the BULLETIN

Are California's Recidivism Rates *Really* the Highest in the Nation? It Depends on What Measure of Recidivism You Use

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Politicians, the media, and the public often portray California as having the highest recidivism rate in the nation. Its 70% plus recidivism rate is certainly unacceptable, but is it *really* higher than the rates in other states that handle similarly serious offenders and have similar sentencing and parole policies? Analyses recently completed by UCI researchers revealed that when one defines recidivism equivalently across states, uses the same follow-up time period, and compares similarly serious offenders, ***California's technical violation rates are higher than other states, however its rates of new arrests and new criminal convictions are not always higher.*** Because recidivism is typically used to gauge a state's performance, getting the data right – and making sure we compare apples to apples – has significant policy implications.

There is no uniform definition of recidivism. Generally speaking, recidivism is defined as a return to criminal behavior, but what exactly does that mean? Recidivism rates can differ dramatically depending on how recidivism is measured, the offenders sampled, and the follow-up time periods covered by the data. UCI researchers reanalyzed several sources of data to provide information about how California's adult prisoner recidivism compares to other states when relevant factors are statistically controlled.

Table 1 (page 2) shows California recidivism rates, variously defined, for offenders convicted of different crimes. One can see that the three-year 'recidivism rate' for California prisoners can range from a low of 27% (if just counting those resentenced to prison) to a high of 70% (if counting rearrests). Table 1 also shows the differences in recidivism by crime category. For example, property offenders were more likely to be rearrested or reconvicted than other offenders, with a reconviction rate over 15 percentage points higher than that of violent offenders.

Some of the best data for making cross-state recidivism comparisons comes from the Bureau of Justice Statistics' (BJS) *Recidivism of Prisoners Released in 1994*. This database includes a number of states, a representative sample of offenders within those states, and employs consistent definitions of recidivism across states. We reanalyzed this data to explore how California recidivism rates compare to those of Florida, Illinois, New York, North Carolina, and Texas—states housing some of the nation's largest prison populations.[1]

So, does California really have the highest recidivism rate in the nation? The correct answer

> Two-thirds of California's offenders return to prison within three years, but more than 50% of those offenders are sent back for parole violations alone, a rate considerably higher than in other large states.

[1] The BJS database includes recidivism information from 14 states. The five states selected for comparison with California in the current analysis were chosen because they had the largest prison populations, and because they all had complete data for the recidivism measures reported herein.

Original Conviction Offense	Rearrested	Reconvicted	Returned to Jail or Prison			Returned to Prison		
			New Crime	Technical Violation	Total	New Crime	Technical Violation	Total
Violent	63	40	29	35	64	20	42	62
Property	77	56	42	32	74	33	38	71
Drugs	71	51	39	27	66	27	35	62
Public Order	63	41	32	34	66	22	41	63
Other	68	44	32	41	73	22	48	70
Total	70	49	37	32	69	27	39	66

Table 1: 3-Year Recidivism for Offenders Released from California Prisons (in percent)

is yes but only if technical violators are counted as recidivists. Two-thirds of California's offenders return to prison within three years of their release; arguably the highest rate in the nation. However, more than half of those offenders are sent back for parole violations alone; a rate considerably higher than other large states (see Table 2).

If the recidivism rate is measured as the percentage of offenders returned to prison for new crimes (see Table 2), then California's rate is similar to Florida and New York, and less than Illinois and North Carolina. When other measures of recidivism are used, California shows relatively high rates of recidivism but not *the* highest. Among the six states in Table 2, California had a lower rearrest rate than Florida or Illinois, and a lower reconviction rate than New York.

> If someone isn't on parole supervision, they can't be violated for technical parole violations. The fact that nearly *all* California prisoners report to parole agents partially explains our high technical violation rates.

Additionally, Illinois, New York, and North Carolina all had higher rates of offenders resentenced to either jail or prison than California.[2,3]

Why is California so different with respect to its propensity to return offenders to prison for parole violations? A significant reason is that virtually all offenders released from California prisons go on parole supervision. Most large states do not have this policy. In Texas, for example, about 25% of prisoners are released without any parole supervision. In North Carolina, the figure is over 40%, and in Florida, more than 60% of all prisoners released have no parole supervision. There is a simple axiom here: If someone isn't on parole supervision, they can't be violated for technical parole violations. The fact that virtually *all* California prisoners report to parole agents, and those agents have adopted a surveillanceoriented supervision strategy, partially explains our high technical violation rates.

Recidivism also depends on the characteristics of offenders being studied. Research has shown that prisoners who are young, male, gang involved, with extensive prior criminal records and substance abuse histories, have higher than average recidivism rates. If these factors aren't accounted for, or "statistically controlled," then cross-state comparisons are misleading. Therefore, California's high recidivism rates might also be explained by differences in the seriousness of the underlying prison population.

If California prisoners have more serious prior criminal records than prisoners in other states, that might explain their higher recidivism rates.

[2] In the BJS database, information on recidivism following release from prison was based on State and Federal RAP sheets. Therefore, state variation in the percent of all arrests that had final dispositions recorded in RAP sheets may have contributed to some of the variation observed in recidivism rates across states.

[3] In the BJS database, recidivism rates for New York did not include out-of-state recidivism, while those for other states did include out-of-state recidivism.

California parolees *do* have high rates of rearrest and reconviction, but these rates are *not* the highest in the nation, nor are they markedly different from those found in many other states.

For example, our analysis revealed that a higher percentage of inmates in California and Florida had 10 or more prior arrests. California may be dealing with more hardened offenders who are more susceptible to parole failure in general. Since all of these inmates go to parole supervision (whereas in Florida less than 40% do), California parolees are more likely to have their minor and major criminal misdeeds detected.

Because the BJS data contain extensive background information on each prisoner, recidivism rates can be compared across the six studied states once demographic, prior record, and other important pre-existing differences have been controlled. Using statistical techniques that allowed us to make offenders across different states "statistically similar," we were able to analyze the B JS data and answer the question: "Does California still have the highest recidivism rate?"

Two analyses were conducted. The first used 'any new arrest within three years' of release as the measure of recidivism, and statistically controlled for gender, race, prior arrests, prior prison sentences, original conviction offense, and age at release. The analysis revealed that significant variation in offender recidivism still existed once offenders were made statistically similar. The results presented in Figure 1 show that offenders in North Carolina, Texas, and New York were significantly less likely to be arrested for a new crime within three years of their release from prison than offenders in California. Conversely, offenders in Illinois and Florida were significantly *more* likely to be arrested for a new crime than California's offenders, with Florida's offenders being over 30% more likely to have a new arrest.

The second analysis used 'any conviction for a new crime within three years' of release as the measure of recidivism, and statistically controlled for the same offender characteristics as the first analysis. This analysis also revealed that significant variation in offender recidivism existed across states, however the relative rankings of the states differed. The results presented in Figure 2 show that offenders in Florida, North Carolina, Texas, and Illinois were significantly less likely to be convicted of a new crime than offenders in California, while offenders in New York were over 35% *more* likely to be convicted of a new crime.

While California does indeed have high rates of offenders being rearrested and reconvicted once released from prison, these rates are not the

State	Rearrested	Reconvicted	Returned to Jail or Prison			Returned to Prison		
			New Crime	Technical Violation	Total	New Crime	Technical Violation	Total
California	70	49	37	32	69	27	39	66
Florida	79	45	32	8	40	27	26	53
Illinois	77	46	40	4	44	32	6	38
New York	67	57	49	14	63	27	29	56
North Carolina	61	47	45	8	53	34	14	48
Texas	58	32	31	7	38	15	11	26

Table 2: 3-Year Recidivism for Offenders Released from California Prisons vs. Other States (in percent)
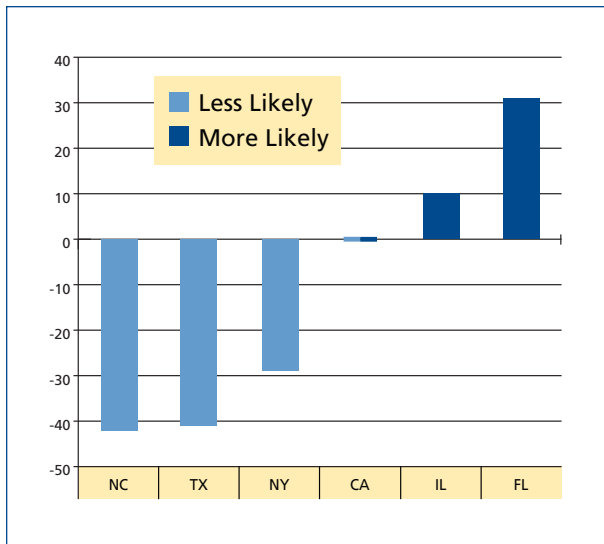
Figure 1. Likelihood of Rearrest in Different States, Controlling for Background and Criminal History Factors (in percent)
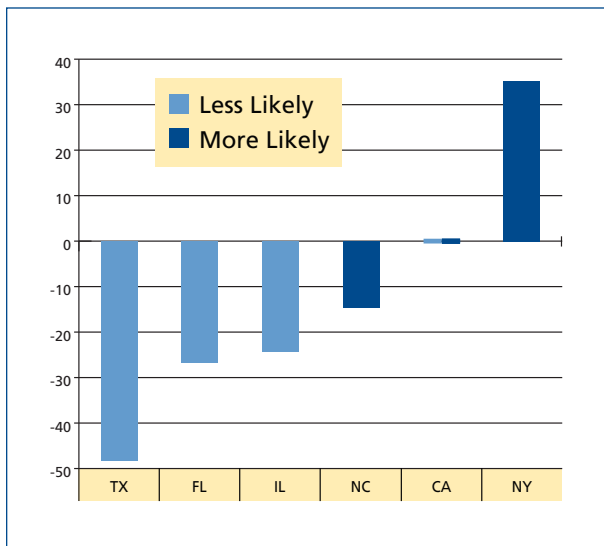
Figure 2. Likelihood of Reconviction in Different States, Controlling for Background and Criminal History Factors (in percent)

highest in the nation, nor are they markedly different from those found in many other states with the nation's largest offender populations. And as the results from the two analyses presented above reveal, comparisons in recidivism rates across states are highly influenced by the measure of recidivism selected.

It is clear that recidivism will continue to be the major indicator of the success or failure of correctional programs. Only by using similar definitions of recidivism, measured across identical time periods, and controlling for the characteristics of the offenders sampled, will we be able to compare apples to apples and draw useful conclusions about 'what works' for whom, in what settings, and why.

NOTE

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