 7.2% in 2013 to 7.8% in 2014 (Rise For India, September 1, 2015). In Pakistan the recidivism rate of prisoners is 26.3% in 2012 and 26.8% in 2013 (The Independent, 2014). In Bangladesh the prison population trend is 44% in 2012, 42% in 2014, and 45% in 2016. The percentage of total population rate in prison is 61.1% in 2003, 73.2% in 2010, 73.8% in 2015, and 77.7% in 2017 (World Prison Brief, December 2017). So, the prisoner rate in Bangladesh is increasing day by day and become a problem for us and a burning issue for our country. This study is based on recidivism as an element of unwanted criminal behavior.

Though there are many studies on prison, prisoner's right, prisons condition etc but the study on recidivism or recidivism of prisoners is very limited. The article named Combating Recidivism Through Practical Action Plans and Programs; written by Farha Noor Rahman, here study on the taken programs to combat with recidivism. Even, the word recidivism is not so much familiar with general people yet but it is a burning question for Bangladesh as the recidivism rate is increasing day by day. So, this study may play an important role to reduce recidivism through finding out the patterns and causes of recidivism of prisoners. There are many articles, journal and organizations which have worked on patterns of recidivism prisoners, its causes, effect and predictions of recidivism in international perspective. But in Bangladesh the work on recidivism of prisoners is very limited. So, this writing is focusing on patterns and causes of recidivism of prisoners in Bangladesh Context.

OBJECTIVES OF THE STUDY

Why people re-offend or return to the criminal activities is a crucial question and the answer of the question varies from country to country, society to society. Basically the study focuses on the patterns and causes of recidivism of prisoners. The Objectives of the study are-

1. To explore the patterns and trends of recidivism of prisoners
2. To identify the causes of recidivism among prisoners

METHODOLOGY

Methodology is the systematical analysis of any methods applied to a field study. This is a descriptive study which is based on secondary data. These data are collected from books, articles, reports, newspapers, publications, Scholar.Google.com and some authentic websites. All information is collected according to research objectives of this study.

FINDINGS AND DISCUSSION

According to Recidivism Law and Legal Definition, recidivism is a tendency to lapse into a previous pattern of behavior, especially a pattern of criminal habits. Recidivism means the re-arrest, reconviction, or re-incarceration of former inmates.

a. Patterns and trends of recidivism among prisoners

The study of recidivism in an Australian correctional population there are three different groups of offenders were identified from their recidivism profiles: low-risk or slow recidivists, moderate-risk or delayed recidivists, and high-risk or rapid recidivists (Fitzgerald *et al.*, 2016).

i. *Patterns in recidivism*

An article on A Comparative Penological Study on Recidivism, there says that a researcher named Lievore indicated that despite various methodologies the international literature occurs on several points:

- Rates of sexual recidivism are low relative to other offence types. Most sex criminals are not reconvicted or re-imprisoned for sex crimes, although a sizable group continues a general criminal career.
- There is considerable continuity between sexual and violent crimes, particularly among rapists where many of whom have extensive general criminal background.
- Subgroups of sexual criminals recidivate at different rates. Incest offenders are most likely to be reconvicted.
- Sexual recidivists often specialize in their choice of victims or behaviors and the likelihood of reoffending is contingent to some extent upon the offender's particular sexual criminal career.

- While most sex offenders recidivate within two to three years of release from prison, then the risk of sexual recidivism remains long after.

So, these patterns and nature in recidivism are found in most of the counties (Lekalakala, March 2016: 30).

Moreover, Hanson and Morton-Bourgon found that sex offenders became recidivist for both sex crimes and nonsexual violent crimes. Nevertheless, offense for different types of sex crimes exhibit varying rates of repeat offending such as incest, rape and child molestation of boy victims (Arkowitz, April 1, 2008).

ii. *Offense of initial sentence*

The offense of initial sentence is the offense for which an adult offender or an offender certified as an adult is originally sentenced to the Texas Department of Criminal Justice. The patterns of offenses are including Violent offenses—Examples include murder, non-negligent manslaughter, sexual assault, aggravated assault, stalking, robbery, and injury to a child; Property offenses—Examples include arson, burglary, larceny/theft, motor vehicle theft, tampering, counterfeiting, fraud, embezzlement, stolen property, and vandalism; Drug offenses—Examples include drug manufacture, possession, and delivery; Other offenses—Examples include weapons carrying and possession, prostitution and commercial vice, evading arrest or detention, permitting or facilitating escape, driving while intoxicated, and all other offenses not previously mentioned (except traffic) (Legislative Policy Report, February 2015:28).

There is some evidence that suggests that sexual offending may differ from other criminal behavior (Hanson & Bussiere, 1998). Although sex offenders may commit other types of offenses, other types of offenders rarely commit sex offenses (Bonta and Hanson, 1995; Hanson, Steffy, and Gauthier, 1995). If this is the case, then a different set of factors may be associated with the recidivism of sex offenders than for the general offender population. This statement is reinforced by the finding that many persistent sex offenders receive low risk scores on instruments designed to predict recidivism among the general offender population (Bonta & Hanson, 1995).

There are some specializations in the offending behaviors of released inmates, the recidivism patterns are involved in a wide range of law-violating behaviors. Compared to inmate incarcerated for a property, drug or public offense, a higher percentage of inmates incarcerated for violent offense are re-arrested for another violent crime (Durose et al., April 2014:09).

iii. *Trends in recidivism*

In a Comparative Penological Study on Recidivism, there argues that despite the widely

divergent recidivism figures that different studies have provided, some trends have almost uniformly (Andrews, *et al.*, 1990: 99). The trends are-

- In the majority of cases, recidivism occurs within the first year of release, and nearly all recidivism occurs within three years of release or completion of sentence.
- Property offenses are the most common recidivism offenses. More than three quarters of property offenders have previously been convicted of a property crime. Drug offenses, breaking and entering and common assault are also frequently recurrent.
- Violent criminals are least likely to recidivate. Fewer than half of people convicted of homicide, sexual assault, and rape are convicted of another crime after their release from prison.
- Age is an important factor in reoffending rates. The earlier an offender is punished, the more likely he or she is to recidivate. As a result, young offenders are also the most frequent recidivists.
- Men are more likely to reoffend than women in nearly every criminal category of offense, even when initial male-dominated offending patterns are taken into account.
- While recidivism for the same offense is common for certain types of crime (e.g., prostitution), recidivism can often occur with a different type of offense.
- The number of times an individual has been arrested is a good predictor of whether or not he or she will reoffend. Those with only one arrest are less than half as likely to recidivate as those who have been arrested on more than 10 occasions.
- Roughly one-third of recidivists have been previously sentenced to a term of imprisonment.
- People who reoffend are more likely to receive stiffer penalties, especially in cases where they committed the same offense. Recidivists are three times more likely to receive a sentence of imprisonment than first-time offenders.
- There is little variation in rates of recidivism among different states or provinces.
- Recidivists are often sentenced to longer terms of probation than first-time offenders.
- Due to a number of factors, including education level and socioeconomic status, African

Americans and Latino/as are more likely to recidivate than whites in nearly every category of crime. So, these trends in recidivism are found in most of the countries (Lekalakala, March 2016: 30).

Causes of recidivism among prisoners

These factors are found in a comparative penological study on recidivism (Lekalakala, March 2016: 30).

i. Fundamental Causes for recidivism

In a study Leighton & Roy indicated the following are the causes of recidivism:

Incorrigibility

Proponents of this view suggest that criminals are beyond reform and as such most sanctions, particularly less onerous ones will not deter them from future crimes. In this case it is regarded that an offender makes a rational choice to commit crimes and will reoffend if they are not punished severely.

Failure of the sanction

It is believed that criminals will commit further crimes if their original punishment was inappropriate and not act as deterrent. Sentences may be too lenient and fail to make people recognize their wrongdoing. They may also be too harsh which can cause offender to disassociate from social norms and react criminally.

Failure of support in reintegration

Offenders, particularly those who have served lengthy period in prison may have difficulty readjust them upon release. If offenders cannot adjust to the norms of an ever changing society, they may engage in illegal practices in an attempt to satisfy their needs.

Peer pressure and other social provocations

Even if offenders are given appropriate sanctions, their willingness to change their behavior and eagerness to participate in a sound rehabilitative program, is an extreme factor in their return to criminal activity, due to outside social influence such as peer pressure. For example, even if a young offender is placed in a drug rehabilitation program and wants to remain drug free, he or she may still reengage in drug use if pressured to by friends. In this case recidivism is more direct to social stimulus outside the control of the criminal justice system.

Economic stress

Proponents of this perspective would suggest that people will use illegitimate ways of achieving goals when they are denied legitimate ways of achieving them. If offenders are unable to support themselves upon release or if they feel pressured by their low economic status, they may reengage in illegal behavior.

Mental health

Some believe that the mental health of an offender can be one of the most important factors of recidivism. The mentally ill may not respond to any punishment, including imprisonment, rehabilitative programs or any other measure taken in response to their crimes. As such, their tendency to reoffend may continue until their mental health is addressed.

Another study finds that there are some reciprocal explanations or causes which have impacts on the rates of recidivism. Long-term convictions, continuous isolation from the family as well as society, lack of education and vocational skills and as a result unemployment crisis, financial insecurity, harsh standpoint of the society and social provocation, alliance with other criminals, and lack of support in reintegration are some of the major causes behind re-offence (Rahman, 2014: 143).

ii. Risk factors

The recidivism risk factors were similar for all three types of recidivism across the three types of offenders. General, violent, and sexual recidivism were associated with young age, prior criminal history, negative peer associations, substance abuse, and antisocial personality disorder. There were, however, some differences for sexual recidivism. Offenders of minority race were at increased risk for general and violent recidivism, but not sexual recidivism. As well, deviant sexual interests was related to sexual recidivism among sexual offenders, but was unrelated to general recidivism (Hanson, 2009). Seventy static and dynamic risk factors associated with family characteristics, peers, psychopathology, substance abuse, psychological factors, and behavior during treatment were assessed.

Severity of offending was categorized according to the maximum sentence for the offense committed combined with expert opinion. Several risk factors for recidivism were found: past criminal behavior (number of past offenses, young age at first offense, unknown victim of past offenses), conduct disorder, family risk factors (poor parenting skills, criminal behavior in the family, a history of physical and emotional abuse), involvement with criminal peers, and lack of treatment adherence (aggression during treatment, lack of coping strategies). Having an unknown victim in past offenses, criminal behavior in the family, lack of treatment adherence, and lack of positive coping strategies were predictive of serious (violent) recidivism (Mulder et al., February 24, 2010).

There is little specialization among criminal offenders such as robbers also commit burglary and those who commit assaults also may be drug offenders (Gottfredson & Hirschi, 1990). The extensive research on recidivism among the general criminal population has identified a set of factors including young, having an unstable employment history, abusing alcohol and drugs, holding pro-criminal attitudes, and associating with other criminals are consistently associated with subsequent criminal behavior (Gendreau *et al.*, 1996). Moreover, different factors were associated with the risk of recidivism depending on gender, adjudication, geographic region, family problem, negative peer relations and type of recidivism (e.g., violent vs. nonviolent). Across conditions, the three factors that were most consistently associated with the risk of

recidivism were criminal history, age at discharge, and community characteristics (Frederick, 1999:1). Even, there are many other factors in recidivism, such as the individual's circumstances before incarceration, events during their incarceration, and the period after they are released from prison, both immediate and long term (Atkinson, March 07, 2011). One of the main reasons why they find themselves back in jail is because it is difficult for the individual to fit back in with 'normal' life. They have to reestablish ties with their family, return to high-risk places and secure formal identification; they often have a poor work history and now have a criminal record to deal with. Many prisoners report being anxious about their release; they are excited about how their life will be different "this time" which does not always end up being the case (Visher & Christy, 2003). Among the factors analyzed, the following nine factors are significantly related to recidivism: age at release, prior recidivism, race, gender, education level, offense type, custody level at release, number of disciplinary reports received, and time served in prison and post-release factors such as employment, drug and alcohol use, and the extent of formal and informal supervision which may also affect recidivism rates (Recidivism Report, May 2001).

Even recidivist know the punishment of crime, they do. In our country, the main reasons of recidivism are:

- Poverty
- Lack of education
- Lack of parental guidance
- Psychological problems
- Lack of proper rehabilitation
- Involve to gangs etc.

Poor people, who could not fulfill even basic needs of life, sometimes indulge into crime for leading life. Biting of the poverty and subsequent criminalization puts them into a point of no return and makes them an incorrigible offender (Suchana, November 14, 2009). However, if anyone is treated once as criminal, always s/he is neglected by the society and even by the family. Nobody provides him/her job. Friends, neighbors and family members mistreats with them. They fell in frustration. Most of them are unskilled, so they are unable to do something single-handedly. Therefore, they could not revert back to the normal life any way. In early criminology, it was thought that crime could capably prohibited by inflicting severe punishment or penalties on the criminals. By these, a criminal could realize his fault, be penitent and pays for the crime and refrains from repeating crime in future. Now, in the newer world criminologists are contending that it is hard to prevent crime by applying this theory. Bangladesh's prisons are part of the criminal-justice system, which is under immense pressure. Case backlogs run into the millions, crippling the overburdened system. Corruption is also alleged to be rife among criminal-justice agencies.

Moreover, there is a clear focus on punitive as opposed to restorative justice, and imprisonment is primarily seen as a way to gain retribution, but rarely considered as an opportunity to change inmates' attitudes towards law and society (Atkinson, March 07, 2011).

There are any incidents are occurring in Bangladesh which indicate that recidivism is increasing day by day. One of the recent incidents is that Imranul and Tajul both got punished of 3 month imprisonment for the conviction of drug dealing. After release they again engaged with drug dealing business (Prothom Alo, May 22, 2018). The another incident is that thirty-two year old Rahim (not his real name), a CNG driver and the main wage earner for a seven-member family, was arrested on accusation of theft in 2007. The case was filed with a local police station and he was taken to a jail and forgotten. He had to languish in prison for 3 years without trial (Atkinson, March 7, 2011). Thus the criminal Justice system delays to justify the case and he had to stay with other convicted persons. These incidents indicate that recidivism is a burning issue for Bangladesh and so study on recidivism of prisoners is needed to ensure our public safety.

Theoretically Analysis

According to the classical school thought of criminology, there has been said that human behavior is guided by hedonism (pleasure/ pain calculation). That means if the offender thinks that he can gain more than getting punishment, he will do the offense again. For example, if a person violates traffic rules, he has to pay 50 taka as punishment to the traffic police. But at present, this amount is not too much to a person and so he may violate the traffic rules again. So, existing rules and regulation play an important role to inspire a person as a recidivist.

Moreover, in criminology, according to the first principle of Differential Association Theory; given by Edwin H. Sutherland has said that criminal behavior is learned. As our criminal justice system takes a long time to justify a case and during this time the under trial prisoners have to stay with convicted prisoners, by this time they learn the way of committing many patterns of offense and became recidivist. Even, during this time they make a gang to commit offense after release and that gang affiliation is the source of the reoffending problem (Dooley *et al.*, February 13, 2014: 268). So, delay to justify a case plays an important role to be a recidivist.

However, according to the inoculation theory, devised by William McGuire in the early 1960s, he mentioned this theory as a strategy to protect attitudes from change—to confer resistance to counter attitudinal influences, whether such influences take the form of direct attacks or sustained pressures. In the article named Applying inoculation theory to the study of recidivism reduction in criminal prison inmates, the

authors through this study is to establish inoculation theory as a viable method in the prevention or reduction of recidivism in criminal prison inmate populations (Matusitz J, *et al.*, 2013). So inoculation theory can be used to prevent or reduced recidivism by eliciting anger, making attitudes more certain, rendering attitudes more accessible and altering the structure of associative networks among prisoners.

From this study, though there are many theories to explain recidivism, but classical school thought of criminology and differential association theory are more appropriate to explain the patterns and causes of recidivism of prisoners. Moreover, inoculation theory will be more effective in the prevention or reduction of recidivism among prisoners.

CONCLUSION

The effect of prison or jail sentences on recidivism is an important issue to those concerned with public safety and the cost-effectiveness of putting convicted offenders in prison. Prisons are often the forgotten element of the criminal justice system until things go badly. Catching the guy and prosecuting him is really important work, but if we don't do anything with that individual after we've got him, then shame on us. Recidivism is a major problem in Bangladesh to achieve its intended goals that are established to improve the lives and safety of own our people. The increase in the rate of returns to prison for new crimes underscores the need for country to identify and implement evidence-based strategies that protect public safety and hold offenders accountable. To reduce recidivism this study suggests that some attempts such as amendment of outdated laws and procedures, family and community support for released prisoners, make a mentality to accept them as one of us, give opportunity for getting job should be taken. Moreover, psychological treatment and rehabilitation program plays an important role to solve the problem. This literature indicated that factors such as gender, age, race, level of education and socioeconomic situation of the offender, the delay of justice system, inadequate punishment do encourage people to recidivate; until these factors are addressed recidivism will keep on occurring. Many other types of recidivist are committing different crimes repeatedly. This study also focuses on the patterns and trends in recidivism among prisoners. The study on recidivism in Bangladesh is very limited though it is a burning issue at present. So, this type of study is needed for Bangladesh to reduce crime rate. Furthermore, we have to protect our country from the bad effect of them and make a positive thinking about crime prevention, 'hate the crime not the criminal'.

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