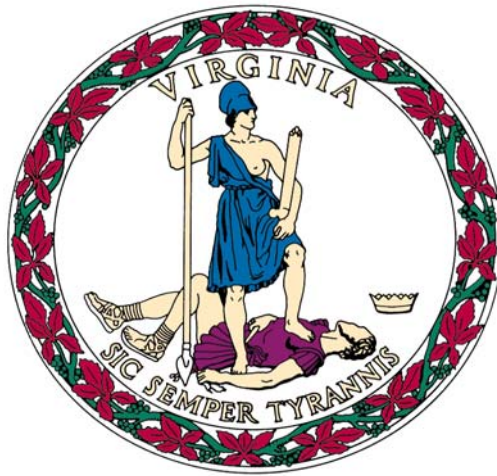


# RECIDIVISM IN VIRGINIA: TRACKING THE 1999 RELEASE COHORT



Virginia Department of Corrections

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COHORT**

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## EXECUTIVE SUMMARY

This study examines offenders released from Virginia prisons in 1999, their re-involvement in crime, and their subsequent re-incarceration to state institutions. Offenders released from the Virginia Department of Corrections (DOC) during calendar year 1999 were evaluated to determine recidivism rates following their release in a three-year follow-up period. Of the 8,997 offenders released in 1999, 2,611 returned to prison for a new crime or technical parole violation three years after being released. The recidivism rate for the 1999 releases is 29.0 percent. This is slightly lower than the 29.4% recidivism rate of the 1998 prison releases. Of these 2,611 recidivists, 731 or almost 28% had technical parole violations and 1,880 or 72% committed new crimes.

### MAJOR FINDINGS

- Prisoners released for property and drug crimes recidivated at a higher rate than those released for other non-violent or violent crimes. At the end of the three year follow-up, just under half (48%) were returned for property crimes and almost one-quarter (23%) were returned for drug offenses.
- The total recidivism rate was higher in the first two years; 29% of those who recidivated came back in 2000, and 26% came back in 2001. Only 11% returned to prison by the end of 2002, while only 7% recidivated in the same year they were released (1999).
- The majority of released prisoners were returned for the same type of crime for which they were originally incarcerated (1,359 or 72%). Despite this trend of recidivists to be returned for the same type of crime for which they were originally incarcerated, 28% (521) were returned for some other type of crime.
- The characteristics of both the releases and recidivists were similar in regard to age, race, and gender.
- The majority (95%) of the recidivists were recommitted from the same region from which they were originally committed.

## INTRODUCTION

The criminal justice system has frequently been referred to as a “revolving door” where offenders are released, only to be returned over and over again to incarceration. The rising costs, efficacy, and implications of housing growing numbers of offenders have increasingly come under fire from both the government and public (TDOC, 2001). If incarceration is assumed to be a punishment and deterrent to future criminal activity, then the effectiveness of the correctional system can be inferred through the success (or failure) rate of released offenders.

Recidivism can simply be defined as the rate at which offenders re-engage in criminal behavior. The 2000 Corrections Yearbook reports the average recidivism rate among 47 states as 33.8% after a three-year follow up period. Utah reported the highest recidivism rate of 67.0%, while Montana reported the lowest (10.0%). It is important to note, however, that states use different measures to define recidivism as well as report different rates depending on the follow-up period (Camp & Camp, 2000).

This study does not go into detail on the causes or factors that have impacted the return of offenders to criminal behavior but helps to establish an understanding of recidivism and how it differs depending on certain characteristics of the offender population.

## METHODOLOGY

As previously stated, estimates of recidivism can vary with the length of the follow-up period, definitions used, and the measures selected. For the purpose of analysis and comparison, it is important to clearly define what is considered recidivism.

Recidivism studies generally use one of four measures: rearrest, reconviction, reincarceration, and rate of reoffending. While rearrest is the most convenient measure, the frequency with which offenders are rearrested can be influenced more by the vigilance of the police to round up known suspects than the actual level of reoffending. Other researchers prefer to use reconviction data to weed out arrests involving minor incidents (Matthews & Pitts, 1998).

Readmission or reincarceration rates are used by other researchers because they appear to present harder data; the offense must be serious in nature if it resulted in the offender being returned to prison (Jones, 1996). However, the use of reincarceration rates is plagued by the problem of cases in which someone is reincarcerated for a much less serious crime. Finally, some researchers prefer to ask the ex-offenders themselves if they have reoffended during a certain period of time. Although this approach may reveal important information that would be otherwise unobtainable, offenders have a strong reason to be dishonest if they committed a crime and were not arrested (Matthews & Pitts, 1998).

For the purposes of this report, a recidivist is defined as an offender, who after release from prison, is reincarcerated in a Virginia state correctional facility. Individuals in the cohort may be returned for the commission of a new crime or for technical violations while under community supervision.

Offenders from the calendar year 1999 release file were matched to a current data file of all admissions and releases to the DOC in order to determine whether or not the former inmate had been re-admitted following a three-year time period. Since some offenders could be released and reincarcerated within the same year, 1999 was included in the follow-up period.

## SUMMARY OF FINDINGS

### 1. RECIDIVISTS (WHO COMMITTED A NEW CRIME) BY OFFENSE TYPE

- Nearly 48% of offenders were returned for a property crime. Of the property crime recidivists, 54.6% (742) committed a new crime within the same offense category.
- Twenty-three percent of offenders were returned for drug offenses. Of the recidivists in the drug category, 315 or (23.2%) were re-incarcerated for a crime committed within the same offense category.
- Seventeen percent of those who recidivated were returned for non-sex violent crimes. Of the recidivists in the violent category, 12.9% (175) committed a new crime within the same offense category as their original offense.
- Almost eight percent of those who recidivated were returned for non-violent crimes. Of the non-violent recidivists, 6.3% (85) of recidivists in this category were re-incarcerated for the same offense type.
- Sex crime recidivists made up 3.7% of the total recidivists. Of the sex crime recidivists, 3.1% (42) committed a new crime within the same offense category.

### 2. TIME OUT BEFORE RE-COMMITMENT

- The overall average time out in the community before reincarceration for a technical violation or new crime was 1.5 years.
- The first recidivist that was returned for a new crime within every offense category, except sex crimes, recidivated within one month or less. There were three property offenders who recidivated in less than one month. It took four months for the first sex crime recidivist to be returned to prison.

### 3. AGE

- The average age at release is 34 years old. The majority of offenders released in 1999 were between 25-34 (37.9%) and 35-44 years old (31.4%).



- The average age upon return to prison with a new crime is 33 years old. The majority of the recidivists were also between 25-34 (37.6%) and 35-44 years old (32.6%).
- The average age upon return to prison for a technical violation is 35 years old. The majority of the recidivists were also between 25-34 (43.6%) and 35-44 years old (37.1%).

#### **4. GENDER AND RACE**

- Ten percent of all releases were female, 90% were male.
- Nine percent of all recidivists (technicals and new crimes) were female, 91% were male.
- Approximately 65% of all releases were black, 34% were white, and 1.0% were in the Other category (Hispanic, Asian, Indian, Other).
- Seventy-one percent of all recidivists (technicals and new crimes) were black, 28.6% were white, and 0.2% were in the Other category.

#### **5. REGIONAL DISTRIBUTION FOR RECIDIVISTS WITH A NEW CRIME**

- The majority (95%) of the recidivists were re-committed from the same region from which they were originally committed. For example, 39% of recidivists were originally committed from the Eastern Region and 39.5% were also recommitted from the same region for a new offense. Other regions also show similar patterns.
- The majority (72%) of the recidivists were reconvicted by the same court. Seventy-two percent or 530 out of 734 recidivists from the Eastern Region were reconvicted by the same court. Similarly, the same court reconvicted 74% of recidivists from the Western Region and 70% from the Central Region.

## ANALYSIS OF FINDINGS

Table 1 shows that recidivists received 3.2 years on average for their previous crimes and were given 4.8 years on average for their new crimes. This increase may be a result of harsher sentencing, since most of the recidivists (72%) were reconvicted for the same type of crimes. Offenders sentenced for violent crimes received the highest increase of sentences from 4.6 years on average to 10.3 years.

The type of offense for which a released inmate was previously incarcerated may be a determining factor as to whether he or she will recidivate. The offense categories used in this study are sex crimes, non-sex violent crimes, property crimes, non-property non-violent crimes, and drugs (see Table 1 for a description of these crimes). As Table 2 indicates, approximately 3.7% of all recidivists were returned for sex crimes. Of the sex crime recidivists, 3.1% (42) committed a crime within the same offense category. Nearly 48% of the recidivists were returned for a property crime. Of the property crime recidivists, 55% (742) committed a crime within the same offense category.

Seventeen percent of the recidivists were returned for non-sex violent crimes. Of the recidivists in this category, 13% (175) were re-incarcerated for the same crime for which they had been previously incarcerated. Nearly eight percent of the recidivists were returned for non-property non-violent crimes. Six percent (85) of recidivists in this category were re-incarcerated for the same offense. Finally, 23% of all offenders were returned for drug offenses. Of the recidivists in the drug category, 315 or (23.2%) were re-incarcerated for a crime committed within the same offense category.

**Table 1: Average Sentence in Years Received by Recidivists\***

	<b>Previous Sentences</b>	<b>New Sentences</b>
<b>Sex Crimes</b>	5.2 years	6.7 years
<b>Non-Sex Violent Crimes</b>	4.6 years	10.3 years
<b>Property Crimes</b>	3.2 years	3.8 years
<b>Non-Violent Crimes Excluding Property Crimes</b>	1.8 years	2.3 years
<b>Drugs</b>	2.4 years	3.4 years
<b>Average</b>	3.2 years	4.8 years

\* Only those that committed a new crime

Sex Crimes: nonviolent sex offenses and rape/sexual assault

Non-Sex Violent Crimes: homicide (1<sup>st</sup> and 2<sup>nd</sup>), manslaughter, abduction, assault, robbery, weapons

Property Crimes: arson, burglary, breaking and entering, larceny/fraud

Non-Violent Crimes: conspiracy, DUI, habitual offender, other

Drugs: cocaine possession, cocaine sales, heroin possession, heroin sales, other drug crimes, other possession and other sales

**Table 2: All Releases and Recidivists With New Crimes**

	All CY 1998 Releases		Old Crime Category		New Crime Category		Recidivists Convicted of a Crime Within the Same Offense Category	
<b>Sex Crimes</b>	514	5.7%	57	3.0%	70	3.7%	42	3.1%
<b>Non-Sex Violent Crimes</b>	1,858	20.7%	275	14.6%	323	17.2%	175	12.9%
<b>Property Crimes</b>	3,596	40.0%	953	50.7%	901	47.9%	742	54.6%
<b>Non-violent Crimes</b>	739	8.2%	144	7.7%	148	7.9%	85	6.3%
<b>Drugs</b>	2,284	25.4%	449	23.9%	438	23.3%	315	23.2%
<b>Unknown</b>	6	0.1%	2	0.1%	0	0.0%	0	0.0%
<b>Total</b>	8,997	100%	1,880	100%	1,880	100%	1,359	100%

Table 3 shows the average time recidivists spent in the community before they committed a new crime or technical violation. The overall average time in the community before reincarceration is 1.5 years. For new crime recidivists, the average is 1.5 years for all crime categories except non-violent, which is 1.7 years. The average time out before conviction for a technical violation is 1.3 years, slightly less than for a new crime. The time out before technical violation is 1.3 years for offenders originally convicted of non-sex violent crimes, property, drugs, and 1.4 years for sex crimes. The time out before technical violation is 1.0 years for those originally convicted of non-violent crimes. The first recidivist that was returned for a new crime within every

offense category, except sex crimes, came back within one month or less. There were three property offenders who recidivated in less than one month. Following release, the first sex crimes recidivist returned within four months.

**Table 3: Average Time Out Before Commitment of a New Crime or Technical Violation**

	<b>Recidivists with New Crimes</b>	<b>Technical Violators*</b>
<b>Sex Crimes</b>	1.5 years N=70	1.4 years N=70
<b>Non-sex Violent Crimes</b>	1.5 years N=323	1.3 years N=174
<b>Property Crimes</b>	1.5 years N=901	1.3 years N=341
<b>Non-violent Crimes Excluding Property Crimes</b>	1.7 years N=148	1.0 years N=13
<b>Drugs</b>	1.5 years N=438	1.3 years N=133
<b>Average</b>	1.5 years N=1880	1.3 years N=731

\*Based on the original crime for which they were incarcerated

Table 4 illustrates the number of recidivists by year sentenced to the DOC for a new crime. Of those who were re-incarcerated during the follow-up period, more than 85% of all crime categories returned within two years. Listed below is the percent of recidivists in each category that came back within two years upon release:

Drug Offenses	373 or 85.1%
Property Crimes	761 or 84.4%
Non-Violent Crimes	125 or 84.5%
Sex Offenses	64 or 91.4%
Violent Crimes	278 or 86.1%

An analysis of specific programs to examine the difference between those who participated in programs and those offenders who did not has not been completed. However, the brevity with which these offenders recidivated shows that incarceration was not effective for this small portion of the total release. In the short-run, recidivism could possibly be a function of incarceration and correctional programs; while in the long-run it is a function of time and other community-related factors. Rates within two years of release are more likely than those from a longer period to reflect any effects of incarceration or correctional programs on recidivism. Therefore, the first two years are critical periods for repeating criminal behavior (Parsons & Ferrari, 1996).

**Table 4: Recidivists by Year Sentenced to DOC For A New Crime**

	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>Total</b>	<b>% of Total</b>
<b>Sex Crimes</b>	5	34	25	6	70	3.7%
<b>Non-sex Violent Crimes</b>	29	138	111	45	323	17.2%
<b>Property Crimes</b>	100	350	311	140	901	47.9%
<b>Non-violent Crimes Excluding Property Crimes</b>	12	46	67	23	148	7.9%
<b>Drugs</b>	42	178	153	65	438	23.3%
<b>Total</b>	188	746	667	279	1,880	100%

Figure 1 illustrates the percent of recidivists (both technicals and new crimes) returned to DOC from 1999 to 2002 in six-month intervals. The X-axis indicates the number of months since release from prison, while the Y-axis shows the percent of recidivists that came back at the end of each six-month interval from 1999 to 2002. This chart, commonly referred to as the recidivism rate curve, indicates the percentage of total recidivists who came back during the follow-up period. By six months after release, the recidivism rate was 10.6%. It increased to 24.8% by 12 months and stayed relatively stable at 24.6% by 18 months. The rate decreased to 17.6% by 24 months, 12.9% by 30 months, and 9.5% by 36 months.

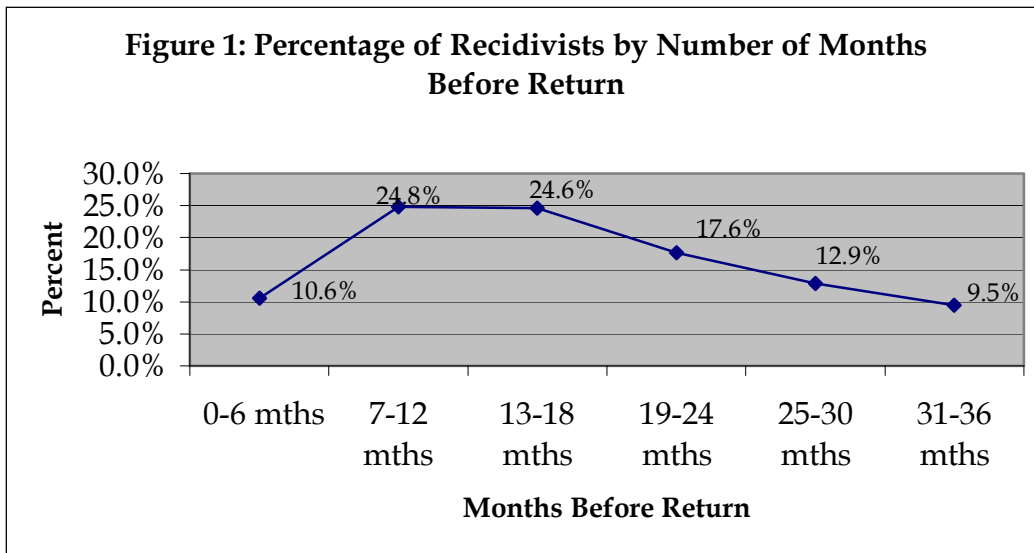


Table 5 shows the age profile of releases and recidivists. The average age at release is 34 years old. The majority of offenders released in 1999 were between 25-34 (37.9%) and 35-44 years old (31.4%). The average age for recidivists with a new crime is 33 years old. The majority of the recidivists were also between 25-34 (37.6%) and 35-44 years old (32.6%). The average age for technical violators is 35 years old. The majority of the recidivists were also between 25-34 (43.6%) and 35-44 (37.1%).

**Table 5: Age Profile of Releases and Recidivists**

	<b>Number of Releases</b>	<b>%</b>	<b>New Crime Recidivists</b>	<b>%</b>	<b>Technical Violators</b>	<b>%</b>
<b>Under 18</b>	12	0.1%	1	0.1%	0	0.0%
<b>18-24</b>	1,593	17.7%	363	19.3%	57	7.8%
<b>25-34</b>	3,401	37.9%	706	37.6%	319	43.6%
<b>35-44</b>	2,820	31.4%	612	32.6%	271	37.1%
<b>45-54</b>	943	10.4%	174	9.3%	75	10.3%



<b>55 and over</b>	228	2.6%	24	1.3%	9	1.2%
<b>Total</b>	<b>8,997</b>	<b>100%</b>	<b>1,880</b>	<b>100%</b>	<b>731</b>	<b>100%</b>

Figure 2 shows releases and recidivists by gender. Ten percent of all releases were female and 90% were male, while nine percent of all recidivists were female and 91% were male.

**Figure 2: Releases and Recidivists by Gender**

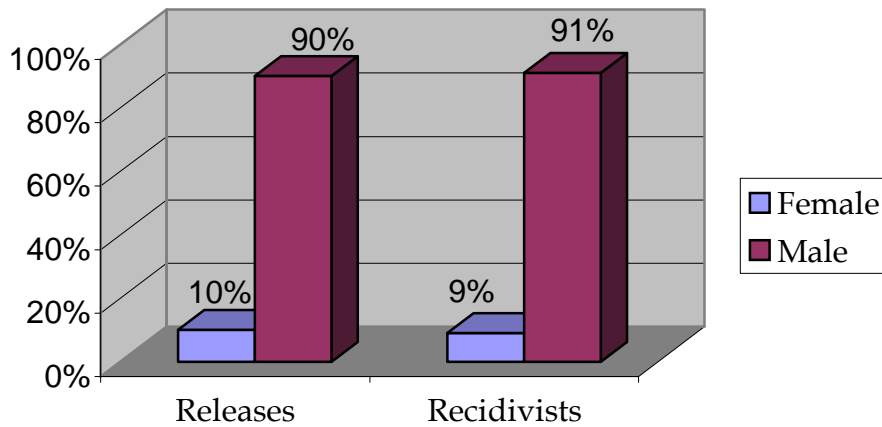
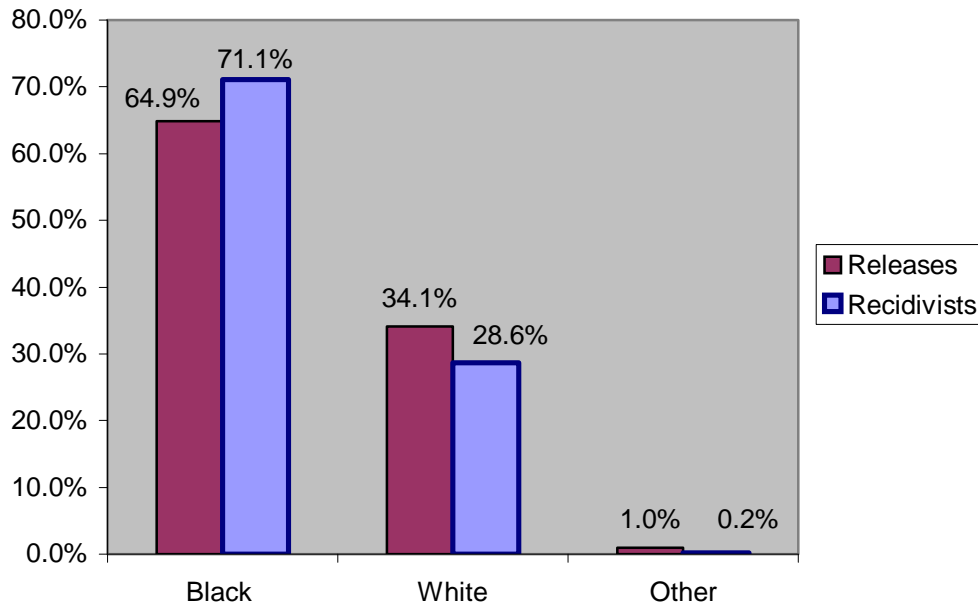


Figure 3 depicts releases and recidivists by race. Approximately 65% of releases were black, 34% were white, and 1% were in the other category (Hispanic, Asian, Indian, or Other). Just over 71% of recidivists were black, 29% were white, and 0.2% were in the other category.

**Figure 3: Releases and Recidivists by Race**



A number of prisoners released in 1999 might have been arrested and incarcerated in other states. A study of recidivism for 15 states by the Bureau of Justice Statistics in 2002 found that 14 out of the 15 states in the study had offenders who had at least one out-of-state arrest for a new crime (Langan & Levin, 2002). These 14 states accounted for 241,810 of the 272,111 prisoners in this recidivism study. Within three years following their release, 7.6% or 18,460 of the 241,810 prisoners were rearrested for a new crime committed in a state other than the one that released them.

However, this study includes only those released and re-incarcerated in Virginia. Table 6 portrays the current DOC administrative regional distribution of releases and recidivists. Just under 41% of all releases came from the Central Region, while 37% came from the Eastern Region and 22% from the Western Region. Most of these offenders were reconvicted in the same region. Approximately 39% of recidivists were

committed from the Eastern Region for their old offense, and 39.5% were committed for their new offense. Other regions also show a similar pattern.

Overall 72% of the recidivists with a new crime were reconvicted by the same court. Just over 72% or 530 out of 734 recidivists from the Eastern Region were reconvicted by the same court. Similarly, the same court reconvicted 74% of recidivists from the Western Region and 70% from the Central Region.

**Table 6: Regional Distribution of Releases and Recidivists with a New Crime**

	<b>Total Releases</b>	<b>%</b>	<b>Committing court for the old offense</b>	<b>%</b>	<b>Committing court for the new offense</b>	<b>%</b>	<b>Committed by the same region</b>	<b>%</b>	<b>Committed by the same court</b>	<b>%</b>
<b>C</b>	3,674	40.8%	687	36.5%	683	36.3%	644	36.0%	482	35.8%
<b>E</b>	3,354	37.3%	734	39.0%	743	39.5%	708	39.6%	530	39.3%
<b>W</b>	1,950	21.7%	453	24.1%	454	24.1%	437	24.4%	335	24.9%
<b>U</b>	19	0.2%	6	0.3%	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	8,997	100%	1,880	100%	1,880	100%	1,789	100%	1,347	100%

C=Central, E=Eastern, W=Western, U=Unknown

## CONCLUSION

The findings of this study contradict the popular view that offenders will inevitably re-offend. Of those released in 1999, 29.0% came back to the state prison system for a new crime or technical violation within the three-year follow-up period. This finding is under the national average of 33.8% reported in the 2000 Corrections Yearbook (Camp & Camp, 2000).

This study is not a cause-effect analysis and makes no predictions about future inmate behavior. The results provide here are descriptive in nature and are not an evaluation of the Department's success or failure. However, the statistical results are a meaningful tool that can be used to examine the Virginia correctional system. The results may also help policy makers design a more appropriate correctional policy in terms of incarceration, program decisions, correctional treatment, and the reintegration of offenders into the society.

Further research is needed to help determine those risk factors that are related to recidivism. It is important for the DOC to ascertain which factors contribute to recidivism, because recidivism costs are high for society as well as the offender (MTC Institute, 2003).

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