

## RECIDIVISM OF STATE PRISONERS: IMPLICATIONS FOR SENTENCING AND CORRECTIONS POLICY

A new Bureau of Justice Statistics report provides the first comprehensive national data on prisoner recidivism in more than a decade.<sup>1</sup> Researchers following a cohort of state prison inmates released in 1994 found that 67.5% of those discharged were rearrested within three years. This represents an increase of 5% over a similar study of prisoners released in 1983. Additionally, 46.9% of released prisoners were reconvicted for a new crime within three years and 51.8% were reincarcerated, either serving a new sentence or having committed a technical violation of their parole conditions. The decreasing emphasis on prison programs intended to provide skills training and counseling for prisoners for their eventual reentry into the community is leaving released inmates largely unprepared to successfully reintegrate into society.

### **Key findings and implications of the report include:**

Most Rearrests Take Place Within the First Year: The study of 272,111 inmates, approximately two-thirds of all prisoners released in 1994, indicated that the first year was the most crucial in determining whether a newly released individual would recidivate. Nearly one-third of released offenders was rearrested within six months, and 44% within the first year. The first year totals represent two-thirds of all the cases of rearrest for the three-year period. By the second year, 59% percent had been arrested and by the end of the third year, 67.5%.

A significant portion of arrests resulted in a conviction and the individual's return to prison. By the end of three years, one-quarter of those released from prison in 1994 had been reincarcerated with a new sentence. An additional 26.4% of those released were returned to prison for a technical violation of parole within the three-year period.

These results demonstrate the need not only to provide support services for individuals as they reenter the community, but also to prepare for their transition prior to release. Unfortunately, current research illustrates a profound failure to provide these vital services while offenders are incarcerated. An analysis of 1997 state prison data shows an across the board decrease since 1991 in pre-release treatment, educational programs, and vocational treatment.<sup>2</sup> A comparison of 1991 and 1997 prisoner data demonstrates that prisoners in 1997 were receiving less preparation for release than prisoners in 1991. In 1997, 27% of those about to be released reported receiving vocational training, down from 31% in 1991. Thirty-five percent of those about to be released reported participating in an educational program in 1997, down from 43% in 1991. Finally, slightly fewer than 10% of all inmates in state prisons had received drug treatment since their admission, down from nearly one-quarter in 1991.<sup>3</sup> By neglecting prison programs and offering little in the way of services for individuals once they leave prison, recidivism rates are likely to remain high.

<sup>1</sup> Langan, P.A. & Levin, D.J. (2002). *Recidivism of Prisoners Released in 1994*. Washington, DC: Bureau of Justice Statistics.

<sup>2</sup> Lynch, J.P. & Sabol, W.J. (2001). *Prisoner Reentry in Perspective*. Washington, DC: The Urban Institute.

<sup>3</sup> Mumola, C.J. (1999). *Substance Abuse and Treatment, State and Federal Prisoners, 1997*. Washington, DC: Bureau of Justice Statistics.

Number of Prior Arrests a Positive Predictor of Rearrest: As the frequency of individuals' past arrests increases, the likelihood that they will be rearrested also increases. For instance, 20.6% of those with one arrest prior to their current incarceration were rearrested within one year of their release and two in five were rearrested within three years. These figures increase to 26.2% and 47.5% respectively for those with two prior arrests. At the extreme, 61% of those with 16 or more arrests were rearrested within one year and 82.1% were rearrested within three years of release. Thus, unless early intervention can respond to the contributing factors that lead individuals to become involved in crime, we are likely to see a recurring pattern of release, rearrest, reconviction and reincarceration.

Two-fifths of drug offenders are rearrested for the same charge: The high number of drug offenders being rearrested for the same charge demonstrates that drug crimes are qualitatively different than property or violent crimes. One factor contributing to this is the physiological nature of addiction and the need for more than simple incapacitation to prevent further use. Drug offenders in prison need treatment or they are likely to end up incarcerated once again for a narcotics related violation. States such as California and Hawaii have recognized this fact and have passed legislation ensuring that eligible non-violent drug offenders are diverted from prison and into treatment. Several other states are considering following suit. Moreover, the success of drug courts in reducing recidivism over the last decade underscores the fact that drug abuse is a problem best handled by treatment, and not simple incarceration.

Time Served Plays Little Role in Frequency of Rearrest: The length of time an offender remains behind bars has a negligible effect on whether he or she will be rearrested. Two-thirds of those serving six months or less were rearrested; these figures do not vary significantly up through five years in prison. After five years, the rearrest rate declines somewhat (54%, compared to 63.2% for those serving 3 to 5 years) but this may be as much a result of the aging of offenders as a direct effect of imprisonment. For example, 46% of those released between the ages of 35 to 39 were reconvicted within three years, compared to only 30% for those 45 or older. The finding that additional time served in prison has little impact on recidivism suggests that policies such as "truth-in-sentencing" that lengthen prison terms may be ineffective in improving public safety. Longer prison terms may provide some additional incapacitation effects, but they do so at great cost and at the expense of more effective alternatives.