

**“Whys and Hows”
of
Measuring Jail Recidivism**

**Paper submitted for
Jail Reentry Roundtable
June 27-28, 2006
Urban Institute**

**Martha Lyman, EdD.
Director of Research
Hampden County Sheriff’s Department**

**Stefan LoBuglio
Chief, Pre-Release and Reentry Services Division
Montgomery County Department of Correction and Rehabilitation**

Introduction

At community meetings, budgetary hearings before county commissioners, and even family and social occasions, jail administrators are often asked how frequently inmates in their facilities cycle from release to return, and what, if anything, can be done to slow this revolving door. What seem like simple and logical questions actually prove difficult to answer as few jails track their recidivism rates or evaluate their programs with great precision. While most lack the research staff to undertake such analyses, the more fundamental reason is that they fail to see the relevance of calculating recidivism rates for highly mobile and complex jail populations. Running safe, secure, orderly, and humane institutions consumes the time of most jail administrators, and many would wonder the utility of measuring a statistic for which they exercise so little control over the outcome measure.

This paper should provide both solace to jail administrators that this is indeed a difficult question to answer directly and forthrightly, but also a challenge that measuring recidivism rates for portions of jail populations is not only feasible but critical in helping a system manage scarce correctional resources and addressing overcrowding issues. Since 1998, the Hampden County Sheriff's Department in Ludlow, Massachusetts has engaged in an on-going study in which recidivism rates are updated monthly on its sentenced population. It has used this information to identify population trends that affect jail overcrowding and has shared this information with other players in the criminal justice system to launch collaborative initiatives. In this paper, the methods of the study are described by using the recidivism data collected for sentenced inmates who left the Department's correctional facilities and programs in 2004. It will also describe future plans to build on this study to conduct rigorous program evaluations and to extend some of this methodology to the Department's pre-trial population.

Understanding Jail Recidivism

Jail and prison populations differ so significantly that measuring recidivism rates among these populations requires different considerations. The nation's jail population flows like a torrential river with upwards of 12 million individuals moving in and out of

institutions annually. The admissions and discharges for jails in one month can be half of those entering and leaving state and federal prisons annually. Most jail inmates will spend only hours or days in the institution before being released to the street or transferred to other institutions, however, an estimated 20% will spend at least one month, 12% at least two months, and 4% will spend more than 6 months.¹ Jails serve a variety of functions in the criminal justice system from holding individuals pre-trial, holding individuals temporarily (juveniles, mentally ill, military, court witnesses, protective custody), holding individuals awaiting transfer to a state or federal agencies (often due to overcrowding), or incarcerating offenders serving post-conviction sentences. In many jurisdictions, offenders sentenced to one year or less serve time in jails although the sentence threshold between serving time locally and serving time in the state system ranges from 0 days sentenced to upwards of 30 months (Massachusetts).

In conducting a recidivism analysis, researchers must carefully define that portion of the jail population that is released to the community and which is “at risk” to recidivate. It would be meaningless to calculate the recidivism rates for jail inmates transferred to another correctional authority or who are deported, and their inclusion in a study could understate the true recidivism rate of the population. While in jail serving time for one offense, jail inmates often face additional legal issues related to immigration, pending charges on other cases, or have outstanding detainers and warrants. Recidivism rates can be overstated if the dispositions of these pre-existing involvements with the criminal justice system are treated as new recidivist events post-release.

By contrast, offender flow into the nation’s prisons can be likened to a stream into a reservoir with upwards of 700,000 individuals entering and leaving each year into state and federal facilities which combined have twice the average daily count of the country’s jails. They serve longer sentences than jail inmates: the average state

¹ Vanessa St. Gerard, “New Study Proves Jails are an Important Component of the Reentry Equation” *One the Line*, American Correctional Association, March 2005, Volume 28. No. 2.

prison sentence is five years and the average federal sentence is even longer (between 5-10 years). While prison inmates also have complicated legal issues that they continue to face while they are serving time, they come into the institution post-conviction and have more orderly and planned departures. For this population, recidivism studies are more straightforward and common. Some state correctional systems do have research departments that publish recidivism statistics for their systems, and stratify this data by offender type and offense. Typically, they do not produce recidivism rates for individual institutions. In June 2002, the United States Department of Justice's Bureau of Justice Statistics published one of the largest and best known studies that found that among nearly 300,000 prisoners released in 15 states in 1994, 67.5% were rearrested within 3 years, 46.9% were convicted for a new crime and 51.8% were re-incarcerated².

Do high recidivism rates indicate that a correctional system is not working? Few correctional officials would agree, particularly those that manage jails. They take issue with the private sector analogy often used that a business with a two thirds failure rate would go out of business, and would cite the profound differences between private industry and corrections. Corrections can not select or maintain quality control over the "incoming" raw materials that are sent by the court or by parole, and often has very little time to work and develop these materials into better products before release. With considerable criminological research backing, they would argue that the best predictors of continued criminal involvement are beyond their span of control and include offender's age, criminal history, drug usage, and the families and neighborhoods to which these individuals will return. They might add that such factors as the health of the economy and the enforcement, prosecutorial, and sentencing strategies of police, prosecutors, probation and parole agents, and the courts can negate the beneficial effects of programs and release preparation efforts that they might offer offenders in their facilities. Further, not all jails and prisons incarcerate inmates with similar "risk"

² Patrick A. Langan & David J. Levin, "Recidivism of Prisoners Released in 1994," *Bureau of Justice Statistics* (June 2002, NCJ 193427).

profiles, making comparisons of recidivism rates across different inmate populations, different geographical areas, and different corrections systems problematic.

For a jail system, the chief value of recidivism analysis is less as an institutional performance measure than as a diagnostic tool to better understand how offenders are flowing throughout a region's criminal justice system and to identify changes. Recidivism research is a valuable tool for making decisions affecting security, classification, movement, programs and release planning. It is also useful for tracking population trends, to project staffing needs, allocate resources and form community partnerships. Such analysis helps determine whether correctional resources are being used wisely and whether certain policy and programmatic changes are needed. As will be discussed later, Hampden County's recidivism analysis indicated that parole violators were increasingly becoming a larger fraction of the incoming jail population, and this led to a joint investigation and collaboration between the two agencies to change the parole decision making and the revocation processes. Also, understanding the recidivists patterns between different types of offenders can also lead institutions to adopt more targeted program interventions.

Developing baseline recidivism rates for jails by offender characteristics and offense types can also prove helpful in the evaluation of specific education, treatment, and pre-release reentry programs³. Increasingly, outside funders and local policy makers will ask jail administrators to demonstrate that their requests for funding for a

³ For an excellent distillation of the research literature on the estimated effectiveness of rehabilitative program, see the Washington State Institute for Public Policy January 2006 report, "Evidence-Based Adult Corrections Programs: What Works and What Does Not." For a review of why many programs achieve few measured effects, see "Adult Correctional Treatment," Gerald G. Gaes, Timothy J. Flanagan, Laurence L. Motiuk, Lynn Stewart *Crime and Justice*, Vol. 26, Prisons (1999) , pp. 361-426. They explain that that education and treatment programs often are not designed or optimized to reduce recidivism: "The design and delivery of educational programs has commonly violated many of the principles of effective correctional treatment . . . education programs in prison have not been directed to specific criminogenic needs of offenders, have not been part of a multimodal intervention strategy, have not considered responsivity effects, have not been tailored to address the needs of offenders in different risk classifications, and have not been adequately funded to permit the high doses of educational intervention that many offenders require."

particular program includes a robust evaluation design that goes well beyond graduation statistics or testimonial letters. They want evaluations to address the rampant problem of self-selection (or creaming) by including a scientific design where the recidivism rates of program participants are compared with a comparable group of offenders that share similar characteristics (control group). While evaluations that randomly assign individuals between treatment and control groups remain the gold standard of evaluation design, they prove very difficult to implement within a correctional setting. However, a quasi-experimental design allows for the use of matched sample of offenders to serve as a control with a treatment group⁴, and institutions that have baseline recidivism statistics categorized in several dimensions can more easily carry out this method. It also addresses the pitfall of many jail program designs that compare the recidivism rates of program participants with national or state recidivism statistics without recognizing the significant differences that exist inherently between different correctional populations.

The Problem of Defining Recidivism

There are a number of significant inconsistencies among recidivism studies that seriously limit their usefulness for comparative analysis between agencies, states or programs. The most problematic of these is the lack of a consistent operational definition of recidivism. The four most common measures for recidivism are re-arrest, re-arraignment, reconviction and re-incarceration. Most studies of state prisons define recidivism as re-incarceration. Many program-based studies use re-arrest, others reconviction. There is also the question of what constitutes re-offending. Most state and federal agencies include technical violations of release conditions (probation or parole), but not all. Most studies do not include recidivistic activity that occurs out of state, largely due to lack of available data. Some state prisons record only re-incarcerations to their facility. In an ideal world, corrections and other criminal justice agencies would utilize a common operational definition of recidivism, but unless and until that occurs, all studies must clearly state the criteria they used to define recidivism.

⁴ Matched comparison groups suffer from a problem that important unobserved characteristics, such as motivation, can not be “matched.” Recent methodological techniques such as the use of propensity scores attempt to address this selection problem (see papers by Donald Ruben).

Hampden County's Recidivism Study Design

As mentioned before, analyzing recidivism is a complex process, particularly for jails. Given the volume and heterogeneity of flow in and out of short-term facilities, the decision must be made as to which segment or segments of the population to track. In many cases, this decision will be driven by the availability of information and resources. The Hampden County recidivism study tracks all sentenced offenders released to the street (not to the custody of another agency) via expiration of sentences, payment of fines or parole. Although they comprise only about 40% of total releases each year, these sentenced offenders utilize jail beds for much longer periods of time than those on pre-release status. Because they are required to participate in correctional programs, are eligible for movement to lower security and parole, and are provided with a detailed release plan when they leave, tracking their post-release outcomes provides valuable information relative to the effectiveness of these correctional practices.

Hampden County gathers data each month on offenders as they reach one and three years post-release. Information is collected from both internal and external sources, and recidivistic activity is recorded along three dimensions; re-arraignment, reconviction and re-incarceration for either a new offense or technical violation of probation or parole. One and three-year recidivism rates are reported.

Within these categories, further definitions are necessary. For example, in Massachusetts, probation is an agency within the court system, and parole is a separate entity under the Executive Office of Public Safety, the state agency that also oversees corrections. Probation violation hearings occur in court, parole revocation hearings do not. For the purpose of the Department's study, *re-arraignment* is defined as any court appearances within the criminal court system in Massachusetts following release or a revocation hearing held by the Massachusetts Parole Board. Dispositions of new cases are recorded, and any guilty findings are recorded as a new conviction. *Re-incarceration* is defined as a sentence of any length to a state or county correctional facility in the state of Massachusetts for either a new offense or violation of probation or parole.

The paths that offenders travel in and out of jail are diverse and are littered with cases that remain unresolved, either awaiting disposition or requiring a period of post-release supervision. These open cases present a special challenge when they result in an incarceration. A return to jail as the result of disposition of a previous case is not recidivism, as it is the result of an earlier act. Such an event must be recorded however, as it limits the individual's risk to re-offend which in turn affects the recidivism rate.

Technical violations of probation and parole are also a challenge. A technical violation is not a new incarceration, but the resumption of an existing sentence. It is not really recidivism, but it is treated as such because it is the result of behavior that is in violation of the conditions of release. Dealing with technical violations effectively requires agencies to work in partnership.

In 2001, a shift in policy by the Massachusetts Parole Board led to a nearly doubling in parole releases in Hampden County. What followed was a flood of returns for technical violations, the overwhelming majority related to relapse. In response, the Hampden County Sheriff's Department and Massachusetts Parole Board expanded a collaborative effort that had existed since 1996, bringing staff from both agencies together monthly to discuss how to address the problem. Staff from all levels of both agencies continue to work together to find more suitable home plans, deal with the shortage of treatment services in the community and explore intermediate sanctions. The key element in this collaboration is the sharing of information, much of it generated by the recidivism study. A similar effort with probation to match release conditions to assessed risks and needs in order to increase the likelihood of successful reentry is in the planning stages.

The evaluation design used at the HCSD has continued to evolve as new questions arise and priorities shift. This produces both positive and negative effects. Shifting focus keeps the research up-to-date and topical, however it can also produce inconsistencies in data from one year to the next, making comparisons more difficult.

This has been countered by endeavoring to keep the core variables unchanged. New variables are added each year as needed, and only a few have been dropped from the study.

Improvements in data collection are needed, most notably the difficulty in gathering data from the state's criminal record database maintained by the Criminal History Systems Board. This is the primary source of data on criminal history in Massachusetts yet these records of court activity contain numerous data entry errors, inconsistencies in terminology and incomplete data. There is hope that this situation will improve with the implementation of new statewide data systems, however until this promise becomes reality, researchers are forced to rely on a number of manual and semi-automated techniques to address these data quality problems. Another issue involves probation violations. Probation violators comprise a large portion of the sentenced population, but information as to reason(s) for violation is sketchy at best. Efforts are underway to improve communication between the probation departments at the District and Superior Courts and the Sheriff's Department. Because of Massachusetts' proximity to the other New England states and New York, it is a concern that the criminal history record reports court activity only within Massachusetts, causing the study to possibly underestimate the recidivism rate. Unfortunately, the Department does not have the resources required to conduct the Interstate Information Index (Triple-I) on all releases, but the research staff are exploring the possibility of running a Triple-I on a random sample of releases to estimate the amount of recidivistic activity by offenders in neighboring states.

A comprehensive study of recidivism involves much more than simply reporting rates of re-offending; it requires an examination of the "who, what, when, where, and how" questions related to re-offending. Trying to determine why some individuals return to criminal behavior while others do not is somewhat like assembling a jigsaw puzzle; there is seldom only one causal factor. One shortcoming to publishing an *overall* recidivism rate is that it may mask the effect of personal and environmental influences and certain life circumstances (drug use, school, work, domestic relations, and lack of

adequate housing) that significantly influence criminal behavior.

Recidivism data for any single year provides only a static view of a number of dynamic phenomena. Despite this fact, very few agencies conduct *ongoing* recidivism studies. A brief examination of state prison web-sites conducted by the Massachusetts' Department of Correction's Research Division in 2004 revealed that fewer than half of the states produce recidivism reports, and even fewer produce them on an annual basis. While one-time studies can be useful in certain circumstances, ongoing studies of recidivism eliminates the risk inherent in relying on one release cohort as "typical" for the inmates from an institution over a long period of time, and can better track the effect of changing external factors on the recidivism rate such as activity by police, courts, prosecutors, parole, economic conditions, and changes in public policy at the local, state and federal level.

Beginning with those released in 1998, the Hampden County Sheriff's Department began an ongoing study of recidivism that follows each sentenced offender released to the street for a period of three years. From an original cohort of 1,547, the study now covers over 15,000 individuals released over a seven-year period. With a sample size so large covering an extensive period of time, the data from this ongoing study have proved invaluable in making security and operational decisions.

Hampden County produces a detailed recidivism report each year. It begins with extensive descriptive statistics of the release cohort. These data are useful for monitoring trends in inmate population. Descriptive statistics such as zip codes help to detect changes in crime rates among neighborhoods. Offense codes, sentence length and post-release supervision status allows for the monitoring of shifts in prosecution and sentencing practices. And assessment data provide information for program design that can help identify gaps in support services in the community.

Recidivism rates are calculated across many dimensions including socio-demographic characteristics, geographic areas, offense types, sentence length,

classification at release, release type, criminal history, criminogenic risks and post-release supervision. Such detailed analyses of recidivistic activity by released offenders can help to identify those factors that correlate with the risk to re-offend.

Hampden County also utilizes research to inform and support solid correctional practices. One recent research-based initiative has been a complete overhaul of correctional programs to specifically target criminogenic risks and needs as identified by the Level of Service Inventory screening administered to all incoming inmates. This has assured that offenders spend their time in custody addressing those issues that place them at risk to re-offend. Hard data is also shared with other local criminal justice agencies through a number of community collaborations directed toward enhancing public safety. The Hampden County Reentry Collaborative brings together representatives from the Sheriff's Department, local police, the Office of the District Attorney, and probation and parole agents to address high-risk offenders just prior to release. Release plans are reviewed and the consequences of re-offending are discussed with the offender. The availability of up-to-date information on these high-risk offenders may actually increase the ability to identify services that address their assessed needs although it can also increase the likelihood of detecting non-compliance behavior.

The obvious value of the information generated by recidivism research on the Department's sentenced offenders, who represent only 40% of total releases, highlights the need to expand research to other segments of the population. For example, the Department's current inmate census is approaching 200% of capacity, and the pre-trial count is at a record high. Managing this population requires new data that is more time-sensitive. As of May 1, 2006 Hampden County began entering all new pre-trial intakes into a database for the purpose of obtaining real-time information relative to court, bail status, time-in-custody, charges, and release type.

Pre-trial detainees represent a difficult challenge to track as most move quickly through the facility, while others stay longer in custody awaiting trial than most

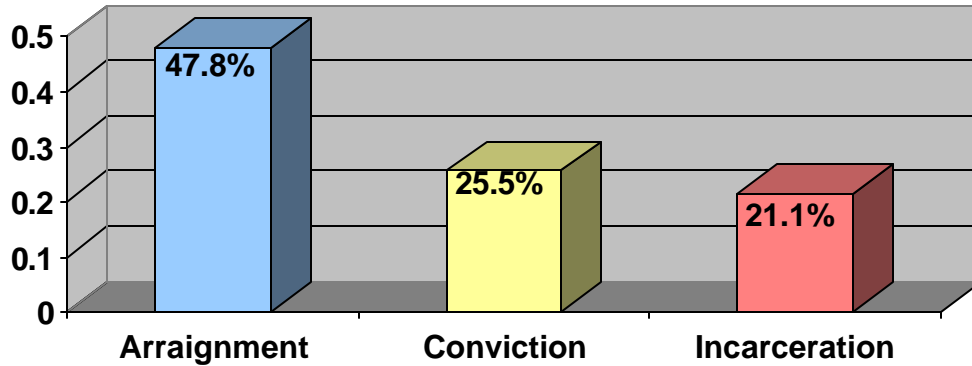
sentenced offenders. They also tend as a group to be higher risk and less stable. To better manage this group, the Department began administering the LSI screening to pre-trial intakes in 2002, and has utilized the screening results to implement pre-trial programs. Program participation provides a head start for pre-trial detainees who eventually changeover to sentenced; hopefully those who are bailed or released at court will carry some positive program effect with them.

Another group worthy of further study are those offenders sentenced to the state Department of Correction (DOC). Most will eventually return to local communities, and some will transition back through the Department's jail. Hampden County has partnered with the Massachusetts Department of Correction on a "step-through" program that transfers eligible state inmates to the Hampden County House of Correction for the last 6 to 12 months of their sentence for movement through lower security and local release planning. These DOC Reentry inmates are currently included in the recidivism study; the Department would like to include those DOC inmates released directly to the community.

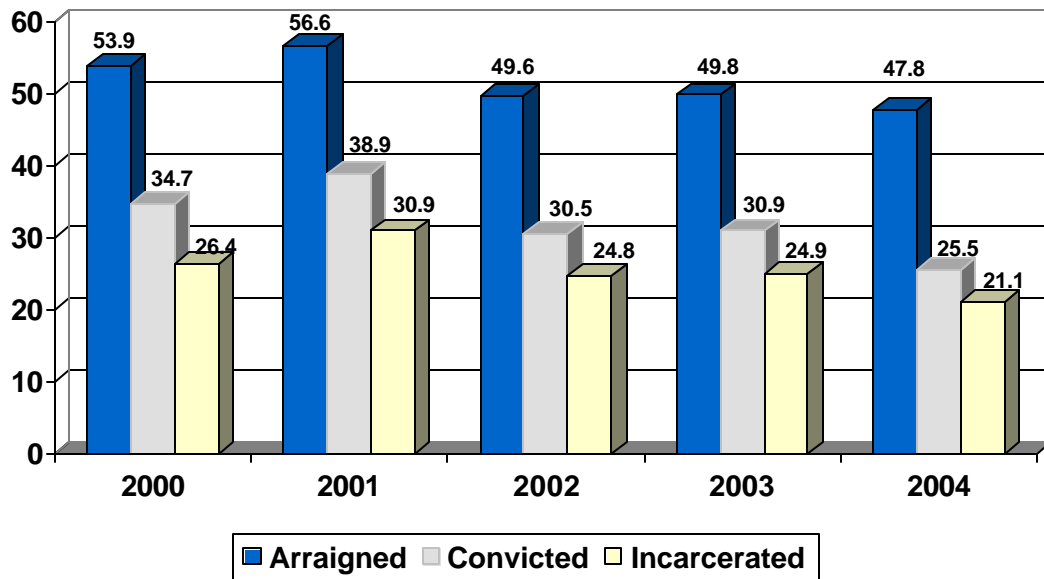
The goal of an ongoing study of recidivism is to produce more than the "recidivism rate". The broader purpose of such research should be to inform and support good correctional practices. Comprehensive study of recidivism involves much more than simply reporting rates of re-offending. It is a topic with many nuances that requires an investment in at least a few staff with research experience and a commitment to staff training. The returns however are invaluable. In the present climate of high inmate populations and shrinking resources it is more critical than ever to gather and report valid data on factors that may have an effect on the perpetuation of criminal behavior and to present that information in such a way that it is useful to public safety professionals in making security, classification, programming and release decisions that will improve each offender's potential for successful reintegration into society and ultimately enhance public safety.

Selected Statistical Charts for the HCSD 2004 Sentenced Released Cohort Recidivism Study (N=2,298) ⁵

One-Year Recidivism Rates for 2004 Release Cohort of Sentenced Inmates by Arraignment, Conviction, & Incarceration

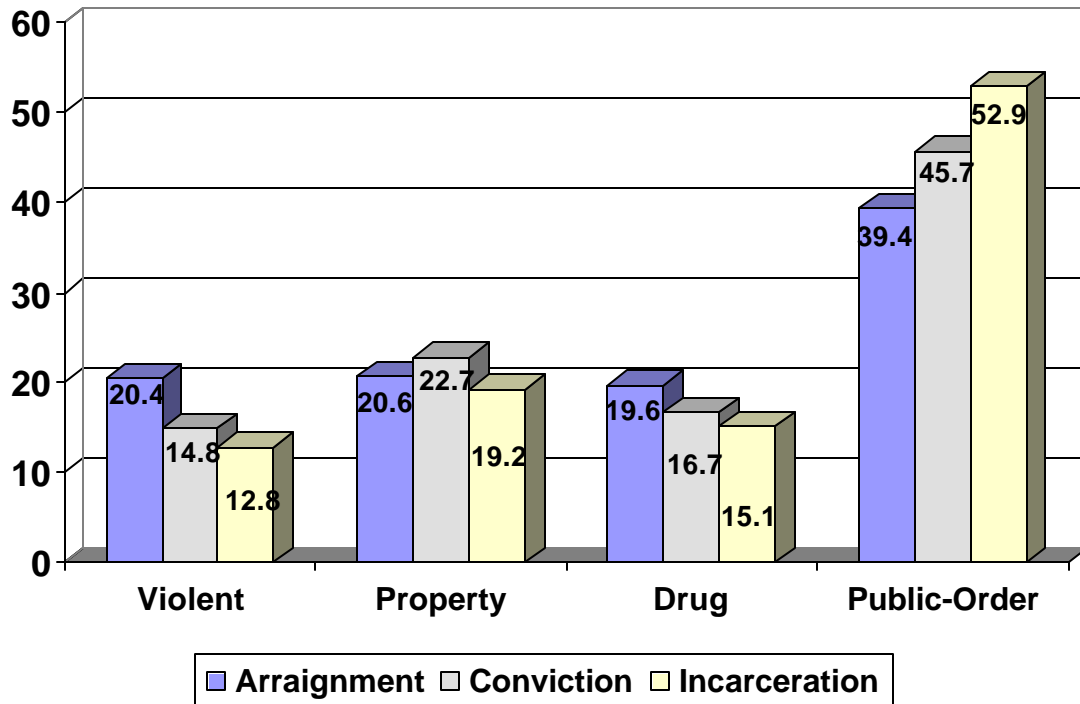


One-Year Recidivism Rates for Sentenced Released Cohorts in 2000 - 2004 by Arraignment, Conviction, and Incarceration

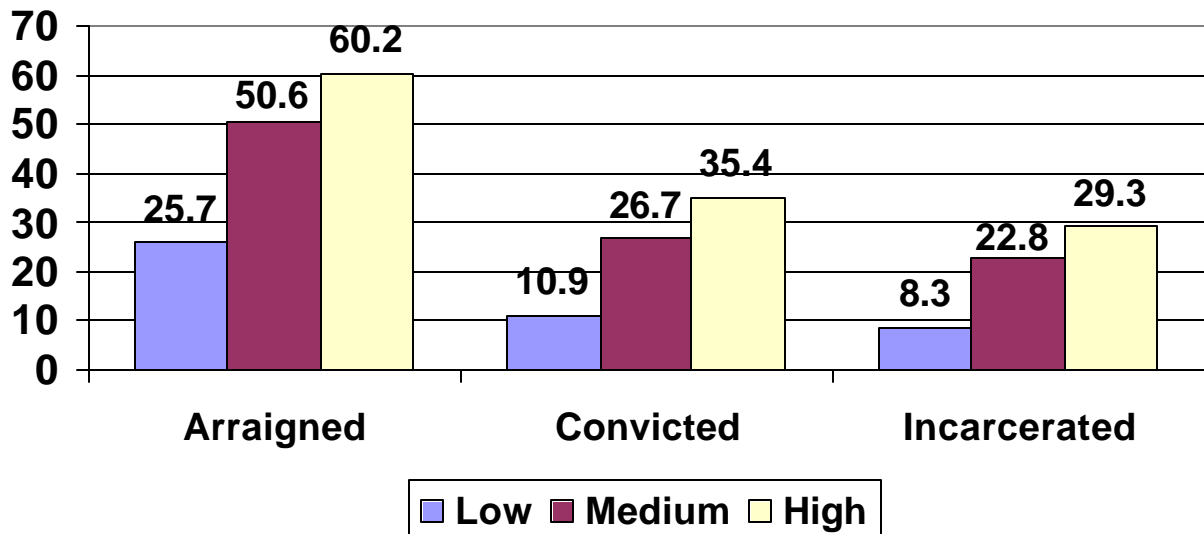


⁵ The complete report of the Hampden County Sheriff's Department's 2004 Recidivism Study is available by request and copies will be placed on the resource table at the Jail Reentry Roundtable.

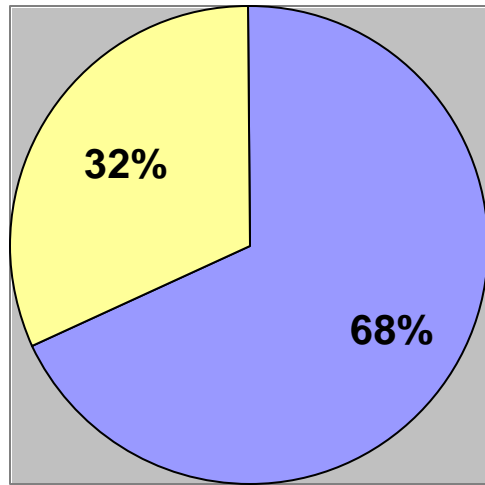
**Arrestment, Conviction & Incarceration by Offense Type for
2004 Sentenced Released Cohort (%)**



**One-Year Recidivism Rate (%) for 2004 Sentenced
Release Cohort by LSI Risk Level**

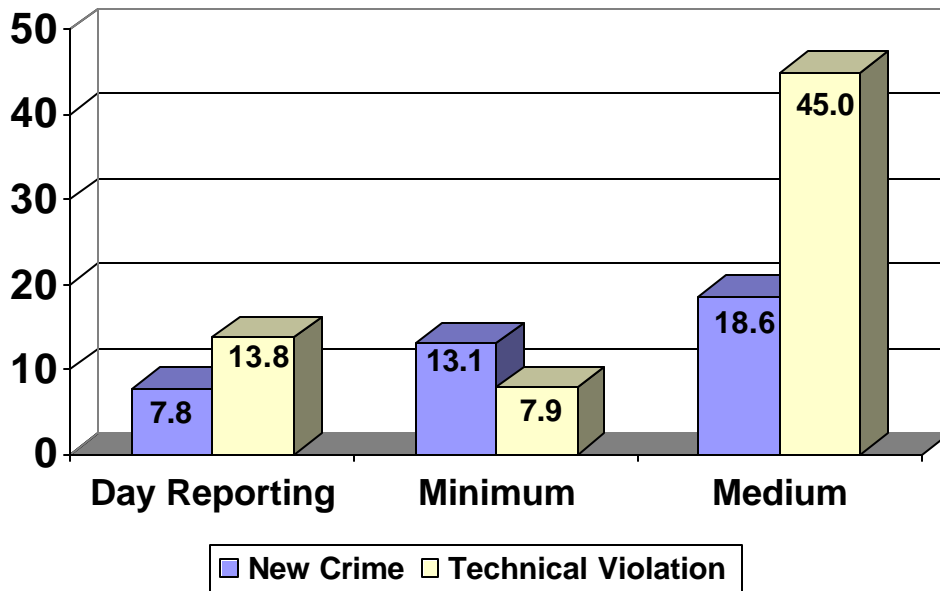


Incarceration Reason by New Offense and Technical Violation for 2004 Sentenced Released Cohort



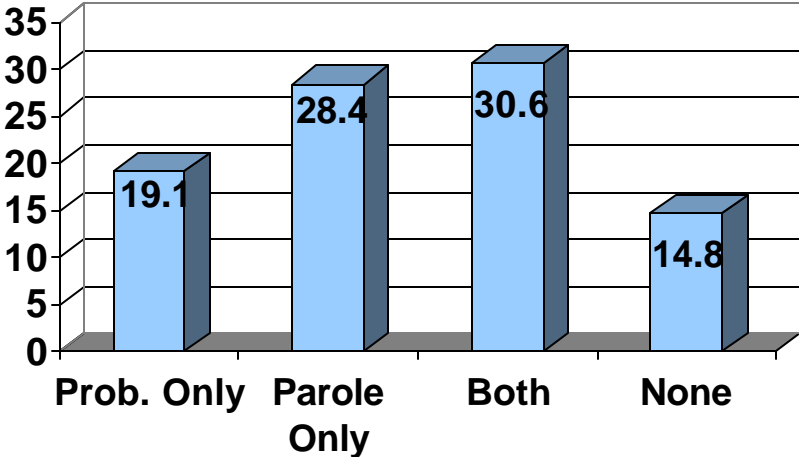
■ New Crime ■ Technical Violation

Incarceration Rates (%) by Classification at Release for 2004 Sentenced Released Cohort

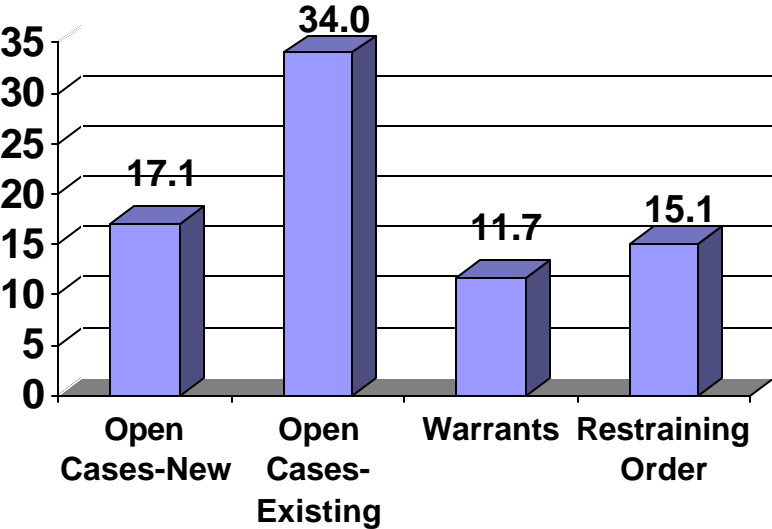


■ New Crime ■ Technical Violation

Incarceration Rate by Post-Release Supervision Status for 2004 Cohort

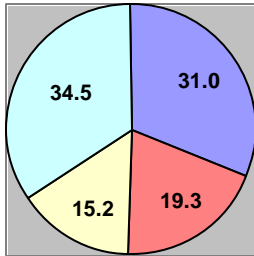


Disposition Status at the End of One Year for 2004 Sentenced Release Cohort



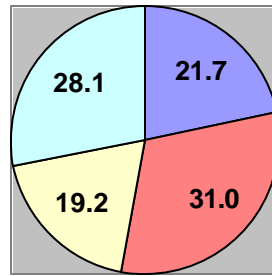
Comparing Offense Type of Recidivist Offense with the Prior Offense Type of the Governing Charge for 2004 Sentenced Release Cohort

Violent Offenders



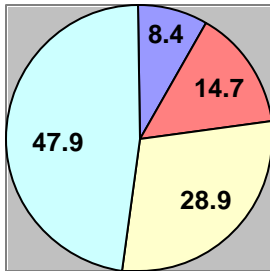
Violent Property Drug Public-Order

Property Offenders



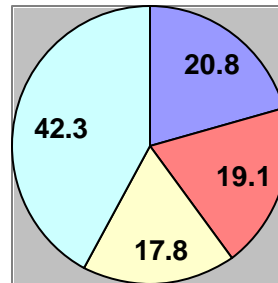
Violent Property Drug Public-Order

Drug Offenders



Violent Property Drug Public-Order

Public-Order Offenders



Violent Property Drug Public-Order