

RECIDIVISM: A FRUIT SALAD CONCEPT IN THE CRIMINAL JUSTICE WORLD

by Allen R. Beck, Ph.D.

Statisticians produce seemingly “scientific” studies of recidivism. Correctional administrators sometimes brag about new programs that drastically reduce recidivism. Program staff present reports to their bosses that describe the success and failure of their programs in terms of recidivism. Politicians have had occasion to use the public pulpit to express dismay about recidivism. But in reality, the numbers to which they refer are often as dissimilar as apples, oranges, and grapes. Recidivism is a fruit salad concept in the criminal justice world.

“Recidivism” and “failure” are not always synonymous when talking about offender programs. “Recidivism,” as defined by Webster’s Dictionary is “a tendency to slip back into a previous criminal behavior pattern.”¹ “Failure,” on the other hand, is a broad term that often encompasses both relapse into criminal behavior and the exhibition of non-criminal behavior that is unacceptable in correctional programs. For example, an offender may fail in a drug treatment program because he or she refuses to participate appropriately in group counseling. Although no crime involved, the person may be dropped from the program and counted as a failure. The discussion that follows only deals with recidivism.

In developing an understanding of recidivism, three concepts should be examined: (1) what is counted as recidivism, (2) what is time frame of recidivism, and (3) what is the basis for making sense of the information on recidivism?

Concept One: What Is Counted as Recidivism?

- Recidivism in the Florida Department of Corrections involves only the return to prison or new a sentence to Community Supervision for a new offense. If the person commits a lesser offense for which he or she is incarcerated in a county jail, the event is not counted as recidivism. Also not counted are technical violations of Community Supervision which return the individual to prison. Technical violations include such things as failure to report to the parole officer at specified times.
- In the Colorado prison system, the definition of recidivism includes technical violators.
- In some communities, recidivism includes new offenses (including misdemeanors) to which the offender is sentenced to serve local time even though he or she does not return to state correctional supervision.
- If a revocation of parole involves a chargeable behavior, such as use of prohibited substances, the incident may not be considered recidivism in some communities.
- If an parolee commits a new offense in some communities that carries a shorter sentence to prison than would be served if parole is revoked, than the judge may choose to revoke parole. Thus, the parolee is not counted as having committed a new offense and therefore not counted as recidivism.
- Some state prison systems either do not count or do not track parolees who commit new offenses in another state and are incarcerated out of state. Thus, a serious crime in another state may not be counted as recidivism.

Concept Two: What is the Time Frame of Recidivism?

- The time frame for counting recidivism in the various state prison systems extends from one to 22 years after release from prison.² Obviously, the longer the time frame the more offenders that will be included

¹Webster’s II, *New Riverside Dictionary*. Revised Edition, Boston, MA: Houghton Mifflin Co., 1996.

²Camp, Camille and Camp, George. *The Corrections Yearbook*, Middletown, CT: Criminal Justice Institute, Inc., 1998, pp. 56-57.

- in the recidivism count. For example, prior to 2001, ex-inmates committing new offenses two years after prison release would not have been counted as recidivists in the Massachusetts prison system but would be counted in Oklahoma.³
- In some jurisdictions, the date of commission of the new offense signals the time to take the count while in others, the date of conviction is used. Since the date of commission of an unlawful act and date of conviction could be more than a year apart, new serious offenses (felonies) might miss being counted in some states having short time frames in their definition of recidivism.
 - In some correctional programs, "recidivism" is counted only for those persons who commit new offenses or violate orders of the court during time of participation in the program, not afterwards. This narrowly focused definition often misleads the public and administrators in local government into believing that great results are being achieved. In reality, the success rate, as measured through post-program follow-up, may be no different from other programs or from no treatment at all.

Concept Three: What is the Basis for Making Sense of the Data?

Interpretation of recidivism data requires making comparisons. To know only the recidivism rate for a particular program does not tell much. For example, is a recidivism rate of 30, 40 or 50 percent good or bad? A recidivism rate of 40 percent could be bad if similar programs are experiencing a 20% recidivism rate. On the other hand, a recidivism rate of 50 percent could be good if other programs serving particularly difficult offender populations are experiencing a 70 percent recidivism rate. Even if program recidivism data are shown on a year-to-year basis, the issue of how that program fares in comparison to similar programs remains unanswered.

To make sense of data on recidivism, comparisons to other programs must be made. However, how the comparison is made is crucial and often misleading. For example, comparing the recidivism rate of young male offenders in a drug treatment program with the recidivism rate of female offenders who do not have drug problems is an obvious apples and oranges comparison. This same fallacy often crops up in more subtle comparisons of recidivism. For example, a National Institute of Justice (NIJ) study of boot camps pointed out that the comparison of the return-to-prison rates of boot camp graduates with those of the total prison population of prison releasees "unfairly favored boot camp graduates because boot camp programs specifically targeted non-violent offenders who did not have extensive criminal histories," whereas, the total prison population includes offenders with extensive criminal histories and violent crimes. The NIJ study concluded that the selection of adequate comparison groups is essential in making sense out of recidivism data.⁴

Not only does the definition of recidivism vary between state correctional agencies, as described above, but local programs run by community corrections agencies, county probation departments, and sheriffs departments create their own versions of recidivism. Thus, the consumer of criminal justice information cannot assume that state and local agencies are using the same definition.

³The Massachusetts Department of Corrections, MDOC, has recently changed its time frame for reporting recidivism. At the time of researching this article, the time frame was one year. However, in the MDOC 2001 report, the time frame is three years. As in many correctional systems, their definition of recidivism has been evolving. (Information provided in phone call to the Research Department of the MDOC.)

⁴MacKenzie, D.L. and C. Souryal, "Multi-site Study of Correctional Boot Camps." in D.L. MacKenzie and E.E. Herbert (Eds.) *Correctional Boot Camps: A Tough Intermediate Sanction*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice, NCJ 157639, 1996.

The discussion of these three concepts indicates that the definition of recidivism is far from consistent. Skepticism is healthy when encountering information about recidivism. The healthy skeptic should ask questions and hold the purveyor of recidivism data responsible for providing a clear definition of recidivism. Without keeping the three concepts outlined in this article clearly in mind, recidivism information will not be useful in knowledgeable decision-making. The information will be a mixed-up, fruit-salad with a little bit of this and a little bit of that and not a whole lot of clarity.

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