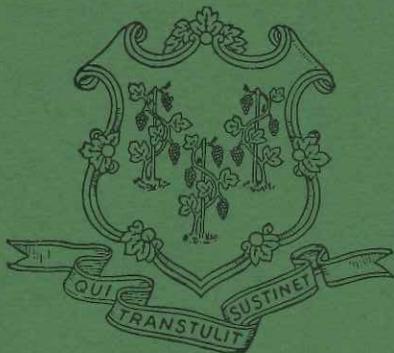


**RECIDIVISM
IN CONNECTICUT**

Connecticut
General Assembly



LEGISLATIVE
PROGRAM REVIEW
AND
INVESTIGATIONS
COMMITTEE

December 2001

**CONNECTICUT GENERAL ASSEMBLY
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE**

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 to evaluate the efficiency, effectiveness, and statutory compliance of selected state agencies and programs, recommending remedies where needed. In 1975, the General Assembly expanded the committee's function to include investigations, and during the 1977 session added responsibility for "sunset" (automatic program termination) performance reviews. The committee was given authority to raise and report bills in 1985.

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LEGISLATIVE PROGRAM REVIEW
& INVESTIGATIONS COMMITTEE

Recidivism in Connecticut

DECEMBER 2001

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Digest

Recidivism in Connecticut

WHAT IS RECIDIVISM?

- Public safety failure rate
- New crime by convicted felony inmates and probationers
- Measured by rates of rearrest, reconviction, and reincarceration

WHAT IS RATE OF RECIDIVISM?

- 70% of inmates and 58% of probationers rearrested within three years
- Less than one-quarter of each group returned to prison for a new crime

HOW DO RATES VARY AMONG GROUPS?

- Inmates more likely to be rearrested
- Inmates committed more crimes per offender than probationers
- Inmates, in general, committed more serious crimes

HOW DO RATES VARY AMONG CATEGORIES OF OFFENDERS?

- Males had significantly higher rates of recidivism
- Young, minority offenders rearrested more often
- Property offenders commit more new crime, more frequently, and more likely to “specialize”
- Community supervision lowered rate of rearrest among inmates

WHAT TYPES OF NEW CRIMES ARE COMMITTED?

- Inmates and probationers did not “specialize” in certain type of crime
- Most new crime was nonviolent, less serious felonies and misdemeanors
- Property and drug crimes are linked
- Property and drug offenders more likely to recommit same crime
- Violent offenders least likely to recommit another violent crime

IS RECIDIVISM RELATED TO OFFENDER CHARACTERISTICS?

- Age, race, and gender significant predictors of rearrest
 - Serious drug problem indicator of rearrest but not new drug crime
 - Primary offense and sentence length affect recidivism rate among inmates
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- Not a strong relationship between program participation and rearrest
 - Young, male, minority, property offenders most likely to recidivate

STAFF RECOMMENDATION

1. **The Division of State Police, within the Department of Public Safety, shall begin to track and analyze the rates of rearrest, reconviction, and reincarceration of felony and misdemeanor offenders on a yearly basis. The division shall:**
 - **analyze criminal history data currently stored in its Bureau of Identification repository and the statewide offender-based tracking data repository to examine and report on the patterns and trends among offenders who repeatedly commit new crimes;**
 - **define recidivism, for the purposes of the analysis, as new criminal activity by a person after a prior criminal conviction that resulted in either imprisonment or another sanction, and shall include both inmates and probationers;**
 - **use multiple measure of recidivism -- rearrest, reconviction, and reincarceration -- in conducting the analysis; and**
 - **beginning in 2003, include the recidivism analysis and findings in the annual *Crime in Connecticut* report, which shall be submitted to the General Assembly, all executive and judicial branch criminal justice agencies, and the Prison and Jail Overcrowding Commission.**
-

Introduction

During the 2001 legislative session, there was considerable discussion about the state's persistent problem of prison overcrowding despite a steady, 10-year decline in arrest and crime rates. The prison system, which recently completed an extensive \$1 billion facility expansion project, struggled to meet the demands of the growing pre-trial and sentenced offender population.

One identifiable factor contributing to prison overcrowding is the high number of offenders who repeatedly commit crimes or violate the release conditions of probation or parole supervision and are reincarcerated -- often referred to as the "revolving door" of the prison.¹ This trend is recidivism.

There is a significant body of research literature on the subject of recidivism but almost no information about repeat criminal activity among Connecticut offenders. No single state agency tracks the rate of recidivism among released inmates or the large group of convicted felons placed on probation rather than incarcerated in prison.

Scope. The Legislative Program Review and Investigations Committee voted in March 2001 to study recidivism among Connecticut felons. The data analysis and results focused on five questions.

- To what extent are Connecticut felons arrested for new criminal activity, convicted of those offenses, and sentenced to either imprisonment or other supervision sanction?
- How do recidivism rates differ between released inmates and probationers?
- How do recidivism rates vary among different categories of offenders (i.e., violent, property, and drug offenders or males and females)?
- What type of new offenses do repeat offenders commit?
- Is recidivism related to offenders' criminal history, demographics, program participation, or other factors?

The program review committee's analysis of recidivism rates provides the foundation for continued research of the state's offender population, crime rates, and sentencing patterns. This report does not, however, attempt to explain all causes of recidivism, which typically are the result of complex societal issues and include factors that are difficult to quantify.

Definition and methods. In its broadest sense, recidivism can be defined as a public safety failure rate. More specifically and for the purposes of this study, recidivism is new

¹ Legislative Program Review and Investigations Committee report, *Factors Impacting Prison Overcrowding*, December 2000.

criminal activity by a person after a criminal conviction that resulted in either imprisonment or another sanction (i.e., probation, diversionary sentence, or fine).

How recidivism is defined has an important impact on its rate, and there is no universally accepted method of measuring it. Therefore, the program review committee used multiple measurements in its analysis rather than relying on a single method. Each measurement has strengths and weaknesses, but when combined they offer the most comprehensive and accurate measure available to establish the rate of recidivism in Connecticut.

The three defining measurements tracked for the recidivism rate are:

- rearrest for a new misdemeanor or felony offense;
- reconviction on those new charges; and
- reimprisonment or sentence to another court-imposed sanction such as probation, a diversionary program, or a fine.

The program review committee examined rearrest, reconviction, and sentencing data for all convicted felons discharged from prison or sentenced to probation in 1997. The committee tracked criminal activity from the date of the offender's last discharge or sentencing in 1997 through December 31, 2000. This is known as the release threshold, which is the period of time the offender is in the community and "at risk" of repeat criminal activity. Program participation data for a randomly selected sample from each group of inmates and probationers was also examined.

The program review committee's research methodologies and sampling process are explained in detail in Chapter One.

Report organization. The report is organized into five chapters. Chapter One contains a detailed description of the definitions, research methodologies, and sampling process used in this study. Chapter Two contains a summary of recidivism research and literature pertaining to patterns and trends among repeat offenders. Chapter Three provides a profile analysis of the inmate and probationer groups selected for review in this study. The detailed analysis of recidivism rates among Connecticut felons is set forth in Chapter Four, and the program review committee's findings and recommendations are in the final chapter.

Agency response. It is the policy of the Legislative Program Review and Investigations Committee to provide agencies subject to review with an opportunity to comment on recommendations in writing prior to the publication of the committee's final report. A written response to the report was solicited from the Department of Public Safety's Division of State Police, Department of Correction, the Board of Parole, and the judicial branch. Appendix E contains the response from the Department of Public Safety. The Department of Correction, the Board of Parole, and the judicial branch did not submit responses.

Study Definitions and Methods

This chapter sets forth a detailed description of the definition of recidivism and the methodology used by the Legislative Program Review and Investigations Committee to measure the rate of recidivism. The cohort groups and sample of cases selected for in-depth analysis are also discussed.

What is recidivism?

Over the past six years, shifting priorities in the state's crime policy have increasingly stressed protection of public safety as a primary goal, imposing stricter mandates and policies on criminal justice agencies. The serious and increasingly severe consequences imposed through the state's criminal sentencing laws are meant to provide a deterrent to crime. Incarceration protects the public from offenders for a period of time. Eventually, however, nearly all inmates return to the community -- most within three years. Community supervision becomes an important public safety measure providing oversight of offenders released from prison and those never sent to prison. Finally, the state funds and provides a network of community- and prison-based treatment, education, and rehabilitative programs for pre-trial and convicted offenders, which can offer alternatives to future criminal activity.

In its broadest sense, recidivism can be defined as a public safety failure rate. Recidivism, more specifically and for the purposes of this study, is new criminal activity by a person after a criminal conviction that resulted in either imprisonment or other sanction (i.e., probation, diversionary sentence, or fine).

How was the rate of recidivism measured?

How recidivism is defined has a substantial impact on the identified rate of recidivism, for which there is no universally accepted method of measurement. After a literature review, the program review committee used multiple measurements in its analysis rather than relying on a single method.

The three measurements tracked to identify the overall rate of recidivism are:

- rearrest for a new misdemeanor or felony offense;
- reconviction on those new charges; and
- reimprisonment or sentence to another court-imposed sanction such as probation, a diversionary program, or a fine.

As discussed below, each measure has strengths and weaknesses, but combined the three are more comprehensive and accurate means to measure the rate of recidivism in Connecticut. The basis for the program review committee's analysis was rearrest, reconviction, and sentencing

data for convicted felons discharged from prison or sentenced to probation during 1997. The committee tracked criminal activity from the date of the offender's last discharge or sentencing in 1997 through December 31, 2000. This is known in criminal justice literature as the release threshold -- the period of time the offender is in the community and "at risk" of repeat criminal activity.

The criminal activity of convicted felons was tracked for three years because there is agreement among researchers and criminal justice administrators this is a sufficient follow-up period to identify a majority of the offenders who would eventually be rearrested for a new crime. The three-year period of 1998, 1999, and 2000 also covers the most recent full years of arrest and court data available. Since repeat criminal activity is tracked from a specific date in 1997 through December 31, 2000, the release threshold for some offenders is more than three years. For example, inmates discharged from prison in January 1997 were tracked beginning from that date, which would include the additional 11 months of 1997 plus the three years from January 1, 1998, through December 31, 2000.

Rearrest data. The rearrest rate was examined because an arrest is the initial response of the state against a person suspected of committing a crime, and it begins the criminal justice process. Arrests are an accepted measure of criminal activity and are used in other research and reporting requirements (e.g., the federal Uniform Crime Reports).

Leading criminal justice researchers have also concluded that arrests are a valid measure of recidivism even though some arrests do not result in convictions. The overall arrest rate in the cohort group tends to be higher than the reconviction rate, in part, because the court's lag time in disposing of cases meant the dispositions of some cases were not included in the study's time frame. The reduced number of convictions also can be attributed to the wide-spread practice of plea bargaining, the diversion of cases out of the criminal courts to pre-trial and alternative sentencing programs, revocations of probation or parole rather than prosecution for the new crime, reluctance of witnesses to cooperate, and due process issues rather than the innocence of the person arrested.

It should be noted an offender might be rearrested more than once during the three-year period. The program review committee analysis included a review of up to 15 rearrests per offender. Also, an offender may be charged with more than one offense per arrest. The analysis included an examination of up to three charges per arrest incident. The dispositions and sanctions imposed for each arrest were also reviewed.

Reconviction data. Reconviction data indicate a new arrest did occur and that, in fact, the offender was found guilty of the charge against him or her. It is measured by the court disposition -- or verdict -- for each criminal case. As previously stated, an offender may be charged with more than one crime per case. The reconviction rate was measured based on a guilty verdict for at least one of the three charges per arrest under analysis.

Reconviction data do not always indicate the seriousness of the offense, typically because of the practice of plea bargaining. However, the program review committee analysis examined any differences in the crime for which the offender was arrested and the crime for which he or she was convicted.

Sentencing data. Sentencing data are the narrowest measure, indicating a new offense occurred and the court imposed a sanction against the offender. The analysis includes a review of any sanction imposed by the court, the types of sentences (i.e., prison, probation, diversionary program, fine) and the length of the sentences.

What type of offenders were tracked?

Given the magnitude of the offender population, it would have been extremely difficult to include all cases in the analysis. The committee staff selected a representative sample of offenders. The initial selection criteria for sampling the offender population included persons who, in 1997, were:

- under the supervision of a criminal justice agency;
- an adult defined as at least 16 years old at the time of arrest;
- convicted of a felony offense²; and
- in the community and at risk of reoffending.

A review of the criminal justice process showed offenders are at risk either at the end of their sentence as they transition from prison, or at the beginning of their sentence if they are sentenced to probation or an alternative sanction in lieu of prison. It was necessary then to select two samples of offenders: (1) inmates discharging from prison; and (2) probationers sentenced to community supervision.³

Offenders convicted of felony crimes were included for analysis, while persons convicted of misdemeanor crimes were not. The analysis was limited to felonies for two reasons. First, felonies are generally the more serious crimes, and policy decisions often are based on the felony -- especially violent -- offender population and their sentencing or program needs. Second, misdemeanors were excluded as a way to make the sample size manageable. There are many more misdemeanor arrests than felony arrests and, based on the selection criteria, almost 15,000 felony offenders were selected for analysis.

Only adult offenders were included for analysis because historically and philosophically the juvenile justice system is independent of the adult criminal system. The objectives of the juvenile and adult criminal systems are different. Also, juvenile court records are confidential and, under certain circumstances, erased when the child becomes an adult. It was determined by the program review committee that a study of recidivism among juvenile delinquents should be conducted separately from that of adult felons.⁴

² A felony is a criminal offense that may result in a sentence of more than one year in prison. A misdemeanor is a criminal offense that may result in a sentence of one year or less in prison.

³ Only about 25 percent of convicted offenders are sent to prison; three-quarters are supervised in the community under probation or a diversionary or alternative sentencing program.

⁴ In accordance with Public Act 00-172, the Connecticut Economic Policy Council (CPEC) is conducting a cost-benefit evaluation of programs serving juvenile offenders, including an analysis of recidivism among delinquents. The most recent interim report issued by CPEC is dated June 12, 2001.

Inmate cohort group. In general, inmates are more serious offenders who are being discharged after completing:

- the maximum prison term imposed by the court *and* upon release are no longer under the custody or supervision of a criminal justice agency -- commonly referred to as “maxing out”;
- the maximum prison term imposed by the court *and* upon release begin a period of probation under the supervision of the judicial branch -- called a “split” sentence;
- at least 50 percent of the court-imposed prison term *and* paroled⁵ by the Board of Parole; or
- at least 50 percent of the court-imposed prison term *and* granted an early release to transitional supervision (TS), a halfway house placement, community supervision,⁶ or a re-entry furlough by the DOC.

For the purposes of the sample, inmates who discharged from a DOC facility and were taken into custody by another state, federal, or military agency on an outstanding warrant or detainer were not included. (Since the inmate remained in a custodial situation, his or her opportunity to recidivate in Connecticut was low.) As a result, a total of 4,006 inmates convicted of a felony who discharged from prison in 1997 were selected for the study.

Probationer cohort group. In 1997, 10,402 adults were convicted of a felony and sentenced to probation or another type of sanction that did not impose a prison term. In general, probationers are the less serious offenders who were sentenced to:

- a period of probation supervision under a suspended prison term;
- conditional or unconditional discharge;
- drug court;
- accelerated rehabilitation (AR);
- youthful offender status (YO);
- community service labor program (CSLP); or
- other educational or diversionary program (e.g., family violence education, drug or alcohol education, or school violence education).

Tracking the rates of recidivism among both the inmate and probationer cohort groups provides the most accurate measure of repeat criminal activity among convicted felons. However, the rates of the two groups should not be compared because differences are likely due to the nature and severity of the offenders’ criminal history rather than group characteristics. Simply by the sentence imposed, the court has established a difference among the two groups. The court has found probationers are not a risk to public safety and can remain in the community

⁵ Inmates sentenced to more than two years are eligible for parole release after serving 50 percent of their sentence, except for those convicted of a “serious, violent” offense who must serve at least 85 percent to be eligible.

⁶ Inmates sentenced to two years or less are eligible for several early release programs administered by the DOC after serving at least 50 percent of their sentence or if they are within 18 months of their discharge from prison.

whereas the inmates were found to pose some threat. Therefore, inmates have served time in prison, while probationers have not, although some may have had a prior incarceration as a result of another criminal conviction. Inmates are nearing or at the end of their sentence, while probationers are beginning their sentence. Furthermore, inmates are more likely to have a more extensive and serious criminal history than probationers. All of these factors have implications for whether offenders will reoffend.

What data were used to track recidivism rates?

Since no single, statewide database currently exists for tracking recidivism or offenders, data for this study were extracted and compiled from several sources within the state's criminal justice system. Four data elements -- offender's name, data of birth, DOC inmate number or court docket number, and State Police Bureau of Identification (SPBI) number -- were used to create a unique identifier for each offender to enable data from different agencies to be linked. The program review committee staff then established two offender-based databases -- one each for inmates and probationers -- that included all repeat criminal activity committed over the three-year period under analysis.

Department of Correction. DOC maintains an inmate-based database that captures historical information on prison admissions and discharges. The department also maintains automated information on sentence lengths, primary offense, demographics, and classification scores.⁷ From its database, DOC identified the 4,006 felony inmates who discharged in 1997 and provided information on each inmate.

An inmate may be discharged from a DOC prison more than once in a single year. For the purposes of this study, if an inmate had multiple discharges, the program review committee selected the last discharge in 1997 to avoid double counting inmates.

Judicial branch. The judicial branch operates two separate databases that were accessed for this study. The first contains information on court operations and tracks each docket -- or criminal case -- against a defendant, including data on the offense, disposition, and sentence. The second is a case management database for adult probation. It tracks those offenders sentenced to probation including their demographics, sentence, release conditions imposed by the court, program and treatment evaluation status, and violations of probation that may change the custodial status of the offender. The judicial branch identified 10,402 adult, felony offenders sentenced to probation or another sanction in 1997. It provided court and probation supervision data on each.

A defendant may have more than one docket pending during a single year. It is accepted court practice to combine dockets into a single case against a defendant, which would result in only one disposition and sentence. For the purposes of this study, the last docket disposed of in 1997 was selected.

⁷ Each convicted offender sentenced to prison is rated -- or classified -- for security and program purposes based on evaluations of his or her criminal and correctional history to determine the propensity for violence, mental health, health, and substance abuse status, educational attainment, gang involvement, and sex offender history. The overall classification score allows DOC to determine which facility and security level to assign the inmate and further allows for movement between facilities and security levels for inmate management and transition to the community.

State Police. The Division of State Police, within the Department of Public Safety, is the repository for all criminal history information on offenders. It maintains basic arrest, conviction, and sentencing information for all felony and misdemeanor arrests made by local and state police. This information is used to provide a chronological record (“rap sheet”) of a person’s criminal activity.⁸

The state police provided the recidivism component data for the two cohort groups from the date of either their discharge from prison or their sentence to probation through December 31, 2000. This information on rearrests, reconvictions, and sentencing is the primary data used to determine the rate of recidivism.

It should be noted offenders in both the inmate and probation samples may have been rearrested in another state or by a federal law enforcement agency during the period under review. The program review committee did not have access to that information and, therefore, only rearrests occurring in Connecticut are included in the database.

Board of Parole. The Board of Parole provided information on the release and supervision of those inmates who discharged from prison in 1997 after being granted parole. There were 458 (out of 4,006) felony inmates paroled in 1997.

Program and treatment participation. Although the purpose of the study was not to evaluate the effectiveness of prison and community-based treatment and service programs for criminal offenders, a random sample of each cohort group was selected to examine any differences in the recidivism rate among those offenders who participated in programs and those who did not. It should be noted, however, that this analysis will not conclusively determine whether programs resulted in less recidivism than would have occurred in their absence.

Program participation data are not maintained in the automated databases by the criminal justice agencies. These data are recorded in inmates’ prison program files and DOC, probation, and parole community supervision files. To make the case file review manageable and obtain the most accurate information, the sample of offenders was limited. A 10 percent random sample of each cohort group was selected. The DOC, probation, and parole case files were then reviewed by program review committee staff to obtain the necessary data.

Program participation in prison and in the community was reviewed for the 423 inmates randomly selected. The inmates’ participation in prison-based programs was tracked for the three years preceding their 1997 discharge from prison. For those offenders sentenced to less than three years, the study tracked their program participation from admission date to discharge date in 1997. Their participation in community-based programs was tracked during the period they were under supervision in the community by either DOC or the parole board.

⁸ The state police maintain an offender-based database that tracks individuals using a unique identification number called the State Police Bureau of Identification (SPBI) number. The SPBI number is assigned to a person upon their first arrest and is used to track all subsequent criminal activity. It is supported by -- or based on -- the offender’s own unique fingerprints.

The prison and community-based programs available to inmates include residential and non-residential options: academic education; addiction and mental health services; employment; religious; disciplinary, sex offender, and gang programs; domestic violence and family services; transitional services; vocational education; and other programs.

There were 1,211 probationers randomly selected. Their participation in community-based programs and services as ordered by the court as part of their sentence was reviewed. The type of programs provided to probationers is similar to those provided to the inmate sample.

Technical violation data. A technical violation of probation or parole is misbehavior by an offender under supervision that is not by itself a criminal offense. It is generally a violation of a release condition imposed by either the court or parole board that is intended to guide the offender's behavior while in the community. Technical violations do not usually result in a new arrest. For example, failing to report to a probation or parole officer for a scheduled office visit, missing a curfew, lack of employment or attendance at school, or testing positive for drug use are all common technical violations. Probation and parole officers have a range of graduated sanctions available to address technical violations from verbal reprimand and increased reporting requirements to referrals to treatment or service programs and reincarceration in prison.

It should be noted, however, that a series of relatively minor technical violations can indicate an offender's unwillingness to abide by the release conditions and may result in a more punitive response by the court or parole board. The court may convict the offender of a violation of probation (VOP) and require he or she serve any suspended portion of their sentence or impose a new criminal sentence. The parole board may revoke parole and require the offender to serve the unexpired portion of their sentence in prison.

Typically, research on the rate of recidivism does not track -- or measure -- technical violations of those offenders on probation or parole. This study did not include technical violations in the overall rate of recidivism, but a supplemental analysis of the rate of technical violations among probationers and parolees as a description of misbehavior in the community that does not rise to the level of an arrest is provided. The analysis of the rate and type of technical violations committed by the inmate and probationer samples is presented in Appendix A.

Summary of Recidivism Research

Unfortunately, there is no way to know for certain whether Connecticut felons are more or less predisposed to reoffend than felons in other states or nationally. Recidivism rates cannot be compared because of the lack of standardized definitions or measurement. In fact, many states have yet to begin tracking recidivism. However, there are some consistent findings throughout research literature.

This chapter will summarize what is known about the criminal patterns of repeat offenders based on recent, relevant national literature and research. The information provides a context for the program review committee's subsequent analysis and findings on whether the rates of recidivism among Connecticut felons are similar to those patterns and trends.

Patterns and Trends in Recidivism

Many of the same factors that cause a person to initially commit crime are common to repeat offenders. Although the research varies on which specific demographic or crime characteristics are the best predictors of recidivism, there is consensus that some factors have significant correlations to repeat criminal activity. They are summarized below. (A selected bibliography of key sources is contained in Appendix D.)

Age. The younger an offender is at first arrest as an adult, the more likely he or she is to become a repeat offender. Younger criminals in general are more likely to recidivate than older offenders. Most studies agree that such early, established patterns of criminal activity are among the most important predictors of recidivism. Even so, it is important to note that some older offenders can be just as likely to recidivate as younger offenders.

Gender. There is consensus in the literature that a significant proportion of the nation's male population (some studies cited 25 to 35 percent of urban males) are arrested for a serious crime at some time during their lives. Males are about three to five times more likely than females to be arrested for a crime.

Race. Recidivism studies have found certain minority groups (e.g., African Americans and Hispanics) tend to have higher rates of rearrest. African American males are two to three times more likely than Caucasian males to be arrested for a crime in their lives. This trend is consistent throughout the research. Studies further conclude, however, that substance abuse, socio-economic status, age, and prior criminal record are stronger predictors of recidivism than race.

History of substance abuse. In most studies, many of the offenders who repeatedly committed crimes had a history of drug use. However, the more chronic and serious the substance abuse problem, the more likely the person was to reoffend and to have an extensive criminal record. The research also showed drug offenders were more likely to be rearrested for property crimes than drug sale or possession offenses.

Lack of education or employment. Researchers have concluded a lack of educational attainment and/or work experience has made reintegration into the community after prison and complying with parole or probation requirements difficult for many offenders. Without such skills, offenders have trouble attaining steady, gainful employment, and studies suggest these offenders will return to criminal activity either to earn a living or because they believe they have no other alternative lifestyle choice. Rearrest rates for those without a high-school diploma or job training have been shown to be much higher than for individuals with more experience or success in the job market.

Criminal history. Offenders with multiple prior arrests and convictions, especially if concentrated in a short time span, are frequently rearrested. Many researchers found offenders who commit property crimes such as burglary and larceny have the highest rates of recidivism and reoffend in less time than other types of criminals. This trend has been partially attributed to the increasing number of offenders with a substance abuse problem. Many times property crimes are committed for financial gain to obtain the money necessary to support an offender's drug habit. Property offenders are also likely to commit these crimes while under the influence of drugs or alcohol.

There is conflicting evidence about whether or not repeat offenders "specialize" in one type of crime, that is they commit the same type of crime over and over. Although some studies observed a tendency for recidivators to commit the same types of offenses as they had when first sentenced, others found offenders to be "opportunistic" in their criminal activity (i.e., taking advantage of circumstances and committing a variety of crimes).

Research on persistent criminal behavior generally indicates crime is not a life-long activity for many offenders. Most offenders were found to have ended their criminal "careers" during early adulthood (about 26 to 30 years old), and those who continued committing crime were not typically arrested for the last time until at least the age of 40. Studies have suggested the average period of time between first and final arrest was approximately five years, and property offenders have shorter than average periods of criminality and violent offenders longer periods. Research further indicates a relatively small group of repeat offenders are responsible for a disproportionately large number of serious crimes.

It is complicated to interpret criminal history data because many crimes in the United States go unreported or unsolved and do not result in an arrest. Some first-time offenders, therefore, may actually be repeat offenders with undocumented criminal histories and may have begun their criminal activity at young ages.

Probationers. The research indicates rearrest rates for probationers as a group are slightly less than the rates for released inmates as a group, but probationers and inmates with similar criminal histories -- in terms of the number of prior arrests -- had similar rates of recidivism. Probationers convicted of property (e.g., robbery and burglary) and drug offenses have the highest rates of recidivism.

Studies found, however, no differences in the rearrest rates of probationers under intensive supervision and in "regular" probation supervision programs. They also did not

identify a relationship between recidivism and the amount of contact probation officers had with offenders.

Parole and probation violations. Researchers have found repeat offenders often commit technical violations either on parole or probation. A technical violation is misbehavior by an offender under supervision that is not by itself a criminal offense and generally does not result in an arrest (e.g., failing to report to a parole or probation officer for a scheduled office visit, missing a curfew, lack of employment or attendance at school, testing positive for drug or alcohol use, or contacting a victim or co-defendant). However, serious technical violations (e.g., escape or repeated failure to report, violent crime) or a pattern of misbehavior while on parole or probation can result in reimprisonment. National research attributes the unprecedented growth in the nation's prison population to the reincarceration of parole and probation violators.

Some technical violators receive no sanctions and others may have their conditions modified to respond to the misbehavior, yet continue to be supervised in the community rather than being reincarcerated. Overall, most studies agree technical violators often pose little or no threat to public safety and can be safely managed in the community.

Program participation. There are a wide range of prison and community-based programs developed to rehabilitate, supervise, and treat offenders. They were designed to address the known causes and risk factors of crime, but there has not been systematic or scientific evaluation of the programs. Therefore, the existing research shows mixed results.

There is considerable debate among researchers about the effectiveness of prison- and community-based treatment and rehabilitative programs and their impact on rates of recidivism. Some studies contend there is clear evidence selected programs reduce the likelihood of repeat criminal activity by offenders, but others find the results are inconclusive or show that programs have little impact.

Overall, the research suggests programs can have a modest impact on reducing recidivism, and it is overly pessimistic to assume treatment and rehabilitation do not work. There is general agreement among researchers interventions for repeat offenders should combine a variety of components such as education, work training, counseling, and other services, be intensive, and be tailored to offender subgroups (i.e., sex offenders, women, gang members, mentally ill, etc). However, programs that have been proven to reduce recidivism in one setting or among a certain type of offender are not always replicated successfully in another venue or with other offenders.

It is important to note there are also other measures of a program's success besides rates of recidivism. For example, prison-based programs keep inmates occupied and may be used as incentives for good behavior thereby reducing disruptions and assaults on staff or other inmates. Community-based programs keep offenders busy and provide a structured routine, especially for those who are not employed or attending school. The programs can also serve a public relations function by easing a community's concern that unsupervised offenders are residing in the area.

Profiles of Offender Samples

An analysis of demographic, primary crime, and sentencing data for the inmate and probationer cohort groups was conducted to develop a profile of each offender sample. The results are presented in this section.

Inmate Cohort Group

The following is an analysis of demographic and sentencing data for the inmate cohort group. There were 4,006 felony inmates discharged from prison in 1997.

Demographics. The vast majority (90 percent) of inmates were male. Almost three-quarters (74 percent) of were minorities: 45 percent were African American, 28 percent Hispanic, and 1 percent American Indian or Asian. The racial breakdown was consistent among male and female inmates.

At discharge, the inmates range in age from 16 to 74 years, with an average age of 31 years. The male inmates were younger on average than the females (30 and 33 years respectively). Twelve percent of the male inmates were in the age group considered to be the crime-prone years -- between 16 and 21 -- whereas only 6 percent of the female inmates were within that group.

Primary crime. The primary offense data, which is the most serious crime for which the inmate was convicted and sent to prison, were classified into six categories: violent, property, drug, violation of probation (VOP), motor vehicle (MV) offenses, and all other crimes. Each crime category is comprised of specific types of offenses. Violent crime consists of homicide, assault, sexual assault, robbery, kidnapping, and arson. Property crime consists of burglary, larceny, forgery, and fraud. Drug crime includes sale and possession of illegal drugs and paraphernalia. The violation of probation category also includes failure to appear in court and

escape. The motor vehicle offense category includes all driving and license violations. The other crime category consists of all remaining offenses such as weapon possession, risk of injury to a minor, conspiracy to commit a crime, perjury, and tampering with a witness or evidence. These crime categories and types were used throughout the analysis of recidivism data.

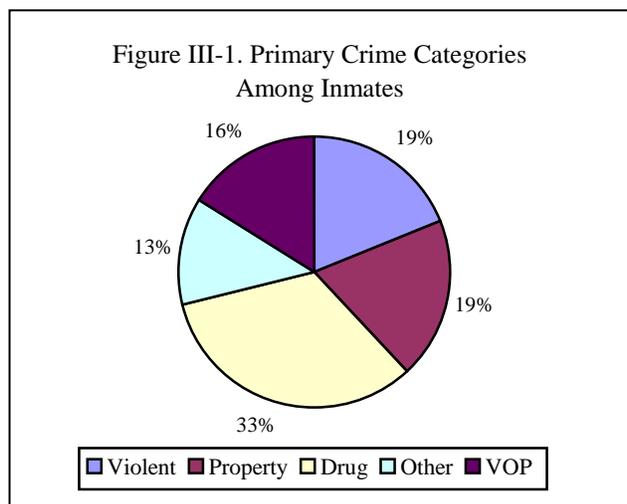
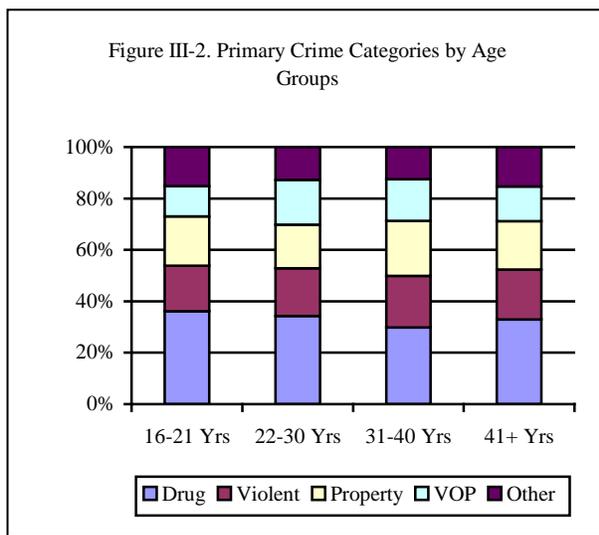


Figure III-1 shows the breakdown by crime category among the total inmate group. (None of the inmates in the group had a primary offense in the MV category.) The specific type of offenses and their ratios

within each category are:

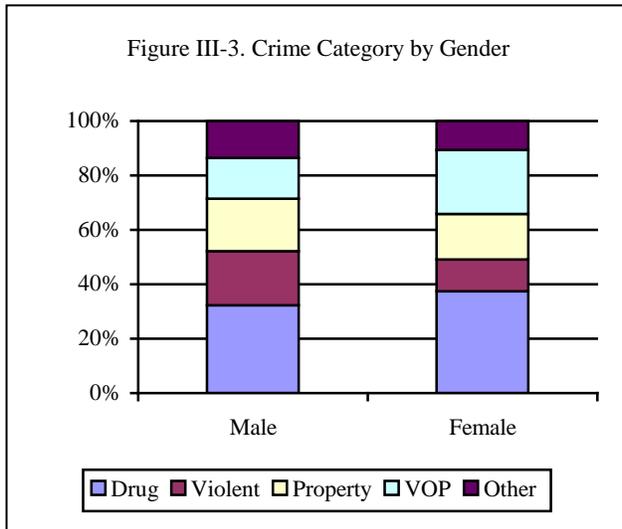
- *drug offenses*
 - 66 percent sale of narcotic, hallucinogenic, or other illegal drug or substance,
 - 34 percent possession;
- *violent crime*
 - 40 percent assault,
 - 35 percent robbery,
 - 12 percent sexual assault,
 - 5 percent homicide,
 - 4 percent kidnapping,
 - 4 percent arson;
- *property crime*
 - 47 percent burglary,
 - 47 percent larceny,
 - 6 percent forgery or fraud;
- *other types of offenses*
 - 36 percent possession or carrying a weapon,
 - 27 percent risk of injury,
 - 30 percent conspiracy to commit a crime,
 - 7 percent another type of crime (e.g., bribery, tampering with a witness or evidence, perjury, prostitution); and
- *violation of probation*, which also includes escape and failure to appear in court.



As shown in Figure III-2, there was not a significant difference between the age groups of inmates in terms of their primary crimes. About one-third in each age group was incarcerated for a drug offense, which were mostly for the sale of illegal drugs.

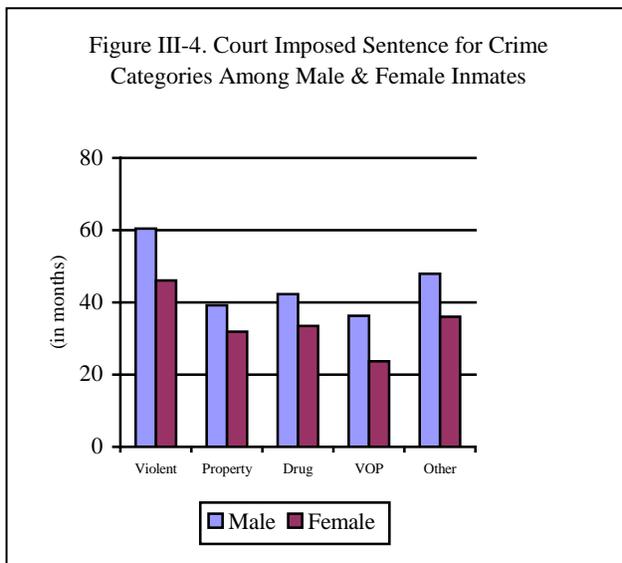
However, there was a significant difference among male and female inmates in the type of primary crime committed. Figure III-3 shows male inmates (20 percent) tended to commit violent crimes more frequently than females (12 percent) and female inmates (24 percent) were incarcerated more often than males (15 percent) for a violation of probation.

Primary sentence. On average, the inmate cohort group was sentenced by the court to 3.7 years (45 months) in prison, but 62 percent were in prison for only about two years before their release in 1997. Inmates sentenced for violent and property crimes served the greatest percentage (about 66 percent) of the court-imposed sentence prior to release. Drug offenders served on average 57 percent of their sentence prior to release, and those incarcerated for crimes such as weapon offenses, risk of injury, conspiracy to commit a crime, perjury, and violation of probation served about 60 percent of the total sentence.



Based on the length of the court-imposed sentence and the amount of time served, the data show female inmates received prison terms that were less than those imposed on males for the same category of crimes. Also, females served significantly less of their total sentence in prison than males.

As shown in Figure III-4, female inmates were sentenced to about 25 percent less time in prison than males for the same category of crimes. Figure III-5 shows, however, that male inmates actually served significantly more time in prison than females for the same category of crimes.

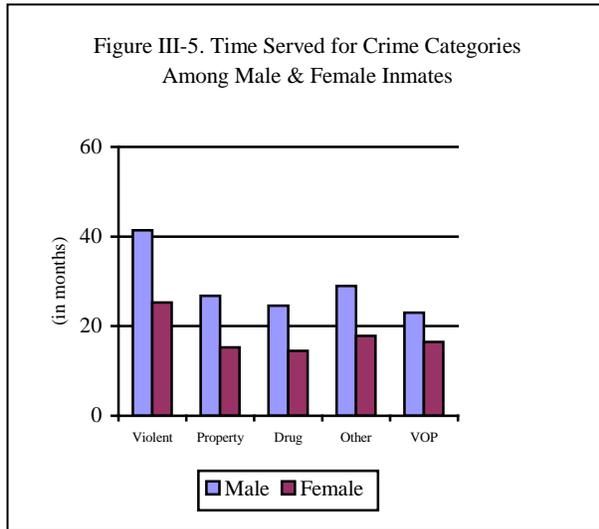


An even more dramatic difference between males and females is evident when the actual time served on the court-imposed sentence is examined. Male inmates served 30 percent more prison time on the court-imposed sentence for a property crime than females and 26 percent more time for a drug offense. They served about 20 percent more time for a violent crime or other type of crime. The only category of crime for which females served more time on the court-imposed sentence was a violation of probation. The differences in time served may be impacted by the severity of the crime committed by males and females. In general,

research suggests crimes committed by female offenders tend to be less serious in terms of the level of violence, use of weapons, and value of property stolen or damaged. The available data on the primary offense, however, does not indicate the severity of the crime.

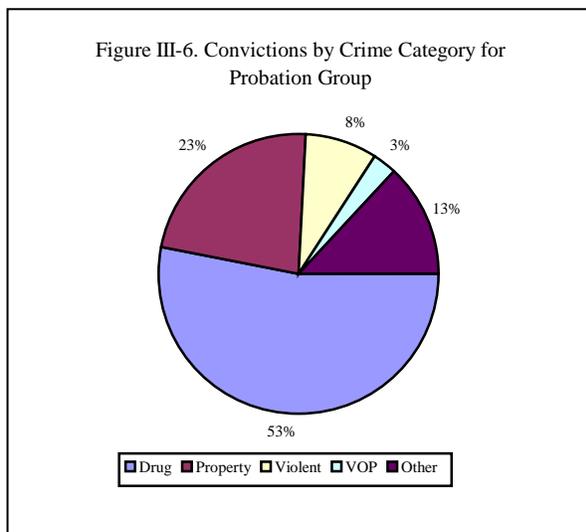
Probationer Cohort Group

The cohort group of probationers included 10,402 convicted felons who received a nonprison sentence of probation, conditional and unconditional discharge, accelerated rehabilitation, youthful offender status, or pre-trial program. The following is an analysis of demographic and sentencing data for the group.



Demographics. The majority (83 percent) of the probationers in the sample were males. Females, however, made up a larger percentage (17 percent) of the probation group than the inmate group.

Among the probationers there was a wide range in ages from 16 to 96 years old, but over 40 percent were between 26 and 40 years. The average age of the offenders was 29 years, which was slightly younger than the inmate group. Comparatively, female probationers were older than males. Less than 20 percent of the females were between the ages of 16 and 21 years whereas 30 percent of the males were in that age group.



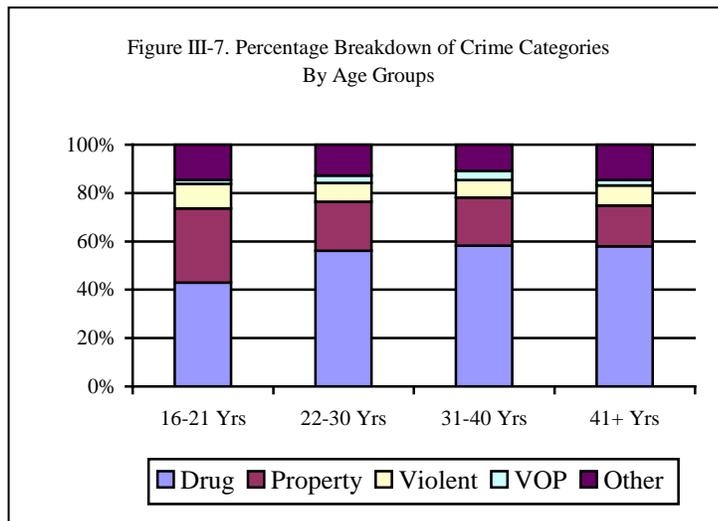
Like the inmate group, more than half (56 percent) of the probationers were members of a minority: 37 percent African American; 18 percent Hispanic; and less than 1 percent other groups. Caucasians, however, represented a larger percentage of probationers (44 percent) than of inmates.

Primary crime. Figure III-6 represents the distribution of probationers by type of primary crime. As shown, more than half (53 percent) of the probationers were convicted and sentenced for a drug offense. Two-thirds of those were convicted of drug possession and one-third for the sale or manufacturing of illegal drugs. (Less than 1 percent of the probationer

group was convicted of a motor vehicle crime so they were not included in the graphic.) The breakdown among the other categories of crime are:

- *violent crime*
 - 53 percent assault,
 - 26 percent robbery,

- 8 percent arson,
- 7 percent kidnapping,
- 4 percent sexual assault,
- 2 percent homicide;
- *property crime*
 - 54 percent larceny,
 - 38 percent burglary,
 - 8 percent forgery or fraud;
- *other crimes*
 - 39 percent possession or carrying weapon,
 - 35 percent risk of injury to a minor,
 - 26 percent for offenses such as perjury, tampering with evidence, prostitution, disorderly conduct, breach of peace, and criminal mischief;
- *motor vehicle offenses*
 - 86 percent evasion of responsibility,
 - 4 percent failure to stop; and
- *violation of probation*
 - 96 percent failure to appear in court,
 - 4 percent escape.



The analysis shows there was no significant difference among male and female probationers in terms of the primary crimes for which they were sentenced. Drug crimes still represented a majority of the offenses committed by each age group. However, Figure III-7 shows younger probationers, between the ages of 16 and 21, committed more property crimes than older probationers.

Primary sentence. There are several types of nonprison sentences the court may impose, including probation, conditional and unconditional

discharge, accelerated rehabilitation, youthful offender status, community service labor program, pre-trial diversionary and education programs, and a fine. As shown in Table III-1, among the probationer cohort group, the most common sentences were probation (44 percent) and alternative sentences (40 percent).

Table III-1. Types of Nonprison Sentences Imposed Among Probationers		
	<i>Number</i>	<i>Percentage</i>
Probation	4,542	44%
Alternatives*	4,156	40%
Fine	625	6%
Conditional & Unconditional Discharge	561	5%
Diversionsary	493	5%
TOTAL	10,377[^]	100%
*Alternative sentences include accelerated rehabilitation, youthful offender status, and community service labor program. [^] Sentence type data missing for 25 probationers. Source of data: Judicial branch		

Upon conviction, the court determines the type and length of sentence. For this study, only the length of probation sentences were analyzed because the other sentences mandate very short terms or require the offender to participate in and complete a program rather than set a specific supervision period. Therefore, reviewing sentence length for those sanctions would not provide useful information for this study.

Most offenders sentenced to probation also received a suspended prison term. The court imposes a period of incarceration, but does not

require the offender to serve the time. In lieu of prison, the offender is supervised by the judicial branch’s adult probation staff. However, if the offender violates probation or commits a new crime, the court may require him or her to serve the suspended portion of the sentence in prison.

The average probation sentence was slightly less than three years. There was no difference in the average term of the sentence between males and females. Probationers convicted of a violent crime received an average of 40 months on probation, property offenders received 37 months, drug offenders received 33 months, motor vehicle offenders were sentenced to 36 months, and those sentenced to crimes such as weapons possession, risk of injury, perjury, and conspiracy received 40 months.

Convicted felons sentenced to probation are under supervision for the entire term set by the court. There is no early release from probation, however, the judicial branch may lower the level of probation supervision or modify the release conditions.

Profile of Nonrecidivists in Cohort Groups

An analysis was conducted to determine what a “typical” inmate or probationer looked like. The analysis looked at demographic characteristics, as well as the type of crimes committed and the sentences received by inmates or probationers. Subsequently, the program review committee wanted to know if there were any differences in these characteristics for inmates and probationers who were rearrested and those who were not rearrested. The staff found there are some slight differences and similarities between the two groups, but nothing that stands out substantially.

It is important to note there are factors that may reduce an offender's predisposition to reoffend that are not included in the database. Most of these factors such as a supportive family, community, or religious structure are not easily quantifiable for analysis purposes. Also, offenders may have moved to another state and/or been rearrested in another state or by a federal law enforcement agency and would not appear in the sample database. Finally, some offenders who were not rearrested may have committed new crimes, but were not arrested.

Inmate Cohort Group. A comparison between inmate recidivist and nonrecidivists showed the characteristics of the two groups did not differ much. They were similar in education, mental health level, and risk level. However, slight differences were found in the following characteristics:

- **Age:** Younger inmates (determined by age at discharge) were more likely to be rearrested after discharge than older inmates. The average age at discharge of the rearrested inmates was 30 years compared to 34 for those inmates not rearrested.
- **Gender:** Males were more likely to be rearrested than females. Among the rearrested inmates, 92 percent were male and 8 percent female.
- **Race:** African Americans were more likely to be rearrested than other racial groups, but when examining the inmates who were not rearrested, a more equal proportion was seen among all of the races.
- **Substance Abuse:** The more severe an inmate's substance abuse, the more likely he or she was to be rearrested.
- **Criminal History:** Inmates with rearrests were younger at first arrest, had a greater number of prior arrests and convictions, but spent *less* time in prison than nonrecidivist inmates.
- **Program Participation:** There was no notable difference in the rate of program participation among those offenders who were rearrested and those who were not.

Probationer Cohort Group. A comparison of probationer recidivists and nonrecidivists showed they were similar in mental health level, but exhibit some interesting differences in other characteristics.

- **Age:** Younger probationers (determined by age at sentencing) were more likely to be rearrested while on probation than older probationers. The average age at sentencing of a rearrested probationer was 28 years compared to 32 years for probationers not rearrested.

- **Gender:** Males were more likely to be rearrested than females. Among the rearrested probationers, 84 percent were males and 16 percent females compared to 74 percent males and 26 percent females among those probationers not rearrested.
- **Race:** Like the inmate group, African Americans were more likely to be rearrested than any other racial group and Caucasians were more likely not to be rearrested.
- **Substance Abuse:** Probationers that were rearrested were more likely to have a substance abuse problem than those not rearrested. That is, 47 percent of recidivists had a severe or chronic drug problem compared to only 39 percent of nonrecidivists.
- **Education:** Probationers who were rearrested had a lower level of educational attainment than those who were not rearrested. Only 13 percent of recidivists had attended college or had a college degree compared to 23 percent of nonrecidivists. In addition, 41 percent of nonrecidivists had a high school diploma or GED compared to only 31 percent of recidivists.
- **Employment:** Probationers with no new arrests were employed on average for five months prior to their primary arrest compared to only three months for those who were rearrested.
- **Offense Category:** Overall, the types of crimes committed by recidivists and nonrecidivists was similar. The probationers in the sample who were previously convicted of drug offenses were more likely to be rearrested than offenders convicted of a violent, property, or other types of crimes.
- **Primary Sentence Type:** Probationers who participated in programs that do not require daily supervision were less likely to be rearrested than the probationers who were supervised. This may be a result of the type of offender who is placed in a nonsupervision program. Typically, only first-time offenders or those convicted of minor offenses are eligible to participate. The data showed probationers with less extensive criminal histories were less likely to recidivate.
- **Probation Sentence Length:** Probationers who were rearrested spent on average two years on probation compared to nonrecidivist offenders who served on average three years on probation. Those sentenced to longer terms of probation may be under close supervision, which may inhibit future criminal activity.

- **Sentence Completion Type:** Over 80 percent of the probationers with no rearrests compared to 51 percent of probationers with rearrests successfully completed their community supervision sentence.
- **Program Participation:** There was no notable difference in the rate of program participation among those probationers who were rearrested and those who were not.

Recidivism Among Connecticut Felons

A main purpose of the program review committee study was to provide for the first time a comprehensive picture of recidivism rates among Connecticut felons. As previously stated, the analysis focused on five questions -- highlighted below -- to accomplish this task. Answers to each, based on the committee's research are also summarized below. Then the complete data analysis of the two cohort groups -- inmates and probationers -- is presented.

To what extent were Connecticut felons arrested for new criminal activity, convicted of those offenses, and sentenced to either imprisonment or other supervision sanctions?

- *Within three years of discharge from prison, most (70 percent) felony inmates were rearrested at least once for a new crime.*
- *Almost half of the discharged inmates were reconvicted of a new crime.*
- *About one-quarter of the inmate group was reincarcerated and an additional third sentenced to another sanction as a result of a new crime.*
- *Within three years of being sentenced to probation for a felony conviction, more than half (58 percent) of probationers were rearrested at least once for a new crime.*
- *One-third of the probationers were reconvicted of a new crime.*
- *Very few probationers were sent to prison as a result of a new crime (11 percent), but 21 percent were sentenced to another community supervision sanction.*

How did recidivism rates differ among released inmates and probationers?

- *Felony inmates had significantly higher rates of rearrest, reconviction, and reincarceration than felony probationers.*
- *During the three-year release threshold, inmates were rearrested more often than probationers -- inmates had on average three rearrests compared to two rearrests among the probations.*
- *The highest recidivism rates were among young, male, African American offenders in both groups.*
- *Inmates and probationers with extensive prior criminal histories were more likely to be rearrested than offenders with less serious criminal histories.*
- *Inmates and probationers with prior violation of probation offenses had significantly higher rates of rearrest than other offenders.*

- *In general, there was no consistent pattern of rearrest for a new drug crime among the drug offenders in the inmate cohort group.*
- *Probationers originally sentenced for a felony drug offense were more likely to be rearrested for the same crime than other types of offenders.*
- *Most offenders who recidivated were not reincarcerated for long periods of time and, in fact, many were not sent to prison.*
- *More than half of the rearrests do not result in reconviction; they are ultimately dismissed by the court, the offender found not guilty, or the charges combined into another criminal case against the offender.*

How did recidivism rates vary among different categories of offenders?

- *Males had significantly higher recidivism rates than females.*
- *Young offenders were more likely to reoffend than older inmates.*
- *Minority offenders were more likely to be rearrested than Caucasian offenders.*
- *Property offenders reoffended more often and were more likely to recommit the same type of crime than violent offenders.*
- *Inmates released from prison to some form of community supervision such as parole or transitional supervision had a significantly lower rate of rearrest than inmates who returned to their communities under no supervision.*

What types of new offenses did repeat offenders commit?

- *In general, repeat offenders in both cohort groups committed a variety of new felony and misdemeanor crimes and did not “specialize” in one type of crime.*
- *Overall, most of the repeat criminal activity among both cohort groups was nonviolent and less serious felonies and misdemeanor property crimes, drug sale and possession offenses, and crimes such as disorderly conduct, breach of peace, and motor vehicle infractions.*
- *Among inmates and probationers, property and drug offenders were more likely to recommit those same types of offenses.*
- *Violent inmates were the least likely offenders to recommit another violent crime.*
- *A previous drug conviction was not a strong predictor of rearrest for a new drug sale or possession crime.*

Was recidivism related to an offender’s criminal history, demographics, program participation, or other factors?

- *The patterns and trends in repeat criminal activity among Connecticut felons were consistent with national research.*
- *An offender's age, race, and gender were significant predictors of repeat criminal activity among the inmate and probationer samples.*
- *Young, male, African American, property offenders were the most likely to recidivate.*
- *The type of primary offense and length of primary sentence were strong predictors of rearrest among the inmate cohort group.*
- *Offenders with a chronic or serious substance abuse problem were significantly more likely to be rearrested, but most were not rearrested for a new drug crime.*
- *Participation in prison or community-based rehabilitation, treatment, and service programs did not significantly reduce the rate of recidivism rates among either cohort group.*

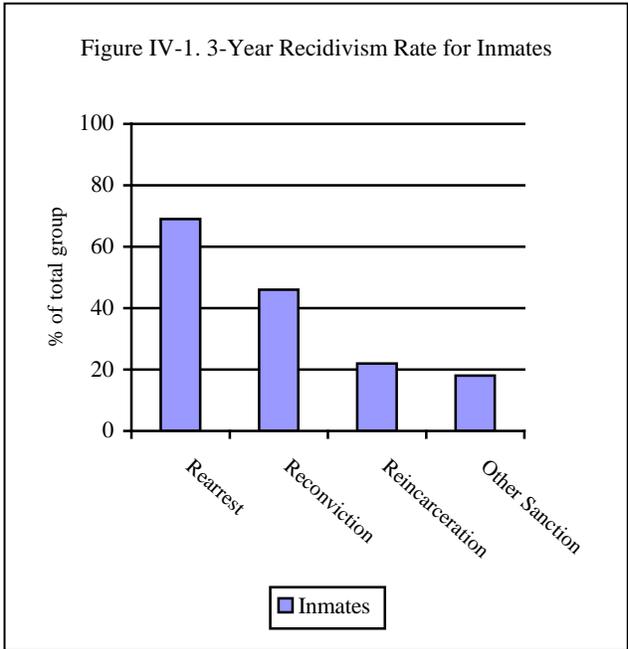
Detailed Recidivism Analysis

Presented below is the detailed analysis of the rates of recidivism among members of both cohort groups. The analysis of the inmate sample is presented followed by the probationer sample. The following section includes detailed recidivism analyses of:

- overall rates of rearrest, reconviction, and reincarceration;
- rates by specific offender demographic or characteristic;
- patterns of repeat criminal activity;
- time at risk in the community;
- reconviction and sentencing; and
- program participation by the offenders.

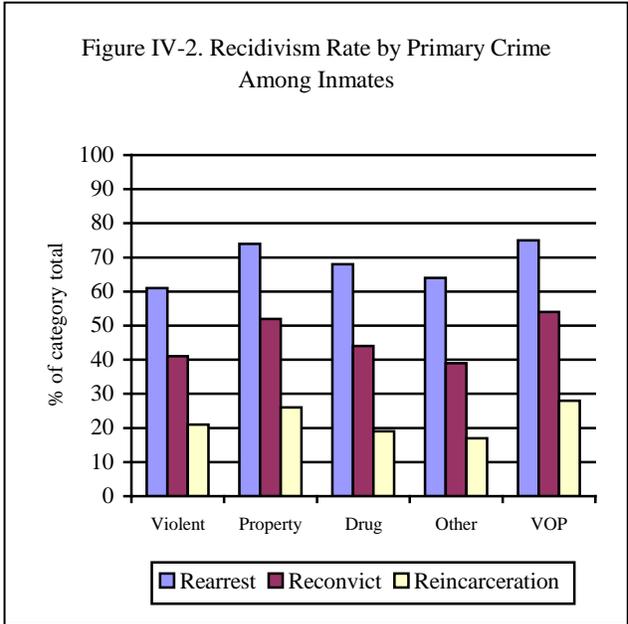
Inmate Cohort Group

The inmate rate of recidivism is presented as the percentage of the total of discharged inmates who were rearrested, reconvicted, and reincarcerated during the three-year release threshold. As expected, the rearrest rate exceeds the reconviction rates because not all arrested offenders are prosecuted and convicted and, due to the court's lag time in disposing of cases, not all convictions occurred within the selected follow-up period. Likewise, reconviction rates are greater than reincarceration rates because not all convicted offenders are sent to prison. Some are sentenced to probation, fined, or diverted into alternative sanction programs.



Overall rates of recidivism. As shown in Figure IV-1, 69 percent (2,745) of the 4,006 inmates released from prison in 1997 were rearrested at least once for a new felony or misdemeanor crime, and 46 percent (1,828) were subsequently reconvicted within the three-year release threshold. Twenty-two percent (889) were reincarcerated as a result of that reconviction, and 18 percent received a nonprison sentence of probation supervision, an alternative sanction, or a fine.

Rate based on primary offense category and crime type. This analysis is based on the inmate's *primary offense*, which is defined as the crime for which an inmate received the prison term for which he or she discharged in 1997. Figure IV-2 shows the recidivism rates for inmates based on five major crime categories, which were discussed on page 15 of this report. (There were no inmates in the sample with a primary offense for a motor vehicle crime.)



As shown, inmates who were in prison for a property offense (74 percent) or a violation of probation (75 percent) were the most likely to be rearrested. These offenders also had the highest reconviction and reincarceration rates. More than half were reconvicted for a new crime, and as a result almost 30 percent were sent back to prison.

Violent offenders had the lowest rate of rearrest (61 percent), although more than half was rearrested. Overall, inmates whose primary offense was the possession of a

weapon, risk of injury to a minor, perjury, and conspiracy to commit a crime -- categorized as other crimes -- had the lowest reconviction (about 39 percent) and reincarceration rates (17 percent).

The recidivism rate among inmates in Connecticut by specific types of primary offense are consistent with national research. As shown in Table IV-1, inmates with a prior conviction for burglary, larceny, drug possession, weapon possession, or violation of probation were more likely to be rearrested and reconvicted after being released from prison. About three-quarters within each crime type were rearrested and almost half were reconvicted within the three-year

release threshold. Among all of the crime types, these offenders were also among those with the highest rates of reincarceration -- about 25 percent were returned to prison.

Interestingly, inmates who committed certain violent crimes -- homicide, sexual assault, kidnapping, and arson -- had the lowest rearrest and reconviction rates. This may be attributed to more intensive and restrictive community supervision requirements as they discharge from prison, or these inmates may be older at discharge as a result of serving long sentences and, therefore, less likely to recidivate. Whatever the reasons, less than 40 percent of inmates convicted of homicide and sexual assault were rearrested. About 42 percent of those with a

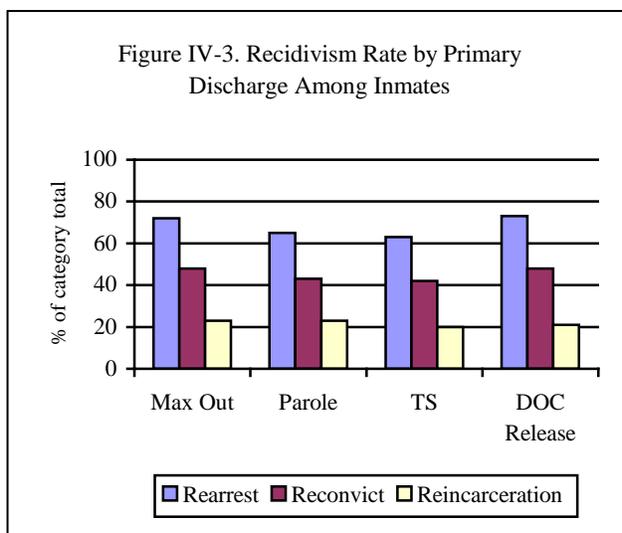
Table IV-1. Three-Year Recidivism Rate Among Inmates by Types of Crimes				
<i>Most Serious Crime</i>	<i># Discharged</i>	<i>From Discharge Date To First Rearrest</i>		
		<i>% Rearrested</i>	<i>% Reconvicted</i>	<i>% Reprison</i>
VIOLENT	765	61%	41%	21%
Homicide	38	39%	26%	18%
Assault	304	65%	42%	21%
Sexual Assault	95	39%	23%	16%
Kidnapping	31	42%	29%	19%
Arson	33	48%	30%	15%
Robbery	264	72%	50%	25%
PROPERTY	760	74%	52%	26%
Burglary	360	74%	50%	25%
Larceny	353	74%	54%	29%
Forgery/Fraud	47	66%	51%	19%
DRUGS	1312	68%	44%	19%
Sale	817	64%	39%	18%
Possession	495	75%	51%	21%
OTHER	501	64%	39%	17%
Weapons	177	75%	45%	17%
Risk of Injury	134	46%	32%	16%
Conspiracy	151	64%	36%	17%
All others	39	78%	47%	22%
VOP	668	75%	54%	28%
TOTAL	4006	68%	46%	22%
Source of data: DOC and Division of State Police				

kidnapping conviction and 48 percent of those convicted of arson were rearrested. As a group, these inmates had less than a 30 percent reconviction rate. However, their rate of reincarceration, while slightly lower than offenders convicted of robbery, burglary, larceny, and drug offenses, was still consistent with the overall rate for the inmate sample. Inmates who committed arson had the lowest rate (15 percent) of reincarceration.

Among violent offenders, inmates who committed robbery and assault had the highest rates of recidivism. Over 70 percent of them were rearrested within three years after discharge

from prison, half were subsequently reconvicted, and 25 percent were sent back to prison. About 65 percent of those who committed an assault were rearrested, 42 percent were reconvicted, and 21 percent eventually reincarcerated.

Rate based on primary discharge type. The *primary discharge* is defined as the specific type of release from prison in 1997. As previously stated in Chapter Three, inmates may be released from prison in several ways, including: serving their complete prison term (called “maxing out”); being paroled; or transitioning back to the community under a number of DOC early release programs (e.g., transitional supervision, halfway house placement, and re-entry furlough). Parole and transitional supervision have a community supervision component for a specific period of time prior to the termination of the sentence whereas the others do not. The analysis below examines the recidivism rates based on the manner in which the inmates were discharged from prison.

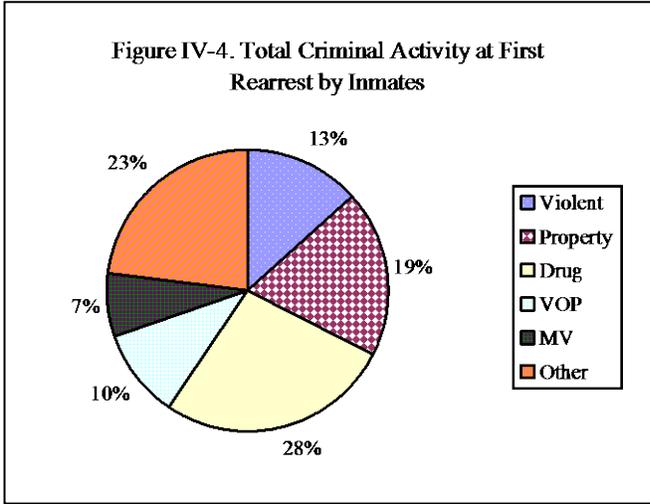


As shown in Figure IV-3, the overall rates for each type of discharge are similar, but there are some notable variations. Inmates who were released early from prison on parole or transitional supervision were statistically less likely⁹ to be rearrested than those who “maxed out” or were released by DOC to a halfway house or on a re-entry furlough. This may be attributed to the community supervision component of parole and transitional supervision rather than an inmate’s predisposition to commit another crime. Inmates under supervision may have their parole or TS release revoked for a technical violation and be returned to prison

prior to or in lieu of a new arrest. However, it may also indicate that some form of supervision and/or surveillance decreases the likelihood of a new criminal activity.

Rate based on primary sentence. An inmate’s *primary sentence* is the prison term imposed by the court for the original primary conviction, and it is the sentence from which the inmate discharged in 1997. The data showed inmates with longer court-imposed prison sentences were less likely to be rearrested after being released from prison. These inmates were, on average, older than other inmates at discharge and, therefore, likely to be “aging out” of their criminal careers. In addition, because of their longer sentences they were more likely to be under some form of community supervision (e.g., parole or probation) upon release. The data indicated this has a positive impact on reducing the rate of rearrest.

⁹ Committee staff used various methods to analyze the data including a regression analysis. Regression analysis is a method of determining whether there is a statistically significant relationship between two or more variables. The analysis then attempted to determine which offender demographic or criminal history characteristic was a predictor of recidivism.

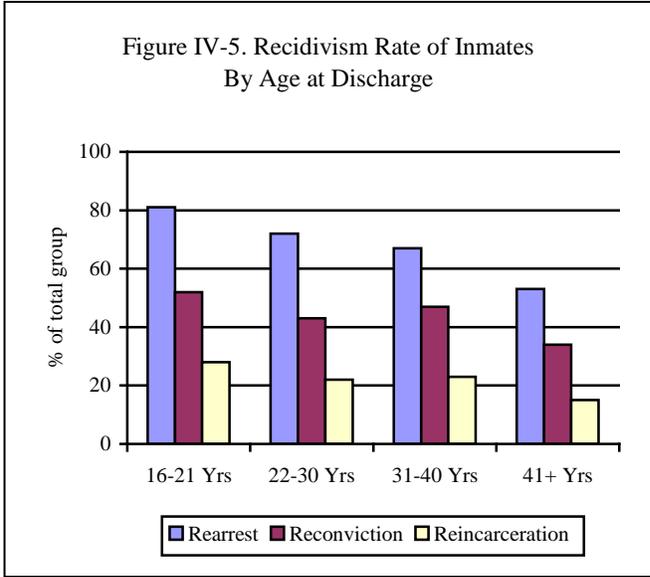


Total criminal activity. An offender who is arrested may be charged with more than one crime. For the purposes of this study, the first three charges -- or crimes -- per arrest were examined to provide a snapshot of the total criminal activity of inmates and probationers. Because of this approach, the total number of crimes will be greater than the number of offenders.

Within the three-year release window, 2,745 inmates were rearrested at least once. Based on the total charges for the first rearrest, the inmates accounted for

5,573 new crimes. This analysis includes both felonies and misdemeanors.

As shown in Figure IV-4, more than half (68 percent) of the crimes were for the sale or possession of drugs, motor vehicle infractions, a violation of probation, and other crimes such as weapon possession, risk of injury to a minor, stalking, harassment, disorderly conduct, prostitution, and bribery. Only 13 percent of the crimes were violent (i.e., homicide, sexual assault, assault, and robbery) and 19 percent were property offenses such as larceny, burglary, and forgery. When the offenses for multiple rearrests were examined, this pattern was similar.



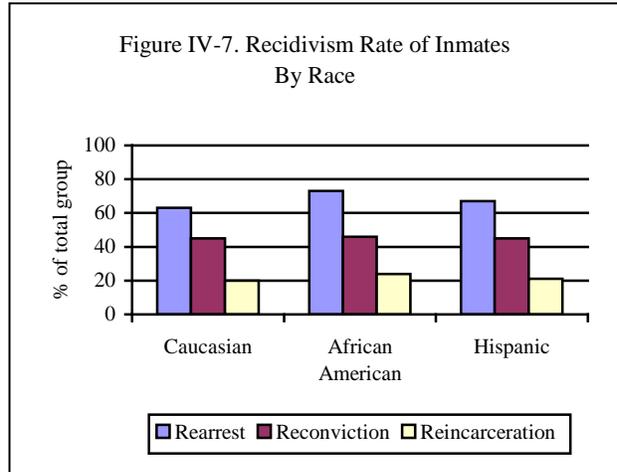
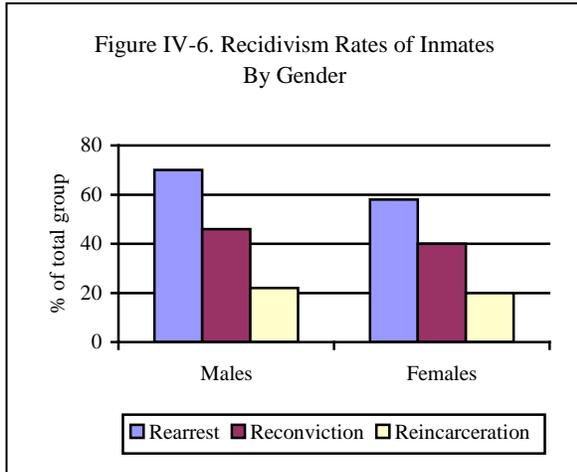
Rate by demographics. The relationship between recidivism rates and certain offender demographic characteristics such as age, gender, and race was analyzed. Figure IV-5 illustrates the rearrest, reconviction, and reincarceration rates among inmates by age group. As shown, the recidivism rate for all three measures was significantly higher for younger inmates. About 80 percent of inmates between the ages of 16 and 21 were rearrested, more than half were reconvicted, and almost 30 percent reincarcerated for a new crime.

Inmates over 40 were less likely to recidivate, which supports conclusions

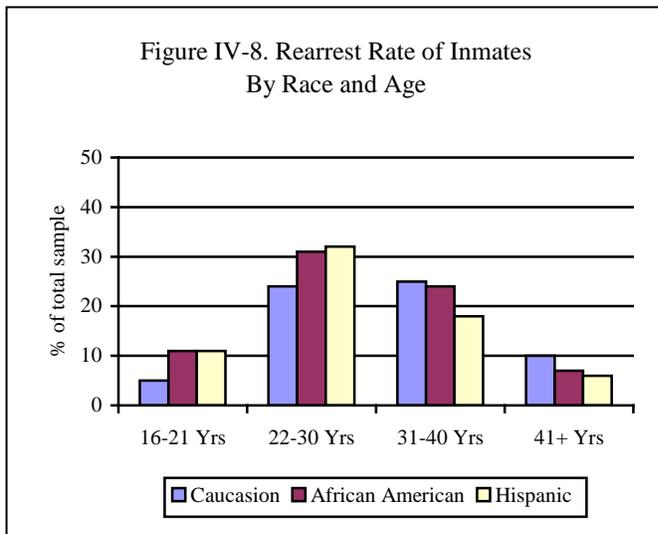
reached in other studies that older offenders are not rearrested because they “age out” of their criminal career.

Figure IV-6 shows male inmates had a higher rearrest rate than females. However, males and females had similar rates of reconviction and reimprisonment.

Measuring recidivism by the racial group, the data show offenders in a minority group had higher rates of rearrest, reconviction, and reincarceration than Caucasian inmates. As shown in Figure IV-7, African American and Hispanics inmates were significantly more likely to be rearrested. (American Indian, Asian, and other racial groups were not included in the analysis because they represent less than 1 percent of the total inmate sample.) However, the differences for the reconviction rates are not statistically significant.



When the race and age at discharge distributions were analyzed together, an inmate's age and race were strong predictors of recidivism. Young, minority inmates were more likely to be rearrested. Figure IV-8 shows African American and Hispanic inmates between the ages of 16 and 21 years were twice as likely as Caucasians of the same age to be rearrested within the three years after discharge from prison. While older Caucasian inmates had slightly higher rates of recidivism than minorities, the analysis showed they were not significantly more likely to be rearrested.



Rate by other characteristics.

The rate of recidivism was further analyzed by the inmates' educational attainment, substance abuse, and mental health levels to determine if they had any relationship to the recidivism rates. Table IV-2 provides the percentage of inmates for various levels of educational attainment, mental health, and substance abuse who were rearrested at least once and subsequently reconvicted and reincarcerated.

Consistent with the national research, the lower the educational grade level or the more chronic or serious the mental illness or substance abuse problem, the higher the overall rate of rearrest and reconviction. However, the analysis showed only an inmate's

substance abuse level was a strong predictor of rearrest, while educational attainment and mental health levels were not.

Table IV-2. Recidivism Rate by Level of Education, Mental Health, and Substance Abuse Among Inmates Discharged in 1997				
	<i>Total Inmates</i>	<i>% Rearrest</i>	<i>% Reconvict</i>	<i>% Reprison</i>
<i>Education Attainment</i>				
College	138	53%	36%	14%
High School or GED	1,867	66%	45%	21%
At 8 th Grade	1,325	73%	49%	25%
Below 8 th Grade	629	68%	41%	20%
Illiterate	42	81%	60%	31%
<i>Substance Abuse Level</i>				
None	428	62%	34%	16%
Moderate	957	65%	45%	20%
Serious	1,876	72%	47%	23%
Chronic	740	71%	49%	26%
<i>Mental Health/Illness Level</i>				
None	2,526	70%	46%	23%
Minimally Impaired	1,117	67%	45%	23%
Mildly Impaired	310	63%	41%	18%
Moderately Impaired	37	57%	30%	11%
Severely Impaired	11	91%	64%	27%
Source of data: Department of Correction				

Patterns of repeat criminal activity. Criminal justice researchers have studied the general patterns of criminal behavior in addition to measuring the rates of recidivism. This research is often used to determine whether repeat offenders “specialize” in certain types of crime. The consensus throughout the literature is most recidivists have a varied pattern of offending and typically commit different types of crimes. Therefore, the program review committee analyzed the first rearrest within the three-year period after discharge from prison for *any* new crime and not just the same crime.

Table IV-3 shows: (1) the total number of inmates discharged from prison in 1997 by their primary type of crime (i.e., homicide, robbery, burglary, sale of drugs, weapon possession, etc.); (2) the number rearrested for the same exact crime type as their primary offense; (3) the number rearrested not for the exact same type of crime, but for one in the same crime category (i.e., violent, property, drug, other) as their primary offense; (4) the number rearrested for any other crime; and (5) the number not rearrested within the three-year release threshold.

There are limitations to these data. First, as previously stated, an inmate may be charged with more than one crime at rearrest. The analysis includes up to three charges per rearrest. The number of crimes listed, therefore, is greater than the number of inmates.

Second, this analysis is based on an inmate's *first* rearrest after being released from prison. Many of the inmates were rearrested multiple times during the three-year release threshold and those who did not recommit the same type of crime as their primary offense at first rearrest may have done so at a later rearrest. However, a review of subsequent rearrest data showed a similar pattern.

Table IV-3. Reoffense Patterns by Primary Offense of Inmates Discharged From Prison in 1997					
<i>Primary Conviction</i>	<i># Inmates Discharged</i>	<i># Rearrested Same Crime Type</i>	<i># Rearrested Within Crime Category</i>	<i># Rearrested for Any Other Crime</i>	<i># Not Rearrested</i>
VIOLENT					
Homicide	38	0	4	15	23
Assault	304	50	26	190	106
Sex Assault	95	5	13	34	58
Kidnap	31	1	6	13	18
Arson	33	0	8	16	17
Robbery	264	19	59	184	74
PROPERTY					
Burglary	360	69	52	258	92
Larceny	354	100	36	249	92
Forgery/Fraud	47	1	12	30	16
DRUG					
Sale	817	132	77	448	295
Possession	495	115	16	338	122
OTHER					
Weapons	177	6	51	129	45
Risk of Injury	133	5	29	62	71
Conspiracy	151	0	27	97	54
Perjury	15	2	4	12	3
All others	23	9	0	17	6
VOP	668	123	0	499	169
Source of data: DOC and Division of State Police					

Most inmates were not rearrested for the exact same crime that resulted in their original incarceration. Specifically, less than 30 percent of inmates initially convicted of larceny were rearrested for a new larceny offense, and 19 percent of burglars recommitted a new burglary. Among drug offenders, 23 percent of those incarcerated for drug possession were rearrested for that crime, and 16 percent of drug sellers were rearrested for the sale of illegal drugs. Inmates

previously convicted of assault had the highest rate (16 percent) among violent offenders of recommitting the same exact crime. None of the inmates whose primary offense was homicide recommitted murder or manslaughter, and only 5 percent of sexual assault offenders were rearrested for that same crime. About 7 percent of robbery offenders recommitted a robbery.

As shown in Table IV-3, property and drug offenders were more likely to “specialize” in a certain type of crime -- or recommit the exact same crime as their primary offense. Overall, 35 percent of property offenders were rearrested for the first time after their release from prison for a property crime, and 26 percent of drug offenders recommitted another drug crime. A pattern of repeating the same type of crime is less evident among violent offenders. Less than one-quarter of violent offenders were rearrested (for the first time after discharge from prison) for a violent crime.

As noted above, when the types of crimes committed by inmates with multiple rearrests were examined, the data showed a similar pattern. Only property and drug offenders showed a likelihood to be rearrested for new property crimes, while violent offenders were less likely to recommit another violent crime. The vast majority of the new criminal activity involved property crime, drug sale and possession offenses, and a wide range of nonviolent and less serious felonies and misdemeanor crimes such as disorderly conduct, criminal trespass, breach of peace, and motor vehicle infractions.

Severity of repeat crime. A comprehensive analysis of crime includes, in addition to the number and type of offenses, a review of the severity of the offenses. For the purposes of this study, severity is measured by felony and misdemeanor status of the crime. Felony offenses are more serious and under state law punishable by more than one year in prison. Misdemeanors are less serious and punishable by a year or less in prison. Persons convicted of a felony or misdemeanor may also be sentenced to an alternative sanction or a fine. There is a third category of offenses -- a violation or infraction. These crimes do not rise to the level of a felony or misdemeanor offenses, and are typically a breach of a local ordinance, a motor vehicle offense, or other minor offense.

Table IV-4 shows the severity of the crimes for which the inmate group was rearrested. As expected, most of the violent crimes were felonies, except for assault. Almost 80 percent of assaults were misdemeanors. Based on the data, a large percentage of all violent crimes committed during the three-year release threshold were for assault, but were of a less serious nature.

Almost three-quarters of the property crimes, which represented the bulk of repeat criminal activity by the inmate group, were misdemeanors. However, all of the drug sale and most of the drug possession offenses were felonies.

Only a small percentage of the repeat criminal activities were infractions. Most of these were motor vehicle offenses such as license and driving violations.

Number of new arrests. The program review committee database included the total number of rearrests per inmate within the three-year period under review. Thirty-one percent of

the inmates were not rearrested. Of the 69 percent rearrested, there were on average almost three (2.7) rearrests per offender. The number of rearrests ranged from one to 24.

Table IV-4. Percentage of Crimes by Severity Level at First Rearrest Among Inmates			
	<i>Felony</i>	<i>Misdemeanor</i>	<i>Infraction</i>
Homicide	100%	0	0
Assault	22%	78%	0
Sexual Assault	82%	18%	0
Robbery	100%	0	0
Kidnapping	64%	36%	0
Arson	100%	0	0
Burglary	34%	66%	0
Larceny	28%	72%	0
Forgery/Fraud	30%	70%	0
Drug Sale	100%	0	0
Drug Possession	72%	28%	0
Weapons	82%	18%	0
Risk of Injury	100%	0	0
Conspiracy	0	0	0
Perjury/Tampering	17%	83%	0
All Other	3%	95%	2%
VOP	98%	2%	0
MV	0	33%	67%
Source of data. Department of Correction and State Police			

The data were analyzed by the number of rearrests and the primary offense. There were no real differences in the percentages of inmates within each crime category with multiple rearrests except property offenders. Property offenders tended to have more rearrests than other types of offenders. As shown in Table IV-5, almost one-third had at least six rearrests during the three-year release threshold.

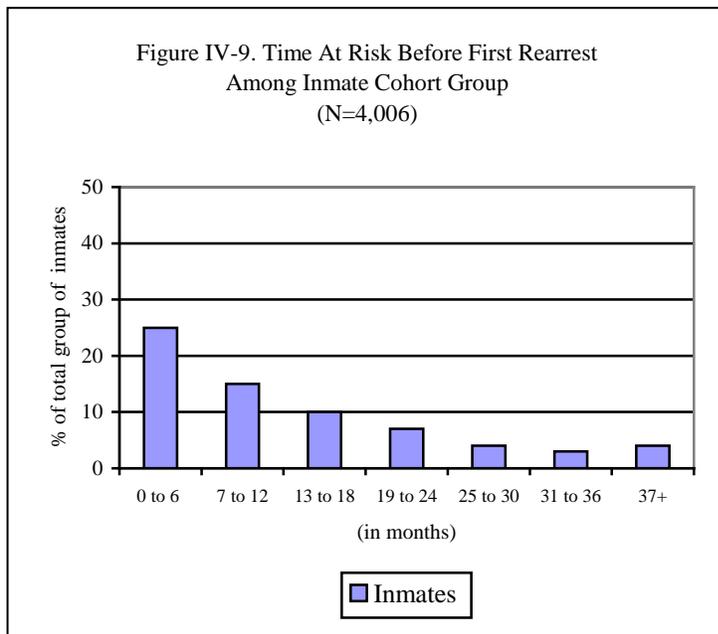
The rearrest data were also examined by the inmates' age at discharge. The analysis showed younger inmates, especially those between 16 and 21 years, had more rearrests during the three-year release threshold than older inmates. Almost 40 percent of inmates between 16 and 21 years were rearrested five or more times in three years.

In interpreting these data, it is important to acknowledge that those inmates with only one rearrest during the three-year period may have been reincarcerated during the remainder of the at-risk period, which ended at December 21, 2000. Therefore, they would not have the opportunity to reoffend multiple times. This issue will be examined later in this chapter.

<i># of Rearrests</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6-10</i>	<i>11+</i>
Violent (N=469)	24%	19%	14%	13%	8%	18%	4%
Property (N=561)	18%	18%	12%	13%	8%	25%	6%
Drug (N=895)	24%	19%	15%	11%	9%	16%	4%
Other (N=319)	26%	18%	14%	11%	8%	19%	4%
VOP (N=498)	17%	19%	19%	15%	10%	17%	3%
TOTAL SAMPLE	22%	18%	15%	13%	9%	19%	4%

Source of data: DOC and Division of State Police

Time at risk. The length of time offenders were in the community and at risk of reoffending until the first rearrest was examined. This period of time was defined by the program review committee as the release threshold. For the purposes of this study, the minimum at-risk period is three years. Even those offenders under some form of community supervision such as probation or parole are still considered at risk of reoffending. The committee analyzed the at risk period until the first rearrest for each group and the average length of time between multiple rearrests.



The average period at risk prior to the first rearrest among the inmates was about one year. Figure IV-9 shows 25 percent (1,010) of all inmates (4,006) were rearrested within the first six months after their discharge from prison. By the end of the first year after discharge, 40 percent of the inmates had been rearrested, and within three years after discharge almost two-thirds (65 percent) were rearrested at least once.

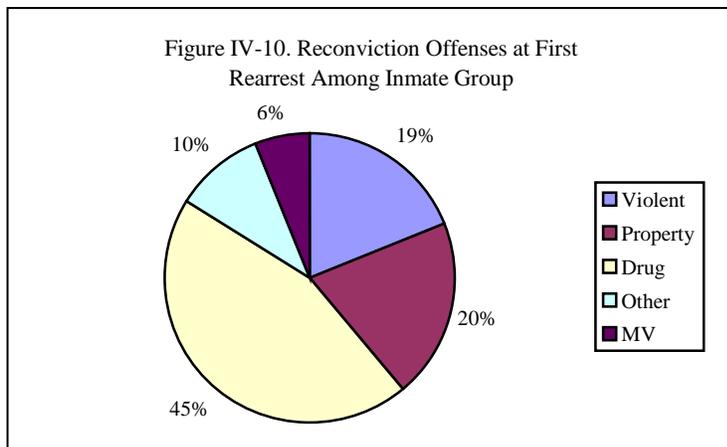
Of the 2,745 inmates who were rearrested during the three-year period, 78 percent (2,147) were rearrested more than once. Therefore, the at-risk period between multiple

rearrests was calculated as the number of days between dates of rearrest. The at-risk period between multiple rearrests was substantially shorter than the period from discharge to first rearrest, which as stated was about one year. The average at-risk period between the first and second rearrests was six months. The average period drops to about four months for each subsequent rearrest. The at-risk period between rearrests is naturally shorter as the number of rearrests increases because the release threshold under review is only three years.

The data showed less than 3 percent of rearrested inmates were sentenced to three or more years in prison as a result of their first rearrest. The majority of the inmates remained in or

returned to the community after a brief period of incarceration at some point during the three-year release threshold.

Reconviction and sentencing. The various types of dispositions were categorized as guilty or not guilty. The criminal sentence that may be imposed for a guilty verdict included the use of prison, probation, fine, or an alternative sanction such as conditional and unconditional discharge, accelerated rehabilitation, youthful offender status, or diversionary program. No sanction was imposed for a not guilty verdict.



Almost half (46 percent) of the inmates who discharged from prison in 1997 were subsequently reconvicted of a new crime. Figure IV-10 shows almost half (45 percent) were reconvicted of a drug sale or possession offense and 20 percent of property crimes, the majority of which were burglaries. Nineteen percent of the inmates were convicted of a violent crime, most of which were for assault and robbery.

The severity of the reconviction offenses was also examined. Again, the status of felony, misdemeanor, and infraction were used to gauge the seriousness of a crime.

When analyzing reconviction data, it is important to note that an offender may not be convicted of the exact crime for which he or she was arrested. As discussed earlier in this report, factors such as combining or dropping charges, plea bargaining, dismissal of charges, and due process or evidentiary issues can have an impact on the ultimate disposition of a criminal case. The recidivism data examined showed in most cases inmates were not reconvicted of the exact crime for which they were rearrested, but were reconvicted of the same category of crime (e.g., violent, property, drug). For example, an inmate may have been charged with a drug sale offense, but convicted of a lesser drug possession crime. Also, many times offenders were charged with a felony, but convicted of a misdemeanor.

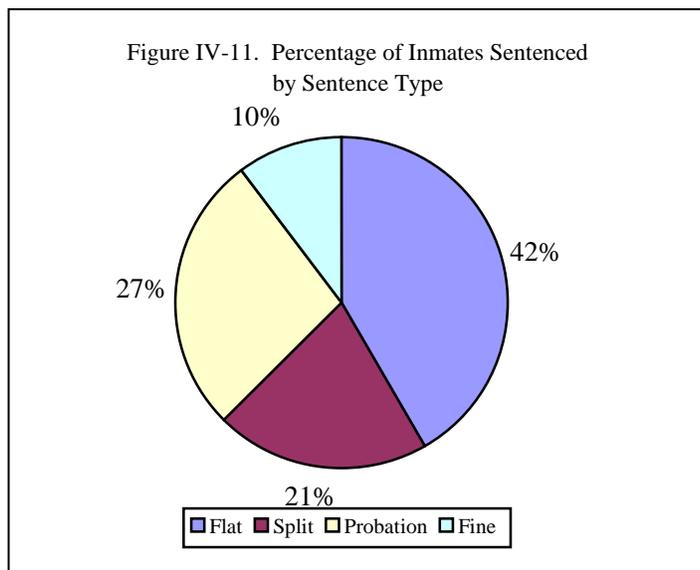
Overall, the inmate group was reconvicted of more felony crimes. This may be attributed to their more extensive criminal histories, which may limit plea bargaining options or dismissal of charges.

All of the reconvictions for the violent crimes of homicide, sexual assault, kidnapping, arson, and robbery were at the felony level, but reconvictions for assault were mostly misdemeanors. These violent crimes, however, accounted for a very small percentage of the total repeat criminal activity.

Most of the repeat criminal activity by inmates involved property crimes. About three-quarters of the burglary and forgery reconvictions were felonies, but only half of the larceny

reconvictions were felonies. Similarly, most of the reconvictions for a drug sale or possession crime were felonies.

In general, the serious nature of the new crimes for which inmates were reconvicted is a factor in the type of sentences imposed by the court. As previously stated, 22 percent of *all* discharged inmates (4,006) were sent back to prison and 18 percent were sentenced to a period of probation as a result of a reconviction for a new crime.



However, as Figure IV-11 shows, of the inmates reincarcerated, 42 percent were sentenced to a specific period of incarceration -- a “flat” prison term. One in five were sentenced to a prison term followed by a period of probation -- a “split” sentence. The average prison term was slightly less than two years, and the sentence lengths ranged from 30 days to 55 years.

Almost 30 percent of the reconvicted inmates were sentenced to a period of probation, which averaged about three years, and 10 percent were fined. Finally, 4 percent of the reconvicted inmates did not receive a specific sentence. The lack of sentencing data may be a result of missing or incomplete data or the inmate’s case may still be pending for the court to impose a sentence.

Program participation. As discussed in Chapter One, the rate of program participation among a random sample of inmates was examined. Program participation in prison and in the community was reviewed for 423 inmates. Inmates are not required to participate in programs while incarcerated, but they may be required by DOC, the parole board, or the court to participate in a specific community-based program as a condition of their early release from prison.

DOC administers or funds over 300 prison and community-based programs and services for inmates. The programs are categorized as: academic education; addiction services; mental health services; administrative segregation and disciplinary programs; family and parenting services; prison industries; self-improvement programs; sex offender program; transitional services; vocational education; residential community-based programs; nonresidential community-based programs; and other services such as health education, cultural diversity, and religious services. Due to patient confidentiality issues, certain health education programs (e.g., AIDS and HIV awareness and education services) were not included in the analysis.

The program participation data were used to determine whether there was any difference in the recidivism rates among those offenders who participated in programs and those who did

not. Table IV-6 compares the rate of rearrest among both groups of inmates -- participants and nonparticipants.

Overall, the data showed program participation had no positive relationship to the inmates' likelihood of rearrest after discharging from prison. The only program that showed a significantly lower rate of rearrest among participants was prison industries. This may be attributed to two factors. First, typically inmates with longer prison sentences are selected to participate in the prison industries program. This allows a sufficient period of time to train and provide actual work experience for the inmates. Inmates with shorter sentences are generally released from prison prior to completing the training and being assigned a job. It should be noted, however, the data showed inmates with longer sentences were less likely to be rearrested even without participating in the prison industries program. Second, prison industries provides marketable skills training, practical work experience, and pays a minimum wage that may better assist in an inmate's transition from prison to the community.

Table IV-6. Percentage of Inmate Program Participants and Nonparticipants Rearrested Within Three Years		
	<i>Inmate Program Participants</i>	<i>Inmate Program Nonparticipants</i>
Academic Education	68%	65%
Vocational Education	64%	67%
Prison Industries	33%	67%
Addiction	65%	67%
Mental Health	70%	66%
Family & Parenting	66%	72%
Self-Improvement	83%	64%
Transitional	100%	66%
Administrative Segregation	92%	66%
Sex Offender	67%	52%
Residential Community	62%	70%
Nonresidential Community	70%	66%
Other	86%	66%
Source of data: DOC and Division of State Police		

For some types of programs such as academic education, mental health, self-improvement, and transitional services, the inmates who participated actually had a higher rate of rearrest than those who did not participate. This pattern appears to be counter-intuitive.

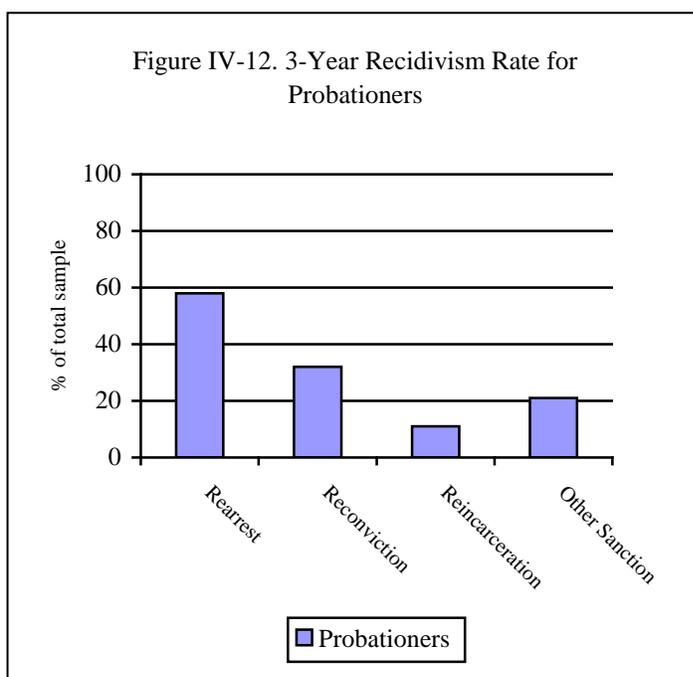
One explanation is participation in these programs may not be a contributing factor to the likelihood of rearrest. The programs may not be effective enough to overcome the other causes of repeat criminal activity or simply may not be addressing the specific causes of recidivism. For example, inmates with serious mental illness may participate in mental health services while in prison, but they are not cured. Once released from prison and no longer residing in a

structured environment, the inmate may fail to continue with treatment and return to the behaviors that resulted in their previous incarceration.

Another example involves inmates who are placed in the administrative segregation and disciplinary programs. The correction department places inmates in these programs because they are chronic or serious disciplinary problems or their primary offense is of such a serious or violent nature that it is difficult and/or unsafe to manage them in the general inmate population. The objective of these programs is management of the inmate's behavior while in prison and not rehabilitation. Almost all of the offenders who participated in this type of program were rearrested with three years after discharging from prison whereas two-thirds of the inmates who did not participate were rearrested. It is not surprising, therefore, that inmates who cannot behave in prison were rearrested once discharged.

Probationer Cohort Group

The analysis of the probationer cohort group parallels that of the inmate group. The same limitations on the data for the inmate sample also apply to interpreting the probationers' data. For example, the rearrest rate exceeds the reconviction rates because not all arrested offenders are prosecuted and convicted and, due to the court's lag time in disposing of cases, not all convictions occurred within the selected follow-up period. Likewise, reconviction rates are greater than reincarceration rates because not all convicted offenders are sent to prison. Some are sentenced to probation, fined, or diverted into alternative sanction programs.

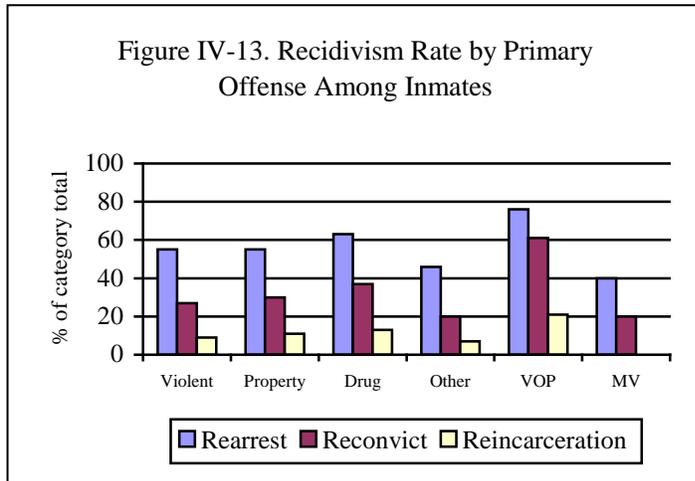


Overall rates of recidivism.

Figure IV-12 shows 58 percent (6,021) of the 10,402 probationers were rearrested at least once during the three-year release threshold, and 32 percent were subsequently reconvicted of a new felony or misdemeanor crime.

This cohort group of offenders had originally been sentenced to probation supervision or another sanction without a community supervision component rather than incarcerated as a result of their primary felony conviction. However, 11 percent were sent to prison as a result of a reconviction, but almost half of them received a "split" sentence, which is a period of incarceration followed by a period of probation supervision.

Twenty-one percent of the probationers were again placed under probation supervision or sentenced to another alternative sanction as a result of a new crime. It is interesting to note, however, most rearrested probationers were not sentenced.

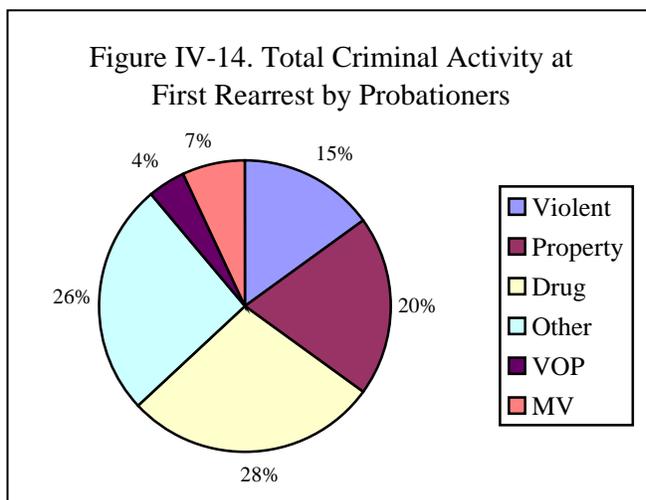


Rate based on primary offense category and crime type. Figure IV-13 shows the rates of recidivism for probationers based on the six major crime categories of *primary offense*. Drug and VOP offenders were more likely to be rearrested, reconvicted, and incarcerated than the other probationers in the group. Motor vehicle offenders were significantly less likely to recidivate within the three-year release threshold and, of those rearrested, none were sent to prison.

The rate of incarceration among the probationers who recidivated was low (about 11 percent), which may be related to their less extensive and serious criminal histories. Only the VOP and drug offenders had a higher rate of incarceration (13 percent).

Repeat criminal activity by probationers was also examined based on the offenders' primary crime type. Table IV-7 shows rearrest, reconviction, and incarceration data. Probationers previously convicted of homicide, sexual assault, and risk of injury to a minor had the lowest rates of rearrest and reconviction.

The highest rates of rearrest were among probationers originally sentenced for a violation of probation, a felony drug sale or possession conviction, robbery, or kidnapping. These offenders were also more likely to be reconvicted of a new crime than other types of probationers.



Total criminal activity. Within the three-year release threshold, 58 percent (6,021) of probationers were rearrested at least once. Based on the total charges for the first rearrest, the probationers committed 11,797 new felony and misdemeanor crimes.

As shown in Figure IV-14, more than half of the criminal activity involved the sale or possession of drugs, possession of a weapon, risk of injury to a minor, disorderly conduct, and minor assaults. Fifteen percent of the crimes were violent,

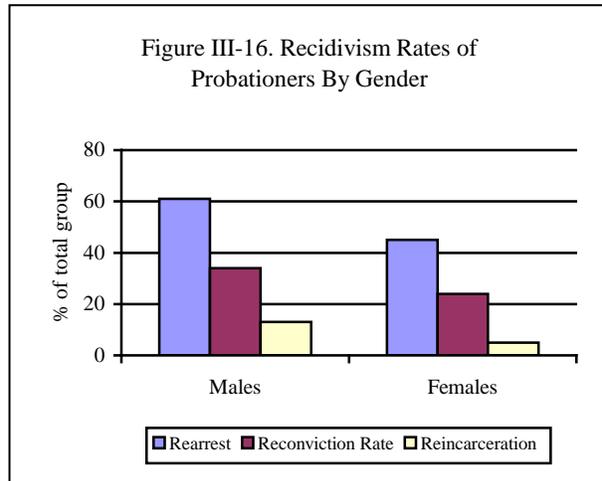
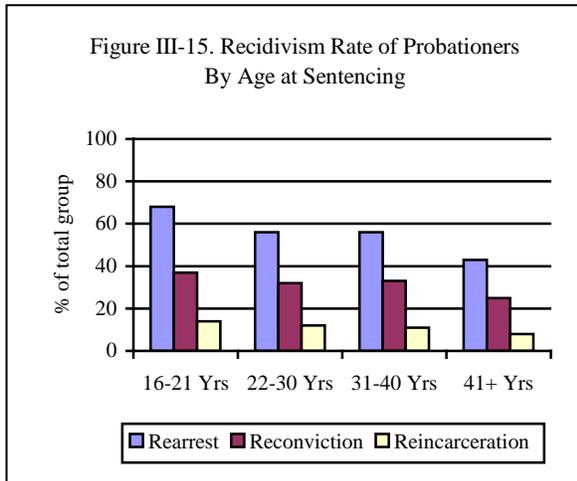
and 20 percent were property offenses.

Table IV-7. Three-Year Recidivism Rate Among Probationers by Types of Crimes				
		<i>From Sentence Date To First Rearrest</i>		
<i>Most Serious Crime</i>	<i># Sentenced</i>	<i>% Rearrested</i>	<i>% Reconvicted</i>	<i>% Prison</i>
VIOLENT	888	55%	27%	9%
Homicide	9	22%	22%	11%
Assault	510	55%	25%	8%
Sexual Assault	31	32%	16%	10%
Kidnapping	66	62%	33%	14%
Arson	73	42%	21%	4%
Robbery	199	65%	33%	13%
PROPERTY	2,510	55%	30%	11%
Burglary	947	56%	32%	12%
Larceny	1,290	56%	30%	10%
Forgery/Fraud	273	43%	26%	8%
DRUGS	5,123	63%	37%	13%
Sale	1,584	67%	39%	16%
Possession	3,539	62%	36%	11%
OTHER	1,676	46%	20%	7%
Weapons	571	58%	29%	12%
Risk of Injury	737	38%	16%	5%
All others	368	42%	13%	4%
VOP	200	76%	61%	21%
MV	5	40%	20%	0%
TOTAL	10,402	58%	32%	11%
Source of data: Judicial branch and Division of State Police				

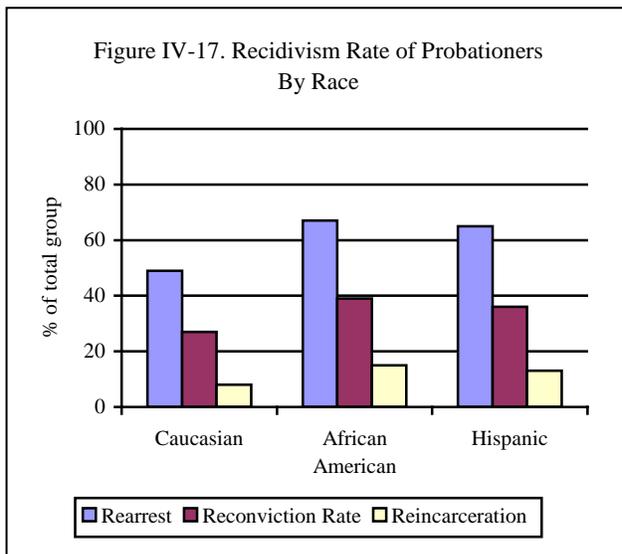
Rate by demographics. Figure IV-15 shows the recidivism rate based on rearrest, reconviction, and incarceration among the probationers based on their age at sentencing to probation. As shown, recidivism rates for all three measures were higher for younger probationers than any other age group. About 68 percent of all felony probationers between the ages of 16 and 21 were rearrested. Over one-third (37 percent) were reconvicted of a new crime, and 14 percent were sent to prison as a result. Consistent with the pattern among the inmate cohort group, older probationers -- those over 40 years -- had the lowest recidivism rates.

Also similar to the inmate group, male probationers had a significantly higher rate of recidivism than females. As shown in Figure IV-16, 61 percent of male inmates were rearrested for a new crime compared to 45 percent of females. Female probationers had much lower rates of reconviction and incarceration than males. Less than one-quarter of the female probationers

were reconvicted of a new crime compared to 34 percent of the males. Male probationers (13 percent) were twice as likely as females (6 percent) to be sent to prison as a result of the conviction.



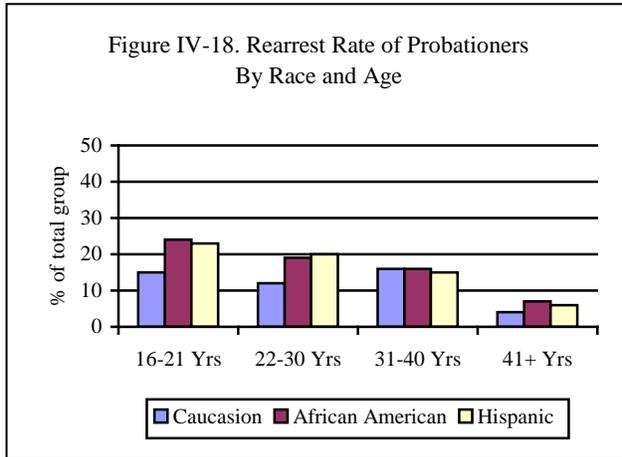
The recidivism rate when analyzed by the racial group among probationers showed certain minority groups had higher rates of rearrest, reconviction, and reincarceration, as with the inmate group. In Figure IV-17, African American probationers had a 67 percent rearrest rate and Hispanics a 65 percent rate compared to 49 percent for Caucasian probationers. (American Indian, Asian, and other racial groups again were not included in the analysis because they represented less than 1 percent of the total probationer sample.)



About 40 percent of minority probationers and 27 percent of Caucasians were reconvicted of a new crime. Similarly, 15 percent of minority probationers were sent to prison as a result of a conviction compared to 8 percent of Caucasians.

When the probationer's race and age at sentencing were analyzed together, the data showed young minority inmates were more likely to be rearrested. As shown in Figure IV-18, 15 percent of Caucasian probationers between 16 and 21 years old were rearrested compared to 24 percent of African Americans and 23 percent of Hispanic probationers of the same age.

Rate by other characteristics. The rates of recidivism were also analyzed by the probationers' levels of educational attainment, substance abuse, and mental health. Table IV-8 provides the percentage of inmates within each level for education, mental health, and substance abuse who were rearrested at least once. Consistent with the inmate group and national research,



the lower the educational grade level or the more serious the substance abuse problem of the probationer, the higher the overall rate of recidivism. The analysis further showed only the probationer’s substance abuse level was a strong predictor of rearrest while educational attainment and mental health levels were not.

The data showed one difference between the inmate and probationer groups. Probationers classified with no mental health problem had higher rates of rearrest, reconviction, and incarceration. This may be attributed to the less serious nature of the

characteristics and criminal activity of the probationers as a group.

	<i>Total Inmates</i>	<i>% Rearrest</i>	<i>% Reconvict</i>	<i>% Prison</i>
<i>Education Attainment</i>				
College	295	52%	30%	12%
High School or GED	620	59%	31%	29%
Less than High School	885	75%	44%	59%
<i>Substance Abuse Level</i>				
None	479	53%	27%	16%
Moderate	523	71%	40%	35%
Serious	798	70%	42%	49%
<i>Mental Health/Illness Level</i>				
None	1,096	66%	39%	65%
Moderate	462	67%	36%	25%
Serious	242	60%	34%	10%
Source of data: Judicial branch				

Patterns of repeat criminal activity. The pattern of repeat criminal behavior among the probationer cohort group members was analyzed to determine if they are more likely to “specialize” in certain types of crimes. The definitions and methodology used to conduct this analysis for the inmate group were also used for the probationers.

Table IV-9 shows the: (1) total number of probationers sentenced in 1997 by their primary offense type; (2) number rearrested for the same exact crime as their primary offense; (3) number rearrested not for the exact same crime type, but for one in the same crime category; (4) number rearrested for any other crime; and (5) number not rearrested within the three-year

release threshold. The limitations to this data are the same as those set forth in the analysis of the inmate cohort group.

Table IV-9. Reoffense Patterns by Primary Offense of Probationers Sentenced in 1997					
<i>Primary Conviction</i>	<i># Probationers Sentenced</i>	<i># Rearrested Same Crime Type</i>	<i># Rearrested Within Crime Category</i>	<i># Rearrested for Any Other Crime</i>	<i># Not Rearrested</i>
VIOLENT					
Homicide	7	0	0	1	6
Assault	512	8	91	276	232
Sex Assault	31	0	4	10	21
Kidnap	68	0	37	41	26
Arson	180	17	0	77	101
Robbery	199	8	10	126	70
PROPERTY					
Burglary	833	228	225	511	302
Larceny	1,248	0	245	620	602
Forgery/Fraud	310	45	22	130	173
DRUG					
Sale	1,558	51	375	885	510
Possession	3,539	0	791	2,008	1,351
OTHER					
Weapons	368	0	105	200	159
Risk of Injury	734	0	169	272	454
Conspiracy	0	0	0	0	0
Perjury	201	0	59	95	104
All others	399	0	112	185	183
VOP	210	0	21	151	59
MV	5	0	0	2	3
Source of data: Judicial branch and Division of State Police					

Like the inmate group, most probationers were not rearrested for the exact same crime that resulted in their 1997 conviction and sentence to probation. As the table shows, probationers are even less likely than inmates to “specialize” in a certain type of crime.

Probationers originally convicted of burglary had the highest rate of rearrest (27 percent) for the same crime. One-third of probationers originally sentenced for a weapons violation were rearrested for a similar crime, about 15 percent of those with a prior forgery or fraud conviction were rearrested for a new forgery or fraud crime, less than 10 percent of probationers with a prior arson conviction were rearrested for arson, and only 3 percent of those convicted of selling drugs were rearrested for a drug-sale crime.

While most probationers were not rearrested for a new crime in the same category as their primary offense (e.g., violent, property, drug, other), there were some interesting patterns. About one-quarter of drug offenders were rearrested for a drug sale or possession offense and 21 percent of property offenders recommitted a property crime such as burglary or larceny. The data showed 14 percent of violent probationers were rearrested for another violent crime, predominantly an assault on another person.

There was also no strong pattern of “specialization” among probationers with multiple rearrests during the three-year period under review. Like the inmate group, only property and drug offenders showed a likelihood to recommit the same type of crimes, and violent offenders were less likely to be rearrested for another violent crime. On the whole, the new criminal activity was nonviolent and consisted of less serious felonies or misdemeanor property crimes, drug possession offenses, and a wide range of crimes such as disorderly conduct, breach of peace, and motor vehicle infractions.

Severity of repeat crime. Table IV-10 shows the severity of the crimes for which the probationer group was rearrested. The same categories used for the analysis of the inmate data -- felony, misdemeanor, and infraction -- were used for this group. Like the inmate group, most of the violent crimes committed by probationers were felonies. In fact, the pattern was stronger among this group in that all of the violent crimes, except for arson, were felonies. However, as shown above, only a small percentage of probationers were rearrested for a violent crime.

	<i>Felony</i>	<i>Misdemeanor</i>	<i>Infraction</i>
Homicide	100%	0	0
Assault	100%	0	0
Sexual Assault	100%	0	0
Robbery	100%	0	0
Kidnapping	100%	0	0
Arson	0	100%	0
Burglary	0	100%	0
Larceny	0	100%	0
Forgery/Fraud	0	100%	0
Drug Sale	100%	0	0
Drug Possession	29%	71%	0
Weapons	0	0	0
Risk of Injury	0	0	0
Conspiracy	0	0	0
Perjury/Tampering	0	0	0
All Other	1%	99%	0
VOP	100%	0	0
MV	0	30%	70%
Source of data. Judicial branch and State Police			

Most of the probationers were rearrested for a property crime. As the data showed, all were misdemeanors.

All of the drug sale offenses were felonies, but about three-quarters of the drug possession crimes were misdemeanors. Only a small percentage of the repeat criminal activity were infractions and most were motor vehicle offenses.

Number of new arrests. The total number of rearrests during the three-year release threshold for each probationer was calculated and is set forth in Table IV-11. More than 40 percent of the probationers were not rearrested. Of the 58 percent that were rearrested, there were on average almost two (1.8) rearrests per offender. The number of rearrests ranged from one to 36 during the three-year release threshold.

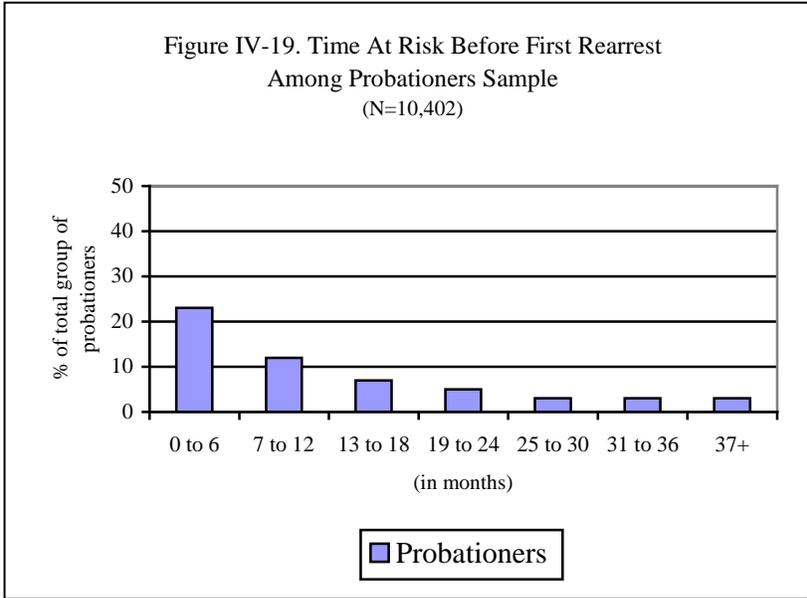
When analyzed by the offenders' primary offenses, about half of the probationers within each crime category had no more than two rearrests during the three-year period. Property offenders and probation violators tended to have the most rearrests. Almost 20 percent of property offender and 16 percent of VOP offenders had six or more rearrests.

<i># of Rearrests</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6-10</i>	<i>11+</i>
Violent (N=492)	39%	24%	13%	9%	4%	10%	1%
Property (N=1,375)	31%	19%	13%	11%	8%	14%	4%
Drug (N=3,246)	31%	20%	15%	10%	7%	13%	3%
Other (N=768)	41%	21%	12%	10%	5%	5%	6%
VOP (N=146)	30%	21%	14%	14%	5%	15%	1%
TOTAL SAMPLE	33%	20%	14%	10%	6%	13%	4%

Source of data: Judicial branch and Division of State Police

As with the inmate data, it is import to consider probationers with only one rearrest may have been incarcerated as a result. They would, therefore, not be in the community and at risk of reoffending during the remainder of the three-year release threshold. Also, the probation cohort group generally committed less serious crimes than the inmate sample, and most were still under probation supervision from their original sentence at the time they reoffended. So, while a probationer may have multiple arrests, the type and severity of the criminal activity may not require the court to impose a term of imprisonment or the court may simply modify the conditions of the primary sentence of probation rather than impose a new sanction.

Time at risk. As for the probationer group, Figure IV-19 shows the time at risk before first rearrest was similar to the inmate group. In general, however, fewer probationers were rearrested than inmates.



Within the first six months after being sentenced to probation, 23 percent of probationers were rearrested. During the first year after being sentenced, 35 percent were rearrested; within three years after being sentenced over 50 percent have been rearrested at least once.

A key difference between the inmates and probationers should be considered when reviewing this analysis. The inmates were discharged from prison near or

at the end of their sentence whereas the probationers were just beginning their sentence to probation or other type of supervision sanction. More probationers were under some form of active community supervision during the at-risk period under review.

Reconviction and sentencing. As with the analysis of the inmate data, the criminal court dispositions were categorized as guilty or not guilty. The sentences imposed included period of imprisonment or probation supervision, a fine, or other alternative or diversionary program.

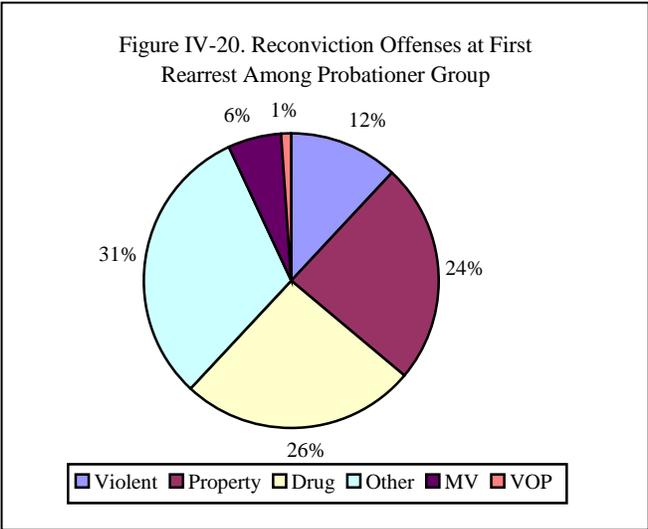
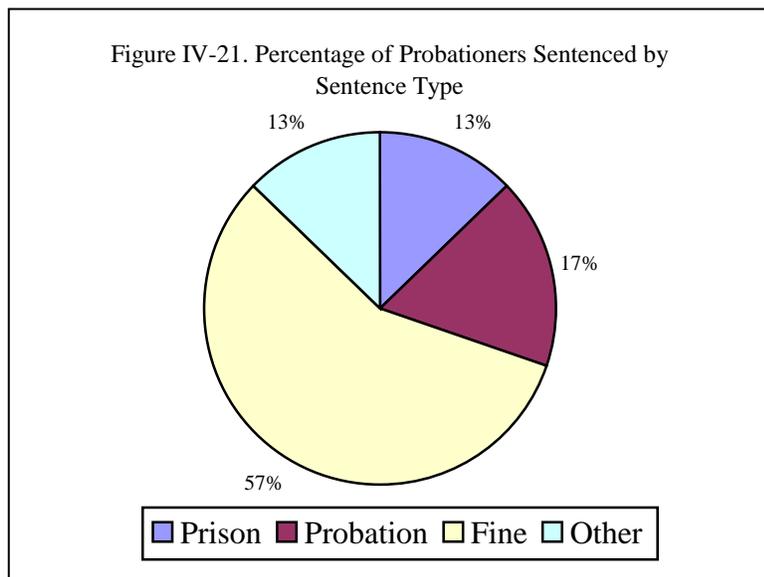


Figure IV-20 shows over 30 percent of the felony offenders who were sentenced to probation in 1997 were subsequently reconvicted of a new crime during the three-year release threshold. Thirty-one percent of the reconvicted probationers were found guilty of a variety of crimes such as weapons offenses, risk of injury to a minor, perjury, tampering with a witness or evidence, and hunting and fishing violations. Twenty-six percent were reconvicted of a drug sale or possession offense, 24 percent of a property crime, and 12 percent of a violent crime.

As previously stated, an offender may not be convicted of the exact crime for which he or she was arrested. The following analysis is based on the reconviction crime and, based on the felony or misdemeanor status, the severity of that crime was analyzed. Overall, probationers were reconvicted of less serious felony and misdemeanor crimes.

Most of the rearrests for a violent crime were for an assault. Three-quarters of the reconviictions for assault were at the misdemeanor level. The majority of crimes for which probationers were rearrested were property crimes such as burglary, larceny, and forgery. About 60 percent of the subsequent reconviictions for those crimes were misdemeanors. All of the reconviictions for a weapon possession, risk of injury to a minor, and drug sale offenses were felonies.



As shown in Figure IV-21, given the less serious nature of the crime committed by the probationer group, only 11 percent of the reconviicted probationers (N=3,328) were incarcerated for a new crime. The average prison term imposed was less than one year (nine months), and ranged from three days to 30 years.

Almost one-quarter were sentenced to another period of probation supervision, which averaged approximately two years. Many probationers reconviicted of a new crime, especially a

misdemeanor, did not receive a new sentence. Instead, the court modified or extended the original sentence to probation.

Program participation. Participation in residential and nonresidential community-based programs was reviewed for 1,211 probationers. The court often orders an offender to participate in a program as a condition of release to community supervision. Probation officers can also modify the court order by referring an offender to a program or service to assist him or her to successfully complete the sentence.

The judicial branch contracts for a statewide network of rehabilitative, treatment, and service programs including: alternative and day incarceration centers; alcohol and drug evaluation and treatment; domestic violence, family, and women and children services; intensive youth services; mental health services; post-release supervision; sex offender treatment; academic and vocational education; and residential programs. In addition, offenders may seek private treatment at their own expense.

Table IV-13 compares the rates of rearrest among probationers who participated in a community-based residential or nonresidential program to those probationers who did not participate. Similar to the inmate sample, the data show program participation had no positive effect on the probationer’s rate of rearrest, except for the day incarceration center program. A day incarceration center is an alternative sanction program that requires offenders to report to and remain at the center for a specified period each day -- some stay for a few hours and others

remain for an extended period. During the day, the offenders participate in structured activities and treatment programs. Often times this program is mandated for offenders who are not employed or attending an educational program. This program significantly reduced the rate of rearrest among probationers who participated -- only one-quarter were rearrested.

Substance abuse treatment, intensive youth services, and residential programs such as halfway houses also had a reduced rate of rearrest among participants. These are structured, intensive programs that typically service offenders with more serious problems and/or criminal histories. Also, the offenders who sought -- and paid for -- private treatment had a lower rate of rearrest.

Table IV-13. Percentage of Probationer Program Participants and Nonparticipants Rearrested Within Three Years

	<i>Probationer Program Participants</i>	<i>Probationer Program Nonparticipants</i>
Alternative Incarceration	57%	52%
Day Incarceration	25%	53%
Substance Abuse Treatment	49%	57%
12-Step Programs (AA & NA)	70%	52%
Family & Parenting	67%	53%
Domestic Violence	67%	53%
Women & Children	67%	53%
Intensive Youth	43%	53%
Mental Health	60%	52%
Post-Release Supervision	58%	53%
Academic & Vocational Education	55%	53%
Sex Offender	50%	53%
Residential Community	43%	54%
Private Treatment	47%	53%
Other	51%	53%

Source of data: Judicial branch and Division of State Police

Similar to the inmate sample, the rearrest pattern among probationers who participated in programs appears to be at odds with what would be expected. Again, an explanation may be participation in most of the programs is neither a factor in increasing or decreasing the likelihood of rearrest. The programs may not be targeting the appropriate offenders or providing the services necessary to overcome the other causes of repeat criminal activity. This analysis highlights the need for a comprehensive evaluation of the efficacy and cost benefits of prison and community-based treatment, rehabilitation, and service programs.

Findings and Recommendations

As policymakers and criminal justice administrators develop and implement policies that attempt to reduce crime and balance public safety with costs and proportional punishment for convicted offenders, they will need accurate information to make decisions and monitor outcomes. The program review committee analysis presented in this report can be used as the foundation for continued research into the state's offender population, crime rates, and sentencing patterns. The findings presented can provide policymakers and criminal justice administrators with information to review crime and sentencing policy, develop better models to predict inmate population and probation and parole caseloads, set budgetary priorities, and assess the classification and evaluation processes used by criminal justice agencies to manage the offender population. Ideally these data, in combination with other indicators developed over time, can assist in the evaluation of the efficacy of criminal sanctions and treatment and rehabilitation programs.

The program review committee study did not attempt to understand and explain all causes of recidivism, which typically are the result of complex societal issues. While the committee acknowledges offenders must certainly be accountable for their own behavior, repeat criminal activity is often rooted in problems within the family, school, or community and failures of rehabilitative and social service systems. It may be difficult for the criminal justice system, which does not have the primary responsibility for addressing most of these societal issues, to change well-established criminal behaviors of many serious and chronic offenders. However, the criminal justice system must still strive to protect public safety and rehabilitate offenders.

The recidivism rate data included here should be interpreted with caution. Recidivism is only one measure of the criminal justice system's performance. Further, responsibility for the rate of recidivism cannot be assigned to one agency within the criminal justice system. There are many examples of ways in which policy, resource allocation, or agency procedures affect the process or caseload of another criminal justice agency. For example sentencing laws, the speed of the court process, sentencing practices of judges, law enforcement activities, and probation and parole supervision procedures can increase or decrease admissions to prison. These factors are beyond the control of the Department of Correction, which manages the inmate population.

It is also important to note, this study relied on official records of criminal activity and, therefore, only measured offenses that were reported to or observed by the police and resulted in arrests. Many crimes go unreported or remain unsolved and, therefore, do not result in an arrest. The recidivism rate based on rearrest may underestimate repeat criminal activity by convicted felons. There is no way to accurately count the number of unreported crimes.

As stated, this study was the first step in measuring the rate of recidivism. While able to compile the data required to measure recidivism, ultimately many more questions were raised than answered by the analysis. This fact highlights the need to establish an on-going process to track and report on the rate of recidivism among Connecticut offenders. The following section sets forth the committee's recommendation to require the criminal justice system to provide the

legislature with reliable and comprehensive recidivism data. In addition, a discussion of the key policy and budgetary issues for which the recidivism analysis may be useful is set forth.

Recidivism Reporting Requirement

Tracking the trends and patterns within the offender population is necessary to develop and implement effective and cost-efficient policies and programs that attempt to reduce crime and protect the public's safety. A key component of that information is an analysis of the new crimes committed by repeat offenders in the state. As this study showed more than half of the felony offenders committed new crimes after being discharged from prison or sentenced to probation. Therefore, tracking the rate of recidivism is crucial to a comprehensive understanding of crime. *The program review committee found it is feasible to use existing automated criminal history data to calculate recidivism rates and to analyze the trends and patterns of reoffending among a large group of offenders.*

Therefore, the Legislative Program Review and Investigations Committee recommended the Division of State Police, within the Department of Public Safety, begin to track and analyze the rates of rearrest, reconviction, and reincarceration of felony and misdemeanor offenders on a yearly basis. The division shall:

- **analyze criminal history data currently stored in its Bureau of Identification repository and the statewide offender-based tracking system data repository¹⁰ to examine and report on the patterns and trends among offenders who repeatedly commit new crimes;**
- **define recidivism, for the purposes of this analysis, as new criminal activity by a person after a prior criminal conviction that resulted in either imprisonment or another sanction, and shall include both inmates and probationers;**
- **use multiple measures of recidivism -- rearrest, reconviction, and reincarceration -- in conducting the analysis; and**
- **beginning in 2003, include the recidivism analysis and findings in the annual *Crime in Connecticut* report, which shall be submitted to the General Assembly, all executive and judicial branch criminal justice agencies, and the Prison and Jail Overcrowding Commission.**

The program review committee recommended the Division of State Police is given the new responsibility of tracking the rate of recidivism for several reasons. First, the Division of State Police maintains all historical and current criminal record information. Its Bureau of Identification administers a repository of arrests, convictions, and sentencing information on all offenders arrested in Connecticut. To ensure the repository has current information, the bureau receives data from the courts and the Department of Correction on a regular basis.

¹⁰ The offender-based tracking system (OBTS) is a statewide, multi-agency, automated tracking system, which is scheduled to come on-line in 2003. The OBTS will allow for immediate access to an offender's current and historical criminal information, including a current report on his or her status and custody.

The state police disseminate offender information -- usually in the form of a “rap sheet” - to other law enforcement agencies, the state criminal justice system, the federal government, and other entities with the authority to request and receive such information (e.g., criminal background checks for licenses or employment). Under the planned OBTS structure, the state police will continue to be the “keepers” of automated criminal record information. (A summary of the offender-based tracking system and project development status are contained in Appendix B.)

Second, since 1977, the Division of State Police produced an annual report on statewide crime trends -- the *Crime in Connecticut* report. It is the only on-going analysis of crime data done by the state’s criminal justice system. This report is published as part of the division’s responsibility to provide information to the Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) program. The UCR program measures crime in the United States based on the number of violent and property offenses committed in each state. One objective of the UCR program is to produce reliable crime statistics for local law enforcement administration, operation, management, and research.

Third, the state police have 25 years of experience in conducting analysis and reporting on aggregate offender and crime data. It also has the staff, technical abilities, and equipment to process a large database. As previously stated, the division currently maintains the state repository of all criminal records.

Fourth, the state police have a good working relationship with the other executive and judicial branch criminal justice agencies as well as local law enforcement agencies. The state police have maintained the criminal offender data in accordance with all confidentiality requirements. There appears to be no issues surrounding the transfer of data to the division from other agencies.

Finally, the division supported the program review committee study and expressed an interest in continuing the research on recidivism among Connecticut offenders. In order to carry out this function, the division would need a modest increase in resources.

Policy Implications of Recidivism Data

Good quality recidivism data can be used by policymakers and criminal justice administrators to develop or evaluate various policy alternatives relating to budgeting priorities, crime and sentencing laws, administration of the criminal justice system, management of the offender population, and evaluation of state-funded programs and services. The policy implications of recidivism data in several critical areas identified through the program review committee research are discussed below. The committee, however, did not present specific recommendations.

Criminal justice administration. Consistently, only about one-quarter of convicted offenders are incarcerated. The vast majority plus most pre-trial defendants remain in the community, but not all are under active supervision. *The program review committee found more than half of the convicted felony inmates and probationers who were released to the community*

repeatedly committed new crimes. Furthermore, offenders were rearrested on average two times during the three-year release threshold under review.

For the state's crime policy to be effective, it must address the cumulative impact of the thousands of offenders that return to or remain in their communities after conviction. The criminal behavior of these offenders must be curbed before any real reduction in the rate of recidivism can be achieved. While data show inmates in general have a high rate of recidivism, those in prison present less of an immediate concern in terms of repeat criminal activity than those in the community.

In general, there are two primary options to address recidivism. First, the state may incarcerate more convicted offenders and/or require inmates to serve longer periods of time in prison. Second, the state may redefine and reinvest in agencies that provide community-based supervision, treatment, and rehabilitation of sentenced offenders in an effort to reduce or prevent repeat criminal activity among the majority of offenders who are not incarcerated.

The recidivism data showed offenders who spent longer periods of time in prison had lower rates of rearrest. This option, however, is extremely expensive and may be contrary to other criminal justice goals such as making the punishment proportional to the severity of the crime.

It costs about \$96 per day to house an inmate, and the Department of Correction's annual budget is currently over \$500 million. In the short term, since most inmates are serving on average less than three years in prison, increased incarceration rates may merely postpone recidivism without reducing the total amount of repeat criminal activity over time.

The recidivism data also showed inmates and probationers who were under some form of community supervision (i.e., parole, probation, or DOC halfway house) after discharging from prison were less likely to be rearrested. Although the number of new crimes committed by the inmate and probationer cohort groups were high, overall the crimes were non-violent and consisted of less serious property and drug offenses and crimes such as disorderly conduct and motor vehicle infractions. The alternative option, therefore, is to use incarceration more selectively and cost effectively by investing in community-based supervision agencies and rehabilitation and service programs.

While this is a less costly model, it presents some risk to the public's safety and property because convicted offenders remain in or return to the community. It is typically viewed as the "soft on crime" approach and often lacks the political support necessary to receive appropriate funding to be implemented as intended. This model attempts to reduce the rate of recidivism by curbing the criminal behavior of those offenders in the community. The basic elements of this model are already in place in Connecticut.

The pressing policy implication of the program review committee's analysis is whether to incarcerate more offenders for longer periods of time and at great expense or re-examine and efficiently use limited prison resources by reinvesting in agencies and programs that attempt to control or improve offenders' behavior while they remain in the community. Policymakers

must balance the need to reduce crime and protect public safety with limited financial resources and appropriate punishment for convicted offenders.

Sentencing laws. Sentencing law and policy is often developed to address the serious and violent offender in an effort to prevent future violence. Over the past five years, the legislature has enacted a series of “truth in sentencing” reforms aimed at increasing penalties and reducing the discrepancy between the court-imposed sentence and the actual time served by an inmate. For example, violent offenders are required to serve at least 85 percent of their court-imposed sentence to be eligible for parole, while all other inmates must serve at least 50 percent of their sentence. In addition, state law establishes mandatory minimum sentences for certain violent crimes. The current sentencing policies allow the criminal justice system to take a more conservative approach with *all* offenders including those who commit non-violent and less serious crimes.

As this study points out, some amount of repeat criminal activity is going to occur, but in general the new crimes are nonviolent. Violent offenders represented a small percentage of the total offender population. Violent offenders had the lowest rates of recidivism and were the least likely to be rearrested for another violent crime. Property offenders were rearrested at significantly higher rates and were more likely to re-commit another property offense.

The policy implication centers on the “tough on crime” debate¹¹ and whether a more punitive approach should be taken against *all* offenders or be more specifically focused on a certain type of offender. As sentencing requirements are increased for the small percentage of serious and violent offenders, sanctions against all other types of offenders typically increase or toughen. In Connecticut this has resulted in an influx of many less serious offenders being incarcerated. The parole board’s conservative approach has caused offenders to serve longer periods in prison than originally intended by state law, and the overloaded adult probation system cannot provide adequate supervision of offenders in the community. Together these factors have overwhelmed the criminal justice system.

Resource allocation. While there is no clear consensus on how to prevent recidivism, there is agreement that the economic, social, and political costs of crime are overwhelming. During 2000, the average daily offender population included almost 18,000 inmates in state prisons and over 60,000 convicted offenders in the community under probation or parole supervision or another community-based sanction. As previously stated, more than half were rearrested for new crimes. These numbers are alarming considering the direct and indirect costs offenders impose each time they are rearrested, prosecuted, evaluated and treated, and reincarcerated or sentenced to an alternative sanction.

Executive and judicial branch criminal justice agencies do not calculate the costs of the arrest process or disposition of a criminal court case. Nor is there national data on these costs.

The criminal justice system does calculate the average daily costs of incarceration and community supervision (e.g., parole and probation). In Connecticut, it costs \$35,000 per year to

¹¹ Refer to the Legislative Program Review and Investigations Committee report on *Factors Impacting Prison Overcrowding* (December 2000).

incarcerate an inmate (\$96 per day), about \$4,000 per parolee per year (\$11 per day), and \$833 per probationer per year (\$2 per day).

Since the cost information is incomplete, however, the program review committee was unable to determine the cost of repeat criminal activity. *To calculate the costs of recidivism, the program review committee found a method to determine the cost of each step in the criminal justice process must be developed.* Eventually, this information along with the recidivism data can be used to calculate the economic costs of repeat criminal activity.

Currently, what can be calculated are the annual expenditures for the state's criminal justice system. In fiscal year 2000, almost \$912 million was appropriated to seven criminal justice agencies including the judicial branch, the Departments of Correction and Public Safety, the Board of Parole, state's attorneys and public defenders, and the Office of the Victims Advocate. (A summary of the state expenditures for criminal justice agencies is contained in Appendix C.)

Resource planning. Each year, less than one-quarter of convicted offenders are sent to prison. The majority of offenders receive a community-based supervision sanction such as probation. The recidivism data showed 22 percent of the inmate group and 11 percent of the probationer group were reincarcerated as a result of a reconviction for a new crime. Most received probation or another alternative sanction.

Each year since 1989, the Department of Correction has built new facilities or added new beds through expansion and renovation projects. It has spent over \$1 billion to add about 9,000 prison beds. The addition of new prison beds is continuing. During the past two fiscal years, DOC received \$35 million -- in addition to its \$500 million annual operating budget -- to add 600 new prison beds and convert 500 existing dormitory beds into a Community Justice Program to assist inmates returning to the community.

Also, in fiscal year 2000, the DOC budget included \$12 million to contract for 500 beds in two Virginia prisons. Due to overcrowding, the department has been sending Connecticut inmates out-of-state for the past two years.

The correction department and the Office of Policy and Management (OPM) do separate projections of the inmate population. The current methods for projecting growth of the inmate population have proved to be inaccurate. Both agencies track the trend by calculating growth based on past increases. They do not calculate other factors that impact the inmate population such as trends in the population within their crime-prone years, arrests and prosecution rates, sentence lengths and time-served percentages, or other influences such as policy changes, increases or decreases in funding or resources, and the capacity of community-based supervision programs. Furthermore, they have not analyzed the rates of recidivism, which have a significant impact on the growth of the prison population.

Recidivism data can provide information not only on the potential number of repeat offenders who will be reincarcerated, but on the types of offenders and their supervision, rehabilitation, and service needs. These data can be used to more accurately determine the number of new beds needed as well as the security level of the facility and the type of

programming space required. Over time, these data can provide a more precise analysis of the increases and decreases in the prison population.

During the past five years, budgetary shortfalls and continued growth in the number of offenders under community supervision (e.g., probation and parole) have resulted in larger caseloads, but fewer services and programs. The inequities in state expenditures for prison and community supervision staff and programs have stalled the development, operation, and effectiveness of community corrections agencies. An unintended result of a disproportionate share of the total budget being allocated to prison services is a high rate of recidivism among inmates and probationers under community supervision.

As importantly, recidivism data can be used to project the growth and future needs of the vast majority of the offender population that are in the community. Any effort to reduce recidivism must focus on those offenders living in the community who pose the most immediate risk to public safety.

Program and service planning. While there is conflicting research about the effectiveness of rehabilitation, treatment, and service programs for offenders, the research suggests programs can have a modest impact on reducing recidivism if they combine a variety of components such as education, work training, and counseling and are intensive and tailored to offender subgroups such as women, sex offenders, or the mentally ill.

The program review committee found prison and community-based programs did not reduce the rates of rearrest among the inmate and probationer samples. In fact, offenders who participated in certain programs (e.g., administrative segregation and disciplinary, mental health, alternative incarceration, and 12-step substance abuse) had a higher rate of recidivism than those who did not participate. The only programs that significantly reduced the likelihood of rearrest were the DOC prison industries program for inmates and the judicial branch's day incarceration center for probationers.

The analysis provided some indication certain groups of offenders may warrant special attention in the development of rehabilitation and service programs. For example, younger offenders, those in a minority group, offenders with serious substance abuse problems, and those with extensive criminal histories require programs tailored to their specific needs.

Despite inconclusive evidence programs are effective, the criminal justice system relies heavily on these services, especially those based in the community. The courts, correction department, and parole board continue to place thousands of offenders each day in residential and nonresidential programs.

With a limited understanding of program effectiveness, Connecticut is inefficiently spending a significant amount of money. The policy implication centers on determining the cost benefit and efficacy of rehabilitation, treatment, and service programs for offenders. The recidivism data can be used to more wisely and effectively allocate the limited resources, and better identify the appropriate offenders for each program.

The data may also be useful in developing outcome measures, benchmarks, and targets to evaluate the effects of the rehabilitative, treatment, and supervision programs on reducing

recidivism. However, as used in this study, the data alone are insufficient to conclude whether a specific program is effective in reducing recidivism. *To enable more definitive conclusion, the program review committee found the criminal justice system must conduct periodic evaluations to compare the rates of rearrest, reconviction, and reincarceration of offenders participating in programs with those of similar groups who do not participate in programs.*

In addition, the data may be used to determine the most effective sanction for dealing with misbehavior that is not necessarily criminal, but is a technical violation of probation or parole. The criminal justice system can evaluate whether the practice of reincarcerating offenders with technical violations reduces future criminal behavior, or if it is more effective to place them in alternative, less costly, community-based sanctions.

Inadequacies of offender records. Program participation data for the inmate and probationer samples are not automated. The program review committee staff conducted a review of Department of Correction, Board of Parole, and judicial branch probation case files. The committee staff found information in the files to be missing, inconsistent, often times inaccurate, and insufficient to fully identify the programs offenders had participated in and completed. The lack of data impedes the evaluation of the impact these programs have on the rate of recidivism and contributes to the difficulties in holding service providers accountable.

To provide complete and reliable information to evaluate the efficacy of prison and community-based programs and to effectively allocate limited resources, the program review committee found the criminal justice agencies need to improve their record keeping and case management practices. Agencies should be able to immediately and accurately identify offenders who have obtained GEDs, participated in a work training program, received substance abuse or mental health treatment, or who have participated in various programs that may reduce recidivism.

The program review committee acknowledges improvements in data collection have been thwarted by budget cuts and a lack of staff. It is understandable certain administrative functions such as record keeping become less of a priority as probation and parole supervision caseload requirements and the inmate population increase. The daily management of offenders obviously takes precedent.

Policymakers need to be aware the system will continue to be unable to provide certain information as long as the data systems are inadequate. Until an investment is made in developing quality information, policy and budgetary decisions will continue to be based on estimates, anecdotes, and imprecise analysis.

Probation and Parole Technical Violations

A technical violation of probation or parole is misbehavior by an offender under supervision that is not by itself a criminal offense and generally does not result in arrest (e.g., failing to report for a scheduled office visit, missing a curfew, lack of employment or attendance at school, testing positive for drug or alcohol use, or contacting a victim or co-defendant). Serious technical violations (e.g., escape or repeated failure to report, violent crime) or a pattern of misbehavior, however, while on probation or parole can result in re-imprisonment.

Some technical violators receive no sanctions and others may have their conditions modified to respond to the misbehavior, yet continue to be supervised in the community rather than sent to prison. Probation and parole officers have a range of graduated sanctions available to address technical violations from a verbal reprimand and increased reporting requirements to referrals to treatment or service programs, electronic monitoring, and re-incarceration.

Typically, research on the rate of recidivism does not track -- or measure -- technical violations of those offenders on probation or parole. This study did not include technical violations in the overall rate of recidivism, but provided this supplemental analysis of the rate of technical violations among the two cohort groups as a description of misbehavior in the community that does not rise to the level of an arrest.

Information on technical violations was collected for a randomly selected sample from each cohort group: inmates and probationers. There were 423 inmates and 1,211 probationers randomly selected. (The sampling process is described in detail in Chapter One of this report.)

Technical violation data for the inmate and probationer samples are not automated. Program review committee staff conducted a review of Board of Parole and judicial branch probation case files. The committee staff found information in the files to be missing, inconsistently recorded, often times inaccurate, and insufficient to fully identify the offenders' pattern of misbehavior. The lack of data impeded the analysis of the rate and type of technical violations among the offender samples.

Probationer sample. The offenders in the probationer cohort group were sentenced to one of several types of sentences. For the purposes of this analysis of technical violations, only those probationers on "regular" probation were included for review. This is because offenders sentenced to diversionary or alternative sanctions such as accelerated rehabilitation or community service labor program are not typically under active supervision by a probation officer and, therefore, there was no case file information available. In addition, the judicial branch was unable to locate the case files for 45 probationers in the sample. Of the 1,211 probationers randomly selected, 650 were on "regular" probation.

Of the 650 probationers, 51 percent (329) had at least one technical violation. On average, the probationers had three technical violations during the period of supervision.

The type of technical violations ranged from failing to report as scheduled, failing to report to or comply with the rules of a nonresidential treatment or service program, testing positive for drug or alcohol use, an unauthorized absence from a residential treatment or service program, violating any of the standard conditions of release such as notifying the probation officer of a current address and maintaining employment or attending school. The most common and repeatedly committed technical violation was failing to report as scheduled for an office visit with a probationer officer. Almost three-quarters of the probationer sample were cited at least once for missing a scheduled office visit.

About half of the probationer sample was cited for being rearrested for a new crime during their period of probation. In most cases, the offender remained in the community under the original sentence of probation pending the disposition of the new criminal charge. Less than 10 percent of the sample was incarcerated for a reconviction on the new charge. Most of the probationers remained on probation.

The most frequently imposed sanctions for a technical violation were a verbal or written reprimand by the probation officer (73 percent) and referral to a community-based, nonresidential treatment or service program (61 percent). Other sanctions that were imposed included increased level of supervision, a curfew, testing for drug or alcohol use, and removal of the offender from a treatment or service program.

Inmate sample. Of the 423 inmates randomly selected, 65 were released from prison on parole, but the Board of Parole was unable to locate the case files for 12 of the inmates. Information on technical violations was collected for 53 inmates.

The inmates on parole had a lower rate of technical violations than the probationer sample. Thirty-six percent of the inmates were cited for at least one technical violation while on parole. The inmates had on average two technical violations.

The most commonly cited technical violations were testing positive for drug or alcohol use, failing to report to or comply with the rules of a community-based, nonresidential treatment or service program, and being detained by the police or arrested for a new crime. The most frequently imposed sanctions increased reporting requirements, a verbal reprimand, referral to a treatment or service program, and extending the offender's participation in a program.

In general, the inmates' lower rate of technical violations can be attributed to the Board of Parole's authority to revoke parole release and return the offender to prison. The board's current practice has been to revoke parole and return the inmate to prison rather than impose a community-based sanction. Almost half of the inmates on parole were returned to prison for either a technical violation or a new arrest that occurred while under parole supervision.

Offender-based Tracking System

The offender-based tracking system (OBTS) is an automated case management system for criminal justice agencies. It is intended to allow agencies to trace an offender's movement and custody status through the criminal justice process from arrest to parole. The OBTS will also maintain criminal history records for each offender.

Development of the system. The state's effort to merge criminal justice system databases began during the 1980s. A study group of criminal justice administrators and information management professionals concluded the technology was not available at that time to build a global system and executive and judicial branch criminal justice agencies had not sufficiently developed their internal systems to allow for a successful and comprehensive merger of data. However, by the mid-1990s, technological advancements and improvements in the state agencies' databases made the project feasible.

The criminal justice agencies, the Office of Policy and Management (OPM), and a contracted information systems consultant developed a plan to create the OBTS. The "supra-system" is designed to store criminal history data and offender information including arrest, court disposition, and sentencing data and allow for immediate access by authorized users. It will link the 15 automated database systems currently maintained by eight state criminal justice agencies into one central repository. The Division of State Police will be the "keepers" of the repository.

The following is a summary of the development of the offender-based tracking system.

- 1996: judicial branch court operations data merged into the criminal history databased maintained by the state police's Bureau of Identification.
- 1997: an \$8 million contract awarded to an information systems consultant (Maximus) to oversee project management and integration of existing database systems.
- 1998: a working groups of criminal justice agencies staff and the consultant was convened to identify the data to be collected in the OBTS and the points in the process that generate information (e.g., an arrest, a verdict).
- 1999: OPM requested bids from contractors to build the OBTS. The \$10 million contract was subsequently awarded to Sierra in September, 2001. Also, in 1999, the legislature established the OBTS governing board (Public Act 99-14).
- 2001: Sierra working on transfer of information between agencies, building hardware for the automated system, and developing the program to process data.

On-line status. The initial operating system is expected to be on-line by September 2002. At that point, only the state police, criminal court, and correction department will have access to the OBTS.

By September 2003, the consultant is required to have installed all the necessary enhancements to allow access to the system by all criminal justice agencies and authorized users such as the public defenders. All 15 databases will be linked to the central repository and data sharing will begin.

OPM reported the system is designed to produce agencies' management reports based on the data. It will also allow for eventual access to aggregate criminal history data for statistical analysis purposes.

Appendix C

Criminal Justice System Expenditures

The state's criminal justice system is comprised of several executive and judicial branch agencies, including the state police, courts, state's attorneys, public defenders, adult probation, correction department, parole board, and victim services. Table C-1 shows the total state appropriation for the criminal justice system to arrest, prosecute and defend, adjudicate, incarcerate, and supervise pre-trial and convicted offenders. In fiscal year 2000, the total expenditures for the state's criminal justice represented about 10 percent of the total state budget.

Municipal police departments perform the bulk of law enforcement duties and make the majority of felony and misdemeanor arrests in Connecticut. These agencies, however, are not funded through the state budget process and were not included in this analysis.

In addition, there are other state agencies that are not part of the traditional criminal justice system, but provide services to the criminal offender population such as the Departments of Mental Health and Addiction Services and Social Services. However, their budgets were not included in this analysis because it was difficult to identify how much was spent specifically on offenders.

As shown, since FY 97, the DOC budget has accounted for more than half of the total appropriation for the state's criminal justice system. The department's budget has increased each year, except for FY 98.

Table C-1. Criminal Justice System Agencies Budgets

	<i>FY97</i>	<i>FY98</i>	<i>FY99</i>	<i>FY00</i>	<i>FY01*</i>
Judicial Branch	\$197,379,100	\$210,743,108	\$242,529,422	\$279,989,288	\$306,948,031
Department of Correction	401,163,537	391,970,720	414,776,321	470,744,987	499,712,416
Board of Parole	6,435,906	6,011,195	6,848,582	7,911,423	9,281,283
Division of State Police	25,192,860	29,569,492	62,262,569	88,125,334	97,232,589
Division of Criminal Justice	26,604,499	28,754,012	30,842,777	35,615,802	37,297,565
Division of Public Defender	19,706,796	21,597,083	23,513,788	29,330,139	31,002,677
Victim Advocate's Office	0	0	3,195	108,339	206,179
TOTAL	676,482,698	679,235,610	782,776,654	911,825,312	981,680,740

The judicial branch budget includes only the criminal court operations and court support services, which oversees adult probation, alternative sanctions, and bail services. Civil and family court operations and other administrative functions were not included.

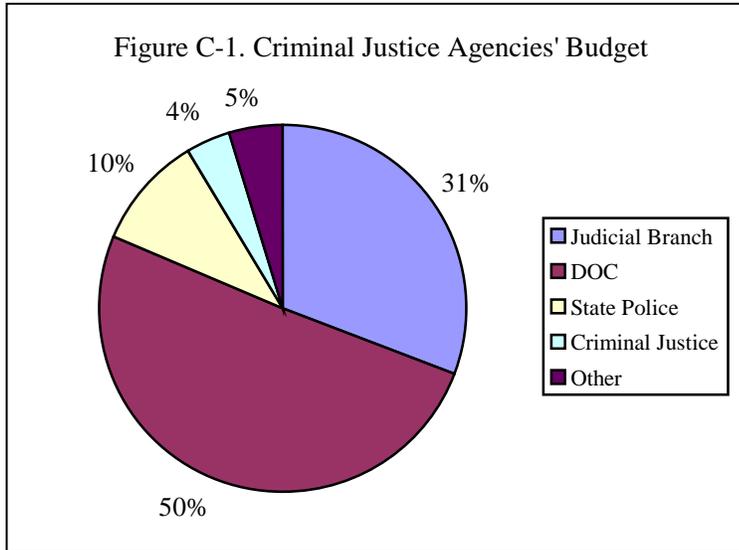
The Division of Criminal Justice, which includes the chief state's attorney, oversees the state's attorneys.

The Division of Public Defender is not defined in statute as a criminal justice agency, but was included in this analysis.

*FY01 is an estimate

Source of data: Comptroller's Reported Expenditure

Figure C-1. shows the percentage of the total criminal justice budget that each agency received in fiscal year 2000. The Department of Correction accounts for half of the almost \$912 million expenditure. The judicial branch received 31 percent of the total budget, the state police 10 percent. The state's attorneys, the Board of Parole, and the Division of the Public Defender combined received nine percent of the total criminal justice budget.



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