

CRIME VICTIMS UNITED

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Date: May 15, 2011
From: Howard Rodstein, Policy Analyst
To: Steve Doell, President
Subject: Pew "State of Recidivism" Report (April 2011)

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According to the April 2011 Pew report "State of Recidivism"¹, the recidivism rate for Oregon inmates released in 2004 and followed over the next three years (the 2004 cohort) was 22.8 percent².

According to the Oregon Department of Corrections, the recidivism rate for the 2004 cohort was 31.5 percent³.

What accounts for this discrepancy?

Oregon defines the recidivism rate as the percentage of the cohort that was convicted of a new felony within three years of release. The Pew report defines it as the percentage of the cohort that was returned to prison within three years of release. You can be convicted of a new crime without being returned to prison and you can be returned to prison without being convicted of a new crime. So Pew's use of "recidivism" is very different from DOC's definition.

Pew's definition is also very different from what most people think of as recidivism and from the definition used by just about every state. **In fact, what Pew calls "the recidivism rate" is not the recidivism rate at all, it is the "reincarceration rate"**. It does not tell you how many released inmates committed new crimes or how many were arrested for new crimes or how many were convicted of new crimes - it tells you just how many returned to prison.

In order to properly understand the Pew report, you need to substitute "reincarceration" for "recidivism" for almost all of the 189 times it appears in the report.

I say "almost" because sometimes the report use "recidivism" to mean what most of us think of as recidivism. Sometimes the report switches meanings within a single paragraph. Consider this from page 1:

"To promote a balanced criminal justice system through public awareness and legislative action"

*Although **preventing offenders from committing more crimes** once released is only one goal of the overall correctional system, it is a crucial one, both in terms of preventing future victimization and ensuring that taxpayer dollars are spent effectively. This report seeks to elevate the public discussion about recidivism, prompting policy makers and the public to dig more deeply into the factors that impact **rates of return to prison**, and into effective strategies for reducing them. [emphasis added]*

This paragraph starts off talking about preventing "offenders from committing more crimes" - what most people think of as recidivism. But it ends up talking about "*the factors that impact rates of return to prison*" - which is reincarceration, not recidivism. The entire report, including the "What is the Recidivism Rate" sidebar on page 5, conflates these two ideas.

It is worth repeating: In order to properly understand the Pew report, you need to substitute "reincarceration" for "recidivism" for almost all of 189 times it appears in the report.

The folly of conflating these ideas is well-explained by the report itself. From page 19:

In some "truth in sentencing" states, where offenders serve 85 percent or more of their prison terms, there are proportionally fewer people on parole, because inmates will have at most 15 percent of their sentence left after release. Fewer parolees translate into fewer violations, and therefore a lower recidivism [really reincarceration] rate.

In other words, policy choices have significant impact on the reincarceration rate, quite independent of the true recidivism rate.

By muddying the waters and creating confusion in people's minds, Pew's conflation of reincarceration and recidivism does damage to the discourse on recidivism. For example, it has led some to conclude that Oregon's supposed low "recidivism rate" (actually reincarceration rate) is attributable to Oregon's "evidence-based practices" when, in fact, most of the difference between Oregon and other states, as reported by Pew, is due to criminal justice practices that have nothing to do with treatment.

Page 3 of the report asks: "Why do Wyoming and Oregon have the lowest overall recidivism rates for offenders released in 2004?" (Note: Read "reincarceration" where Pew says "recidivism".)

I think there are two main reasons for this, neither of which has anything to do with "evidence-based practices". Of the two main reasons, one is stated in the report and one is not mentioned at all.

The one stated in the report has to do with reincarceration, not recidivism. From page 18:

In some states, released offenders who break the rules of their supervision are routinely punished with a short prison stay. California, for example, has for years taken this route, an approach that has helped to keep its prison population the highest in the nation. In other states, such as Oregon, the practice is to use prison only as a last resort, and technical violations are instead met with a range of sanctions in the community, sometimes including time in jail. The state that uses prison as a response would have a higher recidivism rate, because a violator's return to prison is counted in the calculation. But that higher rate would not necessarily mean that state is doing a worse job preparing offenders to succeed in the community. Rather, it is merely a reflection of how transgressions are handled.

In other words, Oregon has a low reincarceration rate because Oregon rarely revokes inmates back to prison.

The second reason has to do with recidivism used in the proper sense. Oregon has a far higher percentage (about 70 percent⁴) of violent and sex criminals in prison than most other states. Violent and sex criminals are well known to recidivate at far lower rates than property and drug criminals. So Oregon's prison population is by nature less inclined to recidivate.

Here is another example of how Pew does violence to the language. From page 17:

States that send comparatively low-risk offenders to prison are likely to see lower rearrest and violation rates compared with states that concentrate prison space on more dangerous offenders.

By "low-risk offenders", Pew means offenders who are less likely to return to prison. By "more dangerous offender", they mean offenders who are more likely to return to prison.

Drug and property criminals are far more likely to return to prison than violent criminals so, in Pew's world, drug and property criminals are "more dangerous offenders."

A Pew press release⁵ promoting the 2011 report quotes director Adam Gelb:

"There's been an enormous escalation in prison spending but a barely noticeable impact on the national recidivism rate"

Pew is trying to pull a fast one by making the "recidivism rate" (actually reincarceration rate) the definitive measuring stick of public safety performance. They ignore or minimize another measuring stick that *should* be definitive: the violent crime rate. Oregon's violent crime rate dropped 51 percent from 1995 to 2009⁶. The national violent crime rate is down 37 percent over that period. You will never see these statistics in a Pew report.

There are many other insidious things about the Pew report - too many to discuss. But you will escape the most insidious aspect of the report if you translate "recidivism" to "reincarceration" when reading the report.

¹ "State of Recidivism", Pew Center on the States,
http://www.pewcenteronthestates.org/uploadedFiles/Pew_State_of_Recidivism.pdf

² Pew Report, page 11

³ Oregon Department of Corrections Recidivism Report, April 2011
<http://www.oregon.gov/DOC/RESRCH/docs/Recid.pdf>

⁴ Oregon Department of Corrections, "Population Demographics", January 1, 2011,
<http://www.oregon.gov/DOC/RESRCH/docs/POPREP.pdf>

⁵ Pew press release, April 12, 2011,
http://www.pewcenteronthestates.org/news_room_detail.aspx?id=85899358615

⁶ Bureau of Justice Statistics and F.B.I. See:
http://www.crimevictimsunited.org/measure11/presentation/pdf/violent_crime_decrease_by_state.pdf