

Chapter 11

The Transient State of Habitually Convicted Criminal Offenders

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ABSTRACT

Globally, at least half of the released prisoner population will return to incarceration before the end of their first year in society. Going against generally accepted notions, deliberation should be given to the existence of transience in habitual recidivists' or habitual convicted criminal offenders' (HCCOs') life course. The HCCO is habitually, chronically, or serially recidivistic (above the average recorded number of arrests and imprisonment, i.e., anything above or equal to five). Furthermore, transience can be considered as junctures of socio-cognitive unsteadiness, impermanence, and inconstancy that leads to the uncoupling of positive bonds within human and environmental relationships. Accordingly, this chapter discusses two outlooks of the transient state of HCCO: the habitual prisoner revolving door syndrome and habitual transient life course disconnect. Finally, this work concludes by promoting the reentry and rehabilitation of convicted criminal offenders based on conditions of productive law-abiding citizenship.

INTRODUCTION

Globally, the average rates of criminal recidivism are as high as 60%, with the US peaking at 77% (Sumpter, 2020; Yukhnenko, Sridhar, & Fazel, 2019; BJS, 2015). Criminal recidivism can be best described as a “relapse of criminal behavior, which can include a range of outcomes, including re-arrest, reconviction, and reimprisonment (Fazel & Wolf, 2015, p. 1).” Byrne, Pattavina and Taxman (2015) confirmed that the rate of incarceration is steadily increasing annually across the world due in part to recidivism. Yukhnenko, Sridhar, and Fazel (2019) asserted that released prisoners are more at risk of

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criminal recidivism, than convicted criminal offenders serving non-custodial sentences. Moreover, the current recidivism research aptly advances growing criminal re-convictions and re-incarcerations at a community-level (Jacobs & Skeem, 2021, Grubb, 2020). However, empirical data and research on the recurring individual-level recidivism (within a fixed period) are limited.

To study recurring individual-level recidivism, attention must be given to the plight of habitual convicted criminal offenders (HCCOs). Based on the writings of Capek (2017), habitual can be defined as a habit, pattern of intentional behaviors, developed and solidified through repetitive situations and frequency of occurrence. Thus, HCCOs are chronically or serially recidivistic (habit). A concern must also be given to the existence of perpetual psycho-social transience in the HCCO life course. Conservatively, transient offending has been described as committing “five or fewer offenses in a year (Weatherburn & Baker, 1999, p. 7).” For HCCO, their transient state is continuous, cyclical, and counteractive to reformatory attempts. In this frame, transience can also be considered as socio-cognitive unsteadiness, impermanence and inconstancy that lead to the uncoupling of positive bonds within human and environmental relationships.

The main intent of this chapter is to stimulate academic, scholarly, socio-political and practitioner dialogs on the transient state of HCCOs. This work offers ideas and insight on the topic supported by literary evidence. This chapter is sectioned into two main inquiries pertaining to HCCO’s transience. The first section of the chapter discusses the habitual prisoner revolving door syndrome and the missteps of prisoner reentry efforts. Prisoner reentry is normally defined as the process of leaving incarceration and returning to society (Matthew & Abrams, 2020). However, this section proposes prisoner reentry to encompass returning of HCCOs into criminal justice system and incarceration. The second section considers a proposed existence of habitual transient disconnect within the HCCO life course. Habitual transient disconnect can be described as progressive hyper-individualized dissociative resistance, socio-cognitive debonding and disengagement from the normality of citizenship. As a constructive conclusion, this work promotes idea of productive law-abiding citizenship as a means of encouraging desistance or breaking the cycle of habitual convicted criminal offending.

Habitual Prisoner Revolving Door Syndrome

As opposed to the ‘fresh start’ of prisoner reentry, habitual convicted criminal offenders (HCCOs) can best be regarded as habitual prisoners. The habitual prisoner’s life course is largely shaped by a cycle of continuous imprisonment. As a result, there are three main categories of habitual prisoners: non-professional, professional and the institutionalized (Rao, 2012). The habitual non-professional prisoners are criminal offenders that have continued lapses into crime due to their surroundings and/or psycho-physical defect (Rao, 2012, p. 402). The professional habitual prisoners are career criminal offenders. The career criminal continually commit crime for monetary gains. The habitual professional prisoners accept incarceration as a normal risk to their profession. The last type of habitual prisoners are individuals, who are “prisonized,” or institutionalized to prison life (SpearIt, 2011, p. 132). Broadly, the unaffected released habitual prisoner will revert, revisit, and recommit to their old ways of living (criminality and incarceration) (Lattimore, Steffey, & Visser, 2010). Thus, the numerous costly, repetitive, and “rehabilitative” internments in correctional facilities for the habitual prisoner could be considered periods for the development of estranged and hardened “super” criminals, and even worse, the cultivation of a permanence to imprisonment (Baillargeon et al., 2009).

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