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Recidivism in the State of Louisiana: An analysis of 3- and 5-year Recidivism Rates Among Long-Serving Offenders

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Abstract

This study examines recidivism rates for a particular set of offenders who have served extended sentences in the custody of the Louisiana Department of Corrections (DOC). Among these long-serving offenders, results show that while about one in five released offenders will be back in DOC custody within 5 years (or one in nine in 3 years), the recidivism rate varies by crime type, by age of the offender and by the length of the sentence. Specifically, recidivism involving new crimes is very low (about 2%) for 1st degree murders and nonexistent for 2nd degree murderers among those who have been pardoned and later released. The report also finds that recidivism declines with age and with the length of the sentence served. We discuss the implications of the findings for the risk of release of older offenders.

Introduction

Recidivism has always been a central issue in policy debates about crime and in the scholarship on incarceration. Recidivism is defined as acts that resulted in the re-arrest, reconviction, or return to prison with or without a new sentence during a defined period following the prisoner's release. Research of 300,000 prisoners released in 15 states in 1994 revealed that an estimated 67.5% were rearrested within 3-years (Langan and Levin 2002).¹ That is, nearly two-thirds of offenders granted parole, or released because they earned good time or because they served their full term, ultimately returned to prison. The reasons for their return run the gamut from a mere technical violation (e.g., not paying fees) to a new felony. In any case, this high rate of recidivism strains an already over-crowded prison system and places upward pressure on the nation's crime rate. It further erodes support among a public that currently has little allegiance to public and community institutions and even less sympathy toward serious offenders. In Louisiana, the 5-year rate of recidivism among released offenders is nearly 50% according to a Department of Corrections report.² In other words, nearly half of all released prisoners in Louisiana will eventually return to DOC custody within half a decade.

However, the report also noted a much lower recidivism rate among violent offenders. Although such offenders typically receive long sentences, their lower rates of recidivism raises the possibility of early supervised release. This would be a relief-valve on a prison system that was quickly overburdened by get-tough-on-

¹ Langan, Patrick A. and David J. Levin. 2002. Recidivism of Prisoners Released in 1994. Bureau of Justice Statistics Special Report. U.S. Department of Justice NCJ 193427.

² <http://www.doc.la.gov/wp-content/uploads/stats/2k.pdf>

crime sentencing guidelines beginning in the 1980s, resulting in an 800% increase in the U.S. prison population. Indeed, the U.S. has 5% of the world's population but 25% of the world's prisoners (The Economist 2013).³ Current thinking from both sides of the political spectrum seems to be arcing away from excessive incarceration. Indeed, Justice Department Attorney General, Eric Holder, will no longer pursue mandatory minimum sentences for selected, nonviolent drug offenders.⁴

The focus of this study is to examine recidivism among long-serving offenders under the jurisdiction of the Department of Corrections in the State of Louisiana. The subsidiary goal is to try and identify categories of individuals who have very low rates of recidivism and thus possible candidates for early release. The early release of such individuals, if they actually exist, would save taxpayer dollars without seriously compromising public safety, while at the same time offering an opportunity for personal redemption for those who have committed serious crimes. The heuristic framework for this notion is the idea of criminal menopause, a colloquialism describing a life-cycle stage in which older and habitual offenders either lose interest in crime or become too old to engage in crime.⁵

Data

The data used in this study come from two sources. The first is an extensive data file provided by the Louisiana Department of Corrections (DOC). The population in these data fall under the Act 790 provisions, which specifically include

³ The Economist, Aug 17th, 2013. One Nation, Behind Bars. <http://www.economist.com/news/leaders/21583680-eric-holders-ideas-locking-up-fewer-americans-are-welcome-do-not-go-far-enough-one>

⁴ Merica, Dan and Evan Perez, CNN, August 12, 2013. Eric Holder Seeks to Cut Mandatory Minimum Drug Sentences. <http://www.cnn.com/2013/08/12/politics/holder-mandatory-minimums/index.html?iref=allsearch>.

⁵ Curtain, Timothy. 2007. The Continuing Problem of America's Aging Prison Population and the Search for a Cost-Effective and Socially Acceptable Means of Addressing It. Elder Law Journal Vol. 15. Pg. 473

offenders who have received a sentence of 30 years or more, have served at least 20 years of that sentence, and are currently over the age of 45. Some of the individuals in these data have been released and some have not. But all fall under the eligibility framework of Act 790. The file contains 671 records.

The second data file is the pardon data, also kindly provided by the DOC. A select group of offenders, typically murder convicts, receive life sentences, which are essentially open-ended sentences that require imprisonment for the full term of the convict's life. Some offenders, however, receive a pardon from the Governor. A pardon, contrary to popular conception, is not a ticket to walk free, but a change in the sentence from life to some determinant period, like 50 years. In common parlance this is called "getting your numbers". Getting one's numbers is significant because it makes the inmate then eligible for eventual parole. Simply put, it gives a light at the end of the tunnel. Again, as with the Act 790 data, some individuals in the pardon file have been released and some have not, but all have been pardoned in the technical sense of the term. This file contains 217 records. The common feature of both these samples is that these are long-serving inmate populations.

Results

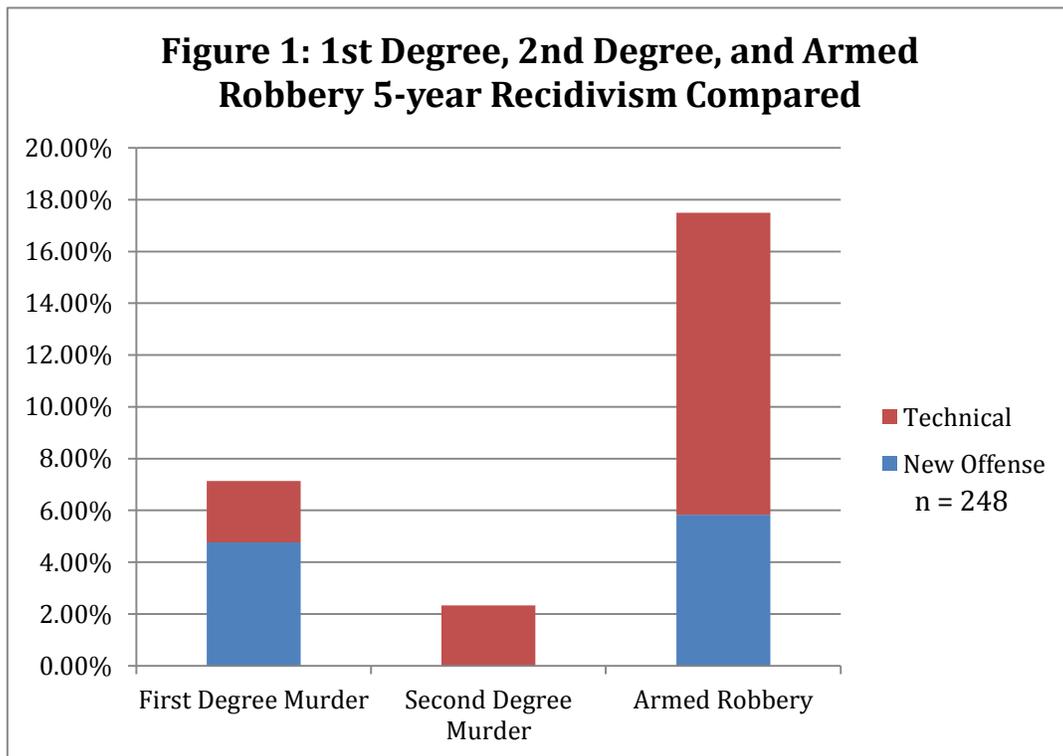
Overall, according to Table 1, recidivism rates in the Act 790 file are 11.2% for a 3-year period and 19.8% for a 5-year period. In other words, just over one-tenth of all offenders (regardless of crime) returned to prison within 3 years of release, while nearly one-fifth of them returned within 5 years. However, this recidivism rates includes not just repeat felony offenders, but also those who

violated some technical provision of their release. Looking at the repeat offenders only and removing the technical violators, Table 1 shows that the 3- and 5-year recidivism rates are 5.37% and 8.02% respectively. In other words, only about half of those returned to DOC custody did so because of some nontechnical violation.

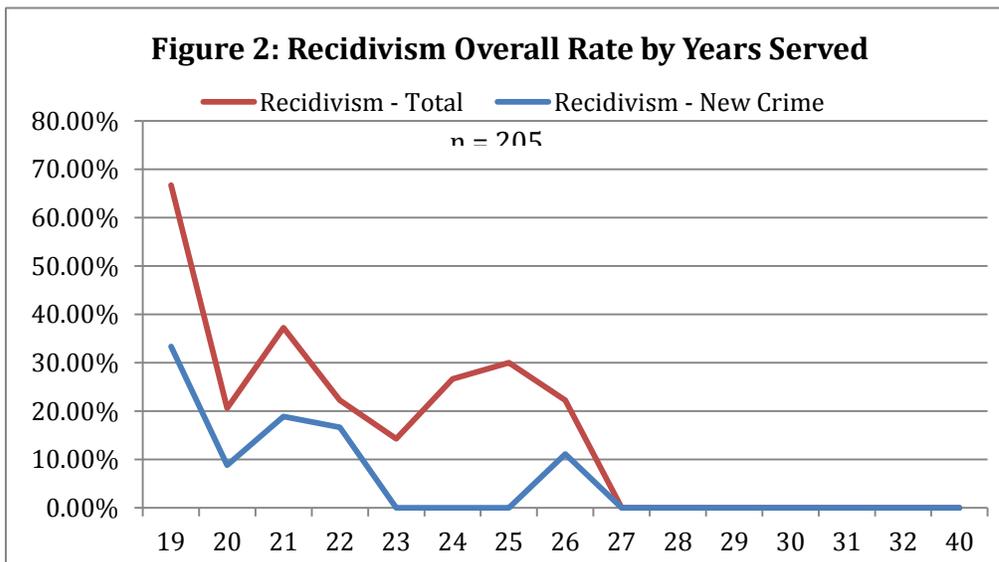
Table 1. Recidivism Rates for Samples

<u>All Act 790</u>	
3 year recidivism:	11.22%
5 year recidivism:	19.75%
3 year technical recidivism:	5.85%
5 year technical recidivism:	11.73%
3 year new charge recidivism:	5.37%
5 year new charge recidivism:	8.02%
3 year n = 205 / 5 year n = 162\	
<u>Armed robbery</u>	
3 year recidivism:	9.8%
5 year recidivism:	17.5%
3 year technical recidivism:	5.88%
5 year technical recidivism:	11.67%
3 year new charge recidivism:	3.92%
5 year new charge recidivism:	5.83%
3 year n = 153 / 5 year n = 120	
<u>First Degree Murder – Pardon Sample</u>	
3 year recidivism:	6.67%
5 year recidivism:	7.14%
3 year technical recidivism:	2.22%
5 year technical recidivism:	2.38%
3 year new charge recidivism:	4.44%
5 year new charge recidivism:	4.76%
3 year n = 45 / 5 year n = 42	
<u>Second Degree Murder – Pardon Sample</u>	
3 year recidivism:	0%
5 year recidivism:	1.94%
3 year technical recidivism:	0%
5 year technical recidivism:	1.94%
3 year new charge recidivism:	0%
5 year new charge recidivism:	0%
3 year n = 103 / 5 year n = 86	

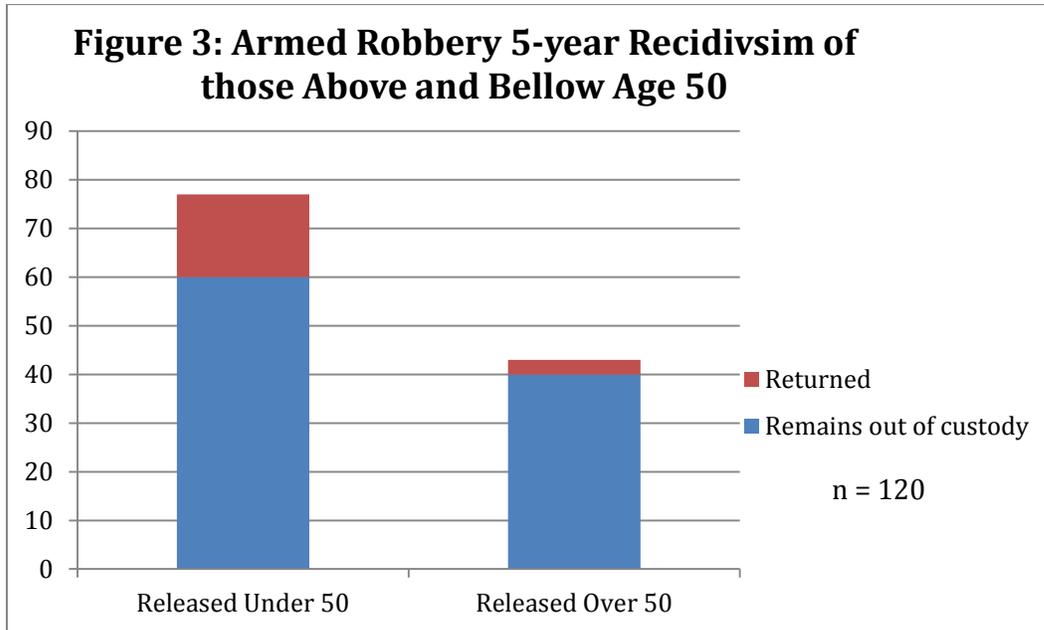
Figure 1 refines this question further by illustrating recidivism among three groups of offenders: those convicted of 1st degree murder, 2nd degree murder, or armed robbery. The figure further disaggregates the results according to whether the return was due to a technical violation or a new crime. Starting with the left-most column, it appears that the 1st degree murderers have a new- 5-year recidivism rate of just over 4% for new crimes, and a 2 % recidivism rate for technical violations. The right most column reports the recidivism for armed robbers. Their new-crime violation rate is 5.8% whereas the technical violation rate is over 11%. The most interesting finding concerns the middle column, for 2nd degree murders. Their technical violation rate is about 2%, while their rate of new crimes is zero. In other words, not a single 2nd degree murderer in the pardon sample was returned to DOC custody for a new crime with a 5-year window of release.



Recidivism is further examined in relations to the years served by the offender before initial release. Specifically, Figure 2 reveals the overall recidivism rates by the years served for all types of crimes, not just murder or robbery. The upper line shows recidivism rates for both technical and new crime violations, while the lower line shows it for new crimes only. Both lines reveal a positive relationship between the recidivism rate and sentence served, meaning that the more years that were served, the lower the likelihood of returning to DOC custody. Indeed, among those who served more than 26 years, the recidivism is essentially zero. The first-pass explanation is that the hardship of longer sentences compels offenders to stay away from crime – what is known as the “specific deterrence” or the effect of a punishment on a particular offender. But sentence length, of course, may be a proxy for the seriousness of the crime, which allows room for an alternative explanation, that serious offenders such as murderers are less likely to reoffend later in life. This conforms to the finding in Figure 1 regarding 1st and, especially, 2nd degree murder offenders.



Looking the intersection of age and recidivism more closely, Figure 3 shows the recidivism for two age groups of robbery offenders. The chart shows



that 36.8% of the robbers who were released were over the age of 50, while 64.2% were under that age. The older group of robbers had a 5-year recidivism rate of 6.98% while the younger group's rate was 22.1%, or more than three times as high. In other words, older robbery offenders are far less likely to be returned to DOC custody.

Further strengthening this inference is the results regarding age and murder. To recall, no 2nd murderers were returned to DOC custody for a new crime, and only 2 were returned for a technical violation within 5 years (and zero within 3 years). Interestingly, of those two who committed a technical violation, none were older than age 47. Results (not reported) also reveal that while 1st degree murders have a slightly higher 5-year rate of recidivism, of the 46 who were convicted of 1st degree murder and then released, only 2 committed a new (nontechnical) crime and only 1

of those was over the age of 50. In other words, older offenders, especially older *serious* offenders like murderers, have an exceedingly low rate of recidivism.

Discussion and Conclusion

This study examined the 3- and 5- year rates of recidivism for individuals that were in the custody of the Louisiana Department of Corrections (DOC) for violent offenses of murder and armed robbery. Results reveal that while one in five of this category of released inmates will be back in DOC custody within 5 years (or one in nine in 3 years), the recidivism rate varies by crime type, by age of the offender and by the length of the sentence. Specifically, recidivism involving new crimes is very low (about 4%) for 1st degree murders and nonexistent for 2nd degree murderers among those who have been pardoned. The report also finds that recidivism declines with age and with the length of the sentence. We discuss the implications of the findings.

First, overall recidivism rates are misleading because they mask offense-specific and age- or sentence-specific differences. For instance, while 5-year recidivism for the overall population of murderers and robbers in our data was about one in five, it would be misleading to conclude that this rate applies to all inmates. Indeed, murderers, especially 2nd degree offenders (especially those who are older and have served significant time) are extremely unlikely to re-enter DOC custody, even over a minor technical violation. The results suggest that 2nd degree murders, and possibly their 1st degree counterparts, are potential candidates for early release. The upside advantage in terms of cost and labor savings to house such

older inmates (who are the most costly inmates to support) may outweigh the potential downside, which is the potential danger to the public. Of course, the risk of false positives – identifying someone as low risk when indeed they're not – is not trivial. But such are the difficult and imperfect choices made by Pardon Board and Parole Board.

Second, these difficult choices are often based on the individual characteristics of the inmate and their conduct in prison. While such information is critically useful, we advocate the addition of data- or evidence-driven decision-making models that take into account macro factors that are related to recidivism. In other words, instead of relying only on the individual characteristics of a specific inmate to determine their potential for release, we might also consider information from the multiple data points gleaned from a large population of released individuals. Such information informs us that 1st and (especially) 2nd degree murders who are older and have served significant time in prison seem to pose very little risk for re-offending.

Third, the low rates of recidivism among 1st and 2nd degree offenders may result from the fact that our pardon data are a group of better quality inmates than the general population. Almost by definition the cream has risen to the top in order to even be considered for pardon. So in that sense, the pardon data are not representative of all murderers. It does, however, reflect long-serving murderers who behave in prison and who accept the programming that is available in the prison system. That would weed out the seriously disordered inmate that can't control himself and would represent a public safety risk.

Having said that, the low rates of return to DOC custody speaks well of the Pardon Board and subsequent parole process in terms of how they select inmates for pardon. The findings from this study suggest that in order to realize the benefits of that selection process, these inmates could be released earlier than later.

Fourth, this study used based univariate statistics to identify relationships between recidivism and social factors like crime type, age and so on. The next step in these data is to conduct a multivariate analysis with available data to strengthen our causal inferences. For instance, one matter that seems unresolved is whether age in it's own right reduces recidivism or whether it is sentence length. These factors are obviously highly correlated, since being incarcerated for many years implies being older. But the reverse is not true; that being an older individual means that he/she has been incarcerated for long period. The idea that inmates eventually age out of crime-prone behavior underlies the notion of criminal menopause. This school of thought maintains that older offenders, having passed through important life cycle stages, eventually age-out or desist from criminal or deviant behavior. Conversely, the other explanation is favored by the specific- deterrence framework which states that the hardship of a long incarceration – not age – is what pulls inmates toward conformity. Adjudicating between these competing explanations requires a more complex multivariate analysis that simultaneously combines several factors and key control variables. In the meantime, these results suggest that any revision of policy take into account the low rates of recidivism among older 1st and 2nd degree murder inmates who have served significant portions of their sentence.