



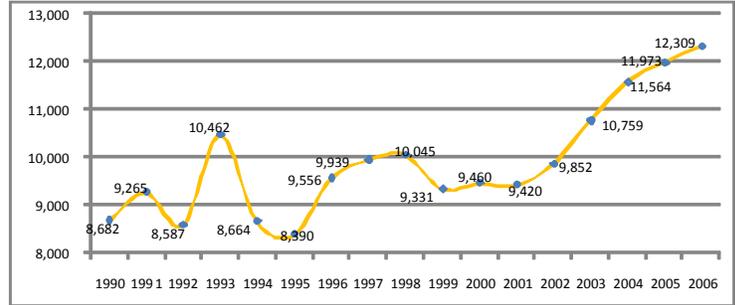
Recidivism Trend FY1990—FY2006

Introduction

Offender recidivism is viewed by many as a primary measure of the performance of corrections agencies. Because of the interest in this topic, the Virginia Department of Corrections conducts annual studies of released state responsible (SR) offenders. This year the Research & Forecast Unit completed a trends analysis of offender recidivism for the period FY1990 — FY2006. Forming conclusions based upon these data required research analysts to develop methods to compare offender recidivism in a uniform manner over this period.

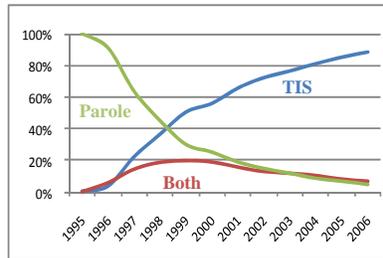
Uniform methods (standardization) were devised to test for the potential impact of Truth in Sentencing (TIS) implementation, changes in the definition of SR, codification of new crimes and special law enforcement strategies. The central finding of this study is that recidivism rates decreased (standardized, pg. 2) over time and this trend is likely due to changes in offender/offense characteristics over time. A more extensive study of additional explanatory variables may be required in order to test all factors.

Currently, felons convicted of a crime committed on or after 1/1/95 and sentenced to at least one year incarceration are SR. Felons who committed their crimes prior to 1/1/95 are SR if they



FY1990–FY2006 VA DOC State Responsible (SR) Releases

were sentenced to more than 24 months incarceration. To provide a recidivism trend, the current definition of SR was used to identify releases.



FY1990–FY2006 VA DOC State Responsible (SR) Releases

Between FY1990 and FY2006, the number of releases increased by over 42%. In the last 5 years of this study period, the number of releases increased by nearly 25%.

Prior to 1995, all SR releases were under the Parole system. Since FY1999, the majority of SR releases are under TIS. Most recently, among the FY2006 SR releases, nearly 88% were TIS offenders and another 7% had both a TIS and Parole system offense.

To address the re-entry needs of future SR releases and to minimize the revolving door some offenders experience, Virginia is dedicated to re-entry reform. This trend provides a baseline for the re-entry initiative.

Although the DOC considers several recidivism measures, this study defines recidivism as re-incarceration with an SR sentence within 3 years of release.

Policy Changes

Since FY1990, there have been many policy changes that could potentially impact recidivism trends.

Truth-In-Sentencing (TIS): For offenses committed prior to 1995, most offenders are eligible for Parole consideration and may be discretionarily released. For offenses committed on/after 1/1/95, offenders must serve at least 85% of their effective sentence and are not eligible for Parole.

SR Definition Changes: During this trend period, 4 distinct SR definitions were used. The current SR definition is used in this study. Thus, non-standardized trends over the study period will apply different standards for Parole/TIS release and re-incarceration. A TIS re-incarceration will be considered SR with a sentence

of one year or more compared to more than 24 months for a Parole re-incarceration.

SR Definition Changes

At least one felony committed prior to 1/1/95:

- Prior to 1/1/95: > 24 mo sentence
- At least one felony committed on or after 1/1/95
- 1/1/95—6/30/97: > 6 mo sentence
- 7/1/97—8/31/98: 12 mo or 1 yr sentence
- Since 9/1/98: 1 yr or more (12 mo not equal to 1 yr)

Other Policy Changes:

- (1) **New Crimes** such as sex offender registry requirements.
- (2) **Penalty Enhancements** such as the change of Simple Assault of a Law Enforcement Officer from a Class 1 misdemeanor to a Class 6

felony effective 7/1/97.

- (3) **Mandatory Minimums** associated with DUI and certain drug, weapon, child pornography, and sex offenses.
- (4) **Offender Management Strategies** such as “Operation Consequences” which resulted in a spike in violations around 2001.
- (5) **Sentencing Guidelines Changes** such as Sex Offender Risk Assessment (since 7/1/99 increase recommendations for high risk) and Nonviolent Risk Assessment (since 7/1/02 recommends alternative sanctions for low risk). Also, penalty enhancements for violent offenders since 1/1/95 constitute a substantial policy change.

Methodology

FY1990 through FY2006 SR release data were compiled and merged with subsequent inmate data files. If an inmate released during the study period was found to have a new SR sentence within 3 years of release, that inmate was considered a recidivist.

In addition to DOC inmate data files, Criminal Sentencing Commission Serious Revocation Reports and Virginia State Police Criminal Histories were used to determine if the recidivist activity within

the prescribed time was related to a new crime, a technical violation, or both.

Although SR release cohorts for this study were identified using the current SR definition, comparing Parole system to TIS system recidivism rates, required adjusting TIS to Parole SR criteria (standardize). Therefore, both the Parole and TIS releases included in the standardized trend analysis were sentenced to a term of more than 24 months prior to release and were only counted as a recidivist if they were subsequently sentenced to more

than 24 months of incarceration within three years of being released.

This adjustment does not make the Parole and TIS offenders exactly the same, as Parole offenders may be discretionarily released after serving a shorter time than 24 month sentenced TIS offenders. However, as time from Parole abolition increases, this likelihood diminishes. This adjustment is designed to capture the essence of the multiple changes that occurred during the study horizon.

Non-Standardized vs. Standardized Re-Incarceration Rates

Of the FY2006 releases, 27.3% were re-incarcerated with an SR sentence within 3 years of their release.

Although at first glance it appears that re-incarceration rates have increased since FY1990, it is important to remember that to be considered a recidivist, crimes that occurred prior to 1995 require a return to DOC/sentence of more than 24 months while crimes committed on or after 1/1/95 require a sentence of only 1 year or more.

Starting in 1995, both Parole and Truth-In-Sentencing (TIS) sentenced inmates were SR. However, due to processing time in the judicial system and time for offenders to complete their term of incarceration, few SR TIS offenders were released until 1997 (3 in FY1995 and 308 in FY1996).

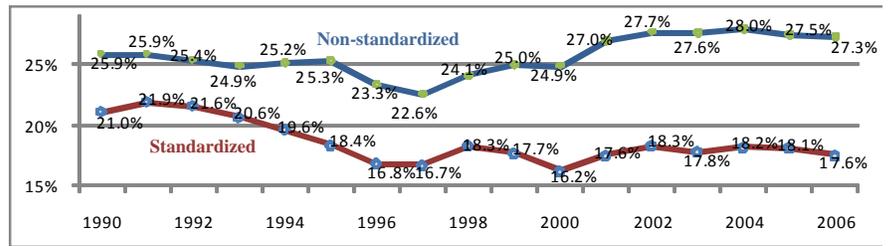
The apparent increase in the re-

incarceration rate after FY1997 is likely due to the change in SR definitions. Simply, TIS recidivists require only half the sentence of Parole recidivists (offense prior to 1995). Therefore, as TIS became more prevalent, the recidivism rate expectedly increased.

By standardizing the rates, we look at a subset of more comparable releases. The re-incarceration rate is higher prior to 1995 than afterward. Using logistical regression to control for available offender and offense characteristic differences, pre-1995 releases were compared to 1/1/95 through

FY2006 releases. This variable was not found to be a significant predictor of recidivism. In other words, there may be other characteristics other than pre/post 1995 release associated with this change. Offender, offense, and incarceration characteristics may also influence the risk of re-incarceration.

Further, policy changes impact offenses and penalties and therefore may impact what is defined as a recidivist event over time.



FY1990–FY2006 VA DOC SR Re-incarceration Rates

TIS vs. Parole Standardized Re-Incarceration Rates

The most notable difference from FY1997 through FY2006 standardized recidivism rates was in FY2004 where the standardized Parole recidivism rate was 3.9% higher than the standardized TIS recidivism rate (significant using Chi Square $p < .01$ criteria). Differences in the other years were not significant.

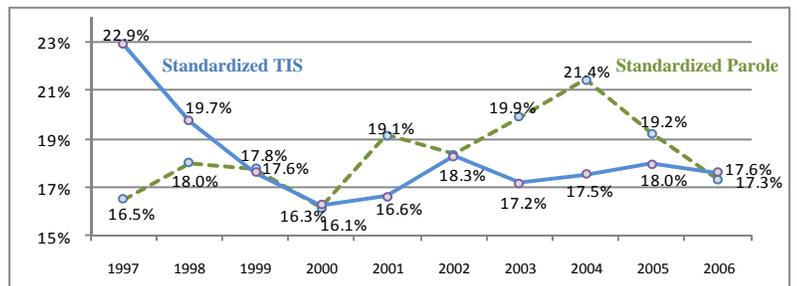
However, using logistic regression to control for offender and offense characteristics, TIS was found to have no significant impact on standardized recidivism rates. Characteristics controlled for include gender, age at release, number of prior SR incarcerations, drug use, juvenile record and length of stay (all statistically significant predictors, $p < .01$). Other factors tested that were found not to be sig-

nificant include race and DOC crime type.

Based on work done in other states, a more exhaustive study would be required to exclude the possibility of TIS influencing recidivism rates. For example, in Florida Bales et al. found that after controlling for a more extensive list of characteristics, TIS was associated with lower recidivism. Moreover, the Washington State Institute for Public Policy found that offender risk changed among Washington's 1991 through

2005 release cohorts.

Factors of interest for future analysis include offense history, marital status, employment, education and violations, other dynamic characteristics that may impact the inmates' success after release.



FY1997–FY2006 VA DOC Standardized SR Re-Incarceration Rates by TIS, Parole and Standardized TIS

Offender Characteristics

Offender characteristics are often telling about an offenders risk for recidivism.

Gender: Recidivism analysis supports the theory that males are significantly more likely to be re-incarcerated than females.

Females have become an increasingly larger part of DOC releases, going from approximately 8% of SR releases in FY1990 to over 12% of SR releases in FY2006. The standardized re-incarceration rate for males decreased slightly over time from 21.6% in FY1990 to 18.3% in FY2006. Similarly, the standardized re-incarceration rate for females decreased from 14.4% in FY1990 to 11.3% in FY2006.

Age: Over time, SR releases have been getting older. In the early 1990's, over half of the SR releases were under 30 years of age. By FY2006, only a third of the releases were

Gender and age have both been found to have a significant impact on re-incarceration rates. Males and younger offenders are more likely to be re-incarcerated.

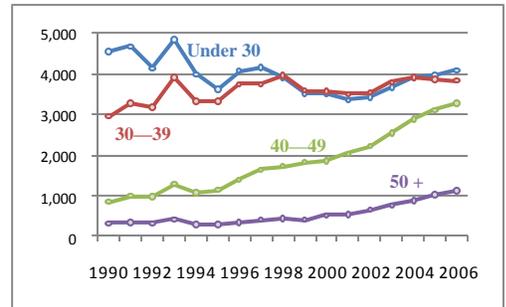
under 30 years of age. Conversely, during this study period, the percentage of older SR releases nearly tripled, with 40 to 49 year olds going from 9.8% (FY1990) to 26.5% (FY2006) and those age 50 and older SR releases going from 3.7% (FY1990) to 9.5% (FY2006).

The youngest offenders (< 30 years old) are re-incarcerated at the highest rates, at nearly 20%. This rate has decreased roughly 4% since FY1990. In comparison, the 30 to 39 year olds re-incarceration rate decreased from 19.3% to 17.7% (standardized) over the study period.

The only increase in re-incarceration rates was among the 40 to 49 year olds,

going from 13.1% in FY1990 to 18.1% in FY2006 (standardized).

The oldest release group (at least 50 years old), have the lowest re-incarceration rates. The standardized re-incarceration for this group was 10.5% in FY1990 and 8.4% in FY2006. Some theories associated with low re-incarceration rates among the oldest releases include aging out of crime prone years, inability to commit crimes due to health and aging and not being detected.

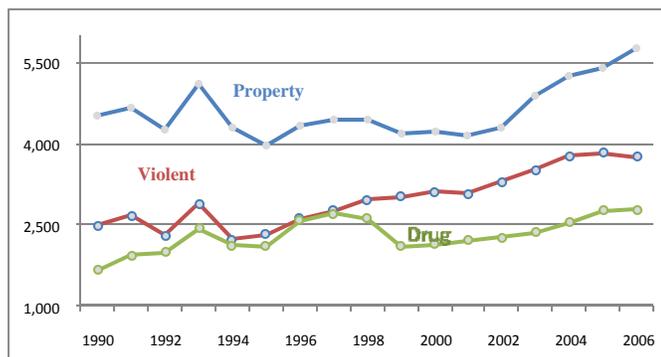


FY1995–FY2006 VA DOC SR Releases by Age Group

Offense Characteristics

Offense characteristics also can tell us about an offender's risk for recidivism. Previous DOC recidivism studies have shown that offenders with less violent offense histories tend to recidivate at higher rates than do more violent offenders. However, with standardizing these data, some of the higher recidivating offenders were excluded. Among those are lower sentenced TIS offenders. Also, offenders who served time for both TIS and Parole offenses are excluded from the standardized analysis. These exclusions are likely the cause of offense type not being significant in standardized models.

Property offenders, who generally have relatively shorter sentences, have been the fastest growing part of the SR releases. This group



FY1990–FY2006 VA DOC SR Releases by Offense Type

also has the highest re-incarceration rates, ranging from 24.7% (FY1997) to 31.0% (FY2006), with an average re-incarceration rate of 28.3% over the course of this study (non-standardized).

On the other hand, drug offenders are consistently the smallest group of releases. Drug offenders have lowest re-incarceration rates ranging from 16.8% (FY1996) to 26.1% (FY2005), with an average rate of 21.6% from FY1990 to FY2006 (non-standardized).

Violent offenders generally have the longest sentences and LOS on release. Although only 5% of the FY2006 releases, the majority of Parole releases are violent because

they had sentences long enough to still be incarcerated for crimes that occurred prior to 1995.

DOC violent offender re-incarceration rates ranged from 22.5% (FY2000) to 28.7% (FY1995), with an average re-incarceration rate of 25.5% (non-standardized). Standardized re-incarceration rates are highest for this group.

In FY2006, the re-incarceration rate for property offenders was 31.0% compared to violent offenders, 25.1%, and drug offenders, 24.8%.

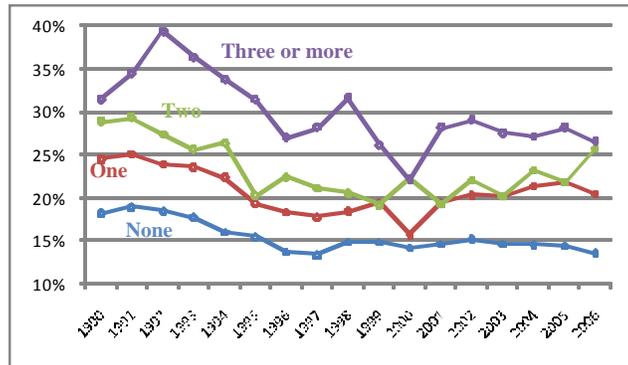
§17.2-805 Releases: Includes offenses deemed violent according to statute, including burglary. Similarly to releases of DOC violent offenders, both Parole and TIS released offenders with statutorily violent criminal histories have become a larger share of the total releases over the study period. TIS released offenders with criminal histories considered statutorily violent increased from 17.4% in FY1997 to 26% in FY2006*. Since FY2000, releases deemed violent under §17.2-805 have been re-incarcerated at higher rate rates (FY2006 28.1% vs. 26.9%).

* Some of this increase is due to improvements in the identification of offenses considered Violent by Statute over time.

Supervision Violators: Recidivism rates include all SR re-incarcerations, regardless of whether they are technical violations (no new crime conviction), new crime violations (violation and new crime) or a new crime conviction alone. Since FY1996, 15 to 20% of the re-incarcerations are due to technical violations. Since FY1999, more than half of the recidivists had a new crime and a violation.

Incarceration Characteristics

Prior Incarcerations: Number of prior SR incarcerations is directly associated with recidivism rates. On average, releases with no prior SR incarcerations had a standardized re-incarceration rate of 15.4%, compared to those with one prior SR incarceration, 20.7%, those with two prior SR incarcerations, 23.3% and those with three or more SR incarcerations, 29.9%.



FY1990–FY2006 VA DOC SR Standardized Re-incarceration Rates by Prior Incarcerations

Total Length of Stay (LOS): Since Parole was abolished in 1995, LOS of Parole releases has been increasing (only those who have served a relatively long sentence are left to be released). Also, LOS of TIS releases has been increasing because the maximum time served under TIS is capped at the length of time TIS has been in existence.

LOS for Parole releases is the entire time they served for their sentence, not necessarily just the portion most recently served. On the other hand, LOS for TIS offenders is just based on the incarceration period they are being released for. Therefore, these measures are not simply comparable.

In FY2006 inmates released under the Parole system had a mean total LOS of almost 140 months. Conversely, TIS system inmates re-

leased in FY2006 had a mean total length of stay of just over 37 months.

Except for 4 years of this study (FY1991, 2004, 2005 and 2006), Parolees who were re-incarcerated had a higher average LOS than those who did not recidivate. In FY2006, Parolees who did not recidivate had an average LOS 4.8 months lower than those who did (139.7 months compared to 144.5 months).

For TIS releases, in FY1997 recidivists had a higher LOS and from FY1998 to FY2000 the LOS was roughly the same among recidivists and non-recidivists. Since FY2001, the LOS of TIS non-recidivists has been slightly higher than TIS recidivists. The largest difference has been in FY2005 and FY2006 where non-recidivists serve an average of 2.7 months longer than recidivists (FY2006 41.9 months compared to 39.2 months).

Summary

Re-incarceration rates can be effected by offender/offense characteristic changes as well as policy changes. Since FY1990, Virginia has undergone many changes that can impact recidivism. Among these are changes in criminal statute that add new crimes and changes in penalties (including the addition of mandatory minimums) for existing crimes. Policy changes that effect programming or sentencing recommendations may also influence re-incarceration rates. For example, Non-Violent Risk Assessment recommends alternative sanctions for low risk incarceration bound offenders.

Some policy changes also create measurement issues when looking at re-incarceration rates across time. In 1995, Parole was abolished and TIS was instituted. Under Parole, offenders could receive discretionary release. Under TIS, all offenders serve at least 85% of their sentence. This policy is applied by the offense date so that VA DOC has inmates serving sentences under both systems.

Similarly, the definition of SR has changed 4 times during this study period. To deal with these changes, release cohorts were identified by the current SR definition, which is different for Parole eligible inmates and TIS inmates. Non-standardized re-incarceration rates were determined using this definition. Non-standardized rates re-

vealed a slight increase since FY1990, with the lowest non-standardized rate occurring in FY1997. The incline since FY1997 is likely due to change in SR definition since offenses committed from 1/1/95 forward only require a felony sentence of 1 year or more compared to those committed prior to 1995, which required a felony sentence of at least 24 months.

Data was proximately standardized so that both releases and re-incarceration events used the felony sentence of more than 24 month criteria. Once standardized, re-incarceration rates decreased over time, go-

ing from 21.9% in FY1991 to 17.6% in FY2006 with some minor fluctuation in between.

Through statistical testing of available data, no significant connection was made between TIS and recidivism rates. To fully test changes in re-incarceration rates over this time period, a more extensive study would be required that included additional explanatory variables.

References

- Bales, W.D., Gaes, G.G., Blomberg, T.G., Pate, K.N. (2010). An Assessment of the Development and Outcomes of Determinate Sentencing in Florida. *Justice Research and Policy*, Vol. 12, No. 1, 2010.
- E.K. Drake, S. Aos, & R. Barnoski (2010). *Washington's Offender Accountability Act: Final Report on Recidivism Outcomes*. Olympia: Washington State Institute for Public Policy, Document No. 10-01-1201

We are appreciative of the input from the Virginia Criminal Sentencing Commission, especially in the area of policy changes.

VIRGINIA DEPARTMENT OF CORRECTIONS

RESEARCH & FORECASTING

Tama S. Celi, PhD
John E. Turner, MPP

Phone: 804-674-3268 ext. 1256
E-mail: Tama.Celi@vadoc.virginia.gov

Public Safety First

<http://www.vadoc.virginia.gov/about/facts/>