

## STATEWIDE CRIMINAL JUSTICE RECIDIVISM AND REVOCATION RATES



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On March 1, 2004, the Legislative Budget Board (LBB) established a Criminal Justice Data Analysis Team to assume certain projection and data analysis responsibilities that had previously been conducted by the Criminal Justice Policy Council. One responsibility of the Criminal Justice Data Analysis Team is to calculate recidivism rates for adult and juvenile correctional populations.

This report summarizes the results of original analysis of recidivism rates for offenders who were released from prison in fiscal years 2000 and 2001, along with a review of recidivism information for other areas of the adult and juvenile criminal justice system. The purpose is to highlight in one document what is known about the success and failure of offenders in the Texas criminal justice system in recent years.

Enhancements to the recidivism information will be made over time as reliable individual offender information becomes available. In particular, the LBB is currently pursuing comprehensive criminal record matches from the Texas Department of Public Safety for offenders in the adult criminal justice system. These records will allow for rearrest calculations for adult offenders.



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## **RECIDIVISM OVERVIEW**

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In general terms, recidivism is defined as a return to criminal activity after previous criminal involvement. Since all criminal activity committed by an offender is not known, indicators of subsequent criminal activity are used to calculate recidivism rates. Some of these indicators include rearrest, conviction, probation or parole revocation, and recommitment to incarceration. Appendix A contains a glossary of terms used throughout this report.

To calculate a recidivism rate, a group of individuals exposed to a treatment or sanction are followed over a period of time. The number that “fail” within that specified time period, divided by the total number in the group, is used to determine the recidivism rate. Typical groups of offenders for which recidivism rates may be calculated are offenders placed on community supervision (adult probation), offenders released from prison, and offenders placed on parole supervision. The typical follow-up period for offenders in the criminal justice system is three years. This is the period of time in which the largest percentage of offenders who are likely to recidivate do so.

For this report, the Criminal Justice Data Analysis Team within the Legislative Budget Board (LBB) analyzed data on offenders released from Texas prison facilities during fiscal years 2000 and 2001. This study does not include, for example, individuals released from state jails and substance abuse felony punishment facilities. Each offender in the 2000 and 2001 release cohorts was followed for a three year period. Any offender that was reincarcerated in either a state jail or prison facility at least once during the three year period was considered a recidivist.

The purpose of this report is to summarize recidivism data that are currently known on Texas criminal justice populations. When available, national and other comparable state information is provided as a basis of comparison. The majority of the recidivism data documented in this report was compiled by sources external to the LBB. Specific citations and calculation methods are detailed to the extent that they were available.

As quality individual offender data become available to the LBB on a regular basis, recidivism rates on other criminal justice populations and program participants will be computed. Additionally, efforts are underway through coordination with the Texas Department of Public Safety to enhance the recidivism indicators (e.g., rearrest records) available for analysis.

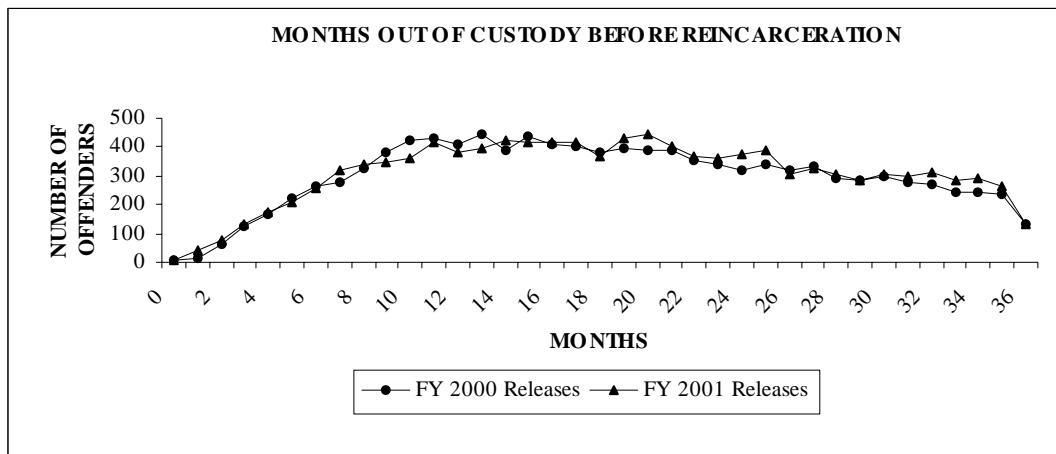
## **INCARCERATION RECIDIVISM RATES**

## **ADULT CORRECTIONAL RECIDIVISM RATES FISCAL YEARS 2000 AND 2001 COHORTS**

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Cohorts of offenders released from prison during fiscal years 2000 and 2001 were monitored to determine the percent that were reincarcerated within three years of release.<sup>1</sup> Each offender that returned to state jail or prison at least once during the three year follow-up was considered a recidivist. An offender's return to prison could occur during the first, second, or third year following release. For any offender who had more than one subsequent incarceration during the three year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate. The charts below highlight the subsequent incarceration rates for each cohort and the amount of time out of custody (failure period) prior to reincarceration, respectively.

FAILURE PERIOD	<b>REINCARCERATION RATES</b>			
	<b>FY 2000 COHORT</b> <b>N = 35,343</b>		<b>FY 2001 COHORT</b> <b>N = 40,239</b>	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	3,074	8.7%	2,880	7.2%
Year 2	4,690	13.3%	4,831	12.0%
Year 3	3,279	9.3%	3,677	9.1%
<b>Total</b>	<b>11,043</b>		<b>11,388</b>	
<b>Recidivism Rate</b>		<b>31.2%</b>		<b>28.3%</b>



- Both cohorts show similar recidivism trends.
- For the recidivists in each cohort, the average time out of custody prior to reincarceration was 19 months.

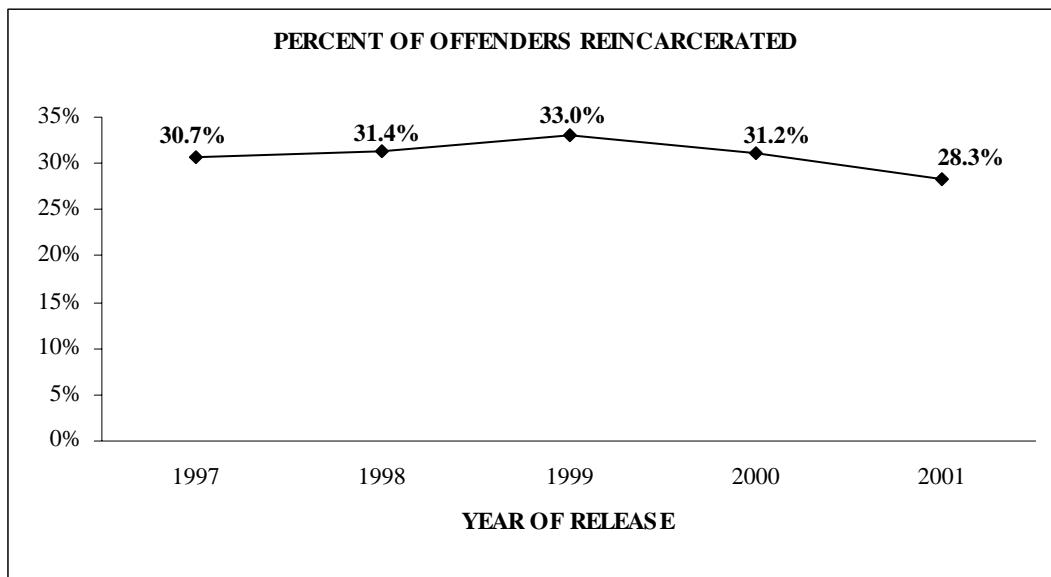
<sup>1</sup> Included in the study were offenders released under parole supervision, discretionary mandatory supervision, mandatory supervision, and those discharged. Shock probation and state boot camp releases were excluded. An offender's first release during the fiscal year was used as the study case. By excluding duplicates the number of release records were reduced and therefore, will not match release statistics previously published by the Texas Department of Criminal Justice.

## **ADULT CORRECTIONAL RECIDIVISM RATES**

### **CURRENT AND PREVIOUS COHORT COMPARISON**

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The following chart plots the three year reincarceration rates for five separate Texas prison release cohorts. Cohorts include all offenders released from a Texas prison, regardless of release type (e.g., discharges and parolees). The 2001 release cohort is the most recent group for which follow-up data are available.



Sources: Fiscal years 1997 – 1999 were computed by the Criminal Justice Policy Council. Fiscal years 2000 and 2001 were computed by the LBB.

- Over 85 percent of offenders released during fiscal year 2001 were placed under parole supervision.
- Parole revocation and return policies during the three year follow-up period affect the reincarceration rate of offenders under parole supervision. The use of Intermediate Sanction Facilities (ISFs) for parole violators in lieu of revocation to prison is one such parole policy. Placements in ISFs have increased from 8,663 in fiscal year 2000 to 10,982 in fiscal year 2004. The average daily population during fiscal year 2004 was 1,667 offenders.

## ADULT CORRECTIONAL RECIDIVISM RATES

### A PROFILE OF TEXAS RECIDIVISTS

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OFFENDER CHARACTERISTICS	PROFILE OF FY 2000 RECIDIVISTS N = 11,043	PROFILE OF FY 2001 RECIDIVISTS N = 11,388
<b>GENDER</b>		
Male	92.5%	92.3%
Female	7.5%	7.7%
<b>RACE/ETHNICITY</b>		
White	31.3%	30.7%
African American	48.7%	48.1%
Hispanic	19.9%	21.0%
Other	0.1%	0.2%
<b>AGE AT RELEASE</b>		
<= 24	13.9%	16.5%
25 - 29	17.8%	17.0%
30 - 34	19.8%	19.2%
35 - 39	20.7%	20.1%
40 - 44	15.9%	15.1%
45+	11.9%	12.1%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	18.0%	19.1%
Property	37.2%	36.6%
Drug	32.2%	31.5%
Other	12.6%	12.8%

- Using statistical analysis, no significant difference was found between the 2000 and 2001 cohorts of recidivists based on the above criteria.
- Property and drug offenders made up the majority of offenders returning to prison within three years of release for both cohorts.

## **ADULT CORRECTIONAL RECIDIVISM RATES**

### **RECIDIVISM RATES FOR SELECT OFFENDER CHARACTERISTICS**

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OFFENDER CHARACTERISTICS	RECIDIVISM RATE FOR FY 2000 COHORT	RECIDIVISM RATE FOR FY 2001 COHORT
OVERALL RECIDIVISM RATE	31.2%	28.3%
<b>AGE AT RELEASE</b>		
<= 24	34.9%	33.7%
25 - 29	29.7%	27.3%
30 - 34	33.9%	30.4%
35 - 39	34.8%	30.8%
40 - 44	32.2%	27.7%
45+	22.5%	20.2%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	26.6%	23.2%
Property	36.3%	35.0%
Drug	31.3%	27.4%
Other	27.0%	24.6%

- The recidivism rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, 4,408 offenders 24 years of age or younger were released from prison during fiscal year 2000. Of the 4,408 offenders, 1,538 returned within three years of release. Dividing 1,538 by 4,408 yields a recidivism rate of 34.9% for the 24 and younger age group in the fiscal year 2000 cohort.
- An examination of the chart above shows that the 24 and younger age group had the highest rate of return for the 2000 and 2001 cohorts. The 35 to 39 age group had the second highest rate of return for both cohorts.
- Within offense groupings, property and drug offenders returned at a higher rate than offenders incarcerated for violent or other offenses.
- Using statistical analysis, a significant difference was found between the confining offenses of offenders released during fiscal years 2000 and 2001. A greater percentage of property offenders were released during fiscal year 2000. This may account for the higher overall recidivism rate of the 2000 cohort (31.2%) since property offenders have a higher recidivism rate than drug and violent offenders and offenders that committed other offenses (36.3% for the 2000 property offenders and 35.0% for the 2001 property offenders).

## **ADULT CORRECTIONAL RECIDIVISM RATES TEXAS RECIDIVISM RATES VS OTHER STATES**

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<b>STATE - RELEASE YEAR</b>	<b>THREE YEAR REINCARCERATION RATE</b>
California - 2000 <sup>2</sup>	60.5%
Colorado - 1999 <sup>3</sup>	46.8%
National - 1994 <sup>4</sup>	51.8%
Pennsylvania - 2000 <sup>5</sup>	45.9%
Texas - 2000	31.2%
Texas - 2001	28.3%

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<sup>2</sup> California Department of Corrections, *Recidivism Rates within One, Two and Three Year Follow-up Periods for all Felons Paroled to California Supervision, California Department of Corrections, Released from Prison for the First Time in 2000 by Principal Commitment Offense*, March 2004. Note: California's rate of return is for paroled offenders only.

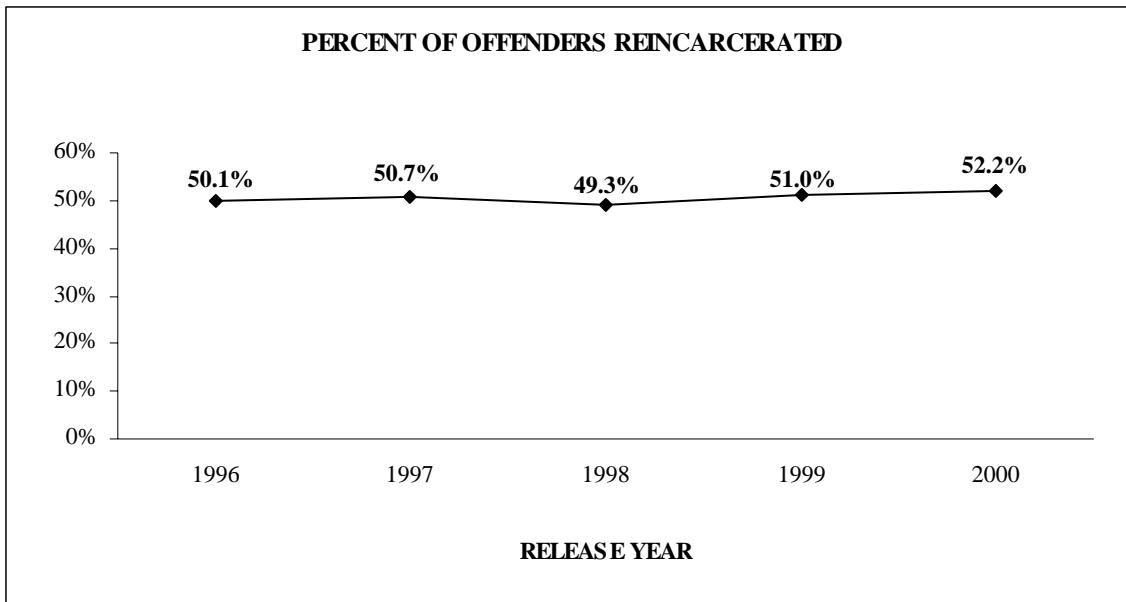
<sup>3</sup> Camille G. Camp and George M. Camp, *The 2000 Corrections Yearbook*.

<sup>4</sup> Bureau of Justice Statistics Special Report, *Recidivism of Prisoners Released in 1994*, June 2002. The sample represents two-thirds of all prisoners released in the United States in 1994 and includes releases from fifteen states: Arizona, California, Delaware, Florida, Illinois, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon, Texas, and Virginia.

<sup>5</sup> Pennsylvania Department of Corrections, *Recidivism in Pennsylvania State Correctional Institutions 1996-2002*, September 2004.

## JUVENILE CORRECTIONAL RECIDIVISM RATES RELEASE YEARS 1996 – 2000

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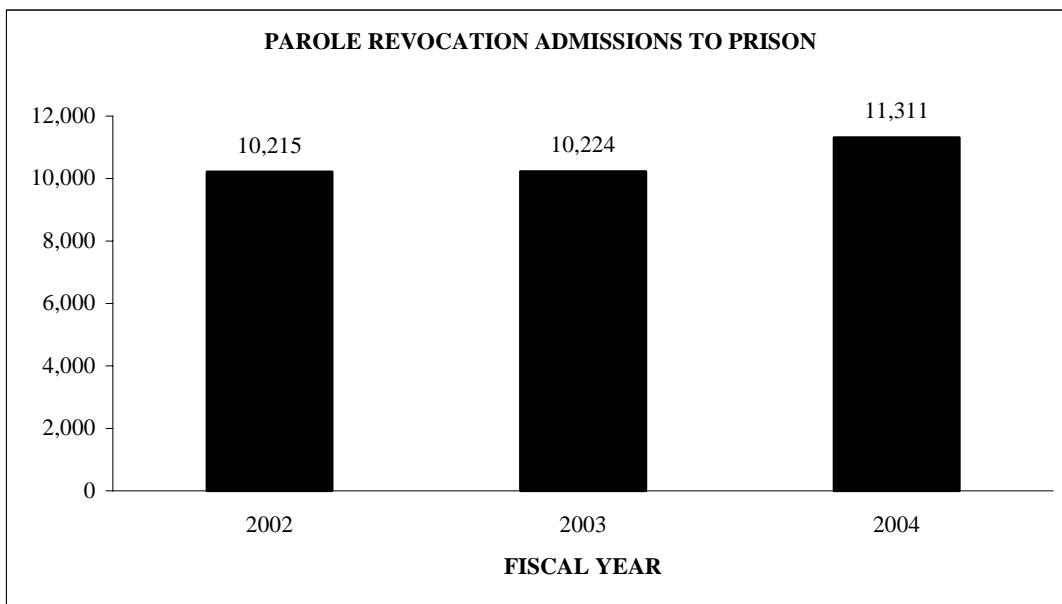
Source: Texas Youth Commission, *2003 Review of Agency Treatment Effectiveness*.

- The above graph shows the three year rate of reincarceration for any offense (i.e., violent, property, etc.) for Texas Youth Commission (TYC) releases. Recidivism is defined by TYC as subsequent incarceration in the juvenile justice or adult criminal justice systems.
- The return rate has been fairly constant over time.

## **PAROLE AND COMMUNITY SUPERVISION RECIDIVISM AND REVOCATION RATES**

## **ADULT PAROLE REVOCATION RATES**

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Sources: TDCJ *Statistical Report*, 2002 and 2003. Fiscal year 2004 data from individual-level data submitted to LBB by TDCJ.

FISCAL YEAR	AVERAGE ACTIVE PAROLE POPULATION	PAROLE REVOCATION ADMISSIONS TO PRISON	REVOCATION RATE
2002	79,740	10,215	12.8
2003	76,727	10,224	13.3
2004	76,669	11,311	14.8

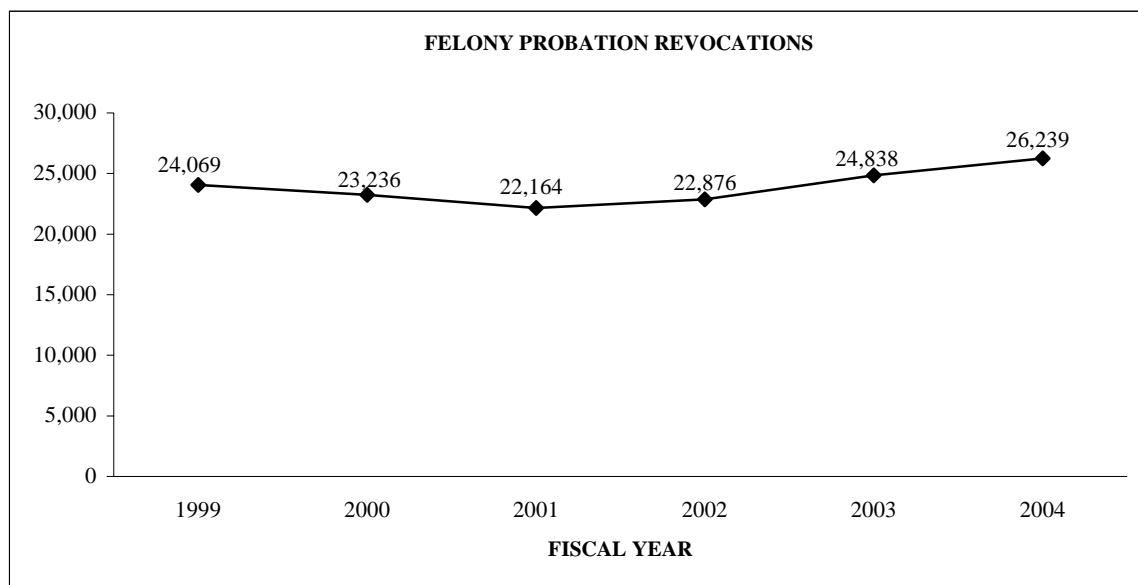
Sources: Fiscal years 2002 and 2003 parole revocation data from TDCJ *Statistical Report*. Fiscal year 2004 data from individual-level data submitted to LBB by TDCJ. Average active parole population data from TDCJ-Parole Division, *Caseload Ratio Report*.

- According to the Texas Department of Criminal Justice's 2003 *Statistical Report*, 7,400 of the 10,224 parole violators (72 percent) in 2003 were returned to prison for the conviction of a new offense. The remaining 2,824 offenders (28 percent) returned to prison for technical violations.
- The rate at which the parole supervision population is revoked and returned to prison has been increasing over the last three years.
- Of the total number of offenders that enter correctional institutions annually, parole violators account for approximately 25 percent. For example, in fiscal year 2004, there were 45,060 prison admissions and 11,311 (25 percent) were parole violators.

## ADULT COMMUNITY SUPERVISION REVOCATION RATES

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Since the individual statewide tracking system for adult offenders under community supervision (Community Supervision Tracking System - CSTS) is not fully operational, statewide probation revocation rates are the best indicator available of probation outcomes. Aggregate revocation numbers are submitted on a monthly basis to the Texas Department of Criminal Justice's Community Justice Assistance Division by 121 community supervision and corrections departments (CSCDs) across the state. The chart below depicts the number of felony probation revocations to county jail, state jail, state boot camp, and state prison between fiscal years 1999 and 2004.



Source: Texas Department of Criminal Justice, Community Justice Assistance Division, *Monthly Community Supervision and Corrections Reports*.

- The majority of revoked felony probationers (94 percent) are sent to prison or state jail.
- Typically, 55 percent of felony revocations are for technical violations and 45 percent involve probationers who had a subsequent arrest or conviction as the primary reason for revocation.
- Probation revocations account for approximately 30 percent of prison admissions annually.

## **ADULT COMMUNITY SUPERVISION REVOCATION RATES**

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To compute a felony revocation rate, the number of felony revocations during a given year is divided by the average felony direct supervision population for that same year. Aggregate supervision and revocation numbers are submitted on a monthly basis to the Texas Department of Criminal Justice's Community Justice Assistance Division by 121 community supervision and corrections departments across the state. The table below summarizes the felony revocation rates from the last six years. Felony probation revocations include revocations to county jail, state jail, state boot camp, and state prison.

FISCAL YEAR	AVERAGE FELONY DIRECT SUPERVISION POPULATION	FELONY REVOCATIONS	REVOCATION RATE
1999	164,561	24,069	14.6
2000	161,181	23,236	14.4
2001	160,457	22,164	13.8
2002	159,352	22,876	14.4
2003	158,075	24,838	15.7
2004	157,222	26,239	16.7

Source: Texas Department of Criminal Justice, Community Justice Assistance Division, *Monthly Community Supervision and Corrections Reports*.

- The average number of felons under direct supervision has decreased since 1999.
- The revocation rate has increased since 2001.

## JUVENILE PROBATION RECIDIVISM RATES

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The Criminal Justice Policy Council published *The Impact of Juvenile Justice Reforms on the Recycling of Juvenile Offenders* in October 2001, which compares the two-year subsequent contact<sup>6</sup> rate of juveniles from 20 Texas counties disposed before and after the juvenile justice reforms of 1995 (1994 and 1997 cohorts). The study included offenders disposed to adjudicated probation, deferred prosecution, or supervisory caution.<sup>7</sup> The table below summarizes the findings of the study.

<b>TWO YEAR TRACKING RESULTS</b>	<b>1994 COHORT N = 14,514</b>	<b>1997 COHORT N = 16,881</b>
<b>SUBSEQUENT CONTACT</b>	54% 7,836	50% 8,517
<b>TYPE OF CONTACT</b>		
NEW OFFENSE	96%	89%
PROBATION VIOLATION	4%	11%

Source: Criminal Justice Policy Council, *The Impact of Juvenile Justice Reforms on the Recycling of Juvenile Offenders*, October 2001.

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<sup>6</sup> A contact was defined as any subsequent disposition in the juvenile criminal justice system or any arrest, conviction, or incarceration in the adult criminal justice system.

<sup>7</sup> Adjudicated probation is a form of community-based supervision for a specified period of time. Deferred prosecution is a voluntary alternative to adjudication with court-imposed conditions and supervision requirements. Supervisory caution does not involve any supervision and is a descriptive term for a wide variety of summary, non-judicial dispositions (e.g., refer to social agency, contact the parents, warn the child about their behavior, etc.).

## **APPENDIX A: GLOSSARY OF TERMS**

## **GLOSSARY OF TERMS**

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**COMMUNITY SUPERVISION REVOCATION:** An offender under community supervision may be revoked and sentenced to incarceration for violating their conditions of community supervision (probation). A technical violation is any violation of their conditions other than committing a subsequent offense (e.g., positive urinalysis, failure to pay fees).

**INTERMEDIATE SANCTION FACILITY:** An Intermediate Sanction Facility (ISF) is a short term, fully secured facility used for offenders who violate conditions of parole.

**OFFENSE OF INITIAL SENTENCE:**

**VIOLENT OFFENSES** – Examples include murder, non-negligent manslaughter, sexual assault, robbery, aggravated assault, and injury to a child.

**PROPERTY OFFENSES** – Examples include arson, burglary, larceny/theft, motor vehicle theft, forgery and counterfeiting, fraud, embezzlement, stolen property, and vandalism.

**DRUG OFFENSES** – Examples include drug manufacture, possession and delivery, driving while intoxicated (DWI), liquor law violations, and drunkenness.

**OTHER OFFENSES** – Examples include weapons carrying and possession, prostitution and commercial vice, gambling, disorderly conduct, vagrancy, curfew and loitering law violations, runaways, and all other offenses not previously mentioned (except traffic).

**PAROLE REVOCATION:** An offender under parole supervision may be revoked and sent back to prison by the Texas Parole Board. An offender can be revoked for committing a new offense or for technical violations. A technical violation occurs when an offender violates terms of their conditions of release (e.g., positive urinalysis, going near a school zone).

**PRE-PAROLE TRANSFER FACILITIES:** Pre-Parole Transfer (PPT) facilities provide secure, pre-parole housing where programming such as life skills, substance abuse education, and vocational training is offered to offenders who are within one year of their presumptive parole or mandatory supervision release date.

**RELEASE TYPE FROM PRISON:** There are four primary ways an offender can be released from prison (not including death):

**PAROLE** – The conditional release of an offender from prison, after approval by two (of three) members of the Board of Pardons & Paroles (BPP), to serve the remainder of his/her sentence under supervision in the community. Non-3g offenders are eligible after serving  $\frac{1}{4}$  of their sentence (flat time plus good time). Offenders with 3g offenses are eligible after serving  $\frac{1}{2}$  of their sentence (flat time only). Offenses considered 3g include murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, sexual assault, aggravated robbery, and certain drug and deadly weapon offenses.

## **GLOSSARY OF TERMS**

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**MANDATORY SUPERVISION (MS)** – Automatic release when time served plus good time earned equals the sentence length, with no requirement for release approval from the parole board. MS was abolished in August 1996 and replaced by discretionary mandatory supervision (DMS - see below); however, some offenders who entered prison prior to that time are still eligible for MS release. Only certain offenses are eligible for MS (mostly drug and property offenses). Offenses that are 3g, including any prior 3g convictions, are not eligible.

**DISCRETIONARY MANDATORY SUPERVISION (DMS)** – Current form of “mandatory” release. Requires approval by parole panel for release of eligible offenders.

**DISCHARGE** – Release when sentence is completely served (i.e., for a five year sentence you have served five calendar years in prison – good time not included). Once released you are no longer under any type of supervision

**SHOCK PROBATION RELEASE:** Offenders released from TDCJ to community supervision (probation) and supervised by community supervision and corrections departments (CSCD's).

**STATE BOOT CAMP:** State boot camps are highly structured residential punishment programs modeled after military basic training. They target young, first-time offenders and emphasize physical exercise, strict supervision, and discipline. State boot camps are operated by TDCJ.

**STATE JAIL:** A state jail is a facility that houses offenders who receive state jail sentences. They also temporarily house transfer offenders. 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. The offenders are usually convicted of property and low-level controlled substance offenses.

**SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY:** A Substance Abuse Felony Punishment Facility (SAFPF) is 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.