

# Recidivism of Adult Felons

Report #97-01

January 1997

## A Program Evaluation Report



Photo courtesy of the Department of Corrections

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State of Minnesota

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# Table of Contents

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	<u>Page</u>
SUMMARY	ix
INTRODUCTION	1
1. BACKGROUND	5
Adult Felons in Minnesota	
Recidivism as a Measure of Public Safety	
Programs in Minnesota Prisons	
2. PREVIOUS RESEARCH ON RECIDIVISM	23
Recent Recidivism Studies	
Program Impacts on Recidivism	
Summary	
3. RECIDIVISM OF MINNESOTA FELONS	47
Offender Characteristics	
Recidivism of Released Prisoners	
Recidivism of Probationers	
Sentencing Factors and Recidivism	
Variation in County Recidivism Rates	
Recidivism Among Correctional Program Participants	
Adequacy of Criminal History Records	
Summary	
4. RECOMMENDATIONS	83
APPENDIX: Research Methods	89
AGENCY RESPONSE	93
RECENT PROGRAM EVALUATIONS	Back Cover

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# List of Tables and Figures

---

		<u>Page</u>
Table 1.1	Percentage of Felons Sentenced in 1994 Who Were Imprisoned, By Offense Type	8
Table 1.2	Percentage of Violent Felons Sentenced in 1994 Who Were Imprisoned, By Prior Criminal History	8
Table 1.3	Inmate Participation in Correctional Facility Programs, As of October 1, 1996	15
Table 1.4	"Residential" Chemical Dependency and Sex Offender Programs in Minnesota Prisons	17
Table 1.5	Vocational Education Programs and Prison Industries in Minnesota Prisons	18
Table 2.1	Three-Year Recidivism Rates For Various Categories of Released Prisoners (1989 Beck and Shipley Study)	25
Table 2.2	Recidivism Rates of State Prisoners Released in 1983 (1989 Beck and Shipley Study)	26
Table 2.3	Percentage of Released Prisoners Who Returned to Prison Within Three Years (Selected States)	28
Table 2.4	Percentage of Released Prisoners Rearrested (Selected States)	29
Table 2.5	Three-Year Felony Rearrest Rates for Various Categories of Probationers (Langan and Cunniff Study)	30
Table 2.6	Percentage of Probationers and Released Prisoners Rearrested, By Number of Prior Arrests (Based on Findings of Two Federal Studies)	32
Table 2.7	Recidivism Rates of Prisoners Released in 1983 From 11 States, By Education Level	43
Table 2.8	Recidivism Rates of Texas Prisoners, By Level of Education and Participation in Prison Academic Education Programs	44
Table 3.1	Descriptive Characteristics - Released Prisoners and Probationers	49
Table 3.2	Reoffense Patterns For Selected Categories of Offenders Released from Prison in 1992	55
Table 3.3	Reoffense Rates of Prisoners Released in 1992, By Age, Gender, Race, Educational Attainment, and Marital Status	57
Table 3.4	Reoffense Patterns of Offenders Sentenced to Probation in 1992, By Original Offense Type	62
Table 3.5	Reoffense Rates of Probationers Sentenced in 1992, By Age, Gender, and Race	64

	<u>Page</u>	
Table 3.6	Three-Year Recidivism Rates of Released Prisoners and Probationers, By Criminal History Score	68
Table 3.7	Recidivism of Probationers with Downward Dispositional Departures, By Original Offense Type	70
Table 3.8	Reoffense Rates for Released Prisoners and Probationers, By Type of County	72
Table 3.9	Recidivism of Inmates Who Attended the Atlantis Chemical Dependency Treatment Program at MCF-Stillwater	74
Table 3.10	Recidivism of Sex Offenders, By Treatment Participation While in Prison	75
Table 3.11	Rearrest Rates of Sex Offenders, By Sex Offense History and Treatment Program Participation	76
Table 3.12	Rearrest Rates of Inmates Released in 1992 Who Earned an Education Certificate at Minnesota Correctional Facilities at St. Cloud and Shakopee	78
Table 3.13	Rearrest Rates of Offenders Assigned to Transitional Residential Programs After Release From Prison	79
Figure 1.1	Adult Arrests for Serious Crimes in Minnesota and the United States, 1994	6
Figure 1.2	Adult Felons Sentenced in Minnesota, 1984-94	7
Figure 2.1	Percentage of Minnesota Prisoners Who Returned to Prison Within Two Years	33
Figure 2.2	Selected Summaries of Program Effectiveness Literature	39
Figure 3.1	Length of Time Served in Prison, Prisoners Released in 1992	50
Figure 3.2	Three-Year Recidivism Rates for Prisoners Released in 1992, Based on Minnesota Offenses Only	52
Figure 3.3	Reoffense Rates of Prisoners Released in 1992, By Original Offense Type	54
Figure 3.4	Recidivism Rates of Prisoners Released in 1992, By Age of Prisoner at Release	56
Figure 3.5	Three-Year Recidivism Rates for Probationers Sentenced in 1992, Based on Minnesota Offenses Only	59
Figure 3.6	Reoffense Rates of Probationers Sentenced in 1992, By Original Offense Type	61
Figure 3.7	Reoffense Patterns of Prisoners Released in 1992, By Severity of Original Offense	66
Figure 3.8	Reoffense Patterns of Probationers Sentenced in 1992, By Severity of Original Offense	67

# Recidivism of Adult Felons

## SUMMARY

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During the 1996 legislative session, there was considerable discussion about the cost-effectiveness of Minnesota's prison system. Among the 50 states, Minnesota has one of the lowest rates of imprisonment, but its cost per inmate is among the nation's highest. At a time when Minnesota was contemplating construction of additional prison beds, legislators wondered whether spending more per inmate has resulted in better outcomes, such as reduced rates of offender recidivism or lower crime rates. They also wondered whether community-based alternatives to prison--another growing part of the state budget--adequately protect public safety. In light of these concerns, our study addressed the following questions:

- **To what extent are convicted Minnesota felons subsequently arrested, convicted, and imprisoned, and how do these recidivism rates compare with those found in other states?**
- **How is recidivism related to offenders' criminal history, conviction offense, personal characteristics, program participation, and other factors? What types of new offenses do convicted felons commit?**
- **Do recidivism rates measure progress toward important state goals, and should such rates be reported regularly?**

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**We determined  
recidivism  
rates for 8,670  
offenders.**

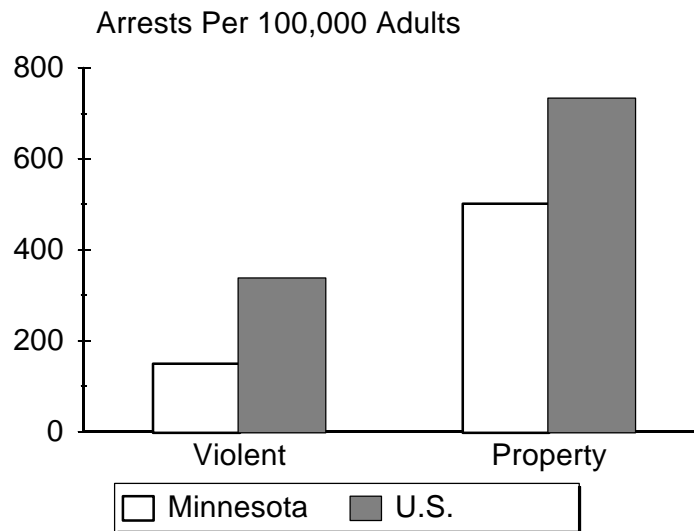
We tracked 1,879 offenders released from prison in 1992 and 6,791 offenders sentenced to probation in 1992. For each offender, we examined recidivism for exactly three years--from a prisoner's date of release or from a probationer's date of sentencing. Previous research has indicated that it is possible to identify the majority of eventual recidivists by tracking rearrests over a three-year period. To identify instances of recidivism, we relied primarily on arrest and conviction information from the Minnesota Bureau of Criminal Apprehension (BCA). Our analysis examined arrests and convictions for felonies and gross misdemeanors, but it did not examine less serious offenses (that is, simple misdemeanors). In addition to BCA data, we used Minnesota Department of Corrections data on imprisonments, Federal Bureau of Investigation data on offenses in other states, and sentencing data from the Minnesota Sentencing Guidelines Commission.

## ADULT FELONS IN MINNESOTA

**Minnesota's number of convicted felons has grown, but its crime rates are lower than the nation's.**

Historically, Minnesota has had fewer serious crimes per capita than the nation as a whole. Figure 1 shows that Minnesota's rates of adult arrest for serious violent and property crimes are relatively low, although Minnesota's adult arrest rates for violent crime rose faster than the nation's rates during the past decade. About 9,400 people were convicted of felony offenses in Minnesota during 1995, an increase of more than 3,000 felons since 1986.

**Figure 1: Adult Arrests for Serious Crimes in Minnesota and the United States, 1994**



Sources: Minnesota Department of Public Safety, *Minnesota Crime Information, 1994* (St. Paul, 1995), 69; Federal Bureau of Investigation, *Crime in the United States* (Washington, D.C., 1995), 227.

Since 1980, Minnesota's sentencing guidelines have indicated the sentences that are presumed to be appropriate for convicted felons, based on (1) the severity of the felons' conviction offenses, and (2) the offenders' prior criminal records. The courts may depart from the guidelines under "substantial and compelling circumstances," but they have followed the guidelines nearly 90 percent of the time.<sup>1</sup> The guidelines reflect a "just deserts" sentencing policy that links the severity of offenders' punishments to the severity of the crimes they have committed.

In part, the guidelines are intended to reserve prison space for the most serious offenders. Minnesota's courts have consistently sentenced about 20 percent of convicted felons to prison, with the remainder placed on probation in the community. The length of Minnesota prison sentences has increased in recent years, largely

<sup>1</sup> Minnesota Sentencing Guidelines Commission, *Minnesota Sentencing Guidelines and Commentary* (St. Paul, August 1, 1995), 20.

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**Compared with other states, Minnesota imprisons relatively few offenders but has high costs per inmate.**

reflecting legislative actions. The median prison sentence in 1994 was 30 months. While many states have parole boards that decide when to release offenders from prison, nearly all imprisoned offenders in Minnesota are required by law to serve at least two-thirds of their sentence in prison before their “supervised release” to the community.<sup>2</sup>

Minnesota’s eight state prisons currently incarcerate more than 5,000 male and female offenders. Minnesota imprisons fewer people per state resident than all states except North Dakota, but its daily cost per prisoner (\$83 in fiscal year 1995) is among the nation’s highest. Minnesota’s higher cost per inmate largely reflects the state’s relatively high prison staffing and salary levels. It may also reflect Minnesota prisons’ wide array of work, education, and treatment programs, although these programs account for only 13 percent of prison expenditures. We found that about 70 percent of offenders in Minnesota prisons in October 1996 were participating in such programs.

Felons sentenced to probation and offenders on supervised release after serving time in prison are supervised by county staff in 31 counties and by Department of Corrections staff in the remaining 56. As of December 1995, there were 26,114 adult felons under community supervision in Minnesota. Most felons placed on probation serve jail time after sentencing, typically for less than two months.

## OVERALL RECIDIVISM RATES

“Recidivism” can be defined as an individual’s return to crime following a criminal conviction. Our study—like nearly all recidivism studies—relied on official records of criminal activity and, therefore, only measured offenses that resulted in arrests, convictions, or imprisonments.

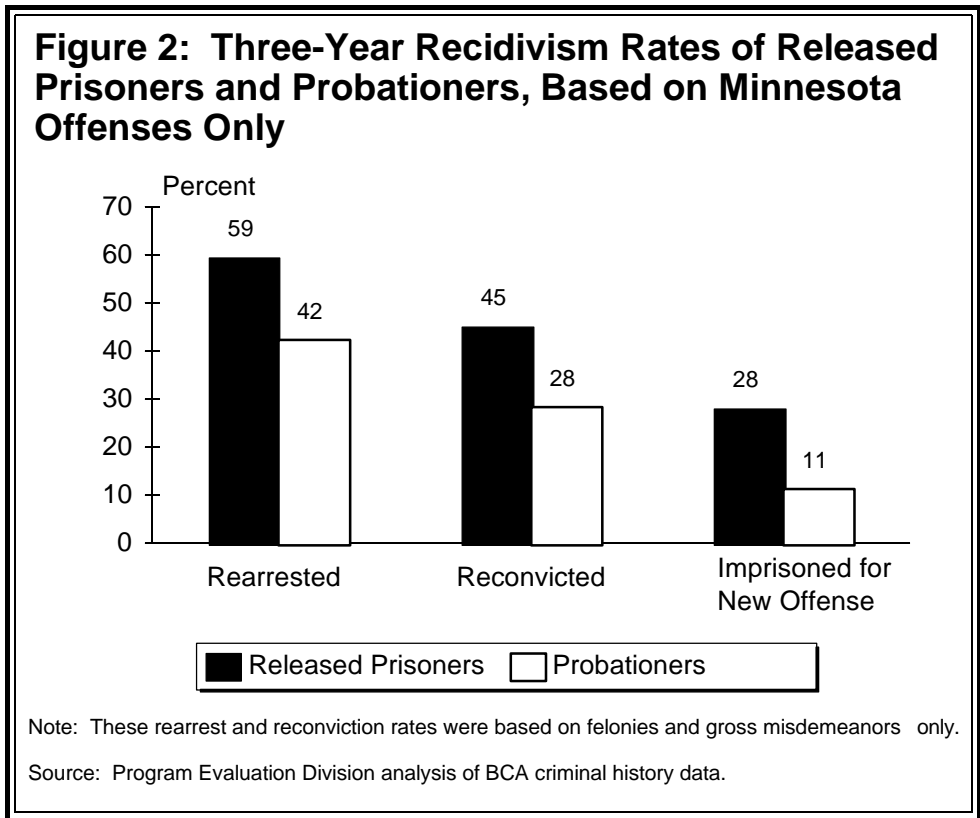
There is no universally-accepted method of measuring recidivism, so our study used a variety of measures. To determine a reasonable estimate of the overall level of criminal behavior among convicted felons, most studies have examined the percentage of offenders who were **rearrested** during a particular follow-up period. Many studies have also examined the percentage of offenders **reconvicted**. Reconviction rates are somewhat lower than rearrest rates because (1) not all arrested persons are prosecuted and convicted, and (2) the convictions of some arrested offenders occur after the follow-up period. The percentage of offenders who are subsequently **imprisoned** will be still lower because some convicted recidivists are sentenced to probation rather than prison.

Figure 2 shows the percentages of Minnesota probationers and released prisoners who were rearrested, reconvicted, or imprisoned in Minnesota for new felonies or gross misdemeanors. We found that:

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<sup>2</sup> Offenders who violate prison rules may be required to serve more than two-thirds of their sentence in prison. Also, the Commissioner of Corrections has discretion about when to release offenders imprisoned for crimes committed before May 1980, but there are relatively few of these offenders.

Among released prisoners, 59 percent were rearrested, 45 percent were reconvicted, and 28 percent were imprisoned for new offenses.



- In the three years following release from prison in 1992, 59 percent of offenders were rearrested in Minnesota (45 percent for felonies) and 45 percent were reconvicted (34 percent for felonies).

Another 5 percent of the prisoners were arrested in other states (but not in Minnesota) in the three years following their release. Thus, a total of 64 percent of Minnesota’s prisoners were rearrested in the United States within three years of their release. In addition,

- A total of 40 percent of prisoners returned to prison in Minnesota within three years of release--28 percent for new offenses, and another 12 percent solely for technical violations of their release conditions, not for new offenses.

Minnesota’s levels of recidivism were within the broad range of recidivism rates found in studies conducted elsewhere. These studies have usually found three-year rates of rearrest for released prisoners ranging from 50 to 70 percent, with reconviction rates usually ranging from 35 to 55 percent and cumulative reimprisonment rates (for new offenses and technical violations) ranging from 25 to 45 percent.

Figure 2 also shows that:

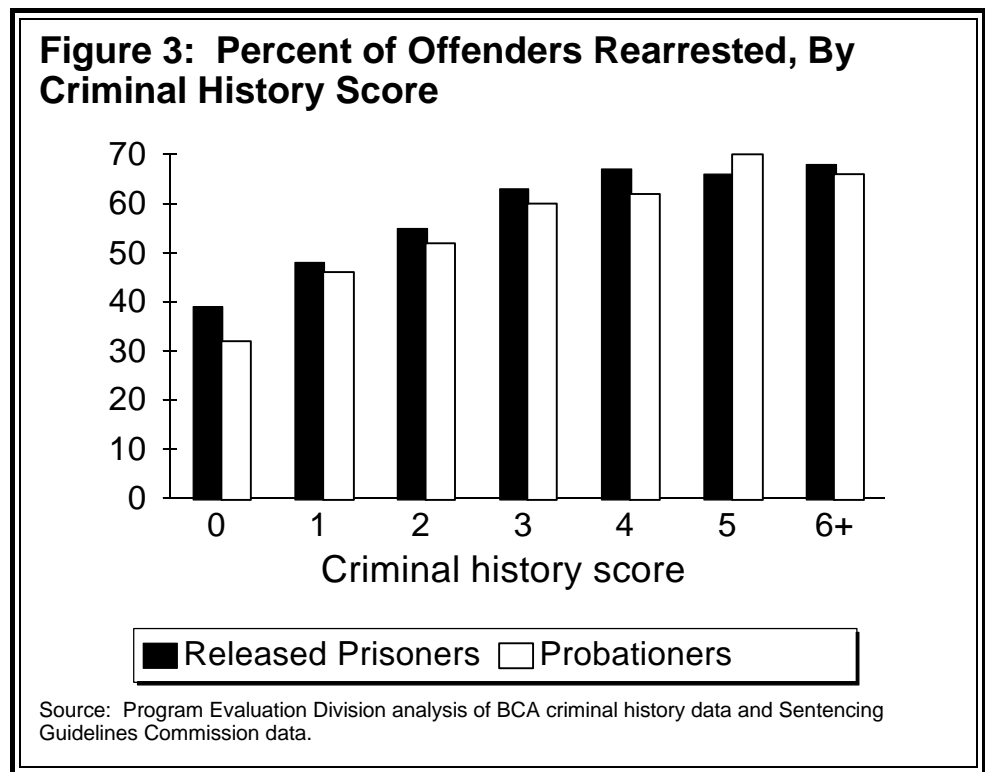
- In the three years following sentencing, 42 percent of felony probationers were rearrested in Minnesota (31 percent for felonies)



and 28 percent were reconvicted (20 percent for felonies). A total of 15 percent of probationers were imprisoned--11 percent for new offenses, and an additional 4 percent for violations of the conditions of probation.

Nationally, recidivism studies have usually shown lower rates of recidivism for probationers than for released prisoners, as we found in Minnesota. This largely reflects the fact that the average probationer has a shorter history of criminal behavior than the average released prisoner, and the length of offenders' prior criminal records is an important indicator of their likelihood to reoffend. Figure 3 uses a measure of offenders' prior records--the sentencing guidelines' "criminal history score"--to show that probationers and prisoners with similar prior records of criminal activity had similar rates of rearrest in our follow-up period.

**Prisoners and probationers with similar prior criminal records had similar rates of recidivism.**



## RECIDIVISM RATES FOR VARIOUS TYPES OF FELONS

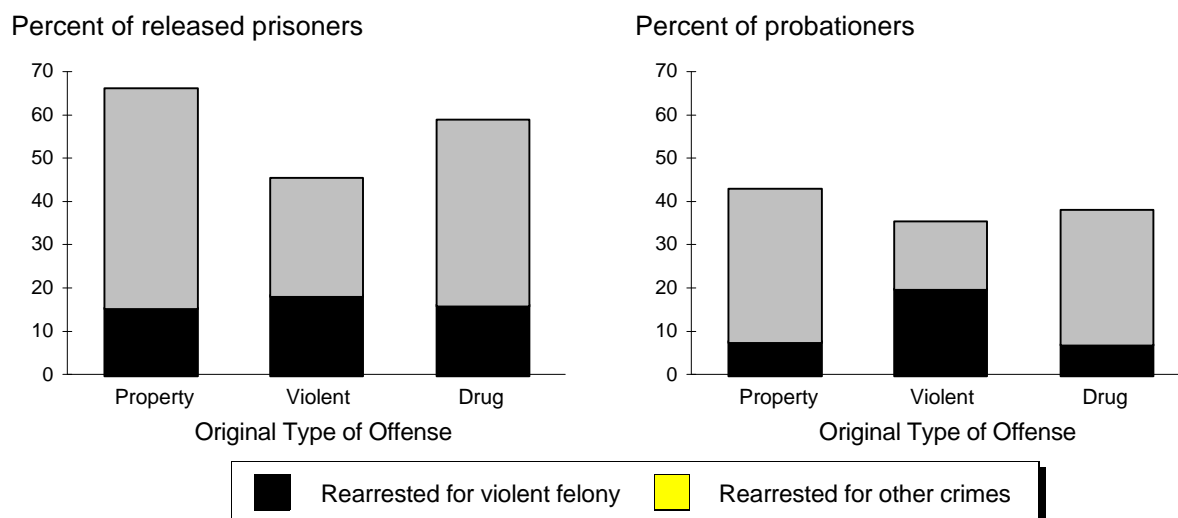
Under Minnesota law, a "felony" is any crime for which a prison sentence of more than one year may be imposed. Felonies include serious crimes against persons and property, as well as some drug crimes and a variety of other offenses. We examined whether the recidivism rates of offenders were related to the types of crimes for which they were sentenced.

Figure 4 shows that probationers and released prisoners who were originally convicted of property offenses were more likely than other offenders to be rearrested

during the follow-up period. For instance, 66 percent of property offenders released from prison were arrested for a new felony or gross misdemeanor within three years, compared with 45 percent of violent offenders.

In addition, Figure 4 shows that offenders sent to prison for violent, property, and drug crimes were about equally likely to be arrested for a **violent** felony after their release from prison. In contrast, offenders placed on probation for a violent felony were more likely than other probationers to be subsequently arrested for a violent felony.

**Figure 4: Rearrest Rates of Prisoners and Probationers, By General Types of Original Offense**



Source: Program Evaluation Division analysis of BCA data.

We also examined whether recidivism was related to the specific crimes for which convicted felons were imprisoned or sentenced to probation. As shown in Table 1, we found that:

**Property offenders usually were more likely to be rearrested than violent offenders.**

- The released prisoners most likely to be rearrested were car thieves (81 percent rearrested) and burglars (68 percent). The prisoners least likely to be rearrested were sex offenders (30 percent) and homicide offenders (34 percent).
- The felony probationers most likely to be rearrested were car thieves (57 percent) and robbers (55 percent). The probationers least likely to be rearrested were homicide offenders (21 percent) and sex offenders (25 percent).

Table 1 also shows that many offenders were rearrested for crimes other than their original offense, suggesting that felons often do not “specialize” in one offense type.

**Many offenders committed a variety of crimes, not just one type.**

**Table 1: Percentage of Offenders Rearrested Within Three Years in Minnesota, By Original Offense**

Original Offense	Percent of Released Prisoners Rearrested For:		Percent of Probationers Rearrested For:	
	Same Offense	Any Felony or Gross Misdemeanor	Same Offense	Any Felony or Gross Misdemeanor
Homicide	0%	34%	14%	21%
Sex Offense	10	30	18	25
Robbery	10	58	28	55
Assault	14	54	17	40
Burglary	28	68	26	49
Theft	20	66	16	44
Vehicle Theft	28	81	20	57
Forgery/Fraud	32	57	21	34

Source: Program Evaluation Division analysis of BCA criminal history data.

In 1992, about 8 percent of convicted felons were placed on **probation** by the courts in cases where the sentencing guidelines recommended **prison** sentences. We found that:

- **Property offenders who were placed on probation instead of receiving prison sentences as recommended by sentencing guidelines were much more likely to be rearrested than other felony property offenders sentenced to probation in 1992.**

In contrast, violent and drug offenders who were placed on probation in cases where the sentencing guidelines called for prison had recidivism rates less than or similar to those of other felony probationers sentenced for violent and drug offenses in 1992.

We also examined the relationship between offenders’ personal characteristics and their likelihood of committing repeat offenses. We found that recidivism rates were: (1) lower among older offenders, (2) somewhat higher among men than women, and (3) highest among black offenders and lowest among white offenders.

In addition, probationers and released prisoners in Hennepin and Ramsey counties had higher recidivism rates than offenders in most other counties. Released prisoners in the 29 Community Corrections Act (CCA) counties other than Hennepin and Ramsey collectively had higher recidivism rates than offenders in the 56 non-CCA counties.<sup>3</sup> For probationers, the collective recidivism rates in CCA counties other than Hennepin and Ramsey were about the same as the rates in non-CCA counties.

<sup>3</sup> CCA counties receive state block grants to implement community corrections services. Plans for these services are developed with assistance from local advisory boards and approved by the Commissioner of Corrections.

## RECIDIVISM AND PARTICIPATION IN PRISON PROGRAMS

Minnesota law requires the Commissioner of Corrections to “have wide and successful administrative experience in correctional programs embodying rehabilitative concepts” and to accept persons committed by the courts “for care, custody, and rehabilitation.”<sup>4</sup> Minnesota prisons and communities have developed many correctional programs that are intended to change criminal behaviors and thoughts, provide education and job skills, and address chemical dependency problems. In addition, these programs are intended to reduce prison discipline problems by reducing inmates’ idle time.

Careful studies in other states have shown that some programs **have** reduced recidivism, although not always by large amounts. Unfortunately,

- **There is no clear consensus regarding which programs are most effective with various categories of offenders, and programs that have worked in certain circumstances have not always worked in others.**

We examined the recidivism of offenders who participated in selected programs during or after their Minnesota prison stays. Our study did not isolate the impact of programs from other factors, and we do not know how the program participants would have behaved in the absence of the programs.<sup>5</sup> We found that:

- **The recidivism rates of inmates who participated in programs usually were similar to the rates of inmates who did not.**

We found that participants in a chemical dependency program at one prison (Stillwater) and education programs at two prisons (St. Cloud and Shakopee) had recidivism rates similar to those of other released inmates. We also found that inmates who were released to halfway houses because they were considered “public risks” had slightly higher recidivism rates than other inmates released in 1992.

About 27 percent of the sex offenders released in 1992 completed a treatment program in prison. Inmates with no felony sex offense convictions prior to their imprisonment offense who completed sex offender treatment had a lower rearrest rate for sex offenses (3 percent) than first-time sex offenders who never entered treatment (9 percent). Among inmates who entered prison with at least one prior sex offense conviction, treated and untreated inmates had about the same rates of rearrest for sex offenses (25 percent for treated offenders, 27 percent for untreated offenders).

<sup>4</sup> *Minn. Stat.* §241.01, Subd. 1, 3a.

<sup>5</sup> The best studies evaluate program results by randomly assigning offenders to treatment programs or “control groups” that do not participate in the program. Such studies help to ensure that treated offenders have characteristics similar to those of offenders in the control group. This approach was not possible in our study, which tracked offenders who had already been released from prison. We examined whether recidivism patterns reflected factors such as criminal history and types of conviction offenses, but it is possible that factors for which we could not control also helped explain recidivism differences between treated and untreated offenders.

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**In most cases, program participants had recidivism rates similar to non-participants.**

## ADEQUACY OF CRIMINAL HISTORY DATA

To conduct this study, we relied considerably on arrest and conviction information in the Bureau of Criminal Apprehension's (BCA) official criminal history database. Unfortunately, law enforcement agencies often fail to send BCA fingerprint cards that are required by state law, and information submitted to BCA by the courts and county attorneys is not always consistent with information submitted by law enforcement agencies.

Mainly as a result of these problems, BCA estimates that 37 percent of the records it has received from courts and county attorneys—including records of numerous convictions—cannot be matched to arrest data. BCA excludes these records from its official criminal history database, although they are maintained in a “suspense file” that is largely inaccessible to criminal justice agencies.

We incorporated information from BCA's suspense file into our recidivism analysis. This increased our estimates of three-year recidivism rates by modest amounts—a 4 percentage point increase in the prisoner reconviction rate and a 3 percentage point increase in the prisoner rearrest rate. However,

- **For law enforcement agencies, corrections agencies, courts, and others who rely on the criminal history database for complete histories of offenders' felony and gross misdemeanor convictions, the missing information in BCA's criminal history database presents a serious problem.**

These agencies regularly use the criminal history database to perform investigations and background checks, prepare recommendations for offender sentencing, make pre-trial release and bail decisions, and conduct research. For these purposes, it is important to have information on all instances of known criminal behavior. We reviewed BCA records for a large group of released prisoners and probationers and found that about half had at least one record (often a conviction) that was not recorded in BCA's official criminal history database.<sup>6</sup>

## RECOMMENDATIONS

Generally, policy makers and corrections officials hope that recidivism rates will be low, perhaps reflecting successful efforts to rehabilitate offenders and deter crime through the threat of sanctions. Of course, it may be a difficult task for the criminal justice system to change the well-established criminal behaviors of certain offenders, including many of the released prisoners and felony probationers we studied. Nevertheless, policy makers may be disappointed by Minnesota's recidivism rates, especially in light of Minnesota's relatively high prison expendi-

<sup>6</sup> We examined suspense file records for nearly 6,600 of the offenders whom we tracked in our recidivism analysis. About 54 percent had records in the suspense file, indicating that their full criminal histories were not reflected in BCA's criminal history database. Based on our review of 1992-95 suspense file records, we concluded that about half of such records were for convictions.

**Minnesota's main source of information on offenders' criminal records is incomplete.**

tures per inmate. Although we found that Minnesota's recidivism rates are within the broad range of rates reported in other studies, it is not reassuring that nearly two-thirds of released prisoners and nearly half of felony probationers were rearrested for felonies or gross misdemeanors within three years.

Policy makers could imprison more criminals to keep them from reoffending, but it is possible that this would only postpone recidivism rather than reduce it. Such a solution would be extremely expensive if applied to large numbers of offenders. Alternatively, the state can—and does—use imprisonment more selectively, but with greater risks to public safety and well-being. We offer no recommendations for changes in correctional programming or sentencing policy, but we do recommend that corrections officials regularly monitor recidivism. Specifically,

- **The Department of Corrections' performance reports should include (1) statewide measures of the recidivism of released inmates and felony probationers, and (2) targets for future levels of recidivism.**

We think that the department should supplement reimprisonment measures with more comprehensive measures, including rearrest and reconviction rates. In addition, the department should change its method of counting offenders reimprisoned for new offenses to avoid undercounting the actual reimprisonment rate.<sup>8</sup>

There are many potential state and local users of recidivism information, and it would be useful for these users to help design future measures of recidivism (and other outcomes). We recommend that:

- **The Department of Corrections should establish an “outcome measurement task force” to help develop ongoing recidivism measures and perhaps other outcome measures related to community supervision. The recommended measures should be reviewed by Minnesota's Criminal and Juvenile Justice Information Policy Group.**

To make it easier to track recidivism and program outcomes in the future, we recommend that:

- **The Department of Corrections should establish central, permanent records that indicate (1) the programs in which individual prisoners have participated (including dates of participation and whether the program was completed), and (2) whether inmates have been designated by the department as “public risks.”**

<sup>7</sup> As noted earlier, only about 20 percent of the nearly 10,000 felons convicted annually in Minnesota are sentenced to prison. The daily operating cost per inmate for Minnesota prisons averaged \$83 in fiscal year 1995, and the 1996 Legislature authorized the sale of \$89 million in bonds to build an 800-bed prison.

<sup>8</sup> When calculating the percentage of released prisoners returning to prison for new offenses, the department has not counted offenders who first returned to prison for technical violations and later were imprisoned for new offenses. For a three-year follow-up period, the department's method would understate the actual recidivism rate of 1992 releasees by 6 percentage points (22 vs. 28 percent).

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**The Department of Corrections should regularly report on recidivism, using a variety of measures.**

- **The Sentencing Guidelines Commission should collect identifying information on felons--besides names and birthdates--that can be linked with BCA's criminal history database for purposes of offender tracking.**

We think that Minnesota's official criminal history database needs more complete and accurate information on Minnesota convictions and other case "dispositions."<sup>9</sup> BCA has taken some steps already, training local officials in proper reporting of criminal history information and seeking federal funding for continued implementation of electronic fingerprinting technology. We recommend that:

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**BCA should take additional steps to help ensure that the criminal history information system is useful and complete.**

- **BCA should periodically provide law enforcement agencies (and perhaps courts) with lists of criminal dispositions that have not been linked with arrests, and it should request that the agencies provide information, if available, that would allow the records to be placed in the state's criminal history database.**
- **The Department of Public Safety's future performance reports should indicate the percentage of Minnesota disposition records that are in the BCA "suspense file" and set targets for reducing this percentage. If BCA is unable to significantly reduce the number of records in the suspense file, the Legislature should consider requiring the courts to submit fingerprint records of offenders at the time of disposition.**
- **BCA should audit its criminal history database on a regular schedule.**

We hope that local law enforcement and court officials will provide BCA with more complete, accurate information in the future, but in the meantime we think there should be a way for users of the official criminal history database to identify instances of serious criminal behavior that are not yet recorded in this database. We recommend that:

- **BCA should provide selected users of the criminal history database with the option of searching the suspense file for records of dispositions that have not yet been matched with arrests.**

BCA or the Legislature may wish to provide criminal justice agencies with access to the suspense file, but restrict or prohibit access to others. Since the identities of many convicted offenders in the suspense file have not been positively established through fingerprints, the database should provide users with appropriate cautions about the suspense file information.

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<sup>9</sup> Besides convictions, "dispositions" include records of dismissed cases, acquittals, and other case outcomes.

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# Introduction

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**D**uring the 1996 legislative session, there was considerable discussion about the cost-effectiveness of Minnesota's prison system. Among the 50 states, Minnesota has one of the lowest rates of imprisonment, but its cost per inmate is among the nation's highest. At a time when Minnesota was contemplating construction of additional prison beds, legislators wondered whether spending more per inmate had resulted in better outcomes, such as reduced rates of offender recidivism. They also wondered whether community-based alternatives to prison--another growing part of the state budget--adequately protect public safety.

As a result, the 1996 Legislature requested the Legislative Audit Commission to authorize a study that would "analyze and report on the recidivism rates of felons released from state and local correctional facilities and programs."<sup>1</sup> The commission approved this study in May 1996. In our research, we asked:

- **To what extent are convicted Minnesota felons subsequently arrested, convicted, and imprisoned, and how do these recidivism rates compare with those found in studies done elsewhere?**
- **How is recidivism related to offenders' criminal history, conviction offense, personal characteristics, program participation, and other factors? What types of new offenses do convicted felons commit?**
- **Do recidivism rates measure progress toward important state goals, and should such rates be reported regularly?**

Information on the extent of repeated criminal behavior could serve important purposes. It could help policy makers and corrections officials to evaluate the effectiveness of alternative correctional sanctions and programs, establish appropriate sentencing policies, and determine whether correctional agencies are using valid methods of assessing offender risk. More generally, it is useful for legislators and corrections officials to periodically consider whether actual rates of offender recidivism are consistent with their own expectations and those of the general public.

For our study, we tracked adult felons for a uniform three-year follow-up period. Specifically, we tracked felons released from prison in 1992 for three years from their dates of release, and we tracked felons placed on probation in 1992 for three

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<sup>1</sup> *Minn. Laws* (1996), Ch. 408, Art. 8, Sec. 25. State law defines felonies as crimes for which prison sentences of more than one year may be imposed.



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years from their sentencing dates.<sup>2</sup> Our literature review indicated that a three-year follow-up period should be sufficient to identify a majority of offenders who would eventually be arrested for new offenses. Some of the offenders we studied were not under community correctional supervision for the entire three-year follow-up period, depending on the length of their probation or supervised release from prison.<sup>3</sup>

To determine rates of offender recidivism, we obtained a computerized version of the Minnesota Bureau of Criminal Apprehension's (BCA) criminal history database, which contains arrest and court disposition information for persons arrested in Minnesota for felonies and gross misdemeanors. We also obtained information from the Federal Bureau of Investigation (FBI) on offenses committed in other states, as well as information from BCA on Minnesota convictions that had not yet been entered into the state's official criminal history database. We used these information sources to determine recidivism rates for 1,879 inmates released from prison in 1992 and 6,791 offenders sentenced to probation in 1992. This is the largest group of Minnesota felons whose recidivism has been tracked over a period of three years or more, and our study is the first to determine recidivism rates for Minnesota's statewide probation population.

"Recidivism" can be defined as an individual's return to crime following a criminal conviction. Our study--like nearly all other recidivism studies--relied on official records of criminal activity and, therefore, only measured offenses that were reported to the police and resulted in arrests.<sup>4</sup> Some studies define recidivism as instances in which convicted offenders are subsequently **arrested**, while others define it as subsequent **convictions** or **imprisonments**. Some studies examine only new felony offenses, while others examine new offenses of any level. Clearly, a study's definition of recidivism can have an important impact on the amount of recidivism it identifies. For any group of offenders that is tracked for a uniform period, fewer will be convicted than arrested, fewer will be imprisoned than convicted, and fewer will commit felony offenses than commit offenses of any kind. There is no universally-accepted method of measuring recidivism, so we used multiple approaches in our analysis rather than relying on a single method.

During our study, some Minnesota Department of Corrections officials expressed concerns about measures of recidivism that are based on arrests. They noted that not all arrested persons are guilty of the crimes for which they were arrested, and they wondered whether law enforcement authorities might sometimes be inclined

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2 We limited our sample of prisoners to those who in 1992 were given the first release on their current commitment to prison. Our sample did not include prisoners who were released following revocation of the terms of an earlier release.

3 Prisoners would have three years of supervised release only if they originally received at least a nine-year sentence. Less than 10 percent of felons sentenced to prison in 1994 received sentences this long. A survey conducted by our office indicated that 90 percent of felons placed on probation receive stayed sentences of three years or more. See *Funding for Probation Services* (St. Paul, January 1996), 39-40.

4 In addition to looking at offenses that resulted in arrests, convictions, and imprisonments, we also examined cases where offenders were imprisoned for technical violations of their probation or supervised release, rather than for new offenses.

to arrest “the usual suspects”--that is, persons with previous criminal records--when they are trying to solve crimes. Undoubtedly, innocent people are occasionally arrested; it is impossible to know exactly how many.

But, for several reasons, we decided to examine rearrest rates as one measure of offenders’ criminal activity. First, we found that leading corrections researchers have concluded that arrests are a valid and, in fact, preferred measure of recidivism. Although some arrests do not result in convictions, researchers attribute many of these cases to plea bargaining, diversion of cases out of criminal courts, revocations of probation or supervised release (rather than prosecution for new offenses), reluctance of key witnesses to cooperate, and due process issues--not the innocence of the person arrested.<sup>5</sup> Second, one reason that reconviction and reimprisonment rates are lower than rearrest rates is the length of time that it takes for cases to move through the criminal justice system. Thus, recidivism rates based on arrests may provide a more accurate indication of offender behavior within a fixed time frame than recidivism rates that are based on subsequent actions by the court system. Third, as we discuss in Chapter 3, the arrest data in BCA’s official criminal history database appear to be more complete than the conviction data. For instance, some convictions are not recorded in this database because the case disposition information provided to BCA by the courts is inconsistent with the arrest information submitted to BCA by law enforcement agencies. Fourth, legislative staff told us that legislators would like to see an array of recidivism measures, including measures based on arrests. Finally, it is worth noting that the Minnesota Department of Corrections has used arrest rates as a measure of recidivism in some of its own studies.

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**We examined recidivism by measuring offenders’ subsequent rates of arrest, conviction, and imprisonment.**

Our report suggests some benchmarks from previous research with which Minnesota’s recidivism rates can be compared, but such comparisons should be made cautiously. Not only are there differences in the definitions of recidivism used in previous studies, but there are differences in the populations of offenders across states. Unfortunately, there is no way to know for certain whether Minnesota felons are more or less predisposed to reoffend than felons in other states.

This report does not attempt to explain the causes of recidivism, which are complex. While offenders must certainly be accountable for their own behavior, the roots of repeated criminal activity might sometimes be found in failures of families, schools, communities, and correctional programs. It may be difficult for the criminal justice system to change the well-established criminal behaviors of many serious offenders, but protection of public safety and rehabilitation of offenders are among the system’s goals.

Legislators told us they were interested in learning about the impact of various correctional programs. Our report provides general information on the content of pro

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<sup>5</sup> The most often-cited book on analysis of offender recidivism concluded that “arrest is a better indicator of offender conduct than conviction” (Michael D. Maltz, *Recidivism* (Orlando: Academic Press, 1984), 58). Also, researchers Alfred Blumstein and Jacqueline Cohen concluded that: “In view of the predominantly procedural reasons why arrests fail to reach conviction, the errors of commission associated with truly false arrests are believed to be far less serious than the errors of omission that would occur if the more stringent standard of conviction were required” as an indicator of criminal behavior (“Estimation of Individual Crime Rates From Arrest Records,” *Journal of Criminal Law and Criminology* 70 (1979), 565).

grams provided in Minnesota prisons, based on interviews with program staff and several site visits. We also analyzed recidivism rates for inmates who completed selected programs before or after their release from prison in 1992. This did not enable us to conclusively determine whether the programs resulted in less recidivism than would have occurred in their absence, but we did try to compare the recidivism of program participants with that of similar types of offenders.<sup>6</sup>

We hope that this report provides information that will help legislators and others evaluate the goals and performance of Minnesota's criminal justice system. Chapter 1 provides background information on Minnesota's correctional system and felony offenders. Chapter 2 examines findings from previous recidivism studies. Chapter 3 analyzes Minnesota recidivism rates, and Chapter 4 offers recommendations for ways to gather and use recidivism information in the future.

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<sup>6</sup> Ideally, for research purposes, offenders would have been randomly assigned to prison programs or to "control groups" that did not participate in the programs. This approach helps researchers to isolate the impact of the programs from other factors. When random assignment is not possible, researchers sometimes identify a comparison group that has similar characteristics to the group in the program. It can be difficult to know for sure whether the groups are sufficiently comparable, and there is always the possibility that inmates who chose to participate in a program were more inclined to change their behaviors than those who did not.

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# Background

## CHAPTER 1

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**M**innesota has historically had lower crime rates than the nation as a whole, and its rate of imprisonment is nearly the lowest among the 50 states. Nationally, many observers have praised innovative elements of Minnesota's criminal justice and corrections systems, such as the state's system of sentencing guidelines, its Community Corrections Act, and its commitment to rehabilitative programs for inmates. But today Minnesota's criminal justice system faces many of the same challenges that other states face, such as how to cost-effectively manage growing prison and probation populations and how to measure the outcomes of criminal justice interventions.

To provide a context for our discussion of recidivism in later chapters, this chapter provides background information on key parts of Minnesota's criminal justice system. We asked:

- **What crimes are considered felonies, and what types of sanctions do convicted felons receive in Minnesota?**
- **How do Minnesota's prison populations and expenditures compare with those of other states?**
- **Can measures of recidivism help policy makers assess progress toward important goals of Minnesota's criminal justice system?**
- **What programs do Minnesota prisons offer that provide inmates with opportunities for rehabilitation, and to what extent do inmates participate in these programs?**

## ADULT FELONS IN MINNESOTA

A felony is defined in Minnesota law as "a crime for which a sentence of imprisonment for more than one year may be imposed."<sup>1</sup> Felonies in Minnesota include offenses such as murder, criminal sexual conduct, robbery, aggravated assault, burglary, and theft of items exceeding \$500 in value. Felony offenses are considered more serious than gross misdemeanors, such as repeat drunk driving violations, or simple misdemeanors, such as disturbing the peace.

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<sup>1</sup> *Minn. Stat.* §609.02, Subd. 2.

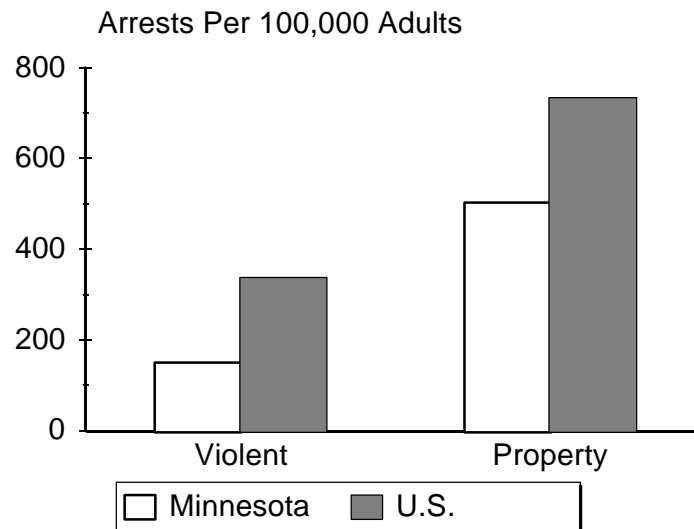
Most felonies are considered “serious” crimes by the Federal Bureau of Investigation (FBI) for purposes of reporting crime statistics. Figure 1.1 shows 1994 rates of adult arrests for serious crimes in Minnesota and the United States.<sup>2</sup> It indicates that:

- **Minnesota had fewer arrests for serious crimes per 100,000 adults than the nation as a whole.**

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**Minnesota has lower rates of serious crime than the nation as a whole.**

**Figure 1.1: Adult Arrests for Serious Crimes in Minnesota and the United States, 1994**



Sources: Minnesota Department of Public Safety, *Minnesota Crime Information, 1994* (St. Paul, 1995), 69; Federal Bureau of Investigation, *Crime in the United States, (Washington, D.C., 1995), 227.*

Minnesota had 150 adult arrests for serious violent crimes per 100,000 adults in 1994, compared with a national rate of 338 arrests per 100,000 adults. But the rate of adults arrested annually for violent crime rose faster in Minnesota between 1984 and 1994 (a 67 percent increase) than in the nation as a whole (35 percent). For serious property crimes, Minnesota had 503 arrests per 100,000 adults in 1994, compared to a national rate of 735 arrests per 100,000 adults. For Minnesota and the United States, the rates of adult arrest for serious property crime were about the same in 1994 as they were in 1984.<sup>3</sup>

Figure 1.2 shows that the number of felons sentenced by Minnesota courts increased 69 percent over the past decade, with 9,787 felons sentenced in 1994. In addition,

<sup>2</sup> The FBI defines serious violent crimes as murder/manslaughter, rape, robbery, and aggravated assault. Serious property crimes are burglary, larceny/theft, motor vehicle theft, and arson. Many drug crimes are felonies, but they are not considered “serious” crimes by the FBI.

<sup>3</sup> Not all crimes are reported to police, and in 1995 only 38 percent of reported serious violent crimes and 18 percent of reported serious property crimes in Minnesota resulted in an arrest. See Minnesota Department of Public Safety, *Minnesota Crime Information, 1995* (St. Paul, 1996), 55.

**Felony convictions increased over the past decade.**

**Figure 1.2: Adult Felons Sentenced in Minnesota, 1984-94**



Source: Minnesota Sentencing Guidelines Commission, *Sentencing Practices: Highlights and Statistical Tables* (St. Paul, February 1996), 9, 18.

- **The percentage of Minnesota felons sentenced to prison has remained relatively steady, at about 20 percent.**

Prisons operated by the Minnesota Department of Corrections incarcerate offenders with “executed” sentences that exceed one year. If the court decides not to execute a sentence, a felon may be given a “stayed” sentence and placed on probation. The requirements of a stayed sentence may include fines, up to one year of incarceration in a local jail, electronic monitoring, treatment, or a variety of other sanctions authorized by law.<sup>4</sup> If an offender violates the terms of probation, the court may revoke the probation and execute the sentence that was previously stayed.

Minnesota’s sentencing guidelines establish “presumptive sentences” for offenders convicted of felonies.<sup>5</sup> Based on the felon’s current conviction offense and previous criminal record, the guidelines indicate the presumed duration of the sentence and whether the sentence should be executed (resulting in imprisonment) or stayed. For instance, a convicted residential burglar whose record shows three previous burglary convictions would have a presumptive prison sentence of 29 to 31 months. The guidelines are presumed appropriate for all cases, but judges may

<sup>4</sup> *Minn. Stat.* §609.135, Subd. 1. Of the Minnesota felons who received stayed sentences in 1994, 81 percent were incarcerated in a local jail. But most felons spent relatively short periods in jail after sentencing, averaging 40 days in 1995.

<sup>5</sup> The 1978 Legislature authorized a system of sentencing guidelines for felons. The guidelines replaced an indeterminate sentencing system with presumptive, fixed sentences.

depart from the guidelines in cases involving “substantial and compelling circumstances.”<sup>6</sup> As shown in Table 1.1, 30 percent of offenders convicted of violent felonies in 1994 were sentenced to prison, compared with 17 percent of offenders convicted of property and drug felonies. Table 1.2 shows that the percentage of violent felons who went to prison ranged from 17 percent for felons with no “criminal history points” to 50 percent and higher for felons with three or more such points.

**Twenty-one percent of convicted felons went to prison in 1994.**

**Table 1.1: Percentage of Felons Sentenced in 1994 Who Were Imprisoned, By Offense Type**

Type of Offense For Which Person Was Convicted	Number Sentenced	Percentage Sentenced To Prison
Violent	2,881	30%
Property	4,777	17
Drug	1,692	17
Other	<u>437</u>	<u>22</u>
TOTAL	9,787	21%

Source: Program Evaluation Division analysis of Minnesota Sentencing Guidelines Commission data.

**Table 1.2: Percentage of Violent Felons Sentenced in 1994 Who Were Imprisoned, By Prior Criminal History**

Offender's Criminal History Score <sup>a</sup>	Number of Violent Felons Sentenced in 1994	Percentage Sentenced to Prison
0	1,519	17%
1	447	24
2	353	32
3	231	50
4	138	71
5	73	77
<u>6+</u>	<u>120</u>	<u>88</u>
All violent felons	2,881	30%

Source: Program Evaluation Division analysis of Minnesota Sentencing Guidelines Commission data.

<sup>a</sup>Until August 1989, the Sentencing Guidelines Commission counted each prior felony as one point when computing criminal history scores. Since then, the commission has weighted prior felonies from one-half to two points, based on seriousness. In addition, offenders usually receive one point if they were under criminal justice supervision for a felony or gross misdemeanor when they committed the current offense. Previous misdemeanors and gross misdemeanors count for one-quarter of a criminal history point. When the points are totalled, any fractions of points in the sum are disregarded. Thus, 1.5 criminal history points would result in a criminal history score of one.

<sup>6</sup> Minnesota Sentencing Guidelines Commission, *Minnesota Sentencing Guidelines and Commentary* (St. Paul, August 1, 1995), 20.

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**Minnesota  
prison costs per  
state resident  
are low, but  
costs per  
inmate are high.**

Increases in the number of felony convictions and the length of sentences have led to growth in Minnesota's prison population. According to the state planning agency, Minnesota's prison population more than doubled over the last ten years, and it is expected to increase 45 percent by the year 2005.<sup>7</sup> Despite this increase,

- **Minnesota has had relatively low imprisonment rates and low prison costs per capita, compared with other states.**

According to the Bureau of Justice Statistics, Minnesota had 4,863 inmates in state prisons at the end of 1995, or 105 prisoners per 100,000 residents. This rate was lower than all states except North Dakota. The national rate (excluding federal prisons) was 378 prisoners per 100,000 population.<sup>8</sup>

Various organizations produce information on state prison costs by surveying state corrections departments. The surveys do not require uniform methods of reporting costs and are not independently verified, so the costs and relative rankings of individual states vary somewhat from one survey to the next.<sup>9</sup> Based on information gathered by one national publication (*The Corrections Yearbook*), we determined that Minnesota budgeted about \$40 per adult citizen for adult prisons in fiscal year 1995, while the national median was \$82 per adult citizen.<sup>10</sup> But data from this publication and others also indicated that:

- **Minnesota's prison costs per inmate were above the national average.**

For example, *The Corrections Yearbook* reported that Minnesota budgeted \$133 million to operate its adult institutions in 1995, or \$81 per day for each of the state's inmates on January 1, 1995.<sup>11</sup> This ranked Minnesota tenth highest among the 50 states and District of Columbia; the national median was \$59 per day per inmate.<sup>12</sup>

Several factors help explain Minnesota's higher cost per inmate. Because Minnesota imprisons a relatively small percentage of convicted felons, its inmate popula-

<sup>7</sup> Minnesota Planning, *Paying the Price: The Rising Costs of Prison* (St. Paul, March 1996), 7.

<sup>8</sup> Darrell K. Gilliard and Allen J. Beck, *Prison and Jail Inmates, 1995* (Washington, D.C.: U.S. Bureau of Justice Statistics, August 1996), 3.

<sup>9</sup> Some states include capital costs in their survey responses, and others account for capital expenditures separately. States also differ in the ways they report expenditures for administration, contracted services, and housing for offenders in local jails (or jail inmates in prisons) to ease overcrowding.

<sup>10</sup> Camille G. Camp and George M. Camp, *The Corrections Yearbook, 1995: Adult Corrections* (South Salem, NY: The Criminal Justice Institute, 1995), 48-49. Population data are from the U.S. Census Bureau. Minnesota ranked 47th among the states and District of Columbia, ahead of Rhode Island, West Virginia, North Dakota, and Idaho.

<sup>11</sup> *The Corrections Yearbook, 1995*, 2-3 and 48-49. Information we obtained from the Minnesota Department of Corrections indicated that the fiscal year 1995 daily cost per inmate in adult institutions was \$82.65, or slightly higher than the Minnesota information reported in this publication.

<sup>12</sup> Another survey listed Minnesota's fiscal year 1995 prison expenditures at \$138.9 million, or a daily cost per inmate of \$84.79. The median per diem cost for the 43 reporting states was \$51. See Amanda Wunder, "Corrections Budgets, 1994-1995," *Corrections Compendium* (January 1995), 5-16.



**High staffing and salary levels contribute to higher costs.**

tion contains a relatively high proportion of violent offenders who may require high levels of security. Thirty-seven percent of Minnesota offenders released in 1992 for the first time from their current prison sentence were in prison for a violent offense, compared with 26 percent of offenders released from other states' prisons.<sup>13</sup> Furthermore, 56 percent of Minnesota's prisoners on January 1, 1995 were in maximum or close security facilities, compared with 22 percent of other states' inmates.<sup>14</sup> The box at the right shows the security level for the majority of inmates at each of Minnesota's eight adult prisons.

<u>State Correctional Facility</u>	<u>Security Level</u>
Oak Park Heights	Maximum
Stillwater	Close
St. Cloud	Close
Faribault	Medium
Lino Lakes	Medium
Moose Lake	Medium
Shakopee	Medium
Red Wing	Minimum

Prisons with higher levels of security have higher costs, especially for prison staff. As of January 1995, Minnesota had 3.2 inmates per prison correctional officer, while the median state had 5.1 inmates per correctional officer.<sup>15</sup> In addition, Minnesota's entry level salary for its correctional officers was \$24,618 in January 1995, compared with a median of \$18,589 for all 50 states and the District of Columbia.<sup>16</sup>

Department of Corrections officials told us that Minnesota prisons provide a greater range of programs than other states' prisons, contributing to higher costs. There is no uniform national reporting on program expenditures, so we could not verify this.<sup>17</sup> Program costs accounted for about 13 percent of Minnesota's prison operating expenditures in fiscal year 1995.<sup>18</sup>

<sup>13</sup> The Minnesota percentages were based on data provided to us by the Department of Correction s. The national data were from Craig Perkins, *National Corrections Reporting Program, 1992* (Washington, D.C.: U.S. Bureau of Justice Statistics, October 1994), 41. The data excluded previously-released offenders who returned for violating the terms of their prison release. Thirty-six states reported on 199,149 first-time releases in 1992. Minnesota also had a higher proportion of property offenders (47 vs. 34 percent) and a lower proportion of drug and "other" offenders (16 vs. 40 percent) than other states.

<sup>14</sup> *Corrections Yearbook, 1995*, 42-43. Security levels for California prisons were missing. Twenty-three percent of the nation's inmates and 6 percent of Minnesota's inmates were in "multi-level" facilities. Even if most of the multi-level beds were maximum or close security, Minnesota would still have a higher percentage of secure prison space.

<sup>15</sup> *Corrections Yearbook, 1995*, 83. The correlation between inmate-correctional officer ratio and inmate per diem costs for the 50 states and District of Columbia was  $r = -0.55$ .

<sup>16</sup> *Corrections Yearbook, 1995*, 80-81. Starting salaries can be misleading since the actual correctional officer payroll also depends upon the range of salaries, the length of time it takes to progress to the top of the range, and the length of tenure of current employees. Also, fringe benefits may differ among states. Nevertheless, the correlation between starting salary and per diem cost was  $r = 0.59$ .

<sup>17</sup> Based on information reported in a recent survey of state corrections agencies, Minnesota spent more per inmate (\$1,440) for prison education programs than any other state. See *Corrections Compendium* (December 1995), 12-17.

<sup>18</sup> Includes education, sex offender, chemical dependency, parenting, religious, independent living, recreation, American Indian, anger management, and prison industry (and other work) programs.

Among all Minnesota felons sentenced to prison in 1994, the median sentence was 30 months, and the average sentence was 51 months.<sup>19</sup> According to a recent national study,

- **The amount of time that Minnesota’s violent offenders spend in prison is above the national average.**

Minnesota’s average sentence length for violent offenders sentenced in 1994 was about the same as the national average, but Minnesota offenders have historically served a longer portion of their sentences in prison than offenders in most states. Minnesota violent offenders released from prison in 1994 had been incarcerated for an average of 52 months before release, compared with a national average of 43 months. A recent study estimated that the average Minnesota violent offender sent to prison in 1994 would serve a minimum of 88 months before release, which was the second longest among 27 reporting states.<sup>20</sup> The length of Minnesota’s felony sentences has grown significantly since 1987, largely reflecting legislative actions.<sup>21</sup>

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**The number of felons on probation has grown considerably.**

Minnesota relies on community-based corrections services for supervision of felony probationers and offenders on “supervised release” from prison. As of December 1995, there were 26,114 adult felons under community supervision in Minnesota, an increase of 60 percent in the past decade.<sup>22</sup> Most of the state’s adult felony probationers (78 percent) were supervised by county agents in the 31 counties that participate in the Minnesota Community Corrections Act.<sup>23</sup> In the remaining 56 counties, agents from the Department of Corrections supervised felons on probation and supervised release.<sup>24</sup> There are no statewide rules governing services for these offenders, so the types of programs and supervision vary considerably among Minnesota counties.

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<sup>19</sup> This does not include offenders who received life sentences. The median sentence better reflects the “typical” sentence length because it is not skewed by a relatively small number of very long sentences.

<sup>20</sup> Allen J. Beck and Lawrence A. Greenfeld, *Violent Offenders in State Prison: Sentences and Time Served* (Washington, D.C.: U.S. Bureau of Justice Statistics, July 1995), 4-5. The average sentence length for offenders sent to prison in 1994 was 125 months in Minnesota, compared with 126 months nationally. Minnesota prisoners released in 1994 served 73 percent of their sentences, compared with a national average of 46 percent. There have been no recent national studies of prison time served by non-violent offenders.

<sup>21</sup> For example, in 1989 sentence durations in the guidelines were doubled for offenders who committed more serious felonies.

<sup>22</sup> Minnesota Department of Corrections, *1995 Probation Survey* (St. Paul, April 8, 1996), 7.

<sup>23</sup> *Minn. Stat.* §401.

<sup>24</sup> Office of the Legislative Auditor, *Funding for Probation Services* (St. Paul, January 1996), 31-69, discusses variations in the types of probation services provided throughout Minnesota. Based on a survey of service providers, the study found that a median of 90 percent of felony probationers meet monthly with a probation officer, and a median of 60 percent of felony property offenders meet monthly with an officer. Most felons who are placed on probation receive stayed sentences of five years or less.

## RECIDIVISM AS A MEASURE OF PUBLIC SAFETY

**Public safety is one of several goals of Minnesota's criminal justice system.**

Minnesota's criminal justice system serves a variety of goals. For instance, Minnesota's sentencing guidelines for felons are built upon a **"just deserts"** philosophy: that the severity of an offender's punishment should be proportional to the severity of the crime committed (as well as the length of the offender's prior criminal record). Also, state law explicitly says that **punishment** is a goal of Minnesota's intensive community supervision and "challenge incarceration" (or "boot camp") programs.<sup>25</sup> In addition, the law authorizes Minnesota courts to require that convicted offenders pay restitution to their victims, consistent with a goal of **"restorative justice."**<sup>26</sup> **Through goals such as these, policy makers have attempted to develop a criminal justice system that holds criminals accountable for past offenses and imposes sanctions that fit the crimes.**

But Minnesota's laws also set goals related to criminals' future behaviors, not just sanctions for their past behaviors. In particular,

- **Protection of public safety is an important goal of Minnesota's criminal laws.**

According to state law, the Minnesota Sentencing Guidelines Commission's "primary consideration . . . shall be public safety" as it sets sentencing guidelines for the courts to follow.<sup>27</sup> Similarly, one of the two stated purposes of Minnesota's criminal code is:

To protect the public safety and welfare by preventing the commission of crime through the deterring effect of the sentences authorized, the rehabilitation of those convicted, and their confinement when the public safety and interest requires.<sup>28</sup>

As the criminal code indicates, public safety may be protected by various means. Incarceration is the most certain way to protect the public from convicted offenders, but it is also the most expensive sanction. Furthermore, incarceration protects the public during the period of time that an offender is locked up, but nearly all incarcerated offenders are eventually released back to the community. Among Minnesota felons sentenced to prison in 1994, the median sentence length was

<sup>25</sup> *Minn. Stat.* §244.14, Subd. 1; *Minn. Stat.* §244.171, Subd. 1.

<sup>26</sup> *Minn. Stat.* §609.10; *Minn. Stat.* §611A.04.

<sup>27</sup> *Minn. Stat.* §244.09, Subd. 5.

<sup>28</sup> *Minn. Stat.* §609.01, Subd. 1. The second purpose is "to protect the individual against the misuse of the criminal law by fairly defining the acts and omissions prohibited, authorizing sentences reasonably related to the conduct and character of the convicted person, and prescribing fair and reasonable postconviction procedures."

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**Public safety can be protected through incarceration, deterrence, and offender rehabilitation.**

30 months, and an offender with such a sentence who behaved well in prison could have been released after 20 months.<sup>29</sup>

The criminal code also aims to protect public safety through the “detering effect” of its sanctions. In other words, policy makers have hoped that citizens will abide by the law partly because they know (and fear) the serious consequences of criminal actions. For persons who have already committed criminal acts, policy makers hope that the threat of increasingly severe sanctions for repeated offenses will deter future crimes.<sup>30</sup>

In addition, Minnesota lawmakers have stated their desire to protect public safety through rehabilitative programs for offenders in prison and in the community. State law requires that the commissioner of the Department of Corrections “have wide and successful administrative experience in correctional programs embodying rehabilitative concepts,” and that the commissioner accept persons committed by the courts “for care, custody, and rehabilitation.”<sup>31</sup> By law, the commissioner must establish training programs that develop “more effective treatment programs directed toward the correction and rehabilitation of persons found delinquent or guilty of crimes.”<sup>32</sup> The commissioner is authorized to establish prison industries that are “consistent with the proper training and rehabilitation of inmates.”<sup>33</sup> And the law requires the commissioner to develop model programs for female offenders, with the highest priority given to programs that “respond in a rehabilitative way to the type of offenses female offenders generally commit.”<sup>34</sup> Thus, while some people may question whether it is possible to help serious criminals to change their behavior, Minnesota law requires the Department of Corrections to strive for rehabilitation.

Recidivism rates--or the extent to which convicted offenders commit subsequent offenses--are an important and widely-used measure of the criminal justice system’s success in protecting public safety. Generally, policy makers and corrections officials hope that recidivism rates will be low, perhaps reflecting successful efforts to rehabilitate and deter offenders.

Recidivism rates should be interpreted with caution. They may be affected by factors beyond the control of a corrections agency (such as sentencing practices, law enforcement activities, and the speed of the court system), and they are not the

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<sup>29</sup> Minnesota offenders sentenced to prison for offenses committed since August 1993 serve a “term of imprisonment” equal to two-thirds of their sentence, and they may serve additional time for discipline violations. The remainder of the sentence is spent in the community, on “supervised release.” Offenders sentenced for crimes before August 1993 serve terms of imprisonment equal to the sentence length minus “good time” earned for good behavior. Offenders can earn one day of good time for each two days that disciplinary rules are not violated.

<sup>30</sup> An offender’s criminal history is one of two factors used to determine the presumptive sentence under Minnesota’s sentencing guidelines. For instance, the guidelines presume that a house burglar convicted for three prior burglaries will be imprisoned, while a burglar with fewer such convictions will not.

<sup>31</sup> *Minn. Stat.* §241.01, Subd. 1, 3a.

<sup>32</sup> *Minn. Stat.* §241.01, Subd. 5.

<sup>33</sup> *Minn. Stat.* §243.88, Subd. 1.

<sup>34</sup> *Minn. Stat.* §241.70, Subd. 2.

only important measures of the criminal justice system's performance or the public's safety from crime.<sup>35</sup> Furthermore, higher recidivism **might** be desirable in cases where recidivism is measured by "technical violations" rather than new offenses. For example, a court may choose to imprison a probationer for repeatedly failing drug tests, even if the probationer has been convicted of no new crimes. If the probation agency measured recidivism as the percentage of probationers who were subsequently imprisoned for any reason (including technical violations), the court's action would increase the recidivism rate--but with the intent of holding the offender accountable and preventing him from committing serious crimes.

In general, however, measures of repeated criminal behavior can help decision makers evaluate the adequacy of criminal sanctions and correctional programs. As the head of a large Minnesota community corrections agency recently wrote:

It is [correctional agencies'] own behaviors, attitudes, and priorities that ultimately make a difference over whether an offender is likely to decide to change his/her behavior, and whether he/she can succeed in making it happen over time. To suggest that our responsibility begins and ends with providing the offender with the opportunity for change minimizes our obligation to alter our interventions for better results.<sup>36</sup>

## PROGRAMS IN MINNESOTA PRISONS

**Prison programs are intended to keep offenders busy and reduce their risk of reoffending after release.**

Most Minnesota inmates participate in work, education, treatment, or other programs during their prison terms. Early in our study, top officials in the Department of Corrections told us that an important goal of prison programs is to reduce recidivism. In fact, the department has told legislators that one of the reasons that Minnesota spends more per prison inmate than most states is "programs that reduce. . . the risk inmates present to the public upon release."<sup>37</sup> Prison programs also serve purposes besides recidivism reduction. For instance, some department staff told us that prison programs are valuable mainly because they keep inmates busy in constructive activities, thus reducing the number of disciplinary problems that might endanger the safety of inmates or prison staff.

We did not study the impact of prison programs on inmate discipline or prison safety, but we examined research literature regarding the impact of programs on recidivism (Chapter 2) and analyzed the recidivism rates of selected groups of Minnesota program participants (Chapter 3). To provide a context for these discussions, this section briefly describes Minnesota's prison programs.

<sup>35</sup> For instance, recidivism rates do not measure whether punishments are fair and appropriate or whether sanctions adequately compensate victims and communities for the harm caused by offenders. In addition, there are better measures of the overall level of public safety, such as rates of crime and arrests per capita.

<sup>36</sup> Mark Carey, "Recidivism--Let's Reduce It!," *Perspectives* (Summer 1995), 7.

<sup>37</sup> Memorandum, Commissioner Frank W. Wood to Senator Tracy Beckman, "Per Diem Information," March 28, 1995, 1. The memo also cited staff salaries, utility costs, and the high percentage of inmates in maximum and close custody facilities as possible reasons for high per diem expenditures.

We surveyed the wardens of each Department of Corrections prison to determine the number of inmates in prison programs, as of October 1, 1996. In order to focus the survey on those activities that consume the most staff and inmate time, we asked wardens to indicate the number of offenders who participated in programs for at least 10 hours a week. As shown in Table 1.3,

- **More than 40 percent of inmates were employed, making prison employment the most common inmate activity.**

**Table 1.3: Inmate Participation in Correctional Facility Programs, As of October 1, 1996**

PROGRAM <sup>a</sup>	Inmates Engaged in Activity At Least 10 Hours Per Week	
	Number of Inmates <sup>b</sup>	Percentage of Inmates
Employment in prison industry, prison services, or other work	2,130	42.4%
Vocational education	496	9.9
GED/high school preparation, ESL, or other adult basic education	405	8.1
Literacy education	358	7.1
Residential chemical dependency program	237	4.7
Residential sex offender program	196	3.9
Academic postsecondary education	180	3.6
Challenge incarceration program	55	1.1
Non-residential chemical dependency program	46	0.9
Work release	36	0.7
Residential mental health program	27	0.5
Non-residential sex offender program	19	0.4
REASON FOR NOT PARTICIPATING IN A PROGRAM AT PRISON		
Idle, due to institution's lack of a work assignment	422	8.4
Assigned to "receiving and orientation" status	278	5.5
In segregation for disciplinary reasons	278	5.5
Housed at other facilities due to lack of space at the prison	262	5.2
Refused to work or participate in programs	214	4.3
Not expected to work due to age or disability	75 <sup>c</sup>	1.5

Note: Inmates in this table may be double-counted if they participated in multiple activities for more than 10 hours a week each. In addition, prison staff told us that a relatively small number of the 214 inmates who "refused to work" were among the 278 inmates "in segregation for disciplinary reasons."

Source: Program Evaluation Division survey of institution wardens, October 1, 1996.

<sup>a</sup>"Residential" programs are those in which offenders live in units that are separate from the institution's general population.

<sup>b</sup>The wardens reported that 5,021 inmates were assigned to their institutions, as of October 1, 1996. This included the 262 inmates who were incarcerated in local or private facilities due to crowding at Department of Corrections facilities. Some local or private facilities offer very limited programs for inmates, while others provide more options.

<sup>c</sup>All 75 inmates are from the Faribault facility's Linden Unit, which houses inmates who are over age 55 or have health problems. We did not ask institutions other than Faribault to identify persons excused from work for these reasons, but the numbers are probably small.

**Most inmates participate in prison programs.**

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**New inmates are assessed and may be assigned to programs.**

According to the wardens, about 20 percent of inmates did not work or participate in other prison programs. Reasons included a lack of sufficient jobs for inmates, inmates' refusal to participate in prison programs, and the segregation of inmates who violated facility rules. Due to shortages of prison space, the department housed another 5 percent of inmates at local or private correctional facilities, and some of these facilities offered programs or work opportunities for inmates while others did not.

In addition, nearly 6 percent of inmates were in "receiving and orientation" status--that is, they were newly imprisoned and undergoing staff assessment and evaluation. All newly-admitted inmates receive psychiatric evaluations and have their education skills assessed. Selected inmates are given sex offender and chemical dependency assessments, and the assessors may require offenders to participate in prison treatment programs.<sup>38</sup> All inmates are required by law to work, except for inmates who are ill, physically disabled, or in education or treatment programs.<sup>39</sup> Inmates whose commitment offenses occurred after August 1, 1993 may have to serve a period of "disciplinary confinement"--in addition to their "term of imprisonment"--if they refuse to participate in work, treatment, or other rehabilitative programs.<sup>40</sup>

As shown in Table 1.4, five prisons operate **chemical dependency (CD) programs** in which participants live in a separate unit of the prison. By housing inmates separately, the facilities hope to produce a more supportive, therapeutic environment that helps keep offenders focused on their treatment goals. These programs range in length from three months to about a year, provide up to about 33 hours of CD-related services weekly, and rely largely on a group therapy model. Generally, these programs have operated at capacity and have had waiting lists for admission. For instance, staff at the Stillwater correctional facility told us that about 400 inmates were on a waiting list for the prison's 28-bed CD treatment program in mid-1996. A new treatment facility opened at the Lino Lakes facility in late 1996, and department staff expect that its 232 beds will significantly reduce inmate waiting lists. In addition to the treatment programs shown in Table 1.4, all Minnesota prisons except Oak Park Heights have CD counseling or support groups for inmates with chemical use problems who have been through the more intensive treatment programs or who do not require intensive treatment.

Four Minnesota prisons--shown in Table 1.4--have **sex offender treatment programs** whose participants live together in a separate unit of the prison. Staff told us that the programs at St. Cloud and Stillwater tend to serve sex offenders with relatively short sentences or those imprisoned for less serious offenses, and these programs emphasize classroom instruction more than group therapy. In contrast, the Lino Lakes correctional facility offers a self-described "intensive" sex of-

<sup>38</sup> Memorandum, Deputy Commissioner James H. Bruton to all institution heads, "Guidelines for Programming Directives," October 9, 1995. The memo requires evaluations for (1) sex offenders, (2) "public risk monitoring" offenders, and (3) selected offenders who are not "public risk monitoring" cases but whose offense involved death, substantial bodily harm, a weapon, or terrorizing behavior, and offenders for whom the institution's review team believes there is reason for intervention.

<sup>39</sup> *Minn. Stat.* §243.18, Subd. 2.

<sup>40</sup> *Minn. Stat.* §244.05, Subd. 1b. For an explanation of "term of imprisonment" and practices before 1993, see footnote 29.

**Table 1.4: “Residential” Chemical Dependency and Sex Offender Programs in Minnesota Prisons**

Facility	Program Type	Capacity	Typical Length (months)	Percent of Those Who Left Program in 1995 Who Completed It
Stillwater	Chemical dependency	28	3	65%
Lino Lakes	Chemical dependency	232	2 to 12	NA
St. Cloud	Chemical dependency	25	3	67 <sup>a</sup>
Faribault	Chemical dependency	92	9	92 <sup>b</sup>
Shakopee	Chemical dependency	32	3	NA
Stillwater	Sex offender	36	8 to 10	49
Lino Lakes	Sex offender	110	9 to 18 <sup>c</sup>	64
St. Cloud	Sex offender	20	12	31
Moose Lake	Sex offender	50	18 to 20	34

NA = not available.

Source: Program Evaluation Division interviews with Department of Corrections staff. "Residential" programs are those in which offenders live in units that are separate from the institution's general population.

<sup>a</sup>Staff's rough estimate of the percentage of inmates who completed the program on their first try.

<sup>b</sup>Based on those who left program in June to December 1995.

<sup>c</sup>Nine months for inmates who only participate in the "transitional" program; 18 months for those who take the "transitional" program after participating in the "intensive" program.

fender program with emphasis on group therapy, in addition to a “transitional” program aimed at helping graduates of treatment programs to prepare for their return to the community. The Moose Lake facility’s program specializes in sex offenders who have low intelligence, mental illness, or poor social skills. The content of this program is similar to the “intensive” program at Lino Lakes, except that it proceeds at a slower pace and uses an approach known as “plethysmography” to test the sexual arousal patterns of offenders. In addition to these programs, the Shakopee prison has a three-year curriculum for female sex offenders that involves group therapy and three hours of coursework per week, plus individual therapy as needed. Participants in this program do not live in a separate unit of the prison.

All of Minnesota’s prisons offer **education services** to inmates.<sup>41</sup> Among offenders released from Minnesota prisons in 1992, 35 percent had entered prison without a high school degree or equivalent. According to Department of Corrections policy, *literacy programs* are to be “a first priority” among prison education programs.<sup>42</sup> Inmates who cannot read at the eighth grade level are encouraged to enroll in literacy programs and can lose privileges--such as pay raises for prison employment--for failing to do so. Inmates may also study for *general educational development* (GED) certificates while in prison; 309 inmates obtained their

<sup>41</sup> One facility (Lino Lakes) did not offer education programs other than evening literacy tutoring until 1992.

<sup>42</sup> Department of Corrections Policy 3-504.8.



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## Prisons provide a variety of education options.

GED certificates in fiscal year 1995.<sup>43</sup> Inmates at six of the prisons can earn diplomas, certificates, or associate degrees in *vocational education*, as shown in Table 1.5, and inmates at the other two prisons can take individual vocational courses. Some vocational courses are taught by prison staff, while others are taught at the prison by contracted instructors from nearby colleges or other organizations. In fiscal year 1994, 53 inmates received vocational diplomas or certificates from Minnesota technical colleges, and others earned credits that could be used toward such awards. A limited selection of *academic post-secondary education* courses are provided on-site at five prisons (Lino Lakes, Oak Park Heights, St. Cloud, Shakopee, and Stillwater), and inmates at any prison can arrange to take correspondence courses for college credit. A non-profit organization provides a six-month course in *computer programming* for interested offenders at the Lino Lakes facility and subsequently hires inmates to provide programming services to local businesses. In addition to the education programs mentioned above, the correctional facilities offer a variety of individual classes in areas such as critical thinking skills, anger management, and parenting.

The amount of time that inmates spend in school ranges from about one to seven hours each weekday.<sup>44</sup> Only one prison (Oak Park Heights) has a separate living unit for persons enrolled in education programs. Inmates are paid \$0.40 to \$1.00

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**Table 1.5: Vocational Education Programs and Prison Industries in Minnesota Prisons**

<u>Institution</u>	<u>Vocational Programs Offering Diplomas, Certificates, or Degrees</u>	<u>Prison Industries</u>
Shakopee	Electronic office Desktop publishing Horticulture <sup>1</sup> Construction technology	Data entry Textiles Telemarketing Computer-aided drafting Assembly Market research
Stillwater	Welding <sup>1</sup> Machine technology <sup>1</sup> Carpentry <sup>1</sup> Horticulture <sup>1</sup> Building cleaning, repair <sup>1</sup> Microcomputer specialist <sup>1,2</sup>	Metal products Furniture Modular office furniture Upholstery Wood products Truck and auto repair Delivery and installation
Lino Lakes	Accounting Computer information processing Presentation graphics Small business management Culinary arts <sup>1</sup>	File folders Copy machine ink cartridge recycling

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<sup>43</sup> To receive a GED certificate, a person must demonstrate proficiency in five areas--social studies, science, literature, writing, and math. Some inmates who already have high school diplomas or GEDs enroll in adult basic education courses to improve their skills in particular areas.

<sup>44</sup> At Shakopee, inmates spend no more than two hours per day in education, and one hour is typical. At Faribault, nearly all inmates in the education programs attend school for seven hours a day.

**Table 1.5: Vocational Education Programs and Prison Industries in Minnesota Prisons, continued**

<u>Institution</u>	<u>Vocational Programs Offering Diplomas, Certificates, or Degrees</u>	<u>Prison Industries</u>
St. Cloud	Auto body repair Auto mechanics Baking Barbering Graphic arts (printing) Furniture finishing Masonry Meat cutting Painting and decorating Small engine repair Upholstery Welding	Printing Upholstery Graphics (license plate stickers) Furniture Mattress manufacturing License plates
Faribault	Building care <sup>1</sup> Cabinetmaking <sup>1</sup> Landscape design <sup>1</sup> Greenhouse technology <sup>1</sup> Small business management <sup>1</sup> Upholstery <sup>1</sup> Mechanical engineering drafting <sup>1</sup> Wood carving	Wood furniture Vehicle refurbishing
Moose Lake	Barbering <sup>1</sup> Horticulture <sup>1</sup>	Printing Garment-making Sign-making Wood products Fishing tackle assembly
Oak Park Heights	None	Sewn products Turned-edge products Vinyl binders
Red Wing	None	No prison industries operated by MINNCOR, but inmates must work full-time in one of the following work programs: land management, grounds maintenance, carpentry, food preparation, janitorial services, building maintenance.

Source: Program Evaluation Division interviews with Minnesota Department of Corrections facility staff; list of active programs from Minnesota State Colleges and Universities.

<sup>1</sup>Indicates a program that has been approved by the board of Minnesota State Colleges and Universities and can be completed at the correctional facility.

<sup>2</sup>Facility offers an Associate of Applied Science degree program.

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**Employment is  
the most  
common  
inmate activity.**

for each hour that they participate in education programs. Inmates pay no tuition for literacy, adult basic, and vocational education, and the amounts charged for academic college courses vary by prison. For instance, inmates taking college courses at the St. Cloud facility paid for 50 percent of their tuition in fiscal year 1996, while inmates at other facilities paid little or no tuition for such courses.<sup>45</sup>

State law authorizes the Commissioner of Corrections to establish **correctional industries** in state prisons “for the primary purpose of providing vocational training, meaningful employment and the teaching of proper work habits to the inmates.”<sup>46</sup> Many inmates work in the prison industries shown in Table 1.5, which are administered by a private firm (MINNCOR). MINNCOR develops industries in the prisons, oversees their operations, and markets their products.<sup>47</sup> In addition, some inmates are employed by the correctional facilities in non-MINNCOR jobs, such as preparing prison meals and cleaning prison buildings.<sup>48</sup> Most inmates receive wages between \$0.40 and \$1.00 an hour, but inmates who receive favorable job evaluations may be eligible for wages up to \$2.20.<sup>49</sup>

State law requires the Department of Corrections to provide “appropriate **mental health programs**” for inmates.<sup>50</sup> All inmates are evaluated by mental health staff within five days of admission to the department’s custody, and they may be referred for services or additional evaluations by staff or themselves. The facilities have licensed psychologists and psychiatric social workers on staff, and most contract for the services of psychiatrists. A 22-bed inpatient unit at the Oak Park Heights facility accepts referrals of adult males from any of the state prisons and aims to stabilize inmates in crisis so they can be returned to their “home” facility.<sup>51</sup> For female inmates, there is a ten-bed residential mental health unit at the Shakopee prison. A 1994 report by the state ombudsman for corrections concluded that the department lacked adequate policies and practices for the diagnosis and emergency treatment of severely mentally ill inmates.<sup>52</sup> Subsequently, a committee appointed by the Commissioner of Corrections developed recommenda-

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<sup>45</sup> Inmates paid \$5 per course at Oak Park Heights, and Shakopee inmates paid no tuition. At Lino Lakes, inmates admitted into the privately-operated “Insight” program work 32 to 40 hours per week doing telemarketing, and the company uses revenues from this activity to pay for inmate wages plus one or two college courses per quarter. The U.S. Congress recently made prison inmates ineligible to receive Pell grants, one of the primary forms of higher education financial aid.

<sup>46</sup> *Minn. Stat.* §241.27, Subd. 1.

<sup>47</sup> The institutions are responsible for placing inmates in industry work assignments. Some institutions have competitive hiring processes for specific industry positions, while other institutions have general waiting lists from which they assign inmates to the next available job openings.

<sup>48</sup> All inmates at the Red Wing facility work full-time for the prison, not MINNCOR, in one of six job categories, and they live in residential units with their co-workers.

<sup>49</sup> In addition, inmates who produce goods that are sold across state lines earn wages that are at or above minimum wage. For instance, some industry workers at the Stillwater prison earn \$5.00 an hour, and inmates who do telemarketing for a private company at the Lino Lakes prison earn as much as \$7.00 an hour.

<sup>50</sup> *Minn. Stat.* §244.03.

<sup>51</sup> Oak Park Heights staff told us that the unit serves offenders (1) with a major mental illness, (2) experiencing a “situational crisis,” or (3) who are “socially inadequate.”

<sup>52</sup> Patricia Seleen, *Ombudsman for Corrections Investigative Report 94-1* (St. Paul, August 9, 1994), 43.

tions for improving mental health services, and department staff told us that most have been implemented.<sup>53</sup>

Inmates may apply to participate in a **work release program** when they are within eight months of their date of supervised release from prison. The program mainly serves inmates whose conviction offense was a property or drug offense.<sup>54</sup> Inmates accepted into the program live in county jails, halfway houses, or at home under electronic monitoring. Participants find unsubsidized jobs in the community, preferably the community where they will be released. Fifty-two percent of inmates admitted to work release in 1994 did not complete the program successfully, mainly because they absconded or violated program rules.<sup>55</sup>

In addition to these programs, all facilities provide inmates with opportunities to participate in recreation and religious activities. Also, one warden told us that the loss of freedom that inmates experience in prison can, itself, be a sort of “program” that influences the thinking and behavior of inmates. At the Oak Park Heights maximum security prison, for example, new inmates are initially assigned to their cells for 23 hours a day, have little contact with other offenders, and do not participate in education, work, or other therapeutic programs.<sup>56</sup>

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### Some inmates receive special monitoring after release.

Most inmates are released to the community from minimum or medium custody facilities, but some are released from more secure facilities. Prior to release, department staff consider whether an inmate’s release should be subject to any “special conditions.” For instance, offenders with histories of drug abuse might be required to submit to periodic drug testing, and sex offenders might be barred from contact with minors. Inmates who are considered threats to public safety may be designated by the department as “public risk monitoring” (PRM) cases. PRM cases are presumed to require more supervision and control than other offenders, perhaps with additional programming. Since 1990, probation offices in certain Minnesota counties have received special state funding for “intensive supervised release” programs that are specifically intended for PRM offenders, but PRM cases can also be supervised through day programming or electronic monitoring.<sup>57</sup> The Department of Corrections has kept no central list of offenders who have been designated as PRM cases, but staff estimated for us that 31 percent of offenders released during fiscal year 1996 were PRM offenders.

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53 Mental Health Services Review Committee, *Mental Health Services for Adult Inmates in Minnesota Correctional Facilities* (St. Paul, September 14, 1995); Department of Corrections Implementation Committee, *Implementation of Recommendations From Report on Mental Health Services for Adult Inmates in Minnesota Correctional Facilities* (St. Paul, July 1, 1996).

54 In 1994, the Department of Corrections denied admission to 63 percent of work release applicants.

55 According to department records, only 3 of 492 inmates admitted to the program in 1994 were terminated because of a new offense. In contrast, 119 absconded, and 131 failed due to technical violations.

56 Facility staff told us that the typical stay in this type of segregation is about three months.

57 By law, the caseloads of intensive supervised release (ISR) agents may not exceed 15 offenders. Four of the department’s nine district offices have ISR agents, as do Hennepin, Ramsey, Anoka, Washington, and Dakota counties. The department places high risk offenders in halfway houses, but only for as long as it takes for them to find employment and housing.

If an inmate on supervised release violates the conditions of release or commits a new offense, the inmate's supervising agent is supposed to report this to the Department of Corrections. The department may revoke the supervised release, thus returning the offender to prison. According to department staff, the duration of most reimprisonments following revocation is 120 days or less. If the department does not revoke supervised release, it may "restructure" the terms of release and return the offender to the community.

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# Previous Research on Recidivism

## CHAPTER 2

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**I**n a 1963 study of recidivism among Minnesota prisoners, one of America's leading corrections researchers recommended regular monitoring of offender outcomes:

It can no longer be doubted that careful studies of the response of various classes of offender to the different judicial and correctional prescriptions designed by society for coping with delinquency and crime are every bit as necessary to the progress of the criminal law as are post-mortem examinations to the growth of medicine. It reflects a lazy, escapist attitude for courts, parole boards and probation authorities to continue, year in and year out, the processing of human beings convicted of crime without stopping from time to time to examine what goes into and what comes out of the mills of justice.<sup>1</sup>

In recent decades, researchers nationally have made many efforts to examine the impact of criminal sanctions and correctional programs. To provide a context for our own findings on recidivism, we examined many of these studies and asked:

- **What levels of recidivism have been documented in previous studies, including studies of Minnesota offenders?**
- **Based on national literature, what is known about the criminal patterns of offenders?**
- **Have studies shown that programs for offenders can reduce recidivism?**

We reviewed more than 200 books, articles, and reports that discussed research findings on these topics. This represents only a portion of the recidivism studies that have been conducted, but we gave particular attention to recent studies and those that summarized previous research.

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<sup>1</sup> Sheldon Glueck, in the foreword to Nathan G. Mandel and others, *Crime Revisited: A Study of Recidivism of 446 Inmates Released From the Minnesota State Reformatory for Men During July 1, 1955 to June 30, 1956* (St. Paul, November 1963), ix.

## RECENT RECIDIVISM STUDIES

The federal government regularly reports information on crime rates, imprisonment rates, and the number of people on probation in the United States, but it does not routinely report on the extent to which convicted criminals commit repeat offenses. As a result, the best sources of recidivism information are (1) special studies conducted by government and academic researchers, pertaining to selected states or counties, and (2) analyses done by some state corrections agencies that have examined the rates at which their imprisoned offenders returned to prison after release.<sup>2</sup>

In this section, we summarize the recidivism findings of many recent studies, including several that tracked felons for periods of time comparable to the three-year follow-up period that we used in our research. Recidivism rates vary depending on the measure selected, so our discussion of previous studies specifies the measures used--such as rearrests, reconvictions, or reimprisonments.<sup>3</sup> Other factors that may account for variation in recidivism rates include: the characteristics of the offenders who were tracked; the completeness of the studies' data sources on arrests, convictions, and incarcerations; the use of national arrest and conviction data versus data from a single state; state policies regarding the use of imprisonment and conditions for prison release; and the effectiveness of offender sanctions and programs.

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**An 11-state study found that 63 percent of released prisoners were rearrested within three years, and 47 percent were reconvicted.**

### Recidivism of Released Prisoners

The most comprehensive study of state prisoner recidivism tracked 16,000 inmates released during 1983 in 11 states, including Minnesota.<sup>4</sup> The study found that, overall, 63 percent of inmates were **arrested** for a felony or serious misdemeanor offense within three years of release from prison. About 47 percent of inmates were **convicted** of a new offense during the three years after release, and 41 percent **returned to prison or jail** for a new offense or technical violation of

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<sup>2</sup> Dallas Miller, *A Survey of Recidivism Research in the United States and Canada* (Boston: Massachusetts Department of Correction, July 1984), 30, reported that 28 of 50 states tracked rates at which released inmates returned to prison. Florida Office of Program Policy Analysis and Government Accountability, *Policy Review of Reincarceration in Florida's Prisons Administered by the Department of Corrections* (Tallahassee, September 18, 1995), 11, reported that 19 of 25 contacted states measured reimprisonment rates.

<sup>3</sup> When researchers track a set of offenders for uniform periods of time, the rates of rearrest will always be higher than the rates of reconviction because (1) not all arrested offenders are prosecuted and convicted, and (2) not all court dispositions of people arrested during the follow-up period will occur during that period. Likewise, offender reconviction rates will always be higher than imprisonment rates because not all convicted offenders are sentenced to prison.

<sup>4</sup> Allen J. Beck and Bernard E. Shipley, *Recidivism of Prisoners Released in 1983* (Washington, D.C.: U.S. Bureau of Justice Statistics, March 1989).

their prison release.<sup>5</sup> The study claimed to be the first national study that assembled criminal records from both within and outside the states in which the prisoners were released. It found that the three-year rearrest rate of prisoners would have been 57 percent, rather than 63 percent, if arrests outside the offender’s state of release had not been counted.

Based on this study, Table 2.1 shows the rates at which selected categories of released prisoners were rearrested for a felony or serious misdemeanor. The

**Table 2.1: Three-Year Recidivism Rates For Various Categories of Released Prisoners (1989 Beck and Shipley Study)**

	Most Serious Offense For Which Released	Offense Category's Percentage of All Released Prisoners <sup>1</sup>	Percent of Released Prisoners Who Were:	
			Rearrested	Reconvicted
<b>The study showed that offenders imprisoned for property crimes usually had higher recidivism rates than other offenders.</b>	<b>Violent offenses</b>	<b>34.6%</b>	<b>59.6%</b>	<b>41.9%</b>
	Murder	3.1	42.1	25.2
	Negligent manslaughter	1.4	42.5	27.9
	Kidnapping	0.6	54.5	35.7
	Rape	2.1	51.5	36.4
	Other sexual assault	2.1	47.9	32.6
	Robbery	18.7	66.0	48.3
	Assault	6.4	60.2	40.4
	Other violent	0.4	50.1	33.2
	<b>Property offenses</b>	<b>48.3</b>	<b>68.1</b>	<b>53.0</b>
	Burglary	25.8	69.6	54.6
	Larceny/theft	11.2	67.3	52.2
	Motor vehicle theft	2.6	78.4	59.1
	Arson	0.7	55.3	38.5
	Fraud	5.5	60.9	47.1
	Stolen property	1.7	67.9	54.9
	Other property	0.8	54.1	37.3
<b>Drug offenses</b>	<b>9.5</b>	<b>50.4</b>	<b>35.3</b>	
Possession	1.2	62.8	40.2	
Trafficking	4.5	51.5	34.5	
Other/unspecified	3.9	45.3	34.5	
<b>Public order offenses</b>	<b>6.4</b>	<b>54.6</b>	<b>41.5</b>	
<b>Other</b>	<b>1.1</b>	<b>76.8</b>	<b>62.9</b>	
<b>All offenses</b>	<b>100.0</b>	<b>62.5</b>	<b>46.8</b>	

Source: Allen J. Beck and Bernard E. Shipley, *Recidivism of Prisoners Released in 1983* (Washington, D.C.: U.S. Bureau of Justice Statistics, March 1989), 5.

<sup>1</sup>May not sum due to rounding.

<sup>5</sup> An author of this study told us that the reincarceration rates were based partly on fingerprint cards submitted by jails and prisons at the time offenders were admitted, and they likely included “some” technical violations. Our own review of Minnesota’s central criminal history records indicated that returns to prison for technical violations were not recorded in this database. For this reason, we suspect that the reincarceration rates reported in this federal study may primarily reflect offenders reincarcerated for new offenses.



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**Younger offenders tend to have higher recidivism rates.**

offenders most likely to be rearrested were car thieves, and inmates convicted of murder and manslaughter were the least likely to be rearrested.

The study found a close relationship between offenders' number of prior adult arrests and their rates of recidivism after release from prison. For example, 38 percent of offenders with a single arrest prior to their prison release were rearrested within three years, compared with 65 percent of offenders with six prior arrests. The study also found higher recidivism rates among younger offenders. For instance, 68 percent of 18- to 24-year-olds were rearrested within three years of release, compared with less than half of offenders age 40 and older.<sup>6</sup> In addition, men had higher rearrest rates than women (63 vs. 52 percent), blacks had higher rates than whites (67 vs. 59 percent), and those without high school diplomas had higher rates than those with them (64 vs. 56 percent).

An author of this report provided us with more detailed results of the study, by state. The results showed that Minnesota had recidivism rates that were slightly lower than the overall rates, as shown in Table 2.2.<sup>7</sup> Compared with other states, Minnesota's released prisoners were more likely to be property offenders and

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**Table 2.2: Recidivism Rates of State Prisoners Released in 1983 (1989 Beck and Shipley Study)**

State	Percent of Released Prisoners Who Within 3 Years Were		
	Rearrested	Reconvicted	Sent to Prison or Jail
California	78.3%	61.2%	58.7%
Oregon	72.3	54.4	43.2
Illinois	71.3	42.6	39.0
Florida	68.7	45.0	37.6
New Jersey	68.0	44.2	36.6
New York	63.8	51.9	45.0
<b>MINNESOTA</b>	<b>59.0</b>	<b>45.9</b>	<b>36.8</b>
North Carolina	56.1	44.3	37.4
Michigan	55.7	37.1	33.0
Texas	50.6	37.5	32.3
Ohio	42.0	NA	NA
Total, 11 states	62.5	46.8	41.4

NA = Not available.

Source: Unpublished data from Allen J. Beck, U.S. Bureau of Justice Statistics.

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<sup>6</sup> A previous federal study reported somewhat lower recidivism rates among young parolees. According to Beck and Shipley, *Recidivism of Young Parolees* (Washington, D.C.: U.S. Bureau of Justice Statistics, May 1987), of 3,995 offenders age 17 to 22 released from 22 states in 1978, 69 percent were rearrested within six years of release for felonies or serious misdemeanors, and 55 percent were rearrested within three years.

<sup>7</sup> A memorandum from Department of Corrections Commissioner Frank W. Wood to Sen. Tracy Beckman, "Per Diem and Recidivism Information," March 28, 1995, cited this study and said that, nationally, 41 percent of released prisoners returned to prison, compared with 23 percent in Minnesota. This comparison was incorrect. The national rate cited in the study was for returns to prison or jail, and the study found that 37 (not 23) percent of Minnesota offenders returned to prison or jail within three years.

offenders under age 25--characteristics that researchers usually associate with high recidivism rates.<sup>8</sup> On the other hand, the study indicated that Minnesota's released offenders had fewer prior arrests and more education than offenders from other states, and these factors tend to be associated with relatively low recidivism rates.

Some multi-state studies have focused on the rates at which released prisoners have **returned to prison for new offenses or technical violations** of their release conditions. A 1984 federal study of 14 states found that a median of 32 percent of prisoners returned to prison within three years of release, as shown in Table 2.3.<sup>9</sup> The state with the highest reimprisonment rate was Minnesota, where 40 percent of released prisoners returned. More recently, a Florida legislative research office contacted 25 states to obtain reimprisonment rates for released offenders. Nine of the states were able to provide three-year reimprisonment rates that included returns to prison for new offenses as well as technical violations. As shown in Table 2.3, the rates ranged from 31 percent in Alabama to 46 percent in Illinois. In addition, Table 2.3 shows reimprisonment rates for Oregon and states adjacent to Minnesota, based on our contacts with the corrections departments in those states.

**In most studies, the percentage of offenders rearrested is considerably higher than the percentage reimprisoned.**

Finally, Table 2.4 presents the overall **rearrest** rates of released prisoners in several states, as reported in recent studies that used follow-up periods of about three years. Again, variation in the findings of recidivism studies may reflect differences in the types of measures used, the types of offenders who were tracked, and the accuracy of states' information on arrests, convictions, and imprisonments. In general, however, our review of these and other previous studies suggested that:

- **Overall three-year rates of rearrest for released prisoners have usually ranged from about 50 to 70 percent. Three-year rates of reconviction have usually ranged from 35 to 55 percent, and rates of reimprisonment (for new offenses and technical violations) have usually ranged from 25 to 45 percent.**

## Recidivism of Probationers

In 1992, the U.S. Bureau of Justice Statistics issued the federal government's largest single study of recidivism among felons on probation.<sup>10</sup> The study tracked 12,370 felons who in 1986 were sentenced to probation in selected urban counties of 17 states (including Hennepin County in Minnesota). It found that, within three years of sentencing, 43 percent of probationers were **arrested for a new felony**

<sup>8</sup> Among the states, the percentage of offenders released for violent crimes ranged from 22 to 56 percent. Minnesota's percentage (38 percent) was about the same as the median percentage.

<sup>9</sup> John F. Wallerstedt, *Returning to Prison* (Washington, D.C.: U.S. Bureau of Justice Statistics, November 1984). The years of release for these prisoners ranged from 1976 to 1980.

<sup>10</sup> Patrick A. Langan and Mark A. Cunniff, *Recidivism of Felons on Probation, 1986-89* (Washington, D.C.: U.S. Bureau of Justice Statistics, February 1992). Supplemental data are reported in Cunniff and Mary K. Shilton, *Variations in Felony Probation: Persons Under Supervision in 32 Urban and Suburban Counties* (Washington, D.C.: National Association of Criminal Justice Planners, March 1991).

**Table 2.3: Percentage of Released Prisoners Who Returned to Prison Within Three Years (Selected States)**

State	1984 Bureau of Justice Statistics Study	1995 Florida Legislative Study	1996 Legislative Auditor Contacts
Colorado	24.1	--	
Georgia	34.9	39.0	
Iowa	23.3	--	31.2 (2 years) <sup>a</sup>
Massachusetts	32.0	--	
MINNESOTA	40.0	--	
Mississippi	27.8	--	
Nebraska	27.9	--	
New York	33.7	--	
North Carolina	31.6	41.8	
Oklahoma	27.8	--	
Oregon	32.2	--	30.3 <sup>b</sup>
Rhode Island	36.2	--	
Washington	28.3	--	
Wisconsin	31.3	--	35.9
Alabama	--	31.3	
Arizona	--	40.5	
Florida	--	37.7	
Illinois	--	46.0	
Pennsylvania	--	35.0	
South Carolina	--	35.0	
Texas	--	44.0	
North Dakota	--	--	c
South Dakota	--	--	d

**About 25 to 45 percent of prisoners return to prison for new crimes or technical violations, according to three-year follow-ups in various states.**

Note: The rates in the table include offenders who returned for new offenses or violations of their release conditions.

Sources: John F. Wallerstedt, *Returning to Prison* (Washington, D.C.: U.S. Bureau of Justice Statistics, November 1984); Florida Office of Program Policy Analysis and Government Accountability, *Policy Review of Reincarceration in Florida's Prisons Administered by the Department of Corrections* (Tallahassee, September 18, 1995); Program Evaluation Division interviews.

<sup>a</sup>Iowa's most recent study tracked prisoners released in 1990-91 for two years. Minnesota's Department of Corrections also tracks prisoners for two-year follow-up periods, and its most recent return rate was 37 percent.

<sup>b</sup>Oregon's return rate for prisoners released in 1992 (30.3 percent) dropped sharply from the 1991 rate (37.6 percent) and the 1990 rate (42.7 percent).

<sup>c</sup>Of prisoners released from North Dakota's penitentiary in 1992, 23 percent returned to prison for new offenses within three years. North Dakota does not track returns to prison for technical violations.

<sup>d</sup>South Dakota computes recidivism in a different way than the other states shown in this table, so we did not report its "return rate." Specifically, the Department of Corrections determines the percentage of people entering prison in the past year for a new crime who had previously been imprisoned in the state.

**Table 2.4: Percentage of Released Prisoners Rearrested (Selected States)**

State	Length of Follow-Up (in years)	Percent Rearrested	Types of Offenses Included in Rearrest Rate
New Jersey	3	62	Felonies
Georgia	3	55	Felonies and misdemeanors
California	3	76	Felonies, parole violations, and selected other offenses <sup>a</sup>
Texas	3	60	Felonies, parole violations, and selected other offenses <sup>a</sup>
Michigan	3	53	Felonies, parole violations, and selected other offenses <sup>a</sup>
North Carolina	2.2	41 <sup>b</sup>	Felonies and serious misdemeanors
Illinois	2.3	60	Felonies and serious misdemeanors

Sources: New Jersey data: Cynthia A. Corbo, *Release Outcome-1984: A Follow-Up Study* (Trenton: New Jersey Department of Corrections, February 1992); Georgia data: Karen E. Needels, "Go Directly to Jail and Do Not Collect? A Long-Term Study of Recidivism, Employment, and Earnings Patterns Among Prison Releasees," *Journal of Research in Crime and Delinquency* (November 1996) 471-496; California, Texas, and Michigan data: Stephen P. Klein and Michael N. Caggiano, *The Prevalence, Predictability, and Policy Implications of Recidivism* (Santa Monica, CA: Rand, August 1986); Stevens H. Clarke and Anita L. Harrison, *Recidivism of Criminal Offenders Assigned to Community Correctional Programs or Released From Prison in North Carolina in 1989* (Chapel Hill: Institute of Government, 1992); Illinois data: Illinois Criminal Justice Information Authority, *The Pace of Recidivism in Illinois*, Research Bulletin No. 2 (Chicago, 1986).

<sup>a</sup>Other offenses included escape, "enhancements" (such as carrying a weapon during a crime), driving without a license, misdemeanor drug offenses, and pandering.

<sup>b</sup>This was the rate for the "regular parole" population. The rearrest rates were lower (27 percent) for prisoners given unconditional discharges at the end of their sentences and higher (45 percent) for prisoners who had restitution as a condition of parole.

within the sentencing state, 32 percent were **convicted** of any new offense, and 26 percent were **sent to prison** for a new offense or a violation of their probation.<sup>11</sup> In this study, the high rearrest rates of seven California counties significantly increased the overall rearrest rates.<sup>12</sup> As a result, it may be more useful to note that:

- **Among 25 non-California counties, a median of 34 percent of felony probationers were arrested for a new felony within three years of sentencing.**

Table 2.5 shows that probationers convicted of robbery, drug offenses, and burglary had the highest rates of rearrest.

Several recent studies have examined the extent of probationer **rearrests for felonies or misdemeanors**, but the results have varied widely. The highest recidivism was reported in a study of two large California counties, which found that 65

<sup>11</sup> Another 10 percent were sent to jail, and 10 percent absconded. Of all the probationers tracked, 62 percent were either arrested for a new felony or charged at a hearing with violating a condition of their probation. The 32 percent reconviction rate cited here is based on Langan and Cunniff's finding that 75 percent of probationers were convicted after their first felony arrest.

<sup>12</sup> Seven California counties accounted for 39 percent of the total probationers tracked, and their rearrest rates were 58, 54, 53, 53, 48, 46, and 38 percent. The only Minnesota county (Hennepin) in the study had a felony rearrest rate of 36 percent.

**Table 2.5: Three-Year Felony Rearrest Rates For Various Categories of Probationers (Langan and Cunniff Study)**

**A national study showed that robbers, burglars, and drug offenders had the highest felony rearrest rates among offenders on probation.**

Most Serious Felony Conviction	Percent of probationers who were rearrested for:			
	Any Felony	Violent Felony	Property Felony	Drug Felony
<b>Violent offense</b>	<b>41.0%</b>	<b>17.9%</b>	<b>9.4%</b>	<b>8.9%</b>
Murder	20.8	7.9	4.4	6.0
Rape	19.5	8.3	2.7	5.1
Robbery	54.6	24.8	13.3	11.4
Assault	35.4	14.7	7.9	7.7
<b>Property offense</b>	<b>43.4</b>	<b>7.4</b>	<b>23.7</b>	<b>7.3</b>
Burglary	49.1	9.3	25.8	9.0
Larceny	39.4	6.7	21.3	6.7
Fraud	41.0	4.5	25.5	5.1
<b>Drug offense</b>	<b>48.9</b>	<b>7.4</b>	<b>10.3</b>	<b>26.7</b>
<b>Weapons offense</b>	<b>36.0</b>	<b>11.2</b>	<b>4.8</b>	<b>10.1</b>
<b>Other offense</b>	<b>32.2</b>	<b>5.8</b>	<b>11.4</b>	<b>5.7</b>
<b>All offenses</b>	<b>43.0</b>	<b>8.5</b>	<b>14.8</b>	<b>14.1</b>

Source: Patrick A. Langan and Mark A. Cunniff, *Recidivism of Felons on Probation, 1986-89*, (Washington, D.C.: U.S. Bureau of Justice Statistics, February 1992), 6.

percent of offenders placed on probation in 1980 were rearrested for felonies or misdemeanors within about three years of sentencing.<sup>13</sup> In contrast, studies that tracked other states' probationers for three years reported much lower rates of rearrest for similar types of offenses: Missouri and Kentucky, 22 percent; New Jersey, 36 percent; Kansas, 37 percent; and North Carolina, 27 percent in a 2.2 year follow-up.<sup>14</sup>

<sup>13</sup> Joan Petersilia, Susan Turner, James Kahan, and Joyce Peterson, *Granting Felons Probation: Public Risks and Alternatives* (Santa Monica, CA: Rand, January 1985). The counties (Alameda and Los Angeles) represented 43 percent of the state's probationers. The recidivism rates in this study may have exceeded those of California counties in the Langan and Cunniff study because they included certain lower level offenses, such as disturbing the peace, failure to appear in court or to pay fines, and others. Another study found even higher rates of rearrest (79 percent), but the follow-up period was 4.5 years, and "rearrests" included probation and traffic violations (Linda G. Smith and Ronald L. Akers, "A Comparison of Florida's Community Control and Prison: A Five-Year Survival Analysis," *Journal of Research in Crime and Delinquency* (August 1993), 267-292).

<sup>14</sup> Johnny McGaha, Michael Fichter, and Peter Hirschburg, "Felony Probation: A Re-examination of Public Risk," *American Journal of Criminal Justice* (Fall 1987), 1-9; John T. Whitehead, "Effectiveness of Felony Probation: Results From An Eastern State," *Justice Quarterly* (December 1991), 525-543; Gennaro F. Vito, "Felony Probation and Recidivism: Replication and Response," *Federal Probation* 50 (1986), 17-25; Peter R. Jones, "The Risk of Recidivism: Evaluating The Public-Safety Implications of a Community Corrections Program," *Journal of Criminal Justice* (January-February 1991), 49-66; Clarke and Harrison, *Recidivism of Criminal Offenders Assigned to Community Correctional Programs or Released From Prison in North Carolina in 1989*.

**Research has not shown that recidivism can be reduced through more frequent meetings between offenders and probation officers.**

Partly because of the high levels of recidivism found in the California study, the federal government funded many studies nationwide to evaluate whether recidivism could be reduced through more intensive types of probation supervision and surveillance. But, contrary to the expectations of researchers, the most carefully conducted studies did not find differences in the rearrest rates of offenders in intensive supervision and “regular” probation supervision programs, nor did they identify a relationship between recidivism and the amount of contact that probation officers had with offenders.<sup>15</sup> Researchers have speculated that strengthening the treatment component of intensive supervision programs might reduce recidivism, but this has not been tested extensively.<sup>16</sup>

Previous studies seem to indicate that the rearrest rates for probationers, as a group, are somewhat lower than the rates for released prisoners, as a group. But it is likely that probationers have lower rates of recidivism partly because they have shorter criminal histories than prisoners, on average. Based on the two major federal recidivism studies completed in the past decade, Table 2.6 shows the recidivism rates of probationers and prisoners by the number of prior arrests they had. As shown,

- **Prisoners and probationers with similar numbers of prior arrests had similar rates of recidivism.**

As a result, an author of the federal probation study concluded that “neither prison nor probation is clearly superior to the other in deterring future crime among those punished.”<sup>17</sup> This may be true if recidivism is monitored from the time offenders become public risks in the community—the time of release for prisoners, and the time of sentencing for probationers. It is important to consider, however, that prison provides an additional measure of safety by taking offenders off of the streets during their term of imprisonment.

## Minnesota Recidivism Studies

A study of Minnesota parolees was one of the first large-scale recidivism studies ever done in the United States.<sup>18</sup> Conducted by a University of Minnesota professor, the study tracked recidivism for nearly 1,200 inmates released from St. Cloud State Reformatory and Stillwater State Prison between 1922 and 1927. Parole typically lasted about one year at that time, and the study found that 17 percent of the released inmates became “major violators” before their parole period ended.

<sup>15</sup> Petersilia and Turner, “Intensive Probation and Parole,” in *Crime and Justice: A Review of Research*, ed. Michael Tonry, 17 (Chicago: University of Chicago Press, 1993), 281-335. It is possible that the intensive supervision programs reduced criminal activity but increased the chances of detecting the crimes committed; however, the studies provided no evidence that this occurred. Participants in intensive supervision programs were more likely to be cited for technical violations than offenders on regular probation, but citations for technical violations did not appear to suppress new criminal arrests.

<sup>16</sup> Petersilia and Turner, “Intensive Probation and Parole,” 321.

<sup>17</sup> Langan, “Between Prison and Probation: Intermediate Sanctions,” *Science* (May 6, 1994), 792.

<sup>18</sup> George B. Vold, *Prediction Methods and Parole* (Minneapolis: The Sociological Press, 1931).

**Table 2.6: Percentage of Probationers and Released Prisoners Rearrested, By Number of Prior Arrests (Based on Findings of Two Federal Studies)**

Federal studies found that probationers and prisoners with similar arrest records had similar recidivism rates.	Number of Prior Arrests	Percent of Offenders Rearrested Within 3 Years:		Percent of Offenders With This Number of Prior Arrests:	
		Probationers	Prisoners	Probationers	Prisoners
	0	36.2%	38.1%	56.6%	9.1%
	1	51.1	48.2	19.9	10.8
	2	58.3	54.7	10.7	10.8
	3	63.0	58.1	5.6	9.7
	4	72.1	59.3	3.4	8.0
	5	59.8	64.8	2.0	7.0
	6-9	69.3	67.7	1.5	18.8
	10+	86.2	78.8	0.3	25.9
	Total	43.0%	62.5%	100.0%	100.0%

Note: For both groups, the rearrest rates were based on felony arrests, but the rates for prisoners also included serious misdemeanors. The probation data were based only on urban locations, while the prisoner data reflected statewide data.

Source: Patrick A. Langan, "Between Prison and Probation: Intermediate Sanctions," *Science* (May 6, 1994), 792.

Major violations consisted mainly of new misdemeanors and felonies, and they usually resulted in a return to prison.<sup>19</sup>

In subsequent years, researchers conducted several general studies of recidivism by Minnesota felons. These studies found that:

- Thirty-nine percent of inmates released from St. Cloud Reformatory in 1944-45 were **arrested** for felonies or misdemeanors during the five to seven years following their release, and another 14 percent had their **parole rescinded** but did not have new arrests. Twenty-one percent were **convicted** of felonies.<sup>20</sup>
- Within five years of release from the St. Cloud Reformatory in 1955-56, 62 percent of inmates were **convicted** of felonies, misdemeanors, or serious traffic offenses, or had their **parole revoked**.<sup>21</sup>

<sup>19</sup> Major violations did not include technical violations of parole, but they included fleeing from law enforcement and failing to make child support payments.

<sup>20</sup> Stanley B. Zuckerman, Alfred J. Barron, and Horace B. Whittier, "A Follow-up Study of Minnesota State Reformatory Inmates: A Preliminary Report," *Journal of Criminal Law, Criminology, and Police Science*, 43 (1953), 622-636.

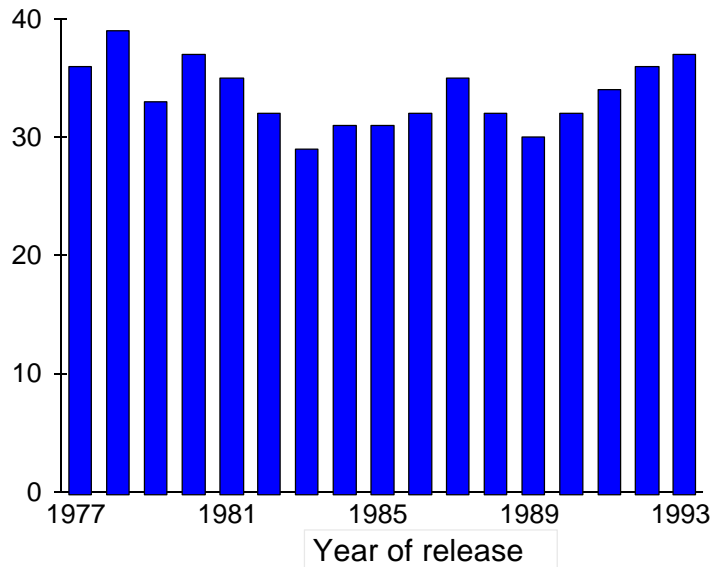
<sup>21</sup> Mandel and others, *Crime Revisited*, 35-36.

- Among persons who were first convicted of a felony in 1982-84, 27 percent were arrested for a felony or gross misdemeanor within three years and subsequently **convicted**.<sup>22</sup>

Since the 1970s, the Minnesota Department of Corrections has regularly tracked the extent to which released inmates have returned to any prison in Minnesota, as shown in Figure 2.1. For inmates released from prison for the first time on their current sentence, the figure shows the percentage of offenders who returned to prison within two years. The department has found that 29 to 39 percent of released offenders **returned to prison** for either a new offense or technical violation of their release conditions.<sup>23</sup>

**The Minnesota Department of Corrections has tracked reimprisonment rates for many years.**

**Figure 2.1: Percentage of Minnesota Prisoners Who Returned to Prison Within Two Years**



Source: Minnesota Department of Corrections.

In addition to these general recidivism studies, some researchers have examined recidivism for certain subgroups of Minnesota offenders. In 1995, the Rand Corporation issued the results of an experimental study of Minnesota’s community-based intensive supervision programs.<sup>24</sup> The study found that 48 percent of

<sup>22</sup> Stephen Coleman and Kathryn Guthrie, *Sentencing Effectiveness in the Prevention of Crime* (St. Paul: Minnesota State Planning Agency, 1988). The study was based on conviction data from 1982-85. It did not adjust for felons who were sent to prison and therefore were unable to reoffend for all or part of the follow-up period.

<sup>23</sup> According to the department, the percentage of offenders returning to prison for new offenses has consistently been around 20 percent, and the other returning offenders have come back for technical violations. But Chapter 3 notes that the department has understated the percentage of inmates who returned for new offenses because it determined the type of return only by the first return to prison in the follow-up period.

<sup>24</sup> Elizabeth Piper Deschenes, Turner, and Petersilia, *Intensive Community Supervision in Minnesota: A Dual Experiment in Prison Diversion and Enhanced Supervised Release* (Santa Monica, CA: Rand, May 1995). The study tracked about 300 offenders.



offenders in a “prison diversion” program were **arrested** for a felony or gross misdemeanor in their first two years in the community. This program was intended for persons sentenced to prison but considered by the Department of Corrections to be relatively low risks to the public. In addition, Rand examined an intensive supervision program for persons given their “supervised release” from prison but believed by the Department of Corrections to represent potential continuing risks to the community. Among these offenders, 15 percent were **arrested** in the first year following their release. The study found that rearrest rates of the offenders in the intensive supervision programs did not differ significantly from the rates of similar offenders who were randomly assigned to other types of supervision.<sup>25</sup>

Also, the Department of Corrections has recently undertaken several studies of sex offender recidivism. For instance, the department tracked sex offenders released from prison in 1988 and found that 45 percent were **arrested** for a felony or gross misdemeanor during the next five years, including 15 percent for a new sex offense.<sup>26</sup> Less than 20 percent of the sex offenders completed treatment during their prison term, and sex offenders who completed treatment programs in prison had recidivism rates similar to those of sex offenders who did not enter programs.<sup>27</sup>

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**Legislators have not had comprehensive information on recidivism among Minnesota prisoners and probationers.**

While there have been some useful efforts to evaluate the recidivism rates of Minnesota offenders during the past 70 years, concern about the lack of adequate recidivism information was one of the reasons the 1996 Minnesota Legislature requested our office to conduct this study. In particular,

- **There has been limited statewide information on (1) rearrest or reconviction rates of Minnesota’s released prisoners, and (2) rates of recidivism among Minnesota’s probationers.**

The rates of reimprisonment regularly reported by the Minnesota Department of Corrections can be a useful measure of recidivism, but they do not provide a comprehensive measure of repeat criminal activity by offenders. Because Minnesota courts sentence many convicted felons to probation rather than prison, rearrest and reconviction rates provide more complete measures of recidivism than reimprisonment rates.<sup>28</sup>

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<sup>25</sup> The study found that a significantly higher percentage of participants in the prison diversion program had technical violations when compared with similar offenders not assigned to this program. There was no difference in the extent of technical violations among the offenders on “intensive supervised release” and a similar group of released offenders.

<sup>26</sup> James Kaul, Stephen Huot, Douglas Epperson, and Maude Dornfeld, *Study One: Sex Offenders Released in 1988* (St. Paul: Minnesota Department of Corrections, 1994).

<sup>27</sup> Over a five-year period, the rearrest rates for all crimes were 44 percent for treatment completers, 49 percent for those who entered treatment but did not complete, and 44 percent for those who never entered treatment. The rates of rearrest for violent offenses were 22, 41, and 23 percent, respectively. On average, offenders who entered treatment but did not complete had longer and more serious criminal records than treatment completers and those who never entered treatment.

<sup>28</sup> For example, as we showed in Table 1.2, the percentage of persons convicted of violent felonies in Minnesota who went to prison ranged from 24 percent for those with one criminal history “point” on Minnesota’s sentencing guidelines system to 88 percent for those with six or more criminal history points. Offenders with higher numbers of points generally have longer criminal histories.

In addition, the Legislature has never received statewide information on probationer recidivism. The Department of Corrections' 1994 performance report indicated that 10 percent of probationers supervised by a department agent in fiscal year 1994 were charged with a new misdemeanor or felony offense.<sup>29</sup> But department staff told us that they have no documentation for the recidivism rate cited in the report and are unsure what data were used to compute it. Furthermore, the report included no information on **county-supervised** probationers, who account for about 80 percent of felony probationers in Minnesota. In Chapter 4, we offer suggestions for improving Minnesota's information on offender recidivism.

## Research on Patterns of Criminal Behavior

Criminal justice researchers have studied general patterns of criminal behavior in addition to measuring offender recidivism rates. For example, they have examined the ages at which criminal behavior typically begins and ends, and the number and types of offenses committed. We reviewed this research to highlight findings that might provide a useful context for our recidivism analysis.

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**Typically, recidivists stop committing crimes after several years.**

Research on the persistence of criminal behavior has generally indicated that:

- **Crime is not a lifelong activity for most recidivists.**

A national panel of researchers examined arrests for serious offenses among recidivists whose first adult arrest occurred before age 21. They concluded that the average period of time between these offenders' first and final arrests was about five years; property offenders had shorter than average periods of criminality, and violent offenders had longer periods.<sup>30</sup> But, while most offenders ended their criminal "careers" during early adulthood, the panel found that the group of offenders who continued to commit serious offenses into their thirties typically were not arrested for the last time until at least age 40.<sup>31</sup>

Research has shown that a significant proportion of the American male population--perhaps 25 to 35 percent of urban males--are arrested for a serious crime at some time during their lives.<sup>32</sup> Males are about three to five times more likely than females to be arrested for a crime during their lives, and black males are two

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<sup>29</sup> Minnesota Department of Corrections, *Annual Performance Report* (St. Paul, September 1994), 32.

<sup>30</sup> Panel on Research on Criminal Careers, *Criminal Careers and 'Career Criminals,'* ed. Alfred Blumstein, Jacqueline Cohen, Jeffrey A. Roth, and Christy A. Visher (Washington, D.C.: National Academy Press, 1986), 94. Another researcher used arrest data and inmate surveys to reach a conclusion that "6 or 7 years" is a reasonable estimate for the average length of a criminal "career;" see William Spelman, *Criminal Incapacitation* (New York: Plenum Press, 1994), 140.

<sup>31</sup> *Criminal Careers and 'Career Criminals,'* 92-94. While some people have argued against incarcerating 30-year-old offenders because they are near the end of their criminal careers, the authors state that "the few persistent offenders who begin their adult careers at 18 and remain criminally active into their 30s appear to represent prime candidates for incarceration" (p. 93).

<sup>32</sup> *Criminal Careers and 'Career Criminals,'* 53. "Serious" crimes were defined as the FBI's "index" offenses.

to three times more likely than white males to be arrested for a crime during their lives.<sup>33</sup> But, while many males have arrest records, research has indicated that:

- **A relatively small group of recidivists are responsible for a disproportionately large number of serious crimes.**

For instance, large surveys of jail and prison inmates in three states have indicated that 10 to 20 percent of the offenders accounted for 70 to 80 percent of the serious violent and property crimes that had been committed by the inmates.<sup>34</sup> Unfortunately, corrections researchers have been unable to develop methods that predict individual offenders' future criminality with much accuracy.<sup>35</sup>

While some offenders "specialize" in certain types of crime, research has indicated that:

- **Persons who commit crimes the most frequently often commit a variety of offenses, not just one type.**

In one inmate survey, 43 percent said that they committed only property crimes in the two years prior to incarceration, 20 percent committed only violent crimes, and 37 percent committed both types.<sup>36</sup> But the study found that offenders who committed **both** personal and property crimes committed each at rates about twice as high as criminals who specialized in one or the other. In addition, many repeat offenders who specialize in a broad type of crime (such as property crime) commit a variety of specific offenses within the type.<sup>37</sup>

As a result of this varied pattern of offending, it probably makes sense for recidivism analyses to examine whether offenders have committed **any** subsequent offenses, not just crimes of the exact type for which the offenders were initially convicted. Likewise, if a person imprisoned for a violent offense is arrested for theft following his release, this might reflect a normal pattern of varied criminal behavior and not necessarily the offender's transformation into a nonviolent criminal.

Research evidence has indicated that offenders commit relatively constant numbers of particular crimes during the period of time when they are "active"

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### **Chronic offenders often commit a variety of types of crimes.**

<sup>33</sup> *Criminal Careers and 'Career Criminals,'* 40-41.

<sup>34</sup> *Criminal Incapacitation*, 84-86, based on 1975, 1976, and 1978 Rand surveys in Texas, Michigan, and California.

<sup>35</sup> For example, Stephen P. Klein and Michael N. Caggiano, *The Prevalence, Predictability, and Policy Implications of Recidivism* (Santa Monica, CA: Rand, August 1986), 37-38, used five models to try to predict recidivism among released inmates. "The predictions generated by any one model were usually only 5 to 10 percent more accurate than those that would be obtained by chance," they reported.

<sup>36</sup> Spelman, *Criminal Incapacitation*, 104-107.

<sup>37</sup> *Criminal Careers and 'Career Criminals'* examined arrest patterns in Detroit and found no offense category in which more than 50 percent of people arrested were arrested the next time for the same offense. For example, among white offenders, only 24 percent of auto thieves and 40 percent of fraud arrestees were next arrested for the same offense (pp. 82-83).

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### Three years is a reasonable follow-up period for a recidivism study.

criminals (that is, committing crimes).<sup>38</sup> In other words, aside from dropping out of crime entirely, criminals do not tend to vary significantly the frequency of committing a particular crime over time. Results of inmate surveys in several states have indicated that the typical offender commits at least 10 to 15 non-drug crimes in the year before entering prison.<sup>39</sup>

Because many crimes do not result in arrests, recidivism studies that rely on records of arrest, conviction, or imprisonment have the potential to understate the actual level of repeat offending. But studies have also indicated that:

- **Among those convicted felons who are subsequently rearrested, most are rearrested relatively soon after their previous conviction or release from incarceration.**

In fact, evidence from official criminal records has indicated that a three-year follow-up period is sufficiently long to identify a majority of those offenders who will eventually be rearrested.<sup>40</sup> This is one reason that most recidivism studies have tracked offenders for relatively short periods, even though longer follow-up periods would surely uncover some additional instances of recidivism.

## PROGRAM IMPACTS ON RECIDIVISM

To evaluate the impact of a program on recidivism, it is necessary to consider whether the program resulted in lower recidivism rates than would have occurred in its absence. Researchers often do this by comparing the recidivism of offenders who participated in the program (the “experimental group”) with the recidivism of offenders who did not (the “control group”). To help ensure that differences in these recidivism rates do not reflect underlying differences in the types of offenders in these groups, researchers generally prefer to **randomly** assign eligible offenders to either the experimental or control group. But sometimes this is impractical, and some people believe that it is unethical to deny offenders access to programs that may help them. Thus, in cases where it is not possible to conduct program evaluations based on random assignments, researchers often try to ensure that the characteristics of the offenders in the experimental group are similar to

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<sup>38</sup> *Criminal Careers and ‘Career Criminals,’* 59-76.

<sup>39</sup> Anne Morrison Piehl and John J. DiIulio, “Does Prison Pay? Revisited: Returning to the Crime Scene,” *The Brookings Review* (Winter 1995), 22, reported that the median number of offenses in recent New Jersey and Wisconsin surveys was 12, compared with 15 in earlier surveys in Texas, Michigan, and California. The average number of offenses committed is often considerably higher due to the large number of offenses committed by a small group of offenders.

<sup>40</sup> For example, Howard Kitchener and others, “How Persistent is Post-Prison Success?,” *Federal Probation* (March 1977), 9-15, tracked offenders for 18 years. The study found that 50 percent of the recidivists could be identified as repeat offenders from official records after two years, and two-thirds could be identified after three years. Karen E. Needels, “Go Directly to Jail and Do Not Collect? A Long-Term Study of Recidivism, Employment, and Earnings Patterns Among Prison Releases,” *Journal of Research in Crime and Delinquency* (November 1996), 471-496, tracked Georgia offenders for 17 years. Supplemental data provided by the author indicated that two-thirds of the repeat arrestees could be identified after three years, and more than half of the reimprisoned offenders could be identified after three years.

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**Many studies have examined the effects of correctional programs on recidivism.**

those in the control group, or they find a way to statistically control for any important differences.

At the outset of our study, many legislators expressed a desire for more information about the effectiveness of corrections programs and strategies. They wanted to know the rates of recidivism for various groups of offenders, but they also wanted to know whether particular programs could reduce recidivism. Because we evaluated recidivism for offenders who were sentenced or released from prison several years ago, we could not conduct an experimental study or control for all differences among the offenders.

But academic researchers have periodically evaluated correctional programs, including some that are similar to those in Minnesota. This section highlights the findings from those studies that were the most carefully designed and, therefore, the most conclusive. Where possible, we relied on published reviews of research literature. Although programs may be judged by a variety of measures, we only examined measures of programs' impacts on recidivism. Our review is intended to help decision makers consider the **general** potential of correctional programs to reduce recidivism, rather than exploring detailed aspects of program content that may contribute to successful or unsuccessful outcomes.

## General Findings

There was considerable pessimism in the mid-1970s about the ability of correctional interventions to rehabilitate offenders. This resulted, in large part, from a summary of past research that found that: "With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism."<sup>41</sup>

In 1979, a panel of researchers from the National Academy of Sciences concluded that:

The entire body of research appears to justify only the conclusion that we do not now know of any program or method of rehabilitation that could be guaranteed to reduce the criminal activity of released offenders. Although a generous reviewer of the literature might discern some glimmers of hope, those glimmers are so few, so scattered and so inconsistent that they do not serve as a basis for any recommendation other than continued research.<sup>42</sup>

This comprehensive review acknowledged that some treatments might be effective for certain offender subgroups. But, regarding programs in prisons, the

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<sup>41</sup> Robert Martinson, "What Works: Questions and Answers About Prison Reform," *The Public Interest* (Spring 1974), 25. This article was based on a subsequently-published review of research: Douglas Lipton, Martinson, and Judith Wilks, *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies* (New York: Praeger, 1975). Later, Martinson recanted his conclusion and observed that "contrary to my previous position, some treatment programs do have an appreciable effect on recidivism"--see Martinson, "New Findings, New Views: A Note of Caution Regarding Sentencing Reform," *Hofstra Law Review* (Winter 1979), 244.

<sup>42</sup> Panel on Research on Rehabilitative Techniques, *The Rehabilitation of Criminal Offenders: Problems and Prospects*, ed. Lee Sechrest, Susan O. White, and Elizabeth D. Brown (Washington, D.C.: National Academy of Sciences, 1979), 3.

authors concluded, "We should continue to treat as problematic the assumption that long-term behavior in a nonprison environment can be significantly affected by institutional programs."<sup>43</sup> The report's authors expressed frustration with flaws in previous research, and they questioned whether the correctional programs under review had made sufficiently serious efforts to change the ingrained behavior of offenders.

Today, there continues to be considerable debate about the effectiveness of correctional programming. Some researchers contend that there is clear evidence that selected programs succeed with certain types of offenders. Others believe that the results of past research are inconclusive or suggest that programs have little impact. Figure 2.2 contains a sampling of findings from recent reviews of research.

### Figure 2.2: Selected Summaries of Program Effectiveness Literature

- **Lab and Whitehead, 1989** (based on a review of 50 studies issued between 1975 and 1984): "The results clearly support the contentions of [previous analysts] that correctional treatment has little effect on recidivism."
- **Andrews and others, 1990** (based on a review of 80 studies issued between 1959 and 1989): The use of "appropriate" treatment reduces recidivism rates by an average of about 50 percent. The authors said that appropriate treatment is that which targets higher risk cases, targets offenders' criminogenic needs, and uses types of treatment that match client need and learning styles.
- **Palmer, 1991**: "Neither meta-analyses nor recent literature reviews indicate that generic types of programs have been found that consistently produce major recidivism reductions. But there is general agreement that interventions for serious and repeat offenders should (1) combine a variety of components, such as education, work training, counseling, and other activities, (2) be intensive, and (3) be tailored to offender subgroups.
- **Lipsey, 1992** (based on 443 studies issued since 1950): "The answer to the general question 'Does treatment reduce delinquency?' therefore appears to be 'Yes, on average there is a positive effect.' But while positive and statistically significant, the mean effect sizes found here appear relatively modest. . . . [T]he mean treatment effect . . . is equivalent to a reduction in average recidivism from 50 to 45 percent."
- **Logan and Gaes, 1993**: "Meta-analysis of research on rehabilitation has not yet established that any particular method of treatment is significantly and reliably effective. We still do not know what 'works' in correctional treatment, but it wouldn't matter even if we knew, because the fundamental purpose of imprisonment is not the correction but the punishment of criminal behavior."

Sources: Steven P. Lab and John T. Whitehead, "A Meta-Analysis of Juvenile Correctional Treatment," *Journal of Research in Crime and Delinquency* (August 1989), 276-295; D.A. Andrews and others, "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis," *Criminology* (August 1990), 369-404; Ted Palmer, "The Effectiveness of Intervention: Recent Trends and Current Issues," *Crime and Delinquency* (July 1991), 330-346; Mark W. Lipsey, "Juvenile Delinquency Treatment: A Meta-Analytic Inquiry into the Variability of Effects," in *Meta-Analysis for Explanation: A Casebook*, eds. Thomas D. Cook and others (New York: Russell Sage Foundation, 1992), 83-127; Charles H. Logan and Gerald G. Gaes, "Meta-Analysis and the Rehabilitation of Punishment," *Justice Quarterly* (June 1993), 243-263.

<sup>1</sup>A preliminary analysis of a more recent set of studies (1989-94) found that the more appropriate approaches identified by Andrews were not as highly correlated with reduced recidivism as in the original Andrews analysis. Frank S. Pearson, Douglas S. Lipton, and Charles M. Cleland, *Some Preliminary Findings From the CDATE Project*, paper presented at the Annual Meeting of the American Society of Criminology, Chicago, November 20, 1996. The authors are still exploring possible explanations.

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**Researchers are still trying to determine which programs are most effective.**

In our view, many studies have shown that programs **can** reduce recidivism by modest amounts, so the view that “nothing works” is unnecessarily pessimistic. But,

- **There is still no clear consensus regarding which programs are most effective with various categories of offenders, and programs that have reduced recidivism in certain circumstances have not always worked in others.**

Currently, a private research organization is cataloging data from all correctional treatment studies since 1968, in hopes of identifying elements of successful correctional programming.<sup>44</sup> Still, programs that have been shown to be effective in experimental settings have not always been implemented more widely with similar results. Thus, we think that the 1979 conclusion of the National Academy of Sciences remains true today: that no program can guarantee reduced recidivism, although some studies have shown that programs **can** reduce recidivism.

The following sections summarize research findings about the impact of various offender programs on recidivism, particularly prison-based programs. It is important to note that there may be measures of program success besides levels of recidivism, so our discussion is not intended to provide a comprehensive basis for judging the value of these programs.

## Chemical Dependency Programs

Many serious offenders abuse drugs or alcohol, and sometimes this is directly related to their criminal behavior. In a 1991 survey of prison inmates nationwide, 62 percent of inmates said they had used a non-prescribed drug on a regular basis at some time.<sup>45</sup> At the time of their commitment offense, 18 percent were under the influence of alcohol, 17 percent were under the influence of drugs, and 14 percent were under the influence of both. Seventeen percent said that they committed their offense to get money to buy drugs. Studies have shown that offenders tend to commit more severe and frequent crimes as the frequency of their drug abuse increases.<sup>46</sup>

According to a 1995 federal report, a series of large-scale, recent studies are the first “to provide solid evidence that prison-based [drug] treatment can produce significant reductions in recidivism rates among chronic drug-abusing felons and to

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<sup>44</sup> New York-based National Development and Research Institutes, Inc., has initiated the Correctional Drug Abuse Treatment Effectiveness (CDATE) project, which is designed to summarize the results of all credible research on correctional interventions (not just drug treatment) that have been conducted since 1968--the latest year of studies included in the 1975 analysis by Lipton, Martinson, and Wilks.

<sup>45</sup> U.S. Bureau of Justice Statistics, *Survey of State Prison Inmates, 1991* (Washington, D.C., March 1993), 21-26. For the survey, 13,986 inmates were interviewed in 277 prisons.

<sup>46</sup> Gregory P. Falkin, Harry K. Wexler, and Douglas S. Lipton, “Drug Treatment in State Prisons,” *Treating Drug Problems* (v. 2), ed. Dean R. Gerstein and Henrick J. Harwood (Washington, D.C.: National Academy Press, 1992), 97-98.

show consistency of such results over time.<sup>47</sup> These studies have indicated that offenders who were in treatment for longer periods (such as 9 to 12 months) tended to have lower recidivism rates than short-term participants.

Over the years, "only a limited number of [correctional drug treatment] programs have been scientifically demonstrated to be effective."<sup>48</sup> But a recent research summary reported that "a growing body of research" shows that voluntary or mandatory drug treatment can reduce recidivism, especially when treatment is matched to offender needs.<sup>49</sup> Researchers have suggested that the central features of effective drug treatment programs in correctional settings are (1) competent and committed staff, (2) support of correctional authorities, (3) adequate resources, (4) comprehensive, intensive therapy aimed at changing offender lifestyles and not just substance abuse problems, and (5) continuity of care following program completion.<sup>50</sup>

## Sex Offender Treatment Programs

There are various types of sex offenders, and research literature has indicated that their rates of recidivism may differ considerably. One literature review indicated that untreated exhibitionists tend to commit repeat sex offenses at the highest rates (41 to 71 percent), and untreated incest offenders have the lowest rates (4 to 10 percent). The review said that recidivism rates for untreated child molesters have ranged from 10 to 40 percent, and rates for untreated rapists have ranged from 7 to 35 percent.<sup>51</sup>

Correctional agencies not only serve various types of sex offenders, but they also employ various types of treatment approaches. *Behavioral treatment* attempts to reduce sexual arousal by changing offenders' behavioral responses to sexual stimuli. *Organic and biomedical treatment* relies on surgery, hormones, or medica-

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47 Douglas S. Lipton, *The Effectiveness of Treatment for Drug Abusers Under Criminal Justice Supervision* (Washington, D.C.: National Institute of Justice, November 1995), 51, which singled out studies of programs in New York, Oregon, California, and Delaware. Even some of the better evaluations have not involved random assignment of offenders to groups receiving treatment and those not receiving it. Instead, studies have often compared the outcomes of treatment completers with the outcomes of program dropouts or with demographically similar groups of offenders who did not participate in treatment. Thus, as in any studies that do not use random assignment, it is possible that the successful participants were more motivated to change their behaviors than unsuccessful participants.

48 Falkin and others, "Drug Treatment in State Prisons," 90. For example, the authors cited failed interventions such as "scared straight" programs, counseling programs run by inmates, and programs based on a "disease model."

49 Michael L. Prendergast, M. Douglas Anglin, and Jean Wellisch, "Treatment for Drug-Abusing Offenders Under Community Supervision," *Federal Probation* (December 1995), 66.

50 Falkin and others, "Drug Treatment in State Prisons," 118-119, suggest that the more successful programs are based on "social learning theory." These programs assume that criminal behavior is learned, so they try to improve offenders' interpersonal relations through vocational and social skill building, peer-oriented behavior programs, interpersonal cognitive skill training, role playing, and other approaches.

51 W.L. Marshall and H.E. Barbaree, "Outcome of Comprehensive Cognitive-Behavioral Treatment Programs," *Handbook of Sexual Assault*, (New York: Plenum Press, 1990), 371. The studies have used varying follow-up periods, which may partly explain variations in the rates for particular offender types.



tions to reduce the sexual drive of offenders . *Psychological and cognitive treatment* aims to teach sex offenders how to recognize and control their sexual arousal patterns.<sup>52</sup>

Research studies often combine these treatment approaches and serve multiple types of sex offenders, so it is difficult to conclusively determine what types of treatment work best with certain offenders. A 1989 review of 42 research studies concluded that:

Despite the relatively large number of studies on sex offender recidivism, we know very little about it. . . . There is as yet no evidence that clinical treatment reduces rates of sex reoffenses in general and no appropriate data for assessing whether it may be differentially effective for different types of offenders.<sup>53</sup>

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**Some sex offender treatment programs have reduced recidivism by small amounts.**

But a 1995 review of 12 subsequent studies reached a more optimistic conclusion about the effectiveness of sex offender treatment. It reported that 19 percent of sex offenders treated in these studies committed new sex offenses, compared with 27 percent of sex offenders who did not receive the treatments. The studies that followed offenders for long periods (more than five years) showed greater impacts from treatment than did studies with shorter follow-up periods, apparently due to the long-term risk of recidivism by untreated, or inadequately treated, sex offenders. The analysis of these studies concluded that “the effect of treatment with sexual offenders is robust, albeit small, and that treatment is most effective with outpatient [rather than institutionalized] participants and when it consists of hormonal or cognitive-behavioral treatments.”<sup>54</sup>

Still, the author of this review suggested that treatment staff in programs for sex offenders should aim for more than “small” reductions in recidivism:

Unlike many other psychological treatments for highly repetitive problems, such as addictive behaviors (e.g., smoking, alcohol, drugs), in which some recidivism may be expected and even tolerable, the expectation of psychological treatments for sexual offenders is *no recidivism* because of the serious effects of even a single act of sexually aggressive behavior [emphasis added].<sup>55</sup>

## Education Programs

Many studies have indicated that there is a relationship between the education level of offenders and their rates of recidivism. As shown in Table 2.7, for example, the Bureau of Justice Statistics found that high school graduates released from

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52 For a discussion of programs in Minnesota, see Office of the Legislative Auditor, *Sex Offender Treatment Programs* (St. Paul, July 1994).

53 Lita Furby, Mark R. Weinrott, and Lyn Blackshaw, “Sex Offender Recidivism: A Review,” *Psychological Bulletin* (January 1989), 27.

54 Gordon C. Nagayama Hall, “Sexual Offender Recidivism Revisited: A Meta-Analysis of Recent Treatment Studies,” *Journal of Consulting and Clinical Psychology* (October 1995), 808. One of the studies relied on castration of offenders, an approach that is not used in Minnesota. Without this study, the percentages of recidivating offenders would have been 22 percent for treated offenders and 26 percent for untreated offenders.

55 Nagayama Hall, “Sex Offender Recidivism Revisited,” 802.

**Better-educated prisoners often have lower recidivism rates, but relatively few studies have rigorously examined the impact of prison-based education programs.**

**Table 2.7: Recidivism Rates of Prisoners Released in 1983 From 11 States, By Education Level**

Education Level, Before Imprisonment	Percent of Released Prisoners Who Within 3 Years Were:		
	Rearrested	Reconvicted	Reincarcerated
8th Grade or Less	61.9%	46.0%	38.4%
Some High School	65.1	46.9	40.9
High School Graduate	57.4	39.8	35.0
Some College or More	51.9	36.1	30.4

Source: Beck and Shipley, *Recidivism of Prisoners Released in 1983*, 5.

prison in 1983 had somewhat lower recidivism rates than inmates without high school diplomas.<sup>56</sup> That same study indicated that Minnesota’s inmate population was relatively well-educated. Of the eight states in this study that reported information on the education levels of released offenders, Minnesota had a much higher percentage of high school graduates (59 percent) than any of the others.<sup>57</sup>

While many studies have indicated a relationship between offenders’ education levels and recidivism rates, there is limited evidence that individual prison education **programs** reduce inmate recidivism. Recently, two researchers examined studies issued between 1948 and 1992 that explored the relationship between prison education programs and recidivism. The researchers rated these studies, based on the quality of the research methods used.<sup>58</sup> Of the six “best” studies of precollege education programs in prisons, three showed a significant inverse relationship between participation in the program and post-release recidivism, and three did not. Of the six best studies of prison-based college education, four showed a significant inverse relationship between program participation and recidivism, and two did not. Of the six best studies of vocational education programs, four showed a significant inverse relationship between program participation and recidivism, and two did not.

But even some of the “best” studies cited here did not randomly assign inmates to the program under study or to a “control group” that did not receive these educational services. As a result, there is the possibility of bias in the results of some of these and many other less rigorous studies: specifically, that offenders who enrolled in education programs had lower recidivism rates because they were more motivated to change their lives than offenders who did not enroll in the programs.

<sup>56</sup> Beck and Shipley, *Recidivism of Prisoners Released in 1983*, 5.

<sup>57</sup> Other percentages were: Michigan--43; Texas--42; Illinois--35; Florida--33; New Jersey--29; New York--25; and North Carolina--25.

<sup>58</sup> Jurg Gerber and Eric J. Fritsch, “Adult Academic and Vocational Correctional Education Programs: A Review of Recent Research,” *Journal of Offender Rehabilitation* 22 (1/2) (1995), 119-142. The most rigorous studies (and those cited here) were ones that employed both experimental and control groups, that controlled for differences between the populations of these groups (through random assignment of offenders, selection of “matched” control and experimental subjects, or statistical control of the characteristics of the control and experimental groups), and that reported whether the observed results were statistically significant.

Thus, while the authors of this review pointed to some promising indications of a relationship between education programs and reduced recidivism, they also said that future studies need to be designed better in order to isolate the impact of the programs from other variables. "Without adequate control techniques," they said, "it is difficult to speak definitively about the impact of correctional education programs."<sup>59</sup>

A more recent study provided some encouraging evidence about the impact of prison education programs on poorly educated inmates. The study of 14,000 Texas inmates found that those who entered prison with the lowest levels of education appeared to benefit more than other inmates from intensive participation in prison education programs (more than 200 hours). For example, as shown in Table 2.8, the two-year recidivism rate of offenders who entered prison with less than a fourth-grade education was 18 percent for those who participated in

**Table 2.8: Recidivism Rates of Texas Prisoners, By Level of Education and Participation in Prison Academic Education Programs**

<b>A Texas study found that inmates who spent more time in education programs had lower rates of reimprisonment.</b>	Initial Grade Level and Hours of Participation in Academic Programs	Percent of Inmates Reimprisoned (Average Follow-up Period = 2 Years)
		1.0 to 3.9
	No participation	26.6%
	0-200 hours	25.7
	200+ hours	18.1
	4.0 to 5.9	
	No participation	27.9
	0-200 hours	22.8
	200+ hours	20.7
	6.0 to 8.9	
	No participation	26.2
	0-200 hours	24.7
	200+ hours	20.5
	9.0 to 11.9	
	No participation	21.4
	0-200 hours	19.8
	200+ hours	16.9
	12.0 or higher	
	No participation	15.3
	0-200 hours	13.2
	200+ hours	12.5

Source: Kenneth Adams and others, "A Large-Scale Multidimensional Test of the Effect of Prison Education Programs on Offenders' Behavior," *The Prison Journal* (December 1994), 433-449.

<sup>59</sup> Gerber and Fritsch, 137.

intensive education programs, compared with 27 percent for similar offenders who did not.<sup>60</sup> Consistent with many other studies, the study found that the inmates who entered prison with the highest levels of education tended to have the lowest recidivism rates after their release.

## Prison Industry Programs

Corrections officials advocate the development of work programs within prisons as a way to productively occupy the time of inmates and keep them in structured, supervised settings. But many prison staff also favor work programs as a means of helping to rehabilitate offenders. Staff hope that inmates who learn good work habits and skills during their prison terms may be less likely to turn to crime following their release from prison.

In 1989, based on a review of studies conducted in Utah, Ohio, Florida, and New York, a corrections researcher concluded that “the few empirical studies that have examined the presumed beneficial effects of prison labor on inmate behavior have reached contradictory but largely pessimistic conclusions.”<sup>61</sup> Since this review was conducted, a major federal study has provided evidence of a modest yet positive link between prison industry participation and recidivism. The study tracked released federal prisoners, matching industry participants with a similar group of non-participants.<sup>62</sup> After 12 months, 6.6 percent of the industry participants had been rearrested or had their supervision revoked for technical violations, compared with 10.1 percent of the comparison group. For a longer follow-up period (8 to 12 years), the study found that males who did not participate in industry programs returned to federal prisons for new offenses sooner and more often, on average, than males who did participate.<sup>63</sup>

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60 Kenneth Adams and others, “A Large-Scale Multidimensional Test of the Effect of Prison Education Programs on Offenders’ Behavior,” *The Prison Journal* (December 1994), 433-449. Because this study did not involve random assignments to programs or “matched samples” of offenders, it is possible that factors besides education programs—such as offender motivation—explain these results.

61 Timothy Flanagan, “Prison Labor and Industry,” *The American Prison: Issues in Research and Policy*, ed. Lynne Goodstein and Doris Layton MacKenzie (New York: Plenum Press, 1989), 135-161. A more recent (1995) evaluation of Ohio prison industries showed that industry participants had lower recidivism rates than non-participants, but the study selected the comparison group on the basis of only one offender variable (reading level).

62 William G. Saylor and Gerald G. Gaes, *PREP: A Study of “Rehabilitating” Inmates Through Industrial Work Participation and Vocational and Apprenticeship Training* (Washington, D.C., July 12, 1996). The difference was statistically significant. The non-participants had characteristics that indicated they likely would have been selected for participation in prison industries if jobs had been available.

63 Males who had participated in industry programs remained out of federal prison for new offenses 20 percent longer than non-participants, and this difference was statistically significant. The industry programs showed no such long-term impact, however, when the prison return rate was calculated on the basis of both new offenses and supervision revocations. See Saylor and Gaes, *Interim Report: The Effect of Prison Work Experience, Vocational and Apprenticeship Training on the Long-Term Recidivism of U.S. Federal Prisoners* (Washington, D.C., November 6, 1995).

## SUMMARY

It is difficult to determine “typical” offender recidivism rates that can be used as benchmarks for evaluating Minnesota’s recidivism rates, but we concluded that recent studies have tended to show three-year recidivism rates for released prisoners in the following broad ranges: 50 to 70 percent were arrested for felonies or serious misdemeanors, 35 to 55 percent were convicted, and 25 to 45 percent were re-imprisoned. Recidivism rates for probationers were usually lower, probably reflecting their shorter criminal histories. Some of the variations in recidivism rates identified in previous studies might be explained by differences in the types of offenders tracked, their correctional settings, and the definitions of recidivism used. Studies indicate that a three-year follow-up period is sufficient to identify the majority of offenders who will subsequently be rearrested, but they also indicate that offenders usually commit many crimes that do not result in arrests.

For more than 20 years, the Minnesota Department of Corrections has tracked the rates at which released prisoners end up in prison again. But there have been no statewide studies of **probationer** recidivism in Minnesota, and there have been few attempts to examine rates of **rearrest** and **reconviction** among Minnesota’s released prisoners.

Correctional programs have been studied by researchers for decades, but there is no consensus about which programs are most successful. The results from the studies are mixed; some programs have been shown to reduce recidivism, and others have not. Unfortunately, many of the researchers have not described their offenders or treatments in sufficient detail, so corrections professionals are still trying to determine which programs work best with which offenders. Furthermore, programs that have been shown to reduce recidivism in one setting are not always replicated successfully in another setting.

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# Recidivism of Minnesota Felons

## CHAPTER 3

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**A**lthough there is a significant body of research literature on the subject of recidivism, there is a limited amount of information about the recidivism of Minnesota offenders. The Minnesota Department of Corrections annually reports on the reimprisonment rates of felons released from state correctional facilities, but it has not analyzed rates of rearrest and reconviction for these offenders. Also, no agency has conducted a statewide analysis of recidivism for the large group of felons who are placed on probation rather than sentenced to prison. The 1996 Legislature requested that our office conduct this study to provide a comprehensive picture of reoffense rates among Minnesota felons.

We asked:

- **To what extent are Minnesota felons arrested for new offenses, convicted of those offenses, and imprisoned? How do recidivism rates differ among probationers and released prisoners?**
- **How do recidivism rates vary among different categories of offenders, such as burglars and sex offenders? What types of new offenses do recidivists commit?**
- **How is recidivism related to offenders' criminal history, personal characteristics, program participation, and other factors?**

We attempted to track (1) all felons released from Minnesota prisons in 1992, and (2) all felons sentenced to probation (rather than prison) in 1992.<sup>1</sup> Of these 8,901 offenders, we excluded about 3 percent from our analysis because we could find no record of them in the Bureau of Criminal Apprehension (BCA) files.<sup>2</sup> Thus, our analysis measured recidivism for a total of 1,879 released prisoners and 6,791

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<sup>1</sup> We limited our prisoner analysis to the group of offenders who were released for the first time in 1992 from their current prison sentence. We did not include prisoners who had been released prior to 1992, violated the terms of their release, returned to incarceration, and were released again in 1992.

<sup>2</sup> Nearly all of the excluded cases were probationers. The Sentencing Guidelines Commission--whose records we used to identify felons sentenced to probation in 1992--does not have information on offenders' BCA or FBI identification numbers, and this made it difficult to locate some offenders' BCA records.

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**We examined the criminal records of each offender for exactly three years.**

probationers.<sup>3</sup> We tracked these offenders' subsequent arrests and convictions for felonies and gross misdemeanors, not for lesser offenses.<sup>4</sup> Our research relied mainly on records from BCA's official criminal history database, but selected analyses in this chapter also incorporate (1) information from BCA's "suspense file," which houses records of Minnesota convictions that BCA has not yet placed in its official criminal history database, and (2) Federal Bureau of Investigation (FBI) records of arrests in states other than Minnesota. We tracked each offender for exactly three years, beginning from a prisoner's date of release or a probationer's date of sentencing. The appendix provides additional information on our research methods.

Overall, we found that about 59 percent of the offenders released from prison in 1992 were arrested for a new felony or gross misdemeanor in Minnesota within three years, and an additional 5 percent were rearrested for a felony or gross misdemeanor outside of Minnesota during the three-year follow-up period. During the three years, 45 percent were convicted of a new offense in Minnesota, and 40 percent were imprisoned for new offenses or technical violations of their supervised release. Felons sentenced to probation had lower recidivism rates, largely reflecting their shorter criminal records. The reoffense rates we found appear to be within the broad range of rates reported in other recidivism studies. We found higher recidivism rates among young offenders, property offenders, and offenders in Hennepin and Ramsey counties. The overall recidivism rates of prison program participants were similar to the rates of non-participants, although it is possible that some programs reduced recidivism rates among some types of participants.

## OFFENDER CHARACTERISTICS

Most of the felons released from prison in 1992 were young, single males. Table 3.1 shows that among our sample of released prisoners, 92 percent were men, and 73 percent were less than 35 years old at the time of their release. The sample included 38 offenders who were certified as adults for crimes committed when they were juveniles.<sup>5</sup> Eighty-one percent of the released prisoners were either never married, divorced, or separated from their spouses. About 58 percent were white, and 29 percent were black.

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<sup>3</sup> We found records in the criminal history file for all but four released prisoners. For one of the four, we found a record in BCA's "suspense file," described in this chapter and the appendix. We found records in BCA's criminal history file for 6,363 of 7,019 probationers (91 percent), and we found records for an additional 428 probationers in BCA's suspense file.

<sup>4</sup> A felony is a crime that, under statute, may result in a prison sentence of more than one year. A gross misdemeanor is an offense for which a jail sentence of 91 days to one year may be imposed. An example of a common gross misdemeanor is repeat driving while intoxicated. To determine the level of offense for which offenders were reconvicted, we considered felonies to be offenses with pronounced sentences exceeding one year, and gross misdemeanors to be offenses with pronounced sentences between 91 and 365 days.

<sup>5</sup> Before 1994, a juvenile who was believed to have committed an offense after becoming age 14 could be certified as an adult only if the prosecuting authority demonstrated that the child was not suitable for treatment or that public safety would not be served by keeping the case in juvenile court. The law now presumes certification for certain offenses, and it authorizes prosecutors to seek certification in cases where juvenile court proceedings would not serve public safety.

**Table 3.1: Descriptive Characteristics - Released Prisoners and Probationers**

	Released Prisoners		Probationers	
	Number	Percent	Number	Percent
TOTAL OFFENDERS	1,879		6,791	
GENDER				
Male	1,737	92%	5,518	81%
Female	142	8	1,273	19
RACE				
White	1,093	58%	4,742	70%
Black	545	29	1,400	21
Native American	153	8	306	5
Hispanic	70	4	243	4
Other	18	1	100	1
AGE <sup>a</sup>				
15-24	546	29%	2,926	43%
25-34	833	44	2,350	35
35-44	370	20	1,124	17
45-54	97	5	276	4
55 and over	33	2	115	2
MARITAL STATUS <sup>b</sup>				
Never Married	1,247	66%	NA	
Separated/Divorced	289	15	NA	
Married/Widowed	330	18	NA	
Unknown	13	1	NA	
EDUCATIONAL ATTAINMENT <sup>b</sup>				
Less than 12th grade	659	35%	NA	
High school diploma	511	27	NA	
GED	415	22	NA	
Postsecondary	247	13	NA	
Other	47	3	NA	
TYPE OF OFFENSE <sup>c</sup>				
Violent	700	37%	1,497	22%
Property	875	47	3,553	52
Drug	248	13	1,475	22
Other	56	3	266	4
CRIMINAL HISTORY SCORE <sup>d</sup>				
0	367	21%	4,236	62%
1-3	687	39	2,236	33
4-6	523	30	279	4
7 and over	190	11	40	0

**Prisoners tended to have longer criminal histories than probationers.**

Source: Program Evaluation Division analysis of Department of Corrections and Sentencing Guidelines Commission data.

<sup>a</sup>At time of release from prison or time of sentence to probation.

<sup>b</sup>At time of admission to prison.

<sup>c</sup>Most serious offense for which the prisoner was committed or the probationer was sentenced.

<sup>d</sup>The criminal history score is computed in accordance with Minnesota's sentencing guidelines and reflects offenders' criminal history prior to the current conviction. Lower scores generally indicate fewer prior offenses. We were unable to determine a criminal history score for 112 released prisoners.



The released prisoners had diverse educational backgrounds at the time they entered prison. While 35 percent had not earned a high school diploma, 13 percent had some type of postsecondary training. Twenty-seven percent had graduated from high school and an additional 22 percent had earned a general educational development (GED) certificate.

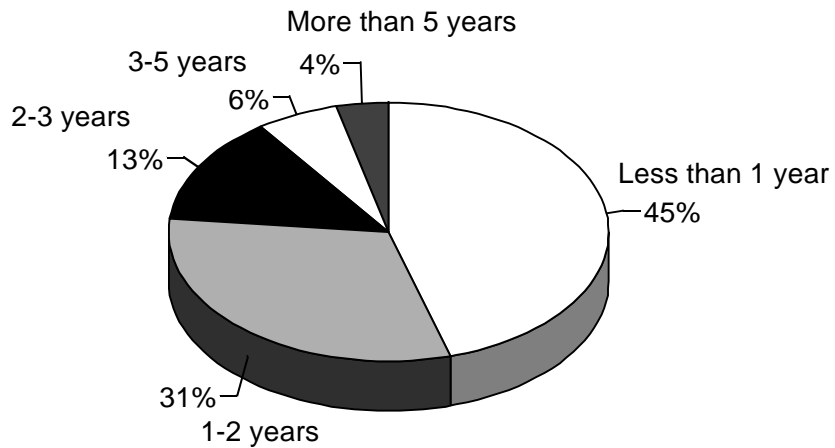
Nearly half of the former inmates had been sentenced to prison for a property crime, such as burglary, theft, forgery, or fraud. Thirty-seven percent were imprisoned for a violent offense, such as criminal sexual conduct, assault, robbery, homicide, or kidnapping. Thirteen percent were committed to prison for a drug-related offense.

Figure 3.1 shows that 77 percent of the released prisoners we tracked had been in prison for less than two years before their release.<sup>6</sup> Some of the released prisoners who had short stays behind bars were not initially sentenced to prison but were incarcerated for violating the terms of their probation. Minnesota has had a determinate sentencing system since 1980, so the Department of Corrections has little control over offenders' dates of release from prison.<sup>7</sup>

In comparison with released prisoners, our sample of probationers sentenced in 1992 included higher percentages of women, white offenders, and felons under age 25. In addition,

**Most of the prisoners we studied had been imprisoned for less than two years.**

**Figure 3.1: Length of Time Served in Prison, Prisoners Released in 1992**



Source: Program Evaluation Division analysis of Department of Corrections data.

<sup>6</sup> Although a felony is defined as an offense for which a prison sentence of more than one year may be imposed, an offender may be imprisoned for as little as two-thirds of the sentence--or eight months for a pronounced sentence of a year and a day. In addition to the prison time shown in the figure, offenders may have received credit for jail time served prior to sentencing.

<sup>7</sup> The department may extend the period of confinement for offenders who violate prison rules, and it may also determine how long to confine offenders whose supervised release has been revoked.

- **Perhaps the most important differences between released prisoners and probationers were the types of offenses they had committed and the lengths of their prior criminal records.**

These differences largely reflect Minnesota’s sentencing guidelines, which were developed partly to reserve prison space for more serious felony offenders. Compared with the released prisoner population, the probation population included more drug offenders and property offenders, but proportionally fewer violent offenders. In addition, probationers had committed fewer prior offenses than released prisoners. For example, using the sentencing guidelines system for determining prior offenses, 61 percent of probationers had no prior convictions (or not enough to result in one criminal history “point”), compared with 21 percent of released prisoners.<sup>8</sup> We discuss these differences further in a later section of this chapter.

## RECIDIVISM OF RELEASED PRISONERS

### Overall Rates

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**We determined offenders’ rates of rearrest, reconviction, and reimprisonment.**

We measured recidivism by calculating the percentage of released prisoners who were rearrested, reconvicted, and reimprisoned. It is reasonable to expect rearrest rates for felonies and gross misdemeanors to exceed reconviction rates because (1) not all arrested offenders are prosecuted and convicted (or are convicted of misdemeanors, despite having been arrested for more serious offenses), and (2) not all convictions occur during the standard follow-up period (in this case, three years). Likewise, reconviction rates should exceed rates of imprisonment because some convicted offenders are sentenced to probation instead of prison. Many recidivism researchers think that rearrest rates present a more accurate measure of offender criminality than either reconviction or imprisonment rates. We examined recidivism using all of these measures, although some of our discussions highlight selected measures.

Figure 3.2 presents several three-year recidivism rates for the 1,879 inmates released from state correctional facilities in 1992. BCA records for this sample of offenders showed that:

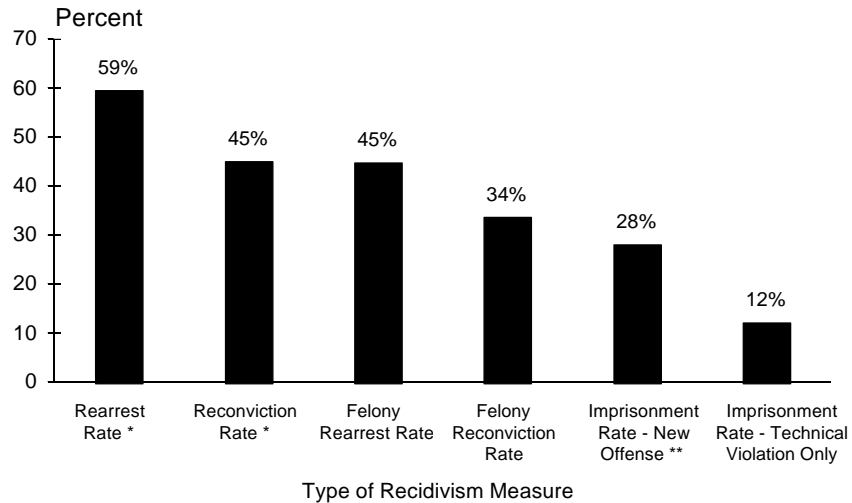
- **About 59 percent of released prisoners were arrested in Minnesota within three years for a new felony or gross misdemeanor, and 45 percent were convicted within three years.**

---

<sup>8</sup> The Minnesota Sentencing Guidelines Commission does not count fractions when determining an offender’s criminal history points. For instance, an offender whose criminal history consisted of three gross misdemeanor convictions would have a criminal history score of zero because it takes four such convictions to equal one criminal history point.

Within Minnesota, 59 percent of prisoners were rearrested, and a total of 40 percent were reimprisoned for new offenses or technical violations.

**Figure 3.2: Three-Year Recidivism Rates for Prisoners Released in 1992, Based on Minnesota Offenses Only**



Source: Program Evaluation Division analysis of BCA and Department of Corrections data.

\* For a felony or gross misdemeanor.

\*\* Some of these offenders were imprisoned for both a new offense and a technical violation of supervised release.

In addition, we found that 45 percent of released prisoners were rearrested for a **felony** in Minnesota in the three years following release, and 34 percent were reconvicted of a felony.<sup>9</sup>

We also examined FBI records to determine the extent to which Minnesota offenders committed new crimes in other states. The records showed that an additional 5 percent of the prisoners released from Minnesota correctional facilities in 1992 were rearrested for out-of-state offenses (but not Minnesota offenses) in the three-year follow-up period. Thus, a total of 64 percent of Minnesota's prisoners were rearrested in the United States within three years of release.

We used data from the Department of Corrections and BCA to determine how many released inmates returned to prison within three years. Some offenders return to prison because they commit new offenses and are sentenced to prison again. Others are reimprisoned by the Department of Corrections for violating the terms of their supervised release--perhaps by failing a drug test, committing a minor offense, or refusing to participate in a community treatment program. Department staff told us that they view reimprisonment for technical violations as a way

<sup>9</sup> The general reoffense rates presented in this section include arrests and convictions from both the BCA criminal history file and the suspense file. The felony reoffense rates given here might understate the actual felony rearrest and reconviction rates by 1 or 2 percentage points because we did not search the suspense file for offenders who had only a gross misdemeanor conviction in the BCA official criminal history records. Some of these offenders might have had a felony arrest or conviction record in the suspense file.

to hold offenders accountable before they commit more serious offenses. We found that:

- **A total of 40 percent of released inmates returned to prison in Minnesota within three years-- 28 percent for a new offense and another 12 percent solely for technical violations of the terms of their supervised release, not for new offenses.**

---

**The Department of Corrections has understated the number of offenders returning to prison for new crimes.**

We compared these findings with return rates that have been calculated by the department. We found that the department’s method of computing return rates has understated the percentage of inmates who returned to prison with a new sentence. This occurred because the department has categorized inmates’ returns to prison based on only their **first** return. For example, a prisoner who was released in 1992 and first returned as a technical violator in 1993 would be counted by the department as a return without a new sentence. Even if he were subsequently sentenced to prison for a new offense within the follow-up period, the department would still not count the offender as having returned to prison for a new offense. Applying the department’s methodology, only 22 percent of inmates released in 1992 returned to prison with a new sentence within three years, rather than the actual rate of 28 percent. Because the department often provides legislators with information on the percentage of inmates who returned to prison for new offenses, we think that it is important for this return rate to reflect complete information for the follow-up period.

Chapter 2’s review of previous studies observed that three-year recidivism rates for released prisoners have usually fallen within the following ranges: 50 to 70 percent rearrest rates, 35 to 55 percent reconviction rates, and 25 to 45 percent reimprisonment rates for new offenses and technical violations. The recidivism rates that we found for Minnesota were within these broad ranges, and the rearrest and reconviction rates were very similar to those found in a federal study of 11 states. Minnesota’s overall reimprisonment rate was higher than the rates of many states for which we found comparable data. But the data from other states usually did not differentiate between imprisonments for new offenses and imprisonments for technical violations, so it is unclear which type of imprisonment accounted for these states’ lower reimprisonment rates.

## **Recidivism Rates, by Conviction Offense**

Besides measuring overall recidivism rates for released prisoners, we also analyzed inmate reoffense patterns based on the original offense that resulted in imprisonment.<sup>10</sup> We found that:

- **Property offenders were more likely to reoffend than other types of offenders.**

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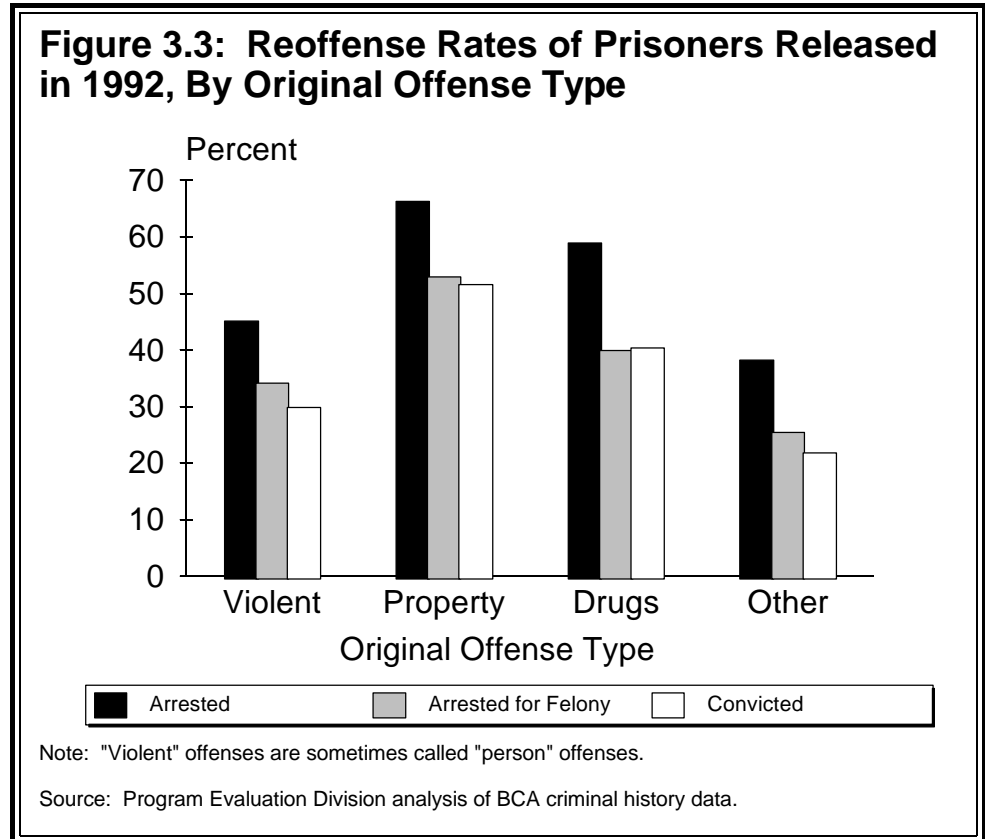
<sup>10</sup> Our analysis of reoffense rates by offense type did not include suspense file records, so the arrest and conviction percentages in this section probably understate the actual rates by several percentage points.

As Figure 3.3 shows, 66 percent of the property offenders in the released prisoner sample were arrested for a new offense within three years of release, and 52 percent were convicted in that time span. In contrast, 45 percent of violent offenders were arrested within the follow-up period, and 30 percent were convicted. Fifty-nine percent of drug offenders were arrested within three years, and 40 percent were convicted of new crimes. In addition, we found that:

- **Violent, property, and drug offenders were about equally likely to be arrested for violent felonies after their release from prison.**

**Property offenders had the highest recidivism rates.**

**Figure 3.3: Reoffense Rates of Prisoners Released in 1992, By Original Offense Type**



About 18 percent of violent offenders, 15 percent of property offenders, and 16 percent of drug offenders were arrested for violent felonies within three years of their release from prison. On the other hand, felons originally sent to prison for property offenses were more likely than other offenders to be arrested for a **property** felony after their release from prison. Forty-one percent of the property offenders in the released prisoner sample were rearrested for a property felony, compared with 15 percent of violent offenders and 22 percent of drug offenders.

Most released prisoners did not commit the exact same offense that had landed them in prison. Table 3.2 presents recidivism rates for released prisoners who had been imprisoned for offenses in selected categories. As the table shows, offenders imprisoned for forgery/fraud were most likely to be rearrested for the same offense; 32 percent were rearrested for forgery or fraud within three years of their release from prison. In contrast, no homicide offenders released in 1992 were

**Table 3.2: Reoffense Patterns For Selected Categories of Offenders Released from Prison in 1992**

Original Offense	Number of Offenders	Percent Rearrested for:					Percent Convicted of Any Felony or Gross Misdemeanor
		Same Offense	Violent Felony	Property Felony	Any Felony	Any Felony or Gross Misdemeanor	
<b>Violent Crimes</b>							
Homicide	41	0%	10%	10%	24%	34%	15%
Kidnapping	11	9	27	18	45	64	45
Sex Offense	263	10	17	7	24	30	17
Robbery	153	10	20	25	47	58	43
Assault	230	14	20	17	39	54	37
<b>Property Crimes</b>							
Burglary	345	28	16	41	54	68	52
Theft	201	20	16	40	52	66	52
Vehicle Theft	108	28	23	52	65	81	65
Forgery/Fraud	130	32	8	38	43	57	45
Receiving Stolen Property	61	5	10	41	49	59	48
Property Damage	22	14	23	41	59	68	50

Note: The data shown here are based solely on records from the BCA's criminal history file. The reoffense rates do not include data from BCA's "suspense file" or FBI data on offenses committed in states other than Minnesota.

Source: Program Evaluation Division analysis of BCA criminal history data.

**Offenders imprisoned for sex offenses and homicide had relatively low recidivism rates.**

arrested for a new homicide, and only 10 percent of released sex offenders were arrested for a new sex offense.

Research has shown that many recidivists commit a variety of offenses, not just a single type, as we discussed in Chapter 2. Thus, we examined which types of prisoners were most likely to be rearrested for any type of felony or gross misdemeanor after their release, not just the type of crime for which they were imprisoned. Among felons released from prison in 1992, we found that:

- Sex offenders and homicide offenders were the least likely to be arrested for new crimes, and vehicle thieves were the most likely.

Thirty percent of sex offenders and 34 percent of homicide offenders were arrested for a new felony or gross misdemeanor within three years of their release from prison. In comparison, certain types of property offenders were much more likely to be rearrested, particularly vehicle thieves (81 percent), burglars (68 percent), and people imprisoned for other types of theft (66 percent).

Based on our analysis, Department of Corrections officials observed that many released prisoners were not arrested in the follow-up period or were arrested for offenses that were less serious than the offenses for which they were sent to prison. For instance, although all of the released prisoners in our sample had originally been sent to prison for felony convictions, our analysis showed that 55 percent were **not** arrested for felonies in the three-year follow-up period (and 66 percent were not convicted of felonies). However, these findings do not necessarily mean that prisons transformed offenders into less serious criminals or law-abiding citizens.

zens. For instance, offenders in our sample may have committed serious offenses that did not result in arrests.<sup>11</sup> In addition, as we discussed in Chapter 2, it is normal for some offenders to stop committing crimes as they grow older, rather than as a result of particular sanctions or programs.

### Recidivism Rates, by Prisoner Characteristics

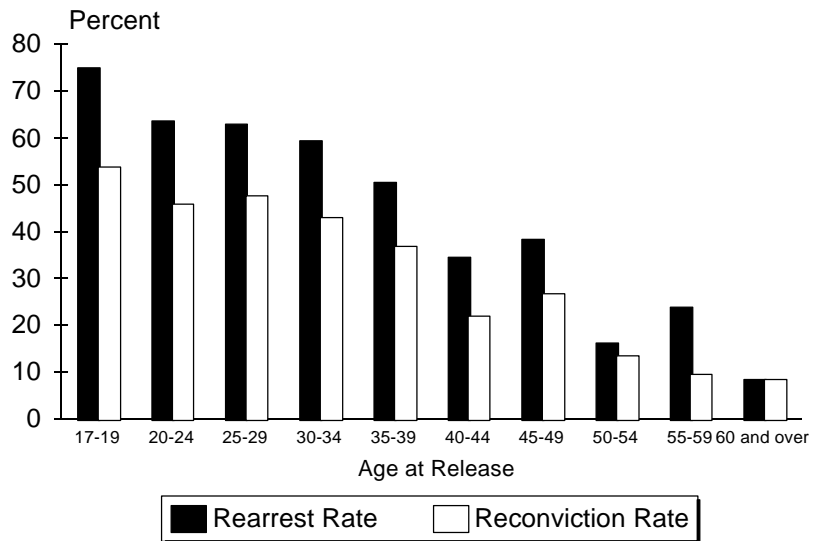
We examined the relationship between recidivism rates and offender characteristics such as age, gender, race, and educational attainment. Table 3.3 presents rearrest and reconviction rates based on various demographic factors for prisoners released from Minnesota correctional facilities in 1992. Consistent with previous recidivism research, our data showed that:

- **Young released prisoners were more likely to reoffend than older inmates.**

Figure 3.4 demonstrates that both rearrest and reconviction rates were higher for younger released prisoners. About 61 percent of inmates age 39 and under at the time of release were arrested for a new offense in Minnesota within three years, but only 31 percent of offenders 40 and older were rearrested in the same period.

**Recidivism rates declined with age.**

**Figure 3.4: Recidivism Rates of Prisoners Released in 1992, By Age of Prisoner at Release**



Source: Program Evaluation Division analysis of Department of Corrections and BCA data.

<sup>11</sup> Any group of released prisoners is a “biased” sample because it consists entirely of offenders who were caught for their crimes and given the most serious possible sanction (imprisonment). Many crimes do not result in arrests, so it is likely that less than 100 percent of released prisoners would be arrested and convicted in a follow-up period even if they all continued to commit crimes. Also, it is possible that some offenders eluded arrest or prosecution for serious offenses but were arrested for lesser offenses.

**Table 3.3: Reoffense Rates of Prisoners Released in 1992, By Age, Gender, Race, Educational Attainment, and Marital Status**

	Total Offenders	Rearrested Offenders		Reconvicted Offenders	
		Number	Percent	Number	Percent
<b>AGE<sup>a</sup></b>					
17-19	51	38	75%	28	55%
20-24	495	315	64	227	46
25-29	460	290	63	219	48
30-34	372	221	59	160	43
35-39	228	115	50	84	37
40-44	142	49	35	31	22
45-49	60	23	38	16	27
50-54	37	6	16	5	14
55-59	21	5	24	2	10
60+	12	1	8	1	8
<b>GENDER</b>					
Male	1,736	989	57%	723	42%
Female	142	74	52	50	35
<b>RACE</b>					
White	1,093	536	49%	397	36%
Black	545	381	70	276	51
Native American	153	100	65	73	48
Hispanic	69	38	55	24	35
Other	18	8	44	3	17
<b>EDUCATIONAL ATTAINMENT<sup>b</sup></b>					
Less than 12th grade	658	388	59%	270	41%
High school diploma	511	260	51	188	37
Postsecondary	247	121	49	90	36
GED	415	270	65	208	50
Other <sup>c</sup>	47	24	51	17	36
<b>MARITAL STATUS<sup>d</sup></b>					
Never married	1,246	767	62%	564	45%
Separated/divorced	289	137	47	94	33
Married/widowed	330	154	47	112	34

Note: The reoffense rates shown here are based solely on records from the BCA's criminal history file. They do not include data from BCA's "suspense file" or FBI data on offenses committed in states other than Minnesota.

<sup>a</sup>Age at time of release from prison.

<sup>b</sup>Highest grade completed at time of incarceration.

<sup>c</sup>Includes special education, vocational school, and unknown.

<sup>d</sup>Marital status was unknown for 13 prisoners released in 1992.

Source: Program Evaluation Division analysis of data from the Department of Corrections and BCA's criminal history file.



We also found that a very high percentage (76 percent) of the released prisoners who had been certified for offenses committed before age 18 were arrested within three years following their release from prison in 1992. One-half of the certified offenders were convicted of a new offense during the follow-up period.

We compared the recidivism rates of the men and women in our sample and found that:

- **Among released prisoners, men had somewhat higher reoffense rates than women.**

---

**Men had higher recidivism rates than women, and black offenders had higher rates than whites.**

About 57 percent of the male prisoners and 52 percent of the female inmates were rearrested within three years of their release. Reconviction rates followed a similar pattern, with 42 percent of men and 35 percent of women convicted of a new offense within three years. However, there was a greater difference between the reoffense rates of male and female **violent** offenders. Forty-six percent of the male violent offenders in our sample were rearrested within three years, versus 25 percent of the women who originally committed violent offenses. The **overall** reoffense rates masked this disparity because a higher proportion of female offenders than male offenders were imprisoned for property offenses or drug offenses.<sup>12</sup> As we noted in the previous section, property and drug offenders generally had higher reoffense rates than violent offenders.

We analyzed recidivism rates by racial/ethnic group and found that:

- **Black, Native American, and Hispanic released prisoners had higher rearrest and reconviction rates than whites.**

About 70 percent of blacks, 65 percent of Native Americans, and 55 percent of Hispanic offenders in our released prisoner sample were rearrested within three years, compared with 49 percent of whites.

In addition, we found that 51 percent of the released prisoners who had entered prison with a high school diploma were rearrested within three years of their release, compared with 59 percent of those who had not completed high school. Interestingly, 65 percent of those who entered prison with a GED were rearrested after their release, although this high rate might be partially explained by their higher criminal history scores.<sup>13</sup>

Finally, we found that inmates who had not been married before entering prison were more likely to reoffend in the three years after release than inmates who were married, divorced, or separated (62 percent rearrested vs. 47 percent). This finding was explained in part by the fact that inmates who had never been married tended to be younger, and, as we mentioned previously, younger inmates tended to

<sup>12</sup> About 78 percent of the female prisoners in our sample had been incarcerated for property or drug crimes, compared with 58 percent of the male inmates. In contrast, while 39 percent of the men were violent offenders, only 20 percent of the women represented this type of offender.

<sup>13</sup> Fifty percent of the released prisoners who entered prison with a GED had criminal history scores of four or higher, compared with 35 percent of the offenders with a regular high school degree and 32 percent of those who had not completed high school.

have higher reoffense rates.<sup>14</sup> Nevertheless, even when we controlled for the age of the inmate, released prisoners who had never been married had higher rearrest rates than married prisoners or prisoners who had once been married.

## RECIDIVISM OF PROBATIONERS

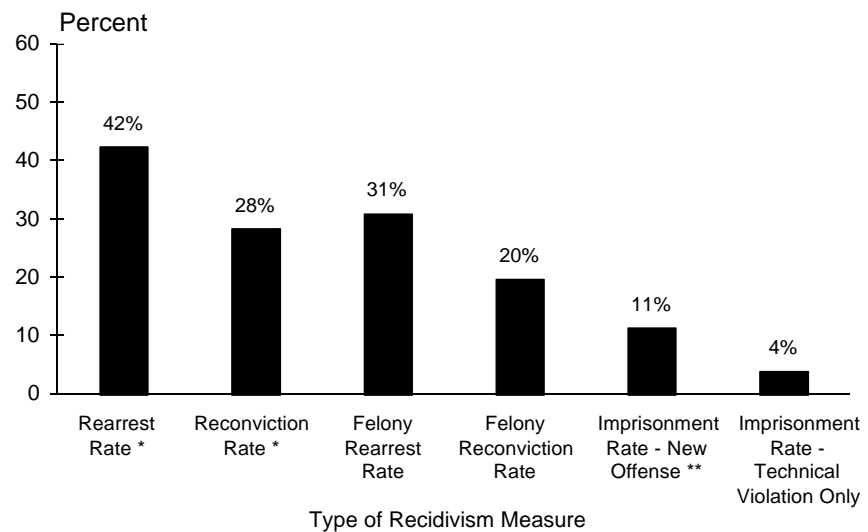
### Overall Rates

We computed rearrest, reconviction, and imprisonment rates for 6,791 offenders who were placed on probation in 1992. Figure 3.5 shows that:

- **Forty-two percent of felony offenders sentenced to probation in 1992 were arrested for a felony or gross misdemeanor within a three-year period, and 28 percent were reconvicted.**

**Forty-two percent of felony probationers were rearrested for felonies or gross misdemeanors in Minnesota, and 28 percent were reconvicted.**

**Figure 3.5: Three-Year Recidivism Rates for Probationers Sentenced in 1992, Based on Minnesota Offenses Only**



Source: Program Evaluation Division analysis of BCA and Sentencing Guidelines Commission data.

\* For a felony or gross misdemeanor.

\*\* Some of these offenders were imprisoned for both a new offense and a technical violation of probation.

<sup>14</sup> The median age for inmates who had never been married was 26, while the median age for inmates who were or had been married was 35.

**A total of 15 percent of probationers were imprisoned within three years of sentencing.**

We also calculated the rate at which probationers were arrested and convicted for new **felony** offenses.<sup>15</sup> About 31 percent of the probationers were arrested for a new felony offense within three years, and 20 percent were convicted of a felony in the follow-up period.

We were able to calculate rates of imprisonment from BCA's criminal history data and "suspense file" records. In addition, we looked at Sentencing Guidelines Commission records to determine the percentage of probationers who went to prison within the three-year follow-up period for violating the terms of their probation. A probation officer can recommend that an offender's probation be revoked for violations such as repeatedly failing drug tests or missing scheduled appointments at the probation office. We found that 11 percent of probationers committed a new offense and were imprisoned at a Department of Corrections facility within three years of their original sentencing date. An additional 4 percent of probationers went to prison for violating the terms of their probation, not for a new conviction.<sup>16</sup>

The recidivism rates we found for Minnesota probationers appear to be within the broad range of rates cited in studies of probationers in other states. For instance, a national study found that a median of 34 percent of probationers in selected **urban** counties (excluding California counties) were arrested within their home states for a felony within three years of sentencing.<sup>17</sup> This is similar to the 31 percent felony rearrest rate that we found for Minnesota probationers statewide.

## Recidivism Rates, by Conviction Offense

Figure 3.6 shows recidivism rates for the four general types of probation offenders, based on the original offense that resulted in a probation sentence. We found that:

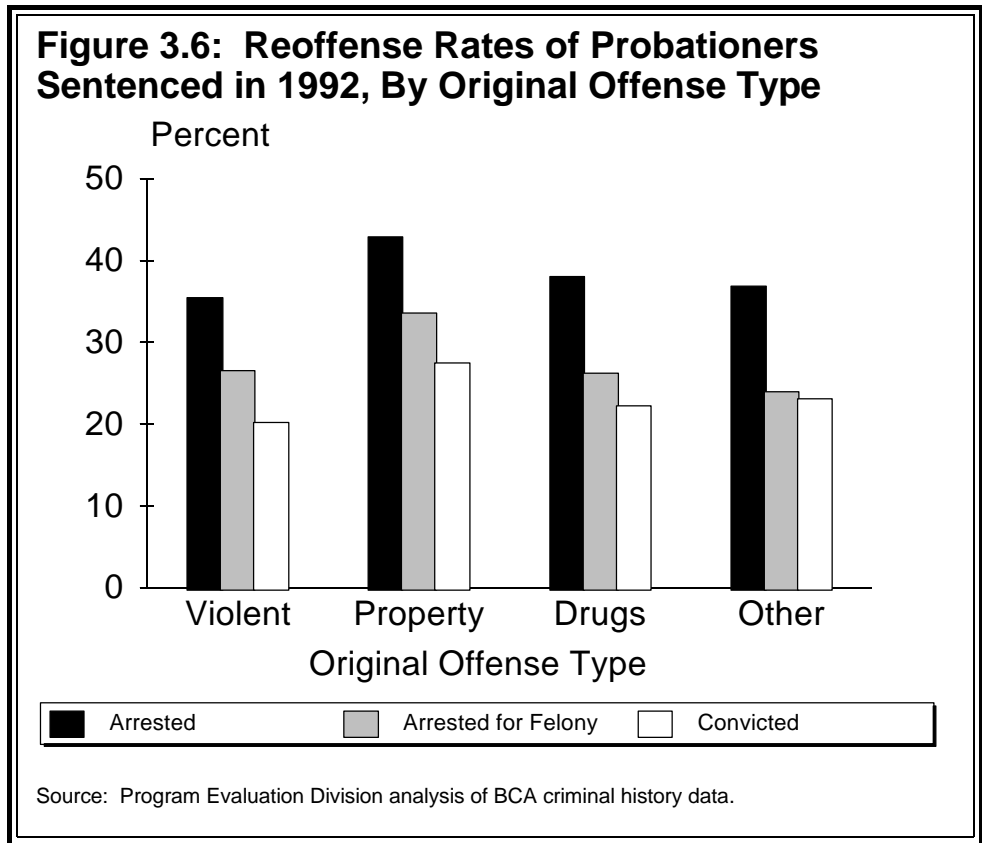
- **Property offenders were more likely to reoffend than other categories of probationers.**

As Table 3.4 shows, 43 percent of the property offenders, 35 percent of violent offenders, 38 percent of drug offenders, and 37 percent of other offenders sentenced to probation in 1992 were arrested for a new felony or gross misdemeanor within

<sup>15</sup> The general reoffense rates presented in this section include arrests and convictions from both the BCA criminal history file and the suspense file, but the analyses of recidivism by conviction offense and offender characteristics count only arrests and convictions in the BCA criminal history file. The **felony** reoffense rates given here might understate the actual felony rearrest and conviction rates by 1 or 2 percentage points because we did not search the suspense file for offenders who had only a gross misdemeanor arrest or conviction in the BCA official criminal history records. Some of these offenders might have had a felony arrest or conviction record in the suspense file.

<sup>16</sup> Data on probation revocations for 1995 were not available at the time of our analysis. Also, we did not determine whether 428 offenders whose criminal records appeared only in BCA's "suspense file" went to prison for technical violations of the terms of their probation.

<sup>17</sup> Patrick A. Langan and Mark A. Cunniff, *Recidivism of Felons on Probation, 1986-89* (Washington, D.C.: U.S. Bureau of Justice Statistics, February 1992). Supplemental data are reported in Mark A. Cunniff and Mary K. Shilton, *Variations in Felony Probation: Persons Under Supervision in 32 Urban and Suburban Counties* (Washington, D.C.: National Association of Criminal Justice Planners, March 1991).



three years of their sentencing. Twenty-seven percent of property offenders, 20 percent of violent offenders, 22 percent of drug offenders, and 23 percent of other offenders were convicted of a new felony or gross misdemeanor. In general, the recidivism rates of these four types of probationers were more similar than the rates we found among these types of released prisoners.

**Felons placed on probation for violent crimes were more likely than other probationers to be arrested for new violent felonies.**

We also looked at the types of new offenses for which probationers were arrested. We found that:

- **Persons sentenced to probation for violent offenses were more likely than other probationers to be arrested for new violent felonies, and persons placed on probation for property offenses were more likely to be arrested for new property felonies within three years of their sentence.**

Twenty percent of felons placed on probation for violent offenses were arrested for violent felonies within three years of their sentence. In comparison, 8 percent of felons placed on probation for property offenses and 7 percent of felons placed on probation for drug offenses were arrested for violent felonies within three years. This pattern is different from our findings for released prisoners. Earlier, we noted that released prisoners who had committed violent, property, and drug offenses were about equally likely to commit a new violent offense.

**Table 3.4: Reoffense Patterns of Offenders Sentenced to Probation in 1992, By Original Offense Type**

Original Offense	Total Offenders	Percent Rearrested For:					Percent Reconvicted of Any Felony or Gross Misdemeanor
		Same Offense	Violent Felony	Property Felony	Any Felony	Any Felony or Gross Misdemeanor	
<b>Violent Crimes</b>							
Homicide <sup>a</sup>	14	14%	14%	0%	14%	21%	21%
Kidnapping	19	11	21	5	21	21	16
Sex Offense	498	18	18	3	21	25	13
Robbery	145	28	34	19	46	55	36
Assault	710	17	19	10	27	40	23
Other Violent Crime	<u>31</u>	3	6	10	16	23	6
<b>Total Violent</b>	<b>1,417</b>	<b>18%</b>	<b>20%</b>	<b>8%</b>	<b>27%</b>	<b>35%</b>	<b>20%</b>
<b>Property Crimes</b>							
Arson	46	11%	4%	20%	22%	28%	15%
Burglary	801	26	8	33	39	49	31
Theft	670	16	11	27	35	44	30
Vehicle Theft	305	20	12	36	46	57	38
Forgery/Fraud	1,044	21	4	23	26	34	21
Receiving Stolen Property	247	8	8	25	32	41	24
Damage to Property	149	11	6	28	33	47	27
Other Property Crime	<u>33</u>	3	3	12	24	30	24
<b>Total Property</b>	<b>3,295</b>	<b>19%</b>	<b>8%</b>	<b>28%</b>	<b>34%</b>	<b>43%</b>	<b>27%</b>
<b>Drug Crimes</b>	<b>1,396</b>	<b>16%</b>	<b>7%</b>	<b>10%</b>	<b>26%</b>	<b>38%</b>	<b>22%</b>
<b>Other Crimes</b>							
Family Offenses	15	13%	7%	7%	20%	33%	7%
Gambling	39	10	3	13	26	41	26
Obstruction of Justice	29	7	10	3	21	21	14
Weapons Offenses	82	9	10	20	29	48	27
Escape	33	12	18	15	39	55	45
DUI Resulting in Injury	45	7	7	4	9	20	16
Miscellaneous	<u>12</u>	9	8	0	8	8	0
<b>Total Other Crimes</b>	<b>255</b>	<b>9%</b>	<b>9%</b>	<b>12%</b>	<b>24%</b>	<b>37%</b>	<b>23%</b>
<b>TOTAL</b>	<b>6,363</b>	<b>18%</b>	<b>10%</b>	<b>19%</b>	<b>30%</b>	<b>40%</b>	<b>25%</b>

Note: The data shown here are based solely on records from the BCA's criminal history file. The reoffense rates do not include data from BCA's "suspense file" or FBI data on offenses committed in states other than Minnesota.

Source: Program Evaluation Division analysis of BCA criminal history data.

<sup>a</sup>Twelve of the 14 homicide offenders were sentenced to probation for criminal vehicular homicide involving alcohol or other controlled substances and one each for second degree manslaughter and second degree murder. Two of the offenders originally sentenced to probation for criminal vehicular homicide were rearrested for the same offense within three years.

Persons originally placed on probation for a property offense were the type of offender most likely to be arrested for a property offense within three years of sentencing. We found that 28 percent of property offenders, 8 percent of violent offenders, and 10 percent of drug offenders were arrested for a new property felony.

As was the case with released prisoners, most probationers were not rearrested for the exact same category of offense that had landed them on probation. Table 3.4 shows the recidivism patterns in more detail, based on the original crime for

**Car thieves, robbers, and burglars were the types of probationers most likely to be rearrested.**

which the offenders received probation.<sup>18</sup> Robbers and burglars were the categories of offenders most likely to be rearrested for the exact same offense that had landed them on probation (28 and 26 percent, respectively).

In general, we found that violent offenders sentenced to probation were more likely to be rearrested for the same category of offense than violent offenders released from prison. For instance, 18 percent of sex offenders sentenced to probation were arrested for a new sex offense, while 10 percent of sex offenders released from prison were arrested for a new sex offense.

We also examined which categories of probationers were most likely to be rearrested for *any* type of felony or gross misdemeanor. Among those offenses with at least 50 individuals sentenced to probation in 1992, we found that:

- **Sex offenders were the least likely to be arrested for a new felony or gross misdemeanor and vehicle thieves and robbers were the most likely.**

Twenty-five percent of sex offenders sentenced to probation in 1992 were arrested for a new felony or gross misdemeanor within three years of their sentence.<sup>19</sup> In contrast, probationers with the highest rearrest rates were vehicle thieves (57 percent), robbers (55 percent), burglars (49 percent), violators of weapons laws (48 percent), and property damage offenders (47 percent).

## Recidivism Rates, by Probationer Characteristics

Table 3.5 shows the recidivism rates of probationers sentenced in 1992 by several demographic characteristics (age, gender, and race).<sup>20</sup> We found that:

- **Young offenders sentenced to probation in 1992 had higher rearrest and reconviction rates than older probationers.**

For example, 43 percent of probationers between the ages of 20 and 24 at the time of sentencing were rearrested within three years, but only 22 percent of probationers ages 45 to 49 had new arrests in the same time period. This inverse relationship between age and reoffense rate resembles the pattern we found among prisoners released in 1992.

When we analyzed the recidivism rates of men and women probationers in our sample, we found that:

- **Male offenders sentenced to probation were more likely to reoffend than female probationers.**

<sup>18</sup> Inmates convicted of more than one offense were categorized under their most serious offense. For example, violent offenses were considered more serious than property offenses.

<sup>19</sup> Homicide offenders and kidnappers both had rearrest rates of 21 percent, but fewer than 20 people were sentenced to probation for each of these offenses in 1992.

<sup>20</sup> Analyses of recidivism rates by age, gender, and race do not include convictions recorded in BCA's "suspense file."

**Table 3.5: Reoffense Rates of Probationers Sentenced in 1992, By Age, Gender, and Race**

	Total Offenders	Rearrested Offenders		Reconvicted Offenders	
		Number	Percent	Number	Percent
<b>AGE</b>					
15-19	919	489	53%	278	30%
20-24	1,822	789	43	487	27
25-29	1,238	498	40	311	25
30-34	982	359	37	234	24
35-39	664	232	35	154	23
40-44	385	106	28	57	15
45-49	170	38	22	22	13
50-54	81	20	25	12	15
55-59	52	2	4	1	2
60+	50	6	12	3	6
<b>GENDER</b>					
Male	5,224	2,161	41%	1,333	26%
Female	1,139	378	33	226	20
<b>RACE</b>					
White	4,372	1,444	33%	885	20%
Black	1,378	812	59	500	36
Native American	296	153	52	92	31
Hispanic	221	85	38	54	24
Asian/Pacific Islander	74	33	45	19	26
Other	22	12	55	9	41

Note: The rearrest and reconviction rates shown here are based solely on records from the BCA's criminal history file. The percentages do not include data from BCA's "suspense file" or FBI data on offenses committed in states other than Minnesota.

Source: Program Evaluation Division analysis of BCA's criminal history data and Minnesota Sentencing Guidelines Commission records.

Table 3.5 compares the rearrest and reconviction rates of men and women sentenced to probation in 1992. Forty-one percent of men were rearrested within three years of sentencing, and 26 percent were reconvicted. In comparison, 33 percent of women were rearrested in the follow-up period, and 20 percent were reconvicted.

Finally, we compared probationers' reoffense rates by race and found that:

- **Black, Native American, Asian, and Hispanic probationers were more likely to be rearrested and reconvicted than white probationers.**

Table 3.5 shows that the three-year rearrest rate among white probationers (33 percent) was lower than the rearrest rates for black (59 percent), Native American (52 percent), Asian (45 percent), and Hispanic probationers (38 percent).

## SENTENCING FACTORS AND RECIDIVISM

**According to state guidelines, felony sentences should usually reflect the severity of the crime and the offender’s prior criminal record.**

In 1978, the Legislature reformed sentencing policy by abolishing indeterminate sentencing in Minnesota and replacing it with a sentencing guidelines system. The new law created the Minnesota Sentencing Guidelines Commission and directed it to: (1) determine the circumstances under which imprisonment would be a proper sentence, and (2) set guidelines for the length of imprisonment. The commission created a sentencing grid that judges now use to determine sentences for felony offenders in Minnesota. A sentence is based on two dimensions: the “severity level” of the offense and the offender’s “criminal history index score.” For any combination of offense severity and criminal history, the grid indicates a presumptive sentence for the offender. A judge may depart from the presumed duration and type of sentence, but only under “substantial and compelling circumstances.”<sup>21</sup>

### Offense Severity

According to the Sentencing Guidelines Commission, the offense of conviction is “the primary factor . . . in dispositional decisions.”<sup>22</sup> The commission has divided felony offenses into ten levels of severity. Severity Level I encompasses the least severe offenses, for example the sale of a simulated controlled substance, and Severity Level X contains the most severe offenses, such as second degree murder.<sup>23</sup> If an offender is convicted of two or more felonies, the most severe offense determines the severity level on the sentencing grid.

We used sentencing records to analyze the reoffense rates of released prisoners and probationers by the severity levels of their original conviction offenses.<sup>24</sup> The data showed that:

- **Felons convicted of less severe crimes were more likely to be arrested within three years of release than those convicted of more severe crimes.**

Figure 3.7 shows that 65 percent of released prisoners with less severe conviction offenses (severity levels I - IV) were rearrested in Minnesota during the follow-up period, but among prisoners convicted of the most severe crimes (severity levels

21 Minnesota Sentencing Guidelines Commission, *Minnesota Sentencing Guidelines and Commentary* (St. Paul, August 1, 1995), 20.

22 *Minnesota Sentencing Guidelines and Commentary*, 5.

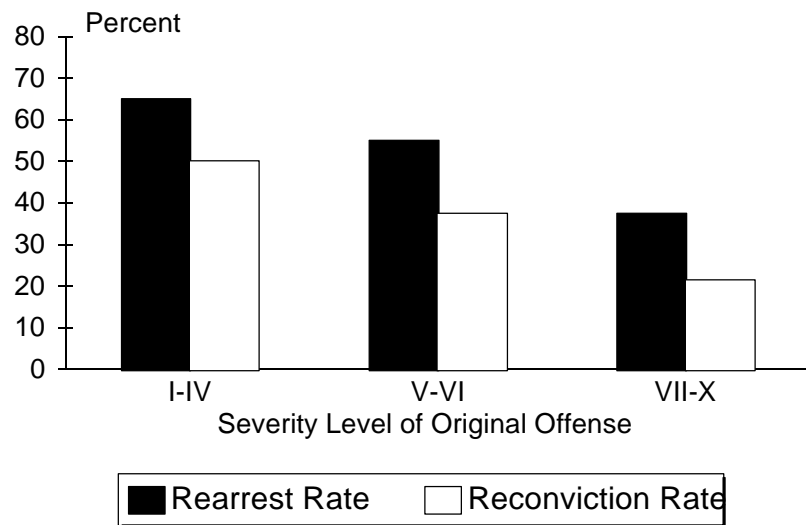
23 Since first degree murder carries a mandatory life imprisonment sentence, it is not ranked on the sentencing guidelines grid.

24 We were able to match 94 percent of our released prisoners (1,766 out of 1,878) and 100 percent of probationers to sentencing records. Eight of the prisoners in our sample were never assigned criminal history scores or severity levels because they were sentenced prior to 1980, when the sentencing guidelines took effect. Missing or erroneous data probably account for the remaining offenders for whom we could not locate sentencing records.



**Offenders convicted of less severe crimes tended to have higher recidivism rates.**

**Figure 3.7: Reoffense Patterns of Prisoners Released in 1992, By Severity of Original Offense**



Source: Program Evaluation Division analysis of BCA and Sentencing Guidelines Commission data.

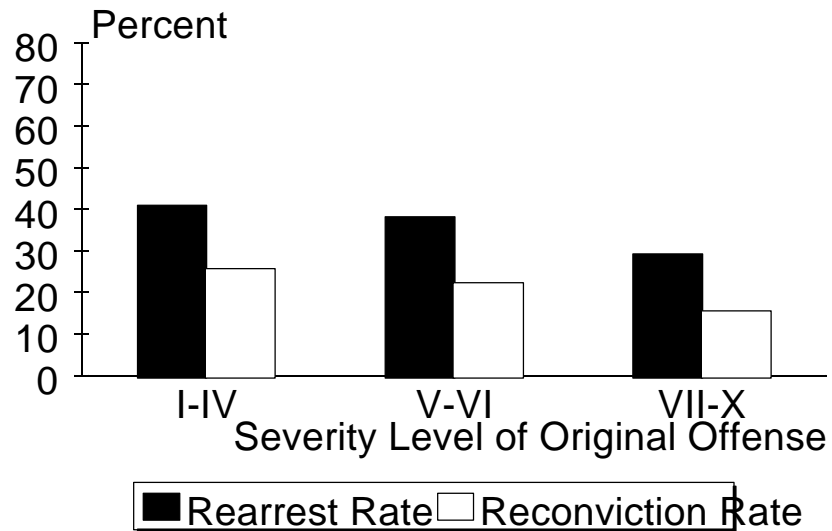
VII - X), 38 percent were rearrested within three years of release.<sup>25</sup> Reconviction rates also decreased as the severity level of the released prisoners' offenses increased. This pattern is consistent with our finding that property offenders had higher rearrest rates than other types of offenders, since most of the offenses at lower severity levels are property crimes.<sup>26</sup> We found that prisoners incarcerated for less serious crimes were rearrested more often for property offenses than violent offenses after their release, while prisoners originally convicted of more serious crimes were more likely to be arrested for violent offenses than property offenses.

Figure 3.8 presents the reoffense rates for probationers convicted of offenses at different severity levels. The graph shows that 41 percent of probationers convicted at the lowest severity levels were rearrested within three years, while 29 percent of probationers convicted at the highest severity levels had new arrests within the follow-up period.

<sup>25</sup> For statistical reporting purposes, the Sentencing Guidelines Commission divides offense severity levels into three groups (I-IV, V-VI, and VII-X).

<sup>26</sup> Seventy percent of released prisoners with original offenses between severity levels I and IV were property offenders, compared with 8 percent for prisoners whose offenses ranked in the highest severity group (VII - X).

**Figure 3.8: Reoffense Patterns of Probationers Sentenced in 1992, By Severity of Original Offense**



Source: Program Evaluation Division analysis of BCA and Sentencing Guidelines Commission data.

**Criminal history scores are a way of measuring the extent of offenders' previous criminal records.**

## Criminal History

The second dimension of the sentencing guidelines grid, the criminal history index score, summarizes the offender's criminal record prior to the current offense. An offender is assigned criminal history points for three types of prior convictions: adult felonies, adult misdemeanors or gross misdemeanors, and crimes committed as a juvenile that would have been felonies if committed by an adult.<sup>27</sup> For example, the guidelines assign 0.5 to 2.0 points per adult felony, depending on its severity, and they assign 0.5 points for each juvenile conviction.<sup>28</sup> The guidelines assign an additional point if the most recent offense occurred while the offender was on probation, on supervised release, or incarcerated.

We compared the rearrest and reconviction rates for felons with different criminal history scores at the time of sentencing. In general, we found that:

<sup>27</sup> A criminal history point for juvenile offenses is generally given only when: (1) the juvenile offenses occurred after the offender's 14th birthday; (2) the offender was under age 25 when the current felony was committed; and (3) the juvenile court made its findings after an admission in court or after trial.

<sup>28</sup> A prior felony at severity level I - II equals 1/2 point; severity level III - V equals 1 point; severity level VI - VII equals 1 1/2 points; and severity level VIII - X equals 2 points. Likewise, a prior conviction for first degree murder equals 2 points. This system of weighting prior felonies was implemented in 1989. Before that time, 1 point was assigned for each prior felony, regardless of severity. In most cases, four prior convictions for misdemeanors or gross misdemeanors equal 1 point.

- **Among both released prisoners and probationers, felons with longer criminal records were more likely to be rearrested than those with shorter records.**

As shown in Table 3.6, the three-year rearrest rate for released prisoners who had a criminal history score of zero was 39 percent, but it climbed to 55 percent for prisoners with a score of two, and reached 68 percent for those with a score of six or higher. The trend was the same among felons sentenced to probation. Thirty-two percent of probationers with no criminal history were rearrested within three years, compared with 66 percent of probationers with history scores of six or above. Reconviction rates followed a similar pattern for both samples of offenders.

**Table 3.6: Three-Year Recidivism Rates of Released Prisoners and Probationers, By Criminal History Score**

History Score	Prisoners Released in 1992			Probationers Sentenced in 1992		
	Total Offenders	Percent Rearrested	Percent Reconvicted	Total Offenders	Percent Rearrested	Percent Reconvicted
0	366	39%	23%	3,865	32%	18%
1	201	48	33	1,019	46	29
2	224	55	38	781	52	34
3	262	63	44	383	60	38
4	240	67	51	162	62	49
5	164	66	50	86	70	57
6+	309	68	56	67	66	49

Note: The reoffense rates shown here are based solely on records from the BCA's criminal history file. They do not include data from BCA's "suspense file" or FBI data on offenses committed in states other than Minnesota.

Source: Program Evaluation Division analysis of data from the Department of Corrections, sentencing records, and BCA's criminal history file.

This pattern is partially explained by the fact that felons who had higher criminal history scores were more likely to be property offenders than violent offenders. For example, 26 percent of released prisoners who had a history score of zero were property offenders, but 73 percent of those with scores of six or higher had been imprisoned for property offenses. As we described in a previous section, property offenders were more likely to reoffend than violent offenders.

Table 3.6 also demonstrates that:

- **Probationers and released prisoners with the same criminal history scores had similar rearrest rates.**

Prisoners released in 1992 had much higher **overall** rates of recidivism than probationers (59 percent vs. 42 percent), but these differences narrowed or disappeared when we compared offenders who had similar criminal records. For instance, 55 percent of released prisoners who had a criminal history score of two at the time of sentencing were rearrested within three years of release, and 52 percent of

probationers with this criminal history score were rearrested within three years. Probationers had lower overall rates of recidivism because, in general, they had shorter criminal records than released prisoners. Sixty-one percent of the probationers we tracked had a criminal history score of zero, but only 21 percent of released prisoners had such a score.

## Departures from Sentencing Guidelines

Under Minnesota’s sentencing guidelines, judges are to use the presumptive sentences provided in the sentencing guidelines grid unless the individual circumstances of a case are “substantial and compelling.”<sup>29</sup> When such circumstances exist, a judge may depart from the presumptive sentence but must file written reasons for the departure.<sup>30</sup> An **aggravated dispositional departure** occurs if a judge pronounces a prison sentence when the guidelines indicate a stayed sentence. If a judge places an offender on probation when the guidelines presume prison, this is known as a mitigated, or **downward dispositional departure**. In 1994, downward dispositional departures far outnumbered aggravated dispositional departures (893 to 318). Downward departures constituted 9 percent of all felony sentences pronounced in that year, or 34 percent of the presumptive prison commitments recommended by the guidelines.<sup>31</sup>

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**Property offenders given lighter sentences than called for in the guidelines had high recidivism rates.**

We looked at the recidivism rates of offenders in our probation sample who would have been sent to prison under the guidelines but instead received probation. We found that there was little difference between the overall rearrest rates of offenders with downward dispositional departures and the rearrest rates of other offenders who received probation. As Table 3.7 indicates, 41 percent of the 702 offenders with downward dispositional departures in 1992 were rearrested for a felony or gross misdemeanor in Minnesota within three years of sentencing. The rearrest rate for all other probationers was very similar (40 percent). Reconviction rates were also comparable between the two groups of probationers.

However, we also found that:

- **Property offenders who were placed on probation instead of receiving prison sentences as recommended by sentencing guidelines were much more likely to be rearrested than other property offenders sentenced to probation in 1992.**

For example, among burglars who had presumptive prison sentences but instead received probation, 65 percent were rearrested within three years. Among the other burglars in our probation sample, 48 percent had new arrests in the follow-up period. Seventy percent of the thieves with downward dispositional departures were rearrested in three years, compared with 43 percent of the other thieves in

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<sup>29</sup> *Minnesota Sentencing Guidelines and Commentary*, 20.

<sup>30</sup> *Minn. Stat.* §244.10, Subd. 2.

<sup>31</sup> Minnesota Sentencing Guidelines Commission, *Sentencing Practices: Highlights and Statistical Tables, Felony Offenders Sentenced in 1994* (St. Paul, February 1996), 35-37.

**Table 3.7: Recidivism of Probationers with Downward Dispositional Departures, By Original Offense Type**

Original Offense Type	Offenders Granted Downward Dispositional Departures			All Other Offenders Sentenced to Probation		
	Total Offenders	Percent Rearrested	Percent Reconvicted	Total Offenders	Percent Rearrested	Percent Reconvicted
<b>Violent Offenses</b>						
Homicide	14	21%	21%	0	NA	NA
Sex Offense	118	19	10	380	27%	14%
Robbery	48	50	33	97	58	37
Assault	226	39	23	484	40	23
<b>Property Offenses</b>						
Arson	11	55	27	35	20	11
Burglary	54	65	46	747	48	30
Theft	27	70	56	643	43	29
Vehicle Theft	12	83	75	293	56	37
Forgery/Fraud	15	40	27	1,029	34	21
Receiving Stolen Property	17	47	41	230	40	23
<b>Drug Offenses</b>	145	40	23	1,251	38	22
<b>All Other Offenses</b>	15	53	53	472	38	22
<b>TOTAL</b>	<b>702</b>	<b>41%</b>	<b>26%</b>	<b>5,661</b>	<b>40%</b>	<b>24%</b>

Note: The reoffense rates shown here are based solely on records from BCA's criminal history file. They do not include data from BCA's "suspense file" or FBI data on offenses in other states.

Source: Program Evaluation Division analysis of sentencing records and BCA criminal history data.

our sample. Property offenders with downward dispositional departures were also far more likely to be **reconvicted** than other property offenders.

These results show that judges' dispositional departure decisions for property offenders placed the public at greater risk, since property offenders with downward departures committed new crimes at a much higher rate than other property offenders on probation. In contrast, violent and drug offenders with presumptive prison sentences had recidivism rates similar to or lower than those of other violent and drug offenders on probation. Altogether, offenders with downward dispositional departures were arrested for 517 felonies and gross misdemeanors (and convicted of 260 such offenses) during the subsequent three years, and some of these new crimes might have been avoided or delayed had these offenders been sentenced to prison.

## Jail Sentences

We compared recidivism rates for probationers who were sentenced to serve time in jail and those who were not. About 84 percent of the probationers in our sample were sentenced to jail time. We found that:

**Probationers sentenced to jail had higher recidivism rates than non-jailed probationers.**

- **Probationers sentenced to jail had higher rearrest and reconviction rates than non-jailed probationers with similar criminal history and offense severity scores.**

For example, among probationers with a criminal history score of zero, 33 percent of jailed offenders were rearrested, compared with 27 percent of offenders not sent to jail. Among probationers with a criminal history score of one, 47 percent of jailed offenders were rearrested, compared with 34 percent of probationers not sent to jail.<sup>32</sup>

Similarly, among probationers with an offense severity score of two, 41 percent of jailed offenders were rearrested, compared with 32 percent of non-jailed offenders. Among all probationers convicted of property offenses, 46 percent of jailed offenders were rearrested, compared with 30 percent of non-jailed offenders.<sup>33</sup>

**VARIATION IN COUNTY RECIDIVISM RATES**

Legislators asked us to compare the recidivism rates of offenders under correctional supervision in different Minnesota counties. Specifically, they wanted to know whether there were differences between the reoffense rates of offenders in counties that participate in Minnesota’s Community Corrections Act (CCA) and offenders in other counties.

In 1973 the Legislature passed the Community Corrections Act (CCA) in order to protect society “more effectively” and “to promote efficiency and economy in the delivery of correctional services.”<sup>34</sup> Counties that choose to participate in CCA receive state block grants that help to fund a wide variety of community correctional services, ranging from crime prevention programs and probation services to correctional facilities.<sup>35</sup> CCA counties design their correctional programs with assistance from a local advisory board, and these plans must be approved by the Commissioner of Corrections. There are currently 31 counties participating in CCA, and they represent about 71 percent of the state’s population.<sup>36</sup>

Seventy-seven percent of prisoners released in 1992 and 75 percent of probationers sentenced in that year were supervised in CCA counties. We compared the rearrest and reconviction rates of offenders, based on the county that was responsible for supervision. We found that, for both released prisoners and probationers, offenders in CCA counties were more likely to be rearrested than those in

32 About three-fourths of probationers in our sample had criminal history scores of zero or one.

33 Twenty-nine percent of probationers in our sample were at severity level two, making it the most common severity level. About 52 percent of probationers were property offenders.

34 *Minn. Laws* (1973), Ch. 354, Sec. 1.

35 Counties supplement the state block grants with local funds from property tax revenues.

36 Stearns County became a CCA county in 1994. We counted Stearns among the CCA counties here. The inclusion of Stearns as a CCA county made no difference in the reoffense rates shown in Table 3.8.

other counties. However, further analysis showed that some of the difference between reoffense rates in CCA and non-CCA counties was accounted for by high recidivism rates in Hennepin and Ramsey counties, both of which participate in CCA. Table 3.8 shows that:

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**Offenders supervised in Hennepin and Ramsey counties had high recidivism rates.**

- **Offenders supervised in Hennepin and Ramsey counties were more likely to reoffend than offenders supervised in other counties.**
- **The recidivism rates of released prisoners in CCA counties other than Hennepin and Ramsey were higher than those of released prisoners in non-CCA counties. For probationers supervised in counties other than Hennepin and Ramsey, the recidivism rates of CCA and non-CCA counties were about the same.**

Sixty-four percent of released prisoners in Hennepin and Ramsey counties were rearrested within three years, compared with 53 percent of released prisoners in other CCA counties, and 46 percent of released prisoners in non-CCA counties. Among probationers, we found that 47 percent of the felons supervised in Hennepin and Ramsey counties were rearrested within three years of release, compared with 34 percent in other CCA counties and 35 percent in non-CCA counties. Reconviction rates were also higher for offenders in Hennepin and Ramsey than offenders in all other counties.

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**Table 3.8: Reoffense Rates for Released Prisoners and Probationers, By Type of County**

Counties	Total Offenders	Rearrested Offenders		Reconvicted Offenders	
		Number	Percent	Number	Percent
<b>RELEASED PRISONERS<sup>a</sup></b>					
Hennepin and Ramsey	1,078	687	64%	499	46%
All Other CCA Counties	377	200	53	151	40
Non-CCA Counties	299	138	46	102	34
<b>PROBATIONERS</b>					
Hennepin and Ramsey	2,659	1,263	47%	793	30%
All Other CCA Counties	2,132	730	34	453	21
Non-CCA Counties	1,572	546	35	313	20

Note: The reoffense rates shown here are based solely on records from BCA's criminal history file. They do not include data from BCA's "suspense file" or FBI data on offenses in other states.

Source: Program Evaluation Division analysis of BCA criminal history data.

<sup>a</sup>There were 124 prisoners whose location of release was unknown or who were released to locations outside of Minnesota.

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## RECIDIVISM AMONG CORRECTIONAL PROGRAM PARTICIPANTS

**We examined the recidivism rates of participants in prison programs, but it is difficult to measure the impact of programs apart from other factors.**

At the outset of our study, legislators expressed interest in information on the effectiveness of correctional programs. The cost of prison programs is one of several factors that may contribute to Minnesota’s relatively high costs per prison inmate, and some legislators wondered whether the programs have helped to reduce recidivism rates.

We obtained lists of inmates who participated in selected Department of Corrections programs while in prison, identified the offenders who were released in 1992, and looked at their rearrest and reconviction rates. Specifically, we selected programs that existed in 1992 and still exist today, although some of the programs have been revised. We picked programs for which department staff could identify all inmates who completed the programs before 1993.<sup>37</sup>

For several reasons, we were unable to determine precisely how participation in a specific prison program affected an inmate’s likelihood of rearrest and reconviction after release. First, offenders usually spent time in more than one facility and often participated in more than one program. Thus, we could not isolate the effect of a single program apart from the others. Second, it was impossible to isolate the impact of prison from external factors (such as family background and participation in community programs after release) that might relate to recidivism. Third, it was unclear how much the treatment outcome was due to the individual’s motivation to change (or lack of motivation) rather than the treatment program itself.<sup>38</sup> Finally, without a “control group” of randomly selected offenders who did not receive treatment, it is impossible to know how many of the program participants would have reoffended after their release if they had not participated in treatment.<sup>39</sup> With these qualifications in mind, we found that:

- **Recidivism rates of inmates who participated in prison programs were usually similar to the rates of those who did not, although some programs may have reduced recidivism among some types of participants.**

In the remainder of this section, we review specific program results.

<sup>37</sup> With the exception of sex offender programs, DOC does not keep a centralized database indicating the programs in which inmates participate. We did not request records of inmate participation in prison industry programs partly because inmates do not “complete” the programs as they do treatment and education programs. We also did not examine some programs that were relatively new in 1992.

<sup>38</sup> Similarly, programs may select clients based on their perceived amenability to treatment. This “selection bias” can be overcome by randomly assigning individuals to treatment and control groups. However, random assignment is rarely done in correctional settings because it results in withholding treatment from some offenders who seek it.

<sup>39</sup> Instead of using a control group, we compared inmates who completed programs with other inmates released in 1992. However, even where the results indicated that program participants had rearrest and reconviction rates similar to non-participants, it is possible that program participants would have had even higher rearrest and reconviction rates if they had not participated in programming.



## Atlantis Chemical Dependency Program

The Atlantis Chemical Dependency Program is a 90-day residential treatment program at the Stillwater correctional facility. The program consists primarily of group therapy sessions, supplemented with lectures, recreation, and motivational reading. We examined recidivism for 81 offenders who were discharged from the program between 1990 and 1992 and released from prison in 1992. Table 3.9 presents their rearrest and reconviction rates. We found that:

- **Among prisoners released in 1992, offenders who participated in the Atlantis chemical dependency program had recidivism rates similar to non-participants.**

**Table 3.9: Recidivism of Inmates Who Attended the Atlantis Chemical Dependency Treatment Program at MCF-Stillwater**

Type of Release/Original Offense	Number of Offenders	Percent Rearrested	Percent Reconvicted
Completed Program			
Violent Offenders	39	54%	28%
Property Offenders	13	69	54
Drug and Other Offenders	8	38	38
All Program Completers	60	55%	35%
Quit Treatment or Were Terminated by Staff	21	57	24
All Program Participants	81	56	32
All Male Prisoners Released in 1992	1,736	57%	42%

Sources: Program Evaluation Division analysis of BCA criminal history data and list of program participants provided by the Department of Corrections.

**Inmates who completed Stillwater's chemical dependency program had recidivism rates similar to those of non-participants.**

Fifty-five percent of the offenders who completed chemical dependency treatment were rearrested within three years of release, compared with 57 percent of all male prisoners released in 1992.<sup>40</sup> Program completers were less likely to be reconvicted than all male prisoners released in 1992 (35 versus 42 percent), but most of this difference is attributable to the high proportion of violent offenders in the treated group (65 percent). We found that 54 percent of violent offenders who completed the Atlantis program were rearrested, and 28 percent were reconvicted, compared with 46 percent rearrested and 31 percent reconvicted among all male violent prisoners released in 1992. For property offenders who completed the Atlantis program, 69 percent were rearrested and 54 percent reconvicted, compared with 67 percent rearrested and 53 percent reconvicted for all male property offenders released from prison in 1992.

<sup>40</sup> With the exception of sex offender treatment programs, the recidivism rates presented in this section do not include offenses from BCA's "suspense file" and the FBI's database on offenses in other states.

Offenders who entered the Atlantis program had somewhat higher criminal history scores than all offenders released from prison in 1992. Inmates with criminal history scores of four or higher accounted for a majority of Atlantis' completers, and their rearrest percentage was identical to that of other male prisoners with criminal history scores of four or higher (67 percent).<sup>41</sup> Among offenders with a criminal history score less than four, 42 percent of the offenders who completed the Atlantis program were rearrested, compared with 50 percent of all 1992 released prisoners.

**Twenty-seven percent of sex offenders released in 1992 had completed a sex offender program in prison.**

### Prison Treatment Programs for Sex Offenders

As discussed in Chapter 2, a review of recent sex offender treatment studies found evidence of small reductions in recidivism rates for treated sex offenders compared with untreated offenders. But treatment programs have used a variety of approaches with a variety of types of sex offenders, so findings should be interpreted with caution.

The Department of Corrections provided us with treatment participation information for the 257 male sex offenders released from prison in 1992. Ninety-two of those offenders participated in sex offender treatment at Oak Park Heights, Stillwater, and Lino Lakes, and 69 completed the programs. Table 3.10 shows recidivism rates for the male sex offenders.<sup>42</sup> We found that:

- **Sex offenders who completed treatment had lower overall rearrest and reconviction rates than those who never entered treatment, but their rearrest rates for new sex offenses were about the same.**

**Table 3.10: Recidivism of Sex Offenders, By Treatment Participation While in Prison**

Treatment Experience	Number of Offenders	Percent Rearrested for Any Felony or Gross Misdemeanor	Percent Rearrested for Sex Offense	Percent Reconvicted of Any Felony or Gross Misdemeanor
Never Entered Treatment	160	42%	11%	26%
Quit Treatment or Were Terminated by Staff	23	43	22	26
Completed Treatment	69	19	12	12

Sources: Program Evaluation Division analysis of BCA criminal history data and list of program participants provided by the Department of Corrections.

<sup>41</sup> Fifty-five percent of the 1992 releasees who completed the Atlantis program had a criminal history score of four or higher, compared with 40 percent of all male prisoners released in 1992.

<sup>42</sup> A few sex offenders enrolled in more than one treatment program. We counted them as completers if they completed at least one program. We excluded five offenders from this analysis who were committed to the Minnesota Security Hospital as sexual psychopaths and were therefore not at risk to commit new offenses. We also excluded six female sex offenders because there were no Department of Corrections sex offender treatment programs for women in 1992. None of the six were rearrested for any crime within three years of their release from prison.

Age differences between program completers and untreated sex offenders may partly explain the difference in overall rearrest rates. Sex offenders who completed treatment were, on average, 36 years old when they were released from prison, compared with 32 years old for sex offenders who did not complete treatment. We found that older sex offenders were less likely to be rearrested for any offense than younger sex offenders, although age was not closely related to the likelihood of rearrest for a sex offense.<sup>43</sup>

On the other hand, differences in the criminal histories of treated and untreated offenders may have masked some positive effects of treatment. Forty-one percent of the sex offenders who completed treatment had at least one felony sex offense conviction before the one that landed them in prison, compared with only 17 percent of the sex offenders who never entered treatment. Table 3.11 shows the relationship between treatment and rearrest based on the individual's sex offense history prior to the offense that resulted in imprisonment. We found that:

- **Treated offenders with no sex offense convictions before their current offense were less likely to be rearrested than similar untreated offenders.**

Of the 40 offenders who were in prison for their first felony sex offense conviction and completed treatment, only one (3 percent) was arrested for a new sex offense

**Of 40 offenders imprisoned and treated for a first sex offense conviction, only one was rearrested for a new sex offense within three years of release.**

**Table 3.11: Rearrest Rates of Sex Offenders, By Sex Offense History and Treatment Program Participation**

Number of Previous Sex Offense Convictions/ Participation in Treatment Program	Number	Percent Rearrested for Any Felony or Gross Misdemeanor	Percent Rearrested for Sex Offense
<b>No Previous Sex Offense Felony Convictions</b>			
Never Entered Treatment	127	41%	9%
Quit or Terminated by Staff	15	33	7
Completed Treatment	40	8	3
Total	182	33%	7%
<b>One or More Previous Sex Offense Felony Convictions</b>			
Never Entered Treatment	26	46%	27%
Quit or Terminated by Staff	8	63	50
Completed Treatment	28	32	25
Total	62	42%	29%

Sources: Program Evaluation Division analysis of BCA criminal history data and list of program participants provided by the Department of Corrections.

<sup>43</sup> Among sex offenders released in 1992, the median age was 32. Forty-seven percent of sex offenders under 32 years old were rearrested for any felony or gross misdemeanor within three years of prison release. In contrast, 25 percent of sex offenders age 32 and older were rearrested in the follow-up period.

within three years of release from prison, and 8 percent were arrested for any felony or gross misdemeanor. Untreated offenders in prison for their first conviction also had low rates of sex offense rearrest (9 percent) but much higher rates of rearrest for any felony or gross misdemeanor (41 percent). Among offenders with at least one prior felony sex offense conviction, those who completed treatment were about as likely to be arrested for a new sex offense as those who never entered treatment (25 versus 27 percent).

We also examined the recidivism rates of various categories of sex offenders.<sup>44</sup> We found that rapists and “other” sex offenders who completed treatment were less likely to be rearrested than offenders who committed similar sex offenses but who did not receive treatment. Only one (6 percent) of the 16 rapists and “other” sex offenders who completed treatment was subsequently rearrested for a sex offense, compared with 18 percent of the rapists and “other” sex offenders who did not undergo treatment. Among incest offenders and child molesters, however, those who completed sex offender treatment were more likely to be arrested for a new sex offense (13 percent) than those who never entered treatment (6 percent).

Finally, we examined sex offenders who quit treatment or were terminated by staff. We found that:

- **Among sex offenders, those who entered but failed to complete treatment were the most likely to be rearrested for a new sex offense.**

As shown in Table 3.10, 22 percent of sex offenders who started but failed to complete treatment were arrested for a new sex offense within three years of their release from prison, compared with 12 percent of the sex offenders who completed treatment and 11 percent of those who never entered treatment.<sup>45</sup> Forty-three percent of the offenders who began but failed to complete treatment were arrested for some new felony or gross misdemeanor within three years of their release.

**We examined recidivism rates of inmates who completed education programs at two prisons.**

## **Prison Education Programs**

We obtained lists of inmates who obtained general education development (GED) or vocational certificates from the St. Cloud and Shakopee correctional facilities between January 1990 and December 1992. Table 3.12 presents rearrest and reconviction rates for offenders who earned certificates in these programs and were released from prison in 1992. We found that:

<sup>44</sup> Sex offender types were determined by sex offender treatment program staff based on interviews, psychological tests, and sex offense histories. In general, rapists use force or coercion when committing sexual assaults, incest offenders use persuasion and their position of authority to induce the participation of their children or other family members, and child molesters use persuasion or their position of authority to induce cooperation from children who are not family members. “Other” sex offenses include statutory rape and recruiting children to participate in pornography or prostitution.

<sup>45</sup> Program participants were terminated for overly aggressive behavior or for failing to fulfill the requirements of the treatment program.

**Table 3.12: Rearrest Rates of Inmates Released in 1992 Who Earned an Education Certificate at Minnesota Correctional Facilities at St. Cloud and Shakopee**

<u>Facility/Type of Certificate</u>	<u>Number</u>	<u>Percent Rearrested</u>	<u>Percent Reconvicted</u>
MCF-St. Cloud			
GED certificate	68	71%	50%
Vocational certificate <sup>a</sup>	34	62	47
All Male Prisoners Under 25 Released in 1992	512	65	47
MCF-Shakopee			
GED certificate	16	44	38
Desktop publishing vocational certificate	3	0	0
All Female Prisoners Released in 1992	142	52	35

Sources: Program Evaluation Division analysis of BCA criminal history data and list of program participants provided by the Department of Corrections. Information was not available on participants who failed to complete the programs.

<sup>a</sup>Includes (1) certificates of completion and (2) certificates of accomplishment given to inmates who made progress but did not complete the course before release. Recidivism rates were virtually the same for both groups.

- **Inmates who completed education programs were rearrested and reconvicted after their release at about the same rates as the general inmate population.**

Seventy-one percent of the male inmates who earned a GED and 62 percent who earned a vocational certificate at St. Cloud were rearrested within three years of their release from prison, compared with 65 percent of all male prisoners under 25 years old who were released in 1992. The rearrest rate for female inmates who obtained their GED at Shakopee (44 percent) was somewhat below that of all females released in 1992 (52 percent). However, 42 percent of the Shakopee inmates who obtained an education certificate were in prison for violent offenses, a group that had lower recidivism rates than property or drug offenders. By contrast, only 20 percent of all females released in 1992 were in prison for a violent offense. Thus, when offense is considered, females who completed education programs were about as likely as other female inmates to be rearrested after their release.

**Some offenders are placed in halfway houses when they are released from prison.**

## **Residential Programs for Released Prisoners**

Finally, we looked at recidivism for released prisoners identified by the Department of Corrections as “public risks” who required special monitoring. Specifically, we examined offenders placed in two large residential programs, 180 Degrees and Reentry Services. The Department of Corrections contracts with these programs to help offenders in the Twin Cities metropolitan area make a more successful transition to community living. Most people were in these halfway houses for two months or less. In general, we found that:

- **Recidivism rates for inmates assigned to the residential programs were slightly higher than recidivism rates for all inmates released in 1992.**

Table 3.13 presents rearrest and reconviction rates for inmates assigned to the 180 Degrees and Reentry Services residential programs after their release from prison. About half of the 180 Degrees inmates had served sentences for sex offenses. Their rearrest and reconviction rates, 35 and 22 percent respectively, were slightly above the rates for all sex offenders released in 1992 (30 percent rearrested and 17 percent reconvicted).<sup>46</sup>

**Table 3.13: Rearrest Rates of Offenders Assigned to Transitional Residential Programs After Release from Prison**

	<u>Number</u>	<u>Percent Rearrested</u>	<u>Percent Reconvicted</u>
<b>180 Degrees Program for Sex Offenders:</b>			
Completed Program	59	27%	15%
Did Not Complete Program	<u>19</u>	<u>58</u>	<u>44</u>
Total	78	35%	22%
<b>180 Degrees Program for Other Offenders:</b>			
Completed Program	37	65%	43%
Did Not Complete Program	<u>39</u>	<u>77</u>	<u>46</u>
Total	76	71%	45%
<b>Reentry Program:</b>			
Completed Program	30	47%	35%
Did Not Complete Program	<u>26</u>	<u>77</u>	<u>62</u>
Total	56	61%	41%

Sources: Program Evaluation Division analysis of BCA criminal history data and lists of program participants provided by the residential programs.

**Offenders who completed halfway house programs had lower recidivism rates than inmates who entered but failed to complete the programs.**

Seventy-five percent of the non-sex offenders in the 180 Degrees program and 80 percent of the offenders in the Reentry program had been in prison for violent crimes. Their rates of rearrest, 71 and 61 percent respectively, were higher than the rearrest rate for all prisoners released in 1992 (57 percent) and well above the rearrest rate for all violent offenders (45 percent).

Many offenders did not “complete” their stay at a halfway house, usually because they absconded or were terminated by the facility’s staff for rule violations. Table 3.13 shows that released prisoners who completed residential programming had lower recidivism rates than those who entered but did not complete it.<sup>47</sup>

<sup>46</sup> We also found that 9 percent of the sex offenders in the 180 Degrees program were rearrested for new sex offenses, compared to 10 percent of all sex offenders released in 1992.

<sup>47</sup> Among offenders at 180 Degrees, rearrest rates were higher for offenders who absconded (81 percent) than for those who were terminated by program staff (59 percent). At Reentry, the opposite was true; 54 percent of the absconders were subsequently rearrested, but the rate was 100 percent for those who were terminated by staff.

## ADEQUACY OF CRIMINAL HISTORY RECORDS

**The Bureau of Criminal Apprehension is supposed to receive information on all arrests and convictions.**

Our study relied considerably on BCA's official criminal history database, which is the main BCA information system used by Minnesota's criminal justice officials. State law requires Minnesota law enforcement agencies to take fingerprints of all persons arrested for felonies or gross misdemeanors and forward such records to the BCA within 24 hours.<sup>48</sup> When BCA receives a fingerprint arrest record that is properly completed, it adds the record to the state's official criminal history database, either matching the new information to an offender who has an existing criminal record, or creating a new record for a first-time offender. Subsequent information about the disposition, or outcome, of the case is sent to the BCA from either the court or the county attorney's office, and BCA appends this data to the correct arrest record.

In numerous cases, however, disposition data received by the BCA cannot be linked to an arrest record on file and are not added to the official criminal history system. According to a 1996 draft report on the completeness and accuracy of the criminal history database, 37 percent of the disposition data received by BCA cannot be matched to arrest data.<sup>49</sup> The report stated that BCA had 159,000 unmatched court disposition records, with each record representing one criminal "count" from a court proceeding. These unmatched records of court dispositions are maintained by the BCA in a separate database, known as the "suspense file."

We searched the suspense file to find records for the felons in our probation and released prisoner samples who did not have a conviction listed in the official criminal history file. In general, our search confirmed that:

- **BCA's official criminal history database is an incomplete source of information on arrests and convictions in Minnesota.**

**BCA's main criminal history database is incomplete.**

We reviewed records for a large group of released prisoners and probationers and found that 54 percent had some type of record in the suspense file, although many of these records preceded or succeeded the three-year follow-up period we used for our recidivism analysis.<sup>50</sup> Many of the suspense file records were for convictions that have not been recorded on BCA's official criminal history database.<sup>51</sup> In the three-year follow-up period alone, the suspense file contained records of

<sup>48</sup> *Minn. Stat.* §299C.10.

<sup>49</sup> Minnesota Bureau of Criminal Apprehension, *Report to the Legislature on Compliance with M.S. §299C.10*, Draft Report (St. Paul, January 1996), 1.

<sup>50</sup> We searched the suspense file for records of offenders who did not have a conviction for a felony or gross misdemeanor within the three-year follow-up period. There were nearly 6,600 released prisoners and probationers in this category.

<sup>51</sup> For example, we found that about half of the 1992-95 suspense file records we examined were convictions, not other dispositions.

about 1,500 arrests and 700 convictions for offenders in our samples.<sup>52</sup> If we had relied solely on BCA’s official criminal history file, we would not have known about these actions, and the rearrest and reoffense rates we calculated would have underestimated the actual rates of recidivism by a few percentage points. Furthermore, even after checking BCA’s criminal history and suspense files, we still found no BCA records of criminal activity for more than 200 probationers who were sentenced in 1992 for felonies committed in Minnesota.

A national expert in criminal history information systems told us many other states have similar problems with their criminal history records. Nevertheless, we think that the absence of comprehensive information in BCA’s criminal history database should be addressed as soon as possible. In our view, it is a serious problem that:

- **Criminal justice agencies and other users cannot obtain complete information about offenders’ criminal records from the BCA’s criminal history database.**

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**Law enforcement agencies, courts, and others rely on BCA to have complete, accessible criminal history information.**

Researchers trying to study patterns of recidivism or convictions in Minnesota would underestimate the actual levels of criminality if they relied solely on the criminal history database. More important, without full criminal records in BCA’s official criminal history database, criminal background checks might not identify instances of known criminal conduct. In addition, community corrections officials might inaccurately calculate the criminal history scores on which judges rely when making sentencing decisions, and inappropriate pre-trial release and bail decisions might be made.

BCA officials are aware of the problems with the criminal history database and have taken several steps to address them. For instance, they have helped coordinate training for law enforcement, prosecution, and court officials about proper reporting of criminal history information, and they are seeking federal funding for continued local implementation of technology that would transmit fingerprint information electronically to BCA. Still, we think this problem is serious enough to require ongoing monitoring, and we offer several recommendations in Chapter 4.

## SUMMARY

Almost two-thirds of the inmates released from Minnesota prisons in 1992 were rearrested for a felony or gross misdemeanor within three years, and nearly half were reconvicted. Felony probationers had lower overall recidivism rates, but this largely reflected their shorter criminal records. We found relatively high recidivism rates among property offenders, young offenders, and offenders in Hennepin and Ramsey counties. Property offenders who were placed on probation rather than receiving the prison sentence presumed by the state’s sentencing guidelines had much higher recidivism rates than other property offenders placed on proba-

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<sup>52</sup> We counted only dispositions in the suspense file that were at the felony or gross misdemeanor level. The suspense file does not contain arrest records, but in cases where an offender had a disposition in the suspense file within the three-year window, we assumed that the offender had an arrest within that period as well.



tion. It is difficult to evaluate whether correctional programs caused recidivism to be lower than it otherwise would have been, but we found that the recidivism rates of program participants were often similar to the rates of non-participants.

Minnesota's recidivism rates appear to be within the broad range of rates reported in other recidivism studies. But evaluating whether Minnesota's rates are satisfactory requires some judgment about the **expected** level of recidivism. On the one hand, previous chapters suggested that Minnesota's corrections system has some characteristics that might be expected to reduce offender recidivism rates--for instance, higher levels of spending per inmate than most states, and inmates who are better educated, have fewer prior arrests, and are more likely to be violent offenders than inmates in other states. On the other hand, because Minnesota imprisons a smaller percentage of its population than all but one other state, perhaps its inmate population has a relatively high proportion of intractable criminals who do not want to change their behaviors. Unfortunately, there is no definitive way to determine whether Minnesota's inmates and probationers are more or less "predisposed" to recidivism than offenders in other states.

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# Recommendations

## CHAPTER 4

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**Policy makers need improved information to help them assess correctional strategies.**

**M**any offenders under the supervision and custody of correctional agencies have committed crimes repeatedly. In the short term, recidivism could be delayed by imprisoning more convicted felons, but this could be extremely expensive and might be contrary to other correctional goals (such as making punishment proportional to the severity of the crime).<sup>1</sup> Alternatively, the state can—and does—use imprisonment more selectively, but with greater risks to public safety. Felons under correctional supervision in the community have the opportunity to commit additional crimes, and this report shows that many of them do.

Our study has demonstrated the feasibility of using computerized Bureau of Criminal Apprehension (BCA) records to calculate recidivism rates for large groups of offenders. As policy makers and administrators try to develop correctional strategies that balance public risks with costs, they will continue to need good information to help them make decisions and monitor the outcomes. For this reason, we recommend that:

- **The Department of Corrections' future agency performance reports should include (1) statewide measures of the recidivism of released inmates and felony probationers, and (2) targets for future levels of recidivism.**

The department should establish consistent methods for measuring Minnesota recidivism, which would permit meaningful comparisons of rates over time. At a minimum, the department should report overall rates of recidivism, although it could additionally report rates for selected subgroups of offenders.

We think the department should use a variety of measures to analyze recidivism, including rates of rearrests, reconvictions, and new imprisonments. There is no universally-accepted measure of recidivism. Many corrections researchers believe that rearrest rates provide the most accurate and timely measure of criminal activity, even though not all arrests result in prosecutions or convictions. Computing recidivism rates based on reconvictions would require that offenders be proven guilty before they are counted as recidivists. Unfortunately, Minnesota lacks com

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<sup>1</sup> Currently, only about 20 percent of the nearly 10,000 felons convicted annually in Minnesota are sentenced to prison. In 1996, the Legislature authorized the sale of \$89 million in bonds to build an 800-bed prison, and the daily operating cost per inmate for Minnesota prisons averaged \$ 83 in fiscal year 1995.

plete information on convictions in its official criminal history database, and reconviction rates might understate recidivism due to the lapse of time between arrests and convictions. Finally, measures of offender imprisonment can be useful recidivism indicators, but many serious crimes do not result in imprisonment in Minnesota. Imprisonment rates do not measure the overall criminality of offenders, and they can be influenced significantly by the state's prison sentencing policies and by the way that courts and correctional agencies respond to technical violations of probation and supervised release.

When legislators have asked the Department of Corrections about recidivism in the past, the department has often cited the percentage of prisoners who returned to prison for new offenses within two years of their release. But the department has understated this percentage somewhat by computing it on the basis of offenders' **first** return to prison during the follow-up period. Thus, if an offender first returned to prison for a technical violation of supervised release and later in the follow-up period returned to prison for a new offense, the department did not count the offender as having returned to prison for a new offense.<sup>2</sup> We recommend:

- **When calculating the percentage of offenders who have returned to prison for new offenses, the Department of Corrections should count all offenders who returned for new offenses in the follow-up period (not just those whose first return was for a new offense).**

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**The Department of Corrections should produce statewide data on prisoner and probationer recidivism, using a variety of measures.**

In our 1996 report on probation funding, we recommended that the Legislature require local probation service providers (as well as the Department of Corrections) to periodically collect information on recidivism. We still believe that probation agencies statewide should monitor offender recidivism. Such information could help local corrections administrators and advisory boards to plan and evaluate services, and it could help corrections agencies to validate offender risk assessment instruments. But, for purposes of the Department of Corrections' biennial performance report, we now believe that it would be best for one agency--the Department of Corrections--to produce statewide information on the recidivism of probationers. In our view, it would be more efficient for the department to prepare this information itself than to compile the recidivism reports of numerous service providers.<sup>3</sup> In addition, we think that the department could better ensure the reliability of the computed recidivism rates by developing a consistent method for collecting and analyzing data on offenders from all Minnesota counties.

Because there are many potential state and local users of recidivism information, it would be useful for these users to have some role in the design of future recidivism measures. Any recidivism analysis requires researchers to make important decisions about how to define recidivism and what data to use, so we recommend that:

<sup>2</sup> Using the department's method, 22 percent of prisoners released in 1992 were reimprisoned for a new offense during the three-year follow-up period. Using our method and a combination of BCA and department data, we found that 28 percent were reimprisoned for new offenses.

<sup>3</sup> Felony probation services are provided by the Department of Corrections and 16 Community Corrections Act administrative agencies. An additional 25 probation agencies provide misdemeanor and juvenile services in Minnesota counties.

- **The Department of Corrections should establish an “outcome measurement task force” to help develop recidivism measures and perhaps other outcome measures related to community supervision. The recommended measures should be reviewed by Minnesota’s Criminal and Juvenile Justice Information Policy Group.**

If the Department of Corrections routinely produces recidivism information for its performance reports, it will be better prepared to address specific recidivism questions that arise. For instance, legislators may want to know about the recidivism rates of certain types of offenders, or department staff may want to know about the reoffense patterns of offenders in particular programs.

The department’s central office has information on which inmates have participated in sex offender programs, but it does not have similar information on other programs, such as education and chemical dependency programs. Also, there is no “master list” of those inmates (or former inmates) deemed by the department to represent high risks to public safety. To help the department track recidivism rates for program participants and high-risk offenders, we recommend that:

- **The Department of Corrections should establish central, permanent records that indicate (1) programs in which individual prisoners have participated (including dates of participation and whether the program was completed), and (2) whether inmates have been designated by the department as “public risks.”**

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**Incomplete criminal history records constitute a serious weakness in the state’s criminal justice system.**

Another issue that needs immediate attention is the BCA’s lack of comprehensive information on criminal convictions and other case dispositions.<sup>4</sup> We think this is a serious weakness in the state’s criminal justice system. When convictions (or arrests) are not recorded on the criminal history system in a timely manner, recidivism analyses that rely on this system will understate the true amount of criminal behavior. More important, if some criminal convictions are not in the state’s criminal history database, people conducting criminal background checks could reach erroneous conclusions, offenders could be sentenced to inappropriately short prison terms under the sentencing guidelines, and suspects could be released from custody prior to arrest or trial because officials are unaware of their full criminal history. Currently, BCA’s “suspense file”—which contains information on court dispositions that have not been matched to arrests—cannot be accessed electronically in the same manner as other criminal history information.

The BCA is aware that the criminal history system is incomplete, and it has taken some actions to address the problem. BCA has been training and educating local law enforcement, prosecution, and court officials about proper reporting of criminal history information, and it is seeking federal funding for continued local implementation of technology that would transmit fingerprint information electronically to BCA. BCA has provided some law enforcement agencies with lists of dispositions that have not been linked with arrest data, hoping that these agencies could supply missing arrest information. But, according to BCA, the number of arrests

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<sup>4</sup> Besides convictions, “dispositions” include records of dismissed cases, acquittals, and other case outcomes.

that law enforcement agencies are required to report to the criminal history database will more than double in the near future as selected juvenile and misdemeanor offenses are added to the system. It will be a challenge for BCA to ensure complete reporting at a time when the system is growing so rapidly. We recommend:

- **BCA should periodically provide law enforcement agencies (and perhaps courts) with lists of criminal dispositions that have not been linked with arrests, and it should request that the agencies provide information, if available, that would allow the records to be placed in the state's criminal history database.**
- **The Department of Public Safety's future performance reports should indicate the percentage of Minnesota disposition records that are in the suspense file and set targets for reducing this percentage. If the BCA is unable to significantly reduce the number of records in the suspense file, the Legislature should consider requiring the courts to submit fingerprint records of offenders at the time of disposition.**

BCA requires positive identification of subjects before convictions are recorded on the state's criminal history database. We think this is reasonable, given the inclination of criminals to use aliases. But, while all convicted persons **should** have corresponding arrest records that conclusively establish their identity, many law enforcement officials have not provided BCA with this information. We hope that local officials will improve their reporting of arrests to BCA, but in the meantime we think there should be a way for users of the criminal history system to identify instances of criminal behavior that have not yet been entered in the criminal history database. We recommend that:

- **BCA should provide selected users of the criminal history system with the option of searching the suspense file for records of dispositions that have not yet been matched with arrests.**

In recent months, this option has been under discussion by users of the criminal history system. BCA staff told us that there are no technical obstacles to making suspense file records accessible in an electronic format. BCA or the Legislature may wish to provide criminal justice agencies with access to the suspense file, but restrict or prohibit access to others. Since the suspense file includes records where the identity of the convicted offender has not been positively established through fingerprints, the computerized system should provide users with appropriate cautions about the information provided.

In addition, we think that the quality of information in Minnesota's criminal history system should be subject to regular review, due to its importance for a variety of purposes. In 1992, BCA conducted a "baseline audit" of the system to examine its completeness, accuracy, quality, and timeliness.<sup>5</sup> Federal rules require annual

<sup>5</sup> Minnesota Bureau of Criminal Apprehension, *Baseline Audit of the Computerized Criminal History Record System* (St. Paul, April 22, 1992). The audit found that: the system lacked information on 49 percent of court dispositions and 20 percent of prison admissions; it took more than four months, on average, to enter arrest data into the system; and agencies responsible for submitting information to the system did not consistently comply with state policies.

audits of state criminal history systems, and BCA's 1992 audit recommended "periodic audits" of the system in order to monitor system quality on an ongoing basis.<sup>6</sup> But, although a variety of problems were identified by the baseline audit, there have been no subsequent audits of Minnesota's criminal history system. We recommend that:

- **BCA should audit its criminal history database on a regular schedule.**

Our recidivism analysis used several large databases in three state agencies (BCA, Department of Corrections, and Sentencing Guidelines Commission). To conduct our analysis, it was necessary to establish links among these systems. This can be done most efficiently when systems use the same types of offender identification numbers, such as the unique identifying numbers assigned by the FBI and BCA. Unfortunately, the Sentencing Guidelines Commission does not collect identifying information other than offender names and birthdates, and this made it more difficult for us to track recidivism for felons placed on probation. We recommend that:

- **The Sentencing Guidelines Commission should collect identifying information on felons so that sentencing records can be linked with BCA's criminal history database.**

We offer no recommendations for specific changes in Department of Corrections prison programs. Although we found several instances where the recidivism rates of program participants were not better than those of non-participants, our study did not examine program content in detail, and we could not tell whether factors other than the programs contributed to these results. Still, we think there is a need for ongoing program review and accountability, and this is one reason we recommend that the department regularly monitor recidivism rates.<sup>7</sup>

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**Minnesota's sentencing policy primarily aims to punish offenders for the crimes they have committed, not their likelihood of reoffending.**

Finally, we considered whether to recommend changes in state sentencing policy. Our study found that different types of offenders have different recidivism rates. For example, car thieves and burglars have higher recidivism rates than many types of violent offenders. If policy makers or the courts wanted to prevent recidivism (or at least delay it), they could imprison more offenders in these high-recidivism categories or keep them in prison for longer periods. But, to avoid prison crowding, such decisions might require reduced sentences for other offenders or even the construction of new prison space. And, given the high levels of recidivism among released prisoners, it is possible that increased use of imprisonment--perhaps at considerable expense--would merely postpone recidivism without reducing the total amount of recidivism over time. There might be more cost-effective ways to reduce recidivism, such as improving the effectiveness of rehabilitative programs or community supervision.

Presently, Minnesota sentencing policies are based largely on two factors related to past offenses: the length of an offender's criminal history and the severity of

<sup>6</sup> 28 Code of Federal Regulations Part 20, §20.21 (e). A national expert on state criminal history systems told us, however, that she was aware of only one state (Illinois) that conducts annual audits.

<sup>7</sup> Periodically, the department should also consider doing more rigorous, "controlled" studies that attempt to isolate the impact of programs from other factors.

the conviction offense. Underlying the guidelines is the principle of “just deserts,” or punishing offenders in a manner that fits their crimes. The sanctions in the guidelines were intended more to punish offenders for past behavior than to prevent offenders from committing new offenses.

Our study found that offenders with longer prior criminal records were more likely than other offenders to commit new crimes, particularly property offenses. Thus, the use of the criminal history score in the sentencing guidelines results in the imprisonment of some of the felons whom we found most likely to reoffend. <sup>8</sup>

We found that the other factor in the sentencing guidelines--offense severity--was **negatively** related to the overall likelihood of criminals to reoffend. That is, the felons who committed more severe offenses and therefore were considered for harsher punishments under the sentencing guidelines were actually less likely than other felons to commit new offenses. <sup>9</sup>

Again, it would be possible to adjust the sentencing guidelines in ways that would result in higher levels of incarceration for offenders convicted of less severe crimes but with higher tendencies to reoffend, such as burglars and car thieves. But it would be a significant departure from current practice if the Legislature or Sentencing Guidelines Commission chose to base imprisonment decisions partly on the expected likelihood of certain categories of offenders to commit future crimes, rather than basing imprisonment decisions entirely on past crimes. We offer no recommendations on this policy choice, but we think the Legislature should exercise caution before it considers modifications that would alter the underlying “just deserts” philosophy of the sentencing guidelines system.

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<sup>8</sup> Among released prisoners, higher criminal history scores were associated with higher rates of rearrest for property crimes. In contrast, rearrests for violent offenses remained relatively steady as criminal history scores increased.

<sup>9</sup> We did find, however, that probationers convicted of violent crimes were more likely than other probationers to be rearrested for violent offenses.

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# Research Methods

## APPENDIX

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**M**easuring recidivism rates for Minnesota offenders is a complicated task due to the fragmented nature of the criminal justice recordkeeping system. We used information from four agencies to conduct our analysis. First, the **Bureau of Criminal Apprehension** (BCA) collects data on Minnesota arrests and court dispositions from police departments, courts, and county attorneys. We relied primarily on BCA's official criminal history database, which includes records of (1) arrests for felony or gross misdemeanor offenses in Minnesota, and (2) convictions for felonies or gross misdemeanors that BCA has been able to link with arrest records. But, for selected analyses, we also reviewed data in BCA's "suspense file," which contains records of convictions (and other court dispositions) in Minnesota that have not been matched with arrest information and, therefore, are not recorded in the criminal history database.<sup>1</sup> Second, the **Federal Bureau of Investigation** (FBI) has information on offenses committed in all 50 states, comparable to the information contained in BCA's official criminal history database. Third, the **Minnesota Sentencing Guidelines Commission** has sentencing records for all felons sentenced to prison or probation. It also has information on the severity of the offenses for which the felons were sentenced, as well as a summary of the felons' prior criminal records. Fourth, the **Minnesota Department of Corrections** has records on offenders who have served time in state prison. These four agencies have separate information systems, and there is no easy way to track an individual offender's progress through the entire criminal justice process.

We tracked recidivism rates for two groups of offenders:

- 1,879 imprisoned offenders who were released from state correctional facilities in 1992;
- 6,791 offenders sentenced to probation, not prison, in 1992 for a felony offense.<sup>2</sup>

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<sup>1</sup> BCA provided us with a list of the names and dates of birth of all offenders who had at least one suspense file record. We matched this list against several groups of offenders from our samples: (1) offenders for whom we could not locate any criminal history records; (2) offenders who, according to the BCA criminal history file, were not rearrested within the three-year follow-up period; and (3) offenders who were rearrested but not reconvicted within the follow-up period.

<sup>2</sup> In 1992, there were 7,400 probation sentences given to 7,026 separate individuals.



We limited our sample of prisoners to those who were released for the first time in 1992 from their current prison sentence. Released offenders who violate the terms of their supervised release may be reimprisoned without a new sentence, but we did not track offenders who were released from prison in 1992 for a second or subsequent time from their current sentence. The Department of Corrections' records included BCA or FBI identification numbers for virtually all prisoners, and these identifiers enabled us to find Minnesota criminal history records for 1,879 prisoners, or 99.8 percent of those released in 1992. From sentencing records we gathered additional information about the severity of the crimes for which the offenders were imprisoned and their criminal records prior to imprisonment.

To track the recidivism of probationers, we obtained data from the Sentencing Guidelines Commission on all 1992 felony sentences in Minnesota for which offenders were not sentenced to prison. The Sentencing Guidelines Commission's database did not include BCA or FBI identification numbers for offenders, so we used names and birthdates to find probationers' BCA records. We found records in BCA's official criminal history database for 6,363 probationers, or 90.7 percent of those sentenced in 1992. We could not link the remainder to the criminal history database with sufficient certainty, perhaps due, in some cases, to name changes, the use of alias names, or erroneous names or birthdates. But we found conviction records for an additional 428 offenders in BCA's suspense file, bringing the total number of probationers tracked to 6,791 (or 96.8 percent).

Some felons were sentenced to probation more than once during 1992, so we selected each felon's first probation sentence in 1992 to include in our analysis. In addition, we eliminated from our probationer sample seven offenders who were sentenced to prison in 1992 and received a subsequent sentence to probation in the same year.

We worked with Minnesota Planning to acquire a computerized version of BCA's official criminal history records of all individuals who had at least one arrest during the years 1992 through 1995.<sup>3</sup> With the help of BCA staff, we matched the released prisoners and probationers in our samples to identification numbers used in the Minnesota Planning version of the criminal history records.<sup>4</sup> In addition, we used the names and birthdates of offenders in our samples to find evidence of additional arrests and convictions in the BCA suspense file. Finally, we used selected offenders' FBI identification numbers to search FBI records for evidence of arrests in states other than Minnesota.

Some of the recidivism rates cited in Chapter 3 incorporate BCA suspense file records and FBI arrest records for 1992-95, while others do not.<sup>5</sup> For prisoners, the

<sup>3</sup> Minnesota Planning had acquired these records from the BCA for other research purposes. For a sample of offenders, we compared the electronic data from Minnesota Planning with printouts of criminal history records from BCA to help ensure that the electronic data were complete and accurate.

<sup>4</sup> This was necessary because Minnesota Planning's version of the criminal history records did not contain offender names.

<sup>5</sup> We incorporated the suspense file records into our analyses of overall rearrest and conviction rates for probationers and prisoners, as well as our analyses of prison programs for sex offenders. We incorporated FBI records into our analyses of overall prisoner rearrest rates and prison programs for sex offenders.

suspense file records increased the overall Minnesota rearrest rate by 3 percent and the reconviction rate by 4 percent. Arrests in other states increased the overall rearrest rate of released prisoners by another 5 percent.<sup>6</sup>

We did not try to isolate the impact of individual prisons on recidivism. Department of Corrections staff told us that Minnesota prisoners often transfer between facilities several times during their prison terms, so it would be difficult to attribute recidivism rates to the impact of individual institutions.

Although the prisoners in our study were all released from incarceration during 1992, they had been convicted and sentenced to prison in various years. More than 90 percent of the inmates in our sample entered prison in 1989 to 1992. All of the probationers in our sample were sentenced in 1992. There is the possibility that offenders sentenced under the laws and sanctions of one year might behave differently than offenders sentenced under those of another year. But we decided that it was preferable to track all prisoners and probationers for a uniform period of time in the community (three years, starting from a prisoner's date of release or a probationer's date of sentencing), rather than select offenders who were sentenced in one year and track them for varying lengths of time.

Within the uniform follow-up period, we determined whether each offender had been arrested for a felony or gross misdemeanor, convicted of a crime at either of these two levels, or imprisoned for a new offense.<sup>7</sup> We also identified instances in which released prisoners returned to prison for violations of their release conditions without a new offense, and cases where felons placed on probation in 1992 had their probation revoked for reasons other than a new offense.

Many offenders who are placed on probation receive a jail sentence as a condition of their probation. For two reasons, we chose to track probationers with jail sentences from the dates of their 1992 sentences, rather than from the dates of their release from local jails. First, corrections officials told us that the length of incarceration in jail was usually a relatively short portion of the three-year period following the date of sentencing. By law, jails serve offenders sentenced to incarceration for one year or less, and the length of a jail sentence can be reduced by one-third for good conduct. Many offenders also receive credit for time they spent in jail prior to their sentence, further reducing (or even eliminating) any post-sentence jail obligations. Statewide, we determined that about 8,200 sentenced felony offenders spent a total of about 329,000 days in jail during 1995--an average of only about 40 days per offender. Thus, although some probationers that we tracked spent a portion of their three-year follow-up period in jail (during which we presume that most were unable to commit crimes in the community), we did not believe this amount of time was significant enough to require an adjustment in

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<sup>6</sup> Due to time constraints, we did not examine non-Minnesota arrests among probationers. We think it is reasonable to assume that out-of-state arrests would increase the probationer recidivism rate by several percentage points.

<sup>7</sup> A felony is a crime that, under statute, may result in a prison sentence of more than one year. A gross misdemeanor is an offense for which a jail sentence of 91 days to one year may be imposed. To determine the level of offense for which offenders were reconvicted, we considered felonies to be offenses with pronounced sentences exceeding one year, and gross misdemeanors to be offenses with pronounced sentences between 91 and 365 days.

our analysis.<sup>8</sup> A second reason for not tracking jailed probationers from the time of their release is that there is no statewide database indicating the dates when offenders were in jail. We determined that dates for post-sentence jail time could be obtained only from individual counties (not from a centralized source), and some county officials said that even they might have a difficult time producing this information.

There are several reasons why our recidivism study may understate the reoffense rates of Minnesota felons. First, law enforcement agencies are only required to report felonies and gross misdemeanors to BCA. Thus, our recidivism analysis did not consider simple misdemeanors, including offenses such as shoplifting and many domestic assaults. Second, many crimes are never reported to authorities, and many others do not result in arrests or prosecutions. For instance, Minnesota law enforcement agencies made arrests in 1995 for only 20 percent of that year's serious offenses.<sup>9</sup> Third, BCA staff told us that the state's largest police department (Minneapolis) only reports arrests to BCA that result in prosecutions, while other police departments report all arrests. According to an audit of BCA's criminal history system, the result of this Minneapolis practice is that "hundreds of felony arrests are never entered into the system."<sup>10</sup> Fourth, we did not try to identify offenders who died during the follow-up period or spent their entire follow-up period incarcerated in another state for offenses that preceded their most recent Minnesota offense. For our analysis of sex offender treatment programs (Chapter 3), we did exclude five offenders who were committed to the St. Peter Regional Treatment Center at the time of their release from prison in 1992.

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<sup>8</sup> As discussed in Chapter 2, studies have shown that recidivists tend to commit their new offenses relatively soon after their sentencing or release from incarceration, so the impact on our findings of not following some offenders for a full three years "at risk" was probably small. In addition, some jailed offenders are released during the day to work, so they may have some opportunity to commit new offenses.

<sup>9</sup> Minnesota Bureau of Criminal Apprehension, *Minnesota Crime Information - 1995* (St. Paul, August 1996), 55. There were 206,710 known or reported serious offenses in 1995. During that year, 41,238 of those serious offenses were "cleared" by an arrest.

<sup>10</sup> Arthur Andersen & Co., *Baseline Audit of the Computerized Criminal History Record System*, (Minneapolis, April 1992), II-4.



*State of Minnesota*  
**Minnesota Department of Corrections**  
*Office of the Commissioner*

December 27, 1996

Jim Nobles  
Legislative Auditor  
Centennial Building  
St. Paul, Minnesota 55155

Dear Mr. Nobles:

You and your staff are to be commended for your report on the recidivism of adult felons. The report is the most comprehensive review of recidivism compiled to-date in Minnesota and will be of great value to policymakers. We also appreciate your receptivity to our suggestions with many of them incorporated into the final report. In general, the report findings, although disappointing, are consistent with data previously gathered in Minnesota and nationally.

We support the report's acknowledgment that Minnesota's criminal justice system is designed to ensue offenders with the most serious offenses and extensive criminal histories are imprisoned. It is not a realistic expectation that recidivism rates would be low with this recalcitrant clientele who are repeated failures with well established criminal behaviors. From this perspective, the findings are relevant that, of those released from prison, 72 percent did not return with a new crime and 66 percent were not reconvicted of a new felony.

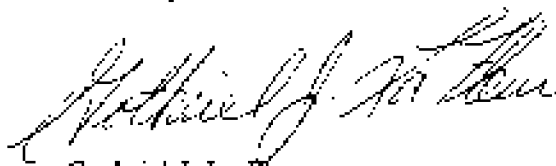
It is also significant that the report identifies reduction of dangerous inmate idleness and the resultant increased inmate discipline among the primary purposes of institutional programming. Other points relative to programming include the fact that program costs continue to represent a relatively small portion of institutional expenses (about 13 percent) and much of our institutional programming has been mandated by the legislature. Recidivism is directly related to the individual inmate's willingness and ability to change. Our department has a responsibility to provide the best possible opportunities for change through appropriate programming. Without those opportunities the potential for change is reduced.

The department continues to question the wisdom of using arrest data as a measure of recidivism due to a number of reasons including the phenomenon of "rounding up the usual suspects." We understand the shortfalls of using reconviction data, but believe it is a more accurate measure. It is also concerning that the report does not analyze whether offenders are rearrested for lesser offenses than those for which they had been committed to prison.

I assure you that your report is very helpful to us as we continue to carefully evaluate our programs and systems to determine whether there are ways to improve outcomes. A newly formed program committee is charged with thoroughly reviewing all existing institutional programs and making recommendations for improvements. A recently created planning and research unit has program evaluation and effectiveness as a top priority.

Also, a cooperative venture is underway between state and local providers of offender supervision to ensure that all programs are positive outcome driven. We will continue to work cooperatively with local jurisdictions to determine ways to evaluate, strengthen, and improve probation services.

Sincerely,

A handwritten signature in black ink, appearing to read "Gothriel J. La Fleur". The signature is written in a cursive style with some flourishes.

Gothriel J. La Fleur  
Commissioner