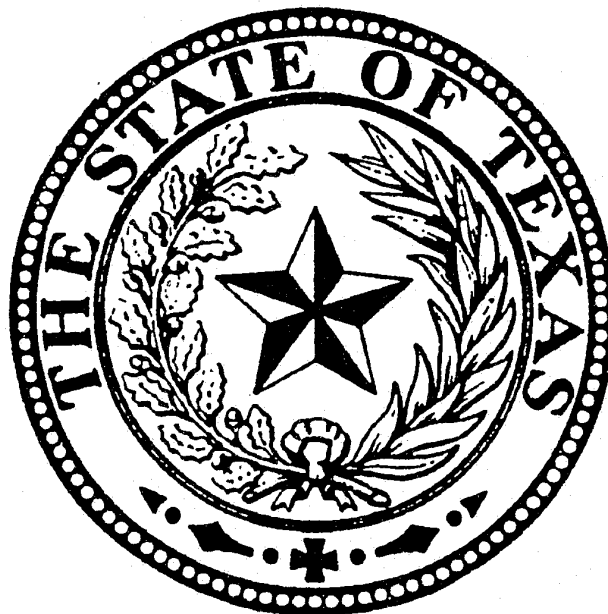




Recidivism in the Texas Criminal Justice System

Sentencing Dynamics Study

Report 5



May 29, 1992

Criminal Justice Policy Council
P.O. Box 13332
Austin, Texas 78711
(512) 463-1810

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Note From the Director

This is the fifth report of a series specifically designed to help the Texas Punishment Standards Commission in their policy development. The Commission requested that the Criminal Justice Policy Council provide an overview of the impact of recidivism on the Texas criminal justice system. Data from the Texas Department of Criminal Justice (Pardons and Parole Division/Community Justice Assistance Division), and the Criminal Justice Policy Council are used to analyze this impact.

The recycling of offenders in the criminal justice system is fueling the prison population growth in Texas. The number of probation and parole revocations to prison has increased by 43% between 1988 and 1991. Moreover, almost half of all probation revocations to prison and over 80% of parole revocations to prison are the result of a conviction for a new offense. The end result is that up to 75% of prison admissions are probation or parole failures.

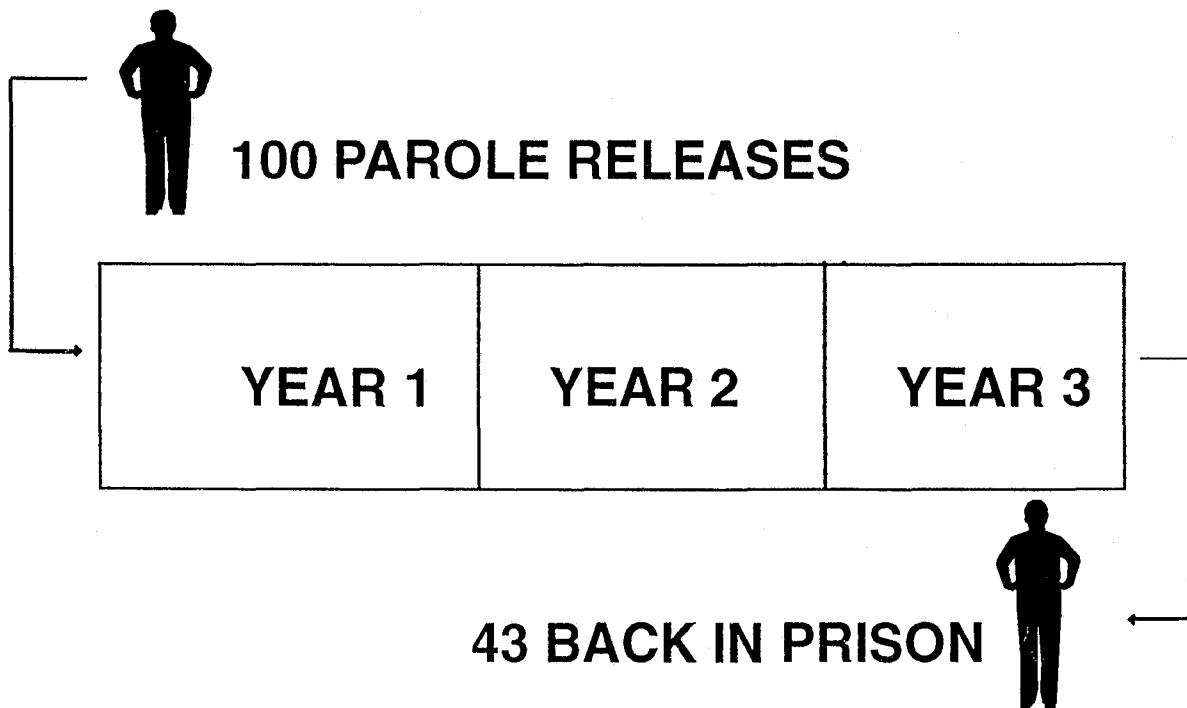
The recycling of offenders fueling the prison population growth can be best illustrated by the fact that 4 out of 10 offenders released from prison will be reincarcerated after three years. The combination of revolving door policies, early releases, and short-term measures has created an environment that frustrates deterrence and rehabilitation. Limited educational and economic opportunities further hinders the rehabilitation potential of offenders in the community.

In spite of the negative trends concerning recidivism, recent research in Texas is supportive of the impact of well planned and implemented correctional programs in reducing recidivism. The Project RIO employment program, Recovery Dynamics pilot substance abuse program, 3R education program and a few other criminal justice initiatives have demonstrated the ability of some programs to reduce recidivism of targeted offenders. An opportunity exists to reduce recidivism and address our prison overcrowding problems in a cost-effective way. This can be accomplished by effectively and appropriately matching treatment needs with sanctions, by developing effective inter-agency efforts bridging the criminal justice system and the service delivery systems, and by an interactive process that facilitates, redirects, and evaluates criminal justice initiatives.

Tony Fabelo, Ph.D.
Executive Director

The Recycling of Offenders: Recidivism Defined

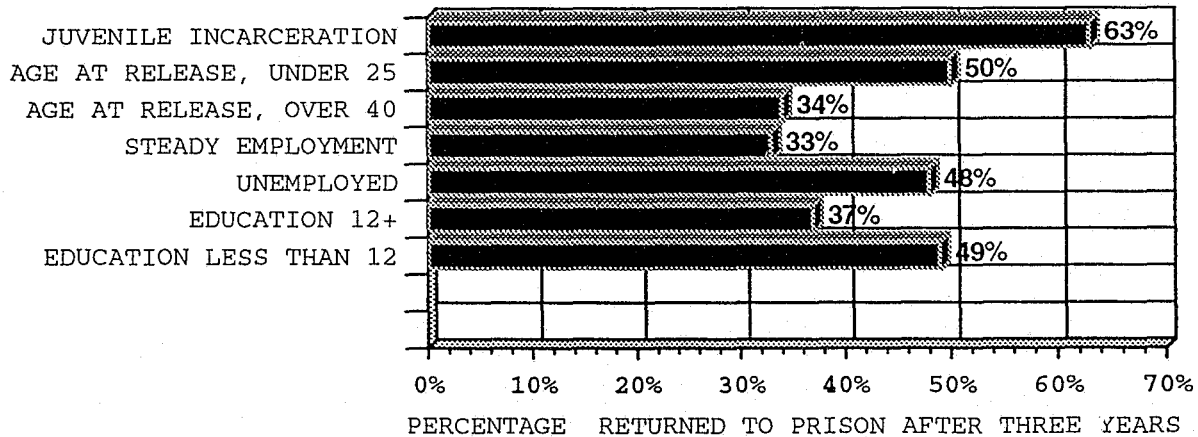
- Recidivism is defined as the reoccurrence of criminal behavior, however rates measuring recidivism may be calculated in a variety of ways
 - The 71st Legislature required the Criminal Justice Policy Council to develop uniform definitions and measures of recidivism to be used by state agencies
 - The definition developed by the Council defines the recidivism rate as the proportion of all offenders placed under supervision who were reincarcerated within a specified follow-up period
- The reincarceration recidivism rate after three years for offenders released from Texas prisons is approximately 43%
- The reincarceration recidivism rate after three years for offenders placed on Intensive Supervision Probation is almost as high as for parolees, 42.8%



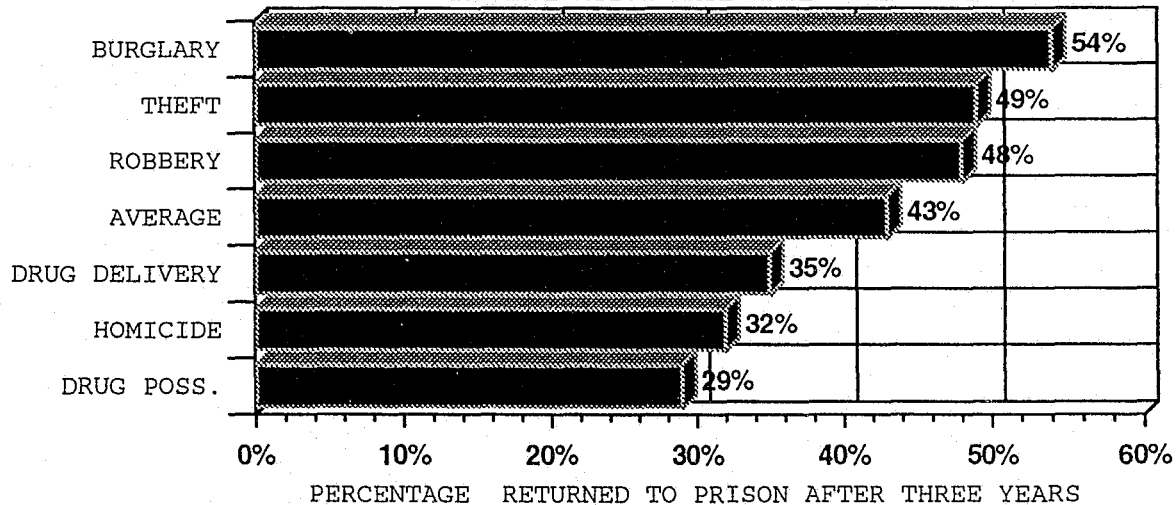
Factors Associated with Recidivism

- Research has established that a number of factors are associated with recidivism
 - Older offenders, offenders with a high school education and offenders who are steadily employed have lower recidivism rates
 - Offenders with a juvenile criminal history as well as those with untreated substance abuse problems have higher recidivism rates
 - The offense committed by the offender is also associated with recidivism, with property offenders recycling at a higher rate

SOCIO-DEMOGRAPHIC FACTORS ASSOCIATED WITH
RECIDIVISM REINCARCERATION RATE AFTER THREE
YEARS

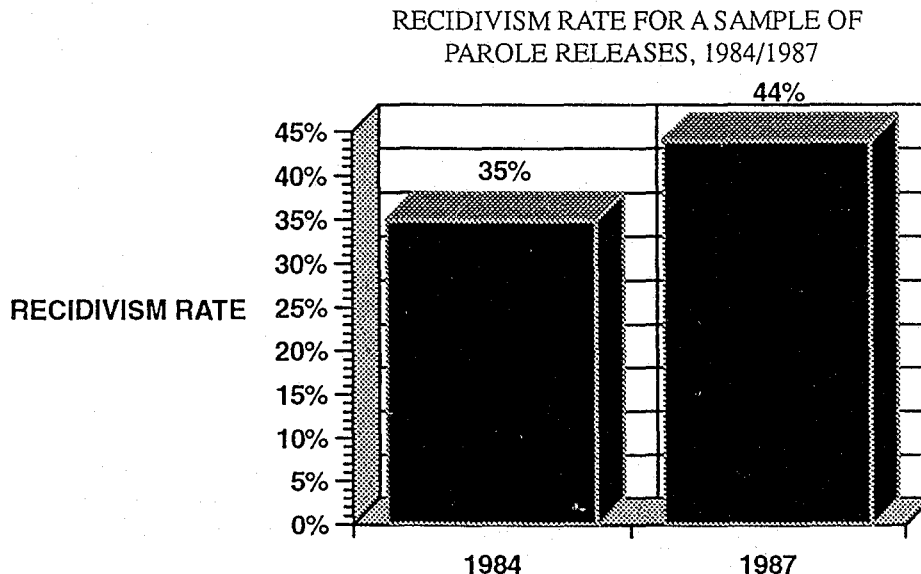


OFFENSE RELATED FACTORS ASSOCIATED WITH RECIDIVISM
REINCARCERATION RATE AFTER THREE YEARS



The Recidivism Rate Has Increased in Texas

- A study conducted by the University of Texas examined the recidivism rate of samples of parole releases in 1984, 1985, 1986, and 1987 and concluded that recidivism rates of Texas parolees had increased over time
 - The reincarceration rate after three years for those paroled in 1984 was 35% compared to 44% for those paroled in 1987
- A number of factors are attributed by the researchers as contributing to this increase
 - Changes in the composition of parole releases, releasing more property offenders who have a high risk of recidivism
 - Early releases due to prison overcrowding contributed to "revolving door revocations"
 - Possible reduction in deterrence due to overcrowding

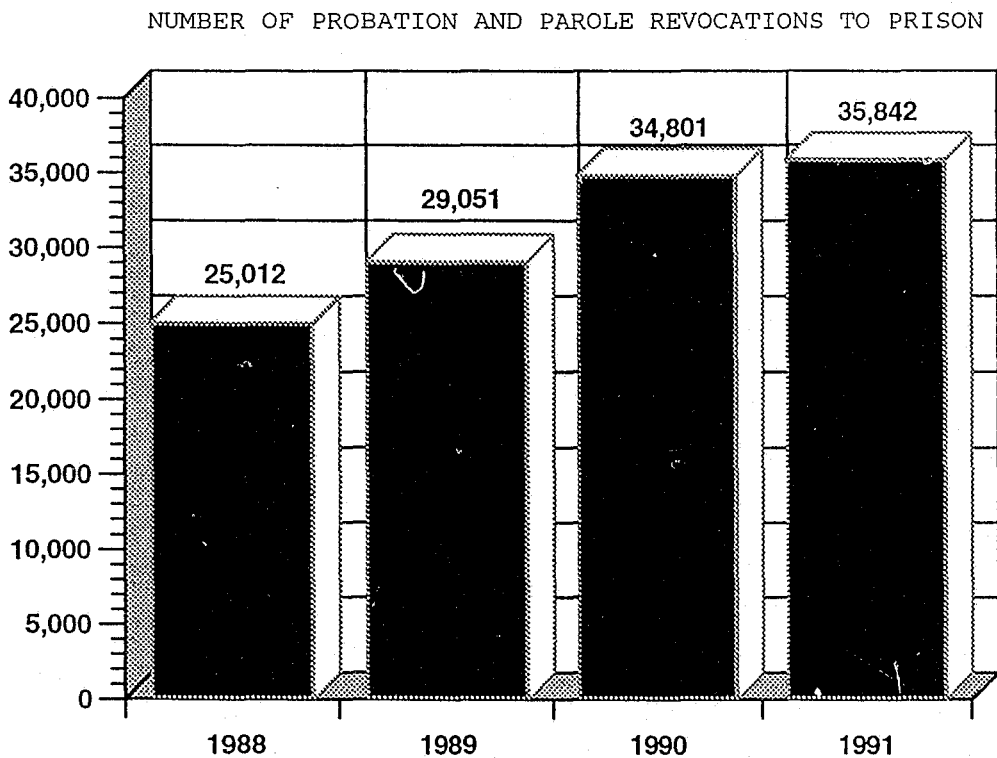


Recidivism and Social Issues

- In addition to factors cited by the University of Texas study, a number of other factors may be associated with increased recidivism
 - The recession in Texas in the late 1980's has limited the economic opportunities available to populations that have high-risk potential for involvement in crime
 - The recession that affected Texas in the 1980's was particularly devastating to the oil and construction industries, a primary source of employment for low-skilled, under-educated laborers, typical of job sources for felony offenders
 - The change in the Texas economy to more high tech jobs may make this transition permanent
 - Declining social conditions, particularly in the inner cities, have also affected the socioeconomic opportunities and living environment of poor people, particularly minorities
 - The drug epidemic of the 1980's also contributed significantly to the recidivism rate
 - The criminal justice system and treatment providers had insufficient resources to deal with the drug problems associated with this epidemic
 - There were 37 drug counselors in the prison system in 1987 for 30,000 inmates
 - The lack of prison space causing early releases negated the ability of offenders to complete educational, vocational, and drug programs that could reduce their recidivism

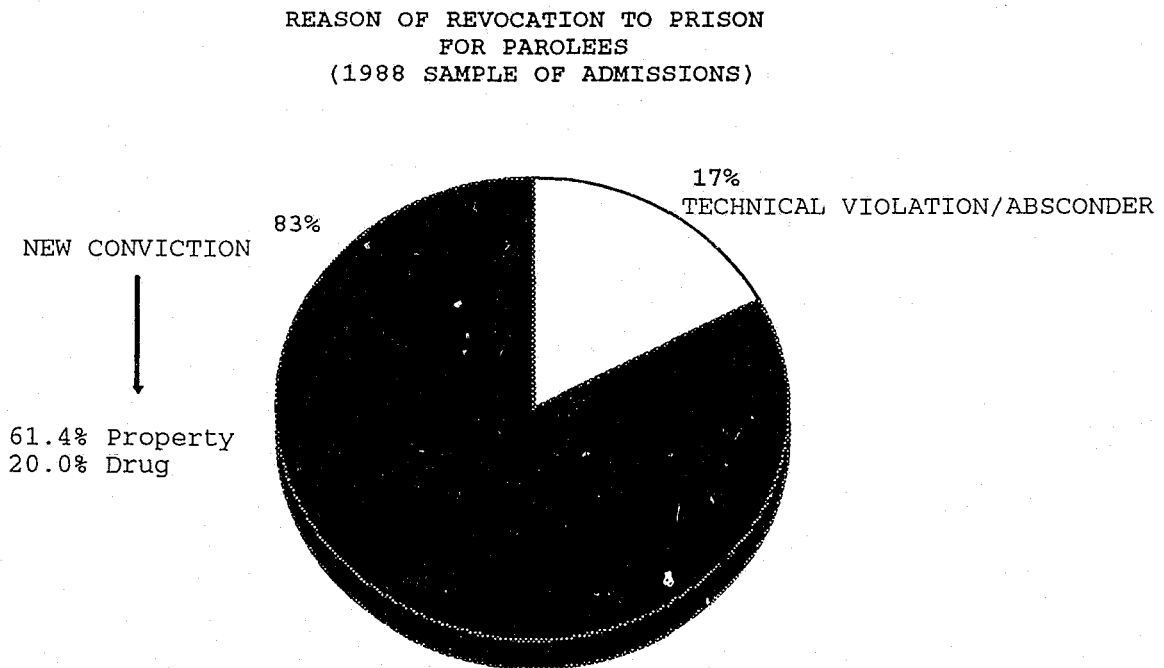
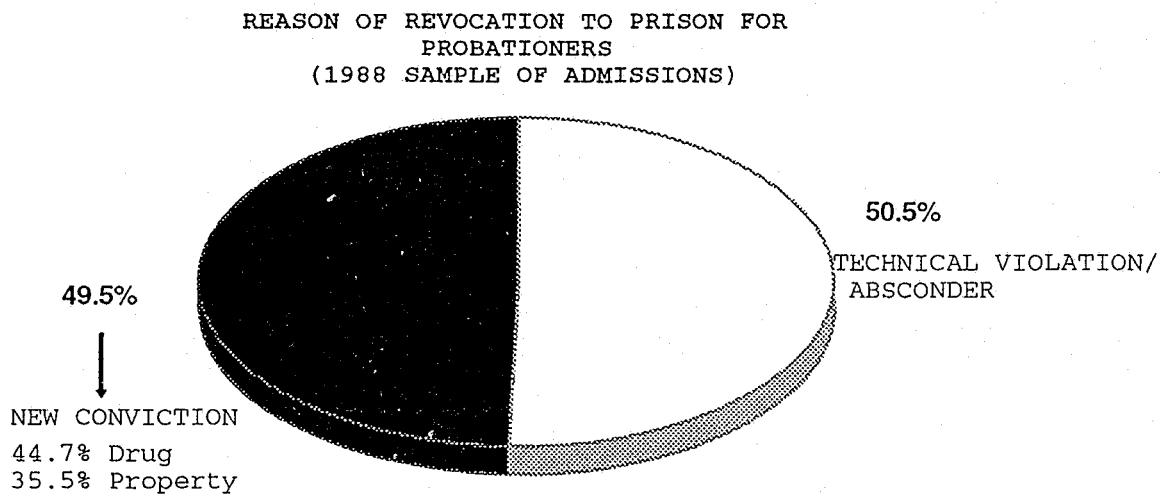
The Recycling of Offenders Fuels Prison Growth

- As more offenders are placed on probation or parole, and recidivism rates are not reduced, more offenders sentenced to prison are offenders that have had their probation or parole revoked
- The percentage of offenders sentenced to prison that were on probation or parole at the time of their sentence ranges from a low of 65% to a high of 75%
- There has been a 43.2% increase in the number of probation and parole revocations to prison between 1988 and 1991



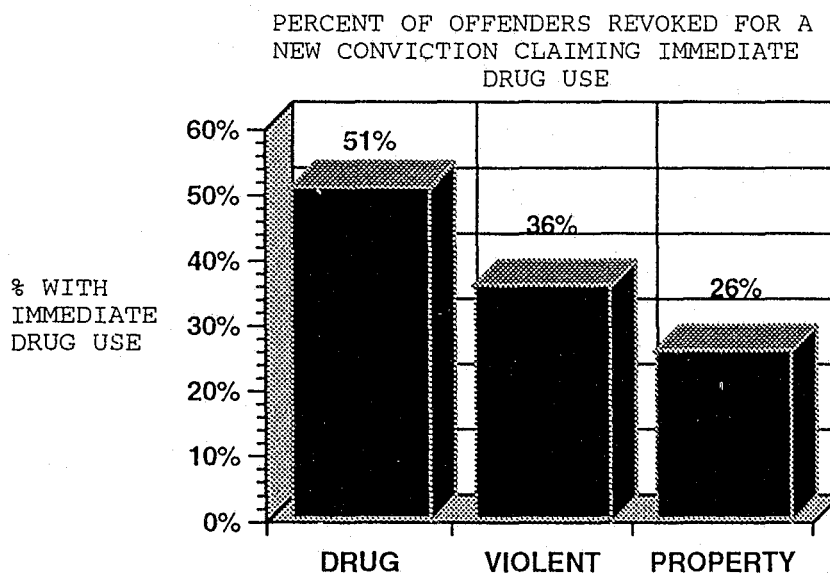
Conviction for New Crimes Most Likely Reason for Revocation

- Almost half of all probation revocations to prison and over 80% of parole revocations to prison are the result of a conviction for a new offense
- For both probationers and parolees the most likely offense of the new conviction is a property crime or a drug crime



Revocation and Drug Use

- Drug use is more prevalent in the prison population than in the general population
 - Approximately 47% of the offenders admitted to prison reported current drug use of one or more drugs compared to 5.8% of the general population
 - Current use is defined as the use of drugs within one month of the offender's arrest
 - 29% of offenders admitted to prison reported immediate drug use (within 24 hours of crime)
- The "need" for drugs may be a factor in some crimes
 - 21% of the non-drug offenders who were revoked for a new conviction reported that the "need" for drugs was a factor in their crime
 - 46% of the drug offenders who were revoked for a new conviction reported that the "need" for drugs was a factor in their crime
- Immediate drug use (within 24 hours of the crime) may be a factor in revocation for certain new convictions
 - 51% of the drug offenders revoked for a new conviction had used drugs within 24 hours of the crime
 - 36% of the violent offenders revoked for a new conviction had used drugs within 24 hours of the crime
 - 26% of the property offenders revoked for a new conviction had used drugs within 24 hours of the crime

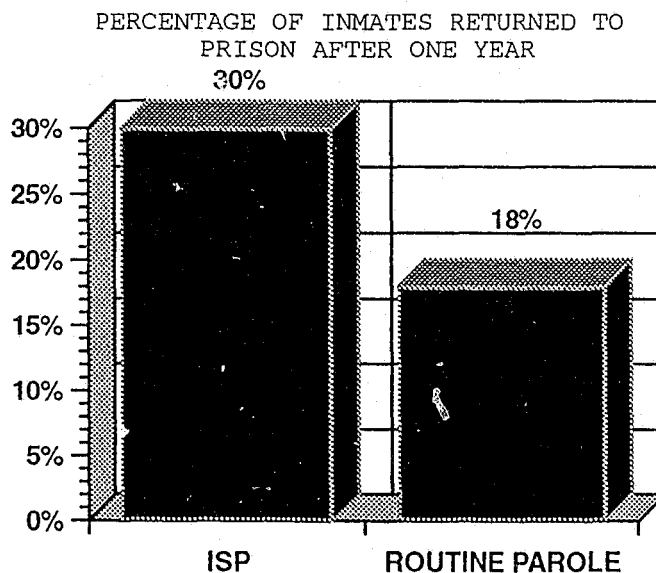


Revocation and Repeat Offenders

- In general, offenders who are arrested while on parole or probation commit crimes similar to their original offense
 - A recent nationwide study conducted by the Bureau of Justice Statistics showed that parolees are often re-arrested for the same type of crime for which they served time in prison
 - In Texas, the relative likelihood of incarceration for a similar type of crime for probation and parole failures is highest for DWI, drug, and property offenders, and lowest for violent offenders
 - 83.3% of the revocations for a new offense whose original offense was DWI were revoked for a new DWI
 - DWI offenders revoked for a new offense are over 100 times more likely to be incarcerated for a new DWI than are other revoked offenders
 - 60.4% of the revocations for a new offense whose original offense was a drug offense were revoked for a new drug offense
 - Drug offenders revoked for a new offense are over 8 times more likely to be incarcerated for a new drug crime than other revoked offenders
 - 68% of the revocations for a new offense whose original offense was a property offense were revoked for a new property offense
 - Property offenders revoked for a new offense are 3 times more likely to be incarcerated for a new property crime than are other revoked offenders
 - 13.5% of the revocations for a new offense whose original offense was a violent crime were revoked for a new violent crime
 - Violent offenders revoked for a new crime are 1.2 times more likely to be incarcerated for a new violent crime than are other revoked offenders

Intensive Supervision and Recidivism

- Increasing surveillance of probationers or parolees through intensive supervision programs, does not reduce recidivism
- A RAND Corporation study of Intensive Supervision Parole in Texas found that at the end of 1 year that 30% of all ISP participants were back in prison compared to 18% of a control group with similar characteristics who remained on routine parole
 - Rather than act as a diversionary intermediate sanction as originally designed, program goals changed when closer surveillance resulted in increased detection of violations and recognition of the necessity to return offenders to prison to protect public safety
- These findings are not unique to Texas
 - RAND evaluated 14 ISP sites across the country and uniformly found that increased surveillance, in and of itself, does not reduce recidivism
 - RAND did find that intensive supervision and enhanced treatment programs were effective in reducing recidivism when properly implemented
- ISP programs should not be expected to reduce recidivism or act as diversionary programs when only additional surveillance is implemented
- Treatment interventions, properly targeted with ISP programs, are effective in reducing recidivism and act in a role as an intermediate sanction



Recidivism and Correctional Programs

- Programs directed at improving the personal or socioeconomic conditions of offenders under supervision can have a long-term positive impact in reducing crime
 - Some examples of programs that have been researched in Texas and are known to have an impact in reducing recidivism are listed below
 - Recovery Dynamics
 - A pilot project known as Recovery Dynamics provided an intensive 28 day substance abuse treatment program in prison prior to release on parole and enhanced post-release substance abuse counseling and treatment services while on parole
 - After one year, the reincarceration recidivism rate of parolees who received substance abuse treatment in prison with community follow-up is 5%, compared to 22% for a comparable sample who received no institutional or post release substance abuse services
 - Re-integration of Offenders (RIO)
 - Project RIO is a joint employment project between the Texas Employment Commission and the Texas Department of Criminal Justice, Pardons and Paroles Division
 - The RIO project provides job preparation and job placement services for parolees
 - After one year, the failure rate for parolees who participated in the employment services is 16% compared to 22% for those not participating

Correctional Programs (cont)

- Reading to Reduce Recidivism (3R)
 - The 3R program was a computer assisted instructional program designed to provide education and transitional success to inmates and parolees
 - The 3R program began in 1989 and ended in August 1991, serving a total of 281 offenders
 - Evaluation of the effect of 3R on recidivism is in the preliminary stage, however initial results show that:
 - 5% of the offenders who participated in the program in prison and on parole had returned to prison or jail after a median time of 14 months on parole, compared to 45% of those who participated in prison only
 - None of the field participants who completed the program and received a GED returned to prison compared to 9% of a comparable group of parolees and 19% of the field participants who were dropped from the program

Main Challenges in Implementing Programs Directed at Reducing Recidivism

- Community programs directed at reducing recidivism usually involve the participation of several agencies providing employment, substance abuse and education services
- Because of the complexities involved in implementing multi-agency programs in the criminal justice system it is essential to face three main challenges of implementation from the program design stage
 - Treatment and Sentencing/Placement Matching Process
 - Multi-agency Coordination Mechanisms
 - Action Process Research and Outcome Evaluation
- Treatment and Sentencing/Placement Matching Process
 - A methodology must be established to identify the most appropriate treatment and sentence/placement match required for effective placement of the offender in the most appropriate program
 - Continuity in the treatment methodology between institutional care and community care is essential in assuring a successful match between treatment and sentence/ placement
 - For front-end diversion programs the assessment methodology should be integrated in the sentencing process for prosecutors, defense lawyers and judges to have the ability to identify potential candidates
 - The information should be available for plea bargain decision-making if placements of offenders is to be maximized
 - The information should also be available when modifications of a probation sentence are to take place
 - Ideally, the assessment methodology should be standardized
 - The goal is to minimize the duplication of reporting and assessment requirements when dealing with offenders with multiple programmatic needs

Challenges to be Met (cont.)

- Multi-Agency Coordination Mechanisms
 - Policy issues, procedures, and communications across several agencies must be addressed for a comprehensive program to be effectively implemented
 - A cohesive planning structure is essential to address issues such as those listed below
 - Determine program objectives
 - Determine overall structure of the program given multiple populations and multiple intervention points
 - Determine logistical issues covering the design, building, and contracting of the facilities and services
 - Determine uniform assessment, release decision and aftercare criteria
 - Determine treatment progress assessment and reporting requirements
 - Determine accommodation among different agendas
 - Reduce jail backlog
 - Corrections management
 - Offender treatment
 - Private vendor relations and interests
 - Determine process issues and relationships with local criminal justice actors
 - Prosecutors
 - Judiciary
 - Defense Lawyers
 - Probation System
 - Determine clear lines of accountability among agencies and within agencies

Challenges to be Met (cont.)

- Action process research and outcome evaluation
 - The complex inter-agency relations and substantive issues faced in the implementation of these types of programs require comprehensive process planning and evaluation for effective implementation
 - Action research identifies the need to modify or refine the process that is in place to target offenders for the program
 - Long-term research determines if the program is effective in reducing recidivism

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