

Introduction

Crime is a complex phenomenon, varied by culture and time; Both the nature of an individual and environmental conditions are noteworthy. Consequently, there are internal and external factors of crime. Obviously, the social aspects are related to diverse provocative circumstances, that are determined at systemic, rather than individual, levels.

Following predictors are identified among the social risk factors of involvement in criminal activities:

1. **Family** - Parents' association with a crime is strongly correlated with their children's involvement in criminal activities. Domestic violence should also be considered in this regard, which has a significant intergenerational effect.
2. **Education** - The absence of school education is one of the risk factors for future delinquency¹ and involvement in criminal activities. Success in education reduces the economic benefits of crime. Attention is also paid to a person's educational background - a low level of parents' education can be a provocative factor in committing a crime.
3. **Economics** - Criminal behavior is influenced by economic factors such as unemployment, poverty, etc. Unemployment is considered as a precondition for involvement in criminal activity, mainly against property and not a violent crime.
4. **Community and Peers** - Community and neighborhood influence antisocial actions and crime. It is the relationship with antisocial individuals that plays an important role in the development of deviation and violence.
5. **Alcohol and other drugs** - The connection between alcohol, other drugs, and crime is complex. Taking them does not directly mean committing a crime, however, constant use of drugs or alcohol increases the possibility of involvement in criminal activity. (Ministry of Justice, 2009)

According to the data of 2020 of the National Statistics Office of Georgia, 20.3% of convicts are convicted for property crimes (theft/robbery) (2457 cases), and about a tenth (9.4%) - for drug crimes (illegal preparation, production, purchase, storage, transportation, sending or selling- 1216 cases) (Geostat, 2020).

The Care System Assessment Report of 2018 describes that the paradigm of "war on drugs" has been replaced by humane drug policy in Western countries. Moreover, in many countries drug use has shifted from penitentiary to healthcare system. Thus, a tendency of liberalization of laws is observed in European countries, however, in this case, personal consumption of drugs is to be considered and not their selling or other aggravating circumstance. A deprivation of liberty is used seldom as a sentence in case of personal consumption. In such cases, administrative penalties are often applied (Care System Assessment Report, 2018).

According to the Harm Reduction Network of Georgia, the harm reduction principle implies the reduction of drug-related problems through the humane treatment of drug addicts and the protection of their rights. Thus, special attention is paid to the positive and kind attitudes revealed towards the person and not to violent acts or deprivation of liberty. Georgia has a repressive drug policy in force, which

¹ Delinquentia is a Latin word and means violation of the rule, deviation from the rule.

hinders the re-socialization process of drug users, violates fundamental human rights, and aggravates the socio-economic situation (Severe human consequences of repressive drug policy in Georgia, 2018).

The Social Justice Center implements the project "Establishment of a fair and humane criminal policy" with finances of Open Society Foundation, which has two main directions:

- 1) Substantiated critique of repressive criminal policy and its tools through advocacy for a fair and socially sensitive judiciary
- 2) Maintaining drug policy reform on the political agenda and maturing political decisions

The actions taken in the above direction should ultimately contribute to the establishment of a fair and humane criminal policy in the country.

Methodology

The main goal of the research was to study the social aspects of crime and punishment. The study identified two areas of crime: property crime (theft/robbery) and drug crime.²

The research answered the following tasks for each type of crime: determining the level of awareness related to the crime; Also, the study of the social factors of a crime that motivates a person to commit it. One of the tasks of the study was to identify social groups more prone to crime - what characteristics they may have. The study assessed the legal status of perpetrators and, in general, the existing policy towards the above-mentioned crimes. In addition, the research examined respondents' opinions about which crimes people commit most frequently, what factors influence it, and so on.

Methods of data collection

Both qualitative and quantitative research methods were used to thoroughly study the purpose and objectives of the research. The study identified **two target groups** of respondents: a) ex-convicts who committed crimes (including property crimes (theft/robbery) and drug crimes) and b) family members of current convicts. Both quantitative and qualitative research covered 9 regions of Georgia: Tbilisi, Samegrelo, Guria, Adjara, Imereti, Samtskhe-Javakheti, Shida Kartli, Kvemo Kartli, Kakheti.

Quantitative Research

Respondents were selected for quantitative research using a non-random selection model, in particular using the "snowball" principle – offenders of, on the one hand, property crime (theft/robbery), and on the other hand, drug-related crime, shared contact information of other members of the target group, which enabled to expand the circle of participants.

The research was conducted by face-to-face interview method. A total of **708 individuals** took part in the survey, which was distributed according to the type of crime as follows:

- Property crime (theft/robbery) - 348 respondents
- Drug crime - 360 respondents

² Including the manufacturing/production/purchase/sale/storage/consumption/transportation/shipment of small/large quantities of narcotic drugs/psychotropic substances, their analogues or hard substances/plant cannabis or marijuana

The distribution of the number of interviews according to the type of crime and the groups of respondents is given in Table A.

Table A.

Region	Number of Interviews			
	Crime against property (theft, robbery)		Drug Crime	
	Former convicts	Family members of current convicts	Former convicts	Family members of current convicts
Tbilisi	15	15	26	21
Samegrelo	26	40	24	29
Guria	11	8	9	4
Adjara	16	25	15	24
Imereti	17	24	38	28
Samtskhe-Javakheti	47	23	24	7
Shida Kartli	29	38	35	39
Kvemo Kartli	6	1	10	3
Kakheti	6	3	4	10
Total	173	175	185	175

Qualitative Research

Within the qualitative research, each point of the research question was analyzed in depth by the focus group method. In this case, as for the quantitative research, participants were selected by a non-random selecting model, although individuals were selected for discussion with two approaches: a) to identify focus group participants from the surveyed ones; b) The principle of "snowball."

17 focus groups were conducted within the study. During the discussion, the aspects of property crime (theft/robbery) on the one hand, and the other, the social aspects of drug crime were discussed and analyzed. The former convicts, as well as the family members of the current convicts, shared their experiences and information about the issue to be studied within the focus groups.

Analytical report features

The subchapters of the analytical report of the research are defined according to the type of crime; The results of both qualitative and quantitative research are presented. When analyzing the data obtained from the survey, in addition to the content description, visualization of the results is also given (tables and diagrams); The results of the focus groups are enriched with quotations from the respondents, which further supports the conclusions described in the report.

The data obtained by different methods are presented in the form of independent reports, which allows a complete understanding of the issue. According to the type of crime, the crossing data issues obtained from the survey and focus groups are described in the sub-sections of the "summary report", which contributes to a complex perception and analysis of the research question.

Theoretical framework

Two main criminological approaches explain the causes of crime: SCCJR, 2016)

- 1) Biological theories
- 2) Sociological theories

Biological Theories: The basic approach of the biological theories of crime is as follows - some people are "born guilty" who are psychologically very different from non-guilty individuals. The most prominent representative of this approach is Cesare Lombroso. His theory, **biological positivism**, was based on the ideas of Charles Darwin. According to the observations of the Italian prison psychiatrist Lombroso, the prisoners had common physical attributes. Thus, he suggested that offenders have common characteristics from birth.

Sociological theories: According to this approach, crime is caused by external factors, primary and secondary social groups - family, friends, acquaintances, neighbors. The theory of social disorganization is linked to the Chicago School, specifically the names of Clifford R. Shaw and Henry D. McKay. Studies have shown that delinquency patterns are more actively manifested in poor settlements, in populations with poor health, and, in general, low socioeconomic status. It is based on similar results to assume that crime is not unconditionally driven by individual characteristics (SCCJR, 2016).

According to **social disorganization** theorists, the weakening of the role of social institutions, including the family as an informal force of social control, reduces social solidarity. The increasing rate of industrialization, urbanization, migration - are some of the key factors that increase crime rates. Generally speaking, social disorganization is associated with a lack of law and order. When discussing the disorganization in the context of crime, three main directions are considered: a) anomie; 2) cultural conflict; 3) Dysfunction (Ayar, Lotfi, & Noorae, 2011).

Anomie is associated with the name Émile Durkheim. There are no rules governing correct behavior within anomie. Durkheim sought to explain the violation of social norms that accompanied the rapid social change. According to the theory of Robert K. Merton, based on this approach, crime occurs when the connection between culturally recognized cultural goals and the structural, recognized, means to achieve them cannot be established, does not correspond to each other. According to this approach, cultural values and social structures put pressure on individuals, resulting in different types of crime. **In cultural conflict**, at least two dominant oppositional regulations govern a behavior. In similar conditions, when one set of behaviors is followed, the other norms are violated by the actor himself. **Dysfunction** is a state of cultural conflict in which regulations exist, however, their protection does not imply an unconditionally positive outcome; Moreover, the regulations may even lead to punishment (Ayar, Lotfi, & Noorae, 2011).

Subcultural Theories: Albert Cohen's name is associated with the **theory of status frustration**, according to which, because members of the lower social class fail to pursue middle-class cultural goals, they abandon those goals and create a system of their own subcultural value. For example, during school, it becomes

important for them to be valued by their peers and not by the teacher, to meet their expectations, and to engage in various delinquent activities (SCCJR, 2016).

According to the **rational choice theory**, the individual himself makes decisions, including about the commitment of a criminal act. In any action, people appreciate the potential benefits and risks. According to this theory, before committing a crime, the individual delimits every detail and consciously commits a similar act.

One of the important concepts of **left-wing realism** is **relational deprivation**, which is firmly related to the theory of anomie. According to relative deprivation, a crime occurs when an individual or group of individuals considers themselves unjustly oppressed in comparison to people they perceive as similar.

Feminist perspectives focus on gender inequality in crime and point out that the commission of criminal acts is disproportionately distributed and men appear to be the actors more often. One example of an explanation for such manifestations is hegemonic masculinity: the combination of ideas, values, practices that are associated with being a man, his roles, and is taken as a dominant position. Some males express their masculinity by engaging in criminal activities (SCCJR, 2016).

Interactionist approach: Theories of the social process - According to this approach, criminal acts are the result of an individual's social interaction with others, including friends and family. Adherents of this theory link the foundations of crime to the influence of friends and family on the individual, focusing on the meanings and perceptions we derive from their views and expectations (Justice, 2000).

Executive Summary - Property Crime (Theft / Robbery)

Quantitative (survey) and qualitative (focus groups) research of ex-convicts and family members of current convicts on property crimes (theft, robbery), shows that awareness of legal consequences of theft/robbery before committing a crime among the former convicts and family members of current convicts for theft and robbery (Articles 177 and 178 of the Criminal Code) is low. According to the survey, almost half of the respondents in both target groups did not have the relevant information until they or a family member was sent to a penitentiary.

Focus group participants point out that awareness is not a guarantee of not committing a crime, as the **context** in which a crime is committed is considered to be of great importance: Economic hardship, the impact of the social environment/networks, and other factors are often stronger than having information. Awareness is less effective, also in the context of impunity syndrome and selective justice. According to quantitative research data, former convicts are more likely to confess the commitment of crime than family members of current convicts. Besides, the majority of respondents consider the sentence to be commensurate with the crime committed. As for the part of the family of former convicts or current convicts (10 to 16%) who are convinced of the innocence of their own / their family member, they indicate that the act committed by them should not have been qualified as a crime at all or they have been illegally charged for this crime (or blamed themselves). Similar assessments are made by focus group participants. Some of the latter say that the actions taken by the law enforcers against them were fair, while others assess the developments/processes as unfair. Among the respondents are those who say they expected a harsher sentence for the crime committed, but were lucky and the court ruled in their favor. It is noteworthy that a large proportion of focus group participants are dissatisfied with the sentence of their family members and have a sense of injustice. Part of the notes, that in the case of their relative, the fact of committing a crime did not take place at all, while the other part believes that, depending on the current situation, a lighter sentence could have been imposed. Respondents identified the main dysfunctions that accompany conviction/imprisonment: this is damage to the psychological state of the primary group of prisoners (primarily family members) and the deteriorating economic background of families, as those individuals are sent to the penitentiary institution who were the main source of family income (clearly, these two factors are related). Respondents of both, focus groups and the survey, noted that when they sentence a member who provides for their family financially, it has a very negative impact on the material condition of the family. In addition, the family itself has to bear serious costs from the arrest of its member until the end of the detention, be it a lawyer's service fee, bail, a fine, money to be sent to a convict directly while in custody, or more.

In general, the **reasons for committing** property crimes (theft, robbery) were revealed: poor financial situation of families, having close relatives of people with similar criminal backgrounds, having bank debt/ loans, gambling addiction, etc. Besides, focus group participants noted that crime was linked to socio-demographic characteristics such as age, education, and employment status. According to them, the tendency to commit crimes against property (theft, robbery) is more characteristic of young people, as well as people with relatively low levels of education and the unemployed.

Respondents from both the survey and the focus groups complain about the problem of receiving / delayed medical care in penitentiary institutions. Speaking in a negative context, they also highlight issues such as the limited abilities of convicts to receive various services and the low frequency of visits as guaranteed under the law. Increased control by the police is painful for probationers. Ex-convicts face the problem of re-socialization: In general, and because of the stigma of conviction, members of this group find it difficult to find a job, especially in the public, though, in the private sector as well. Therefore, ex-convicts are mostly engaged in informal activities, the income has a positive impact on improving the financial situation of their families. Being in custody is accompanied by other, secondary positive consequences: getting rid of the negative circle of friends, mastering the craft, improving the psychological state, and overcoming depression. However, it can also be said that these positive results are not mainstream in ex-prisoners. Most of the respondents noted that they feel vulnerable and oppressed in the process of resocialization.

The respondents in the quantitative survey (survey) developed an empirical ideal type of a property crime perpetrator (theft/robbery) by assessing the impact of demographic characteristics on committing a crime against property (theft, robbery): Typically, this is a male who is likely not having a full secondary education, unemployed, a teenager or an adult young man, not married.

According to the respondents, the situation in the country in terms of crimes has not improved compared to the period of the previous government - petty theft has increased, which indicates the unfavorable material condition of the population. According to the respondents of target groups of both quantitative and qualitative research, the level of theft and robbery in their living environment is more or less high. However, it is noted that the number of thefts has increased in the last 5 years.

The participants of the study assess, that human rights towards convicts during the period of pre-trial detention and probation are generally not violated. As for the period of serving the sentence, in this case, the most frequent violations of physical security are revealed by prison staff and other convicts. Persons in probation period indicate violations of the right to free movement without police control. It should be noted that the facts of human rights violations during the period of serving the sentence were more often indicated by those who served their sentences before 2012.

As for the assessment of state policy, the majority of respondents believe that the policy of fair and proportionate punishment for crimes committed in Georgia is implemented, convicts are provided with services tailored to medical, social, and psychological needs. However, on the other hand, according to the respondents, the legal policy is less focused on reducing the crime against property (theft/robbery). Respondents noted that to reduce and prevent theft and robbery, first of all, it is necessary to fight not with the result (crime already committed), but with the **causes** of the crime, which requires improvement of the economic situation of members of society, employment, raising anti-crime awareness, taking care on the improvement of education level.

Executive Summary – Drug crime

According to focus groups and surveys with former convicts and family members of current convicts on drug offenses, both former convicts and family members of current convicts have little or no knowledge of the legal consequences of the drug offense until they fall into a penitentiary facility. Ex-convicts became more aware of the legal consequences of purchasing/storing and consuming drugs. Besides, the

knowledge of the research participants is more in-depth knowledge about marijuana than about other drugs. Focus group participants added that providing information about any type of drug crime and its associated risks to members of society, especially young people, is an important issue. However, at the same time, they point out that awareness is not a guarantee of not committing a crime.

Family members refer to crime and punishment largely in the context of compliance. In contrast, ex-convicts focus largely on sentence inconsistencies. In addition, according to the participants of both the qualitative and quantitative research components, any type of drug crime, other than consumption and purchase/storage/manufacture for consumption purposes, deserves the qualification of a crime.

The study revealed the main reasons for committing drug crimes. In both qualitative and quantitative studies, family members believe that a person who commits a drug crime is primarily motivated by a close circle of people with similar criminal experiences, followed by reasons such as interest and a desire for recreational use. Ex-convicts mostly name recreational consumption, followed by interest and poor financial status. As for the damage caused by different types of drug crimes, there are three main forms: health, social and economic. According to the focus group participants, there are two categories of drug users - people who are addicted to drugs, but they do not do any harm to their families, and the second category of drug users who resort to all means to buy drugs, be it selling a house or other more radical measures.

Part of the family members of drug offenders and current convicts adequately assess the processes that they / their relatives went through from the arrest to the court, while others believe that both the arrest and the subsequent events were conducted with significant violations. Both family members of current convicts and ex-convicts cite the development of health problems that require long-term treatment, the prisoner's / probationer's depressive condition/loss of interest in active life as negative consequences of imprisonment/probation. On the other hand, a positive result is considered to be getting away from a badly affected environment, giving up on drug use, and in some cases, returning the interest in an active life. Part of the convicts, who have experience of being in a penitentiary institution of previous (before 2012), as well as under the new government, adds that the living conditions in the prison have not significantly improved under the new government, only the attitudes towards convicts have changed-the practices of physical and psychological violence against convicts have been significantly reduced.

The respondents confirm that the lawyer (both private and treasury) was provided with full information about the violations of their rights at any stage of the penitentiary. At the same time, there is a share of respondents who did not provide information about the violation of their rights, as they did not hope to rectify the situation.

In terms of a drug crime, four main groups were singled out among high-risk social groups. These are primarily the people living in an environment where drugs are prevalent, as well as family members of drug addicts, the financially affluent, and, to some extent, the unemployed. In addition, respondents say that drug users can become representatives of any social or economic level. And here it would not be appropriate to refer to any specific level of society, to any social status.

According to the majority of respondents in both quantitative and qualitative surveys, demographic characteristics such as education, marital status, and religiosity do not have a significant impact in terms of drug crime. It should be noted, however, that some of the focus groups talk about the **influence of**

religion and belief factors. As they say, apart from exceptional cases, believers and ecclesiastical persons will not commit drug crimes.

In addition, respondents typically attribute drug crimes to males. Being in the "adult-young" (20-34 years) age group is a contributing factor.

According to the respondents, the current drug policy is focused on the punishment of drug users and, at the same time, questioning the opinion that it is aimed at reducing drug crime. Imprisonment for drug offenders may more or less help to reduce drug crime in the country, but not in all directions. In particular, in the case of drug consumption, imprisonment does not eliminate the problem.

Respondents ground their criticism of the existing drug policy on several factors. According to the study participants, despite the availability of treatment and services for drug users, these services are not enough. At the same time, in their view, compulsory drug testing violates the right to privacy, drug testing often takes place without relevant evidence, and drug testing in Georgia takes the form of police control. Respondents are inclined to the opinion that drug testing often equates drug users and drug addicts.

Respondents focus on the challenges and barriers that a former convict faces after leaving a penitentiary. In particular, according to them, drug offenders have to deal with several problems - be it finding a job, adapting to a new environment, or reintegrating into society. Ex-convicts talk about the stigma of conviction, which is an obstacle to their re-socialization.

Respondents agree that the State should change the existing drug policy and replace the punishment-oriented approach with a care-oriented approach. According to the study participants, arresting a person in case of drug use is not a way to eliminate the problem. The respondents note that drug testing takes the form of police control, violates human rights, and is often used for punitive purposes. Respondents, on the other hand, consider that the public's knowledge of the risks of drug crime and expected punishment is not enough, and have positive attitudes towards teaching about drug use at schools.