



VADOC Recidivism

RESEARCH—EVALUATION UNIT

AUGUST 2020

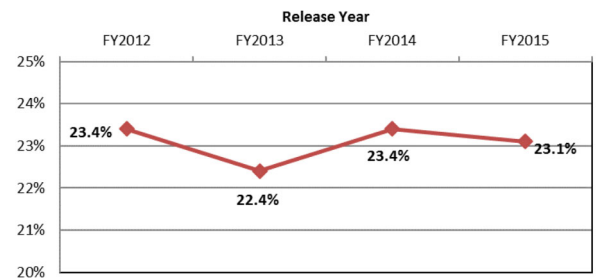
Trends in Recidivism Rates and Technical Violations

Recidivism Rate Trends:

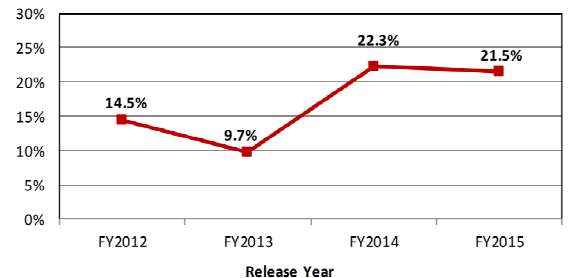
The Virginia Department of Corrections (VADOC) studies and tracks recidivism to obtain information on the success of offenders re-entering society once released from State Responsible (SR) incarceration. Virginia's recidivism rate remains the lowest among the 42 states that report the re-incarceration of offenders with an SR sentence within three years of their release. The three-year SR re-incarceration rate among the FY2015 SR release group was 23.1%, which is a 0.3 percentage point decrease from the rate reported for the FY2014 SR release group.

Technical Violations Among Recidivists: The percentage of offenders returning for technical violations was 21.5%, declining nearly a full percentage point (0.8%) from FY2014. Despite this decrease, the rate remains more than twice as high as that of the FY2013 SR release group. The higher technical violation rates from the FY2014 and FY2015 release groups relative to previous years are perhaps, in part, associated with higher opioid overdose deaths in the community. Some judges may have started sentencing offenders with positive opioid tests who violate their terms of supervision to SR incarceration for their safety and treatment as part of an ongoing response to the opioid epidemic.

Three-Year Re-Incarceration Rates of State Responsible Releases



Percentage of Three-Year Recidivists with Technical Violations



Predictors of Recidivism

The VADOC studies offender characteristics and other factors associated with recidivism in order to understand, identify, and address the criminogenic needs of offenders, with the ultimate goal of reducing recidivism and thereby increasing public safety. VADOC research has shown a consistent link between certain factors and recidivism in Virginia, thus confirming their importance in predicting recidivism among offenders released from an SR incarceration in Virginia.

These factors include (but are not limited to) the following:

- 1) Gender: Male offenders are more likely to recidivate.
- 2) Age: Younger offenders are more likely to recidivate.
- 3) Previous SR Incarcerations: Offenders with greater number of previous SR incarcerations are more likely to recidivate.
- 4) Crime Type of Most Serious Offense: Offenders who commit Property or Public Order crimes as their most serious offenses are more likely to recidivate.

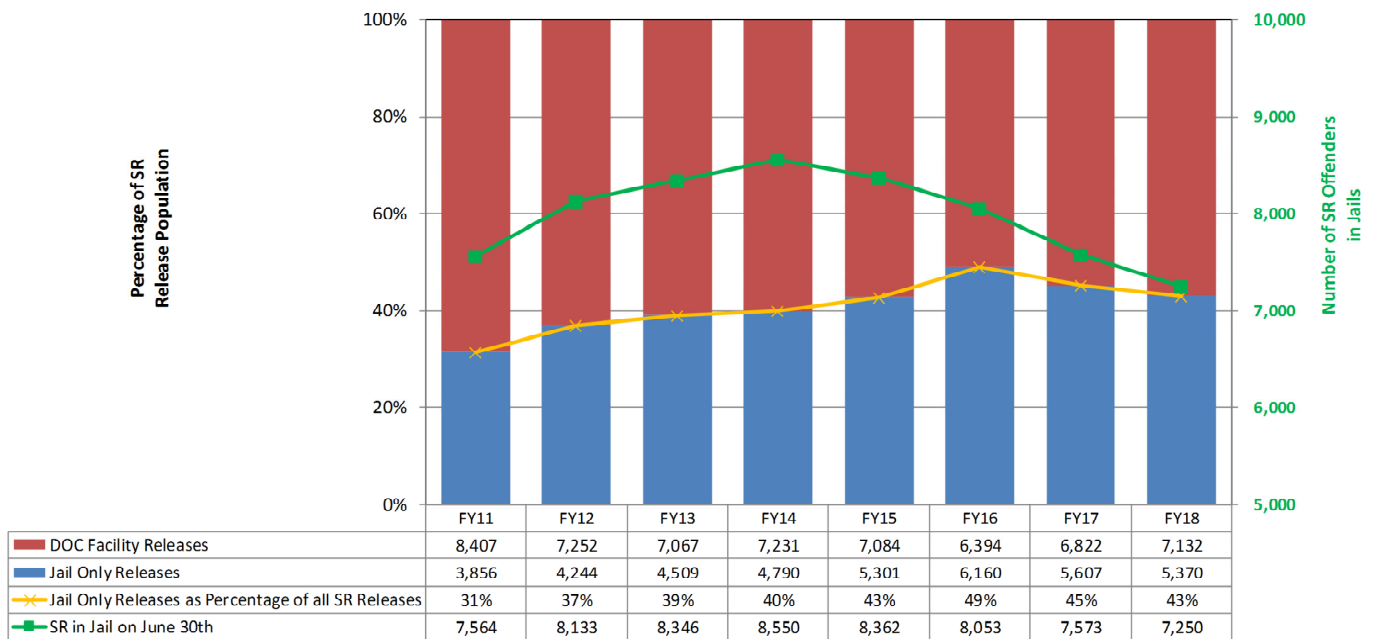
Current Analyses

In addition to the common predictors, VADOC has also found other predictors of recidivism that will be highlighted in this report. In particular, there is an increased awareness of the role played by drug use in recidivism. The relation of the following factors with recidivism, alongside other known predictors of recidivism, will be explored in this report:

- 1) Location of SR Incarceration: Offenders who serve their entire SR incarceration in a Local/Regional Jail are more likely to recidivate than those who went into a VADOC Facility.
- 2) Evidence of Mental health Impairment: Offenders who are mentally impaired are more likely to recidivate than those who are not.
- 3) Positive opioid or cocaine drug tests¹: offenders with either a history of positive opioid or cocaine tests or positive drug tests post release are more likely to recidivate than offenders without positive opioid or cocaine tests
- 4) History of positive tests with multiple drugs (both opioid and cocaine)²: Offenders with a history of positive tests for both opioid and cocaine drugs are more likely to recidivate than offenders with a history of positive tests in a single drug or offenders who didn't have a history of positive tests.

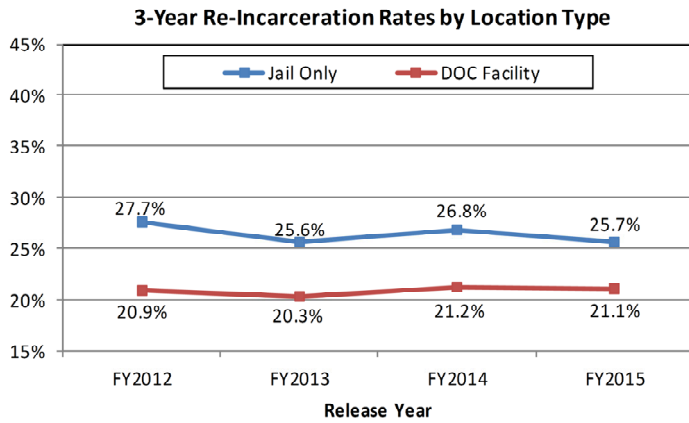
SR Population Incarcerated Only in Local/Regional Jails

Jail Only Offenders as a Percentage of All SR Releases



Due to capacity limitations in VADOC facilities, some SR offenders served their entire incarceration in a local or regional jail. The number of SR offenders released from a jail steadily increased from FY2011 to FY2014, but returned to FY2011 levels by FY2017 (from 7,564 to 7,573). That total continued to decline to 7,250 in FY2018 due to lower total SR Release numbers. However, the percentage of SR Releases who were “Jail Only” increased from 31% of total SR Releases in FY2011 to 43% in FY2018.

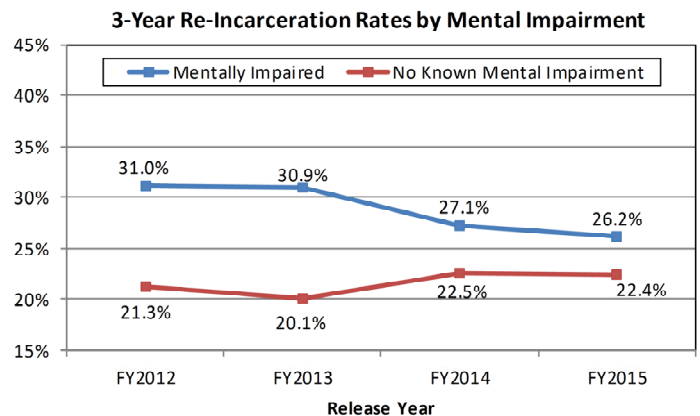
SR Incarceration Location and Recidivism



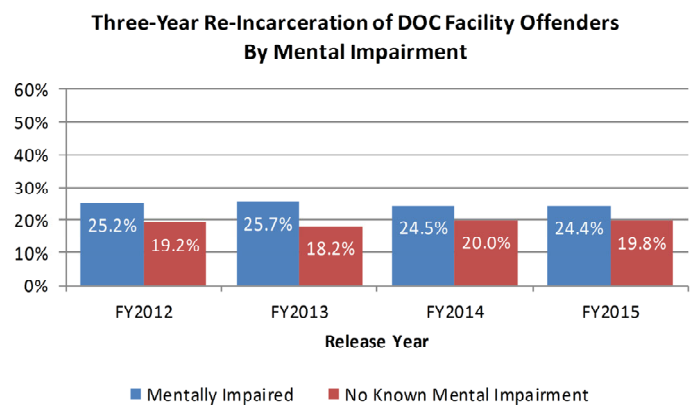
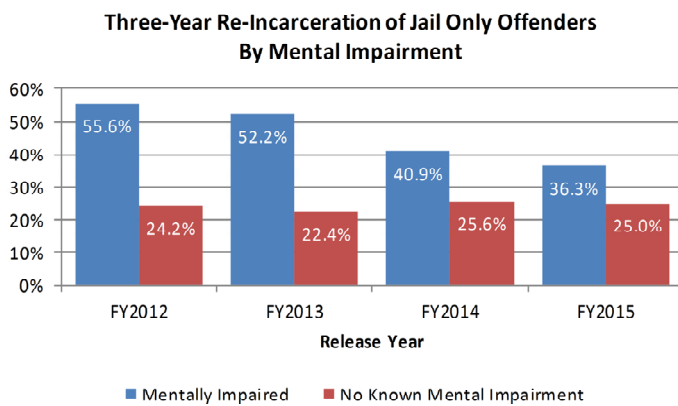
Three-year re-incarceration rates of offenders who spent all of their SR incarceration in a Jail only are consistently higher than those of offenders who spent at least part of their SR incarceration in a DOC facility. Consistent evidence-based programs (EBP), education, substance abuse and mental health treatment in VADOC facilities help prepare returning citizens reentering society for success and may contribute to those lower rates.

Mental Health and Recidivism

Offenders with mental health impairment are designated with a mental health code in VirginiaCORIS³ indicating either minimal, mild, moderate, or severe mental health impairment, or diagnosis of a serious mental illness. The recidivism rate of offenders with mental health impairment is higher than that of offenders with no evidence of mental health impairment across FY2012 to FY2015 SR release groups. The rate difference has been shrinking over this time frame, primarily due to lower recidivism rates among offenders with mental health impairment. Recognizing the increased risk of recidivism among those with a mental health impairment, in FY2015, VADOC requested and was approved for additional mental health positions in the community to help transition offenders with mental health impairment so there is a continuity of care between incarceration and their return to the community. The interactive effects of location of SR incarceration, drug test history, and mental health impairment on recidivism rates will be demonstrated in subsequent sections of this report.

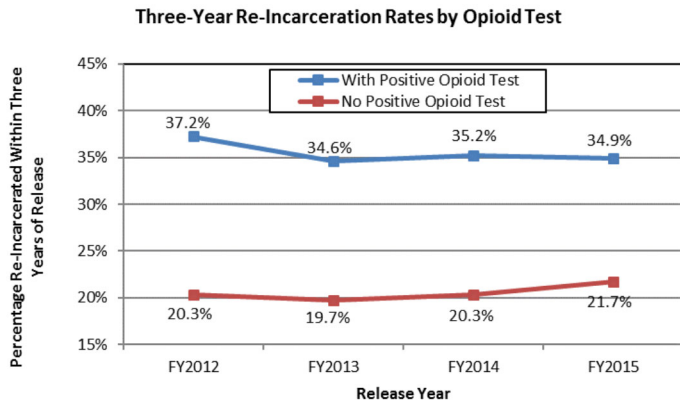


SR Incarceration Location and Mental Health



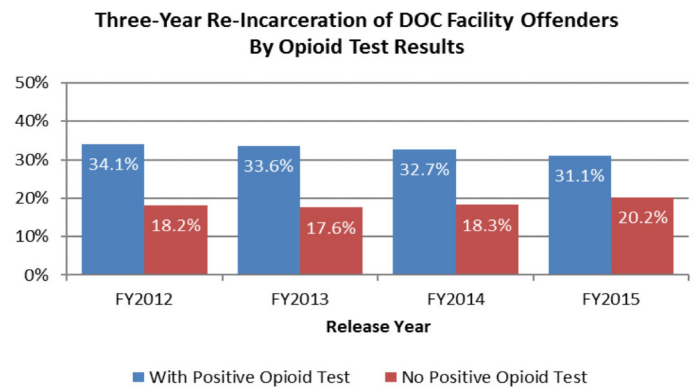
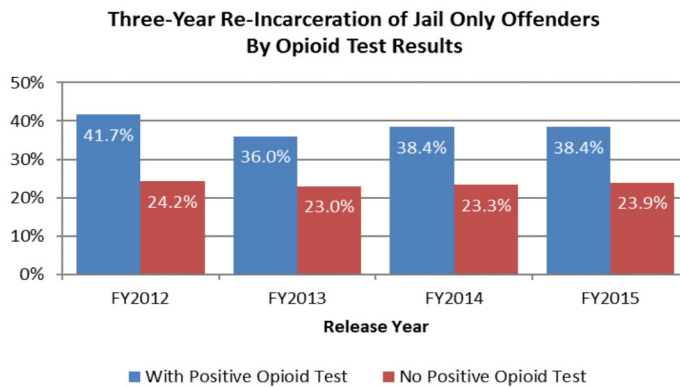
When considering both SR incarceration location and mental health impairment, mentally impaired Jail Only offenders had a 11.9 percentage point greater recidivism rate than mentally impaired DOC facility offenders in FY2015. This exceeds the 5.2 percentage point difference in recidivism between Jail Only and DOC facility offenders without mental health impairment.

History of Positive Opioid Tests Before Release¹ and Recidivism



History of positive opioid tests before release and recidivism were examined across the FY2012-2015 SR release groups. Overall, the recidivism rates of offenders with a history of positive opioid tests before release is notably higher than the rates for those without. This difference was found to be statistically significant^{1,4}. From FY2012 to FY2015, the average difference in recidivism rates between these two groups has hovered at approximately 15 percentage points. This rate difference between offenders with or without positive opioid tests before release is amplified by considering SR incarceration location as well as mental health impairment.

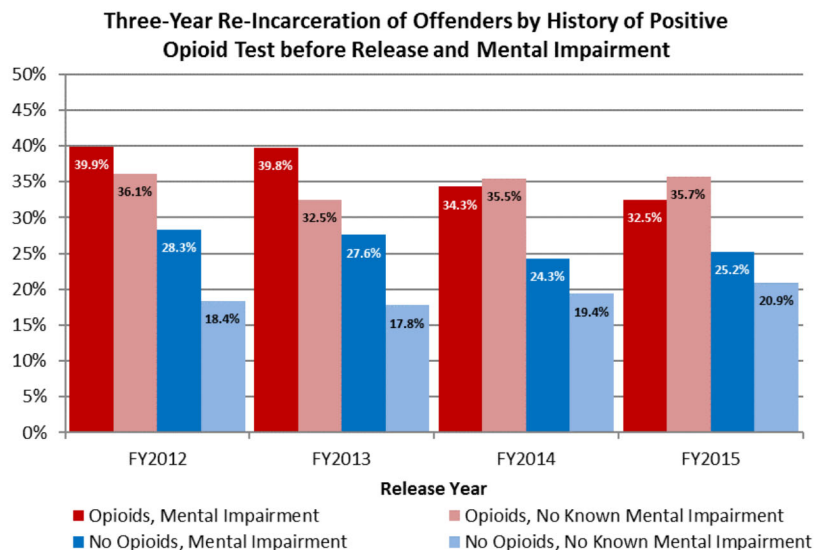
History of Positive Opioid Tests Before Release and SR Incarceration Location



Regardless of location of incarceration, offenders with a history of opioid use prior to release had higher recidivism rates. However, for those released from Jails Only, the recidivism rates were even higher. For example, among FY2015 Releases who remained in the Jails Only, 38.4% of those with a history of opioid use recidivated compared to 31.1% of those who were incarcerated in a DOC facilities.

History of Positive Opioid Tests Before Release and Mental Health

For SR release groups FY2012 and FY2013, the effects of positive opioid tests on recidivism are compounded if the offenders have mental health impairment. Those with a history of positive opioid tests before release and mental health impairment were more likely to recidivate than those with either a history of positive opioid tests or mental health impairment alone or those with neither condition. However, in the FY2014 release group, those with positive opioid tests, regardless of mental health impairment, had similar recidivism rates. Interestingly, offenders in the FY2015 release group with a



History of Positive Opioid Tests Before Release and Mental Health (Continued ...)

history of positive opioid tests before release and with no mental health impairment were slightly more likely to recidivate. This shift might be attributed to a continuity care of mental health service between incarceration and in community. In addition, the shift could also be a result of offenders with both mental health impairment and substance abuse being more likely to receive treatments.

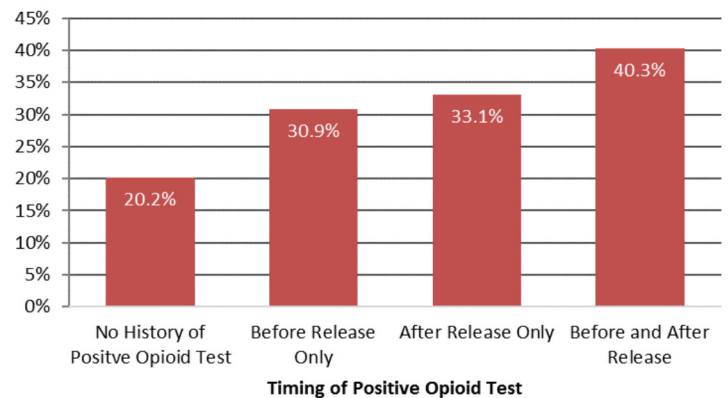
FY2015 Recidivism, Mental Health, Location of Incarceration, and Opioid Test

Offenders with a mental health impairment, a history of positive opioid tests before release, and a SR incarceration in Jail Only had a recidivism rate of 39.7%. For those with the same characteristics but with at least part of their incarceration spent in a DOC facility, the recidivism rate was 30.7%. This nine percentage point difference is nearly double the overall 4.6 percentage point difference in the recidivism rate between Jail Only and DOC facility offenders.

Impact of timing of Positive Opioid Tests on Recidivism

Deeper analysis was done to look at the timing of positive opioid tests to see if there are differences in recidivism rate only before release, only after release, and both before and after release. Offenders released in FY2015 with positive opioid tests both before and after their release had the highest recidivism rate among all offenders, at 40.3%. In contrast, offenders who positive opioid tests only before their release had a recidivism rate of 30.9%, and those with positive opioid tests only after their release had a recidivism rate of 33.1%. As would be expected, offenders with no history of positive opioid tests had the lowest recidivism rate, at 20.2%, which was a statistically significant lower than that of the other three subgroups with a history of positive opioid tests. These results highlight the importance of treatment to prevent future recidivism.

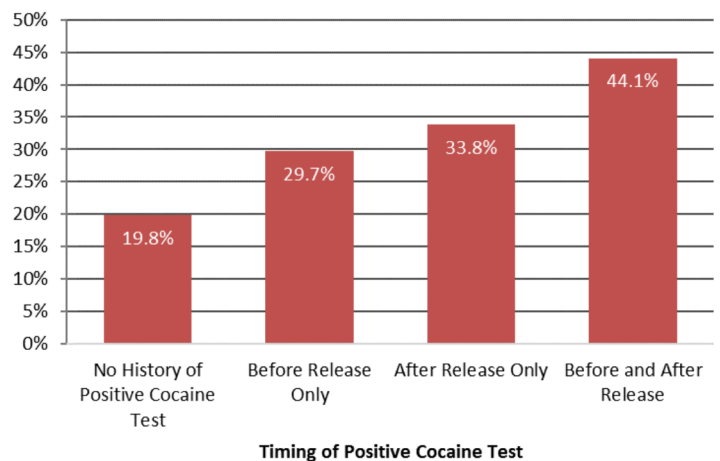
Three-Year Re-Incarceration Rate by Timing of Positive Opioid Test (FY2015 Releases)



Impact of timing of Positive Cocaine Tests on Recidivism

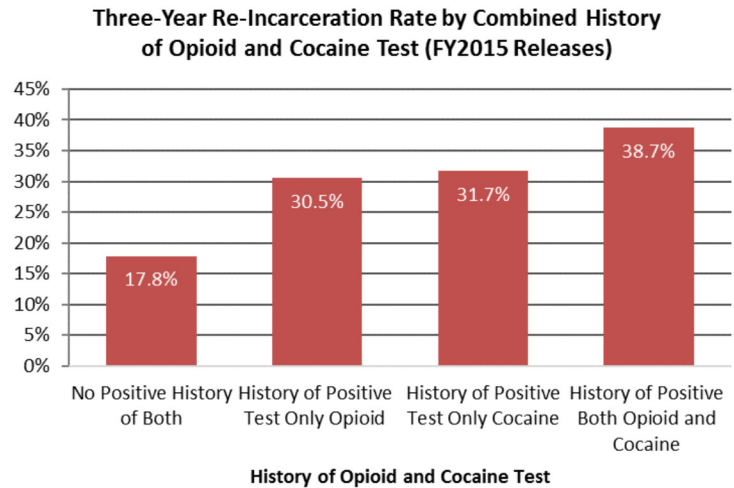
Differences in recidivism were also observed among offenders with positive cocaine tests only before release, only after release, and both before and after release. Offenders with a history of positive cocaine tests both before and after their release had the highest recidivism rate of all offenders with any history of positive tests for cocaine, at 44.1%. Similar to offenders with a history of positive opioid tests, offenders who had a history of positive cocaine tests only after release had a higher recidivism rate of 33.8% than those with a history of positive cocaine tests only before their release (29.7%). This is consistent with the positive opioid test pattern.

Three-Year Re-Incarceration Rate of Offenders by Timing of Positive Cocaine Test (FY2015 Releases)



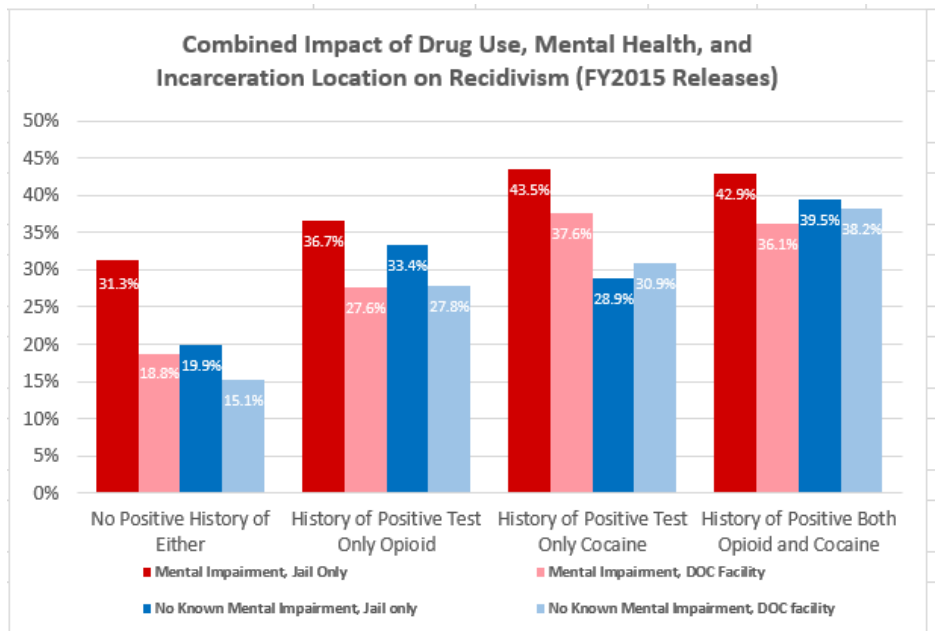
Combined Impact of Positive Opioid and Cocaine Tests on Recidivism

The effect of combined opioid and cocaine tests on recidivism was also explored for FY2015 releases. Offenders with a history of both positive opioid and cocaine tests before or within three years after their release² had the highest recidivism rate, at 38.7%. Offenders who had a history of single positive drug test (either opioid or cocaine) had slightly lower recidivism rates, these two recidivism rates were parallel to each other, with a 30.5% recidivism rate for offenders who had a history of positive opioid tests only, and a 31.7% recidivism rate for offenders who had a history of positive cocaine tests only. Finally, those with neither opioid nor cocaine positive test history had the lowest recidivism rate of 17.8%, which was 5.3 percentage points lower than the overall recidivism rate (23.1%) of the entire FY2015 release group. The upward trend is consistent with a single drug (either opioid or cocaine) positive test pattern. The results further underline the essential role of substance abuse treatment in reducing recidivism.



Combined Impact of Drug Use, Mental Health, and Incarceration Location on Recidivism

When the factors of mental health, drug use, and incarceration location type are looked at together, the results show how these factors compound upon one another. Mentally impaired offenders incarcerated only in jail have a much higher re-incarceration rate than those who spend at least part of their term of incarceration in a DOC facility, those offenders among them without a positive test for opioids or cocaine have a much lower re-incarceration rate (31.3%) than do those with positive tests for both (42.9%). Regardless of whether they have a mental health impairment or if they have a drug



history, DOC facility offenders consistently have lower re-incarceration rates than their Jail only counterparts. The difference in the outcomes of DOC facility offenders and Jail Only offenders is quite evident; offenders with mental health impairments at DOC facilities even have lower rates than Jail Only offenders without mental health impairments, regardless of drug usage history. Also of note is that mentally impaired offenders with positive tests for only opioids had lower re-incarceration rates than mentally impaired offenders with positive tests for cocaine only. Interestingly, mentally impaired offenders with positive tests for only cocaine had higher re-incarceration rates than mentally impaired offenders with positive tests for both cocaine and opioids, however, these two subgroups were small groups.

Summary and Conclusion

The analyses highlighted in this report indicated that risk factors historically tied with recidivism continue to play a central and statistically significant role in the prediction of recidivism in the FY2015 SR release group. Most broadly, there was a less than one percentage point decrease (0.3%) in recidivism rate for the FY2015 SR release group compared to the FY2014 SR release group. Likewise, the percentage of technical violations among recidivists has remained similar to that of the FY2014 SR release group, but the percentage of recidivists with technical violations is still almost twice as high as in the FY2013 SR release group. The continued higher rate of technical violations among recidivists may be connected to the increase of fentanyl and heroin deaths in Virginia, whereby there is an increased emphasis on treatment for offenders with substance abuse. Mental health impairment, history of positive opioid and cocaine tests (both before and after release), and location of SR incarceration were found to be significant factors that impact recidivism. Each of these factors, when considered individually, are associated with an increase in the likelihood of recidivating.

Exploring these factors together revealed the effect of one risk factor depends on the value of another risk factor when offenders have two or more of these characteristics. Regardless of whether they have a mental health impairment or if they have a drug history, DOC facility offenders consistently have lower re-incarceration rates than their Jail Only counterparts. The difference in the outcomes of DOC facility offenders and Jail Only offenders is quite evident; offenders with mental health impairment at DOC facilities even have lower rates than Jail Only offenders without mental health impairment, regardless of drug usage history.

In addition, an examination on the timing of positive opioid and cocaine tests revealed that offenders who had a history of positive opioid or cocaine tests both before and after release had higher recidivism rate than offenders with a history of positive opioid or cocaine tests only before or within three years after their release. Further, offenders with a history of positive tests for both opioid and cocaine were more likely to recidivate than offenders who had a history of a single drug positive test (either opioid or cocaine). It is also important to note that offenders with no positive test history of either opioid or cocaine had a lower recidivism rate (17.8%), which were 5.3 percentage points lower than that of the overall recidivism rate (23.1%) in FY2015 SR releases. The results underline the central role of substance abuse treatment in preventing future recidivism.

Footnotes:

¹ History of positive opioid tests before release only was examined across SR release groups from FY2012 to FY2015. Offenders with a history of positive drug test, including before they are incarcerated

² History of multiple drug tests was evaluated in the FY2015 SR releases only. History of drug test was examined in offenders before or within three years after release (end of three year follow-up for non-recidivists or recidivated date for recidivists).

³ VirginiaCORIS: The computer-based Virginia Department of Corrections offender information management system

⁴ The chi-square (χ^2) test statistic was used to determine the statistical significance of the difference. This test yielded a p-value < 0.001.

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