

▣ RECIDIVISM

Recidivism refers to the return of an offender to criminal behavior following conviction, diversion, or punishment. The reasons that people reoffend vary. The degree to which any particular factor may

cause someone to commit another crime is unclear, but the following list comprises seven general theories about why offenders return to criminal practices.

WHAT CAUSES RECIDIVISM?

1. *Incorrigibility*

Proponents of this view suggest that offenders are beyond reform, and as such, most sanctions, particularly less onerous ones, will not deter them from future offending. Many politicians subscribe to this philosophy and campaign on justice platforms that are aimed to “get tough on crime.” They argue that offenders make a rational choice to commit crimes and will reoffend if they are not punished severely enough.

2. *Failure of the Sanction*

Others believe that individuals will commit further crimes if their original punishment was inappropriate and did not act as a deterrent. Sentences may be too lenient and fail to make people recognize their wrongdoing. They may also be too harsh, which can cause offenders to disassociate from societal norms and react criminally. Some sanctions may not be an appropriate match for the type of offense or offender, such as a long term of imprisonment for a first-time, minor offender instead of an alternative measure.

3. *Failure of Support in Reintegration*

Offenders, particularly those who have served lengthy sentences in prison, may have difficulty reacclimating themselves upon release. With technological advances, shifts in public policy or ideals, political changes, and so on, the outside world may be significantly different from the one they previously knew. If offenders cannot adjust to the new norms of an ever-changing society, they may engage in illegal practices in an attempt to satisfy their needs. Recidivism then, is provoked not by the offender nor by the sentence imposed, but rather by the difficulties an individual has reintegrating

into society, and the ineffectiveness of support mechanisms that are available to him or her.

4. *Failure of Programs*

A program, whether in a prison or as part of parole or probation, will only be effective if offenders participate in it fully. Without a commitment to the goals of the program, people may reoffend. For example, if an individual convicted of drinking and driving is sentenced to a 12-step program as a condition of parole, this program can only aid in reducing recidivism if he or she is a willing participant. Similarly, if a program is not effective in meeting the needs of offenders, then it may not prevent reoffending. Using the same example, if the same 12-step program is poorly run or is understaffed and underfunded, it may cause recidivism.

5. *Peer Pressure and Other Social Provocations*

Even if offenders are given appropriate sanctions, are willing to change their behavior, and are active in a sound rehabilitative program, they may still return to criminal activity due to outside social influences such as peer pressure. For example, even if a young offender is placed in a drug rehabilitation program and wants to remain drug free, he or she may still reengage in drug use if pressured to by friends. In this case recidivism is directly related to social stimulus outside the control of the criminal justice system.

6. *Economic Stress*

A traditional goal of North American culture is to obtain economic wealth and stability. Proponents of this perspective would suggest that people will use illegitimate means to attain goals when they are denied legitimate ways of achieving them. If offenders are unable to support themselves upon release, or if they feel pressured by their low socioeconomic status, they may reengage in illegal behavior. As such, recidivism occurs, not as a consequence of a failed program rehabilitation program or because an individual does not recognize his or her wrongdoing, but because of the offender’s failure to meet economic goals within a broader capitalist system.

7. *Mental Health*

Finally, some believe that the mental health of an offender can be one of the most important predictors of recidivism. The mentally ill may not respond to any punishment, including imprisonment, rehabilitative programs, or any other measure taken in response to their crime. As such, their tendency to reoffend may continue until their mental health problems are addressed.

MEASURING RECIDIVISM

Perhaps the most controversial issue related to recidivism is the difficulty of measuring its existence. The estimates of recidivism rates vary considerably. In the United States and Canada, for example, recidivism has been estimated at anywhere from 40% to 80%. What accounts for these different rates?

One factor is the form of measurement used. In modern studies, three techniques are regularly employed. First, criminologists examine rearrest figures. This strategy allows relatively easy access for the collection of information (through detailed police and Federal Bureau of Investigation records). The data also often include previous offender records of arrest and conviction, and an arrest often results in conviction and imposition of a new sentence. However, while this measurement does have advantages, some suggest that it is not a true measure of recidivism. People who are arrested are not necessarily convicted or even indicted. Accordingly, inconsistencies may arise, especially with small-scale studies. These inconsistencies may account for disproportionate or inaccurate recidivism figures.

A second approach taken by scholars is to examine reconviction rates. This measure has the advantage of being a direct measurement of recidivism whereby a formal determination of guilt is made by a court. Moreover, state and federal data are readily available for researchers to study, and reconviction often results in an offender making a guilty plea, thereby reaffirming a pattern of recidivism. However, this measure also has its limitations. In order for a finding of guilt to occur in a trial, a specific burden of proof must be reached. While this legal requirement

is an important safeguard of due process and justice, it sometimes results in inaccurate recidivism rates. In other words, an absence of a finding of guilt does not necessarily mean that an arrested individual did not commit a crime. The burden of proof simply may not have been met. Accordingly, recidivism based on reconviction may not accurately represent the actual rate of reoffending.

A final measure of recidivism is that of resentment to prison. This piece of data relies on state and federal corrections to provide data on incarcerated offenders. Recidivism, in this method, is based on how many people who are currently incarcerated have previously been convicted of other crimes. This measurement has the distinct advantage of being extremely detailed, with data available on the arrest, the conviction, the length of sentence, the previous sentence, as well as an assessment of the effectiveness of previous sanctions on recidivism. However, this measure also only reveals recidivism in cases where there is a period of incarceration. Because many convictions result in alternatives to incarceration, this method will also underestimate the reoffending rates.

TRENDS

Despite the widely divergent recidivism figures that different studies have provided, some trends have almost uniformly been concluded:

- In the majority of cases, recidivism occurs within the first year of release, and nearly all recidivism occurs within three years of release or completion of sentence.
- Property offenses are the most common recidivism offenses. More than three-quarters of property offenders have previously been convicted of a property crime. Drug offenses, breaking and entering, and common assault are also frequently recurrent.
- Violent criminals are least likely to recidivate. Fewer than half of people convicted of homicide, sexual assault, and rape are convicted of another crime after their release from prison.
- Age is an important factor in reoffending rates. The earlier an offender is punished, the more

likely he or she is to recidivate. As a result, young offenders are also the most frequent recidivists.

- Men are more likely to reoffend than women in nearly every criminal category of offense, even when initial male-dominated offending patterns are taken into account.

- While recidivism for the same offense is common for certain types of crime (e.g., prostitution), recidivism can often occur with a different type of offense.

- The number of times an individual has been arrested is a good predictor of whether or not he or she will reoffend. Those with only one arrest are less than half as likely to recidivate as those who have been arrested on more than 10 occasions.

- Roughly one-third of recidivists have been previously sentenced to a term of imprisonment.

- People who reoffend are more likely to receive stiffer penalties, especially in cases where they committed the same offense. Recidivists are three times more likely to receive a sentence of imprisonment than first-time offenders.

- There is little variation in rates of recidivism among different states or provinces.

- Recidivists are often sentenced to longer terms of probation than first-time offenders.

- Due to a number of factors, including education level and socioeconomic status, African Americans and Latino/as are more likely to recidivate than whites in nearly every category of crime.

POLITICS OF RECIDIVISM

Recidivism rates are often used by politicians and academics alike to justify criminal justice policy and practices of punishment. Politicians and judges who follow the “Get tough on crime” doctrine routinely point to high rates of reoffending as a reason to increase sanctions placed on first-time offenders and recidivists alike. By using this philosophy, increasingly tougher sanctions and policies have been imposed, such as the “Three-Strikes” policy introduced first in California.

Conversely, many academics see high rates of recidivism not as a reason to impose stiffer sanctions but rather as a failure of the current system to deal accurately and effectively with offenders and reduce crime. Accordingly, they use recidivism rates to demonstrate that alternatives to imprisonment are necessary to deter crime, instead of the increase that some politicians espouse.

Finally, prison, parole, and probation officials are also concerned about reoffending rates. In particular, they suggest that recidivism demonstrates the lack of funding and other support mechanisms necessary for any of their programs or institutions to be effective. They reason that with better economic support, recidivism rates would significantly decrease.

CONCLUSION

Recidivism as a theoretical construct is a fairly simple idea: Some people will reoffend after they have been convicted, treated, and/or punished for a crime. Numerous quantitative studies have documented the extent of reoffending throughout the country, while various theoretical perspectives have demonstrated that it is a vital component to understanding criminal justice. However, determining why people reoffend and measuring how often they do so proves to be much more difficult. Further, the politicizing of the causes and implications of recidivism has led to even more confusion on how to reduce or eliminate this problem. Until these issues are rectified or somehow resolved, high rates of recidivism will continue.

—Mihael Ami Cole

See also Alcohol Treatment Programs; Crime, Shame, and Reintegration; Deterrence Theory; Drug Treatment Programs; Just-Deserts Theory; Parole; Politicians; Prerelease Programs; Rehabilitation Theory; Three-Strikes Legislation; Truth in Sentencing

Further Reading

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