

**STATEWIDE CRIMINAL JUSTICE RECIDIVISM AND REVOCATION RATES**



**LEGISLATIVE BUDGET BOARD  
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## STATEWIDE CRIMINAL JUSTICE RECIDIVISM AND REVOCATION RATES

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One responsibility of the Criminal Justice Data Analysis Team of the Legislative Budget Board (LBB) is to calculate recidivism rates for adult and juvenile correctional populations. This report summarizes the analysis of recidivism rates for offenders who were released from prison in fiscal years 2002 and 2003 and state jail in fiscal year 2003, along with a review of recidivism information for other areas of the adult and juvenile criminal justice system. The purpose of this report is to highlight what is known about the success and failure of offenders in the Texas criminal justice system in recent years.

A handwritten signature in black ink, appearing to read "John O'Brien", with a stylized flourish at the end.

John O'Brien  
Director  
Legislative Budget Board

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## **INTRODUCTION**

## INTRODUCTION

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The purpose of this report is to summarize recidivism data that are currently known about Texas criminal justice populations. In general terms, recidivism is defined as a return to criminal activity after previous criminal involvement. Since all criminal activity committed by an offender is not known, certain indicators of subsequent criminal activity are used to calculate recidivism rates. Some of these indicators include rearrest, conviction, probation or parole revocation, and recommitment to incarceration. A glossary of terms used throughout this report can be found on page 26.

To calculate a recidivism rate, a group of individuals exposed to a treatment or sanction are followed over a period of time. The number in the group who “fail” within the specified time period, divided by the total number in the group, is used to determine the recidivism rate. Typical groups of offenders for which recidivism rates may be calculated are offenders placed on community supervision (adult probation), offenders released from prison, and offenders placed on parole supervision. The typical follow-up period for offenders in the criminal justice system is three years. This is the period of time in which the largest percentage of offenders who are likely to recidivate do so.

For this report, the Criminal Justice Data Analysis Team within the Legislative Budget Board (LBB) analyzed data on offenders released from Texas prison facilities during fiscal years 2002 and 2003 and state jail facilities during fiscal year 2003. Each offender in the 2002 and 2003 release cohorts was followed for a three-year period. Any offender who was reincarcerated in either a state jail or prison facility at least once during the three-year period was considered a recidivist. A three-year rearrest rate was computed for the fiscal year 2002 prison release cohort. Any offender who was rearrested for at least a Class B Misdemeanor within the three-year follow-up period was considered a recidivist.

This study does not include, for example, individuals released from substance abuse felony punishment facilities (SAFPF). Recidivism rates for SAFPF offenders released during fiscal year 2004 will be available in fiscal year 2007. The fiscal year 2004 cohort is the first group of offenders released from SAFPFs after program modifications (e.g., length of stay shortened).

Juvenile offenders released from Texas Youth Commission (TYC) residential facilities during fiscal years 2002 and 2003 were also followed for a three-year period. Any juvenile offender returned to a TYC facility or an adult facility during the three-year time period was considered a recidivist.

## REPORT HIGHLIGHTS

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- The three-year reincarceration rate of prison releases has decreased from the fiscal year 1999 cohort (33 percent) to the fiscal year 2003 cohort (28 percent). This indicates that 28 percent of offenders released from prison in 2003 returned to prison or state jail within the subsequent three years.
- The fiscal year 2003 state jail release cohort had a higher reincarceration rate (34 percent) than the fiscal year 2003 prison release cohort (28 percent). The state jail offenders also had a shorter average time-to-failure (16 months) than the prison offenders (19 months).
- The fiscal year 2002 prison release cohort had a three-year rearrest rate of 46 percent and an average time-to-failure of 15 months.
- The adult parole revocation rate decreased from 15 percent in 2004 to 13 percent in 2006.
- While the number of adults under felony community supervision (probation) increased in 2005 and 2006, the revocation rate decreased slightly during the same years. The revocation rate fell from 17 percent in 2004 to 16 percent in 2006.
- Recent juvenile residential reincarceration rates (47 percent for fiscal years 2002 and 2003 cohorts) have been lower than the highest documented rate in fiscal year 2000 (52 percent).

**ADULT CORRECTIONAL RECIDIVISM RATES**

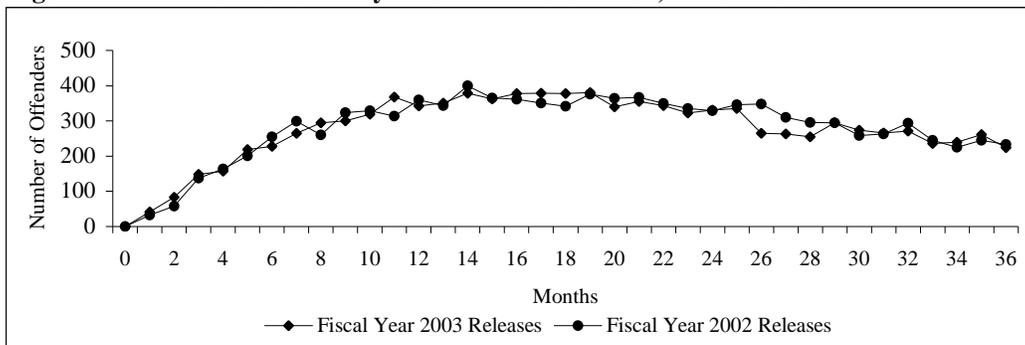
## PRISON REINCARCERATION RATES, FISCAL YEARS 2002–2003 RELEASE COHORTS

Cohorts of offenders released from prison during fiscal years 2002 and 2003 were monitored to determine the percentage reincarcerated within three years of release.<sup>1</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up was considered a recidivist.<sup>2</sup> An offender’s return to prison could occur during the first, second, or third year following release. For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate. The charts below highlight the subsequent incarceration rates for each cohort and the amount of time out of custody (failure period) prior to reincarceration, respectively.

**Table 1: Reincarceration Rates for Fiscal Year 2002–2003 Prison Release Cohorts**

FAILURE PERIOD	FY 2002 COHORT N = 36,747		FY 2003 COHORT N = 36,754	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	2,734	7.4%	2,767	7.5%
Year 2	4,285	11.7%	4,302	11.7%
Year 3	3,359	9.1%	3,185	8.7%
<b>Total</b>	<b>10,378</b>		<b>10,254</b>	
<b>Recidivism Rate</b>		<b>28.2%</b>		<b>27.9%</b>

**Figure 1: Months Out of Custody Before Reincarceration, Fiscal Years 2002–2003**



- Both cohorts show similar recidivism trends.
- The average time out of custody prior to reincarceration was 19 months for both cohorts.

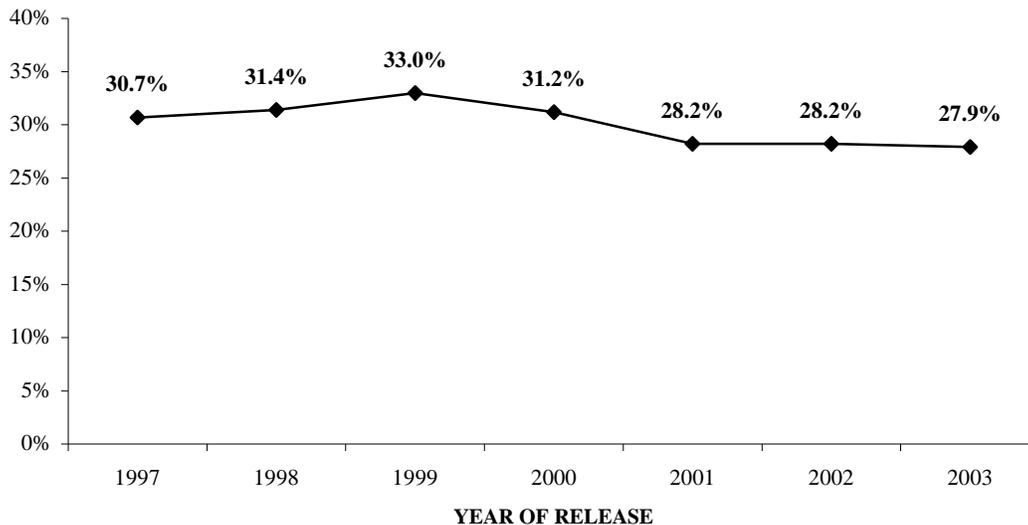
<sup>1</sup> Included in the study were offenders released under parole supervision, discretionary mandatory supervision, mandatory supervision, and those discharged. Shock probation and state boot camp releases were excluded. An offender’s first release during the fiscal year was used as the study case. By excluding duplicates, the number of release records was reduced and, therefore, will not match release statistics previously published by the Texas Department of Criminal Justice.

<sup>2</sup> Fiscal year 2006 is the first year prison admission data (i.e., the measure of reincarceration) identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of their release (i.e., the revocation was rejected). While not permanent revocations, they were counted as admissions. Only 369 admissions fell into these categories, and of those, 60 had a corresponding prison release in fiscal year 2003. There was no statistical difference when excluding them.

## PRISON REINCARCERATION RATES, A COMPARISON OF FISCAL YEARS 1997–2003

The following chart plots the three-year reincarceration rates for seven separate Texas prison release cohorts. Cohorts include all offenders released from a Texas prison under parole supervision, discretionary mandatory supervision, mandatory supervision, and those discharged. Shock probation and state boot camp releases were excluded. The 2003 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 2: Percent of Offenders Released from Prison and Reincarcerated within Three Years, Fiscal Years 1997–2003**



Sources: Fiscal years 1997–1999 were computed by the Criminal Justice Policy Council. Fiscal years 2000–2003 were computed by the LBB.

- Approximately 82 percent of offenders released during fiscal year 2003 were placed under parole supervision.
- Parole revocation and return policies during the three-year follow-up period affect the reincarceration rate of offenders under parole supervision. The use of Intermediate Sanction Facilities (ISFs) for parole violators in lieu of revocation to prison is one such parole policy that can lower the reincarceration rate. Placements in ISFs have increased from 8,663 in fiscal year 2000 to 11,283 in fiscal year 2006. The average end-of-month population in ISFs during fiscal year 2006 was 1,828 offenders, with an average length of stay per offender of 60 days.
- For a comparison of national and state recidivism rates, see Appendix A.

## PRISON REINCARCERATION, A PROFILE OF RECIDIVISTS

**Table 2: Percentage of Prison Release Cohort and Recarcerated Offenders with Select Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2002 RELEASES		FY 2003 RELEASES	
	COHORT N = 36,747	RECIDIVISTS (reincarceration) N = 10,378	COHORT N = 36,754	RECIDIVISTS (reincarceration) N = 10,254
<b>GENDER</b>				
Male	89.8%	92.2%	90.4%	92.6%
Female	10.2%	7.8%	9.6%	7.4%
<b>RACE/ETHNICITY</b>				
White	33.3%	32.1%	32.0%	30.8%
African American	40.7%	46.8%	39.4%	46.1%
Hispanic	25.8%	21.0%	28.3%	22.9%
Other	0.2%	0.1%	0.3%	0.2%
<b>AGE AT RELEASE</b>				
<= 24	14.3%	17.5%	14.9%	17.7%
25 - 29	16.9%	16.8%	17.0%	16.8%
30 - 34	16.9%	17.8%	16.8%	17.2%
35 - 39	17.5%	18.6%	16.6%	18.4%
40 - 44	15.4%	15.8%	15.4%	15.9%
45+	18.9%	13.4%	19.3%	14.0%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	25.5%	20.1%	25.2%	20.3%
Property	26.3%	33.6%	25.0%	32.8%
Drug	31.8%	31.8%	31.9%	31.6%
Other	16.4%	14.4%	17.9%	15.4%

- Using statistical analysis, no significant difference was found between the 2002 and 2003 cohorts of recidivists based on the above criteria.
- Property and drug offenders made up the majority of offenders returning to prison or state jail within three years of release for both cohorts.

**PRISON REINCARCERATION, RECIDIVISM RATES FOR SELECT OFFENDER CHARACTERISTICS**

**Table 3: Reincarceration Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

<b>OFFENDER CHARACTERISTICS</b>	<b>RECIDIVISM RATE FOR FY 2002 COHORT</b>	<b>RECIDIVISM RATE FOR FY 2003 COHORT</b>
OVERALL RECIDIVISM RATE	28.2%	27.9%
<b>GENDER</b>		
Male	29.0%	28.6%
Female	21.5%	21.7%
<b>AGE AT RELEASE</b>		
<= 24	34.6%	33.2%
25 - 29	28.1%	27.5%
30 - 34	29.7%	28.6%
35 - 39	30.1%	30.9%
40 - 44	28.9%	28.9%
45+	20.0%	20.2%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	22.3%	22.4%
Property	36.1%	36.6%
Drug	28.3%	27.6%
Other	24.8%	24.0%

- Using statistical analysis, no significant difference was found between the 2002 and 2003 cohorts of recidivists based on the above criteria.
- The recidivism rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, 5,473 offenders 24 years of age or younger were released from prison during fiscal year 2003. Of the 5,473 offenders, 1,818 returned within three years of release. Dividing 1,818 by 5,473 yields a recidivism rate of 33.2 percent for the 24-years-and-younger age group in the fiscal year 2003 cohort.
- The 24-years-and-younger age group had the highest rate of return for the 2002 and 2003 cohorts. The 35–39 age group had the second highest rate of return for both cohorts.
- Within offense groupings, property and drug offenders returned at a higher rate than offenders incarcerated for violent or other offenses.

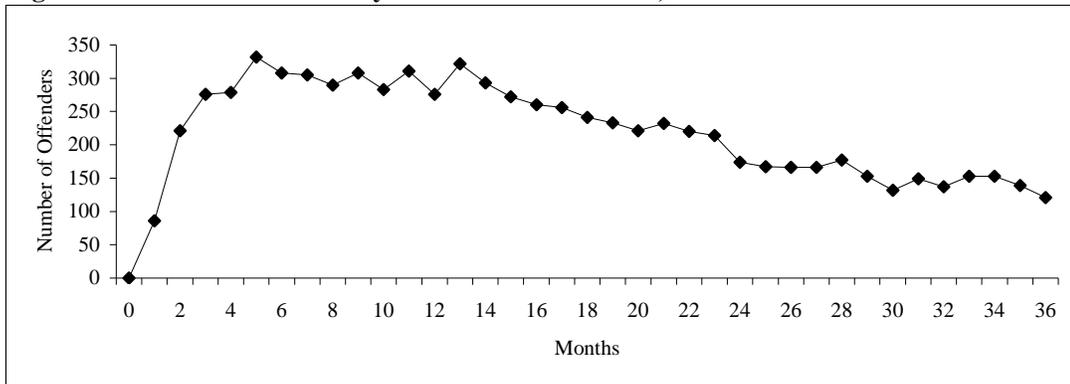
## STATE JAIL REINCARCERATION RATE, FISCAL YEAR 2003 RELEASE COHORT

Offenders released from state jail during fiscal year 2003 were monitored to determine the percentage reincarcerated within three years of release. Fiscal year 2003 is the first year individual data of state jail offenders was available. Each offender who returned to state jail or prison at least once during the three-year follow-up was considered a recidivist.<sup>3</sup> For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate.

**Table 4: Reincarceration Rate for Fiscal Year 2003 State Jail Release Cohort**

FAILURE PERIOD	FY 2003 COHORT N = 23,466	
	NUMBER	PERCENT
Year 1	3,275	14.0%
Year 2	2,938	12.5%
Year 3	1,813	7.7%
<b>Total</b>	<b>8,026</b>	
<b>Recidivism Rate</b>		<b>34.2%</b>

**Figure 3: Months Out of Custody Before Reincarceration, Fiscal Year 2003**



- Approximately 2 percent (556) of fiscal year 2003 state jail releases also had a prison release in the same year.
- The fiscal year 2003 state jail releases had a higher recidivism rate (34 percent) than the fiscal year 2003 prison release cohort (28 percent).
- The average time out of custody before reincarceration was 16 months.

<sup>3</sup> Fiscal year 2006 is the first year prison admission data (i.e., the measure of reincarceration) identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of their release (i.e., the revocation was rejected). While not permanent revocations, they were counted as admissions. Only 369 admissions fell into these categories, and of those, two had a corresponding state jail release in fiscal year 2003. There was no statistical difference when excluding them.

## STATE JAIL REINCARCERATION, A PROFILE OF RECIDIVISTS

**Table 5: Percentage of State Jail Release Cohort and Reincarcerated Offenders with Select Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2003 RELEASES	
	COHORT N = 23,466	RECIDIVISTS (reincarceration) N = 8,026
<b>GENDER</b>		
Male	77.6%	78.6%
Female	22.4%	21.4%
<b>RACE/ETHNICITY</b>		
White	31.4%	27.9%
African American	45.1%	53.4%
Hispanic	22.9%	18.4%
Other	0.5%	0.3%
<b>AGE AT RELEASE</b>		
<= 24	29.6%	31.2%
25 - 29	16.3%	15.3%
30 - 34	15.1%	15.7%
35 - 39	14.6%	16.1%
40 - 44	12.7%	12.8%
45+	11.6%	8.9%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	0.9%	0.4%
Property	41.6%	40.8%
Drug	49.0%	49.0%
Other	8.5%	9.8%

- Compared to the prison recidivists, the state jail recidivists were a younger population. The average age of the state jail recidivists was 31 years and the average age of the prison recidivists was 34 years in fiscal year 2003 and 35 years in fiscal year 2002.
- Similar to the prison recidivists, drug and property offenders made up the majority of state jail offenders returning to state jail or prison.
- The percentage of offense types among recidivists was comparable to the percentage of offense types for the entire fiscal year 2003 state jail release cohort.

**STATE JAIL REINCARCERATION, RECIDIVISM RATES FOR SELECT OFFENDER CHARACTERISTICS**

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**Table 6: Reincarceration Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

<b>OFFENDER CHARACTERISTICS</b>	<b>RECIDIVISM RATE FOR FY 2003 COHORT</b>
OVERALL RECIDIVISM RATE	34.2%
<b>GENDER</b>	
Male	34.7%
Female	32.6%
<b>AGE AT RELEASE</b>	
<= 24	36.1%
25 - 29	31.9%
30 - 34	35.6%
35 - 39	37.6%
40 - 44	34.5%
45+	26.2%
<b>OFFENSE OF INITIAL SENTENCE</b>	
Violent	16.2%
Property	33.6%
Drug	34.2%
Other	39.2%

- Offenders 35–39 years of age returned to state jail or prison at a higher rate (38 percent) than other age groups. The 45-years-and-older age group had the lowest return rate (26 percent).
- Other offense offenders had the highest recidivism rate (39 percent), followed closely by drug offenders (34 percent) and property offenders (34 percent). The majority of initial offenses of the recidivists and included in the other category are evading arrest with a vehicle (36 percent) and prostitution third offense (36 percent).

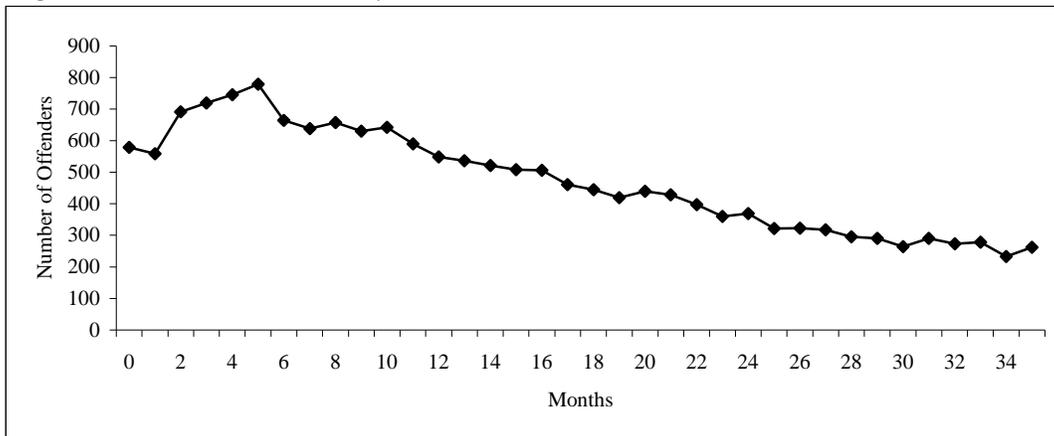
## PRISON REARREST RATE, FISCAL YEAR 2002 RELEASE COHORT

Offenders released from prison during fiscal year 2002 were monitored to determine the percentage rearrested for at least a Class B Misdemeanor within three years of release.<sup>4</sup> Class C Misdemeanors, which include traffic offenses, do not result in confinement and were excluded from the analysis. Each offender who was rearrested at least once during the three-year follow-up was considered a recidivist. For any offender who had more than one subsequent arrest during the three-year follow-up period, only the first and most serious arrest, in terms of offense level, was counted in the calculation of the recidivism rate.

**Table 7: Rearrest Rate for Fiscal Year 2002 Prison Release Cohort**

FAILURE PERIOD	FY 2002 COHORT N = 36,747	
	NUMBER	PERCENT
Year 1	7,893	21.5%
Year 2	5,567	15.1%
Year 3	3,516	9.6%
<b>Total</b>	<b>16,976</b>	
<b>Recidivism Rate</b>		<b>46.2%</b>

**Figure 4: Months Out of Custody Before Rearrest, Fiscal Year 2002**



- The average time out of custody before rearrest was 15 months.
- Rearrest follow-up for the 2003 release cohort was delayed to ensure complete three-year information would be available.

<sup>4</sup> Included in the study were offenders released under parole supervision, discretionary mandatory supervision, mandatory supervision, and those discharged. Shock probation and state boot camp releases were excluded. An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of release records was reduced and, therefore, will not match release statistics previously published by the Texas Department of Criminal Justice.

## PRISON REARREST, A PROFILE OF RECIDIVISTS

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**Table 8: Percentage of Prison Release Cohort and Rearrested Offenders with Select Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2002 RELEASES	
	COHORT N = 36,747	RECIDIVISTS (rearrest) N = 16,976
<b>GENDER</b>		
Male	89.8%	91.1%
Female	10.2%	8.9%
<b>RACE/ETHNICITY</b>		
White	33.3%	32.0%
African American	40.7%	44.6%
Hispanic	25.8%	23.3%
Other	0.2%	0.1%
<b>AGE AT RELEASE</b>		
<= 24	14.3%	19.4%
25 - 29	16.9%	18.9%
30 - 34	16.9%	18.0%
35 - 39	17.5%	17.4%
40 - 44	15.4%	14.1%
45+	18.9%	12.0%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	25.5%	23.1%
Property	26.3%	30.5%
Drug	31.8%	31.7%
Other	16.4%	14.6%

- Drug and property offenders made up the majority of offenders arrested within three years of release from prison.
- The characteristics of rearrested offenders parallel those of reincarcerated offenders (see Appendix B for a profile comparison of rearrested and reincarcerated offenders).

## PRISON REARREST, RECIDIVISM RATES FOR SELECT OFFENDER CHARACTERISTICS

**Table 9: Rearrest Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

<b>OFFENDER CHARACTERISTICS</b>	<b>RECIDIVISM RATE FOR FY 2002 COHORT</b>
OVERALL RECIDIVISM RATE	46.2%
<b>GENDER</b>	
Male	46.9%
Female	40.3%
<b>AGE AT RELEASE</b>	
<= 24	62.5%
25 - 29	51.7%
30 - 34	49.3%
35 - 39	46.2%
40 - 44	42.4%
45+	29.4%
<b>OFFENSE OF INITIAL SENTENCE</b>	
Violent	41.9%
Property	53.6%
Drug	46.1%
Other	41.2%

- Similar to reincarcerated offenders, offenders 24 years of age or younger had the highest rearrest rate (63 percent) of all age groups. In general, older age groups had lower rearrest rates than younger age groups.
- Also similar to reincarcerated offenders, property offenders had the highest rearrest rate (54 percent), followed by drug offenders (46 percent).

**PRISON REARREST, WITH AND WITHOUT REINCARCERATION**

**Table 10: Percentage of Rearrested Fiscal Year 2002 Prison Release Cohort with Select Offender Characteristics by Reincarceration Outcome**

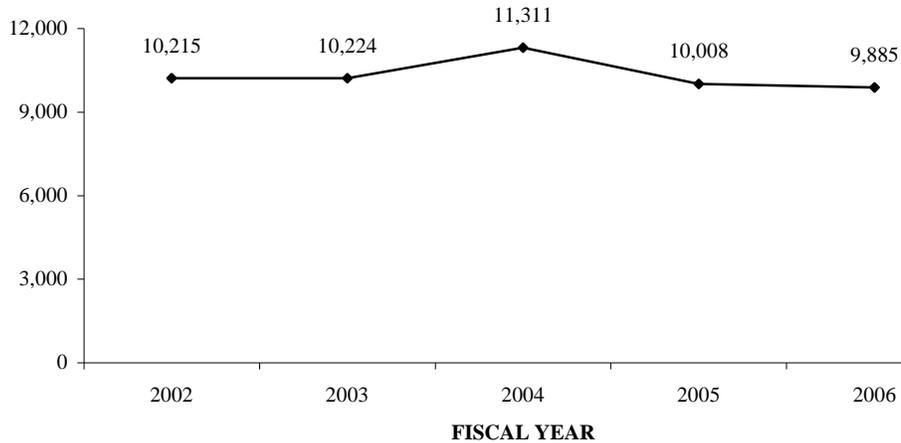
OFFENDER CHARACTERISTICS	FY 2002 PRISON REARRESTS	
	REINCARCERATION <sup>a</sup> N = 8,203	NO REINCARCERATION N = 8,353
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	19.5%	27.0%
Property	33.3%	27.6%
Drug	33.4%	30.2%
Other	13.8%	15.2%
<b>RELEASE TYPE</b>		
Discharge	16.4%	21.6%
Parole	32.4%	31.4%
Mandatory Supervision	51.2%	47.0%
<b>ARREST OFFENSE LEVEL</b>		
Capital Felony	0.1%	0.1%
First Degree Felony	6.5%	3.5%
Second Degree Felony	12.0%	7.5%
Third Degree Felony	17.3%	10.7%
State Jail Felony	30.7%	13.2%
Felony - Unknown Degree	0.2%	0.1%
Class A Misdemeanor	12.3%	23.7%
Class B Misdemeanor	20.1%	38.6%
Misdemeanor - Unknown Class	0.8%	2.6%

<sup>a</sup> The number rearrested and reincarcerated reflects the number of offenders whose rearrest occurred prior to reincarceration. The average time from rearrest to reincarceration was 8.6 months. Offenders whose rearrest occurred after their reincarceration (420 offenders) were excluded.

- Not all offenders who were rearrested in the cohort were reincarcerated. Of the rearrested offenders, approximately 49 percent (8,353 offenders) were not reincarcerated.
- Approximately 67 percent of the rearrest-and-reincarceration group was rearrested for a felony offense, compared to 35 percent of the rearrest-but-no-reincarceration group who was rearrested for a felony offense.
- Approximately 65 percent of the group who was rearrested and not reincarcerated was rearrested for a misdemeanor offense.

## ACTIVE ADULT PAROLE REVOCATION RATES FISCAL YEARS 2002–2006

**Figure 5: Parole Revocation Admissions to Prison, Fiscal Years 2002–2006**



Sources: TDCJ *Statistical Report, 2002 and 2003*. Fiscal year 2004–2006 data from individual-level data submitted to LBB by TDCJ.

**Table 11: Average Active Parole Revocation Rates, Fiscal Years 2002–2006**

FISCAL YEAR	AVERAGE ACTIVE PAROLE POPULATION	PAROLE REVOCATION ADMISSIONS TO PRISON	REVOCATION RATE
2002	79,740	10,215	12.8%
2003	76,727	10,224	13.3%
2004	76,669	11,311	14.8%
2005	76,540	10,008	13.1%
2006	76,696	9,885	12.9%

Sources: Fiscal years 2002 and 2003 parole revocation data from TDCJ *Statistical Report*. Fiscal year 2004–06 data from individual-level data submitted to LBB by TDCJ. Average active parole population data from TDCJ-Parole Division, *Caseload Ratio Report*.

- Included in parole revocation rates are offenders under parole supervision, discretionary mandatory supervision, and mandatory supervision.
- In 2006, 7,647 of the 9,885 parole violators (77 percent) were returned to prison for the conviction of a new offense. The remaining 2,238 offenders (23 percent) returned to prison for technical violations.
- The rate at which the parole supervision population is revoked and returned to prison has decreased since 2004.
- Of the total number of offenders who enter correctional institutions annually, parole violators account for approximately 25 percent. For example, in fiscal year 2006, there were 43,138 prison admissions and 9,885 (23 percent) were parole violators. In fiscal year 2005, there were 42,132 prison admissions and 10,008 (24 percent) were parole violators.

## ACTIVE ADULT PAROLE, A PROFILE OF REVOKED PAROLEES

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**Table 12: Percentage of Revoked Adult Parolees with Select Characteristics**

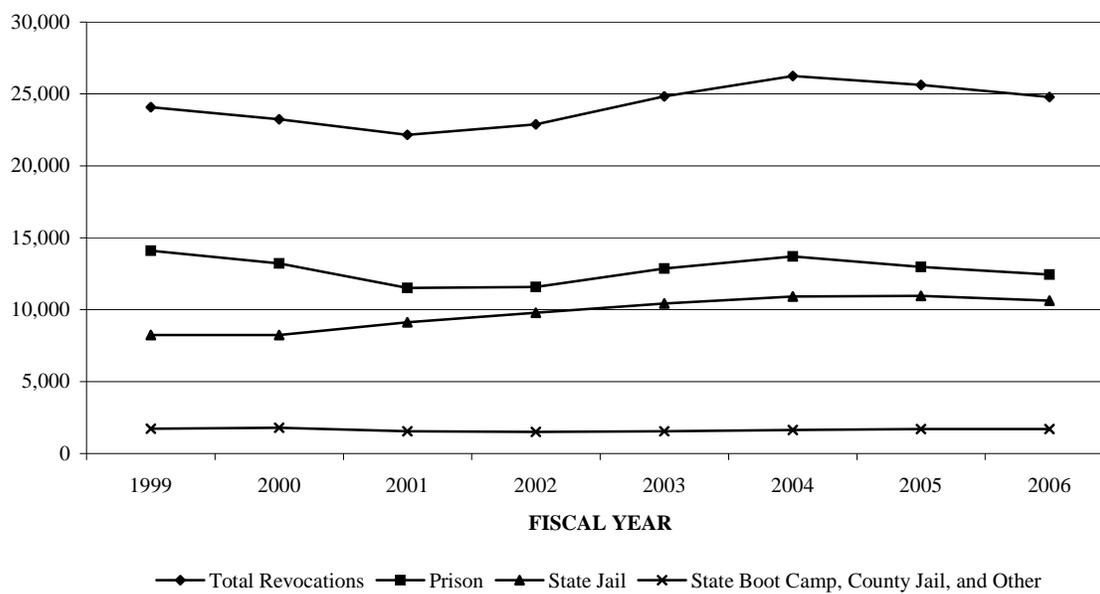
OFFENDER CHARACTERISTICS	FY 2006 REVOCATIONS N = 9,885
<b>GENDER</b>	
Male	93.4%
Female	6.6%
<b>RACE/ETHNICITY</b>	
White	34.6%
African American	42.9%
Hispanic	22.3%
Other	0.2%
<b>AGE AT RELEASE</b>	
<= 24	7.4%
25 - 29	12.1%
30 - 34	13.5%
35 - 39	17.3%
40 - 44	19.8%
45+	30.0%
<b>OFFENSE OF INITIAL SENTENCE</b>	
Violent	16.7%
Property	34.7%
Drug	35.1%
Other	13.5%

- Property and drug offenders made up the majority of revoked adult parolees in fiscal year 2006.
- The 45-years-and-older age group had the largest representation among the revoked parolees compared to the other age groups.

## ADULT FELONY COMMUNITY SUPERVISION REVOCATIONS FISCAL YEARS 1999–2006

Since the individual statewide tracking system for adult offenders under community supervision (Community Supervision Tracking System - CSTS) is not fully operational, statewide probation revocation rates are the best indicator available of probation outcomes. Aggregate revocation numbers are submitted on a monthly basis to the Texas Department of Criminal Justice's Community Justice Assistance Division by 121 community supervision and corrections departments (CSCDs) across the state. The chart below depicts the number of felony probation revocations to county jail, state jail, state boot camp, and state prison between fiscal years 1999 and 2006.

**Figure 6: Felony Community Supervision Revocations to Prison, State Jail, State Boot Camp, and County Jail, Fiscal Years 1999–2006**



Source: Texas Department of Criminal Justice, Community Justice Assistance Division, *Monthly Community Supervision and Corrections Reports*.

- The majority of revoked felony probationers (93 percent) are sent to prison or state jail.
- Typically, 55 percent of felony revocations are for technical violations and 45 percent involve probationers who had a subsequent arrest or conviction as the primary reason for revocation. However, in 2006 approximately one-half of the felony revocations were for technical violations and one-half were for a subsequent arrest or conviction.
- Community supervision revocations account for approximately 30 percent of prison admissions annually. For example, in fiscal year 2006 there were 43,138 prison admissions and 12,436 (29 percent) were felony community supervision revocations.

**ADULT FELONY COMMUNITY SUPERVISION REVOCATION RATES  
FISCAL YEARS 1999–2006**

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To compute the felony revocation rate, the number of felony revocations during a given year is divided by the average felony direct supervision population for that same year. Aggregate supervision and revocation numbers are submitted on a monthly basis to the Texas Department of Criminal Justice’s Community Justice Assistance Division by 121 community supervision and corrections departments across the state. The table below summarizes the felony revocation rates from the last eight years. Felony probation revocations include revocations to county jail, state jail, state boot camp, and state prison.

**Table 13: Felony Community Supervision Revocation Rates, Fiscal Years 1999-2006**

<b>FISCAL YEAR</b>	<b>AVERAGE FELONY DIRECT SUPERVISION POPULATION</b>	<b>FELONY REVOCATIONS</b>	<b>REVOCATION RATE</b>
1999	164,561	24,069	14.6%
2000	161,181	23,236	14.4%
2001	160,457	22,164	13.8%
2002	159,352	22,876	14.4%
2003	158,075	24,838	15.7%
2004	157,222	26,239	16.7%
2005	157,346	25,625	16.3%
2006	158,495	24,779	15.6%

Source: Texas Department of Criminal Justice, Community Justice Assistance Division, *Monthly Community Supervision and Corrections Reports*.

- The average number of felons under direct supervision decreased between 1999–2004 followed by increases in 2005 and 2006.
- The revocation rate has decreased since 2004.

## **JUVENILE CORRECTIONAL RECIDIVISM RATES**

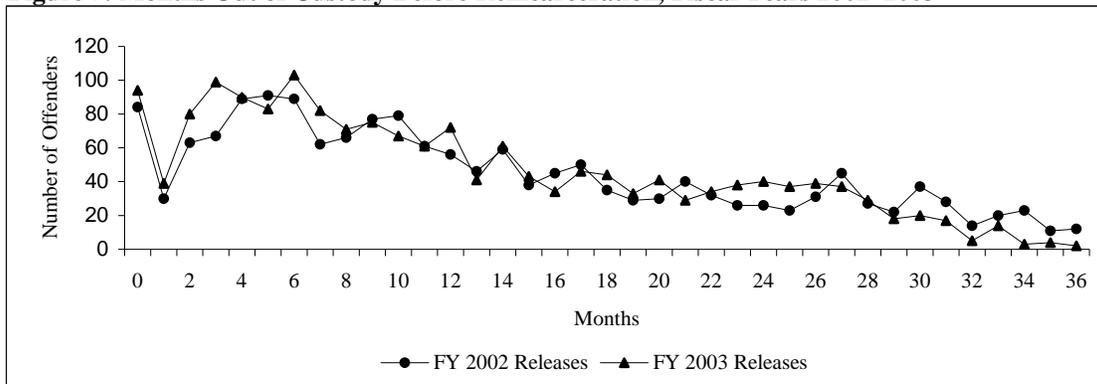
## JUVENILE RESIDENTIAL RECIDIVISM RATES, FISCAL YEARS 2002 AND 2003 COHORTS

Cohorts of offenders released from the Texas Youth Commission during fiscal years 2002 and 2003 were monitored to determine the percentage reincarcerated within three years of release. Each offender who returned to the Texas Youth Commission or prison after having been released from a secure or non-secure facility at least once during the three-year follow-up was considered a recidivist. An offender's return to the Texas Youth Commission or prison could occur during the first, second, or third year following release. For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate. The charts below highlight the subsequent incarceration rates for each cohort and the amount of time out of custody (failure period) prior to reincarceration, respectively.

**Table 14: Reincarceration Rates for Fiscal Year 2002–2003 TYC Release Cohorts**

FAILURE PERIOD	FY 2002 COHORT		FY 2003 COHORT	
	N = 3,558		N = 3,651	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	880	24.7%	986	27.0%
Year 2	476	13.4%	490	13.4%
Year 3	307	8.6%	249	6.8%
<b>Total</b>	<b>1,663</b>		<b>1,725</b>	
<b>Recidivism Rate</b>		<b>46.7%</b>		<b>47.2%</b>

**Figure 7: Months Out of Custody Before Reincarceration, Fiscal Years 2002–2003**

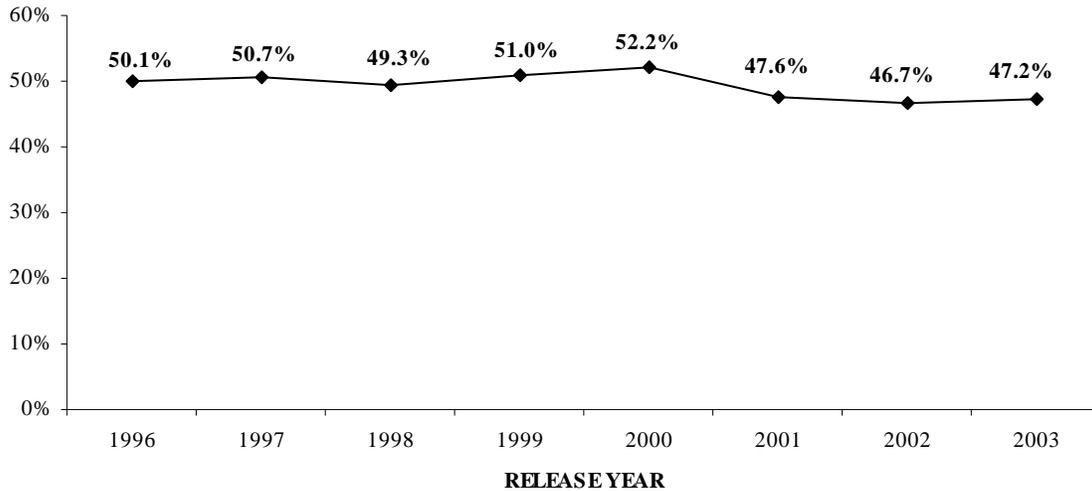


- Both cohorts had similar recidivism trends.
- The average time out of custody prior to reincarceration was 13 months for the 2002 cohort and 12 months for the 2003 cohort.

## JUVENILE RESIDENTIAL RECIDIVISM RATES, A COMPARISON OF FISCAL YEARS 1996–2003

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**Figure 8: Percent of Juvenile Offenders Released from TYC and Reincarcerated within Three Years, Fiscal Years 1996–2003**



Sources: Texas Youth Commission, *2003 Review of Agency Treatment Effectiveness*, and *2005 Review of Agency Treatment Effectiveness*. Fiscal years 2002 and 2003 data from individual-level data submitted to the LBB by TYC.

- Figure 7 shows the three-year rate of reincarceration for any offense (i.e., violent, property, etc.) for Texas Youth Commission (TYC) releases. Recidivism is defined by TYC as subsequent incarceration in the juvenile justice or adult criminal justice systems.
- Recent return rates have been lower than the highest documented rate in fiscal year 2000.

## JUVENILE RESIDENTIAL RECIDIVISM, A PROFILE OF RECIDIVISTS

**Table 15: Percentage of Juvenile Residential Release Cohort and Reincarcerated Offenders with Select Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2002 RELEASES		FY 2003 RELEASES	
	COHORT N = 3,558	RECIDIVISTS (reincarceration) N = 1,663	COHORT N = 3,651	RECIDIVISTS (reincarceration) N = 1,725
<b>GENDER</b>				
Male	90.5%	93.7%	90.5%	93.3%
Female	9.5%	6.3%	9.5%	6.7%
<b>RACE/ETHNICITY</b>				
White	25.1%	21.6%	26.5%	22.4%
African American	32.4%	39.0%	33.4%	39.1%
Hispanic	41.6%	39.0%	39.5%	38.2%
Other	1.0%	0.4%	0.6%	0.3%
<b>AGE AT RELEASE</b>				
<=16	2.1%	1.3%	2.8%	2.1%
17	12.0%	12.8%	15.0%	15.7%
18	25.2%	26.6%	27.4%	27.4%
19	24.9%	26.2%	25.4%	26.4%
20+	35.8%	33.1%	29.3%	28.4%
<b>CLASSIFYING OFFENSE</b>				
Violent	27.2%	17.5%	25.3%	17.8%
Property	25.0%	20.8%	26.3%	20.5%
Drug	10.5%	12.6%	10.8%	12.5%
Other	37.4%	49.1%	37.6%	49.2%

- Using statistical analysis, no significant difference was found between the 2002 and 2003 cohorts of juvenile recidivists based on the above criteria.
- The classifying offense listed above is the most serious offense for which a juvenile is committed to TYC, for which the juvenile was on probation at the time of commitment to TYC, or any offense found at a Level 1 hearing unless the juvenile is a sentenced offender (i.e., regardless of offense type, a sentenced offender remains a sentenced offender).
- Property and other offenders made up the majority of juvenile offenders returning to Texas Youth Commission or prison within three years of release for both cohorts. The majority of classifying offenses of the recidivists and included in the other category are: two or more failures to comply with written reasonable request in the individual case plan (45 percent in fiscal year 2002 and 47 percent in fiscal year 2003), absconding or attempting to abscond (12 percent in fiscal year 2002 and 11 percent in fiscal year 2003), and escaping or attempting to escape (8 percent in fiscal year 2002 and 11 percent in fiscal year 2003).

**JUVENILE RESIDENTIAL RECIDIVISM, RECIDIVISM RATES FOR SELECT OFFENDER CHARACTERISTICS**

**Table 16: Reincarceration Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

<b>OFFENDER CHARACTERISTICS</b>	<b>RECIDIVISM RATE FOR FY 2002 COHORT</b>	<b>RECIDIVISM RATE FOR FY 2003 COHORT</b>
OVERALL RECIDIVISM RATE	46.7%	47.2%
<b>GENDER</b>		
Male	48.4%	48.7%
Female	31.1%	33.3%
<b>AGE AT RELEASE</b>		
<=16	28.8%	36.9%
17	49.8%	49.5%
18	49.2%	47.1%
19	49.2%	49.1%
20+	43.3%	45.7%
<b>CLASSIFYING OFFENSE</b>		
Violent	30.8%	33.8%
Property	39.0%	36.9%
Drug	56.0%	54.8%
Other	60.4%	61.0%

- The recidivism rate for each category is calculated by dividing the number of individuals returning to the Texas Youth Commission or prison by the number of releases. For example, 428 juvenile offenders 17 years of age were released from Texas Youth Commission facilities during fiscal year 2002. Of the 428 juvenile offenders, 213 returned within three years of release. Dividing 213 by 428 yields a recidivism rate of 49.8 percent for the 17 age group in the fiscal year 2002 cohort.
- The 17 year age group had the highest rate of return for the 2002 and 2003 cohorts, followed closely by the 19 year and 18 year age groups.
- Within offense groupings, drug and other offenders (defined on page 21) returned at a higher rate than offenders incarcerated for violent or property offenses.
- Using statistical analysis, no significant difference was found between 2002 and 2003 cohorts of recidivists based on the above criteria.

## JUVENILE PROBATION RECIDIVISM RATES

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The Texas Juvenile Probation Commission (JPC) monitored a cohort of juveniles aged 13 or younger with a deferred or adjudicated probation term beginning in fiscal year 2003. The juveniles were tracked for a three-year period, and only those with a full three years of follow-up time in the juvenile justice system were included in the study. Any juvenile with a commitment to the Texas Youth Commission within the three-year follow-up period was considered a recidivist.

**Table 17: One, Two, and Three-Year Recidivism Rate of Juvenile Probationers with a Subsequent Commitment to TYC, Fiscal Year 2003**

SUBSEQUENT OFFENSE RESULTING IN TYC COMMITMENT	FY 2003 COHORT N = 8,508					
	ONE YEAR		TWO YEARS		THREE YEARS	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
Felony Offense	58	0.7%	168	2.0%	308	3.6%
Misdemeanor Offense	24	0.3%	87	1.0%	156	1.8%
Violation	67	0.8%	229	2.7%	369	4.3%
<b>Total</b>	<b>149</b>		<b>484</b>		<b>833</b>	
<b>Recidivism Rate</b>		<b>1.8%</b>		<b>5.7%</b>		<b>9.7%</b>

Source: Texas Juvenile Probation Commission, December 2006

- The 2003 cohort had a three-year recidivism rate of 10 percent.
- Of the 833 juveniles committed to TYC within the three-year follow-up period, 37 percent were committed for a felony, 19 percent were committed for a misdemeanor, and 44 percent were committed for a technical violation of juvenile probation.

## **GLOSSARY**

## GLOSSARY

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**CLASSIFYING OFFENSE:** The classifying offense is the offense on which classification in the Texas Youth Commission (TYC) is based. It is the most serious of the following offenses: any offense for which a juvenile is committed to TYC, any offense for which a juvenile was on probation at the time of commitment to TYC, and any offense found at a Level 1 hearing unless the juvenile is a sentenced offender (i.e., regardless of offense type, a sentenced offender remains a sentenced offender).

**COMMUNITY SUPERVISION REVOCATION:** An offender under community supervision may be revoked and sentenced to incarceration for violating conditions of community supervision (probation). A technical violation is any violation of conditions other than committing a subsequent offense (e.g., positive urinalysis, failure to pay fees).

**INTERMEDIATE SANCTION FACILITY:** An Intermediate Sanction Facility (ISF) is a short term, fully secured facility used for offenders who violate conditions of parole.

**LEVEL 1 HEARING:** A Level 1 hearing is the highest level of Texas Youth Commission hearings. It is used to determine if a youth has committed a category 1 violation (i.e., more serious violations, such as violate the law, escape, and injure or threaten to injure someone) and if parole should be revoked or if the youth should be reclassified as high risk and assigned a minimum length of stay. It is also used to consider extending time for the treatment of emotional problems at the Corsicana Stabilization Unit.

**OFFENSE OF INITIAL SENTENCE:** The offense of initial sentence is the offense for which an adult offender or certified adult offender was originally sentenced to the Texas Department of Criminal Justice (TDCJ). For reincarceration analysis, it is the offense that resulted in the original incarceration in prison or state jail.

- *Violent Offenses* – Examples include murder, non-negligent manslaughter, sexual assault, robbery, aggravated assault, and injury to a child.
- *Property Offenses* – Examples include arson, burglary, larceny/theft, motor vehicle theft, forgery and counterfeiting, fraud, embezzlement, stolen property, and vandalism.
- *Drug Offenses* – Examples include drug manufacture, possession and delivery.
- *Other Offenses* – Examples include weapons carrying and possession, prostitution and commercial vice, driving while intoxicated (DWI), gambling, and all other offenses not previously mentioned (except traffic).

**PAROLE REVOCATION:** An offender under parole supervision may be revoked and sent back to prison by the Texas Parole Board. An offender can be revoked for committing a new offense or for technical violations. A technical violation occurs when an offender violates terms of conditions of release (e.g., positive urinalysis, failure to report).

**RELEASE TYPE FROM PRISON:** There are four primary ways an offender can be released from prison (not including death):

## GLOSSARY

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- *Parole* – The conditional release of an offender from prison, after approval by two (of three) members of the Board of Pardons and Paroles (BPP), to serve the remainder of his/her sentence under supervision in the community. Non-3g offenders are eligible after serving  $\frac{1}{4}$  of their sentence (flat time plus good time). Offenders with 3g offenses are eligible after serving  $\frac{1}{2}$  of their sentence (flat time only). Offenses considered 3g include murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, sexual assault, aggravated robbery, and certain drug and deadly weapon offenses.
- *Mandatory Supervision (MS)* – Automatic release when time served plus good time earned equals the sentence length, with no requirement for release approval from the parole board. MS was abolished in August 1996 and replaced by discretionary mandatory supervision (DMS - see below); however, some offenders who entered prison prior to that time are still eligible for MS release. Only certain offenses are eligible for MS (mostly drug and property offenses). Offenses that are 3g, including any prior 3g convictions, are not eligible.
- *Discretionary Mandatory Supervision (DMS)* – Current form of “mandatory” release. Requires approval by parole panel for release of eligible offenders.
- *Discharge* – Release when sentence is completely served (i.e., for a five year sentence you have served five calendar years in prison – good time not included). Once released you are no longer under any type of supervision

**RELEASE TYPE FROM STATE JAIL:** Offenders are released from state jail by discharge only. Offenders must serve their entire sentence and do not receive good time.

**SHOCK PROBATION RELEASE:** Offenders sentenced to incarceration in prison, state jail, or county jail and then bench warranted out of incarceration and placed on community supervision (probation) and supervised by community supervision and corrections departments (CSCD’s). Shock probation does not include offenders sentenced to incarceration as a condition of community supervision.

**STATE BOOT CAMP:** State boot camps are highly structured residential punishment programs modeled after military basic training. They target young, first-time offenders and emphasize physical exercise, strict supervision, and discipline. State boot camps are operated by TDCJ.

**STATE JAIL:** A state jail is a facility that houses offenders who receive state jail sentences. They also temporarily house transfer offenders. State jail sentences cannot exceed two years for one offense, but a repeat offender may receive overlapping state jail sentences not to exceed three years. The offenders are usually convicted of property and low-level controlled substance offenses.

**SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY:** A Substance Abuse Felony Punishment Facility (SAFPF) is a facility that provides an intensive six-month therapeutic community program for offenders who are sentenced by a judge as a condition of community supervision or as a modification of parole/community supervision.

## **APPENDICES**

## APPENDIX A: TEXAS RECIDIVISM RATES VS OTHER STATES

**Table 18: Comparison of Three-Year Recidivism Rates by State**

STATE OR STUDY AREA	COHORT RELEASE YEAR	TYPE	THREE-YEAR RECIDIVISM RATE
California <sup>a</sup>	2002	Reincarceration	57.2%
Colorado <sup>b</sup>	2001	Reincarceration	48.7%
National <sup>c</sup>	1994	Reincarceration	51.8%
New York <sup>d</sup>	2001	Reincarceration	39.9%
Pennsylvania <sup>e</sup>	2001	Reincarceration	46.5%
Texas Prison	2002	Reincarceration	28.2%
Texas Prison	2003	Reincarceration	27.9%
Texas State Jail	2003	Reincarceration	34.2%
Texas Prison	2002	Rearrest	46.2%

<sup>a</sup> California Department of Corrections and Rehabilitation, *Recidivism Rates within One, Two and Three Year Follow-up Periods for all Felons Paroled to California Supervision, California Department of Corrections, Released from Prison for the First Time in 2002 by Principal Commitment Offense*, March 2006. Note: California's rate of return is for paroled offenders only.

<sup>b</sup> Colorado Department of Corrections, *Statistical Report Fiscal Year 2004*. Note: Colorado's rate of return includes technical violations of probation and non-departmental community placement, as well as new offenses and technical violations of parole.

<sup>c</sup> Bureau of Justice Statistics Special Report, *Recidivism of Prisoners Released in 1994*, June 2002. The study sample represents two-thirds of all prisoners released in the United States in 1994 and includes releases from fifteen states. Due to missing data, only nine of the states are included in the three-year reincarceration rate for a new offense or technical violation: California, Florida, Illinois, Michigan, Minnesota, New York, North Carolina, Oregon, and Texas.

<sup>d</sup> New York State Department of Correctional Services, *2001 Releases: Three Year Post Release Follow-Up*.

<sup>e</sup> Pennsylvania Department of Corrections, *Recidivism in Pennsylvania State Correctional Institutions 1997-2003*, December 2005.

- Reincarceration rates can be affected by state parole violation policies.

**APPENDIX B: COMPARISON OF TEXAS REARREST AND REINCARCERATION COHORTS**

**Table 19: Percentage of Prison and State Jail Recidivists with Selected Characteristics by Fiscal Year Release and Recidivist Type**

OFFENDER CHARACTERISTICS	FY 2002 PRISON RELEASE COHORT N = 16,976		FY 2003 PRISON RELEASE COHORT N = 10,254		FY 2003 STATE JAIL RELEASE COHORT N = 8,026	
	REARREST	REINCARCERATION	REINCARCERATION	REINCARCERATION	REINCARCERATION	REINCARCERATION
<b>GENDER</b>						
Male	91.1%	92.2%	92.6%	78.6%		
Female	8.9%	7.8%	7.4%	21.4%		
<b>RACE/ETHNICITY</b>						
White	32.0%	32.1%	30.8%	27.9%		
African American	44.6%	46.8%	46.1%	53.4%		
Hispanic	23.3%	21.0%	22.9%	18.4%		
Other	0.1%	0.1%	0.2%	0.3%		
<b>AGE AT RELEASE</b>						
<= 24	19.4%	17.5%	17.7%	31.2%		
25 - 29	18.9%	16.8%	16.8%	15.3%		
30 - 34	18.0%	17.8%	17.2%	15.7%		
35 - 39	17.4%	18.6%	18.4%	16.1%		
40 - 44	14.1%	15.8%	15.9%	12.8%		
45+	12.0%	13.4%	14.0%	8.9%		
Average	34.0 years	34.8 years	34.3 years	31.4 years		
<b>OFFENSE OF INITIAL SENTENCE</b>						
Violent	23.1%	20.1%	20.3%	0.4%		
Property	30.5%	33.6%	32.8%	40.8%		
Drug	31.7%	31.8%	31.6%	49.0%		
Other	14.6%	14.4%	15.4%	9.8%		