

Measuring Recidivism: Definitions, Errors, and Data Sources

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This paper begins our series of analyses on the issue of recidivism particularly as it applies to the local jails and community re-entry. The Monroe County Sheriff's Office and its Jail Bureau are interested in understanding the recidivism of those being released from Monroe County's local jail facilities. By periodically re-assessing recidivism rates, the Monroe County Jail and Correctional Facility can assess their programs' outcomes for the purpose of improving programming.

Webster dictionary defines recidivism as "a tendency to relapse into a previous condition or mode of behavior," and criminology defines it as "falling back or relapse into prior criminal habits, especially after punishment" (Blumstein & Larson, 1971). Recidivism is a widely used measurement in all aspects of the criminal justice system, and it is important to find the best and most accurate ways to measure it. This paper analyzes the different ways in which recidivism is defined and measured and explains the different data sources used and the implications of measuring recidivism in these different ways.

Defining Recidivism

Inconsistencies exist among studies when defining recidivism. This limits the use of these studies for comparing their findings between agencies, states, or programs. The many ways of measuring recidivism will be discussed further in this analysis, but what has been found is that there is no consistent definition of recidivism. Broadly, it is defined as "reengaging in criminal behavior after receiving a sanction or intervention" (Elderbroon & King, 2014). Recidivism is usually calculated as a rate or percentage of people in a defined group (i.e. prisoners released in New York in 2010) who meet certain criteria (like getting a new conviction) in a defined amount of time. Therefore, definitions can vary by changing the group, the criteria, or the amount of time for which recidivism is calculated.

Error will exist in studies no matter what definition they choose to use. These errors are not unreasonable, though, and any definition will underestimate the “true” recidivism rate because rates are based on official criminal record data which will only show crimes for which people have been arrested or convicted (Blumstein & Larson, 1971). In order to better compare studies’ outcomes amongst one another, each study must clearly state their definition of recidivism and the measures they used to come to that definition.

Another issue is that the populations of jails and prisons differ significantly. The way in which recidivism rates should be measured for a jail population requires different considerations than for a prison population (LoBuglio & Lyman, 2006). Rates for a jail population require different considerations because their population is constantly changing. One way it is changing is that those serving a sentence in jail are there for less than a year and are being released more often, whereas those in prison are confined for longer periods of time. Many in jail are also awaiting a trial and sentencing or a transfer to another facility and therefore most jail populations are not consistent. By considering the population, the manner in which recidivism is measured must be thoroughly examined and chosen carefully. Therefore defining and measuring recidivism will differ between jails and prisons.

Measuring Recidivism

Recidivism can be measured in various ways. According to Elderbroom and King (2014), there is no “right” measure of recidivism. The various measures of recidivism set different criteria for labeling a person as a recidivist. The most commonly used measure of recidivism is whether someone has returned to prison within a given period of time (usually, two or three years). One can return to prison for an arrest that will result in a new conviction and a prison sentence, and one can return to prison after violating a rule of the offender’s probation or parole. Other measures of recidivism include reconviction, re-incarceration (in a jail or prison),

imprisonment, re-arrest, and re-arraignment. Most studies include probation and parole violations only when they result in a return to prison, but others place it in its own category as a supervision revocation. Reconviction is when a court determines the individual has committed a new crime. Re-incarceration can be defined as an arrest that resulted in a prison or jail sentence. Imprisonment is defined as an arrest resulting in a prison sentence (Cooper, Durose, & Snyder, 2014). Re-arrest recidivism is only used when there is no conviction disposition information available, as an arrest does not yet mean that a person has been found guilty of a new crime or violation. Finally, re-arraignment is defined as any court appearances within the criminal court system (LoBuglio & Lyman, 2006).

There are misconceptions about the use and measurement of recidivism. The first is due to the alternate definitions of recidivism based on the stage in the criminal justice process that the rate of recidivism is measured. Because of this, it is advised that more than one definition is used to measure recidivism. If every study only used one measure, it would become difficult to compare data over time as well as to compare different studies. The second misconception is the differences in sampling methods by which the data is collected (Blumstein & Larson, 1971). These can change the rate of recidivism found. Lastly, some offenders must be excluded in the calculation of recidivism. Various reasons exist in which an offender must be excluded. Offenders often face legal issues such as immigration, pending charges on other cases, or have outstanding warrants. These may result in dispositions and are not a measure of recidivism and cannot be treated as new recidivist arrests. Offenders who are transferred to other facilities, detained for pre-trial, or die during the time period under study must also be excluded in the calculation of recidivism. Once the population of a recidivism study has been determined, it is easier to choose the best measures to use for recidivism.

The issue with using only re-arrest data is that an offender is innocent until proven guilty, so it is not proven that he or she committed another crime. The problem with using only

reconviction rates is that not everyone is convicted for all crimes they have committed; authorities may not have become aware of the crime, or there may not have been enough evidence to prosecute. This is why it is advised that more than one measure is used for recidivism. The further into the criminal justice system a case goes, “the greater the probability that re-offending will be underestimated and the greater the probability that an offender will be erroneously labelled as a non-recidivist” (Ringland, 2013). The reason for this is that even among those who actually committed crimes, not every offender is arrested, not everyone arrested is convicted, and not everyone convicted is sentenced to time in jail or prison. Also, people may reoffend and never caught at all. Clearly, as we use measures of recidivism which are further into the criminal justice system, we collect data which is an underestimate to the true number of reoffenders and therefore conclude a recidivism rate which is underestimated as well.

Data Sources

There are three main ways data can be collected and used in studies. Recidivism rates can be measured using police, court, or corrective services data; state and federal government data; and self-report data (Ringland, 2013). All three have their pros and cons when using the data to determine an accurate measure of recidivism, and they all lack in the availability of data. Police data is, most of the time, able to provide data in a timelier manner than courts or the federal government, which take time to produce a finalization of case outcomes (Ringland, 2013). The FBI keeps data from all 50 states on arrests, case dispositions, and sentences, and it is one source that can be used to retrieve data. They can provide criminal history records through the Interstate Identification Index. With this source, each offender is given a finger-print based identification number. It has been found though, that there are many missing criminal history records in the FBI’s systems (Cooper, et.al, 2014). This is due to a lack of communication and sharing of data between local, state, and federal agencies. The study in

Massachusetts by LoBuglio and Lyman (2006) used data records from the Board of Probation that did monthly updates of its records.

The main issue is that all criminal records are incomplete and fail to record some recidivism that may have occurred elsewhere. For example, local jail records would fail to include data that is out of their jurisdiction, just as states fail to record criminal records outside of their state (Blumstein & Larson, 1971).

Recommendations and Conclusion

Improvement in the collection of data is very much needed because the current reporting of data is very inconsistent. States should develop databases that contain data on various correctional populations over a long period of time. If states and federal agencies can develop a single database which assigns identifiers to offenders, links their data across many agencies, updates records to develop long-term records, and collects contextual information, then recidivism data collection would become more accurate, consistent, and timely (Elderbroon & King, 2014). Also, recidivism rates should not be calculated in just a broad manner but should instead be calculated across many dimensions including offense type, geographic area, sentence length, release type, and criminal history (LoBuglio & Lyman, 2006). “Reporting a single, state wide rate is insufficient” (Elderbroon, & King, 2014). Calculating recidivism rates between different groups will give recidivism rates a more meaningful purpose in the criminal justice system, as it will be specific enough to be useful in day-to-day decisions.

In the matter of analyzing recidivism in a jail population, it is important to note that jails differ greatly than prisons. Jails serve a variety of functions including holding people for pre-trial, holding them temporarily before transfer to a prison, or for incarcerating offenders serving a jail sentence. Since the population varies so greatly, recidivism rates are not usually a measure of performance but should be a tool for making decisions affecting security, programs, and

release planning. Jail administrators are less concerned with rehabilitating their inmates than prisons are; jail priorities tend to be making sure their facilities are clean, humane, and law-abiding (LoBuglio & Lyman, 2006). Even though this is the case, measuring recidivism rates in jail populations is possible and is important in order to help the system manage its resources, to understand its inmate population, to be more successful in its use of money, and to be more successful in solving issues that arise in the corrections system. “The goal of an ongoing study of recidivism is to produce more than the ‘recidivism rate.’ The broader purpose of such research should be to inform and support good correctional practices” (LoBuglio & Lyman, 2006).

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