



Adult Correctional Recidivism



Legislative Budget Board
Criminal Justice Data Analysis Team
March 2012

Criminal Justice Data Analysis Team – Structure and Staff Members

- Michele Connolly – Manager
- Laurie Molina – Adult Data Analysis
- Jamie Gardner – Juvenile Data Analysis
- Ed Sinclair – Field and Qualitative Research

Criminal Justice Forum Logistics – Forum Parameters

- Diverse group of participants
- A learning opportunity for all
- Limited to a subject area
- Format:
 - 5 minutes for overview and orientation
 - 45 minutes for presentation of policy issues, methodologies, and key findings
 - 30 minutes for questions and answers

Criminal Justice Forum Ground Rules – Presenter Information

- Legislative Budget Board (LBB) staff
- LBB staff members are non-partisan
- Staff are not in a position to provide personal opinions
- Criminal Justice Data Analysis Team focus is on policy-oriented analysis

Agenda

- What is recidivism?
- Why does LBB track it?
- How does LBB measure it?
- What does LBB know and how does Texas compare to other states?
- Next Steps

Most Recent Recidivism Report

- Statewide Criminal Justice Recidivism and Revocation Rates, January 2011

- http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Recidivism_Report_2011.pdf

On LBB Website:

PERFORMANCE REPORTS AND REVIEWS

[Public Safety and Criminal Justice](#)

REPORTS

[Adult and Juvenile Correctional Populations Projections](#)

[Criminal Justice Uniform Cost Reports](#)

[Statewide Criminal Justice Recidivism and Revocation Rates](#)

[Texas Community Supervision Revocation Project](#)

[Windham School District Evaluation Reports](#)

[Statewide Criminal Justice Recidivism and Revocation Rates \(January, 2011\)](#)
[Statewide Criminal Justice Recidivism and Revocation Rates \(January, 2009\)](#)
[Statewide Criminal Justice Recidivism and Revocation Rates \(January, 2007\)](#)
[Statewide Criminal Justice Recidivism and Revocation Rates \(January, 2005\)](#)

Definition of Recidivism

- In general terms, recidivism is defined as a *return to criminal activity*. Recidivism can be measured in terms of rearrest, reconviction, and/or reincarceration.
- Recidivism, in a criminal justice context, can be defined as the reversion of an individual to criminal behavior after he or she has been convicted of a prior offense, sentenced, and (presumably) corrected.

Maltz, Michael D. ([1984] 2001). *Recidivism*. Originally published by Academic Press, Inc., Orlando, Florida. Internet edition available at <http://www.uic.edu/depts/lib/forr/pdf/crimjust/recidivism.pdf>.

Characteristics of Measures

- Measurable and Trackable
- Comparability
- Type I Error – Include those who should be excluded

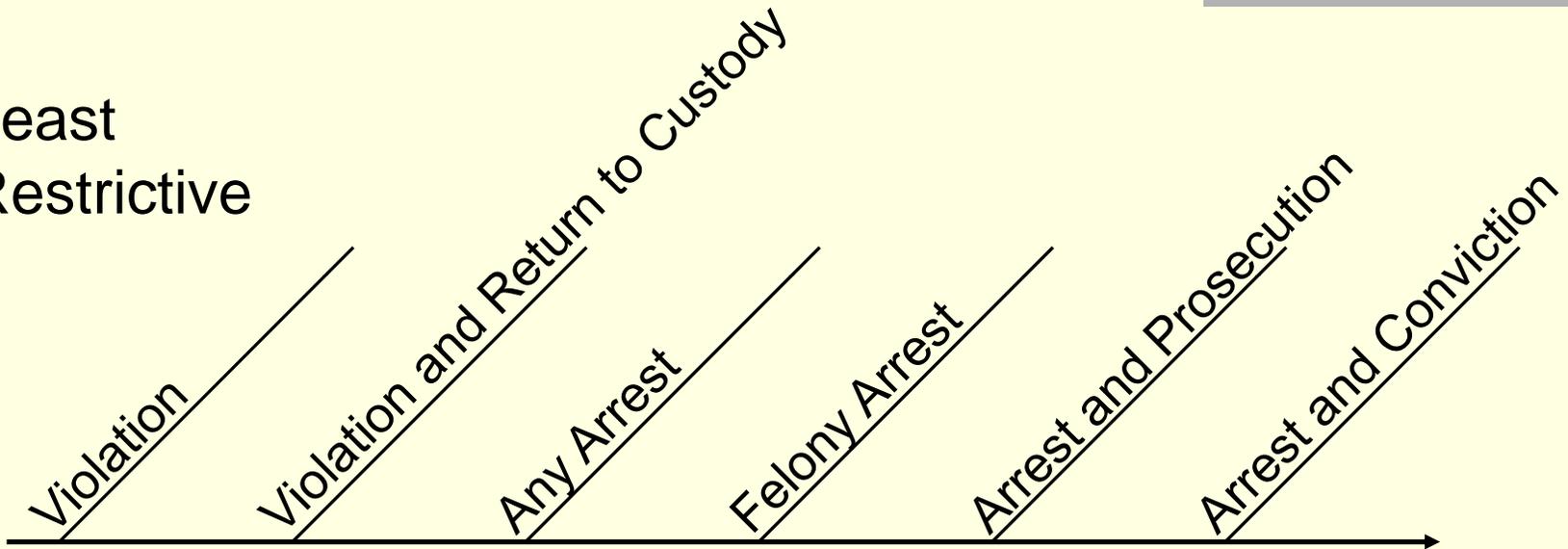
Arrested and didn't do it

- Type II Error – Exclude those who should be included

Committed crimes but not caught

Recidivism Measure Continuum

Least
Restrictive



Most
Restrictive

Recidivism Standard

- A rearrest for a new separate offense that is punishable by confinement (i.e., Class B Misdemeanor and above)
- Time period of 1, 2, and 3 years
- Survival model that censors after first failure

Purpose of Recidivism Analysis

- Factor in developing recommended appropriation amounts for criminal justice related programs
- Fiscal note
 - Written estimate of the direct costs, savings, revenue gain, or revenue loss that may result from implementation of a bill or joint resolution that increases or decreases correctional populations
- Criminal Justice Impact Statement
 - Written estimate of the increase or decrease in correctional populations that may result from implementation of a bill or joint resolution
- Resource for staff (LBB, legislative, and state agency)

Recidivism as a Performance Measure in General Appropriations Act

- TDCJ Goal C.: Incarcerate Felons
 - Three-year Recidivism Rate

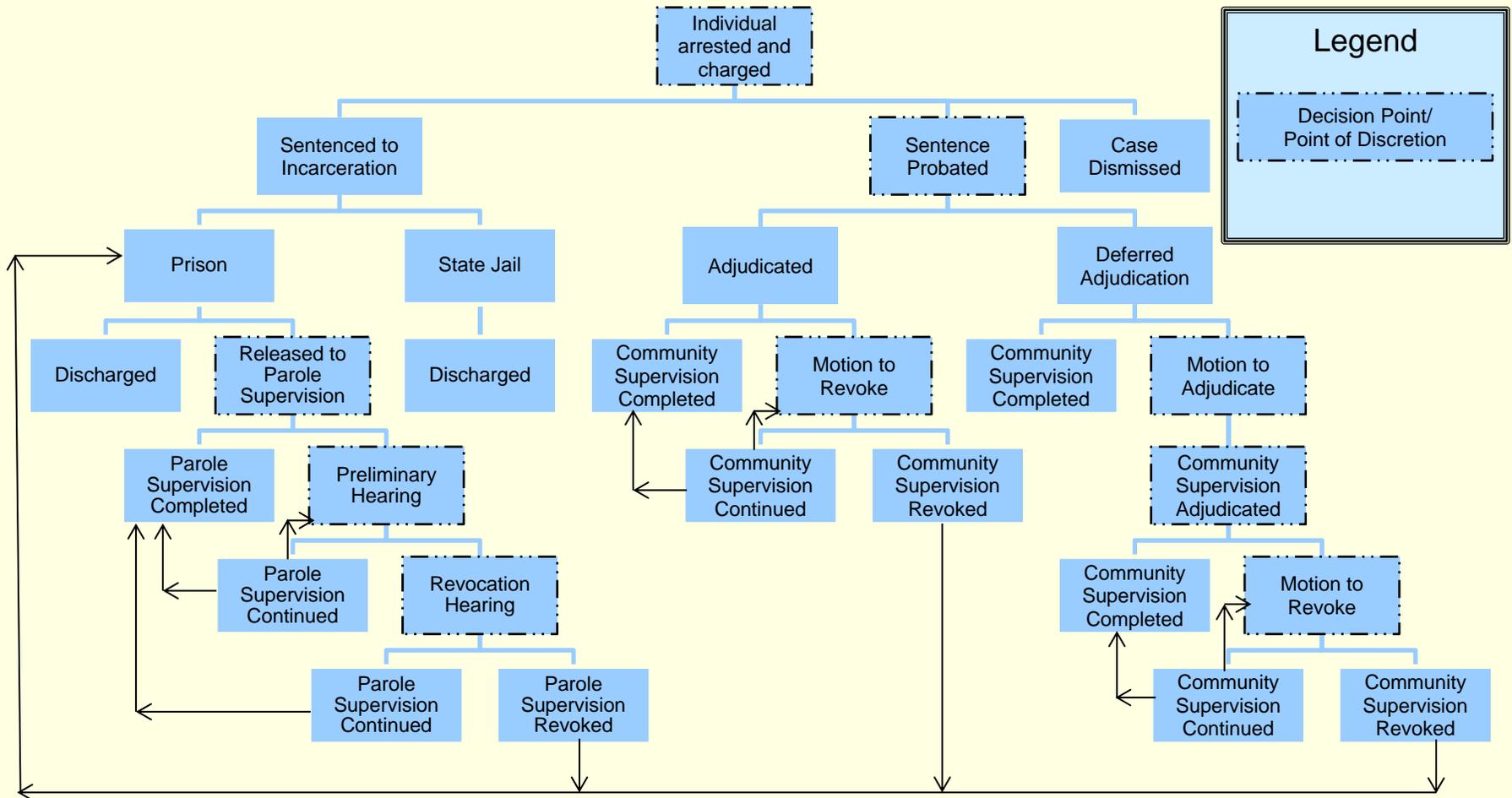
- TDCJ Goal F.: Operate Parole System
 - Releasee Annual Revocation Rate

- TDCJ Rider 52: Monitor Community Supervision Diversion Funds

Background

- HB 2335, 71st Legislature, Regular Session, 1989 directed the Criminal Justice Policy Council to conduct a study to develop uniform recidivism and revocation rates for all criminal justice agencies (March 1991).
- Criminal Justice Policy Council calculated and reported recidivism through January 2003.
- Legislative Budget Board began reporting adult recidivism in January 2005.

What is the process for adults going through the Justice System?



January 2005 Recidivism Report

- Felony Community Supervision

- Revocations
- Revocation Rates

- Prison

- Reincarceration

- Parole Supervision

- Revocations
- Revocation Rates

Adult Correctional Populations for Recidivism Analysis January 2011

- **Texas Department of Criminal Justice** - state agency responsible for monitoring and distributing state funds to 121 local adult community supervision and corrections departments, operating adult correctional facilities, and supervising adults released to parole supervision
 - **Felony Community Supervision**
 - Revocations
 - Revocation Rates

Adult Correctional Populations for Recidivism Analysis January 2011

- Texas Department of Criminal Justice
 - Correctional Institutions
 - Prison and State Jails
 - Rearrest
 - Reincarceration
 - Substance Abuse Felony Punishment Facility and In-Prison Therapeutic Community
 - Reincarceration
 - Parole Division
 - Active Parole Supervision
 - Revocation
 - Revocation Rate
 - Intermediate Sanction Facility
 - Reincarceration

Felony Community Supervision – Overview

- The Texas Department of Criminal Justice – Community Justice Assistance Division provides funding and oversight of community supervision in Texas

- Community Supervision and Corrections Departments (CSCDs) supervise offenders
 - 121 CSCDs in Texas, organized within judicial districts, serving 254 counties

 - Case-based statewide tracking system for adult offenders under community supervision (Community Supervision Tracking System/Intermediate System) became the primary data source for population reporting purposes during fiscal year 2010

Felony Community Supervision – Other Reports Addressing Information Gaps

- *Texas Community Supervision Revocation Project: A Profile of Revoked Felons during September 2005*

http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Community_Supervision_Revocation_Report.pdf

- *Texas Community Supervision Revocation Project: Fiscal Year 2006 Follow-up Study*

http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Community_Supervision_Revocation_2006_0107.pdf

- *Texas Community Supervision Revocation Project: A Comparison of Revoked Felons during September 2005 and September 2007*

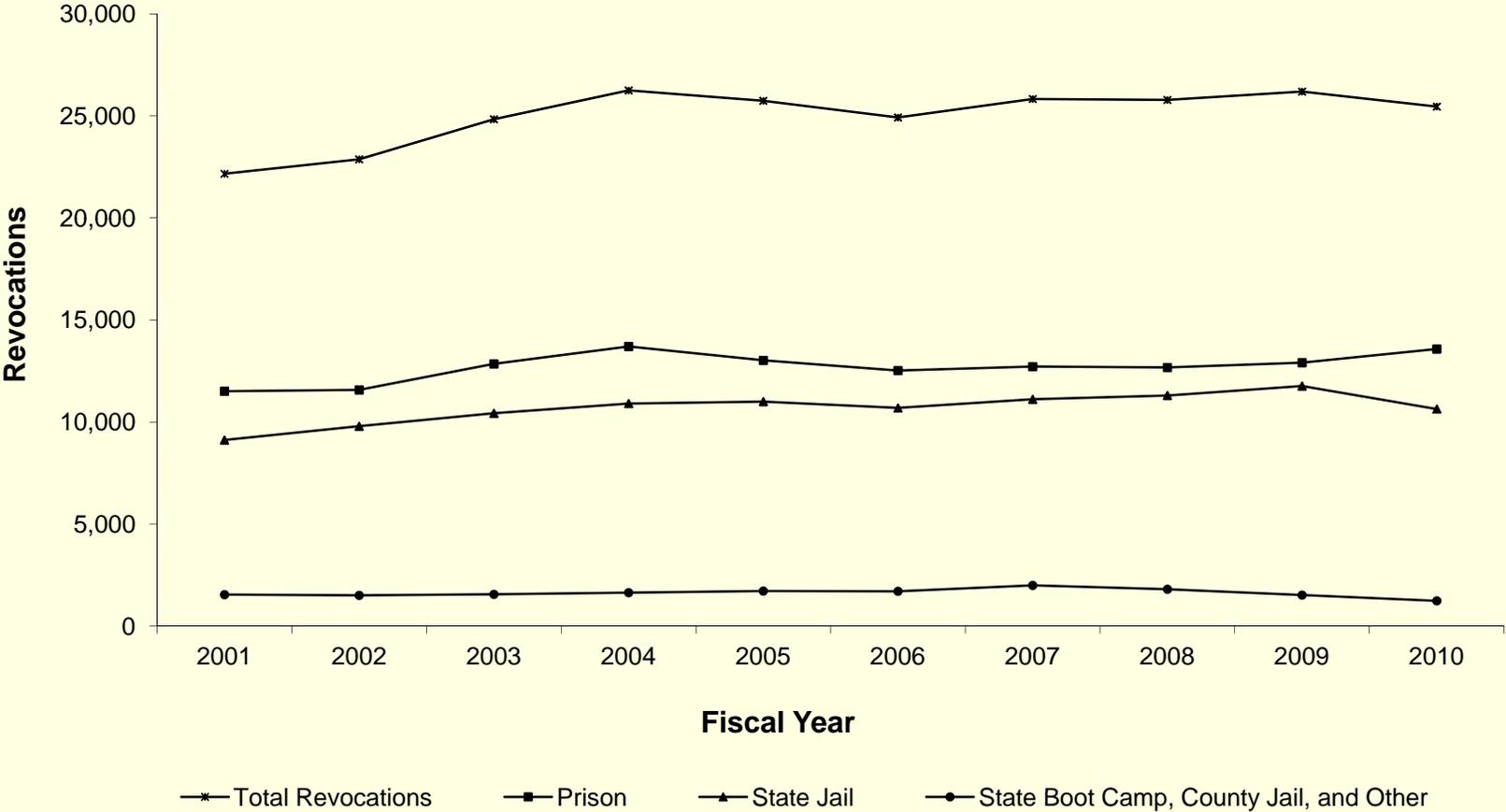
http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/COMMUNITY_SUPERVISION_REVOCATION_PROJECT_2008_0808%20.pdf

Felony Community Supervision – Revocations

- Revocation – Community supervision may be revoked and the offender maybe sentenced to imprisonment or confinement for violating conditions of supervision
 - Technical
 - Non - Technical

- Revocation Rate – The number of felony revocations during a given fiscal year divided by the average felony direct supervision population for that same fiscal year

Felony Community Supervision – Revocations by Destination



Felony Community Supervision – Revocation Statistics

- Majority of revoked direct supervision felons are sentenced to prison or state jail (95% in FY 2010).
- Approximately one-half of the felony revocations are for subsequent new offense convictions or arrests.
- Felony community supervision revocations account for approximately one-third of prison and state jail admissions annually. For example, in fiscal year 2010, there were 66,395 prison and state jail admissions and 24,216 of them (36%) were felony community supervision revocations.

Felony Community Supervision – Revocation Rates

FISCAL YEAR	AVERAGE FELONY DIRECT SUPERVISION POPULATION	FELONY REVOCATIONS	REVOICATION RATE
2001	160,457	22,164	13.8%
2002	159,352	22,876	14.4%
2003	158,075	24,838	15.7%
2004	157,216	26,249	16.7%
2005	157,323	25,741	16.4%
2006	158,479	24,921	15.7%
2007	161,999	25,830	15.9%
2008	168,788	25,782	15.3%
2009	172,514	26,194	15.2%
2010	172,893	25,456	14.7%

Correctional Institutions – Overview

- The Texas Department of Criminal Justice – Correctional Institutions Division oversees state prisons, state jails, pre-release facilities, psychiatric facilities, a Mentally Retarded Offender Program facility, medical facilities, transfer facilities, a geriatric facility, and Substance Abuse Felony Punishment Facilities (SAFPF).
- SAFP – 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.
- In-Prison Therapeutic Community (IPTC) – A therapeutic community program that provides six months of treatment for offenders who are within six months of parole release and who are identified as needing substance abuse treatment. Placement in the program is subject to approval from the Board of Pardons and Paroles. Programming is similar to that of the SAFP program.

Correctional Institutions – Overview

- State Jail – A state jail is a facility that houses offenders who receive conviction sentences of two years or less. 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. State jail offenders are usually convicted of property and low-level controlled substance offenses. The offenders must serve their entire sentence and do not receive good conduct credit. They are released by discharge. State jails also temporarily house prison-transfer offenders (who are not included in this analysis).
- Prison – A prison is a facility that houses offenders who receive capital, first-degree, second-degree, or third-degree felony sentences. For the purpose of this report, all classes and custodies of inmates are included with the exception of death row, shock probation, state boot camp, and SAFPF offenders. Prison offenders may be released from prison under parole supervision, discretionary mandatory supervision, mandatory supervision, or discharge.

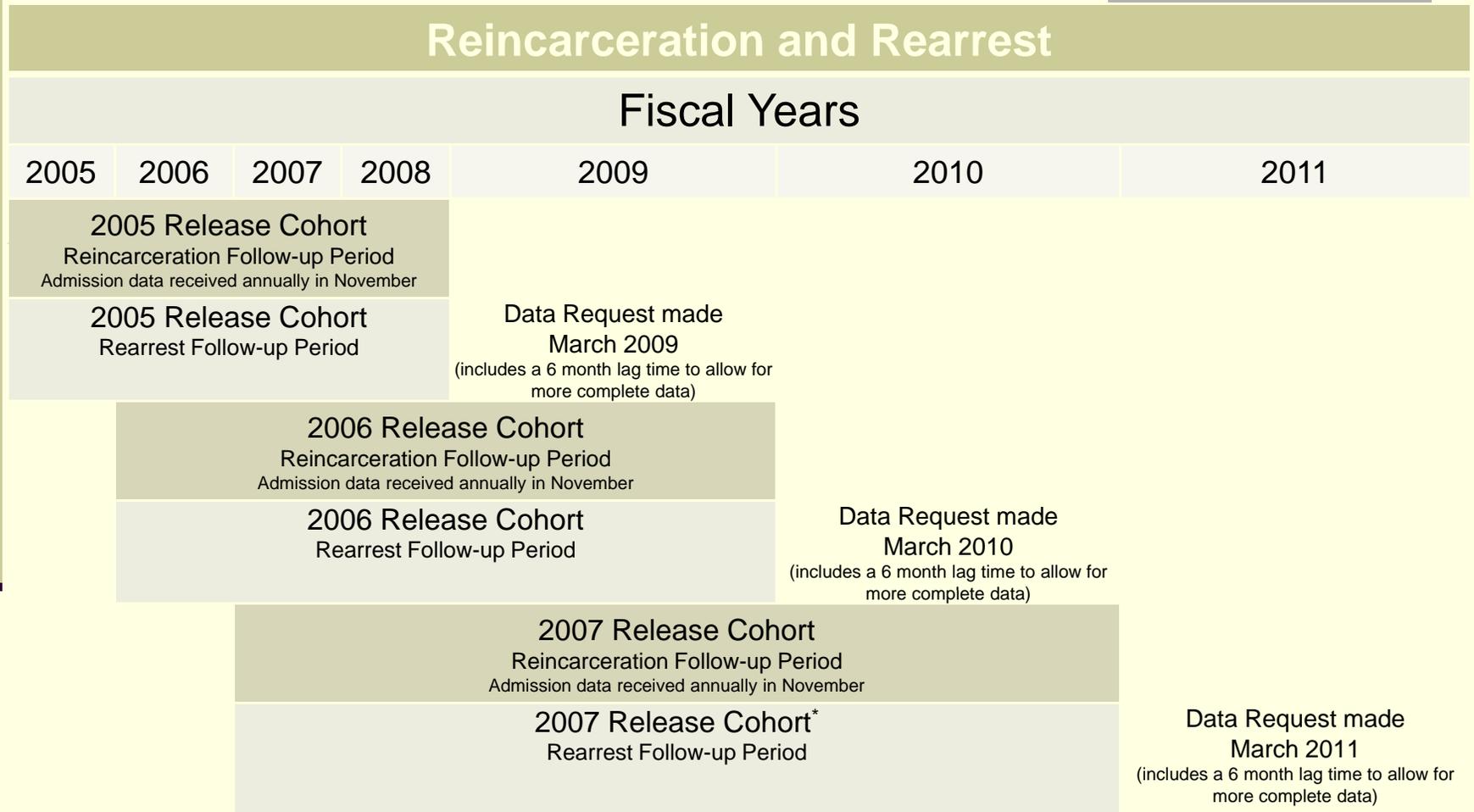
Correctional Institutions – Reincarceration

- Reincarceration – Offenders released from institutional settings during a specific time period (e.g., FY 2006) are tracked for three years. Each offender who returned to state jail or prison at least once during the three-year follow-up was considered a recidivist.
- Reincarceration Rate – The number of offenders who returned to incarceration during a given year divided by the number in the release cohort.

Correctional Institutions – Rearrest

- Rearrest – Offenders released from institutional settings during a specific time period (e.g., FY 2006) are tracked for three years. Each offender who was arrested for a Class B Misdemeanor or greater during the three-year follow-up was considered a recidivist.
- Rearrest Rate – The number of offenders who were rearrested during a given fiscal year divided by the number in the release cohort.

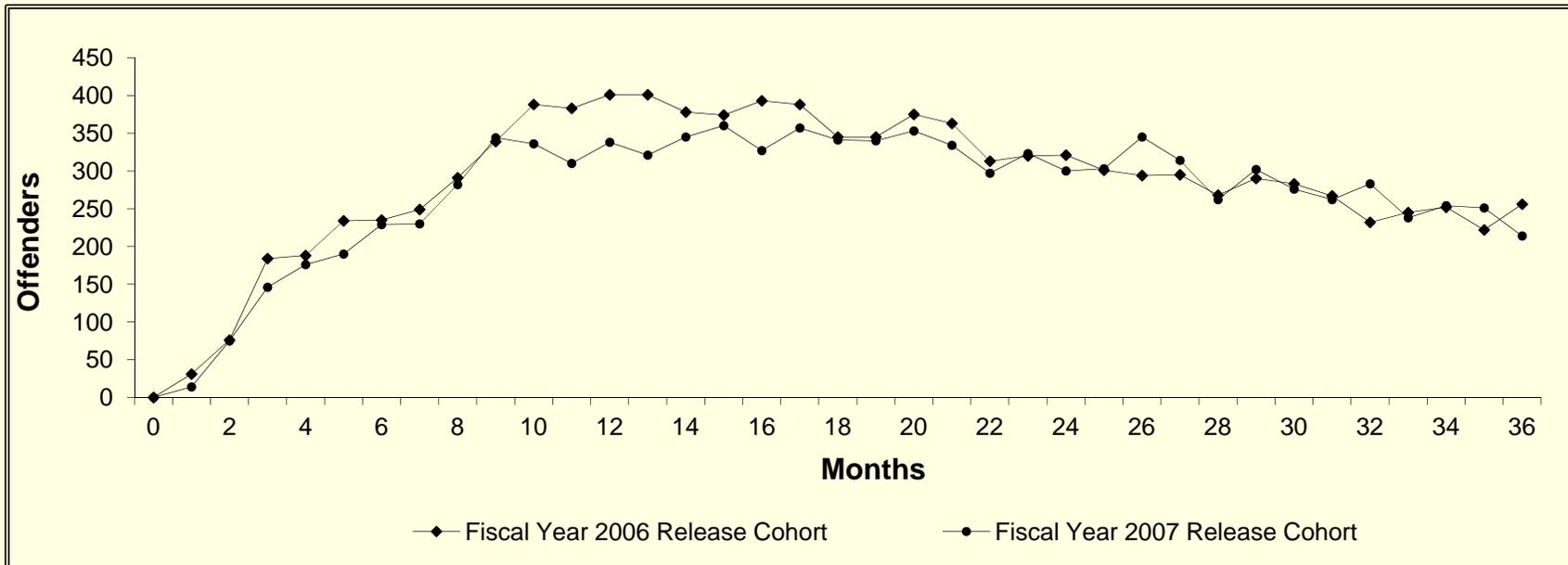
Reincarceration and Rearrest – Cohort Follow-up Periods



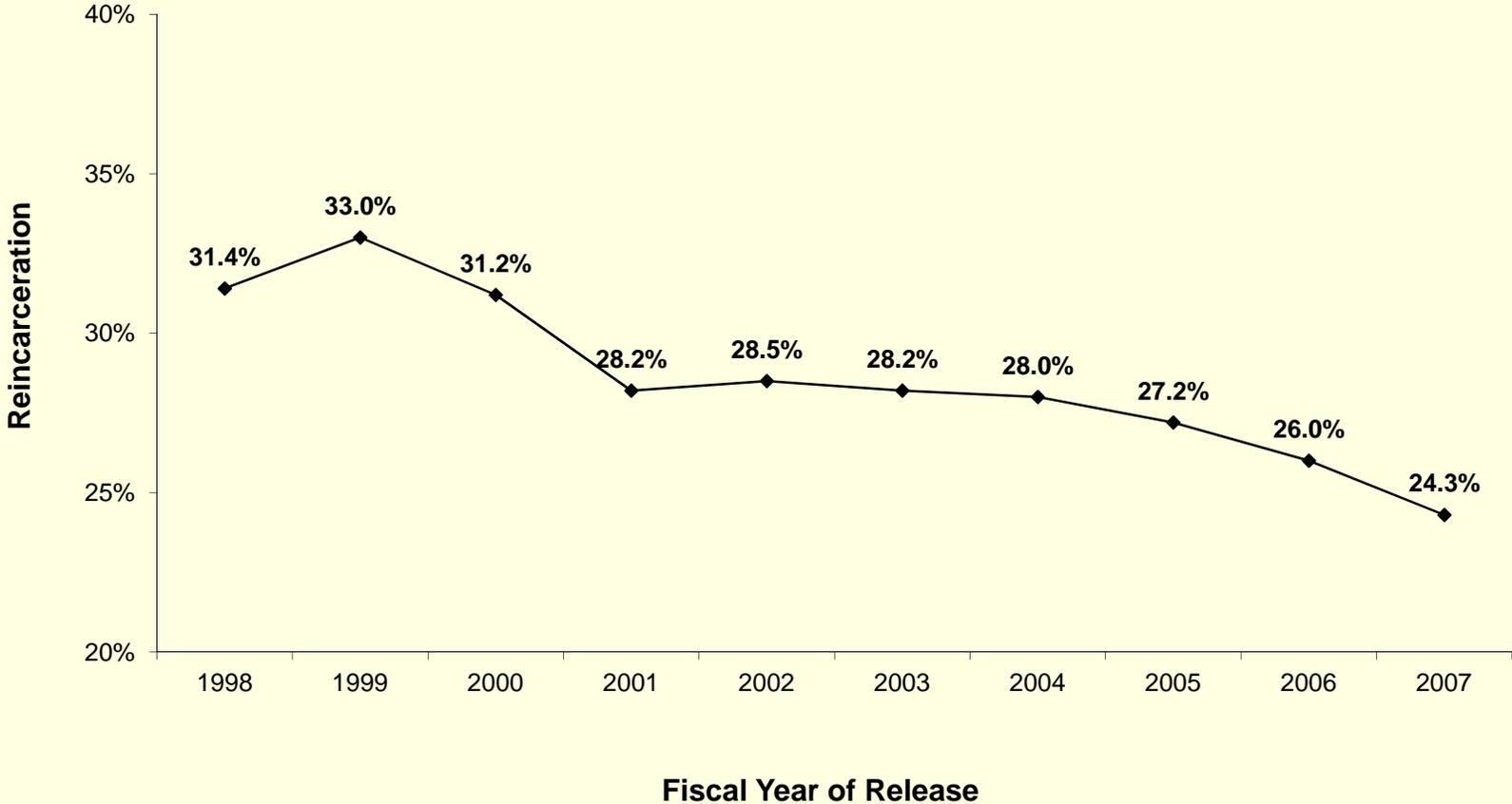
*Note: Rearrest rates for the FY 2007 Release Cohort will be included in January 2013 report.

Prison – Reincarceration Rates

FAILURE PERIOD	FY 2006 COHORT N = 40,438		FY 2007 COHORT N = 41,051	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	2,999	7.4%	2,670	6.5%
Year 2	4,316	10.7%	3,998	9.7%
Year 3	3,205	7.9%	3,304	8.0%
Total	10,520		9,972	
Reincarceration Rate		26.0%		24.3%



Prison – Reincarceration Rates



Prison – Reincarceration Profile of Recidivists

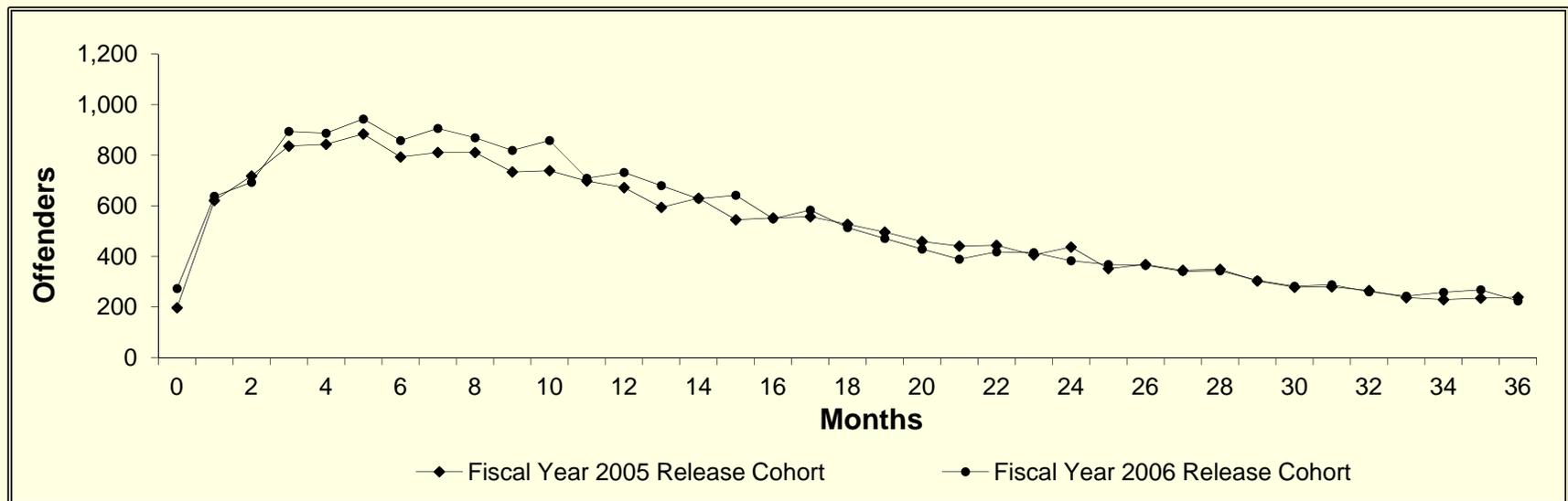
OFFENDER CHARACTERISTICS	FY 2006 RELEASES		FY 2007 RELEASES	
	COHORT N = 40,438	RECIDIVISTS (reincarceration) N = 10,520	COHORT N = 41,051	RECIDIVISTS (reincarceration) N = 9,972
GENDER				
Female	9.9%	7.1%	10.0%	7.4%
Male	90.1%	92.9%	90.0%	92.6%
RACE/ETHNICITY				
African American	35.1%	41.1%	34.2%	40.5%
Hispanic	29.8%	24.6%	32.4%	27.1%
White	34.5%	33.9%	32.9%	32.1%
Other	0.5%	0.4%	0.5%	0.3%
AGE AT RELEASE				
<= 24	14.7%	18.3%	14.6%	18.7%
25 - 29	18.5%	19.5%	18.7%	20.7%
30 - 34	15.3%	14.8%	14.8%	15.0%
35 - 39	15.0%	16.3%	14.6%	14.8%
40 - 44	14.5%	14.5%	13.8%	13.7%
45+	21.9%	16.6%	23.5%	17.1%
OFFENSE OF INITIAL SENTENCE				
Violent	26.1%	20.9%	25.9%	21.6%
Property	22.6%	29.7%	21.6%	28.7%
Drug	32.0%	31.6%	31.7%	31.4%
Other	19.2%	17.8%	20.8%	18.4%

Prison – Reincarceration Rates for Select Offender Characteristics

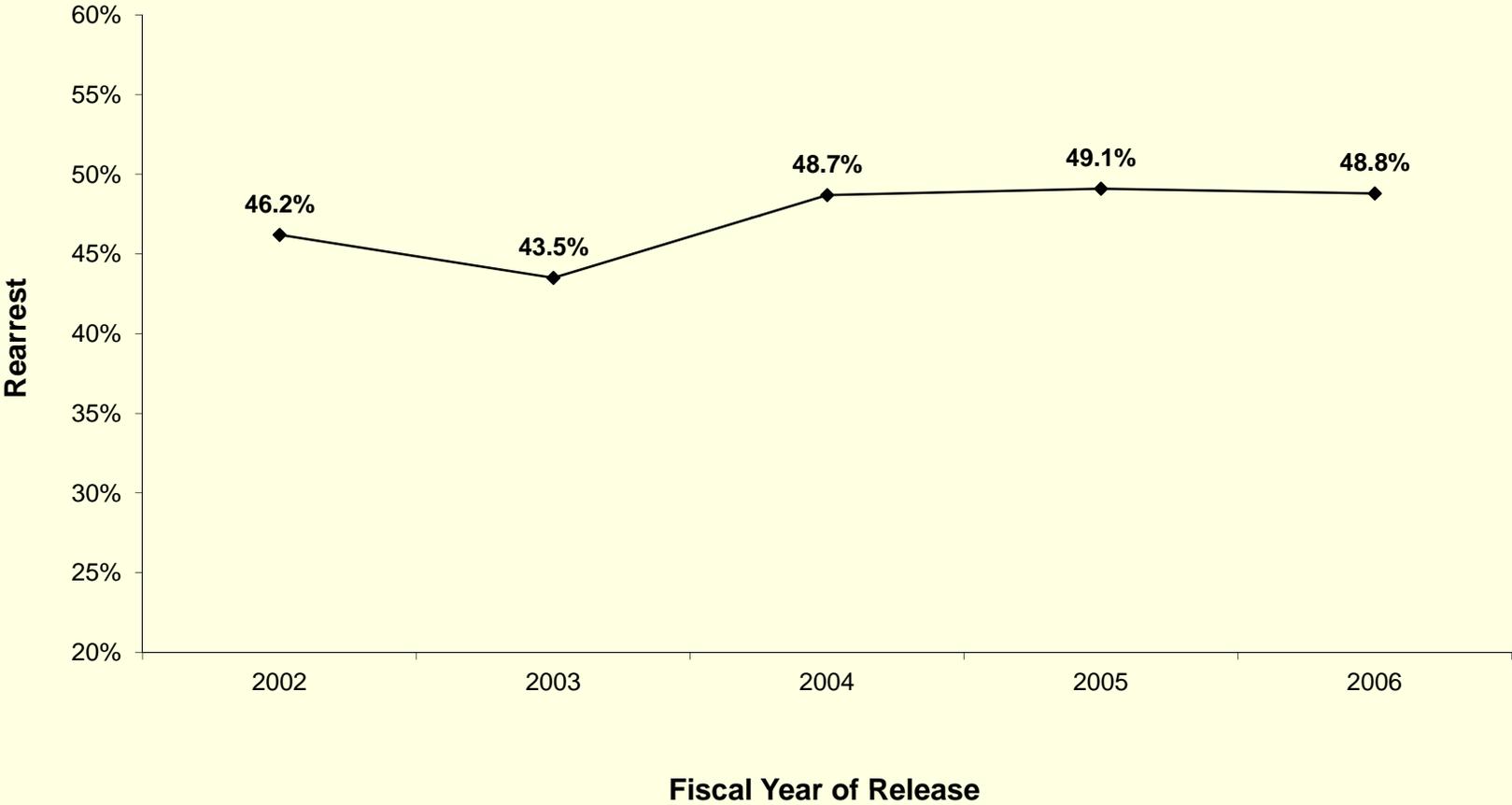
OFFENDER CHARACTERISTICS	REINCARCERATION RATE FY 2006 RELEASES N = 10,520	REINCARCERATION RATE FY 2007 RELEASES N = 9,972
Overall Reincarceration Rate	26.0%	24.3%
GENDER		
Female	18.6%	17.9%
Male	26.8%	25.0%
RACE/ETHNICITY		
African American	30.4%	28.7%
Hispanic	21.5%	20.3%
White	25.5%	23.7%
Other	18.6%	14.0%
AGE AT RELEASE		
<= 24	32.3%	31.1%
25 - 29	27.4%	26.9%
30 - 34	25.2%	24.6%
35 - 39	28.3%	24.6%
40 - 44	25.9%	24.2%
45+	19.7%	17.6%
OFFENSE OF INITIAL SENTENCE		
Violent	20.8%	20.2%
Property	34.1%	32.2%
Drug	25.6%	24.0%
Other	24.1%	21.5%

Prison – Rearrest Rates

FAILURE PERIOD	FY 2005 COHORT N = 38,559		FY 2006 COHORT N = 40,438	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	9,357	24.3%	10,079	24.9%
Year 2	6,088	15.8%	6,101	15.1%
Year 3	3,480	9.0%	3,545	8.8%
Total	18,925		19,725	
Rearrest Rate		49.1%		48.8%



Prison – Rearrest Rates



Recidivism Rates for Various Populations

Correctional Population Recidivism Rates								
Correctional Population	Fiscal Year							
	2000	2001	2002	2003	2004	2005	2006	2007
Prison Reincarceration	31.2	28.2	28.5	28.2	28.0	27.2	26.0	24.3
Prison Rearrest			46.2	43.5	48.7	49.1	48.8	
State Jail Reincarceration				34.4	33.9	32.8	32.5	31.9
State Jail Rearrest				47.1	62.7	64.3	64.2	
SAFPF Reincarceration					43.0	41.3	39.6	40.3

Parole Supervision – Overview

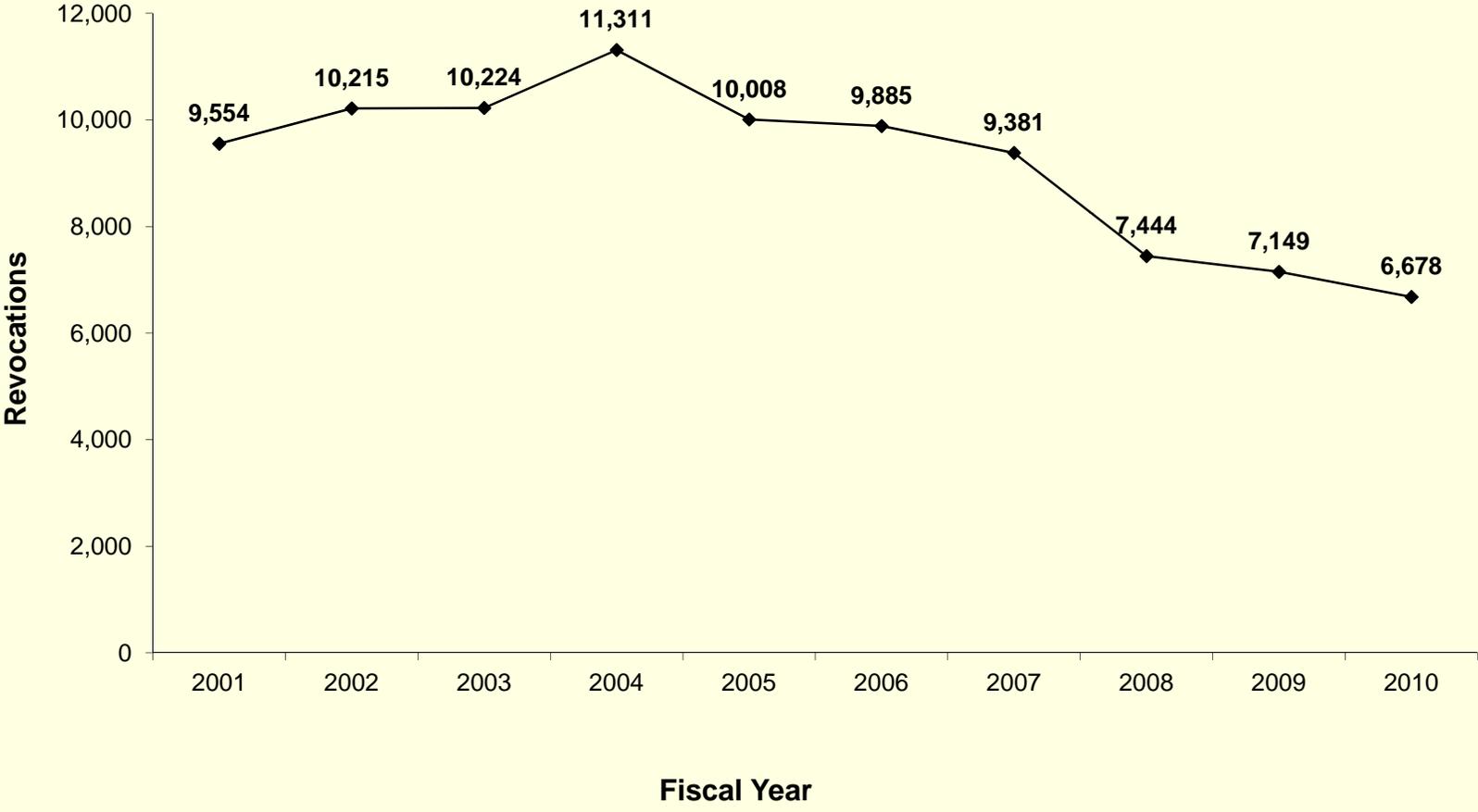
- The Texas Department of Criminal Justice – Parole Division supervises offenders released from prison who are serving the remainder of their sentence under supervision in the community.
- Intermediate Sanction Facilities (ISF) – A short-term, detention facility used for offenders who violate conditions of their parole or mandatory supervision.

Parole Supervision – Revocations

- Revocation – An offender under parole or mandatory supervision may be revoked and sent back to prison by the Texas Board of Pardons and Paroles.
 - Technical
 - Non - Technical

- Revocation Rate – The number of revocations during a given fiscal year divided by the average active parole population for that same fiscal year.

Parole Supervision – Revocations



Parole Supervision – Revocation Statistics

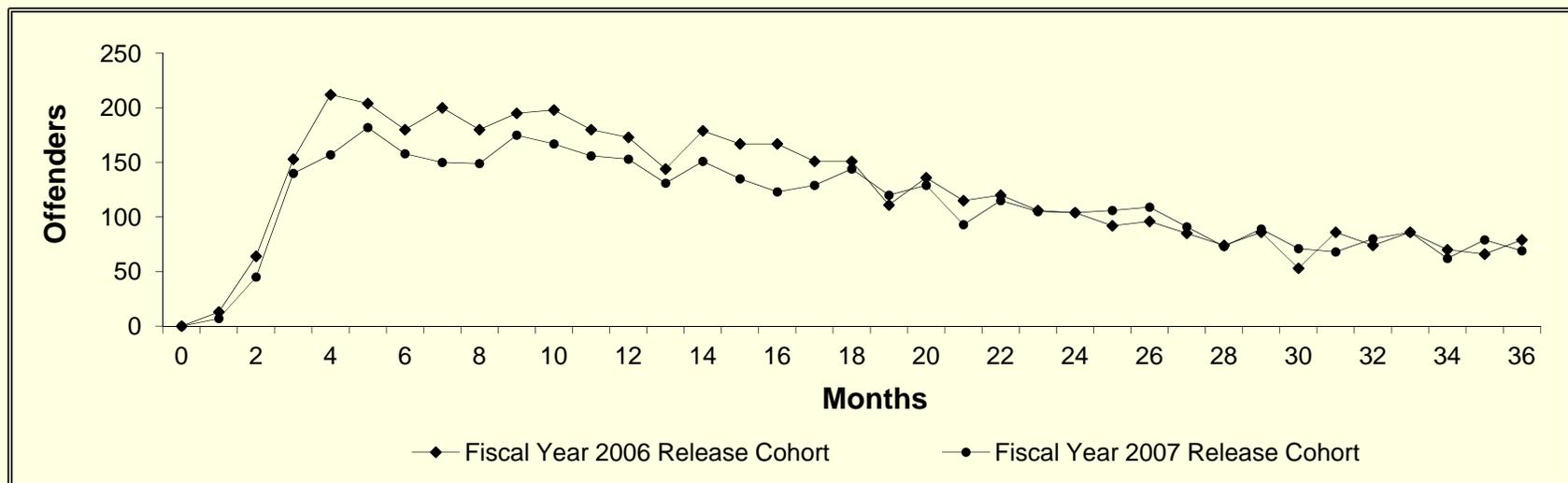
- Approximately 80% of parole revocations to prison are for subsequent new offense convictions or arrests.
- Parole supervision revocations account for less than 20% of prison admissions annually. For example, in fiscal year 2010, there were 42,858 prison admissions and 6,678 of them (16%) were parole revocations.

Parole Supervision – Revocation Rates

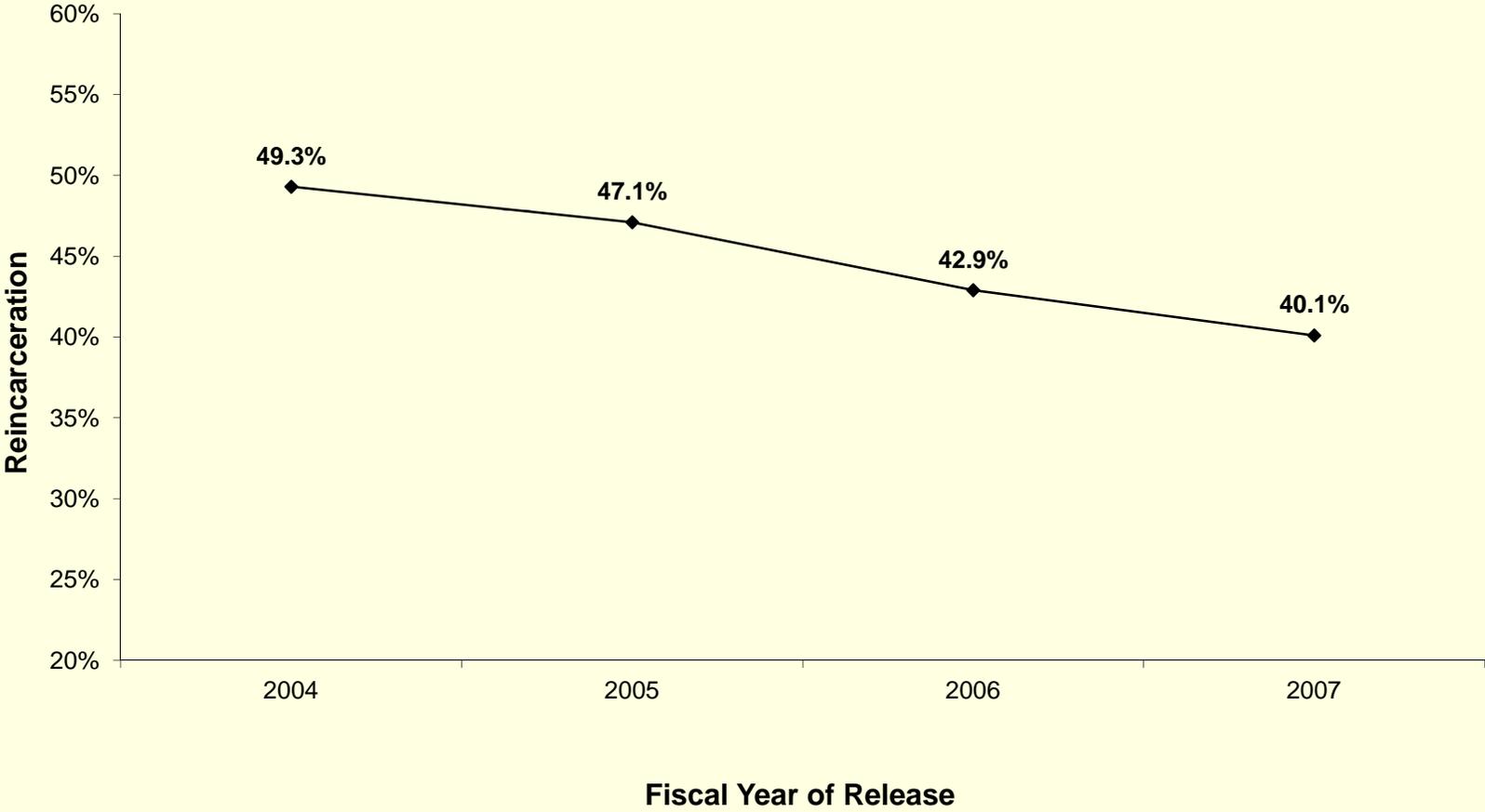
FISCAL YEAR	AVERAGE ACTIVE PAROLE POPULATION	PAROLE REVOCATION ADMISSIONS TO PRISON	REVOCATION RATE
2001	78,215	9,554	12.2%
2002	79,740	10,215	12.8%
2003	76,727	10,224	13.3%
2004	76,669	11,311	14.8%
2005	76,540	10,008	13.1%
2006	76,696	9,885	12.9%
2007	76,601	9,381	12.2%
2008	77,964	7,444	9.5%
2009	78,945	7,149	9.1%
2010	81,220	6,678	8.2%

Intermediate Sanction Facilities – Reincarceration Rates

FAILURE PERIOD	FY 2006 COHORT N = 10,594		FY 2007 COHORT N = 10,221	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	1,952	18.4%	1,639	16.0%
Year 2	1,651	15.6%	1,479	14.5%
Year 3	947	8.9%	983	9.6%
Total	4,550		4,101	
Reincarceration Rate		42.9%		40.1%



Intermediate Sanction Facilities – Reincarceration Rates



Texas Recidivism Rates versus Other States

STATE	COHORT RELEASE YEAR	TYPE	THREE-YEAR RECIDIVISM RATE
California ^a	2005	Reincarceration	58.9%
Colorado ^b	2006	Reincarceration	53.2%
Florida ^c	2005	Reincarceration	32.7%
Illinois ^d	2002	Reincarceration	51.8%
New York ^e	2005	Reincarceration	41.3%
Pennsylvania ^f	2002	Reincarceration	46.3%
Texas Prison	2007	Reincarceration	24.3%
Texas State Jail	2007	Reincarceration	31.9%
Texas Prison	2006	Rearrest	48.8%
Texas State Jail	2006	Rearrest	64.2%

Texas Recidivism Rates versus Other States

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

- (a) California's rate of return is for felons released on parole.
- (b) Colorado's rate of return is for inmates released to parole, sentence discharges, court order discharges, and probation releases.

Texas Recidivism Rates versus Other States

- (c) Florida's rate of return includes new convictions and violations of post prison supervision.
- (d) Illinois' rate of return includes new crimes and violations of parole.
- (e) New York's rate of return includes new felony convictions and violations of parole.
- (f) Pennsylvania's rate of return includes returns to custody for any reason.

Next Steps

- Update follow-up periods for all cohorts
- Executive brief to summarize findings in a more concise manner
- Next recidivism report will be released in January 2013
- Calculate recidivism measures using individual-level data for adult probation and include in January 2015 report



Questions?

Facilitated Discussion

- Is there additional information that we should consider when producing this report?
- Are there other ways we can learn of planned policy and practices that impact populations?
- Are there any other ways to improve the methodology?

Facilitated Discussion

- Are you conducting or planning on conducting research related to population projections?
- Do you use projections in your current work/research or could you see projections being helpful in your work/research?

How can I be involved in the legislative process?

- Senate Finance Committee
- House Appropriations Committee
- Senate Criminal Justice Committee
- House Corrections Committee
- House Criminal Jurisprudence Committee
- www.legis.state.tx.us
(Texas Legislature Online)

Contact Information

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