

Prison vs. Alternative Sanctions: Trying to Compare Recidivism Rates

Greg Jones and Michael Connelly, Ph.D.
State Commission on Criminal Sentencing Policy
September 2001

Introduction

Much scholarly and governmental research has been conducted both on recidivism rates of released prisoners and on offenders who have participated in alternative sanction programs, such as community service or home detention. However, limited research is available that compares recidivism rates of offenders released through traditional incarceration to offenders released through alternative sanctions. Many criminologists and researchers suggest that such a comparison is extremely difficult because of the complexities involved in measuring and understanding recidivism.

At first glance, comparing prison and alternative sanctions involves using two types of punishments that involve different offender types and offender experiences, making comparison of effectiveness difficult. For example, most offenders who complete alternative sanctions are low-risk with non-violent criminal histories whereas many released prisoners, with the exception of drug offenders, are most likely medium- to high-risk offenders who have either committed violent crimes or have extensive criminal histories. Also, the experiences of released offenders who have served time are more intense psychologically and mentally than those offenders given alternative sanctions, such as day reporting, which only requires mandatory daily attendance at a facility on a daily or otherwise specified basis for a particular time. Second, each type of alternative sanction (i.e. daily monitoring, home detention/electronic monitoring, day reporting, community service, etc.) usually targets a specific population and serves to complement the needs of those offenders. For instance, day reporting is used primarily for offenders with substance abuse problems and who require social skills training. On the other hand, house arrest is primarily used with felony offenders convicted of non-violent or property crime and confines them at home except for approved activities such as work or other treatment programs. Taking into consideration these differences between alternative sanctions alone, it appears illogical to group them together to acquire an overall measure of alternative recidivism rates.

Jackson, de Keijser, & Michon state that it is questionable whether we should even attempt to compare prison and alternative sanctions because, theoretically, they both involve different underlying goals and philosophies (1995). Consider, for example, comparing prison and community service. Community service is based on the restorative model of justice with an emphasis on restitution of wrongs and losses; prison, at least in the last fifty years, has been based on the retributive model that emphasizes "deserved" punishment.

A Bureau of Justice Statistics (BJS) report on recidivism of prisoners released in 1983 employed three

measures of recidivism: 1) rearrest - any arrest for a felony or serious misdemeanor that was reported to the State identification bureau of the FBI; 2) reconviction - a conviction on at least one charge after the date of release from prison; and 3) reincarceration - any return to prison or any admission to a local jail with a sentence for a new offense (Beck, 1989). The report explicitly showed that there is not one distinct measure of recidivism but rather a combination of different measures. However, most criminologists find that rearrest is the most reliable measure of prison recidivism.

Another issue is the conceptualization of recidivism in general. Beck (2001) discussed three concepts that should be examined to fully understand recidivism: 1) how recidivism is counted, 2) what the time frame of recidivism is, and 3) what the basis for making sense of the information on recidivism is. He explained under the first concept how different correctional systems in the U.S. measure recidivism differently. For instance, Florida Department of Corrections (DOC) does not count technical violations or being incarcerated in jail for a lesser offense as recidivism; however, Mississippi's and Colorado's prison systems do count technical violations as recidivism. The second concept is about how various prison systems use different time frames to measure recidivism. The time frame utilized by prison systems throughout the country varies anywhere from one to 22 years (Beck, 2001). This presents a comparison problem because one particular DOC may give its recidivism rates over a two-year time frame, while another may give recidivism rates over a three- or four-year time frame. The third and final concept explained that knowing the recidivism rate of a particular program does not mean much, unless comparisons are made to other programs. Thus, a recidivism rate of 30 % could be bad if similar programs are experiencing a 20% recidivism rate or good if other programs are experiencing a 40% recidivism rate. This brings up another critical measurement problem known as follow-ups.

In their critical analysis of research on alternative sanctions, Jackson et al., discussed differential follow-up assessments. They explained that when comparisons in terms of recidivism rates are reported between treatment group and control group, researchers are frequently found to have used a different follow-up for each group (Jackson et al., 1995). In other words, some researchers start follow-up assessments for the treatment group at the moment of imposition of sentence while for the control group it begins after complete administration of the sanction.

Finally, recidivism rates are applied rather loosely in most recidivism reports to specific types of offenders such as robbers, rapists, and property offenders, or by race, gender, age, and so forth. For example, within three years, 29.3% of burglars were rearrested for burglary, 22.7% of drug offenders were rearrested for drug offenses, and 18.5% of robbers were rearrested for robbery. This example poses several pertinent questions. First, which numbers are more accurate? Should we use the overall recidivism rate when given or should we use those given by offender type? If recidivism rates by offender type are more accurate, then why do some reports give an overall recidivism rate?

As a result of these problems, the information and literature on recidivism and recidivism rates will be presented separately by prison and by types of alternative sanctions. One meta-analysis study included later in this research actually compares both prison and alternative sanctions as a whole.

Prison and Recidivism

Most recidivism rates concerning released prison inmates are calculated based on a release cohort, a group of inmates released during a specified time period and over a specified follow-up period. Most DOC's provide standard recidivism rates using two- (24 months) to three-year (36 months) follow-up periods; however, others provide rates up to six years (72 months). According to a recidivism report by Florida DOC, two years allows enough time for rates to become stable, reliable measurements (Florida, 2001). Therefore, the definition of recidivism used for this section is the percentage of inmates released during a specified time period who

commit a new offense within a certain time following their release (Florida, 2001).

According to the Department of Justice, studies of recidivism report that "the amount of time inmates serve in prison does not increase or decrease the likelihood of recidivism, whether recidivism is measured as parole revocation, rearrest, reconviction, or return to prison" (Drug, 2001). Other reports are more detailed. For example, the Florida DOC found that the general recidivism rate for inmates released since July 1993 was 33.8% at 24 months following release from prison. This means that almost 34 of 100 inmates were reconvicted of another offense within two years. Additional data showed recidivism rates of 40.2 % for 36 months, 44.3% for 48 months, 46.8% for 60 months, and 48.6% for 72 months (Florida, 2001). This report found nine significant factors that can help predict which inmates will recidivate, including age, prior recidivism, race, gender, education, offense, types of custody, disciplinary reports, and time served. As an example of age effect, reoffense dropped by 2.1% for each year older at release.

The BJS report, previously mentioned, showed some interesting findings on recidivism. This report was based on a sample of over 16,000 released prisoners representing 11 states that comprised 57% of the total prison population released in 1983. The data showed that within three years after release, an estimated 62.5% of the released prisoners had been rearrested for a felony or serious misdemeanor, 46.8% had been reconvicted, and 41.4% had been reincarcerated (Beck, 1989). Recidivism rates were the highest in the first year, with nearly 4 of every 10 prisoners released being rearrested. Of those rearrested during the three-year follow-up period, approximately two-thirds were arrested by the end of the first year. Numerous risk factors were found to be related to the likelihood of rearrest, including, in rank order, age when released, number of prior arrest, prior escaped or revocations, most serious offense, prior incarceration, age at first arrest, prior violent arrest, and prior drug arrest. However, individuals who were age 35 or older, had three or fewer prior arrests, had no prior escape, served time for a low-risk offense, and who had not been previously incarcerated, had the lowest risk of rearrest.

A comprehensive meta-analysis of recidivism studies was conducted in 1999 by Gendreau, Goggin, and Cullen. They examined 27 works that met the criteria for inclusion in the incarceration vs. alternative sanctions domain, reporting 103 effect sizes. Of these 27 studies, the majority of effect sizes came from American studies (68%) while 22% were from the United Kingdom. 68% of the effect sizes came from adult samples, 23% from juvenile samples, and most involved males (63%). Additionally, many of the effect sizes (59%) were associated with high-risk offenders. The results of the analysis showed a 7% increase in recidivism for those offenders who were imprisoned compared to those given community or alternative sanctions. Moreover, this analysis did not produce any evidence that prison sentences reduce recidivism. Some of these results must be approached with caution, however, due to the fact that many of the results from the incarceration groups came from studies of prison samples from the 1950 to 1970 era (1999).

Other important conclusions from this study were the following: 1) prisons should not be used with the expectation of reducing criminal behavior; 2) excessive use of incarceration has enormous cost implications; 3) in order to determine who is being adversely affected by prison, it is incumbent upon prison officials to implement repeated, comprehensive assessments of offenders' attitudes, values, and behaviors while incarcerated; and 4) the primary justification of prison should be to incapacitate offenders for reasonable periods and to exact retribution (1999).

Another report issued by the Correctional Services of Canada, in collaboration with the Corrections Branch of the Solicitor General Secretariat, summarized a study on 3,342 male, female, and aboriginal inmates released from federal institutions in 1983-1984 including a three-year follow up. In this report, recidivism was defined as any released federal offender who was convicted within three years following release of a new indictable offense that led to a custodial sentence. Overall, nearly half of the male offenders reoffended within the three-year follow-up period, as did two-thirds of the aboriginal male offenders, and one-third of female offenders. A

majority of the recidivist tended to be younger, male, unmarried, and had an extensive criminal history. Lastly, recidivists were significantly more likely to have been released on mandatory supervision (Bonta, Lipinski, & Martin, 2001).

Alternative Sanctions

Intensive Supervision Probation (ISP)

This alternative sanction focuses on low- to high-risk offenders and typically involves more release conditions than regular probation.

According to Gendreau, Papanozzi, Little, and Goddard, the recidivism rates for ISP are lower than for inmates who are released from prison into the community without participating in ISP. In Georgia, ISP participants had 18% fewer rearrests (1993). A study of four ISP programs including two in New Jersey and one in Massachusetts, revealed that there was no effect on offender recidivism and only inclusion of treatment services would have any positive effect on reducing recidivism (Gendreau et al., 1993). In other words, those probation officers who offered a balanced, high-quality supervision approach towards their probationers had the most impact. An evaluation of a Florida ISP program concluded that graduates committed new crimes at a lower rate than a comparable group of offenders released from prison (Alternative, 2001).

According to the National Institute of Justice (NIJ), ISP offenders may not have lower recidivism rates than comparable offenders receiving different sentences, but their recidivism is due to higher technical violation and revocation rates (National, 1997). Therefore, alternative sanctions either as stand-alone programs or incorporated into ISPs inevitably result in about the same or slightly higher recidivism rates than comparable regular probation programs that monitor inmates much less intensively (Gendreau et al., 1993).

Boot Camps

Most of the studies about the effects of boot camps on participants come from a series of studies by Doris MacKenzie and colleagues at the University of Maryland, surveys by the U.S. General Accounting Office, and an overview of boot camps by the National Institute of Justice (National, 1997). Overall, these and subsequent studies have revealed that boot camps do not result in significant differences in recidivism rates compared to traditional facilities, although some reductions were found on some measures.

A national study released in 2001 that compared the environment of boot camps (27) with traditional facilities (22) gave several findings related to recidivism. One explanation why boot camps have not been effective in reducing recidivism is because they "appear to lack the necessary focus on incorporating components of effective therapy" (MacKenzie, Gover, Armstrong, & Mitchell, 2001). Therapy in this sense refers to providing education, treatment, and individual attention for the participants. Second, this study showed that only a few boot camps and traditional facilities actually kept track of youths' after release. This poses an immense problem because sanctions, such as boot camps, cannot give an accurate depiction of their rehabilitative purpose when they lack efforts of effectively tracking recidivism in the first place. According to this report, boot camps are only effective at providing a positive environment for both the youth and staff.

Day Reporting (DRC)

This alternative sanction that emerged in the early 1970s is used primarily for those offenders with substance

abuse problems and who need social skills training. The offender is required to report to a central location five times per week or as specified otherwise by their supervisor, and may be subjected to random drug testing. Many programs vary in duration from 40 days to 9 months, and program content varies widely, for example, from hour-by-hour schedules to 24-hour monitoring (National, 1997).

A report on the Massachusetts Metro Day Reporting Center (MRDC) found that inmates who participated in the MDRC were twice as likely to remain crime free after their release from the program compared to inmates released directly from the county house of correction (Alternative, 2001).

Another study by Liz Marciniak at the University of Pittsburgh compared recidivism rates of a sample of individuals sentenced to only ISP with a sample of offenders sentenced to ISP plus the day reporting centers (2000). The result of the analysis showed that the addition of a Day Reporting Center to ISP did not significantly reduce the rate or rearrest. One of the implications was that the addition of a DRC to enhance the ISP sanction was a waste of money. However, proponents say that regardless of the null effect on recidivism, DRC empowers the individual offender by offering him or her literacy courses, GED, substance abuse counseling, and anger management classes (Marciniak, 2000). Other substantial evaluations have yet to be published to assess the effectiveness of day reporting centers.

House Arrest/Electronic Monitoring

This alternative sanction sometimes referred to as home confinement or detention restricts the offender to home except for approved participation in work, treatment, education, and/or training programs. According to NIJ, no large-scale evaluations have been conducted on house arrest coupled with electronic monitoring. The studies that have been done, including three in Indianapolis, featured weak research designs making the conclusions uninterpretable. Further research needs to be conducted, especially in Florida, who held the largest population of house arrest offenders in the country, with more than 14, 200, as of October 1999.

Community Service

This is considered the most underused sanction in the United States. Most of our knowledge about community service programs comes from other countries, such as England, Scotland, and the Netherlands, that use the sanction more as mid-level penalty to replace short prison terms (National, 1997). Recidivism rates are believed and generally found to be neither higher nor lower than those of comparable offenders sent to prison, according to evaluations from all three countries. The only well-documented U.S. study was conducted in 1979 by the Vera Institute of Justice. This study examined the use of a community service program on repetitive property offenders who had previously been sentenced to probation or jail and who faced a six-month or longer jail term for the current offense. The results concluded that recidivism rates were unaffected by the community service program, prison diversion goals were met, and the program saved taxpayers' money (National, 1997). Much of the literature on community service programs past and present suggests increased utility as an alternative sanction and more substantive evaluations.

Monetary Penalties

The administering of monetary penalties for more than nontrivial crimes has received very little consideration in the United States and probably will remain as such. These penalties, often referred to as "day fines" in the United States, are primarily used to impose punishment for traffic offenses and some misdemeanors. On the other hand, in countries like Netherlands, fines are considered the normal penalty for every crime. In Germany in 1986, 81% percent of all sentenced adult criminals were ordered to pay a fine including 73% percent of those

convicted of violent crimes (National, 1997).

A study of 13,000 cases by the National Center for Juvenile Justice showed that in cases involving male juveniles, recidivism occurred significantly less often in cases where restitution was paid than in cases involving other informal dispositions (U.S. Dept. of Juvenile Justice Bulletin, 1992, as cited in Alternative, 2001). Although this lone study does not provide a real basis for developing any concrete conclusions on monetary policies and effects on recidivism rates, it is still worth considering.

Maryland

A joint impact study by the National Council on Crime and Delinquency (NCCD) and the Department of Public Safety (DPSCS) was done in 1994 that compared a group of offenders who entered Maryland Corrections Options Program (COP) with similar offenders who received traditional correctional treatment. Essentially, COP is a comprehensive program of graduated sanctions (back-end alternatives) and services established to divert low-risk offenders, especially drug offenders, from prison. Its primary rationale is to administer equal punishment without jeopardizing public safety and save taxpayers' money. They found that within one year of release to the community, the experimental group had fewer returns to prison for new convictions. Participants in COP were 22% less likely to return to prison during the 12 months following their release than offenders not participating in COP, and non-participants were twice as likely to recidivate as a result of a new offense (Recidivism, 1997). When comparing the NCCD study results to the general population of all DPSCS recidivists, a considerably smaller number of COP participants returned to prison for new offenses than did non-participants (Maryland, 1997). (It should be noted that each agency varied in its definition of recidivism.)

Related theoretical work and issues on recidivism

Previous research was jointly conducted by Correctional Services of Canada (CSC) and Vern Quinsey of Queen University on a theoretical approach known as the Unified Recidivism Model to better understand recidivism. Most researchers have predicted recidivist behavior using only the offender's criminal history file. In addition to the criminal history, this new theoretical model took into account more dynamic elements, such as the psychological events and processes that precede recidivism, current behavior, and coping patterns. The model combined two separate theories: 1) "coping-criminality" theory, which states that new criminal offenses result from inadequate or destructive ways of dealing with ordinary life problems, and 2) relapse theory, which states that relapses are largely triggered by negative emotional states, interpersonal conflict and particular thought patterns (Zamble, 1993). Although the evidence was not yet conclusive, this report gave some interesting preliminary findings, based on their study of 100 randomly selected male recidivists whose new offense was violent. First, there were some indications that emotions and habits play critical roles in the chain of events leading to a relapse in criminal behavior. Second, it the authors described the offense process as similar to a ballistic missile, "Once it is set off, it runs quickly, and inevitably on its course." According to this report, for almost half the subjects, the entire process from the first passing thought to committing their offense was collapsed into about an hour.

Other research by CSC has raised some key issues and provided valuable insight on recidivism from the inmates' standpoint. One particular issue concerned release conditions of prisoners on parole. Many prisoners felt they cannot fully integrate because the conditions to which they must adhere to do not accurately reflect the everyday life of society (Besozzi, 1993). A second issue was prisoners believed that available programs are not beneficial and do not improve their odds of success because they are not taken seriously by staff. Furthermore, the presence of a power struggle between staff and inmates presented greater concern for inmates than concern for their own futures. Thirdly, some prisoners stated that prison had a positive impact on their lives and

changed their criminal attitudes and behaviors. However, many who desired change stated they did not receive the qualified help because case managers were either too busy or inexperienced to handle their situation.

The most interesting issue highlighted throughout this research was the concept of a "prison school." This is not the typical school of learning arithmetic, English, or science, but one of criminal philosophy, so to speak. As one offender stated, "It's school here! They have nothing to do but talk about the crime they committed, how they did it, and about connections for further crimes." This is very provocative because it suggests that putting criminals together, regardless of the programs available in prison facilities, facilitates the criminal thinking process and furthers criminal activities once released. First-time offenders, instead of becoming rehabilitated, become exposed to new criminal ideas and connections on the "outside" sometimes unknowingly, while "in the school."

Researchers also discovered that during the interviewing process, the deterrent effect of prison seemed to vanish (Zamble, 1993). Many prisoners felt that prison had not helped them solve the problems related to recidivism or change their attitudes, values, or lifestyle. Moreover, some even suggested that staying in prison was their best remedy against recidivism.

Conclusion

The issue of recidivism is best described as "a critical issue in corrections, but also one of the most difficult issues to address in an easy-to-understand manner" (Nouwens, Motiuk, and Boe, 1993). Many agencies vary on their definition of recidivism and differ on how it should be measured, which adds to other methodological problems that already permeate this issue. There also exist comparison problems within the alternative sanctions domain, such as target population and available treatment that make comparative studies (prison v. alternative sanctions) more difficult to complete.

According to Jackson et al., recidivism must, therefore, only be considered as one of a range of possible outcome measures that should be considered, and it should be used in combination with others to evaluate the effectiveness of a particular sanction (1995). In addition, the underlying goals and philosophies of each particular sanction should be addressed in further research.

Recent and ongoing research by the Correctional Services of Canada discusses a theoretical approach to recidivism that may provide another avenue for criminologists to tackle the recidivism debate.

From what we know, alternative sanctions and prisons are very similar in term of their effects on recidivism. Some studies indicate differences in effects that support alternative sanctions while others refute, which leads everything back to the main question-which works best? Despite these confounding claims, the use of alternative sanctions has shown promise in producing cost savings and providing prison bed space for more violent offenders. More substantive evaluations among the different types of alternative sanctions are needed to understand their effectiveness and power before other comparative studies versus prison are performed.

References

Alternative Sanctions. Retrieved September 6, 2001 on the World Wide Web: <http://users.bestweb.net/~cureny/alternat.htm>

Beck, A. R. (2001). *Recidivism: A fruit salad concept in the criminal justice world*. Justice Concepts, Inc.

Beck, A. R., & Shipley, B. E. (1989). *Recidivism of prisoners released in 1983*. U.S. Department of Justice. Bureau of Justice Statistics.

Bonta, J., Lipinski, S., & Martin, M. (1992). Recidivists tend to be. . . . *Correctional Service of Canada*, 5, (3).

Besozzi, C. (1993). Recidivism: How inmates see it. *Correctional Service of Canada*, 5, (3).

Drug War Facts. Retrieved September 9, 2001 on the World Wide Web: <http://www.drugwarfacts.org/prison.htm>

Florida Department of Corrections. (2001). *Recidivism report: Inmates released from Florida prisons*.

Gendreau, P., Goggin, C., & Cullen, F. (1999). *The Effects of Prison Sentences on Recidivism*. Retrieved September 6, 2001 on the World Wide Web: <http://www.sgc.gc.ca/EPub/Corr/e199912/e199912.htm>

Gendreau, P., Paparozzi, M., Little, T., & Goddard, M. (1993). Does "punishing smarter" work? An assessment of the new generation of alternative sanctions in probation. *Correctional Service of Canada*, 5, (3).

Jackson, J., Keijser, J. W. de, Michon, J. A. (1995). A critical look at research on alternatives to custody. *Federal Probation*, 59: 43-51.

Marciniak, L. M., (2000). The addition of day reporting to intensive supervision probation: A comparison of recidivism rates. *Federal Probation*, 46 (1): 34-40.

Maryland Department of Public Safety and Correctional Services. (1997). *Recidivism status report on the correctional options program*. Retrieved September 8, 2001 on the World Wide Web: <http://www.ns1dpscs.state.md.us/pnp/cop/coprep.htm>

National Institute of Justice. (1997). *Intermediate Sanctions in Sentencing Guidelines*. U.S. Department of Justice. Bureau of Justice Assistance.

Nouwens, T., Muiuk, L., & Boe, R. (1993). So you want to know the recidivism rate. (1993). *Correctional Service of Canada*, 5, (3).

U.S. Department of Justice. (1994). *An analysis of non-violent drug offenders with minimal criminal histories*.

Zamble, E. (1993). Expanding the recidivism inquiry: A look at dynamic factors. (1993). *Correctional Service of Canada*, 5 (3).

[| Back to Top |](#)