

Defining and Measuring Recidivism

Recidivism “refers to a person’s relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime.” Recidivism measures can provide policy makers with information regarding the relative threat to public safety posed by various types of offenders, and the effectiveness of public safety initiatives in (1) deterring crime and (2) rehabilitating or incapacitating offenders. Recidivism measures are used by numerous public safety agencies to measure performance and inform policy decisions and practices on issues such as pretrial detention, prisoner classification and programming, and offender supervision in the community.

Recidivism is typically measured by criminal acts that resulted in the rearrest, reconviction, and/or reincarceration of the offender over a specified period of time. These are the three recidivism measures used in this report. Providing multiple measures of recidivism allows users to select the performance measure best suited to their outcome of interest.

Rearrest classifies a person as a recidivist if he or she has been arrested for a new crime after being released into the community directly on probation or after serving a term of imprisonment. Rearrest also includes arrests for alleged violations of supervised release, probation, or state parole. The number of rearrests in the Commission’s analysis is based on the number of unique arrest dates, regardless of the number of individual charges arising from a single arrest event. Thus, if an offender was arrested on a single occasion for both driving under the influence and possession of cocaine, that arrest date would constitute a single rearrest event.

Reconviction classifies a person as a recidivist if an arrest resulted in a subsequent court conviction. Violations and revocations of supervision are not included in reconvictions since no formal prosecution occurred.

Reincarceration classifies a person as a recidivist if a conviction or revocation resulted in a prison or jail sentence as punishment. The reincarceration measure counts offenders who were reported returned to the Federal Bureau of Prisons, state prison, or local jail for any term of incarceration.

For example, many rearrests do not ultimately result in a reconviction or reincarceration for reasons relating to procedural safeguards (*e.g.*, the suppression of evidence for an unconstitutional search or seizure), lack of sufficient evidence to convict or revoke, and prosecutorial or judicial resource limitations. To the extent that the rearrest event is an accurate indicator of relapse into criminal behavior, excluding events due to non-conviction or non-incarceration will result in underestimation of recidivism. Even using the least restrictive measure, rearrest, does not count the full extent of offender recidivism, as many crimes go unreported to police or, if reported, do not result in an arrest. For these reasons, no measure is perfect, and reporting several measures provides a more complete and nuanced picture of reoffending. The three measures overlap in some areas – meaning all offenders who were reconvicted or reincarcerated also were necessarily rearrested, too. Some offenders who were reconvicted, however, were not reincarcerated. Generally speaking, however, the measure of rearrest is larger than the measure of reconviction, which in turn is larger than the measure of reincarceration.

Two principal research choices can affect the relative magnitude of recidivism as measured in any study: first, which events are being included as evidence of reversion to criminal behavior; and second, over what time period these events are counted. The period of time over which events are counted following release into the community is the “follow-up period.” Recidivism analysis begins with a starting event, such as release from prison into the community, and may have one or more subsequent events, such as arrests, recorded before the close of the follow-up period. In some studies, follow-up periods may be quite short, for example six months. Other studies

follow offenders in the community for substantially longer periods, which may extend to several years. The longer the follow-up period, the higher the reported recidivism rate, because some offenders who did not recidivate within the first year of release recidivate in the second year, and other offenders who did not recidivate during the first two years recidivated thereafter. Longer follow-up periods are in this sense less restrictive, and come closer to estimating true rate of desistance from crime.

The Commission selected an eight year follow-up period for its research. The Commission also considered all recidivism events (including felonies, misdemeanors, and “technical” violations of the conditions of supervision) except the Commission excluded minor traffic offenses. In this report and accompanying appendices, the Commission will include findings using all three measures: rearrest, reconviction, and reincarceration. The measures of rearrest, reconviction, and reincarceration are reported as the percentage of offenders who recidivated by that measure. As noted, those measures overlap in some areas.