

Approved March 29, 1990
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

10:00 a.m./~~p.m.~~ on February 15, 1990 in room 514-S of the Capitol.

All members were present except: Senator Feleciano who was excused.

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Attorney General Robert Stephan
David T. Rusch, Johnson County
Ralph Butler, Wichita
Ron Olin, Lawrence Chief of Police
James Clark, Kansas County and District Attorneys Association
Senator Janis Lee
Jeffrey Moots, American Civil Liberties Union

The Chairman called the meeting to order by requesting the committee introduce legislation requested by Attorney General Robert Stephan addressing drug enforcement. The Chairman stated that the package proposed by the Attorney General would include up to thirteen bills. Although there would be little time this legislative session to give the legislation the full serious consideration it would require, he asked for the committee's authority to introduce the package for study as time permits.

Senator Morris moved to introduce the Attorney General's general drug package, to include up to thirteen bills. Senator Gaines seconded the motion. The motion carried.

The Chairman then opened the hearings on SB 540, SB 193, and SB 226.

SB 540 - concerning crimes and punishments and procedures relating thereto; defining and classifying certain crimes; providing for mandatory sentence of imprisonment for life for persons convicted of certain crimes under certain circumstances.

SB 193 - concerning crimes and punishments and procedures relating thereto; defining and classifying certain crimes; providing for mandatory sentence of imprisonment for life for persons convicted of certain crimes under certain circumstances.

SB 226 - concerning crimes and punishments and procedures relating thereto; defining and classifying certain crimes; providing for mandatory sentence of imprisonment for life for persons convicted of certain crimes under certain circumstances.

Senator Bond presented SB 540, stating that the bill is a strong statment in objection to releasing convicted murderers on parole after serving a minimun of fifteen years of a life sentence. He stated the future of SB 77, which passed the Senate as a mandatory forty year sentence, was rewritten in the House and being deliberated even as this hearing was being conducted. He concluded by stating that when a jury deliberates and unanimously agrees on a verdict of guilty and recommend a "life" sentence, fifteen years is not what they believe they are imposing as a penalty.

The Chairman stated that Senator John Strick of Kansas City has been scheduled to testify in support of mandatory life imprisonment for certain crimes. However, due to an automobile accident, he was not able to arrive in time for the hearing. His support of SB 540, SB 193, and SB 226 was asked to be recorded.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,

room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on February 15, 1990.

Attorney General Robert Stephan testified in support of mandatory life sentences. He stated that although he has long been a supporter of the death penalty, one of the most important messages to send in criminal law is punishment will be given for first degree murder convictions. Penalties for first degree murder must be the harshest penalty possible. He expressed his support of serving at least a forty-year sentence before the possibility of parole is offered. He concluded by stating the three bills being heard seek adequate punishment, but it would be most practical to define and set definitive times of parole eligibility; without definite parole eligibility criteria, he prefers a 40-year minimum sentence to mandatory life sentences.

David T. Rusch, Johnson County, testified in support of SB 540. (ATTACHMENT I)
Mr. Rusch presented the committee with copies additional information regarding recidivism. (ATTACHMENTS II through V)

Ralph Butler, Wichita, testified in support of SB 540. (ATTACHMENT VI)

Testimony received from Paul J. Morrison, Johnson County District Attorney, in support of SB 540 was distributed to the committee. (ATTACHMENT VII)

Ron Olin, Lawrence Chief of Police, testified in support of SB 540. He related specific incidents in the City of Lawrence and how the current system had operated. He stated that definite sentences, without an early parole, would return justice to the victims and society. Chief Olin then introduced Loren Anderson, Douglas County Sheriff, and Lt. Mike Hall, Lawrence Police Department, who also expressed their support of SB 540.

James Clark, Kansas County and District Attorneys Association, testified in support of SB 540, although he stated they would prefer passage of SB 77 as it was approved by the Senate.

Senator Janis Lee testified in support of SB 193 and SB 540. She stated she is opposed to the death penalty and as sponsor of SB 193 and co-sponsor of SB 540 and SB 77 felt that life imprisonment was a preferred alternative to the death penalty.

Jeffrey Moots, American Civil Liberties Union, testified in opposition of SB 540, SB 193, and SB 226. (ATTACHMENT VIII)

This concluded the hearing for SB 540, SB 193, and SB 226.

The meeting was adjourned.

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
David Schmitz	2115 J.E 53rd St	page
Paul Vincent	5441 SE 61st	Page
Bnewcha Washington	KMBC-TV	
Rafael Segura	KMBC-TV	
Jim Opel	KCTV-5	
Heather Buck	KIAKE-TV	
Danny Dwell	" "	
Robert Johnson	Topeka	Ks. Dept. Corrections
Bob Hall, Kans Public Radio		
Maryanne Burke CKA	Topeka	
Carlynn Ramsey		Staff
Thad A. H.	Topeka	Cap - 3000
Kenn Kelly	OP	SUN
Vicki Jones	Topeka	KCADP
Therese Banzett	"	KCADP
M. Swales	"	Harris
David Rusch	O.P. Ks	Citizen
Ralph Butler	Wichita	Citizen
Jain Clark	Topeka	KCDA
Ron Clin	Lawrence	City of Lawrence
Loren Anderson	Lawrence	sheriff
Michael Hall	Lawrence	City of Lawrence
Nancy Lindberg	Topeka	AG office
Curtis Perry	Topeka	Ks. Peace Officers Ass'n
Jeff Moots	TOPEKA	ACLU

February 15, 1990

TESTIMONY OF DAVID T. RUSCH
Before the Kansas Judiciary Committee
February 15, 1990

Thank you for the opportunity to present my thoughts in favor of Senate Bill 540.

During the past several years there have been numerous heinous murders of innocent victims in the state of Kansas. My concern relates to the problem of recidivist murderers, that is, those who have been convicted of murder, released on parole, and then committed another murder.

A Bureau of Justice report (copy attached) on 108,000 persons released from prisons in eleven states in 1983 showed that 6.6% of murderers released were rearrested for murder within 3 years. This means that for every 100 killers released, approximately 7 innocent victims are certain to be murdered. Actually, the number is far greater because many cases involve multiple murders, or the killer was experienced enough to cover up incriminating evidence.

This seems to me, and to most Kansans with whom I've spoken, to be a terribly unfair balance.

Consider the irony of this. Kansas does not have a death penalty, but statistics from the National Criminal Justice Reference Center (copy attached) shows that over the past 12 years in states with death penalties, less than 3% of those sentenced to death have actually been executed. In total, that comes to 104 executions in the entire United States. Using data from the previously cited BOJ report, an estimated 4,526 released murderers will have committed one or more additional homicides within 3 years of release.

Incredibly, we are allowing the execution of more than 40 times as many innocent people through parole of murderers than we are through execution of convicted murderers. It staggers the conscience when we realize this terrible injustice.

These deaths are not humane, with friends and family at bedside. The victims are often terrorized before being bludgeoned, strangled, knifed, or shot. I realize this may be unusually graphic language. It is important that you understand the stark reality of the injustice our current laws inflict upon Kansas citizens.

Some have said that Kansas can not afford the cost of full life prison terms for murderers. Even if we disregard the callousness of that position, a consideration of the facts suggests exactly the opposite.

Bureau of Justice Statistics show that 42% of released murderers are rearrested for one or more serious crimes within 3 years. This suggests that a majority eventually are returned to prison anyway.

While they are out, these parolees are committing murder, robbery, assault, theft, and drug offenses. These are expensive crimes. A Rand Corporation study (Policy Review) estimated that each of these recidivists commits crimes which cost our society at least \$200,000 each year they are free!

In Kansas, the average cost to maintain a prisoner is under \$20,000 per year. If the recidivism rate was only 10 %, the cost of incarceration would be at breakeven and we would save many lives. With a real recidivism rate well in excess of 40%, it is clearly far less costly in dollars to keep murderers in prison than it is to parole them.

Some have also said that Kansas should have the death penalty for murder. They believe enactment of a full life law would reduce chances for eventual passage of the death penalty.

This kind of thinking hurts Kansans in two ways. First, because each year we wait for sufficient votes to pass the death penalty, more murders are committed by individuals who are subject to the "soft" 15 year minimum. Second, experience in death penalty states shows that judges/juries are often reluctant to impose the death penalty. Unless we extend prison terms, enactment of a death penalty in Kansas would still result in most murderers facing only the 15 year minimum.

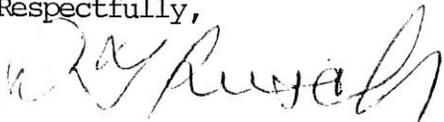
The true "life" term is needed with, or without, the death penalty! It is too late to do anything for past victims, but this problem is growing worse. Through June of 1989 the number of murders in Kansas was 50% higher than the year earlier period.

These recidivist murders can be prevented by you and your fellow legislators. In fact, only you can prevent them. The police can't - they can only be involved after the murder has been committed. Judges can't - they can only impose sentences prescribed by law. Parole Boards can't - they clearly can't identify with certainty who will kill again. The victims can't - there is no way these victims could have protected themselves any more than they did.

Only a change in the law which will provide for life sentence without chance for parole will prevent these innocent victims from losing their lives. Individuals convicted of murder have demonstrated they can and will step over the line of human conscience that prevents most of us from carrying out such heinous crimes. They should not be released to kill again.

Kansas citizens feel unprotected and outraged. We are depending on you to enact appropriate legislation. Please don't let us down.

Respectfully,



David T. Rusch
9836 Pawnee
Overland Park, KS 66206



Bureau of Justice Statistics Special Report

Recidivism of Prisoners Released in 1983

By Allen J. Beck, Ph.D.
BJS Statistician
Bernard E. Shipley
BJS Program Manager

Of the 108,580 persons released from prisons in 11 States in 1983, representing more than half of all released State prisoners that year, an estimated 62.5% were rearrested for a felony or serious misdemeanor within 3 years, 46.8% were reconvicted, and 41.4% returned to prison or jail. Before their release from prison, the prisoners had been arrested and charged with an average of more than 12 offenses each; nearly two-thirds had been arrested at least once in the past for a violent offense; and two-thirds had previously been in jail or prison. By yearend 1986 those prisoners who were rearrested averaged an additional 4.8 new charges. An estimated 22.7% of all prisoners were rearrested for a violent offense within 3 years of their release.

These findings were based on a sample of more than 16,000 released prisoners, representing all those released from prison in 11 States during 1983. The 11 States in the sample included California, Florida, Illinois, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon, and Texas. These States accounted for more than 57% of all State prisoners released in the Nation during the year.

Other findings from the survey include the following:

- An estimated 68,000 of the released prisoners were rearrested and charged with more than 326,000 new felonies

Few criminal justice issues have matched recidivism in stirring public opinion and in engaging the attention of criminal justice professionals. This report is the fourth BJS study of offenders released from prison and their reinvolvement in crime.

The research reported here represents the most ambitious of the studies with data for a large sample of releasees, representing more than half of all persons released from State prisons in 1983. By linking State and FBI criminal-history records, the study assembles for the first time comprehensive criminal-history data

and serious misdemeanors, including approximately 50,000 violent offenses (of which 17,000 were robberies and 23,000 were assaults), more than 141,000 property offenses (of which 36,000 were burglaries), and 46,000 drug offenses.

- Recidivism rates were highest in the first year--1 of 4 released prisoners were rearrested in the first 6 months and 2 of 5 within the first year after their release.

- Approximately 5% of the prisoners had been charged with 45 or more offenses before and after their release

both within and outside the States in which the prisoners were released. It provides the most precise estimates of recidivism available among prisoners of all ages and all types of postrelease supervision.

The Bureau gratefully acknowledges the contribution of the Identification Division of the FBI and officials of corrections departments and criminal-history repositories in California, Florida, Illinois, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon, and Texas. This cooperation of State and Federal officials was vital to the success of this important research project.

Joseph M. Bessette
Acting Director

April 1989

from prison; 26% had been charged with at least 20 offenses.

- More than 1 of every 8 rearrests occurred in States other than the State in which the prisoners were released.

- Recidivism rates were higher among men, blacks, Hispanics, and persons who had not completed high school than among women, whites, non-Hispanics, and high school graduates.

- Recidivism was inversely related to the age of the prisoner at time of release: the older the prisoner, the lower the rate of recidivism.

- The more extensive a prisoner's prior arrest record, the higher the rate of recidivism--over 74% of those with 11 or more prior arrests were rearrested, compared to 38% of the first-time offenders.

- The combination of a prisoner's age when released and the number of prior adult arrests was very strongly related to recidivism: an estimated 94.1% of prisoners age 18 to 24 with 11 or more prior arrests were rearrested within 3 years.

- More than 68% of the prisoners released for property offenses were rearrested within 3 years, compared to 59.6% of violent offenders, 54.6% of public-order offenders, and 50.4% of drug offenders.

- Approximately 40% of the released prisoners had previously escaped from custody, been absent without leave (AWOL), or had a prior revocation of parole or probation. An estimated 73% of these prisoners were rearrested within 3 years of their release.

- The amount of time served in prison did not systematically increase a prisoner's likelihood of rearrest. However, those prisoners who had served the longest, more than 5 years in prison, had lower rates of rearrest than other offenders during the followup period.

- Released prisoners were often rearrested for the same type of crime for which they had served time in prison. Within 3 years, 31.9% of released burglars were rearrested for burglary; 24.8% of drug offenders were rearrested for a drug offense; and 19.6% of robbers were rearrested for robbery.

- Released rapists were 10.5 times more likely than nonrapists to be rearrested for rape, and released murderers were about 5 times more likely than other offenders to be rearrested for homicide. An estimated 6.6% of released murderers were rearrested for homicide.

- Nearly 1 in 3 released violent offenders and 1 in 5 released property offenders were arrested within 3 years for a violent crime following their release from prison.

Measuring recidivism

Criminal-history data for the sample of released prisoners were obtained from the criminal identification bureaus in the 11 participating States and from the Federal Bureau of Investigation. Information was collected only on felonies and serious misdemeanors.

Table 1. Profile of prisoners released in 1983 and in 11-State recidivism study

Number of prisoners released in the 11 States	108,580
Percent of all State prisoners released in 1983, nationwide	57.3%
Sex	
Male	94.1%
Female	5.9
Race	
White	54.1%
Black	45.1
Other	.8
Ethnicity	
Hispanic	12.1%
Non-Hispanic	87.9
Median age when released	27 yrs.
Most serious offense	
Violent	34.6%
Property	48.3
Drugs	9.5
Public-order	6.4
Other	1.1
Median time served	14 mos.
Number of prior arrests	
Mean	8.4
Median	6
Prior incarceration	
Yes	67.1%
No	32.9

Note: Data are based on an estimated 108,580 prisoners who were released from prison in 11 States in 1983 and who were still alive in 1987.

These data included information on arrests, prosecutions, court appearances, and postsentencing statuses, such as incarceration, probation, and parole.

Additional information on prisoners released in 1983, including data on demographic characteristics, sentencing, time served, and postrelease supervision status, was collected from the department of corrections in each State as part of BJS' annual National Corrections Reporting Program (NCRP). (See table 1 for a summary profile of prisoners in the sample.)

Recidivism rates, as defined here, are estimates of the percentages of released prisoners who commit another offense. Estimates of recidivism vary with the length of the followup period and the measure selected. Three measures of recidivism were employed in this study: rearrest, reconviction, and reincarceration.

Rearrest refers to any arrest for a felony or serious misdemeanor that was reported to the State identification bureau or the FBI. Arrest data were reported on fingerprint cards which the arresting agency had submitted to the State criminal identification bureau and to the FBI.

Reconviction refers to a conviction on at least one charge after the date of release from prison. Data on reconvictions and other dispositions were reported by prosecutors' offices, courts, and correctional agencies.

Reincarceration refers to (1) any return to prison or (2) any admission to a local jail with a sentence for a new offense. Data on incarcerations were reported by receiving agencies, typically State or Federal prisons and local jails.

In previous studies of recidivism, criminologists have concluded that in the aggregate rearrest is the most reliably reported measure of recidivism. Although some rearrested individuals may be innocent of the crime charged, using only reported convictions would understate the true recidivism rates because not all offenders are prosecuted or go to trial. Parolees, for example, often do not face prosecution for a new offense, but with their parole revoked, they return to prison to serve the balance of their sentence. Moreover, new convictions were the most underreported of the three measures. Data on convictions and other dispositions were not reported for approximately 32% of all arrests in the criminal-history files. For some arrests that contained no court records, convictions were inferred from prison admissions for a new sentence.

Recidivism and time after release

Within 3 years after their release from prison in 1983, an estimated 62.5% of the released prisoners had been rearrested; 46.8% had been reconvicted; and 41.4% had been reincarcerated (figure 1).

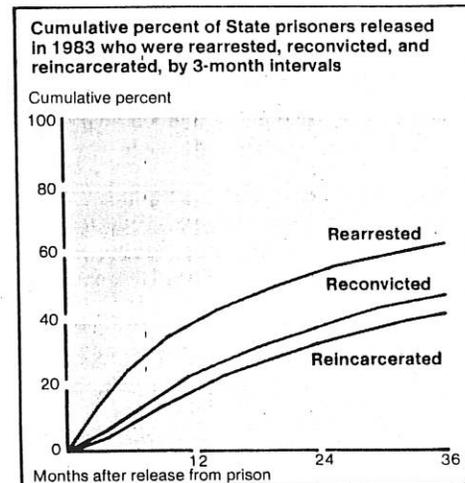


Figure 1

¹For a discussion of problems with other measures of recidivism, see M.D. Maltz, *Recidivism* (Orlando, Fla.: Academic Press, 1984).

Table 2. Recidivism rates of State prisoners released in 1983, by time after release

Time after release	Percent of released prisoners who were:		
	Re-arrested	Reconvicted	Reincarcerated
6 months	25.0%	11.3%	8.4%
1 year	39.3	23.1	18.6
2 years	54.5	38.3	32.8
3 years	62.5	46.8	41.4

Recidivism rates were the highest in the first year. Four of every 10 released prisoners were rearrested in the first year; nearly 1 in 4 were convicted of a new crime; and nearly 1 in 5 were returned to prison or sent to jail (table 2).

Of all those who were rearrested during the 3-year followup period, approximately two-thirds were arrested by the end of the first year. Of all those reincarcerated, nearly 45% were reincarcerated in the first year.

Volume of crime

An estimated 67,898 of the 108,580 prisoners who were released in 1983 were rearrested and charged with 326,746 new offenses by yearend 1986 (table 3). More than 50,000 of the new charges were violent offenses, including 2,282 homicides, 1,451 kidnappings, 1,291 rapes, 2,626 other sexual assaults, 17,060 robberies, and 22,633 other assaults.

More than 40% of the new charges were for property offenses. The released prisoners were rearrested for an estimated 51,268 larcenies, 36,483 burglaries, and 20,233 fraud offenses.

Nearly 25% of the new charges were for public-order offenses. Of the approximately 80,000 public-order offenses, 12,791 were weapons charges and 15,395 were violations of probation or parole or flight to avoid prosecution.

About 14% of the new charges were for drug offenses. Because sufficient detail was not recorded for more than 40% of the drug offenses, reliable estimates differentiating the number of possession and trafficking charges could not be made.

The released prisoners had been arrested in the past for more than 1.3 million offenses. Before their release from prison, they had been charged with an estimated 214,778 violent crimes, including more than 12,000 homicides, nearly 9,000 rapes, 5,600 kidnappings, and 84,000 robberies. When combined with the number of new arrest charges, these released prisoners

Table 3. Number of arrest charges for State prisoners released in 1983, by type of charge

Arrest charge	Number of arrest charges	
	Prior to release	After release, 1983-86
Total	1,333,293	326,746
Violent offenses	214,778	50,121
Homicide ^a	12,185	2,282
Kidnaping	5,622	1,451
Rape	8,922	1,291
Other sexual assault	10,335	2,626
Robbery	84,166	17,060
Assault	84,497	22,633
Other violent	9,051	2,778
Property offenses	628,320	141,416
Burglary	184,690	36,483
Larceny/theft	199,450	51,268
Motor vehicle theft	54,157	8,649
Arson	3,294	647
Fraud	82,522	20,233
Stolen property	60,873	13,738
Other property	43,334	10,398
Drug offenses	149,881	46,382
Possession	69,438	20,684
Trafficking	22,429	5,788
Other/unspecified	58,014	19,910
Public-order offenses	307,191	79,773
Weapons	55,539	12,791
Probation/parole violations	44,962	15,395
Traffic offenses	35,300	5,844
Other public-order	171,390	45,743
Other offenses	12,957	1,111
Unknown ^b	20,166	7,943

Note: Data are based on an estimated 108,580 prisoners who were released from prison in 11 States in 1983 and who were still alive in 1987.

^aHomicide includes murder, nonnegligent manslaughter, and negligent manslaughter.

^bUnknown charges include those that could not be converted to an NCRP offense code and those not coded because only 8 charges were recorded for each arrest.

had been arrested and charged with approximately 1.7 million offenses, an average of 15.3 charges each since their first adult arrest.

Prevalence of violence among State prisoners released in 1983

Among persons released from State prison in 1983, an estimated 77% had been arrested at least once in the past or rearrested after their release for a violent offense.

Nature of violent record	Percent arrested at some time for a violent offense
Prior arrest charge	52.1%
Most serious charge when released	34.6
Arrest charge within 3 years after release	22.7
Ever charged	77.0

A small fraction of offenders were responsible for a disproportionate number of these 1.7 million charges. An estimated 5% of the prisoners were charged with 45 or more offenses each before and after their release in 1983 (table 4). This group of high-rate offenders accounted for nearly 20% of all arrest charges. Offenders with 25 or more charges represented 18.6% of all offenders but accounted for 47.8% of all charges. Released prisoners with fewer than five arrest charges, however, represented 18.9% of all prisoners but only 3.3% of the arrest charges.

Percent of all arrests, 1983-86

One way of measuring the volume of crime attributable to released prisoners is to express the new charges as a percentage of arrest charges recorded for all offenders in the 11 States during the same time period. Exactly comparable data on arrests of all offenders, however, do not exist. The Uniform Crime Reports (UCR), collected annually by the Federal Bureau of Investigation, record arrests for all offenders and classify the arrests by the most serious charge. Not all offense categories are compiled by the FBI, and definitions of some offenses differ from those in this 11-State study. The offenses that are comparable, the UCR Index crimes, include murder and

Table 4. Total number of arrest charges among State prisoners released in 1983

Total number of arrest charges*	Percent of all released prisoners	Cumulative percent of all released prisoners	Cumulative percent of all arrest charges
45 or more	5.0%	5.0%	19.4%
35-44	4.4	9.4	30.5
25-34	9.2	18.6	47.8
20-24	7.7	26.3	58.8
15-19	11.7	38.0	71.6
10-14	17.1	55.1	84.9
5-9	26.2	81.3	96.7
1-4	18.9	100.0	100.0

Note: Percents may not add to 100% because of rounding.
*Arrest charges include those made prior to release and those between release in 1983 and December 31, 1986.

nonnegligent manslaughter, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft; therefore, the number of arrests of released prisoners for these offenses can be compared to the total number of arrests for Index crimes.

Overall, between midyear 1983 and yearend 1986, prisoners released in 1983 accounted for 2.8% of the Index crime arrests in the 11 States (table 5). The arrests of these released prisoners comprised 3.9% of the Index crime arrests in the 6 months after their release in 1983, 3.4% of the arrests in 1984, 2.6% in 1985, and 2.1% in 1986. It should be noted that by the end of the first year after release nearly 1 in 5 prisoners had been reincarcerated and were not liable for rearrest, and by the second year nearly 1 in 3 had been returned to prison or jail.

For the entire 3 1/2 year period, the percentage of UCR arrests attributable to these released prisoners was highest for robbery (5.0%) and burglary (4.8%) and lowest for larceny (2.0%) and rape (1.8%) (table 6). In 1984, the first full year after release, these prisoners accounted for an estimated 6.4% of the arrests for robbery and 5.9% for burglary.

Multistate offenders

The new offenses occurred not only in the States in which the prisoners were released from prison but in other States as well. More than 1 of every 8 rearrests were made in States other than the State in which the prisoner was released. An estimated 5.5% of the released prisoners were rearrested only in States other than those in which they were released. An additional 4.7% of the prisoners were rearrested both in their State of release and in another State.

If data on arrests had been restricted only to the State of release, which is typical of most recidivism studies, the overall rearrest rate would have been an estimated 57.0% rather than the actual 62.5%. In addition, the number of prior arrests would have been underestimated: 26.5% of the prisoners had been arrested in more than one State in the past, and nearly 13.0% of all prior arrests had occurred in States other than the State of release in 1983.

Table 5. Number of new arrest charges and comparison with UCR Index crimes for State prisoners released in 1983, by year, 1983-86

Year	Number of new charges	Number of arrests for UCR Index crimes among released prisoners ^a	Total number of arrests for Index crimes in 11 States ^b	Percent of all arrests for Index crimes
Total, 1983-86	326,746	93,574	3,308,496	2.8%
1983 ^c	56,892	18,494	469,315	3.9
1984	101,024	30,571	904,951	3.4
1985	86,613	23,572	921,877	2.6
1986	82,219	20,937	1,012,353	2.1

Note: Subcategories may not add to total because of rounding.
^aIncludes only arrests in the State in which the prisoner was released. For arrests involving multiple charges, the most serious charge was selected. Index crimes include murder and nonnegligent manslaughter, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft. Arson was excluded.
^bIncludes only adult arrests in the 11 States participating in the National Recidivism Reporting System (NRRS).
^cBecause on average there were only 6 months of exposure to rearrest, the estimated total number of Index crime arrests for 1983 was divided by 2.

Table 6. Percent of all Index crime arrests in 11 States represented by State prisoners released in 1983, by type of rearrest charge and year

Rearrest charge, Index crime	Year of arrest				
	Total 1983-86	1983	1984	1985	1986
Murder and nonnegligent manslaughter	2.3%	3.1%	2.5%	2.0%	1.9%
Rape	1.8	3.8	2.4	.9	1.1
Robbery	5.0	6.6	6.4	4.1	3.7
Aggravated assault	2.4	3.0	2.7	2.5	1.7
Burglary	4.8	6.8	5.9	4.3	3.4
Larceny/theft	2.0	2.8	2.3	1.8	1.5
Motor vehicle theft	3.3	4.6	3.7	3.3	2.3

Note: For each percent the numerator is the number of arrests for the Index crime among prisoners released in 1983, and the denominator is the estimated number of arrests for Index crimes among all offenders in the 11 States. Percents for 1983 were adjusted for partial-year exposure to rearrest.

Demographic characteristics

Men were more likely than women to be rearrested, reconvicted, and reincarcerated after their release from prison (table 7). The rate of rearrest was 11 percentage points higher among men than among women.

Blacks had slightly higher recidivism rates than whites, approximately 5 to 8 percentage points higher for each measure. Released prisoners of Hispanic origin also had recidivism rates that were about 6 percentage points higher than those among non-Hispanics.

Recidivism was inversely related to the age of the prisoner at the time of release: the older the prisoner, the lower the rate of recidivism. More than 75% of those age 17 or younger when released from prison were rearrested, compared to 40.3% of those age 45 or older. However, rearrest rates declined by less than 5 percentage points among prisoners between the age of 18 and 34. (Prisoners in this age group comprised nearly 80% of all those released in 1983.) The largest declines in recidivism were found among prisoners age 35 or older, but even those age 45 or older had rearrest rates of 40%.

The amount of prior education was also related to recidivism among released prisoners. Prisoners who had graduated from high school or had some college education had somewhat lower rates of rearrest, reconviction, and reincarceration than those who failed to complete high school.

Offense for which released

Prisoners released for property offenses had higher recidivism rates than those released for violent, drug, or public-order offenses (table 8). An estimated 68.1% of the property offenders released in 1983 were rearrested within 3 years, compared to 59.6% of the violent offenders, 54.6% of the public-order offenders, and 50.4% of the drug offenders. Property offenders also had higher rates of reconviction and reincarceration than other types of offenders.

Prisoners who had served time for motor vehicle theft had the highest recidivism rates of all types of offenders--78.4% were rearrested, 59.1% reconvicted, and 51.8% reincarcerated. Other released prisoners with relatively high recidivism rates included those classified as "others"--primarily juvenile-status offenders and unspecified felons (76.8%), burglars (69.6%), those released for possession

Table 7. Recidivism rates of State prisoners released in 1983, by prisoner characteristics

Prisoner characteristics	Percent of all released prisoners	Percent of released prisoners who within 3 years were:		
		Rearrested	Reconvicted*	Reincarcerated*
All released prisoners	100.0%	62.5%	46.8%	41.4%
Sex				
Male	94.1%	63.2%	47.3%	41.9%
Female	5.9	51.9	38.7	33.0
Race				
White	54.1%	58.7%	44.2%	38.0%
Black	45.1	67.1	49.9	45.3
Other	.8	58.7	50.6	45.3
Ethnicity				
Hispanic	12.1%	68.5%	52.4%	47.0%
Non-Hispanic	87.9	61.7	46.0	40.6
Age when released				
17 or younger	.5%	75.6%	65.4%	50.6%
18-24	35.0	68.0	51.2	44.9
25-29	26.5	65.0	48.9	43.2
30-34	17.7	63.4	47.9	43.0
35-39	9.3	56.9	40.8	36.5
40-44	4.8	48.9	36.1	30.7
45 or older	6.2	40.3	28.6	25.7
Education				
8th grade or less	19.3%	61.9%	46.0%	38.4%
Some high school	48.0	65.1	46.9	40.9
High school graduate	25.8	57.4	39.8	35.0
Some college or more	6.8	51.9	36.1	30.4

Note: Data on sex were reported for 100% of 108,580 releases, data on race for 99.6%, Hispanic origin for 99.9%, age at time of release for 96.8%, and education for 46.6%. Subcategories may not add to the total because of the exclusion of missing data.

*Because of the underreporting of court and custody data in Ohio, the percents reconvicted and reincarcerated exclude data from Ohio.

Table 8. Recidivism rates of State prisoners released in 1983, by most serious offense for which released

Most serious offense for which released	Percent of all released prisoners	Percent of released prisoners who within 3 years were:		
		Rearrested	Reconvicted*	Reincarcerated*
All offenses	100.0%	62.5%	46.8%	41.4%
Violent offenses	34.6%	59.6%	41.9%	36.5%
Murder*	3.1	42.1	25.2	20.8
Negligent manslaughter	1.4	42.5	27.9	21.8
Kidnaping	.6	54.5	35.7	31.3
Rape	2.1	51.5	36.4	32.3
Other sexual assault	2.1	47.9	32.6	24.4
Robbery	18.7	66.0	48.3	43.2
Assault	6.4	60.2	40.4	33.7
Other violent	.4	50.1	33.2	31.4
Property offenses	48.3%	68.1%	53.0%	47.7%
Burglary	25.8	69.6	54.6	49.4
Larceny/theft	11.2	67.3	52.2	46.3
Motor vehicle theft	2.6	78.4	59.1	51.8
Arson	.7	55.3	38.5	32.3
Fraud	5.5	60.9	47.1	43.3
Stolen property	1.7	67.9	54.9	50.5
Other property	.8	54.1	37.3	33.9
Drug offenses	9.5%	50.4%	35.3%	30.3%
Possession	1.2	62.8	40.2	36.7
Trafficking	4.5	51.5	34.5	29.4
Other/unspecified	3.9	45.3	34.5	29.1
Public-order offenses	6.4%	54.6%	41.5%	34.7%
Weapons	2.2	63.5	46.7	38.1
Other public-order	4.2	49.9	38.9	33.0
Other offenses	1.1%	76.8%	62.9%	59.2%

Note: The offense distribution and percents rearrested are based on 106,216 releases for whom most serious offense at release was known. Percents of those reconvicted and reincarcerated are based on 99,103 releases, after data from Ohio were excluded.

*Includes nonnegligent manslaughter.

Table 9. Rearrest rates of State prisoners released in 1983, by most serious offense at release and charge at rearrest

Rearrest charge	Percent of prisoners rearrested within 3 years of release whose most serious offense at time of release was:												
	Total, all offenses	Violent offense					Property offense					Drug offense	Public-order offense
		Total	Murder ^a	Rape	Robbery	Assault	Total	Burglary	Larceny/theft	Motor vehicle theft	Fraud		
All charges	62.5%	59.6%	42.1%	51.5%	66.0%	60.2%	68.1%	69.5%	67.3%	78.4%	60.9%	50.4%	54.6%
Violent offenses	22.7%	30.4%	21.6%	27.5%	33.3%	31.5%	19.7%	20.9%	19.5%	23.0%	11.5%	12.2%	19.3%
Homicide ^b	1.6	2.8	6.6	2.8	2.9	1.7	1.1	1.1	.8	1.4	1.1	.3	.9
Rape	.9	1.7	.8	7.7	1.4	1.2	.5	.7	.4	.1	.4	.4	.8
Robbery	9.9	14.1	7.0	8.5	19.6	9.1	8.4	9.1	8.7	12.8	3.5	4.2	5.9
Assault	12.6	15.7	10.5	10.7	15.8	21.9	11.1	11.9	10.8	13.1	6.9	7.8	13.4
Property offenses	39.7%	32.1%	16.8%	25.0%	38.9%	28.9%	49.8%	50.4%	50.3%	54.7%	47.4%	22.9%	28.2%
Burglary	18.4	12.6	6.4	12.7	15.4	10.7	25.2	31.9	17.5	23.7	16.2	8.2	10.3
Larceny/theft	21.2	16.3	7.4	7.4	21.0	14.4	27.2	25.3	33.5	26.3	26.0	12.2	14.9
Motor vehicle theft	5.5	4.0	2.5	.7	5.0	3.7	7.2	6.0	8.2	18.6	5.1	2.3	3.7
Fraud	6.5	4.2	2.3	1.8	5.5	2.9	8.6	6.0	8.7	8.5	21.6	4.3	5.7
Drug offenses	16.6%	14.8%	9.1%	11.3%	18.0%	13.8%	16.2%	17.7%	15.1%	17.1%	14.8%	24.8%	14.0%
Public-order offenses	29.9%	29.0%	19.2%	22.3%	32.0%	30.9%	31.0%	32.1%	30.5%	39.0%	24.3%	23.0%	33.7%
Number of released prisoners	106,216	36,769	3,258	2,214	19,815	6,756	51,332	27,416	11,896	2,785	5,809	10,104	6,826

Note: The numerator for each percent is the number of persons rearrested for a new charge, and the denominator is the number released for each type of

offense. Detail may not add to totals because persons may be rearrested for more than one type of charge.

^aIncludes negligent manslaughter.
^bIncludes murder, nonnegligent manslaughter, and negligent manslaughter.

or sale of stolen property (67.9%), larcenists (67.3%), and robbers (66.0%). Those released for murder or for negligent manslaughter had the lowest rates of recidivism (42.1% and 42.5%, respectively).

Rearrest offense

Released prisoners were often rearrested for the same type of crime for which they had served time in prison (table 9). For example, an estimated 33.5% of released larcenists, more than any other group, were rearrested for another larceny. The same pattern was observed for every other type of offender. Thus, released murderers were more likely than other prisoners to be rearrested for a new homicide (6.6%), released rapists were more likely than other prisoners to be rearrested for rape (7.7%), released robbers to be rearrested for robbery (19.6%), and so forth.

The relative likelihood of rearrest for a similar crime was highest among prisoners released for rape, sexual assault, homicide, or fraud and lowest among those released for public-order or drug offenses (table 10). Released rapists were 10.5 times more likely than nonrapists to have a subsequent arrest for rape. Prisoners who had served time for other sexual assaults were 7.5 times more likely than those who had not served time for sexual assault to be arrested for a new sexual

Table 10. Relative likelihood of rearrest for a charge similar to (versus different from) the release charge among State prisoners released in 1983, by charge

Rearrest charge	Relative likelihood of rearrest
Violent offenses	1.9
Homicide	4.9
Rape	10.5
Other sexual assault	7.5
Robbery	2.9
Assault	2.1
Property offenses	2.3
Burglary	3.0
Larceny/theft	2.1
Motor vehicle theft	4.2
Fraud	4.6
Stolen property	2.4
Drug offenses	1.8
Public-order offenses	1.2

Note: For each type of rearrest charge, the numerator is the odds of rearrest for that charge among prisoners released for the same type of offense; the denominator is the odds of rearrest for that charge among prisoners released for a different type of offense. Each ratio expresses the odds of rearrest among prisoners released on a similar offense relative to the odds of rearrest among those released on a different type of offense.

assault. Those released after serving time for murder or nonnegligent manslaughter were nearly 5 times more likely than other prisoners to be rearrested for homicide.

Despite the tendency of released prisoners to be rearrested for the same type of crime for which they were released from prison, they were often rearrested for other crimes as well. Nearly a fifth of the released property and public-order offenders were rearrested for violent crimes during the followup period (table 9). Released property offenders were, however, much more likely than violent offenders to be rearrested for a property offense (49.8% compared to 32.1%). Except for released murderers, 20% or more of each type of released prisoner were subsequently arrested at least once for a public-order crime.

Number of prior arrests

Recidivism rates were strongly related to the number of prior adult arrests: the more extensive a prisoner's prior arrest record, the higher the rate of rearrest after release from prison (table 11). Prisoners with a greater number of prior adult arrests were also arrested more quickly than those with fewer prior adult arrests. Moreover, regardless of how long prisoners stayed away from rearrest following their release, those with longer prior records had higher rates of rearrest in subsequent time periods than those with shorter records.

More than a quarter of all prisoners released in 1983 had 11 or more prior adult arrests. (An adult arrest is one that occurred when the individual was of adult age, as defined by State law, or when the individual was a juvenile but charged or tried in court as an adult.) Nearly 75% of the prisoners with 11 to 15 prior arrests and 82.2% of those with 16 or more prior arrests were arrested again following their release from prison. Approximately three-quarters of those rearrested who had 11 or more prior arrests were rearrested within the first year.

In contrast, among those prisoners who had one previous arrest (9.1% of all released prisoners), approximately 38.1% were rearrested within 3 years. Nearly half of those rearrested among prisoners with one prior adult arrest were rearrested within the first year.

Cumulative percent of State prisoners released in 1983 who were rearrested by number of prior adult arrests, by 3-month intervals

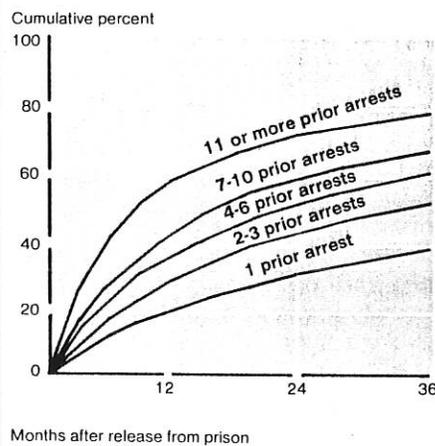


Figure 2

Table 11. Rearrest rates of State prisoners released in 1983, by number of prior adult arrests

Number of adult arrests prior to release*	Percent of all releases	Percent of releasees who were rearrested	
		Within 3 years	Within 1 year
All released prisoners	100.0%	62.5%	39.3%
1 prior arrest	9.1	38.1	19.0
2	10.8	48.2	25.5
3	10.8	54.7	30.1
4	9.7	58.1	35.5
5	8.0	59.3	33.4
6	7.0	64.8	38.2
7-10	18.8	67.7	42.0
11-15	11.9	74.9	53.3
16 or more	14.0	82.2	61.5

Note: The percents were based on 108,309 weighted cases with valid data on the number of prior adult arrests.
*An adult arrest is one that occurs when an individual is of adult age, as defined by State law, or when the individual is a juvenile but is charged or tried in court as an adult.

The percents of those rearrested among released prisoners were systematically related to the extensiveness of the prior records. For each 3-month interval during the followup period, the cumulative percent of those rearrested was higher for persons with more prior adult arrests (figure 2). Within the first 6 months, for example, released prisoners with 11 or more prior arrests were nearly 4 times more likely than those with 1 prior arrest and more than twice as likely as those with 2 or 3 prior arrests to have been rearrested for a new offense.

Failure rates, defined as the number rearrested within a 3-month period divided by the number not yet rearrested at the beginning of the period, were highest in the first several months following release from prison (table 12). Failure rates in the first 3 months after release were more than 3 times higher

than those in the last 3 months of the followup period (14.2% compared to 4.5%). In addition, in almost every 3-month period those prisoners with longer arrest records had higher failure rates. Even after 33 months, prisoners with 11 or more prior arrests were more than twice as likely as those with 1 prior arrest to be rearrested within the next 3 months (7.0% compared to 2.8%).

Table 12. Three-month failure rates of State prisoners released in 1983, by number of prior adult arrests

Time period after release	Of all prisoners not previously rearrested, the percent rearrested for the first time during each 3-month period after release, by number of prior arrests					
	All released prisoners	1 prior arrest	2-3 arrests	4-6 arrests	7-10 arrests	11 or more arrests
1-3 months	14.2%	5.1%	8.1%	11.7%	15.3%	24.1%
4-6	12.6	6.4	8.9	10.9	13.2	20.6
7-9	11.2	5.4	7.1	10.8	10.7	17.7
10-12	8.9	3.6	7.2	8.3	11.6	14.7
13-15	7.9	4.1	6.7	7.8	10.5	10.4
16-18	7.3	4.4	6.1	6.9	8.9	10.6
19-21	6.6%	3.4%	5.1%	6.9%	7.4%	9.4%
22-24	6.0	3.2	4.8	6.2	6.8	9.1
25-27	5.3	3.0	4.7	5.8	5.9	6.8
28-30	4.6	3.0	4.6	4.6	5.2	6.5
31-33	4.4	2.8	3.3	4.2	5.0	6.2
34-36	4.6	2.8	3.6	4.6	6.4	7.0

Note: For each percent the denominator is the number of released prisoners who had not been rearrested before the 3-month period, and the numerator is the number who were rearrested during the period.

The number of prior arrests remained a strong predictor of recidivism among released prisoners for both males and females, for each race or ethnic group, and for all age groups (tables 13 and 14). Within each sex and racial category, the percent rearrested among released prisoners increased with the number of prior adult arrests. The percentage rearrested was slightly lower among Hispanics with 7 to 10 prior arrests than those with 4 to 6 prior arrests, but the difference was not statistically significant.

Within each prior arrest group, recidivism rates varied by sex, race, ethnicity, and age. Except for prisoners with 7 to 10 prior arrests, men had higher rates of rearrest than women. Black prisoners had rearrest rates that were 8 to 14 percentage points higher than those for whites, depending on the number of prior arrests. Hispanic prisoners, who could be white or black, also had rates higher than those for non-Hispanic whites within every category of prior arrests.

Within each prior arrest category, older prisoners had lower rates of rearrest than younger prisoners. Released prisoners who had one prior adult arrest and were age 35 or older had the lowest recidivism rates of all prisoners: 6.8% of those age 35 to 39 and 12.1% of those age 40 or older were rearrested within 3 years. In contrast, an estimated 94.1% of the released prisoners who were age 18 to 24 and who had 11 or more prior arrests were rearrested during the followup period.

Age at first adult arrest

The age at which a released prisoner was first arrested and charged as an adult was inversely related to recidivism: the younger the age at first arrest, the higher the rate of recidivism (table 15). An estimated 72.2% of the prisoners first arrested before the age of 18 were rearrested within 3 years of their release, compared to 39.2% of those first arrested between age 25 and 29 and 26.6% of those first arrested at age 30 or older.

Previous studies have found a similarly strong relationship between the age at which a criminal career began and the probability of recidivism.² Because records of arrest and prosecution of juveniles were not reported in State or Federal criminal files, unless the offender was charged or tried in

Table 13. Rearrest rates of State prisoners released in 1983, by number of prior adult arrests, sex, and race or ethnicity

Number of prior adult arrests	Percent of State prisoners released in 1983 who were rearrested within 3 years				
	Sex		Race/ethnicity*		
	Male	Female	White non-Hispanic	Black non-Hispanic	Hispanic
All released prisoners	63.2%	51.9%	56.1%	67.1%	68.4%
1 prior arrest	39.5%	21.4%	31.1%	45.1%	40.9%
2-3	52.6	32.9	46.3	56.2	53.3
4-6	61.1	47.1	54.8	64.1	69.6
7-10	67.6	69.2	63.0	71.6	67.8
11 or more	79.0	76.5	73.2	81.4	84.5
Number of released prisoners	101,902	6,392	46,205	47,854	13,079

*Too few cases of other racial or ethnic groups existed to provide reliable estimates.

Table 14. Rearrest rates of State prisoners released in 1983, by age at time of release and number of prior adult arrests

Number of adult arrests prior to release	Percent of State prisoners released in 1983 who were rearrested within 3 years, by age at release					
	Age 17 or younger	18-24	25-29	30-34	35-39	Age 40 or older
All released prisoners	75.6%	68.0%	65.0%	63.0%	56.8%	43.7%
1 prior arrest	76.7%	48.6%	29.2%	24.8%	6.8%	12.1%
2-3	...	61.8	42.4	38.2	38.2	14.6
4-6	...	72.8	57.9	51.0	41.6	30.1
7-10	...	81.0	72.5	64.8	54.5	39.0
11 or more	...	94.1	87.6	80.5	76.0	61.2
Number of released prisoners	523	37,932	28,712	19,281	10,083	11,972

Note: Cases with missing data on the number of prior adult arrests or age at time of release were excluded. ...Too few cases to provide a reliable estimate.

Table 15. Rearrest rates of State prisoners released in 1983, by age at first adult arrest and number of prior adult arrests

Number of adult arrests prior to release	Percent of State prisoners released in 1983 who were rearrested within 3 years, by age at first arrest				
	Age 17 or younger	18-19	20-24	25-29	Age 30 or older
All released prisoners	72.2%	66.4%	55.1%	39.2%	26.6%
1 prior arrest	65.0%	53.5%	30.6%	15.9%	15.1%
2-3	62.1	56.5	46.4	35.5	22.8
4-6	68.6	61.2	55.7	45.4	32.4
7-10	69.3	69.3	65.3	60.2	41.9
11 or more	82.7	79.8	71.4	50.9	62.6
Number of released prisoners	35,837	38,058	22,470	6,653	4,783
Percent of all released prisoners	33.2%	35.3%	20.8%	6.2%	4.4%

Note: Cases with missing data on the number of prior adult arrests and age at first adult arrest were excluded.

court as an adult, an exact measure of the age at first arrest was not available. Nevertheless, more than 1 of every 4 released prisoners in 1983 had a record of an arrest before they were 18 years old. It should be noted that some

arrests may have occurred in States in which the age of majority is under 18.

Age at first adult arrest and recidivism were related regardless of the number of prior arrests. Within almost every category of prior arrests, the

²M. E. Wolfgang, R. Figlio, and T. Sellin, *Delinquency in a Birth Cohort* (Chicago: University of Chicago Press, 1972); *Recidivism of Young Parolees*, BJS Special Report, NCJ-104916, May 1987.

older the prisoners had been when first arrested, the lower the rate of rearrest following their release from prison. Among prisoners with one prior arrest, those first arrested at age 17 or younger were about 4.3 times more likely to be rearrested than those first arrested at age 30 or older. Among those with 11 or more prior arrests, those age 17 or younger when first arrested were nearly 1.3 times more likely than those age 30 or older to be rearrested. Overall, both age at first adult arrest and the number of prior arrests were related to the likelihood of rearrest among prisoners released in 1983.

Length and intensity of prior record

The length of a prisoner's criminal history, defined as the time between the first adult arrest and most recent prison admission prior to release in 1983, was also associated with recidivism (table 16). An estimated 51% of the prisoners who had been arrested for the first time in the year before their most recent admission to prison were rearrested within 3 years, compared to 62% or more rearrested among prisoners with longer criminal histories.

The intensity of prior record rather than length, however, was more strongly associated with the likelihood of a prisoner's rearrest. Prisoners with a large number of prior arrests in a short period of time were more likely to be rearrested than those with fewer prior arrests in a longer period of time. Within almost every prior arrest category, the longer the period of time over which the prior arrests occurred, the lower the percentage rearrested among released prisoners. Among prisoners with two or three prior arrests, for example, nearly 59% of those with a criminal history of a year or less were rearrested, compared to 26% of those with a criminal history of over 10 years.

Time served in prison

The amount of time served by prisoners on their most recent offense before their release in 1983 was not associated with an increased likelihood of their rearrest (table 17). Only the prisoners who had served the longest, the estimated 4.1% who had been in prison for more than 5 years, had lower rates of rearrest during the 3-year followup period. An estimated 48.3% of those who had served more than 5 years in prison were rearrested, compared to 59.0% or more of those who had served less time.

Table 16. Rearrest rates of State prisoners released in 1983, by length of criminal history and number of prior adult arrests

Number of adult arrests prior to release	Percent of State prisoners released in 1983 who were rearrested within 3 years, by length of criminal history*				
	12 months or less	13-24 months	25-60 months	61-120 months	More than 120 months
All released prisoners	50.9%	61.6%	66.0%	65.3%	64.3%
1 arrest	39.0%	37.5%	35.1%	22.8%	...
2-3	58.9	57.7	50.6	39.4	26.0
4-6	71.9	71.0	68.3	55.6	40.5
7-10	...	72.9	77.7	72.1	54.8
11 or more	92.2	83.8	75.7
Number of released prisoners	16,921	9,779	22,437	27,537	31,541
Percent of all released prisoners	15.6%	9.0%	20.7%	25.4%	29.1%

Note: Cases with missing data on the number of prior adult arrests, date of birth, and date of most recent admission before release in 1983 were excluded.
...Too few cases to provide a reliable estimate.

*Length of criminal history is defined as the number of months from the first adult arrest to the most recent admission to prison before release in 1983.

Table 17. Rearrest rates of State prisoners released in 1983, by time served in prison

Time served in prison	Percent of all first releases	Percent of prisoners rearrested within 3 years following a first release
6 months or less	14.5%	61.2%
7-12	27.7	64.6
13-18	18.3	63.0
19-24	12.8	64.6
25-30	8.3	60.7
31-36	5.2	61.3
37-60	9.0	59.0
61 months or more	4.1	48.3

Note: A first release, as defined here, includes only those offenders leaving prison for the first time since beginning their sentence. It excludes those who left prison in 1983 but who had previously been released under the same sentence and had returned to prison for violating the conditions of release. Figures on time served are based on 55,263 cases.

In general, despite controls for the effects of prior record, age when released, age at first adult arrest, and type of offense for which released, no relationship was found between recidivism and length of time served in prison (table 18). Within each of the groups considered, differences in the likelihood of rearrest among those who served varying amounts of time in prison were inconsistent and often statistically insignificant. Though prisoners who had served more than 5 years had lower rates of rearrest, in order to make reliable comparisons, they were grouped with all those who had served more than 3 years.

Regardless of the length of time prisoners had served, the number of prior arrests, age when released, and age when first arrested as an adult remained strong predictors of recidivism. Further, with the exception of prisoners who had served between 19 months and 24 months, released property offenders had higher rates of rearrest than violent offenders. In every category of time served, released drug offenders had the lowest rates of rearrest.

Other characteristics of prior record

Prior violent arrests

Recidivism rates were related to the prevalence of violence in the prior record (table 19). An estimated 52.1% of all prisoners released in 1983 had been arrested for a violent crime before the crime for which they were released in 1983. Regardless of the offense category for which they were released, prisoners with a prior arrest for a violent offense had a greater likelihood of rearrest than other released prisoners. More than 68% of those with a prior violent arrest, compared to 56.2% of other prisoners, were rearrested within 3 years of their release.

Prior incarceration

Approximately 2 of every 3 released prisoners had previously been incarcerated in prison or jail for a crime other than the one for which they had served time and were then released in 1983. Rearrest rates among prisoners who had been incarcerated before their most recent admission to prison were nearly 20 percentage points higher than the rates among prisoners who had been incarcerated for the first time.

Table 18. Rearrest rates of State prisoners released in 1983, by time served in prison and selected characteristics

	Percent of State prisoners released in 1983 who were rearrested within 3 years, by time served in prison					
	6 months or less	7-12 months	13-18 months	19-24 months	25-36 months	37 months or more
Number of prior adult arrests						
1 arrest	35.2%	42.9%	40.7%	41.9%	42.7%	25.6%
2-3	47.0	53.3	51.2	56.2	55.4	44.5
4-6	60.3	62.0	55.1	65.7	56.2	56.3
7-10	75.9	73.2	69.8	63.8	60.3	64.6
11 or more	81.2	82.7	82.0	78.5	75.3	72.7
Age when released						
19 or younger	72.8%	72.6%	81.4%	86.0%
20-24	63.7	68.1	65.7	71.9	68.9	64.1
25-29	60.8	66.4	65.1	62.8	63.8	62.9
30-34	61.1	68.0	59.6	67.6	60.9	56.5
35 or older	51.2	48.9	52.0	47.5	45.8	41.5
Age at first adult arrest						
17 or younger	78.6%	77.5%	77.9%	76.9%	70.7%	65.2%
18-19	63.1	70.0	68.2	68.1	64.7	65.0
20-24	55.1	56.1	52.2	60.2	54.2	44.0
25-29	39.7	44.9	40.1	38.2	25.9	15.1
30 or older	30.5	35.5	20.2	27.6	27.1	12.8
Most serious offense at release						
Violent	64.1%	61.5%	60.0%	68.5%	58.7%	53.9%
Property	66.4	69.5	69.4	66.5	68.8	64.8
Drug	45.0	53.3	45.8	50.6	43.1	47.2
Public-order	48.9	54.5	56.3	51.6	57.5	60.8

Note: Table includes only first releases with valid data on time served. Figures on number of prior arrests are based on 55,127 weighted cases; on age when released, 55,249; on age at first adult arrest, 54,877; and on most serious offense, 53,521.
 ...Too few cases to provide a reliable estimate.

Table 19. Rearrest rates of State prisoners in 1983, by most serious offense at release and selected characteristics of prior record

Characteristics of prior record	Percent of all releases	Percent of prisoners released in 1983 and rearrested within 3 years, by most serious offense at release				
		All offenses	Violent	Property	Drugs	Public-order
All released prisoners	100.0%	62.5%	59.6%	68.1%	50.4%	54.5%
Prior arrest for a violent offense						
Yes	52.1	68.3	63.5	75.8	64.4	59.1
No	47.9	56.2	53.1	61.8	39.4	48.1
Prior incarceration						
Yes	67.1	69.1	67.3	72.7	62.8	57.7
No	32.9	49.1	47.6	56.7	29.3	45.8
Prior escape or revocation of probation or of parole^a						
Yes	39.9	73.1	70.3	76.1	67.8	68.3
No	60.1	55.5	54.8	61.2	41.3	44.4
Prior arrest for a drug offense^b						
Yes	37.9	68.6	69.1	75.3	53.2	65.1
No	62.1	58.8	55.2	64.2	40.0	49.4

Note: Percents of all releases are based on 108,580 weighted cases, that is, all persons released in 1983 who survived to 1987.
^aIncludes escape, absconding, absent without leave, revocation of parole, mandatory release, furlough, other conditional release or probation, and flight to avoid prosecution.
^bPrisoners whose most serious offense when released was a drug offense were coded "no" if there was no prior drug arrest.

Prior escape or revocation

Almost 40% of all prisoners released in 1983 had at some time in their past escaped from custody, been absent without leave (AWOL) or had a prior parole or sentence to probation formally revoked. Approximately 73.1% of such prisoners were rearrested within the 3-year followup period. Depending on the type of crime for which they had served time in prison, these prisoners had rearrest rates that were about 15 to 26 percentage points higher than the rates among prisoners with no prior revocation or history of escape or AWOL.

Prior arrest for a drug offense

Based on the most serious offense at their release, an estimated 9.5% of all prisoners had served time for a drug offense. However, this figure underestimates the extent of prior drug arrests among these prisoners. Nearly 38% of all released prisoners either had previously been arrested for a drug offense or had been incarcerated for drugs in conjunction with a more serious offense before their release in 1983.

Prisoners with one or more prior drug arrests were more likely than those without a prior drug arrest to be rearrested within the 3-year followup period (68.6% compared to 58.8%). In addition, within each offense category for which prisoners were released, a prior drug arrest was associated with a higher rate of rearrest.

The relative effect of selected risk factors

Numerous factors have been found to be related to the likelihood of rearrest. These factors were considered independently. With the exception of controls for the number of prior adult arrests and most serious offense for which released, the relationships among these risk factors and their relative contribution to the likelihood of rearrest have not been examined.

To avoid misinterpretation of the findings, the impact of each risk factor should be evaluated relative to that of other factors. Such a multifactor examination might or might not reveal, for instance, that the higher rate of rearrest among certain types of property offenders than among violent offenders and drug offenders is the result of differences in the criminal histories or age composition of these offender groups rather than any unique attributes of the property offenders. In addition, the number of prior arrests, a

prior revocation or escape, a prior incarceration, a prior arrest for a violent offense, or a prior drug arrest may not be uniquely related to the likelihood of rearrest. The effects of these factors may overlap, and some effects may be more important than others.

Logit analysis separates the effects of the risk factors by simultaneously controlling for the relationship between each factor and the likelihood of rearrest. In logit equations, one variable is considered dependent upon variation induced by others. The odds of rearrest (that is, the ratio of the number rearrested to the number not rearrested) for each combination of categories among risk factors is a multiplicative function of the effects of these factors. When transformed by logarithms, the effects of these factors are additive.³

Eight of nine risk factors examined here have independent net effects on the odds of rearrest (table 20). The length of criminal history has no statistically significant effect, primarily due to its close relationship to age when released and number of prior arrests. The effects of the remaining eight factors are reported in descending order of their overall net impact: age when released is found to have the largest impact, followed by the number of prior arrests, prior escape or revocation, most serious offense, prior incarceration, age at first arrest, prior violent arrest, and prior drug arrest. The effects of age at first arrest, prior arrest for a violent offense, and prior drug arrest, though statistically significant, are relatively weak (adding between 0.5% and 1.5% to the overall fit to the data) and may be excluded from the final equation.

The estimated effects, or logit coefficients, show more precisely the magnitude and direction of the effect that each category among the risk factors has on the likelihood of rearrest. A positive coefficient implies an increase in the predicted logarithm of the odds (or log odds) of rearrest; a negative coefficient implies a decrease. The contribution to the predicted log odds of rearrest by prisoners who were age 24 or younger (.721) is larger than that by those with 7 or more prior arrests (.694), which in turn is larger than that by those with a prior escape or revocation (.224), those released

³For an elaboration of logit analysis as well as other log-linear techniques, see S.E. Feinberg, *The Analysis of Cross-Classified Data* (Cambridge: MIT Press, 1977); or D. Knoke and P.J. Burke, *Log-linear Models* (Beverly Hills: Sage Publications, 1980).

Table 20. The relationship of selected risk factors to the odds of rearrest within 3 years

Factor	Logistic coefficient ^a	
	Initial	Final
Overall level of rearrest ^b	.354	.317
Age when released		
24 or younger	.661	.721
25-34	.017*	.015*
35 or older	-.678	-.736
Number of prior adult arrests		
1-3 arrests	-.472	-.582
4-6	-.096	-.112
7 or more	.568	.694
Prior escape or revocation of probation or of parole		
Yes	.232	.224
No	-.232	-.224
Most serious offense for which released		
Robbery, burglary, larceny, motor vehicle theft, or stolen property	.179	.178
Other offenses	-.179	-.178
Prior incarceration		
Yes	.155	.175
No	-.155	-.175
Age at first arrest		
17 or younger	.178	--
18-20	-.026*	--
21 or older	-.152	--
Prior arrest for a violent offense		
Yes	.117	--
No	-.117	--
Prior arrest for a drug offense		
Yes	.068	--
No	-.068	--

Note: Coefficients are based on an equation in which the log of the odds of rearrest is predicted for each combination of categories among risk factors. Age at first arrest, prior violent arrest, and prior drug arrest are excluded from the final equation because they contribute only slightly to the overall fit of the equation. The final equation accounts for 95.1% of the change in the likelihood chi-square statistic from a baseline model of no effects (not shown).

*Not statistically significant.
--Excluded from the final prediction equation.

^aRepresents deviations from the overall level of rearrest.

^bRepresents the mean of the log odds in all cells of the cross-classification of risk factors.

after serving time for a high-risk offense (.178), and those with a prior incarceration (.175).

Taken together the coefficients imply that individuals with all five of the high-risk characteristics have more than a 10-to-1 odds of rearrest. To calculate these odds exactly, the coefficient for the overall level of rearrest and for each category are

summed (for example, $.721 + .694 + .224 + .178 + .175 + .317$ (a constant) = 2.309). The inverse of the natural logarithm of this sum provides an estimate of the odds, or 10.064 to 1. In terms of the predicted percent rearrested, these odds imply that 90.4% of the prisoners with these five characteristics will be rearrested within 3 years.

Estimates for released prisoners with other combinations of these five risk factors may also be computed. Individuals with the lowest risk of rearrest, for instance, are those who are age 35 or older, who had three or fewer prior arrests, who have no prior escape or revocation, who served time for a low-risk offense, and who had not been previously incarcerated. The estimated odds of rearrest for this low-risk group is .206 to 1, or 17.1%. The odds of rearrest for prisoners with other combinations of risk factors will vary between 17.1% and 90.4%.

The findings reveal that the odds of rearrest are predictable from each of the five factors. However, the findings do not suggest that the risk factors excluded from the equation are either statistically or substantively insignificant. Each is strongly related to the likelihood of rearrest but also related to one or more of the factors in the final equation. Age at first adult arrest, for instance, is related to both current age and the number of prior arrests. No attempt has been made to specify further the relationships among these factors. The final equation simply identifies the factors with the largest net effects on rearrest.

Overall, these findings should not be used to predict the future behavior of any individual; however, they may be used to predict the likelihood of rearrest for specific groups of released prisoners that are identified by particular characteristics. When interpreting these findings, the difference between risk assessment and the prediction of individual behavior must be kept in mind.⁴ The statistical test of the final equation was not based on the prospective number of "right" or "wrong" predictions from the classification of individuals on these characteristics. The equation merely provides an assessment of risk posed by released prisoners with specific characteristics.

⁴See L.W. Shannon, "Risk Assessment vs. Real Predictions: The Prediction Problem and Public Trust," *Journal of Quantitative Criminology* (June 1985) 1(2):159-189.

Methodology

Sample description

A sample of prisoners released in 1983 was obtained from records submitted by participating States in the National Corrections Reporting Program (NCRP). Individual corrections records were linked with records of arrests and prosecutions (rap sheets) maintained by the criminal identification bureaus in the 11 States. Rap sheet data on offenders who were arrested in more than one State were obtained from the Federal Bureau of Investigation.

The States represented in the sample were California, Florida, Illinois, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon, and Texas.

State and Federal rap sheets were found for 16,355 of the 18,374 prisoners in the original sample. Excluding the 159 prisoners who died during the followup period, complete records were obtained for 90% of the original sample. Most of the sampled prisoners with incomplete records did not have an FBI identification number in their corrections record or on the State rap sheet. Without this number, FBI rap sheets could not be obtained. There was no evidence of any systematic difference between those persons with complete records and those lacking either a State or FBI rap sheet.

Findings in this study are representative of an estimated 108,580 prisoners who were released in the 11 States and who were alive in 1987. Only released prisoners with sentences to State prison of greater than 1 year are included. Administrative releases, prisoners who were absent without leave (AWOL), escapees, transfers, releases on appeal, and those who died in prison are excluded from the sample.

A separate, self-representing sample of male and female prisoners was drawn within each of the participating States, except Minnesota, in which all released prisoners were selected. Within each gender group in the 10 sampled States, prisoners were grouped into 24 strata that were defined by categories of race, age, and type of offense. Prisoners were selected systematically from each strata to yield independent samples of males and females within each State.

To adjust for differences in the sampling rate among States and for differences among strata in the coverage of rap sheets, a series of weights

were introduced. The weights were applied so that individuals in each State and stratum were properly represented in the combined 11-State sample.

Comparison with the 1983 NCRP

Eight of the 11 selected States, excluding Florida, New Jersey, and New York, were among the 29 States participating in the 1983 National Corrections Reporting Program. Released prisoners in the 11 States closely resembled all those reported in the NCRP (Appendix table). The sex, race, age, and offense distributions were nearly identical in both groups of States. A slightly higher percentage of prisoners in the NCRP States than in the 11-State sample had served 6 months or less before their release in 1983 (16.8% compared to 14.5%). However, the difference may reflect longer time served by prisoners in Florida, New Jersey, and New York rather than sampling error.

Precision of the sample

Overall, the 95% confidence interval for the percent of all released prisoners who were rearrested within 3 years (62.5%) was approximately plus or minus 1 percentage point. The precision of other estimates varied by item, size of the estimate, and sample size for each group. The precision of estimates of the percent rearrested based on 1,000 sampled prisoners, for example, varied between 2% and 3.5%, depending on the percent rearrested.

Additional details on the sampling procedures and precision of the sample are available upon request. Unless otherwise noted, differences cited in the text between groups of released prisoners were statistically significant at the 95% confidence level.

Coverage of criminal-history files

Criminal-history information maintained by the State identification bureaus and the FBI includes all felonies and serious misdemeanors. These files exclude arrests and court actions involving charges such as drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, false fire alarms, unspecified charges of suspicion or investigation, and traffic violations (except manslaughter, driving under the influence of drugs or liquor, and hit-and-run, which are included in the files).

Information on offenses committed by juvenile offenders is not reported in the rap sheets unless the offender was

charged or tried in court as an adult. Consequently, all figures presented in this report refer to adult arrests only.

Arrests for serious offenses are not always recorded in the criminal-history files, largely because of the absence of readable fingerprint cards. To correct for this underreporting, incarceration records lacking prior arrest records were counted as arrests in the calculation of rearrest rates, time to first rearrest, and the number of prior adult arrests.

Offenses

The offenses reported in the criminal-history files were recoded following definitions outlined in BJS Crime Definitions, which is available upon request. For each arrest in the files, the total number of charges and counts was recorded. However, the type of charge, disposition, and sentence were coded on a maximum of six charges per arrest. For prisoners released in 1983 after serving time in prison for more than one offense, the offense with the longest sentence was defined as the most serious.

Bureau of Justice Statistics Special Reports are prepared principally by BJS staff. Allen J. Beck and Bernard E. Shipley wrote this report. It was edited by Thomas Hester. John Dawson, Christopher Innes, and Jacob Perez provided statistical assistance. Dorothea Proctor assisted in survey production. Marilyn Marbrook, publications unit chief, administered report production, assisted by Sophie Bowen, Jeanne Harris, Yvonne Shields, and Jayne Pugh. The Regional Justice Information Service (REJIS) of St. Louis, Missouri, processed the data.

April 1989, NCJ-116261

The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Appendix table. Comparison of 11-State sample with 29 States in the 1983 National Corrections Reporting Program (NCRP), by characteristics of released prisoners

Selected characteristic	Percent of all prisoners released in 1983	
	11-State sample	29 States in NCRP
Sex		
Male	94.1%	93.2%
Female	5.9	6.8
Race		
White	54.1%	54.2%
Black	45.1	44.8
Other	.8	1.0
Age		
17 or younger	.5%	.5%
18-24	35.0	35.4
25-29	26.5	26.5
30-34	17.7	17.1
35-39	9.3	9.3
40-44	4.8	4.9
45 or older	6.2	6.3
Most serious offense for which released		
Violent	34.6%	32.5%
Property	48.3	51.0
Drug	9.5	8.2
Public-order	6.4	6.9
Other	1.1	1.3
Time served in prison before release^a		
6 months or less	14.5%	16.8%
7-12	27.7	27.3
13-18	18.3	17.3
19-24	12.8	12.3
25-30	8.3	7.5
31-36	5.2	5.0
37-60	9.0	9.0
61 months or more	4.1	4.8
Number of released prisoners^b	108,580	120,368
Percent of all released State prisoners, nationwide	57.3%	62.9%

Note: Data include only those prisoners who had sentences longer than 1 year and who were released from correctional custody in 1983. Administrative releases, AWOLs, escapees, transfers, releases on appeal, and deaths were excluded.

^aBased on first-releases only.

^bThe 11-State sample includes only released prisoners in 1983 who were alive in 1987; for the NCRP States, all prison releases are included. Figures for the 11-State sample are based on weighted data.

Drugs & Crime Data

Data Center &
Clearinghouse for
Drugs & Crime



Illicit drugs— Cultivation to consequences

The worldwide drug business

Cultivation & production
Foreign
Domestic

Distribution
Export
Transshipment
Import into U.S.

Finance
Money laundering
Profits

The fight against drugs

Enforcement
Border interdiction
Investigation
Seizure & forfeiture
Prosecution

Consumption reduction
Prevention
Education
Treatment

Consequences of drug use

Abuse
Addiction
Overdose
Death

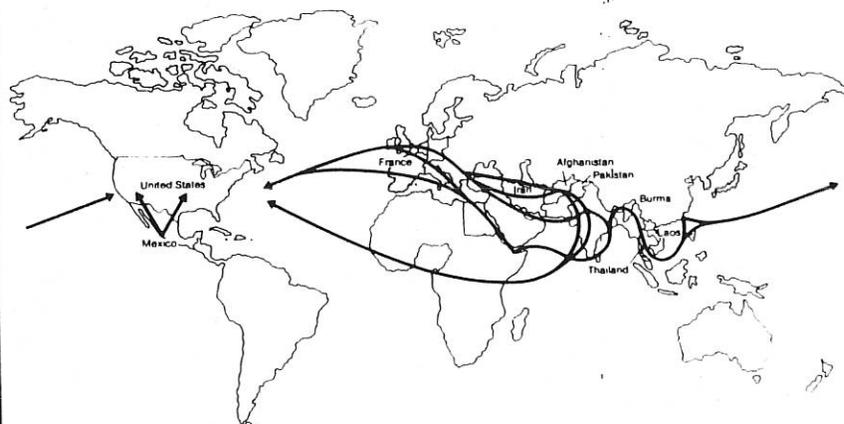
Crime
While on drugs
For drug money
Trafficking

Impact on justice system

Social disruption

The Data Center & Clearinghouse for Drugs & Crime is funded by the Bureau of Justice Assistance and directed by the Bureau of Justice Statistics of the U.S. Department of Justice.

Major heroin smuggling routes into the United States



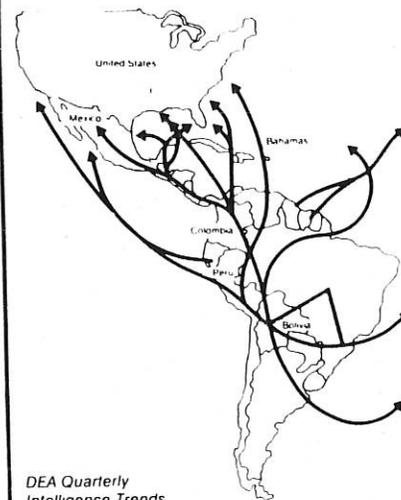
DEA Quarterly Intelligence Trends

One free phone call can give you access to a growing data base on drugs & crime

The new Data Center & Clearinghouse for Drugs & Crime is managed by the Bureau of Justice Statistics. To serve you, the center will —

- **Respond** to your requests for drugs and crime data.
- **Let you know** about new drugs and crime data reports.
- **Send** you reports on drugs and crime.
- **Conduct** special bibliographic searches for you on specific drugs and crime topics.
- **Refer** you to data on epidemiology, prevention, and treatment of substance abuse at the National Clearinghouse for Alcohol and Drug Information of the Alcohol, Drug Abuse, and Mental Health Administration.
- **Publish** special reports on subjects such as assets forfeiture and seizure, economic costs of drug-related crime, drugs and violence, drug laws of the 50 States, drug abuse and corrections, and innovative law enforcement reactions to drugs and crime.
- **Prepare** a comprehensive, concise report that will bring together a rich array of data to trace and quantify the full flow of illicit drugs from cultivation to consequences.

Major cocaine smuggling routes into the United States



DEA Quarterly Intelligence Trends

Call now and speak to a specialist in drugs & crime statistics:

1-800-666-3332

Or write to the Data Center & Clearinghouse for Drugs & Crime
1600 Research Boulevard
Rockville, MD 20850

Bureau of Justice Statistics reports

(revised April 1989)

Call toll-free 800-732-3277 (local 301-251-5500) to order BJS reports, to be added to one of the BJS mailing lists, or to speak to a reference specialist in statistics at the Justice Statistics Clearinghouse, National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850.

BJS maintains the following mailing lists:

- Drugs and crime data (new)
- White-collar crime (new)
- National Crime Survey (annual)
- Corrections (annual)
- Juvenile corrections (annual)
- Courts (annual)
- Privacy and security of criminal history information and information policy
- Federal statistics (annual)
- BJS bulletins and special reports (approximately twice a month)
- Sourcebook of Criminal Justice Statistics (annual)

Single copies of reports are free; use NCJ number to order. Postage and handling are charged for bulk orders of single reports. For single copies of multiple titles, up to 10 titles are free; 11-40 titles \$10; more than 40, \$20; libraries call for special rates.

Public-use tapes of BJS data sets and other criminal justice data are available from the National Archive of Criminal Justice Data (formerly CJAIN), P.O. Box 1248, Ann Arbor, MI 48106 (toll-free 1-800-999-0960).

National Crime Survey

Criminal victimization in the U.S.:

- 1986 (final report), NCJ-111456, 9/88
- 1985 (final report), NCJ-104273, 5/87
- 1984 (final report), NCJ-100435, 5/86
- 1983 (final report), NCJ-96459, 10/85

BJS special reports:

- The redesigned National Crime Survey: Selected new data, NCJ-114746, 1/89
- Motor vehicle theft, NCJ-109978, 3/88
- Elderly victims, NCJ-107676, 11/87
- Violent crime trends, NCJ-107217, 11/87
- Robbery victims, NCJ-104638, 4/87
- Violent crime by strangers and nonstrangers, NCJ-103702, 1/87
- Preventing domestic violence against women, NCJ-102037, 8/86
- Crime prevention measures, NCJ-100438, 3/86
- The use of weapons in committing crimes, NCJ-99643, 1/86
- Reporting crimes to the police, NCJ-99432, 12/85
- Locating city, suburban, and rural crime, NCJ-99535, 12/85
- The risk of violent crime, NCJ-97119, 5/85
- The economic cost of crime to victims, NCJ-93450, 4/84
- Family violence, NCJ-93449, 4/84

BJS bulletins:

- Criminal victimization 1987, NCJ-113587, 10/88
- Households touched by crime, 1987, NCJ-111240, 5/88
- The crime of rape, NCJ-96777, 3/85
- Household burglary, NCJ-96021, 1/85
- Violent crime by strangers, NCJ-80829, 4/82
- Crime and the elderly, NCJ-79614, 1/82
- Measuring crime, NCJ-75710, 2/81

BJS technical reports:

- New directions for the NCS, NCJ-115571, 3/89
- Series crimes: Report of a field test, NCJ-104615, 4/87
- Lifetime likelihood of victimization, NCJ-104274, 3/87
- Response to screening questions in the NCS, NCJ-97624, 7/85

• U.S. G.P.O. 1989-241-693:00005

Preliminary data from the National Crime Survey, 1988 (press release), 4/89

Redesign of the National Crime Survey, NCJ-111457, 3/89

The seasonality of crime victimization, NCJ-111033, 6/88

Crime and older Americans information package, NCJ-104569, \$10, 5/87

Teenage victims, NCJ-103138, 12/86

Victimization and fear of crime: World perspectives, NCJ-93872, 1/85, \$9.15

The National Crime Survey: Working papers, vol. I: Current and historical perspectives, NCJ-75374, 8/82
vol. II: Methodological studies, NCJ-90307, 12/84

Corrections

BJS bulletins and special reports:

- Prisoners in 1988, NCJ-116315, 4/89
- Recidivism of prisoners released in 1983, NCJ-116261, 4/89
- Capital punishment 1987, NCJ-111939, 7/88
- Drug use and crime: State prison inmate survey, 1986, NCJ-111940, 7/88
- Time served in prison and on parole 1984, NCJ-108544, 1/88
- Profile of State prison inmates, 1986, NCJ-109926, 1/88
- Imprisonment in four countries, NCJ-103967, 2/87
- Population density in State prisons, NCJ-103204, 12/86
- State and Federal prisoners, 1925-85, 102494, 11/86
- Prison admissions and releases, 1983, NCJ-100582, 3/86
- Examining recidivism, NCJ-96501, 2/85
- Returning to prison, NCJ-95700, 11/84
- Time served in prison, NCJ-93924, 6/84

Correctional populations in the U.S.:

- 1986, NCJ-111611, 2/89
- 1985, NCJ-103957, 2/88
- Historical statistics on prisoners in State and Federal institutions, yearend 1925-86, NCJ-111098, 6/88
- 1984 census of State adult correctional facilities, NCJ-105585, 7/87
- Historical corrections statistics in the U.S., 1850-1984, NCJ-102529, 4/87

1979 survey of inmates of State correctional facilities and 1979 census of State correctional facilities:

BJS special reports:

- The prevalence of imprisonment, NCJ-93657, 7/85
 - Career patterns in crime, NCJ-88672, 6/83
- BJS bulletins:
- Prisoners and drugs, NCJ-87575, 3/83
 - Prisoners and alcohol, NCJ-86223, 1/83
 - Prisons and prisoners, NCJ-80697, 2/82
 - Veterans in prison, NCJ-79232, 11/81

Census of jails and survey of jail inmates:

- BJS bulletins and special reports:
- Jail inmates, 1987, NCJ-114319, 12/88
- Drunk driving, NCJ-109945, 2/88
- Jail inmates, 1986, NCJ-107123, 10/87
- The 1983 jail census, NCJ-95536, 11/84

Census of local jails, 1983: Data for individual jails, vols. I-IV, Northeast, Midwest, South, West, NCJ-112796-9; vol. V, Selected findings, methodology, summary tables, NCJ-112795, 11/88

Our crowded jails: A national plight, NCJ-111846, 8/88

Parole and probation

BJS bulletins:

- Probation and parole: 1987, NCJ-113948, 11/88
- 1986, NCJ-108012, 12/87
- 1985, NCJ-103683, 1/87
- Setting prison terms, NCJ-76218, 8/83

BJS special reports:

- Time served in prison and on parole, 1984, NCJ-108544, 1/88
- Recidivism of young parolees, NCJ-104916, 5/87

Children in custody

Census of public and private juvenile detention, correctional, and shelter facilities, 1975-85, NCJ-114065, 5/89

Survey of youth in custody, 1987 (special report), NCJ-113365, 9/88

Public juvenile facilities, 1985 (bulletin), NCJ-102457, 10/86

1982-83 census of juvenile detention and correctional facilities, NCJ-101686, 9/86

Expenditure and employment

BJS bulletins:

- Justice expenditure and employment: 1985, NCJ-104460, 3/87
- 1983, NCJ-101776, 7/86
- 1982, NCJ-98327, 8/85

Justice expenditure and employment:

- Extracts, 1982 and 1983, NCJ-106629, 8/88
- Extracts, 1980 and 1981, NCJ-96007, 6/85
- 1971-79, NCJ-92596, 11/84

Courts

BJS bulletins:

- Felony sentences in State courts, NCJ-115210, 2/89
- Criminal defense for the poor, 1986, NCJ-112919, 9/88
- State felony courts and felony laws, NCJ-106273, 8/87
- The growth of appeals: 1973-83 trends, NCJ-96381, 2/85
- Case filings in State courts 1983, NCJ-95111, 10/84

BJS special reports:

- Felony case-processing time, NCJ-101985, 8/86
- Felony sentencing in 18 local jurisdictions, NCJ-97681, 6/85
- The prevalence of guilty pleas, NCJ-96018, 12/84
- Sentencing practices in 13 States, NCJ-95399, 10/84

Sentencing outcomes in 28 felony courts, NCJ-105743, 8/87

National criminal defense systems study, NCJ-94702, 10/86

The prosecution of felony arrests:

- 1982, NCJ-106990, 5/88
- 1981, NCJ-101380, 9/86, \$7.60

Felony laws of the 50 States and the District of Columbia, 1986,

- NCJ-105066, 2/88, \$14.70
- State court model statistical dictionary, Supplement, NCJ-98326, 9/85
- 1st edition, NCJ-62320, 9/80

Privacy and security

Compendium of State privacy and security legislation:

- 1987 overview, NCJ-111097, 9/88
- 1987 full report (1,497 pages, microfiche only), NCJ-113021, 9/88

Criminal Justice Information Policy:

- Strategies for improving data quality, NCJ-115339, 5/89

Public access to criminal history record information, NCJ-111458, 11/88

Juvenile records and recordkeeping systems, NCJ-112815, 11/88

Automated fingerprint identification systems: Technology and policy issues, NCJ-104342, 4/87

Criminal Justice "hot" files, NCJ-101850, 12/86

Crime control and criminal records (BJS special report), NCJ-99176, 10/85

State criminal records repositories (BJS technical report), NCJ-99017, 10/85

Data quality of criminal history records, NCJ-98079, 10/85

Victim/witness legislation: An overview, NCJ-94365, 12/84

Proceedings of BJS/SEARCH conference:

Open vs. confidential records, NCJ-113560, 11/88

Data quality policies and procedures, NCJ-101849, 12/86

Information policy and crime control strategies, NCJ-93926, 10/84

Computer crime

BJS special reports:

- Electronic fund transfer fraud, NCJ-96666, 3/85
- Electronic fund transfer and crime, NCJ-92650, 2/84
- Electronic fund transfer systems fraud, NCJ-100461, 4/86
- Electronic fund transfer systems and crime, NCJ-83736, 9/82
- Expert witness manual, NCJ-77927, 9/81, \$11.50

Federal justice statistics

The Federal civil justice system (BJS bulletin), NCJ-104769, 7/87

Employer perceptions of workplace crime, NCJ-101851, 7/87, \$6

Federal offenses and offenders

BJS special reports:

Drug law violators, 1980-86, NCJ-111763, 6/88

Pretrial release and detention: The Bail Reform Act of 1984, NCJ-109929, 2/88

White-collar crime, NCJ-106876, 9/87

Pretrial release and misconduct, NCJ-96132, 1/85

BJS bulletins:

- Bank robbery, NCJ-94463, 8/84
- Federal drug law violators, NCJ-92692, 2/84

General

BJS bulletins and special reports:

- Profile of State and local law enforcement agencies, NCJ-113949, 3/89
- International crime rates, NCJ-110776, 5/88
- Tracking offenders, 1984, NCJ-109686, 1/88
- BJS telephone contacts '87, NCJ-102909, 12/86
- Tracking offenders: White-collar crime, NCJ-102867, 11/86
- Police employment and expenditure, NCJ-100117, 2/86
- Tracking offenders: The child victim, NCJ-95785, 12/84

BJS data report, 1988, NCJ-116262, 5/89

BJS annual report, fiscal 1988, NCJ-115749, 4/89

Sourcebook of criminal justice statistics, 1987, NCJ-111612, 9/88

Report to the Nation on crime and justice:

Second edition, NCJ-105506, 6/88

Technical appendix, NCJ-112011, 8/88

Drugs & crime data: Rolodex card, 800-666-3332, 8/88

Data center & clearinghouse brochure, BC-000092, 2/88

Criminal justice microcomputer guide and software catalog, NCJ-112178, 8/88

Proceedings of the third workshop on law and justice statistics, NCJ-112230, 7/88

1986 directory of automated criminal justice information systems, NCJ-102260, 1/87, \$20

Publications of BJS, 1971-84: A topical bibliography, TB030012, 10/86, \$17.50

BJS publications: Selected library in microfiche, 1971-84, PR030012, 10/86, \$203 domestic

National survey of crime severity, NCJ-96017, 10/85

Criminal victimization of District of Columbia residents and Capitol Hill employees, 1982-83, NCJ-97982;

Summary, NCJ-98567, 9/85

How to gain access to BJS data (brochure), BC-000022, 9/84

See order form on last page

To be added to any BJS mailing list, copy or cut out this page, fill it in and mail it to:

Justice Statistics Clearinghouse/NCJRS
U.S. Department of Justice
User Services Department 2
Box 6000
Rockville, MD 20850

You will receive an annual renewal card. If you do not return it, we must drop you from the mailing list.

If the mailing label below is correct, check here and do not fill in name and address.

Name:

Title:

Organization:

Street or box:

City, State, Zip:

Daytime phone number: ()

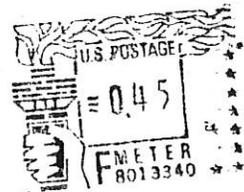
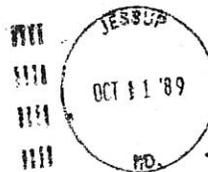
Interest in criminal justice (or organization and title if you put home address above):

Please put me on the mailing list for—

- Justice expenditure and employment reports--annual spending and staffing by Federal/State/local governments and by function (police, courts, etc.)
- White-collar crime--data on the processing of Federal white-collar crime cases
- Privacy and security of criminal history information and information policy--new legislation; maintaining and releasing intelligence and investigative records; data quality issues
- Federal statistics--data describing Federal case processing, from investigation through prosecution, adjudication, and corrections
- Juvenile corrections reports--juveniles in custody in public and private detention and correctional facilities
- Drugs and crime data--sentencing and time served by drug offenders, drug use at time of crime by jail inmates and State prisoners, and other quality data on drugs, crime, and law enforcement
- BJS bulletins and special reports--timely reports of the most current justice data
- Prosecution and adjudication in State courts--case processing from prosecution through court disposition, State felony laws, felony sentencing, criminal defense
- Corrections reports--results of sample surveys and censuses of jails, prisons, parole, probation, and other corrections data
- National Crime Survey reports--the only regular national survey of crime victims
- Sourcebook of Criminal Justice Statistics (annual)--broad-based data from 150+ sources (400+ tables, 100+ figures, index)
- Send me a form to sign up for NIJ Reports (issued free 6 times a year), which abstracts both private and government criminal justice publications and lists conferences and training sessions in the field.

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

Official Business
Penalty for Private Use \$30



Washington, D.C. 20531

SS217954
DAVID RUSCH
9837 PAWNEE
LEANOOD
LEANOOD

KS 66206-

BEYOND WILLIE HORTON

The Battle of the Prison Bulge

RICHARD B. ABELL

Two good ideas—fiscal conservatism and getting tough with criminals—are on a collision course. Responding to public outrage about crime and to the realization that criminal rehabilitation usually doesn't work, state legislatures have been enacting tougher sentencing practices for repeat offenders. The legislators want to eliminate revolving-door justice, to redefine "life sentence" as more than parole in three to five years. But these worthy goals are threatened by prison crowding and the reluctance of taxpayers to appropriate scarce resources for new prison construction and rehabilitation of old facilities.

At the end of 1987, more than 40,000 people were being held in a federal prison system designed to hold 29,000 inmates. The state prison population, up 75 percent since the end of 1980, stood at 533,000, in facilities intended for 436,000 to 501,000 inmates. The entire corrections departments of eight states were under court order or consent decree to relieve prison crowding. Another 27 states plus the District of Columbia were operating at least one facility under similar court order or consent decree. There simply isn't room for all the criminals who should be locked up.

New prison construction has been held back by its astronomical costs—typically between \$50,000 and \$100,000 per bed space. When operational costs are added and amortized over the life of a facility, a sentence of one person for one year will average about \$25,000. In 1985, according to the Bureau of Justice Statistics (BJS), state governments spent \$8.9 billion (or 55 percent of their entire justice system expenditures) on corrections facilities. Of that amount, 13.4 percent was spent on capital outlays including prison construction, double the percentage in 1974. Sticker-shocked legislators understandably balk at these prices and are reluctant to turn to taxpayers for additional revenues.

But the costs of *not* building new prisons are even steeper. By now the nation is well aware of the crimes of Willie Horton, who repeatedly raped a Maryland woman and tortured her fiancé while on furlough from his first-degree-murder sentence in Massachusetts. It is less well-known that thousands of other convicted felons are prematurely released because of prison crowding. Many are never even imprisoned.

Precise figures are hard to come by because states are

reluctant to provide information on early prison releases. In 1985, according to the BJS, 19 states reported 18,617 early releases because of crowding. Between 1986 and 1987, the prison population in states entirely under court order increased by only 3.2 percent, compared with an increase of 8.5 percent in states not experiencing court intervention. Buried in these statistics are countless personal tragedies that could have been avoided.

Wayne Lamarr Harvey participated in the brutal shotgun killing of two people in a Detroit bar in December 1975. A plea-bargain reduced his two first-degree murder charges to second degree, and he was given a 20- to 40-year prison sentence. On the day he entered prison, he was automatically granted nine and a half years of "good-time" credits, which he was allowed to keep despite 24 major prison rule violations during his incarceration. His minimum sentence was further reduced by two years under Michigan's "Prison Overcrowding Emergency Powers Act," which went into effect in 1980 after voters rejected a \$300 million bond issue for further prison construction. Harvey was paroled to a halfway house in July 1984 after serving eight and a half years of his original minimum sentence. On October 25, 1984, Harvey and a female halfway-house escapee killed a 41-year-old East Lansing police officer and father of six, then proceeded to a nearby home where Harvey shot and killed a 33-year-old woman as she opened the front door. The two were later apprehended as they were attempting to jump start their last victim's car.

John Butsinas, imprisoned in Michigan on two breaking-and-entering charges, was paroled in February 1984 after receiving 370 days of early release credit. When last apprehended in October 1984, he confessed to having burglarized about 500 homes since April 1984 to help support a \$2,000-a-day cocaine habit. According to Butsinas, "If I had did it right, I'd have never had to work again a day in my life. . . . Oh, Jesus Christ, the money."

The state of Texas, which operates under a consent decree for prison crowding and has been forced to close its prison gates several times since 1981, has been under substantial pressure to let existing inmates go to make room

RICHARD B. ABELL is assistant attorney general in charge of the Office of Justice Programs.

for new crimes. Jerry McFadden, also known as "the Animal," had been sentenced to 15 years in January 1981 for aggravated sexual abuse. He was let out under mandatory release in July 1985 after accumulating the maximum amount of "good-time" credits. On May 5, 1986, McFadden robbed a young couple at gunpoint near a lake in rural Hawkins, Texas. Later that same day, three recent high school graduates, who were picnicking by the lake, were shot and killed. McFadden was convicted of armed robbery and sentenced to life for the first incident. He was convicted of the rape and murder of one of the three picnickers, but as there were no eyewitnesses and the gun was not found, he was not convicted in the other two killings. While awaiting trial, McFadden escaped from a local jail, taking a female police officer hostage. After leading Texas lawmen on an incredible three-day manhunt, he was finally captured. McFadden is currently on Texas's death row, pending appeal.

Tough mandatory sentencing is supposed to avert such tragedies. But with too few prison cells, we have created a game of musical chairs that all too often puts the criminal on the wrong side of the wall. We must not allow capacity problems to drive judgments about who should be locked up and who let go.

Felony Probation

A BJS study of prison entrants in 1979 found that, at the time of their admission, 28 percent would still have been in prison on an earlier conviction if they had served their maximum prior sentence. The study found that these "avertable recidivists" accounted for approximately 20 percent of the violent crimes committed by all those sent to prison that year as well as 28 percent of the burglaries and auto thefts, and 31 percent of the stolen property offenses.

Avvertable recidivism has almost certainly risen in recent years, as probation, parole, and early release have been used increasingly as a release valve for bulging prisons, even when it means placing dangerous offenders back on the streets. The probation and parole population grew by more than 40 percent from 1983 through 1987, whereas the number of men and women in jails and prisons increased by 33 percent. Today, over one-third of the nation's adult probation population are convicted felons.

In Texas, in 1987, the average inmate was released after serving less than one quarter of his sentence; by comparison, in 1982, inmates were released after serving over half their sentences. It is now possible to be released on parole after serving three months of a two-year term, 7.6 months of a five-year term, and 15.2 months of a 10-year sentence.

What happens when convicted felons receive probation instead of a prison sentence? A study commissioned by the National Institute of Justice tracked 1,672 felons put on probation in California's Los Angeles and Alameda Counties in 1983. Over a 40-month period, 65 percent of the probationers were rearrested and 53 percent had official charges filed against them. "Of these charges," explains the criminologist Joan Petersilia, "75 percent involve burglary or theft, robbery, or other violent crimes—the crimes most threatening to public safety." Fifty-one percent of the sam-

ple were reconvicted—18 percent for homicide, rape, weapons offenses, assault, or robbery; and 34 percent eventually were returned to jail or prison.

The Price of Thuggery

The price of prison construction should be weighed against the price paid for the premature release of hardened offenders as the result of prison crowding. Though still a developing discipline, an emerging methodology is attempting to estimate how many crimes a hypothetical offender commits and how much each of those crimes costs society.

The FBI reports data on victim losses for various crimes. For example, the white-collar crime cases filed in federal court in the year ending September 30, 1985, included 140

New prisons cost between \$50,000 and \$100,000 per bed space. But the costs of *not* building new prisons are even steeper.

crimes involving over \$1 million. Sixty-four persons were charged with crimes involving over \$10 million. In the larceny-theft category reported losses averaged: \$248 for pocket-picking; \$208 for purse snatching; \$86 for shoplifting; \$646 for thefts from buildings; \$428 for thefts from motor vehicles. Automobile theft averaged \$4,888 each, with a national loss of \$6 billion.

Figure 1 lists the number of crimes in 1983, and estimates some of the costs to society of criminal activity during the same year. Dividing the number of victimizations (42.5 million) into the costs of crime to society (\$99 billion) leads to a social cost of \$2,300 per crime.

An offender's rap sheet may list only one or two convictions and a few arrests. But interviews with offenders suggest that the typical convict has committed hundreds of crimes.

Figure 1
Social costs of crime

Crimes—1983 (Millions)	Expenditures—1983 (\$ billions)	
Violence	5.0	
Robbery	1.4	
Burglary	7.5	
Larceny	27.4	
Theft	1.2	
Total	42.5	
	Firearms	0.3
	Guard dogs	4.2
	Victim losses	35.4
	Criminal justice	33.8
	Commercial security	26.1
	Total	99.8
(Missing: Homicides, white collar, underground economy)	(Missing: Residential security, opportunity costs, indirect costs)	

A Rand Corporation survey of 2,190 offenders in three states found that professional burglars averaged between 76 and 118 burglaries per year. Lesser larcenists such as shoplifters and pickpockets averaged between 135 and 202 thefts per year. Ten percent of offenders committed over 600 crimes per year and about half the sample committed fewer than 15 crimes per year. The broad disparity between individual offender behavior should make us cautious about suggesting an average number of offenses per prisoner. The overall average for all crimes in the Rand study ranged between 187 and 287 per year.

A Bureau of Justice Statistics study of prison entrants in 1979 found that, at the time of their admission, 28 percent would still have been in prison on an earlier conviction if they had served their maximum prior sentence.

Some simple arithmetic leads to a rough estimate of the annual damage wrought by a hypothetical offender. Multiplying the average cost of crime (\$2,300) by the average number of offenses (187, the low end of the range), we find that a typical offender in the survey is responsible for \$430,000 in crime costs. The cost to imprison this offender for one year is \$25,000. Thus, a year in prison costs \$405,000 less than a year of criminal activity. For 100 such offenders, the savings would be \$40.5 million. A year of crime is 17 times more expensive for society than a year in prison.

Even if we take the lower end of the range and halve it, assuming 93 annual crimes per offender, the costs to society are \$213,900 per offender, or \$188,900 more than a year of incarceration. These estimates are very rough, of course, but they suggest that the costs of prison construction are several times lower than the costs to society of non-imprisonment.

Non-quantifiable Costs of Crime

Crime victims readily tally the direct costs of crime, out-of-pocket expenses, replacement of stolen property, lost time to report the crime or testify in court, medical costs, or emotional trauma. But there are indirect costs of crime that are difficult to quantify. Precautionary measures are undertaken to reduce the likelihood of repeat victimization. This can take the form of altered travel patterns or a wide range of locks and alarms, use of safe deposit boxes, purchase of steel doors. Polling data indicate that half of all Americans report that they cannot walk at night in their own neighborhoods without fear of crime. In Chicago and Boston, 60 percent of households have altered behavioral

patterns because of crime rates. Crime avoidance costs taxpayers scarce time that could otherwise be spent on leisure or work.

Businesses pass on their direct cost of crime, which become indirect costs to consumers. The price of security and of stolen or shoplifted goods is paid by consumers. Banks pass on credit card fraud in the form of higher rates. Check kiting results in greater security at banks, which slows customer service at the teller window. Some businesses in high-crime areas must close their doors at night, creating inconvenience for residents who work during the day and leaving limited opportunities for part-time work by students.

Criminal justice professionals can also lose morale. In a recent survey by the *National Law Review*, prosecutors ranked the shortage of prison space as the number one problem in the war against drug traffickers. "It is hard to keep going after these guys when judges have no place to put them," commented one prosecutor.

The indirect costs of crime and the perception that government cannot protect the public creates a community environment that is unattractive to business, tourists, and residents. Citizens figure "why bother" reporting crime when little or nothing will happen to the offender. Once a community falls into this malaise, the resulting exodus lowers the tax base, stymies economic development, and raises the cost of social services.

Though the dollar amount of indirect costs of crime is nearly impossible to quantify, the causal connection between crime and altered behavior is clear. These costs will be incurred somewhere, either by a prudent use of taxpayer resources to build enough prison space or by citizens who must purchase their own iron bars to protect themselves from crime.

Lost Deterrence

To most drug dealers the prospect of making millions far outstrips the risk of a three-year prison sentence with a chance of parole in 18 months. A 15-year mandatory sentence with no chance of parole would send a dramatically different message.

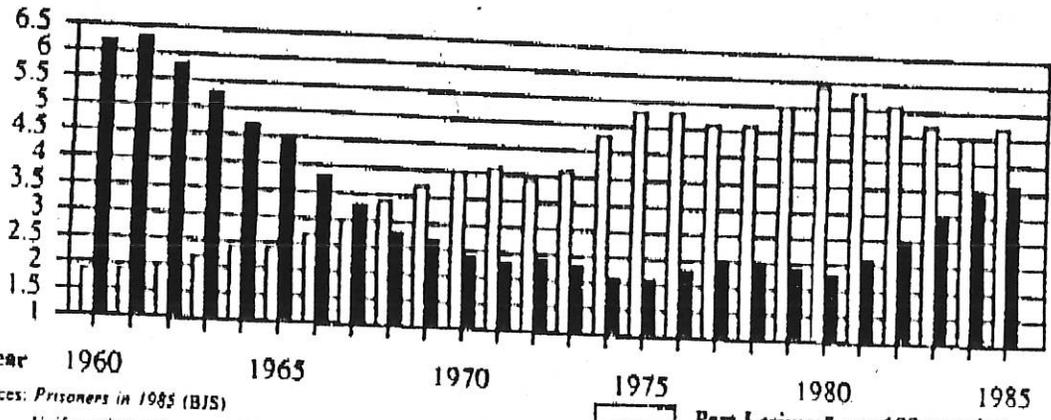
If the threat of prison is to discourage persons from becoming criminals, it must be a credible threat. It must be backed up with actual prison terms. Researchers disagree about how certain the threat of imprisonment must be and how severe the sentence must be to deter criminal activity. In part, this is a recognition that a decision to commit criminal acts is individual and will vary according to each person's willingness to take risks.

Criminologists have tried to determine whether investment in prison capacity purchases a significant amount of deterrence. A study conducted by Kenneth Wolpin (then at Yale) compared what would happen if imprisonment was increased by 1 percent with what would happen if probation was increased by 1 percent. The conclusion was that twice as many crimes would be deterred by increasing imprisonment. A study by Michael Block at the University of Arizona concluded that moving a typical property offender from probation to a two-year prison sentence would prevent 80 property crimes.

Recent American history suggests that reductions in the

Figure 2

Crime rates and prison risks: 1960-1985



Sources: Prisoners in 1985 (BJS)

Uniform Crime Reports 1985 (FBI)

Part I crimes* per 100 population

Imprisonments per 100 crimes

*Part I crimes: Homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft.

certainty of imprisonment will lead to higher crime rates. In 1960, the chance that an offender would receive a prison sentence were 6.2 percent. By 1983, the chance was exactly half that. (See Figure 2.) The low point in offender likelihood of incarceration was in 1974 when the chances fell to 2.1 percent. When chances of imprisonment were high (1960), crime rates were low. When chances of imprisonment were low (1974), crime rates were high. Crimes deterred by available prison space are another cost savings to society that should be weighed against the costs of prison construction.

Prefab Prisons

Efforts are underway on several fronts to lower the dollar costs of prison facilities. The National Institute of Justice has researched new modular techniques of prison construction that have been used experimentally to build a facility for \$30,000 per bed space, which is substantially below the national average. This method can also add new space to existing facilities.

Privatization of certain aspects of prison management or the contracting out to the private sector of an entire facility also shows promise of being less expensive. Some private

correctional facilities in operation today actually make a profit.

Prison industries that employ inmates are in use in several facilities. The wages paid to the prison workers are typically used to defray the cost of room and board. Other deductions go to the inmates' families to lower welfare costs. Restitution to victims paid from these wages would lower the cost to society of crime.

In South Carolina, inmate labor was used to construct prison facilities. This lowered the cost substantially and provided valuable job training for prisoners.

The federal government makes certain surplus property, including land, available to the states for the construction of prison facilities. In some instances, this can lower the cost of a new prison by 25 percent.

Legislative policies of tough sentencing are frustrated when the sentence cannot be delivered. In these times of tight-fisted fiscal policy, resources will have to be reallocated if prisons are to be built. By investing in new facilities, the costs of crime to victims, families, businesses, and communities can be lowered. Failure to maintain prison capacity to save costs now could be a false economy that causes further breakdown in the criminal justice system.

REFERENCES

Probation and Felony Offenders, National Institute of Justice, Office of Justice Programs, U.S. Department of Justice, March 1985.

Making Confinement Decisions, National Institute of Justice, Office of Justice Programs, U.S. Department of Justice, July 1987.

Construction Bulletins, U.S. Department of Justice, National Institute of Justice:

Florida Sets Example With Use of Concrete Modules, March 1986,

Ohio's New Approach to Prison and Jail Financing, November 1986, and

Inmates Build Prisons in South Carolina, December 1987.

Time Served in Prison and on Parole, 1984, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, December 1987.

Returning to Prison, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, November 1984.

Examining Recidivism, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, February 1985.

Population Density in State Prisons, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, December 1986.

Tracking Offenders, 1984, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, January 1988.

Prisoners in 1987, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, April 1988.

Historical Statistics on Prisoners in State and Federal Institutions, Year-end 1925-86, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, May 1988.

Report to the Nation on Crime and Justice, Second Edition, Bureau of Justice Statistics, U.S. Department of Justice, March 1988.

For copies of these and other Department of Justice publications, contact:

National Criminal Justice Reference Service / NCJRS
U.S. Department of Justice
Box 6000
Rockville, MD 20850
Telephone: 800-851-3420 or 301-251-5500

ATTENTION: Steve Nicely

ADVANCE FOR RELEASE AT 5 P.M., EDT
SUNDAY, JULY 30, 1989

BJJ
(202) 724-7782

Six states executed 11 prisoners last year, bringing the total number of executions to 104 since 1976, the year in which the U.S. Supreme Court reinstated the death penalty, the Bureau of Justice Statistics announced today. Those offenders executed during 1988 had spent an average of 6 years and 8 months on death row, said the Bureau, which is a component of the U.S. Department of Justice's Office of Justice Programs.

Among those men and women on death row last December 31 for whom the states reported criminal history information, 68 percent had a prior felony conviction and 9 percent had a prior homicide conviction. At the time they committed the crime for which they were sentenced to death, 21 percent were free on parole, 8 percent were on probation, 3 percent were prison inmates and 2 percent had escaped from prison.

At the end of last year 34 states of the 37 that authorize capital punishment held 2,124 prisoners who had been sentenced to death--8 percent more than a year earlier. Southern states held 59 percent of those under a death sentence, 19 percent were in western states, 16 percent in the Midwest and almost 6 percent

(MORE)

-2-

were held in three northeastern states, Pennsylvania, New Jersey and Connecticut.

Since 1977 there have been 3,477 offenders under a death sentence at one time or another, and 3.1 percent of the whites among them and 2.9 percent of the blacks were executed.

Twelve states have executed offenders from 1977 to 1988 as follows:

1977	1
1978	0
1979	2
1980	0
1981	1
1982	2
1983	5
1984	21
1985	18
1986	18
1987	25
1988	11

The number of executions in the dozen states since 1977 were as follows:

Texas	29
Florida	19
Louisiana	18
Georgia	13
Virginia	7
North Carolina	3
Mississippi	3
Alabama	3
Utah	3
South Carolina	2
Indiana	2
Nevada	2

During 1988 the U.S. Congress enacted a federal death

(MORE)

-3-

penalty statute for murders that occur as a part of a continuing criminal enterprise. Espionage by a member of the Armed Forces and a death that resulted from an aircraft hijacking are also capital crimes under federal law. The last federal execution was carried out in 1963 for a kidnap-murder.

The median age of those on death row was almost 33 years. About one-half of 1 percent were under 20 years old, and 2 percent were 55 years old or more.

Among those about whom education information was available, about 10 percent had not gone beyond the 7th grade, but about the same percentage had had some college education. The median level of schooling was almost 11 years.

Among those whose marital status was reported, less than one-third were married and almost 45 percent had never been married.

There were five suicides on death row last year and seven deaths from natural causes.

Single copies of the bulletin, "Capital Punishment 1988 (NCJ-118313)," can be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is (301) 251-5500. The toll-free number from places other than Maryland and metropolitan Washington, D.C., is 1-800-732-3277.

89-155

After hours contact: Stu Smith (301) 983-9354



Department of Justice

ADVANCE FOR RELEASE AT 6 P.M., EDT
SUNDAY, APRIL 2, 1989

BJJ
(202) 724-7782

An estimated 62.5 percent of former state inmates were rearrested for a felony or a serious misdemeanor within 3 years of their discharge from prison, the Bureau of Justice Statistics, which is a component of the U.S. Department of Justice's Office of Justice Programs, announced today.

About 47 percent of the former prisoners were convicted of a new crime and 41 percent were sent back to prison or jail.

The Bureau said the survey was based on a study of the criminal records of more than 16,000 men and women, representing the almost 109,000 offenders who were released from prisons in 11 states during 1983.

"This is the most comprehensive and detailed multistate recidivism study ever conducted," said Acting Bureau Director Joseph M. Bessette. "The survey for the first time linked correctional data with federal and state criminal history records, thereby providing a complete portrait of criminal careers for more than one-half of the state prisoners released during 1983."

(MORE)

By the end of 1986 an estimated 68,000 of the former prisoners had been rearrested and charged with 326,000 new felonies and serious misdemeanors. The new charges included almost 50,000 violent crimes--including 2,300 homicides and 17,000 robberies--as well as 36,000 burglaries and 46,000 drug offenses.

The Bureau estimated that all of the prisoners released in the states studied had been charged with 1.7 million serious crimes throughout their entire lifetimes. About 265,000 were violent crimes.

Before their 1983 releases the inmates averaged more than 12 criminal charges each, and almost two-thirds had served a previous jail or prison sentence.

Recidivism rates were highest for young prisoners and those with extensive prior records, Bessette pointed out. An estimated 68 percent of those younger than 25 years old at the time of their release were rearrested within three years, compared to 40 percent of those 45 years old or older. Almost 79 percent of the prisoners with 11 or more previous arrests were rearrested, compared to 38 percent of the first-time offenders.

Young prisoners with lengthy prior records had the highest recidivism rates--94 percent of those younger than 25 years old who had 11 or more previous arrests were rearrested within three years.

(MORE)

-3-

Recidivism rates were highest during the first year of release. Twenty-five percent of the former prisoners were re-arrested within six months and almost 40 percent within one year.

Former inmates were frequently rearrested for the same type of crime for which they had been imprisoned in the first place. Within three years 32 percent of the former burglars were re-arrested for burglary, and 25 percent of the former drug offenders were rearrested on another drug charge.

Released rapists, for example, were 10.5 times more likely than non-rapists to be subsequently arrested on a rape charge, and former murderers were about five times more likely than other offenders to be rearrested on another homicide charge. The Bureau estimated that 6.6 percent of the murderers released during 1983 were rearrested within three years for a new homicide.

An estimated 77 percent of the prisoners released during 1983 had been arrested for a violent crime at least once during their lives.

Recidivism rates were higher for men, blacks, Hispanics and those who had not completed high school than they were for women, whites, non-Hispanics and high school graduates.

In general, recidivism rates were not related to the amount

(MORE)

of time the inmates had served, although the prisoners who had served more than five years had lower rearrest rates than did those who had served less.

Criminal history data for the released prisoners were obtained from the criminal identification bureaus in the 11 states--California, Florida, Illinois, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon and Texas--and from the Federal Bureau of Investigation. Information was collected only about felonies and serious misdemeanors.

Single copies of the special report, "Recidivism of Prisoners Released in 1983" (NCJ-116261), as well as other Bureau of Justice Statistics data and publications may be obtained from the Justice Statistics Clearinghouse at the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is (301) 251-5500. The toll-free number from places other than Maryland and metropolitan Washington, D.C., is 1-800-732-3277.

89-22

After hours contact: Stu Smith (301) 983-9354

-estimony..
Feb. 15, 1990

Mr. Ralph Butler, Wichita, KS

What am I doing here? It's the day after valentine's day 1990. The last place I ever thought I'd be...the last place I'd ever want to be...testifying before the Judiciary committee of the State of Kansas' Senate! Why am I here? Before I answer that let me ask you a question.

How many of you here have a child? How many of you have a daughter? How many of you here have a person you love so much that you would never want anything to happen that would harm them? It's natural...we don't want anything to happen to our loved ones. I have four Children. A youngest son, now 17, a senior in High School...ready to enroll in KU next fall. A beautiful daughter, now 21, a junior in interior architecture at KU. A handsome oldest son, 23, a graduate student, due to graduate with his MBA in finance from the University of Texas in July...and...a fantastic daughter, who will be 25 the 28th of March, a successful young advertising time buyer at an up and coming advertising agency in Kansas City...except for one thing...she isn't here...not today, not yesterday...not for 35 weeks. You see, Joan Marie, my fantastic daughter disappeared from the face of the earth on Father's Day 1989.

That's why I asked you if any of you have a daughter? I don't care how old your daughter may be...you always love them...you always want the best for them...and you never...I REPEAT...NEVER...expect them to...GO, BEFORE YOU DO! How many of you have experienced having a daughter go before you? I'll grant you...not many. If a loved one of yours disappeared tomorrow...what do you think you would do?

Those of you who have loved ones...children, daughters especially, CAN YOU EVEN IMAGINE what it's like to walk in my shoes? Can you? If you WERE in my shoes...what do you think you would do? Would sit and cry? Would you call on God for guidance? Would you do everything in your power to see that the same terrible fate could never befall your other daughter? Would you call upon the powers of the STATE LEGISLATURE to make sure this same fate could not befall ANY INNOCENT VICTIM in the future? I'm sure you would.

That's why I'm here today! Up until Monday Feb. 12th, 1990 there was a piece of legislation called SENATE BILL 77. This bill I'm sure you're familiar with. On Monday, Feb. 12th this bill, which would have assured that a convict under life sentence would not become eligible for parole until he had served a minimum of 40 years was changed. And do you know...sure you know! That bill was WATERED_DOWN to 25 years minimum sentence for a first degree murder conviction. And do you know why? Because a Governor who MUST attempt to introduce a Death Penalty Bill, asked his party faithful to lower the 40 years to 25 years so that he could TACK ON the death penalty bill, and give it a TEST in the Kansas House of Representatives.

Please understand...In my position...I believe that whoever is responsible for the disappearance of my daughter is deserving of the harshest penalty the state has to offer. I also know that the harshest penalty the State of Kansas has to offer is LIFE in prison, with parole in 15 years! Not enough I also know that a death penalty bill must pass both houses of the legislature before it can become law...and I know that there are enough votes against the death penalty bill in the Kansas Senate to prevent it from becoming a law in this session of the Kansas legislature.

That's why I'm here...to let all Kansans know that Senate bill 540, which mandates life with ^{no} parole for a suspect convicted of premeditated murder in certain circumstances, is a good law.

One of the key issues that has caused Senate Bill 77 to be watered-down to 25 years is..."our concern for prison guards". If a convict cannot see the light at the end of the tunnel of his sentence...If he has no hope of getting out...if he has nothing to LIVE for...he gets VIOLENT! And his violence endangers the lives of prison GUARDS! Think of it!!! This is the very reason why we need LIFE IMPRISONMENT...at least 40 years...because if these convicts become violent IN prison...against fellow inmates, as well as guards...IMAGINE how they'll be in civil, ed society! Does anyone here REALLY believe that they are going to suddenly become Mr. Nice Guy and not commit any more crimes? Doubtful...very DOUBTFUL...unless the convict is 65 or 70 years old. Then they usually don't re-commit those same heinous crimes. But, the younger a prisoner is when he is released, the more likely he is to re-commit the heinous crime that got his a life sentence to begin with. I can show you the Federal Bureau Of Justice study that proves this. Over 62.5% of released convicts are re-arrested within 3 years of their release...and for every 100 murderers released nationwide...at least 6 innocent victims will be murdered...useless sacrifices.

So, whether it's prison overcrowding...or ~~accountants looking at expenses~~ demanding the release of prisoners...I ask you now...what will you do when the next innocent victim of a heinous crime is your daughter...grand-daughter... wife...sweetheart? Will you change your mind...and vote in favor of keeping murders in prison, where they belong? Or will you say..."It's OK!" We don't want our prison guards to be endangered? Didn't the prison guard know that when he applied for the job that he/she would be associating in close proximity to VERY DANGEROUS convicts? Did the prison guard think this was grade-school cake-walk? I'm sure they didn't! And I'm sure that if the crime rate in prison is UP...we can all be thankful that those stabbers are stabbing one or more of their own kind. ONCE AGAIN...THINK WHAT THESE PEOPLE WOULD DO IF THEY WERE FACK IN ORGANIZED SOCIETY. One little argument, one little disagreement...and JAB...Another innocent victim to add to the states crime statistics.

Please make this committee HARD ON CRIME! Please vigorously work with your fellow legislators (not against them). After all...it's not POLITICAL LIFE we're talking about here...IT'S HUMAN LIFE...and It may be one of YOUR loved ones who is sacrificed NEXT!

RECEIVED via FAX

STATE OF KANSAS
Tenth Judicial District

OFFICE OF DISTRICT ATTORNEY

PAUL J. MORRISON
DISTRICT ATTORNEY

JOHNSON COUNTY COURTHOUSE
P.O. BOX 728 6TH FLOOR TOWER
OLAHE, KANSAS 66001
405-780-5000 FAX 5333

February 14, 1990

TO: MEMBERS OF THE SENATE JUDICIARY COMMITTEE

RE: REGARDING SENATE BILL 540

Good Morning:

I am here today to testify in support of this bill which increases the minimum term of confinement for first degree murder in Kansas to life without parole. It is my understanding that Kansas currently ranks among the most lenient of states in terms of the sentences first degree murderers must serve in our penitentiaries. I am also a proponent of the death penalty. However, I understand that the possibility of a death sentence does not apply to the vast majority of killers. Therefore, in terms of public safety, an increased minimum sentence for murderers would probably have a much greater effect.

The following are some actual case scenarios from first degree murder cases which I have tried:

A career criminal from the state of Texas comes into an Olathe, Kansas liquor store and almost decapitates a seventy-seven year old store clerk with his hunting knife.

In Overland Park, Kansas a twenty year old man beats a seventy-four year old woman to death with his fists and then has sex with her lifeless body afterwards.

A young man in Shawnee, Kansas stabs his girlfriend 163 times in the presence of her two year old daughter. He then leaves her body in her apartment for two days with the toddler.

All the people mentioned above will be eligible for parole on the murder conviction within fifteen years of their sentencing. I have absolutely no question in saying that this is an issue that most directly affects the public safety. That is why I am supporting this legislation.

PAUL J. MORRISON
DISTRICT ATTORNEY

SENATE JUDICIARY COMMITTEE
15 FEBRUARY 1990
TESTIMONY REFERENCE SB 540, 193, 226
PRESENTED BY JEFFREY MOOTS OF THE ACLU

The creation of the sentence of life without parole in section 7 of SB 540 is unnecessary. The crime of first degree murder is presently a class A felony, which means that anyone convicted of this terrible crime will not be eligible for parole for at least fifteen years. The key is that the person only becomes eligible for parole at that time. There is no requirement for the parole board to grant the inmates request for parole at that time or at any subsequent time if the board feels that the person remains a threat to society.

The system as it presently exist allows for persons to be sentenced to life imprisonment for the crimes that they have committed, and the ACLU recognizes that society has the right to punish those that violate its rules. The system also has the capacity to determine if at some point in the future the person has been adequately punished and is capable of returning to society. K.S.A. 21-4601 states that dangerous offenders shall be treated correctively for long terms as needed, this seem to recognize that some of these people will change. If the person has indeed changed after being in prison and has served the necessary time to be eligible for parole, haven't they been adequately punished? Doesn't holding them beyond that point then become more revenge by society rather than punishment?

All the ACLU is asking is for you, the members of this committee, to keep the present system of sentencing in effect. K.S.A. 21-4601 already requires that each person convicted of a crime be dealt with in accordance with their individual needs, characteristics and circumstances. We feel that the present system allows these factors to be adequately taken into effect at the time of sentencing, and just as importantly fifteen or more years down the road.

My comments on SB 540 also apply to New Section 8 of SB 226 and
New Section 7 of SB 193.