

Recidivism: A Slippery Problem

We have seen a recent spate of attention to recidivism, or crimes committed by formerly incarcerated people (more on this definition momentarily). Attorney General Eric Holder went so far as to tell the American Bar Association in 2009, “Most crimes in America are committed by people who have committed crimes before.”⁴⁵⁸ But a closer look yields a different story. “Reducing the recidivism rate now dominates all discussions of...

penal policy... It has displaced broader public safety goals and more encompassing visions of how to improve the quality of life in the neighborhoods and communities that have borne the brunt of the carceral state.”⁴⁵⁹

Recidivism is “a notoriously slippery concept that is difficult to operationalize and reliably measure.”⁴⁶⁰ It can be used to mean re-arrest, reconvict, or return to prison, often creating

cases of comparing apples and oranges. Thus, for instance, many people toss around the figure “two-thirds of returning citizens recidivate within three years,” but that only says how many were arrested, not what the outcome of their arrest. It encompasses both the released murderer who kills again and the released marijuana user who is picked up for a burglary, held overnight, and then released because they had the wrong guy.

The statistics on recidivism can be especially confusing because so many people who return to prison do so for parole violations, and not for committing another crime. Parole laws can be complex and often self-defeating. For instance, holding down a job is often a requirement of parole⁴⁶¹, but we know (and detail on p. 82) the obstacles standing between returning citizens and employment. A person

who misses a meeting with his or her parole officer—whether out of negligence, depression, lack of understanding of the rules, lack of access to transportation, or another reason—may return to prison.

The focus—what one researcher calls an “obsession”—on recidivism echoes inside prisons: “...Programs that improve the quality of life for offenders while they are in prison and once they are released have lost political

standing... For example, the report on the first national justice reinvestment summit... declare[d], ‘If a program doesn’t reduce recidivism, agencies are wasting their investments in these efforts.’”⁴⁶² It also narrows the way policymakers interpret the world, in troubling ways. For example, a 2015 government report study⁴⁶³ includes the following:

Encouraging *Teshuvah*

There were hooligans in Rabbi Meir’s neighborhood who harassed him greatly, and Rabbi Meir would pray for their death.

His wife, Beruriah, said to him: What are you thinking? The verse says, “May sins disappear” (Psalm 104:35)—does it say “sinners”?! It says “sins”! Go to the end of the verse—“and the wicked be no more.” If sins disappear, will the wicked be no more? Rather, pray that they do teshuvah—and they will no longer be wicked.

He prayed for them and they did *teshuvah*.

458 <http://www.justice.gov/opa/speech/attorney-general-eric-holder-2009-aba-convention>

459 Gottschalk, p. 101

460 2010, qtd in Gottschalk p. 102

461 Gottschalk, p. 84

462 P. 107

463 The BJS report described below.

Compared with the average American, ex-offenders are less educated, less likely to be gainfully employed, and more likely to have a history of mental illness or substance abuse—all of which have been shown to be risk factors for recidivism.⁴⁶⁴

While accurate, this observation misses the point that these are all risk factors for a difficult life deserving of public services and compassion, not just a laser-like focus on recidivism.

What's the takeaway?

We do need to acknowledge and address recidivism. Some people certainly spend their lives cycling in and out of prisons and jails. But the size of this group is much smaller than media hyperbole would have us believe. Solving the problems of those who cycle in and out of prison requires a much larger lens than incarceration alone. We also need to look at mental health care, employment, and housing.

Facts and Figures

1. Periodically, the BJS releases a report that tracks the recidivism of people released from prison in a given year for the next five years. The most recent such report covers people released in 2005.⁴⁶⁵ It indicates:

464 <https://fas.org/sgp/crs/misc/RL34287.pdf>

465 <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf> p. 9

466 Percentages won't sum to 100% because people may be arrested for more than one charge at a time. Overall, however, the data show that "recidivists" are a heterogeneous group and not necessarily dangerous.

467 <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf> p. 15

468 http://articles.philly.com/2009-01-28/news/25279407_1_parole-system-high-risk-offenders-john-s-goldkamp

469 Rosenfeld, Richard, Joel Wallman, and Robert Fornango. (2005). The contribution of ex-prisoners to crime rates. In Jeremy Travis and Christy Visher (Eds.), *Prisoner reentry and crime in America* (pp. 80-104). New York: Cambridge University Press. P. 88. Qtd in Gottschalk p. 105.

470 <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf> p. 15

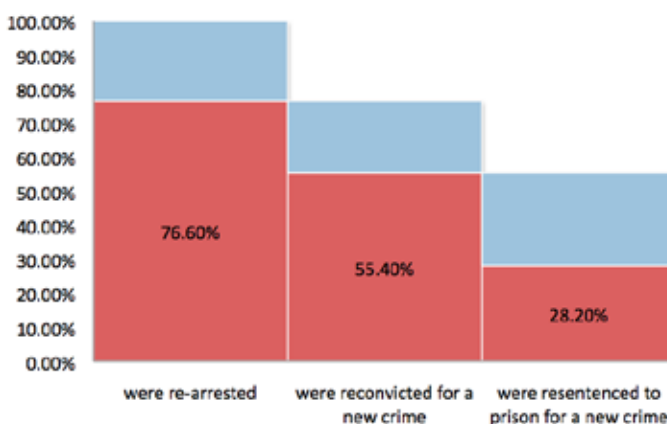
- Arrest rates

- 76.6% were re-arrested
- 28.6% were re-arrested for a violent crime, of which murder comprised 0.9% and rape or sexual assault 1.7%
- 38.8% were re-arrested for a drug crime, of which possession accounted for 26.8%
- 58%⁴⁶⁶ were arrested for a public-order violation, which includes parole or probation violations.

- Conviction and reincarceration⁴⁶⁷

- 55.4% were convicted of a new crime — which means nearly 45% were cleared of the new charges
- 28.2% were given a new prison term (as opposed to a jail term) — which suggests that approximately half of those convicted served a light sentence or no new sentence at all

Selected Outcomes of Recidivism of People Released from Prison in 2005⁴⁷⁰



2. In Pennsylvania, 96% of the people released on parole between 2005-2007 were not convicted of a new crime while under supervision. Of the 4% who were convicted of a new offense, less than 0.4% were convicted of a new violent offense.⁴⁶⁸

3. One team of researchers concludes that the share of crime committed by returning citizens is “nontrivial but small.”⁴⁶⁹