



VADOC Recidivism

EVALUATION UNIT

DECEMBER 2018

Trends in Recidivism Rates and Technical Violations

Recidivism Rate Trends: The VADOC studies recidivism to gather information on the success of offenders re-entering society once released from State Responsible (SR) incarceration. Consistent with 42 other states, Virginia's official recidivism measure is re-incarceration with an SR sentence within three years of release. Although the three-year SR re-incarceration rate among FY2014 SR Releases was 23.4% compared to 22.4% among FY2013 SR Releases, the increase was not statistically significant.

More Technical Violations Among Recidivists: Not only did the FY2014 re-incarceration rate change from the previous SR Release groups', the composition of the recidivists changed as well. Between the FY2013 and FY2014 release groups, the percentage of offenders returning for technical violations more than doubled. Increases in technical violations may be associated with a response to the opioid epidemic. During the follow-up period for the FY2014 Releases, overdose deaths from fentanyl and heroin increased by 147.5%¹. It is commonly believed that, in light of higher overdose deaths in the community, some judges sentenced opioid users to SR incarceration for safety and treatment. This may have contributed to the slightly higher recidivism rate and the marked increase in technical violators sentenced to SR incarceration.

Predictors of Recidivism

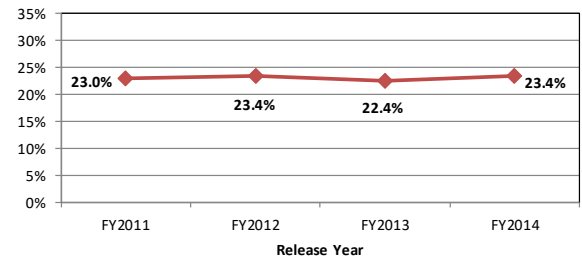
The VADOC studies why people recidivate in order to understand, identify, and address the criminogenic needs of offenders. The following characteristics have historically been shown to impact the likelihood of re-incarceration:

- Gender (Males more likely)
- Age (Younger offenders more likely)
- Previous SR Incarcerations (Higher numbers more likely)
- Crime Type of Most Serious Offense (Property or Public Order more likely)

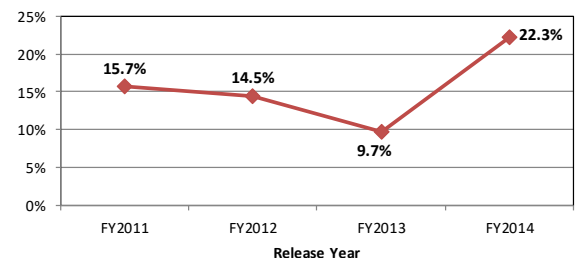
Trends in mental health awareness and opioid use have contributed new predictors of recidivism. These factors and their relationships with other known predictors will be explored in this report.

- Location of SR Incarceration (SR Incarcerations in Jail more likely)
- Evidence of Mental Impairment (Mentally Impaired more likely)
- History of Positive Opioid Drug Tests (History of Opioid Use more likely)

Three-Year Re-Incarceration Rates of State Responsible Releases

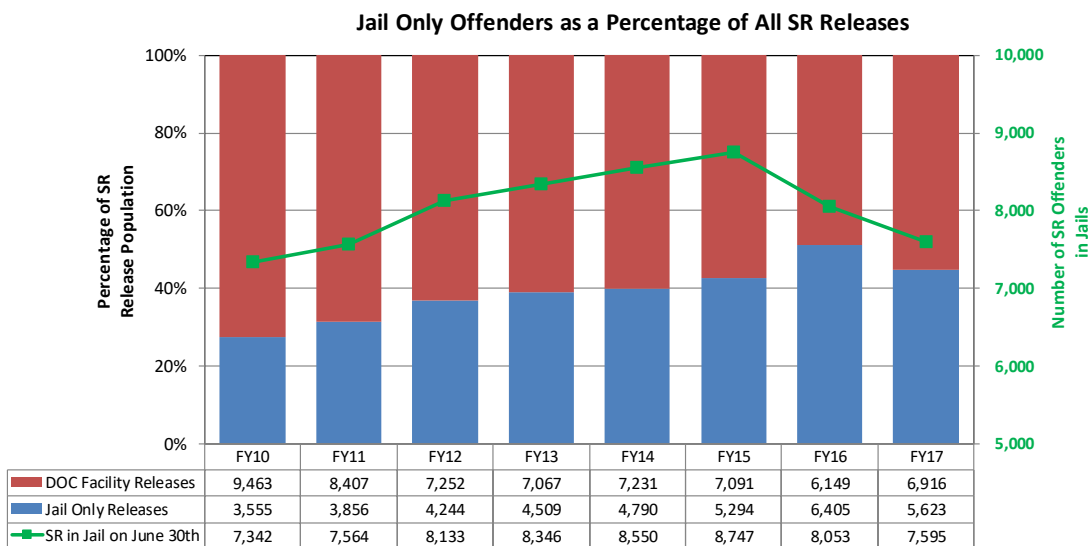


Percentage of Three-Year Recidivists with Technical Violations

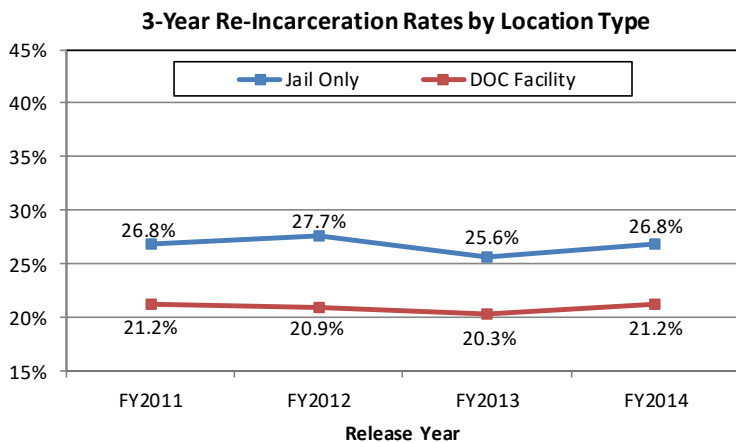


SR Population Incarcerated Only in Local/Regional Jails

Due to limitations in capacity in VADOC facilities, some SR offenders serve their entire incarceration in a local or regional jail. The number of SR offenders in jails increased by 10% from FY2010 to FY2016 (from 7,342 to 8,053). That total dropped by 6% by FY2017 (from 8,053 to 7,595). The number of SR Releases who were “Jail Only” has risen from 27% of total SR Releases in FY2010 to almost one-half in FY2017 (45%).



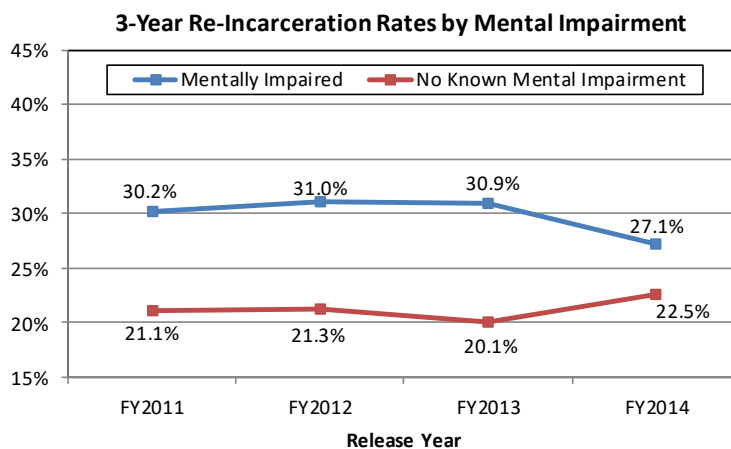
SR Incarceration Location and Recidivism



Three-year re-incarceration rates of offenders who spend all of their SR incarceration in a jail are consistently higher than offenders who spend at least part of their SR incarceration in a DOC facility regardless of SR Release group. Re-entry and Education programming that is available for offenders in DOC facilities, but not jails, may contribute to these lower rates for DOC facility SR offenders.

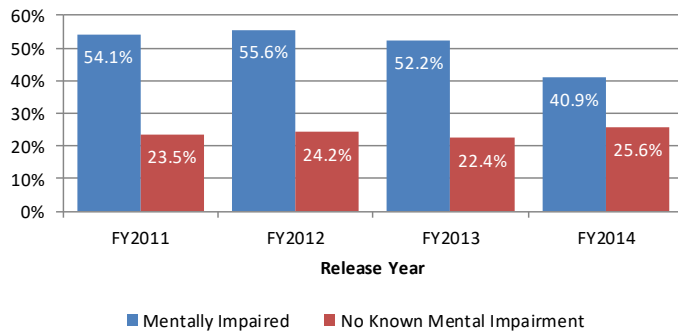
Mental Impairment and Recidivism

Mentally impaired offenders are offenders with a mental health code in VirginiaCORIS indicating either minimal, mild, moderate, severe impairment, or diagnosis of a serious mental illness. The recidivism rate of mentally impaired offenders is higher than offenders with no evidence of mental impairment across FY2011 to FY2014 SR Release groups. This difference is compounded when considering the location of the offender’s SR incarceration (p.3) and his/her opioid use history (p.4).

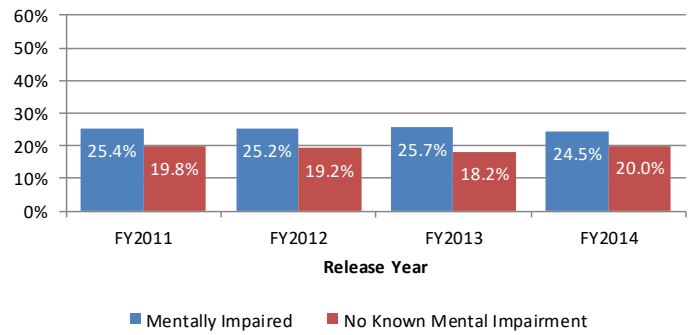


Compounding Effects of SR Incarceration Location and Mental Impairment

**Three-Year Re-Incarceration of Jail Only Offenders
By Mental Impairment**



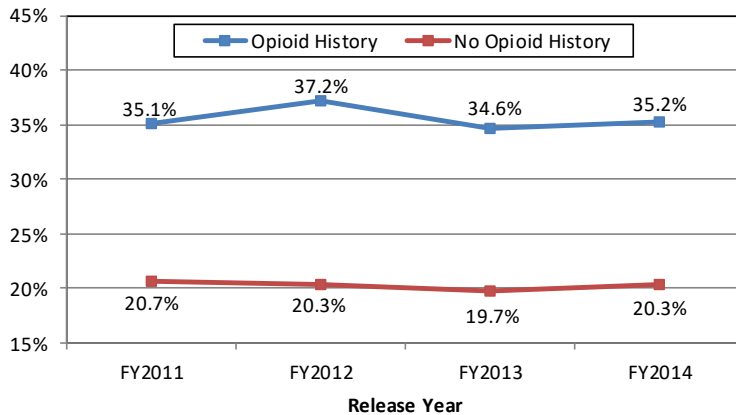
**Three-Year Re-Incarceration of DOC Facility Offenders
By Mental Impairment**



When considering both SR incarceration location and mental impairment, mentally impaired jail only offenders had almost double the re-incarceration rate of DOC facility offenders who were not mentally impaired. The group with the lowest rates consisted of the DOC facility offenders with no known mental impairment.

Opioid Use History and Recidivism

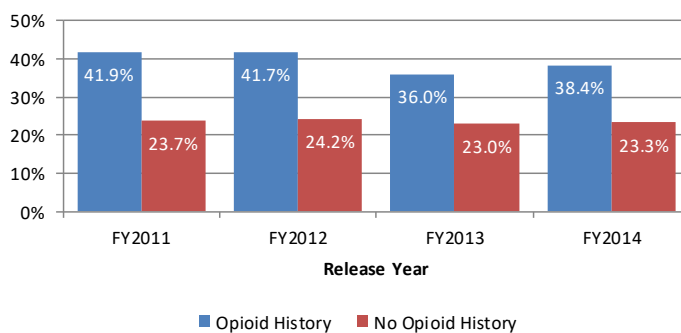
3-Year Re-Incarceration Rates by Opioid Use



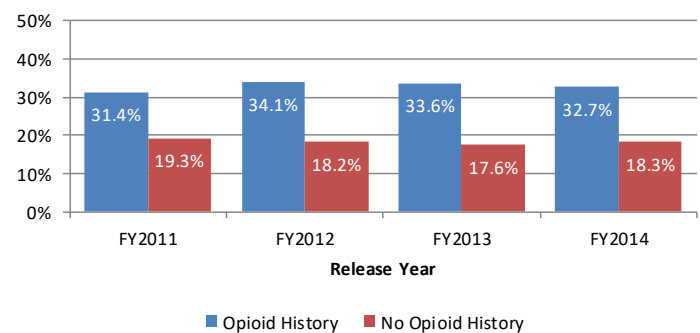
The recidivism rates of offenders with a history of opioid use is notably higher than those without a history of opioid use. From SR Release groups FY2011 to FY2014, the difference in recidivism rates between those with a history of opioid use and those without has been close to 15 percentage points. This difference between offenders with or without opioid histories is compounded by SR incarceration location (below) as well as mental impairment (p.4).

Compounding Effects of Opioid Use History and SR Incarceration Location

**Three-Year Re-Incarceration of Jail Only Offenders
By Opioid Use**



**Three-Year Re-Incarceration of DOC Facility Offenders
By Opioid Use**



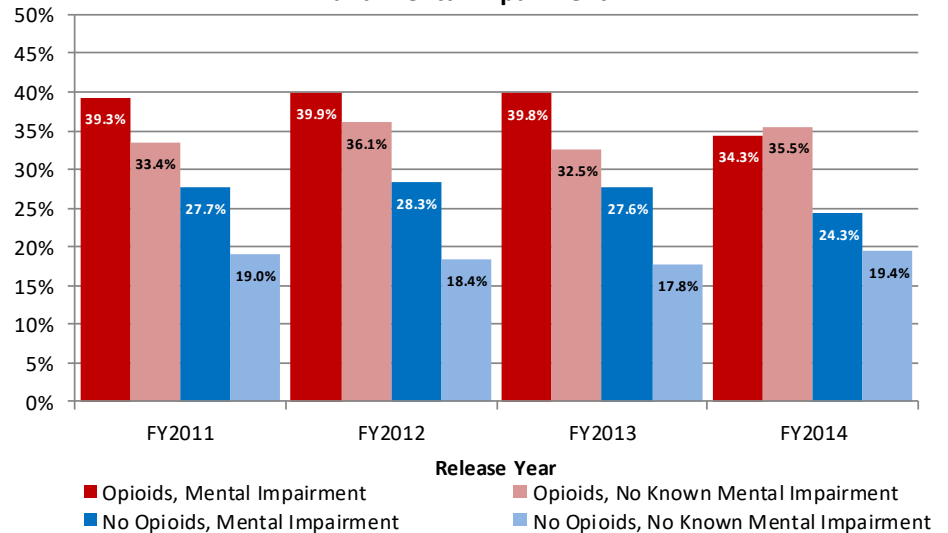
Offenders with a history of opioid use who spend their entire SR incarceration in a jail are more likely to recidivate than those who spend at least part of their incarceration in a DOC facility. The group with the lowest rates each year consisted of the DOC facility offenders who have no history of opioid use—their rates decreased from the FY2011 Release group to the FY2013 Release group, but increased slightly for FY2014 SR Releases.

Compounding Effects of Opioid Use History and Mental Impairment

The effects of opioid use on recidivism are compounded by an offender's status as mentally impaired. From SR Release groups FY2011 to FY2013, opioid users with a mental impairment were more likely to recidivate than the other groups. In the FY2014 release group, opioid users, regardless of mental impairment, were almost equally likely to recidivate. This may be attributed to changes in practices regarding opioid interdiction in light of increasing opioid overdose deaths.

Jail vs. DOC Incarcerations: Offenders released in FY2014 with a mental impairment, a history of opioid abuse, and a SR incarceration in jail had a recidivism rate of 50.5%. For those with the same characteristics but with at least part of their incarceration spent in a DOC facility, the recidivism rate dropped to 31.2%.

Three-Year Re-Incarceration of Offenders by Opioid Use History and Mental Impairment



Conclusion

The analyses in this report show three important changes from previous studies. First, the FY2014 SR Release group experienced changes in recidivism rates. The rate increased by 1% from FY2013 to FY2014, but this increase is not statistically significant. Second, the percentage of technical violations more than doubled among recidivists. This increase can be tied to the increase of fentanyl and heroin deaths in Virginia. Third, mental impairment, opioid use histories, and locations of SR incarceration were all found to be significant factors that impact recidivism.

Exploration of these factors and their interactions found that, when each is considered alone, mental impairment, an opioid history, and a SR incarceration in jail increased an offender's likelihood of recidivating. However, this likelihood compounds when offenders have two or more of these characteristics. For example, for mentally impaired offenders, the likelihood of recidivating is increased if they have a history of opioid abuse. This likelihood can further increase if they also spend their entire incarceration in a local/regional jail rather than in a DOC facility.

¹Virginia Department of Health, Office of the Chief Medical Examiner. *Fatal Drug Overdose Quarterly Report* (July 2018)

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