

# Recidivism: 2001 - 2003



## The West Virginia Division of Corrections

*Office of Research and Planning*

An important statistic in the criminal justice world is the Recidivism Rate. The Recidivism Rate refers to the percentage of offenders who, upon release, return to the custody of the Division of Corrections within a measured amount of time.

Recently, the West Virginia Division of Corrections (WVDOC) Office of Research and Planning reviewed the records of all inmates released between 2001 and 2003. Recidivists were identified as an offender who is:

A) Convicted of a new felony offense and returns into the legal custody of the DOC within three years of their release on completion of the sentence, or

B) Convicted of a new felony offense and returns into the legal custody of the DOC within three years of their release after having been court ordered released from the DOC, or

C) Convicted of a new felony offense and returns into the legal custody of the DOC within three years of their release to parole, or after having been discharged from parole, or

D) Returned to the legal custody of the WVDOC due to a Technical Parole Violation.

### Data Collection Methodology

In order to calculate the recidivism rate a list of all inmates who

### Significant Findings

- The Recidivism Rate of offenders released has risen from 19.6% in 2001, to 26.4% in 2003; a 6.8% increase.
- Parole Revocations were largely responsible for the increase in the Recidivism Rate. Recent investigations have shown that 40% of Technical Parole Violators have a pending new felony or misdemeanor charge, while 30% have a new victim.
- Sex Offenders, commonly thought to have high recidivism rates, actually had the third lowest rate (9.5%) among all crime categories.

were released from the custody of the WVDOC from the year 2001, through 2003, was generated. Each of the 4,475 releases that occurred during this time frame was manually examined, with each offender's movement checked using the Inmate Management Information System (IMIS).

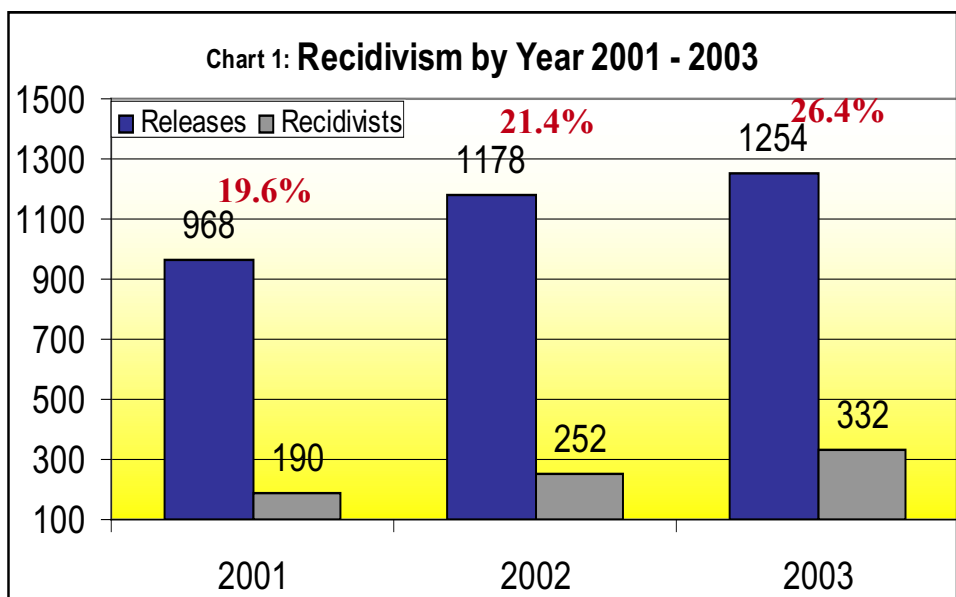
A second list of all inmates committed to the custody of the WVDOC during the years 2001 through 2006 was then created and matched with the release list. When an offender had a release and subsequent recommitment, IMIS was again utilized to verify that the two matched. Offenders who had a commitment within three years of release were then identified as recidivists. Offenders were identified by their most serious

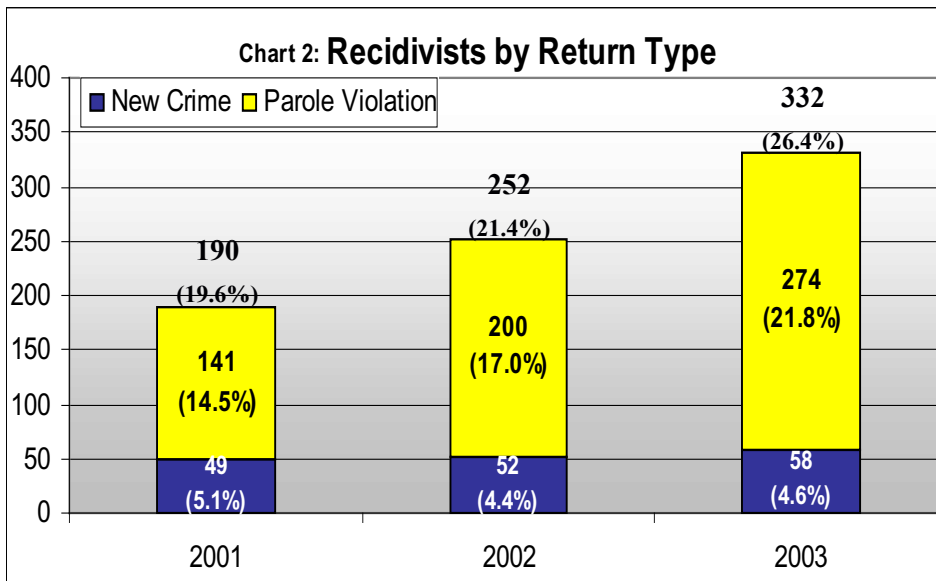
crime; less serious crimes were not included in this study.

The following formula was then used to calculate the recidivism rate for released inmates:  $(\text{Recidivists} / \text{Total Released}) \times 100 = \text{Percentage Rate}$ .

### Recidivism Rate

During the three years studied, the recidivism rate in West Virginia rose steadily. As shown in Chart 1, of the 968 offenders released in 2001, a total of 190 returned, for a recidivism rate of 19.6%. In 2002, out of 1,178 releases, 252 offenders returned for a recidivism rate of 21.4%. And, in 2003, of the 1,254 releases, 332 offenders returned for a recidivism rate of 26.4%. Mean-

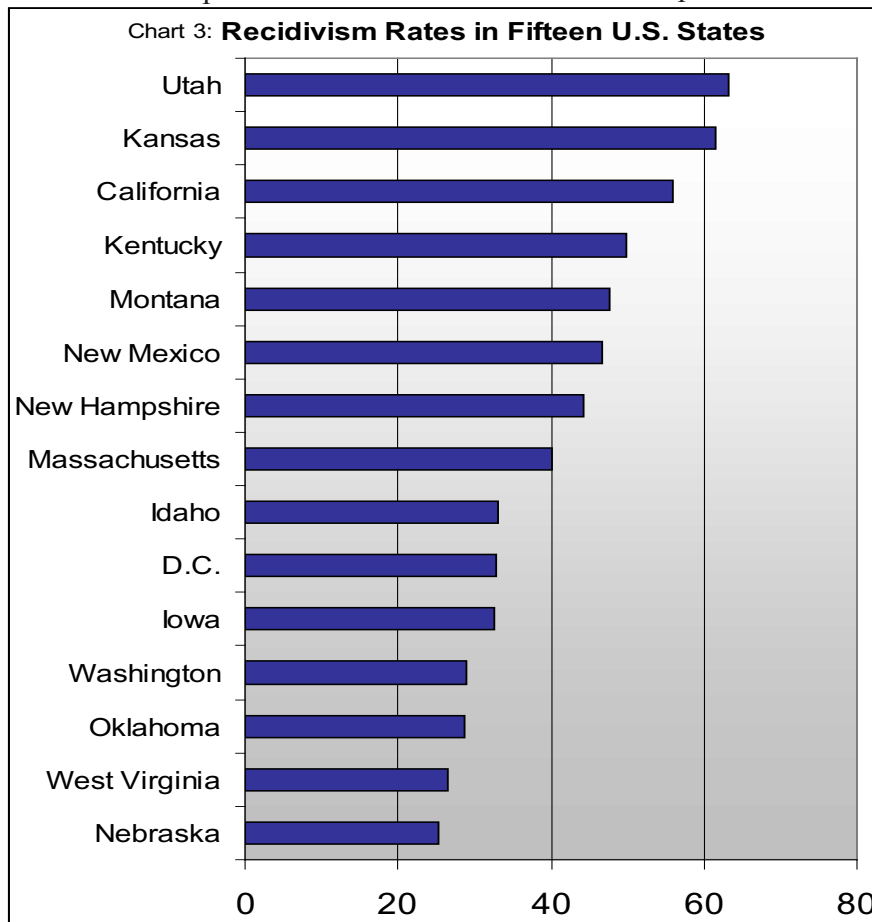




ing, that an average of one-in-four inmates released in 2003 returned to the custody of the WVD0C within three years of their release.

Of the 190 recidivists returned from the 2001 release cohort, 49 (25.7%) returned with a new felony conviction and 141 (74.3%) returned due to a technical parole violation. Of

the 968 releases in 2002, there were 252 recidivists, 52 (20.6%) returned due to a new felony offense while 200 (79.4%) returned as a result of a technical parole violation. And of the 1254 releases in 2003, there were 332 recidivists, 58 (17.4%) returned with a new felony conviction and 274 (82.6%) returned as a result of a technical parole violation.



Each year of the study the rate of those returned due to a new crime remains steady, while the rate of recidivists returned as a result of a technical parole violation increases.

Technical Parole Violators are returned to the legal custody of the WVD0C after an average of six to seven violations. Common technical rule violations include the possession/use of drugs, violations for not maintaining safe behavior, and for leaving their area of supervision.

Many are revoked for technical violations with charges pending for a new felony offense or misdemeanor. According to recent tracking, approximately 40% of technical parole violators are awaiting such charges, and 30% had new victims.

Among states with recent recidivism data, West Virginia has the second lowest recidivism rate during cohort year 2003, when compared to the fifteen states who have defined recidivism similarly (Appendix A).

Table 1: Recidivism Rates in Fifteen U.S. States

Data Source*	State	Recidivism Rate	Cohort Year
1	Nebraska	25.4%	2003
3	West Virginia	26.4%	2003
3	Oklahoma	28.7%	2004
3	Washington	28.9%	2000
3	Iowa	32.6%	2000
3	District of Columbia	32.8%	2003
3	Idaho	33.0%	2003
3	Massachusetts	40.0%	2002
2	New Hampshire	44.3%	2001
3	New Mexico	46.7%	2003
3	Montana	47.7%	2003
3	Kentucky	49.8%	2003
3	California	56.0%	2003
3	Kansas	61.4%	2003
3	Utah	63.3%	2003
<b>Average of 15 States Included:</b>		<b>40.8%</b>	

\*See Appendix A

Release Type	2001		2002		2003	
	Released	Recidivist	Released	Recidivist	Released	Recidivist
Court Ordered Release	79	10 (12.7%)	76	10 (13.1%)	88	23 (26.1%)
Discharged	417	41 (9.8%)	452	46 (10.2%)	444	42 (9.5%)
Released to Parole	472	139(29.4%)	650	196(30.2%)	722	267(37%)
<b>Total</b>	<b>968</b>	<b>190</b>	<b>1178</b>	<b>252</b>	<b>1254</b>	<b>332</b>
<b>Recidivism Rate</b>	<b>19.6%</b>		<b>21.4%</b>		<b>26.4%</b>	

West Virginia's rate (26.4%) was much less than the average recidivism rate (40.8%) for the fifteen reporting states. The lowest recidivism rate was held by Nebraska (25.4%), while Utah (63.3%) ranked highest.

### Recidivism by Release Type

There are several methods by which an offender can be released from the custody of the WVDOC. The three most common release types are: Court Ordered Release, Discharge, or Release to Parole. *Table 2*, shows the releases and recidivists by release type. Release types not included in this study were: Escape, Diagnostic Release, Death, and those being released from the Anthony Correctional Center.

The majority of releases fall into two categories, "Discharged Sentence" and "Released to Parole." In the "Discharge" category, the total number of those released and returned to the legal custody of the WVDOC remains relatively stable over the three years studied. Those released by discharge also averaged a 9.8% recidivism rate during the course of the study.

Offenders "Released to Parole" made up the second largest category of release types. It is in this category that we see the largest increase in both releases and recidivists over the three years study. In 2001, of the

460 offenders Paroled to West Virginia, 137 returned for a recidivism rate of 29.8%. In 2002, 194 of the 624 West Virginia Parolees returned for a recidivism rate of 31.1%. In 2003, 37.8% of the 674 offenders Paroled to West Virginia returned to prison; a 6.7% increase over the previous year.

### Recidivism by Original Crime

Recidivism rates also differed by the type of crime originally committed.

Crime/Crime Category	Releases	Recidivists	Rate
Against the Person	960	150	15.6%
Against Property	906	300	33.1%
Against Public Order	1053	210	19.9%
Drug Offenses	481	114	23.7%
<b>Against the Person</b>			
Assault	278	44	15.8%
Child Abuse	16	3	18.8%
Homicide	140	14	10.0%
Kidnapping	13	2	15.4%
Robbery	188	56	29.8%
Sexual Offense	325	31	9.5%
<b>Against Property</b>			
Arson	43	4	9.3%
Burglary	548	195	35.6%
Stolen Property	315	101	32.1%
<b>Against Public Order</b>			
Fraudulent Activities	254	79	31.1%
Miscellaneous	220	46	20.9%
Prostitution	2	0	0.0%
Traffic Offenses	569	83	14.6%
Weapons Offenses	8	2	25.0%
<b>Drug Offenses</b>			
Drug Offenses	481	114	23.7%

ted. Shown in *Table 3*, offenders whose most serious original offense was a Property crime had the highest level of recidivism with 33.1%. Within this crime category, offenders who committed Burglary offenses were most likely to return to prison (35.6%), followed by a Stolen Property offense (32.1%), and Arson (9.3%).

The crime category with the second highest rate of recidivism is Drug Offenses. Of the 481 offenders released whose most serious crime was a drug offense, 114 returned to the legal custody of the WVDOC for a recidivism rate of 23.7%.

The crime category which saw the

third highest rate of recidivism was crimes Against Public Order with an overall recidivism rate of 19.9%. Within this category offenders who committed a Fraudulent Activities offense had a 31.1% recidivism rate. Weapons Offenses had the next highest level of recidivism (25%), followed by the Miscellaneous crimes Against Public Order category (20.9%). Traffic Offenses, which includes such crimes as Driving Under the Influence, held a recidivism rate of 14.6%. While the two offenders released for prostitution (0.0%), during the three years studied, did not return to prison.

The crime category with the lowest overall recidivism rate was crimes Against the Person (15.6%). The crime Against the Person with the highest level of recidivism during our study occurred for the crime of Robbery (29.8%). Child Abuse (18.8%) had the second highest amount, followed closely by Assault (15.8%) and Kidnapping (15.4%).

### New vs. Original Offense

Of the 774 recidivists, 159 returned to the legal custody of the WVDOC as a result of a new felony conviction. Sixty-six percent of offenders

Original Crime Category	New Crime Category				
	Drug	Person	Property	Public Order	Total
Drug	9	1	2	4	16
Person	2	22	5	4	33
Property	1	8	26	7	42
Public Order	4	10	6	48	68
Total	16	41	39	63	159

returning to the legal custody of the WVDOC as a result of a new felony conviction re-offended in the same crime category as their original offense. This relationship between original crime and new crime category is seen in each of the crime categories.

Of the thirty-three inmates with an original crime Against the Person who returned due to a new felony conviction, twenty-two re-offended in the same category as their original offense.

Of the forty-two offenders with an original offense against Property, who returned due to a felony conviction, twenty-six returned to prison in the same category.

Over seventy percent (48) of the sixty-eight offenders with an original Public order offense re-commit-

ted in the same category.

Of the sixteen offenders whose original offense was a Drug crime, and who returned to the legal custody of the WVDOC due to a new felony conviction, nine (56.2%) committed their new offense in the Drug Category.

### Age and Time Between Recidivism

While there was an increase in recidivism over the three years studied, the time between release and return to the custody of the WVDOC remained steady. In 2001 and 2002, there was an average of approximately fifteen months between release and return to custody. Of those released in 2003 who returned to prison, this average time between release and recidivism drops slightly to approximately fourteen months.

With the exception of the “18 - 24” year old age range, recidivism rates decrease as age increases. Chart three also shows that over one-third of recidivists are younger than thirty years old at time of release. Our data supports the idea that maximum criminality is reached at a younger age, and that over time offenders “age out” and the likelihood of criminal involvement declines.

Chart 4: Recidivism Rate by Age at Release: 2001 - 2003

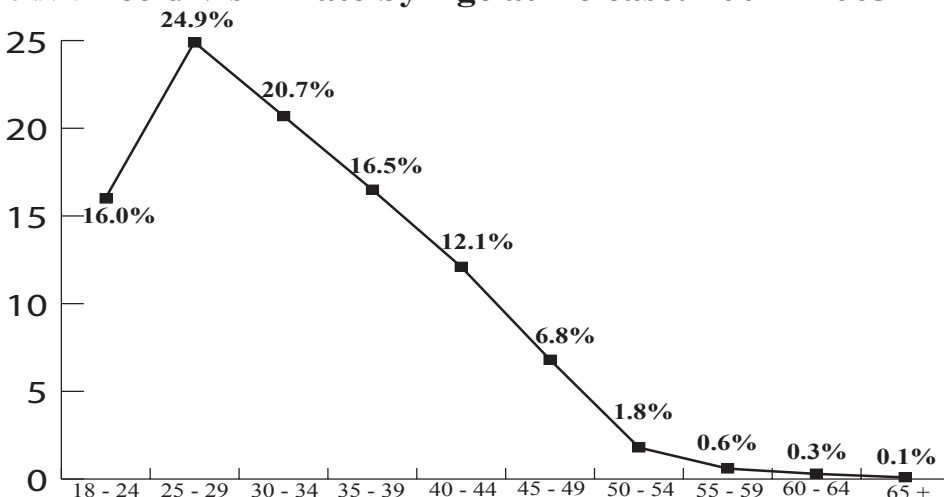


Table 5: **Releases and Recidivism of Offenders whose First Offense was a Sexual Offense: 2001 - 2003**

Crime	Release	Recidivists	Recidivism Rate
Sexual Abuse in the First Degree	119	10	8.4%
Sexual Assault in the Third Degree	91	13	14.2%
Child Sexual Abuse by Parent, Consent Immaterial	42	3	7.1%
Sexual Assault in the First Degree	30	1	3.3%
Sexual Assault in the Second Degree	28	3	10.7%
Incest	8	0	0.0%
Distribution and Exhibiting of Materials Depicting Child Sexually Explicit Conduct	3	0	0.0%
Photographing Minors in Sexually Explicit Conduct	3	1	33.3%
Distribution or Exhibition of Obscene Matter to Minor	1	0	0%
<b>Totals</b>	<b>325</b>	<b>31</b>	<b>9.5%</b>

## Sexual Offenders

**Original Offense of a Sexual Nature**  
Criminal Justice policy makers across the nation have been particularly concerned with sex offender recidivism. Although this study cannot determine whether or not sex offenders are actually more likely to re-offend than other released prisoners, we can see that of the 325 sexual offenders released during the three years studied, thirty-one returned to the custody of the WVDOC for a recidivism rate of 9.5%.

Data produced by this study shows that sexual offenders have one of the lowest recidivism rates by crime type. Although contrary to common belief, these findings are supported with research by the Center for Effective Public Policy which states that, “Adult and juvenile sex offenders recidivate at lower rates than other criminals or delinquents” (*Understanding Adult and Juvenile Sex Offenders*, Dr. Kurt Bumby, Center for Sex Offender Management, 2006).

As shown in **Table 5**, the majority of offenders released had committed Sexual Abuse in the First Degree (119), Sexual Assault in the Third Degree (91), and Child Sexual

Abuse by Parent, Consent Immaterial (42). Sexual Assault in the First Degree (30) was followed closely by Sexual Assault in the Second Degree (28).

Of the thirty-one recidivists whose original crime was a sexual offense, ten returned to the legal custody of the WVDOC due to a new felony conviction; six of which were subsequent sexual offenses. The ten new sentences were: (3) Failure to Register as a Sexual Offender; (1) Child Sexual Abuse by Parent; (1) Sexual Abuse in the First Degree; (1) Sexual Assault in the Third Degree; (1) Grand Larceny; (1) Nighttime Burglary; (1) Illegal Possession of Firearm; and, (1) Manufacture/Deliver Sch. I,II,III Controlled Substance.

### Returning Offense of Sexual Nature; Original Offense Not Sexual

There were a total of seven recidivists whose original crime was not a sexual crime, but whose subsequent offense was a sexual offense. Of these seven offenders three (3) originally had a DUI offense; two (2) had Nighttime Burglary; one (1) had been convicted of Manufacturing/Delivering Sch. I,II,III Controlled Substance; and, one (1) had been convicted of Violating Civil Rights by Violence or Threat.

These seven were subsequently convicted of: (3) Sexual Abuse in the First Degree; (1) Sexual Assault in the Second Degree; (1) Sexual Assault in the Third Degree; and (2) Failure to Register as a Sexual Offender (stemming from offenses prior to this study).

Of all sexual recidivists, whose original or subsequent crime was sexual in nature, the average age is thirty-six years old, with approximately two years existing between their release and subsequent reincarceration.

## The WVDOC and Recidivism

When compared to other states, West Virginia has a relatively low recidivism rate. However, the recidivism rate is on the rise. Data show that 19.6% of releases in 2001 resulted in a return to prison. In 2002, the recidivism rate was 21.4%. And, in 2003, that statistic jumps to 26.4%.

The increase in the recidivism rate was largely the result of the growth in the number of Technical Parole Revocations. Although they are termed as “technical” revocations, they are often of a more serious na-

ture than the name implies. Recent investigations suggest that 40% of those returned on a technical revocation have new felony or misdemeanor charges pending and 30% have a new victim. However, more research needs to be conducted into the types of offenders receiving parole and being revoked so that policy makers can make informed decisions on how to address this issue.

Fortunately, the WVDOC has already started to identify and address many issues that are factors in an offenders successful return to society.

In 2002, the WVDOC began the “West Virginia Serious and Violent Offender Reentry Initiative.” Funded by a federal grant, the initiative’s goal is to reduce offender recidivism by assisting offenders in successfully reintegrating into the community upon release from prison. The initiative addresses several barriers to successful reentry; including: transitional housing, job placement, improved offender assessment, evi-

dence based practices in programming and offender interventions.

The average cost per inmate per year in the WVDOC is approximately \$24,000. If even one offender who would normally return to prison is successful, it is a substantial savings to the citizens of West Virginia.

Further financial support for programs, such as the “West Virginia Serious and Violent Offender Reentry Initiative,” offender rehabilitation, jobs and housing for offenders upon release, and community corrections could result in large financial savings for the State of West Virginia by reducing the recidivism rate of an increasing prison population, and also reducing the number of new victims.

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**Appendix A**

Recidivism Measure	Percent of offenders released from prison that return to prison within three years of release.
Data Sources:	
1	“Recidivism: 2001 - 2003,” WV Division of Corrections, Office of Research and Planning. July, 2007.
2	Recidivism in New Hampshire: A Study of Offenders Returned to Prison within Three Years of their Release,” NH Department of Corrections, Office of Research and Planning. December, 2006.
3	Information obtained to a request submitted the week of June 11, 2007