

Recidivism Defined and Understood

The Need for a Cross-Agency, Collaborative Approach

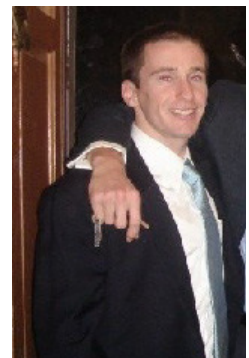
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Introduction

For policy makers, public safety is always at the forefront of the decision making process. Ensuring public safety is one of the primary goals of government, and policies that serve this goal are constantly evolving. Sometimes, however, it is difficult to define what public safety is. There are a variety of metrics that are used to measure the level of public safety, ranging from arrest rates, environmental controls, car accidents, and public opinion. It may as simple as residents of a community being able to receive pizza delivery service at night, or as complicated as preventing a nuclear attack. A large determinant of public safety that will be studied in this paper is the effectiveness of prisons. The primary question associated with this measurement is, how good are prisons at deterring crime and rehabilitating violators?

Like many public policy issues, the effectiveness of prisons is not limited to the domain of one agency, but depends on the collaboration of a number of organizations, such as prison officials, judges,

mental health experts, social workers, and doctors. The current problems in the prison system highlight the need for such collaboration. Prison overcrowding is the most visible problem due to the fact that it is so easily measured. Moreover, many prisoners face more complicated medical issues related in part to overcrowding. Overcrowding and medical problems are self-perpetuating, in the sense that overcrowded prisons breed diseases, and put a strain on prison doctors. However, the most pressing issue in corrections is recidivism or the re-entry of prisoners back into the corrections system after having been previously incarcerated. Recidivism “is the benchmark sought by policymakers and the public for assessing correctional interventions” [1]. It is a problem because it presents the taxpayers with the task of having to pay for incarceration numerous times for the same person. Additionally, recidivism undermines the entire prison system by churning out prisoners who are not ready to be released. Before proposing a solution to recidivism, it is important to grasp what it is and how it is measured, as well as why it occurs. Recidivism happens



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because newly released prisoners lack a support system that includes sustainable housing and employment. And while solutions are being implemented in various capacities, like vocational education, or the use of drug courts, a more comprehensive approach is needed. Unless cross-agency collaboration occurs, and new and innovative strategies put forth, recidivism will continue to grow and pose an even more serious problem in the future.

those found guilty of crimes, whether they were incarcerated or were dealt with in some other manner” [2]. It is interesting to note that the current definition of recidivism used by the U.S. Bureau of Justice Statistics is very broad, and encompasses “rearrest, reconviction, or return to prison with or without a new sentence during a three-year period following the prisoner’s release” [3]. This definition captures the public sentiment that a felon is never really off the hook. Even an arrest without a conviction con-

“[t]he most pressing issue in corrections is recidivism or the re-entry of prisoners back into the corrections system after having been previously incarcerated. Recidivism “is the benchmark sought by policymakers and the public for assessing correctional interventions” [1]. It is a problem because it presents the taxpayers with the task of having to pay for incarceration numerous times for the same person. ”

Defining and Measuring Recidivism

The measurement of recidivism is significant because accurate statistics are imperative to law enforcement agencies, prison officials, legislators, and the public. There are many competing ways to reduce recidivism, and the efficacy of these programs can not be determined unless a uniform definition of recidivism is agreed upon by all parties that have stake in the issue. One measurement technique discussed by Harry Willbach is recidivism based on prior arrest. This method is intended to measure the adjustment of the individual to social life post-incarceration. However, the main problem with this measurement is that “it fails to do this since the person arrested may not be convicted and in fact may not have committed the offense” [2]. This is simply a measurement of suspicion and would drastically overstate the actual recidivism rate as many more people are arrested than are actually convicted, much less are incarcerated.

Another measurement technique discussed by Willbach relates to prior incarceration. However, the technique is flawed and understates recidivism by failing to take into account those who are guilty of committing a crime but who have not been incarcerated. The final, and perhaps the best, measurement technique explored by the author is recidivism based on prior conviction. While this was not a feasible technique before the advent of national criminal databases, it serves as the truest measure of recidivism because “this would omit from consideration those who were wrongfully arrested and would include all

tributes to the recidivism rate, and negatively impacts statistics on the prison system. Public perceptions resulting from negative views on recidivism are further used to prohibit convicted felons from voting. Another consideration that policymakers should take into account when examining recidivism studies is the length of the follow-up period. Most current studies use a three-year follow-up period in which they track released prisoners’ arrest, conviction, and incarceration records for a certain length of time after release. While consistency in the follow-up periods across different studies is imperative, it is important to note that the greater the follow-up time, the higher the recidivism rate will be [4]. Proper measurement of recidivism and consistency of methodologies ensures that the problem is correctly addressed.

The Problem of Recidivism and Why It Occurs

Before tackling an issue as complex and multifaceted as recidivism, it is helpful to understand the nature of the problem, who recidivists are, and why recidivism occurs. This basis will eventually serve to formulate a comprehensive solution strategy, which takes into account the special needs of prisoners. Recidivism is a growing problem, due in part to better measurement techniques, but more to the complexity of issues that newly released prisoners face. In a 1994 study conducted by the Bureau of Justice Statistics and released in 2002, the Bureau tracked roughly two-thirds of all prisoners released that year in the United States for a three year follow-up peri-

od. It found that 67.5 % were rearrested within three years, as compared to a similar study conducted in 1983 with a rearrest rate of 62.5% [5]. The study does acknowledge that “arrest records provide an incomplete measure of actual crime activity,” but also notes that “while people are sometimes arrested for crimes they did not commit, research indicates that offenders commit more crimes than their arrest records show” [5]. Furthermore, policymakers should be aware that “the first year is the period when much of the recidivism occurs, accounting for nearly two-thirds of all the recidivism of the first 3 years” [5]. This statistic highlights the need for programs which have a minimal amount of lag time. Determining exactly who recidivists are also tends to be an im-

taking care of them. Another characteristic that can be used to develop rehabilitative programs is the degree of specialization among recidivists. Specialists are “prisoners, who, after being released, commit the same crime they were just in prison for, while non-specialists are those whose new offense differs from what they were in prison for” [5]. To illustrate this concept, “a released robber’s odds of repeating his crime are 1.7 times greater than the odds of a non-robber leaving prison and committing a robbery” [5].

There are many reasons why criminals recidivate, although most revolve around the fact that newly released prisoners face a multitude of obstacles put in place by the prison system, employers, housing



Studies suggests that states need to look at ways to limit the growth in prison population, even as they balance concerns of public safety. In this photo, Cumberland County Prison, one of Pennsylvania’s overcrowded prisons. (Photo: The Associated Press 2005)

portant factor in deciding which prison programs to allocate money to or expand.

According to the Bureau of Justice Statistics, recidivists tend to fall into the categories of males, blacks, non-Hispanics, and the young. Perhaps the most compelling and useful detail of this statement is that “the younger the prisoner when released, the higher the rate of recidivism. Over 80% of those under the age of 18 were rearrested, compared to 45.3% of those 45 or older [5]. While this statistic indicates some potential benefits for implementing prison programs geared toward younger prisoners, it can be misleading. People under the age of 18, in general, rely on some type of guardian for food and shelter. Young people who have just been released from prison may not have a guardian who is capable to

authorities, and social services. Speaking generally, released prisoners also recidivate in part because of the lack of incentive to engage in legal practices. Prison bears a striking resemblance to business school. Once admitted into prison, criminals establish networks and learn about other illegal trades beyond their own. Armed with new knowledge and new contacts, criminals have little incentive to dabble in legal activities once released and often find themselves incarcerated again. Despite extensive vocational education programs in place, released prisoners encounter many structural obstacles.

Aside from restrictions on public-housing, “many former felons find they need special waivers to get licensed in vocations they learned while serving time. Some find their attempts to get an education

are stymied by laws barring load to those convicted of a crime” [6]. Apart from individual organizations placing restrictions on those who have been convicted of a crime, the compounding of these restrictions is what poses the greatest problem for newly released prisoners. For example, in many instances, if a prisoner is released before their sentence is complete, they are required to find employment within 15 days. But, in order to get a job, the person must obtain a valid identification from the Department of Motor Vehicles. Because the person has been in prison for an extended period of time, he or she may not have the proper identifiers needed to obtain a state I.D. [6]

A group of prisoners that faces extraordinarily large obstacles is the mentally ill. There has been a recent surge in the number of mentally ill prisoners “caused in part by shuttering of state-run mental-health facilities. Once imprisoned, mentally ill inmates are rarely paroled. Some ‘max out’ their sentence, serving at least 85% of their term, and are released. With nowhere to go, and with a recidivism rate higher than that of the general prison population, they often end up back where they started” [7]. The problem is that once these prisoners finish their sentence, the prisons are mandated to release them, regardless of whether they have a support system

lem presents itself as a vicious cycle, in that beds are put in place of areas that could house treatment programs, and this creates more recidivism, and the need for more beds. This translates into even fewer programs, and the recidivism rate continues to increase. Recidivism is multifaceted and can be analyzed from a number of different angles. Released prisoners face challenges from different organizations like employers and housing authorities, and these problems are compounded to the point of sending the prisoner back into incarceration. While crime is always a choice made by an individual, it is imperative that broad support systems are in place to help guide the prisoner after release.

Solving the Problem of Recidivism

While many of the aforementioned problems can be solved by individual agencies, I believe the best approach is cross-agency collaboration. The best solutions to each case come as a result of including many different types of people in the case. By disseminating as much information about the case as possible (but limiting it to direct stakeholders), a more individualized program can be implemented. Currently, upon release a prisoner deals with many different organizations, such as parole officers, doc-

“Prisoners are now “housed in gyms and classrooms, and those areas could be used for programs to prepare offenders for life outside the prison” [8].

waiting for them. Parole is not normally feasible for prisoners because their prison records, which are usually less than stellar due to mental illness. Further, mentally ill prisoners spend a greater amount of time imprisoned because of a dearth of programs specifically designed specifically to help the mentally ill. Lack of effective rehabilitation further contributes to high levels of recidivism.

California also provides a good example of compounding factors leading to higher recidivism. Most rehabilitation programs have been eliminated from the prisons, “which some criminal justice experts believe has increased the rate of recidivism. Some experts also argue that a legislature bound by term limits has created an expertise vacuum on the complex and emotional issue of prison sentencing” [8]. The California prison population has been growing rapidly alongside the general state population, which has caused a crunch for space in the prisons. Prisoners are now “housed in gyms and classrooms, and those areas could be used for programs to prepare offenders for life outside the prison” [8]. The prob-

tors, mental health workers, employee assistance programs, etc. These organizations are all working toward the common goal of getting the prisoner back on her feet; however, they work in almost complete isolation from one another. This is a problem that afflicts many different areas of public policy delivery, and the solution lies in collaboration. People associated with the newly released prisoner need to be able to “overcome the barriers of fragmentation by actively collaborating across professional and bureaucratic boundaries” [9].

In line with this approach, the federal government has begun to take note of the barriers that newly released prisoners face. “The Second Chance Act, hammered out by a bipartisan group of lawmakers and introduced [in April, 2005] would provide more than \$80 million in grants for programs to help ex-offenders re-enter society.” It would include a “provision ensuring that ex-offenders can be licensed in occupations they trained for in prison” [6]. Another governmental policy is aimed at employer hiring practices. In June, Los Angeles “county supervisors

ordered a study on whether it would be feasible to remove the requirement that all prospective county employees reveal their history of convictions on initial job applications. The laws would only apply to the initial applications, in which prospective workers are screened before being called in for interviews and more paperwork. In that later phase, applicants still would have to reveal whether they had been convicted of a felony” [10]. While this practice would not necessarily give jobs to ex-offenders, it would at least allow them to get a foot in the door, and permit them to potentially meet an employer face-to-

criminal activity” [4]. Education programs such as those proposed by the study serve other purposes as well. For example, in the health sciences program, inmates “learn how to make and repair dentures belonging to inmates in prisons across the state. This is viewed as being a cost savings to [the Department of Corrections]” [4]. Despite the added value to prisons that educational and vocational programs provide, they sometimes do not serve the goal of reducing recidivism.

The Sentencing Commission also examined the effects of an academic education program on in-



The desire to be perceived as ‘tough on crime’ crosses party lines, only exacerbating the problem of finding sensitive solutions to recidivism. Here, four governors show their opposition to making the California three strikes law apply only to violent or serious felonies (Photo: David McNew, 2004)

face. Lowering the barriers blocking the reentry of prisoners into the economy is an important step in reducing the recidivism rate.

Other approaches to reducing recidivism have focused on implementing more rehabilitative and education programs and making those effective. A study published by the North Carolina Sentencing and Policy Advisory Commission underscores these notions. It recommends that “prisons, which increase the probability of recidivism even when controlling for all other factors, should be reserved for the most serious, violent, and high risk offenders – youthful or otherwise – while community punishment probation should be utilized for the least serious, low risk offender” [4]. The study also recommends “developing programs and allocating resources designed specifically for youthful offenders to rehabilitate and reintegrate them into their community upon release from correctional supervision to reduce further

mates released from prison. The study found that “an inmate’s participation in an academic program, even if it led to a GED, did not reduce the rate of recidivism. In short, the fact that the academic education participants had committed offenses which were serious enough to result in a prison sentence and had not received their high school diploma prior to being incarcerated strongly suggests that these were persons who entered prison with significant preexisting problems and behaviors which would be difficult to change” [4]. Similarly, it appears that while there is no significant difference in the recidivism rates between vocational participants and non-participants, there is merit in completing a program. “Non-completers were 3.9% more likely to be arrested than vocational education completers and 3.7% more likely to be arrested than non-participant prisoners” [4]. While it is surprising that not completing a program results in higher recidivism than

not even participating, this accentuates the need for instructors who are able to motivate even the most troubled inmates.

Another comprehensive approach is demonstrated by the recent phenomenon of drug courts. Drug courts “provide an efficient means of ensuring access to treatment for many high-risk, high-need individuals who would not otherwise enter treatment” [1]. This innovative tactic is being used as an alternative to regular courts because the drug courts employ an approach that deals with an offender’s drug addiction, which is otherwise a strong indicator of recidivism. These courts have already demonstrated their effectiveness. “In a rare controlled evaluation of a drug court serving offenders with serious drug histories, Gottfredson and colleagues found that drug court participants had lower rearrest rates than the control group at the 2-year follow up” [1]. Post-release programs which incorporate substance abuse treatment are also effective in reducing recidivism. “Several studies have found that offenders who are paroled to substance abuse treatment services are more likely to have improved psychosocial functioning and lower rates of criminal recidivism” [11]. However, like educational programs in the prisons, lower recidivism can only be achieved through completion of a substance abuse program. Lastly, the authors noted that “the delivery of treatment services was a cooperative effort among many different systems (e.g. department of corrections, parole, treatment programs, etc.) that were required to work out specific rules and regulations” [11]. The task of reducing recidivism is not limited to one agency or organization. While some programs are limited in scope to a specific area such as vocational programs in prisons, overall reduction of recidivism requires cross-agency collaboration. Once a prisoner is released, support networks must be in place to work with the prisoner and help him with obtaining identification, a job, housing, and substance abuse treatment if necessary.

Conclusion

The complexity of recidivism can not be viewed in one dimension. Rather, it is a problem that is caused by a number of factors, some inherent to the individual, others the product of organizations. The reduction of recidivism requires looking beyond a prisoner’s propensity to commit crime, and to look at why they are in prison and why they come back. People coming out of prison have been isolated from society for an extended period of time and lack the support systems that many of us take for granted.

They face numerous obstacles, many of which are self-perpetuating. The solution requires collaborative efforts by individuals and agencies that have contact with the newly released prisoner. Further, while the federal government has channeled more funding into educational and vocational programs, there needs to be an emphasis on the completion of these types of programs. Recidivism is one of the largest determinants of prison effectiveness, and to a degree, public safety. While there are many factors that affect the level of public safety, recidivism should be given careful consideration by policymakers who are intent on saving taxpayer money as well as rehabilitating some of society’s least-wanted members.

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