

# *VADOC Recidivism*



*FY2019 State Responsible Releases*

2024

Research - Evaluation Unit

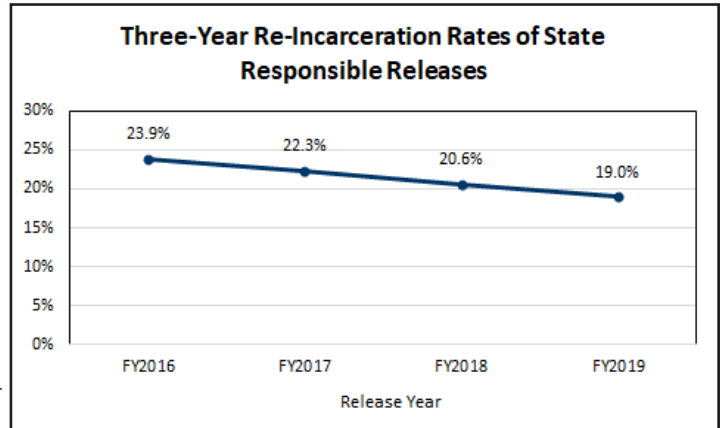
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## Trends in Recidivism Rates and Technical Violations

### Recidivism Rate Trends

The Virginia Department of Corrections (VADOC) studies and tracks recidivism to obtain information on the success of inmates re-entering society once released from state responsible (SR) incarceration. Virginia’s recidivism rate is the second lowest among the 34 states<sup>1</sup> that report the re-incarceration rate of inmates with an SR sentence within three years of their release.<sup>2</sup> The three-year SR re-incarceration rate among the FY2019 cohort was 19.0%, the lowest it has been in over 20 years. The process used by VADOC to calculate the three-year re-incarceration rate of SR releases includes waiting at least four years to allow all court information to be received and entered into VirginiaCORIS.<sup>3</sup> Without waiting for the data to fully mature, the FY2019 cohort recidivism rate in July 2022 would have been 18.9%.<sup>4</sup>



### Impact of COVID-19 on Recidivism

To assess the impact of the COVID-19 pandemic on the FY2019 cohort recidivism rate, the number of releases that recidivated during the last 27.5 months of the follow-up period for FY2014 through FY2016 were examined. The three-year follow-up periods for FY2017 and FY2018 SR releases were also impacted by COVID-19 and were examined. The last 27.5 months of the follow-up period for each release cohort were selected as it corresponds to the amount of time the courts were closed or operating in a limited capacity during the FY2019 releases follow-up period due to the COVID-19 pandemic. In the FY2019 cohort, there were 1,571 releases who recidivated between March 16, 2020 and June 30, 2022. The previous fiscal year release cohorts, excluding FY2017 and FY2018, averaged 2,056 recidivists during the last 27.5 months of their follow-up period. In order to estimate how the FY2019 releases were impacted by court closures due to the COVID-19 pandemic, we determined that approximately 485 additional releases could have recidivated if courts were fully operational and judicial sentencing practices remained the same

	COVID-19 Impact Comparison		
	Releases	Follow-Up Period	Recidivists
FY2014	12,021	March 16, 2015-June 30, 2017	2,032
FY2015	12,385	March 16, 2016-June 30, 2018	1,994
FY2016	12,551	March 16, 2017-June 30, 2019	2,143
FY2017	12,376	March 16, 2018-June 30, 2020	1,865
FY2018	12,499	March 16, 2019-June 30, 2021	1,735
FY2019	12,597	March 16, 2020-June 30, 2022	1,571

	SR Releases	Total Recidivists	Rate	Time to Recidivate	
				Mean	Median
FY2014*	12,021	2,868	23.9%	607	607
FY2015	12,385	2,862	23.1%	606	604
FY2016	12,551	2,997	23.9%	607	609
FY2017	12,376	2,755	22.3%	600	597
FY2018	12,499	2,576	20.6%	580	569
FY2019	12,597	2,399	19.0%	609	616

\* Due to multiple court-updated New Commitment Dates in the data, re-incarceration rates for the FY2014 release cohort has been kept constant with the rates reported in the previous year.

1 Virginia and Minnesota were tied for second with a recidivism rate of 19.0%. If VADOC’s FY2019 recidivism rate was compared to South Carolina’s FY2019 recidivism rate (19.4%), Virginia would have the lowest rate. Minnesota reported a FY2018 recidivism rate.

2 VADOC Research-Evaluation Unit (2024), State-Recidivism Comparison Report.

3 VirginiaCORIS is the computer-based Virginia Department of Corrections’ inmate management system.

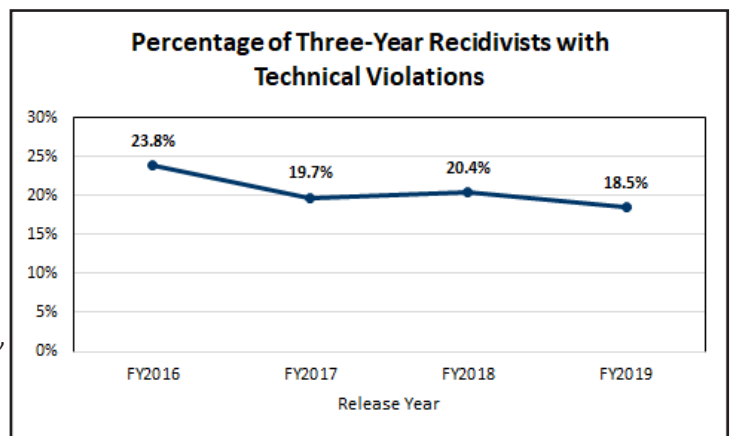
4 Due to COVID-19, the four-year waiting period did not have as significant of an impact on the FY2019 cohort as it previously has.

along with criminal behavior. By adding the additional 485 recidivists to the FY2019 cohort, the recidivism rate would have increased by 3.9% to 22.9%. Despite having a higher recidivism rate when the estimated impact of the COVID-19 pandemic is included, the FY2019 cohort still would have a lower recidivism rate than earlier release cohorts that were not impacted by the COVID-19 pandemic. Due to similarities in cohort numbers, the same methodology used for the FY2017 and FY2018 release cohorts to estimate the COVID-19 impact was used again this year with the addition of increasing the amount of time that COVID-19 impacted recidivist numbers. In future years, the methodology may need to change to account for the changing release numbers.

The average time to recidivate was similar to previous years with the exception of FY2018. Compared to FY2018 SR releases, FY2019 releases spent approximately one month (29 days) longer in the community before recidivating.

### Technical Violations among Recidivists

Technical violations are any violation of probation for reasons other than a new criminal conviction. The percentage of inmates returning for technical violations in the FY2019 cohort was 18.5%, a decrease of almost two percentage points (1.9%) compared to the FY2018 cohort. The percentage of three-year recidivists with technical violations in the FY2019 release cohort is the lowest in the last five years. Without technical violations, the recidivism rate for FY2019 cohort would have been 15.5%.



### Predictors of Recidivism

#### Known Predictors

The VADOC examines inmate characteristics and other factors associated with recidivism in order to understand, identify, and address their criminogenic needs, with the ultimate goal of reducing recidivism and thereby increasing public safety. VADOC research findings have shown a link between certain factors and recidivism, as well as time to recidivism, establishing their importance in predicting recidivism among inmates released from an SR incarceration in Virginia.

These predictive factors include the following:

- 1) Gender: Male inmates are more likely to recidivate but spend slightly more time in the community, on average, prior to recidivating than females.
- 2) Age: Younger inmates are more likely to recidivate than older inmates.
- 3) Previous SR Incarcerations: Inmates with a greater number of previous SR incarcerations are more likely to recidivate and those with no previous SR incarceration terms spend the most time, on average, in the community prior to recidivating.
- 4) Crime Type of Most Serious Offense: Inmates who commit a property/public order crime as their most serious offense are more likely to recidivate than those who commit violent crimes or drug-related offenses.

## Time to Recidivate and Recidivism Rates

Just as recidivism rates vary among released inmates with different offense types and risk characteristics, the time to recidivate also varies. Time to SR re-incarceration is defined as the number of days between a recidivist's release date and receiving a sentence that results in a new SR incarceration. The table ([see Appendix](#)) is divided into four quartiles and displays the average time to recidivate. The re-arrest and re-incarceration rates of inmates with different offense types and risk characteristics are also included in the table.

Of the 10,829 male inmates released from an SR incarceration in FY2019, 19.8% had a new SR incarceration within three-years of their release date. Of the 2,141 male inmates who were re-incarcerated within three-years, 25% had a new SR incarceration within 385 days, one-half had a new SR incarceration within 618 days, and 75% had a new SR incarceration within 855 days. On average, males who recidivated started a new term of SR incarceration within 612 days of release. Over one-half of all male releases (52.0%) were re-arrested within three-years of release. Females were less likely to recidivate than males (14.6% and 19.8%, respectively). Despite their lower recidivism rates, when females recidivated, they tended to return with a new SR incarceration sooner than males. On average, female recidivists had a new SR incarceration within 589 days of release compared to 612 days for male recidivists.

Recidivism Rates and Time to Recidivate for FY2019 SR Releases by Characteristics										
	Total Releases	Total Recidivists	Quartiles				Average	Percent Re-Arrested <sup>2</sup>	Percent Re-Incarcerated	
			25th	50th <sup>1</sup>	75th	100th				
<b>All Releases</b>	12,597	2,399	384	616	851	1,095	609	51.4%	19.0%	
<b>Gender</b>										
Male	10,829	2,141	385	618	855	1,095	612	52.0%	19.8%	
Female	1,768	258	371	599	815	1,083	589	48.0%	14.6%	
<b>Age at Release</b>										
Under 30	3,236	772	372	614	819	1,093	597	60.9%	23.9%	
30-39	4,339	912	406	628	874	1,095	626	55.7%	21.0%	
40-49	2,643	455	362	622	845	1,092	605	47.1%	17.2%	
50-59	1,781	229	355	589	859	1,092	596	39.9%	12.9%	
60-69	503	26	446	604	870	1,081	619	23.1%	5.2%	
70+	95	5	328	464	539	547	439	17.9%	5.3%	
<b>Previous SR Incarcerations</b>										
No previous SR terms	6,628	1,009	408	635	854	1,093	622	45.1%	15.2%	
1 previous SR term	2,889	614	400	631	857	1,094	618	56.2%	21.3%	
2 previous SR terms	1,549	378	341	571	840	1,089	582	57.6%	24.4%	
3 previous SR terms	792	196	377	567	847	1,095	591	62.9%	24.7%	
4 previous SR terms	390	105	322	575	846	1,086	578	62.6%	26.9%	
5 or more previous SR terms	349	97	336	612	857	1,050	593	65.0%	27.8%	
<b>Crime Type</b>										
Violent	4,152	687	384	597	854	1,089	604	46.1%	16.5%	
Property/Public Order	5,355	1,199	382	616	840	1,094	607	56.4%	22.4%	
Drug	3,090	513	385	642	878	1,095	621	49.9%	16.6%	

<sup>1</sup>50th percentile = Median.  
<sup>2</sup> Arrest records come from the Virginia State Police (VSP) and are matched to data in VirginiaCORIS based on key identifiers. As of July 2021, only arrests mandated to be reported to the Central Criminal Records Exchange (CCRE) are included in the VSP data, per 2021's House Bill 2113. Re-arrest information is based on July 2023 Virginia State Police criminal history data.  
 Note: As of Data Copy Date 10/13/2023.

As the age of released inmates increased, the re-arrest and re-incarceration rates declined. Those under the age of 30 at the time of release had the highest re-arrest rate (60.9%) and re-incarceration rate (23.9%). Inmates under the age of 30 spent less time in the community before recidivating than those aged 30 to 69. Inmates aged 30 to 39 who recidivated spent the longest amount of time in the community with an average of 626 days.

Overall, those who had more previous SR incarcerations tended to have higher re-arrest rates and re-incarceration rates. Of inmates with five or more previous terms of incarceration, almost two-thirds (65.0%)

were re-arrested and more than one-quarter (27.8%) were re-incarcerated within three-years of release compared to inmates with no previous terms (45.1% and 15.2%, respectively). Of those with a prior SR incarceration term, inmates with one previous SR incarceration tended to spend more time in the community before returning to VADOC with an average of 618 days. Inmates with four previous terms of incarceration averaged the least amount of time overall and 40 days less, on average, in the community before returning to VADOC when compared to inmates with one previous term of incarceration (578 days and 618 days, respectively). Inmates with no previous terms of incarceration spent 622 days, on average, in the community before returning to VADOC.

Inmates whose most serious offense (MSO) during their release term of incarceration was a property/public order crime had the highest re-arrest rates (56.4%) compared to those whose MSO was a violent or drug-related crime (46.1% and 49.9%, respectively). Inmates with a property/public order crime were also more likely to recidivate (22.4%) than inmates with a violent or drug-related crime (16.5%, and 16.6%, respectively). Inmates with a drug-related crime MSO spent 621 days, on average, which is the longest average time spent in community before returning of the three MSO categories. Those with a property/public order or violent crime spent similar time in the community prior to recidivating (607 days and 604 days, respectively).

### **Current Analyses**

In addition to the known predictors of recidivism previously discussed, VADOC has found other predictors that will be highlighted in this report. In particular, this report highlights the links between SR incarceration location, mental health impairment, drug use, gang affiliation, employment, and recidivism. Regression analysis shows that when all other factors are kept constant, certain factors are statistically significant predictors of recidivism.<sup>5</sup> The relationships between the following factors, alongside other known predictors of recidivism, will be explored in this report:

- 1) SR Incarceration Location: Inmates who serve their entire SR term of incarceration in a local/regional jail are more likely to recidivate than those who serve some or all of their SR incarceration term in a VADOC facility.
- 2) Evidence of a Mental Health Impairment: Inmates with a known mental health impairment are more likely to recidivate than those with no known mental health impairment.
- 3) History of Positive Drug Tests for Opioids and/or Cocaine:<sup>6</sup> Inmates with a history of positive drug tests for opioids and cocaine are more likely to recidivate than inmates with a history of positive drug tests for either opioids or cocaine or inmates without any history of positive drug tests for opioids or cocaine.
- 4) Known Gang Affiliation: Inmates with a known gang affiliation at the time of release are more likely to recidivate than those with no known gang affiliation.
- 5) Post-Release Employment:<sup>7</sup> Inmates who did not have reportable wages (i.e. unemployed) during the three-year follow-up period are more likely to recidivate than those with reportable wages. Additionally, those who were able to sustain employment for almost one-half (47%) of their time at liberty had a drastically lower recidivism rate.<sup>8</sup>

<sup>5</sup> Determined using a logistical regression model controlling for gender, mental health impairment, number of previous SR incarcerations, age at release, testing positive for opioids and cocaine, known gang affiliation at the time of release, SR incarceration location, crime type of MSO, and percentage of time employed post release. The factors identified as predictors were all significant at  $p < .001$ .

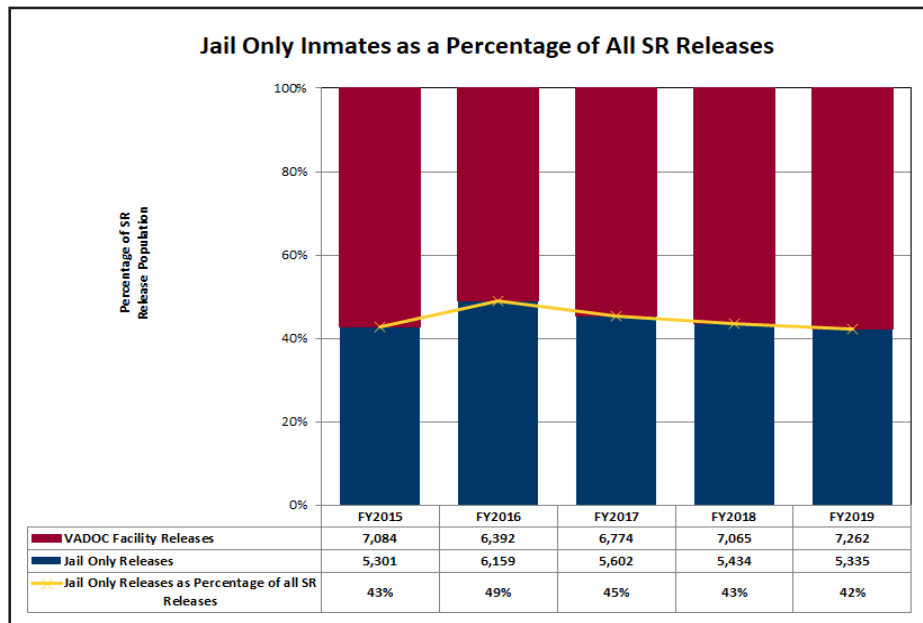
<sup>6</sup> History of multiple drug tests was evaluated in the FY2016, FY2017, FY2018, and FY2019 cohorts. History of drug tests was examined before or within three years of an inmate's release (end of three-year follow-up for non-recidivists and recidivated date for recidivists).

<sup>7</sup> Employment information was obtained from the Virginia Employment Commission (VEC). VEC data contains only data from Virginia employers subject to unemployment compensation laws. Employment where wages were earned under the table, through freelance work, from another state, or in Washington D.C. are not included in this data. Employment was defined as any wages earned during a quarter.

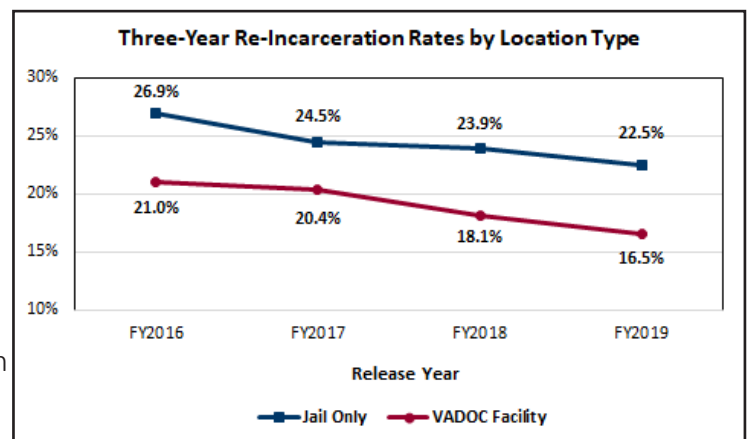
<sup>8</sup> The time that an inmate was employed is defined as the percentage of quarters that an inmate was employed during the follow-up period while at liberty. The follow-up period was from the quarter/year the inmate was released through 12 additional quarters or through the quarter/year the inmate recidivated.

## SR Incarceration Location and Recidivism

Due to capacity limitations in VADOC facilities, some SR inmates served their entire term of SR incarceration in a local or regional jail (Jail Only). The number of Jail Only SR releases reached a high of 6,159 (49%) in the FY2016 cohort, and declined to 5,335 (42%) in the FY2019 cohort. The percentage of Jail Only SR inmates decreased by 1% between the FY2018 and FY2019 cohorts, while those who spent at least a portion of their SR incarceration term in VADOC facilities increased from 57% to 58%. The percentage of Jail Only SR inmates has decreased by 7% since the peak in FY2016. The increase in SR releases who spent at least a portion of their SR incarceration in a VADOC facility may help explain the overall lower recidivism rate for the FY2019 cohort compared to previous cohorts.

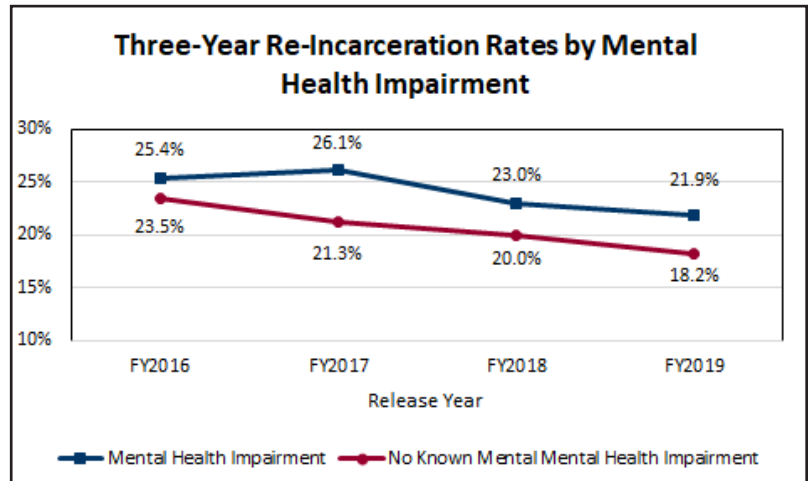


The three-year re-arrest and re-incarceration rates of Jail Only SR inmates are consistently higher than that of inmates who spent at least part of their SR incarceration term in a VADOC facility. FY2019 releases who were Jail Only prior to release had a re-arrest rate of [56.2%](#) compared to [47.9%](#) of those who were located in a VADOC facility. Among FY2019 releases who served at least part of their SR term of incarceration in a VADOC facility, 16.5% recidivated within three-years. This is a decrease of 1.6 percentage points compared to the FY2018 cohort. Similarly, Jail Only inmates saw a decrease of 1.4% in recidivism rates between the FY2018 and FY2019 cohorts (23.9% and 22.5%, respectively). Inmates who spent at least a portion of their SR term in a VADOC facility spent almost two months longer ([53 days](#)), on average, in the community prior to recidivating than those who spent their entire SR term in a jail ([636 days and 583 days](#), respectively). Access to evidence-based programs (EBPs), educational programs, substance use treatment, and mental health treatment in VADOC facilities helps returning citizens successfully re-enter society.



## Mental Health and Recidivism

Inmates with a known mental health impairment are designated with a mental health code in VirginiaCORIS indicating the severity of mental health impairment or a diagnosis of a serious mental illness. The recidivism rate of inmates with a known mental health impairment is higher than that of inmates with no known mental health impairment. Individuals with a known mental health impairment had higher re-arrest rates (56.8%) compared to those with no known mental health impairment (49.8%). The average length of time to re-incarceration of inmates with a mental health impairment was longer than that of inmates with no known mental health impairment (623 and 604 days, respectively).

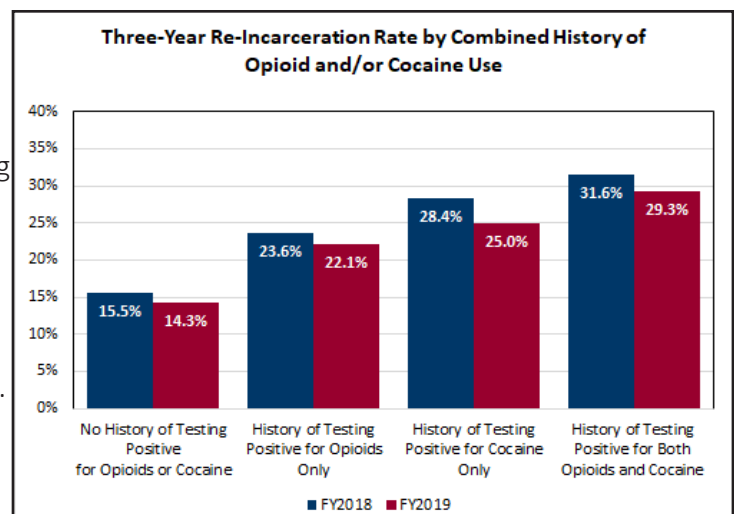


Compared to the FY2018 cohort, the recidivism rate of those with a known mental health impairment decreased by 1.1% to 21.9% and those without a known mental health impairment decreased by 1.8% to 18.2% in the FY2019 cohort. Recognizing the increased risk of recidivism among those with a known mental health impairment, in 2016, the Virginia General Assembly approved funding for 20 full-time mental health positions to help support VADOC's 43 Probation and Parole (P&P) Districts. The primary objective for the new staff was to facilitate continuity of care and increase the likelihood of successful re-entry for supervisees with a known mental health impairment. The additional mental health staff are also able to collaborate with VADOC prisons, local jails, and regional jails to assist with re-entry planning. The additional support may have contributed to the convergence in recidivism rates observed in the FY2016, FY2018, and FY2019 cohorts among those with a known mental health impairment and those without. The support may also have contributed to the large decrease in recidivism rates of those with a mental health impairment in the FY2019 cohort compared to the FY2017 cohort (21.9% and 26.1%, respectively).

## History of Opioids and/or Cocaine Use and Recidivism

The effect of testing positive for both opioids and/or cocaine on recidivism was explored for the FY2016 through FY2019 cohorts. Similar patterns were observed in all cohorts. Inmates with a history of testing positive for both opioids and cocaine before or within three-years of release had the highest recidivism rate.

FY2019 releases who had a history of testing positive for both opioids and cocaine had a three-year re-arrest rate of 70.7% and a three-year recidivism rate of 29.3%. Releases who did not have a history of opioid and/or cocaine use had a much lower re-arrest rate (41.4%) and re-incarceration rate (14.3%). Consistent with

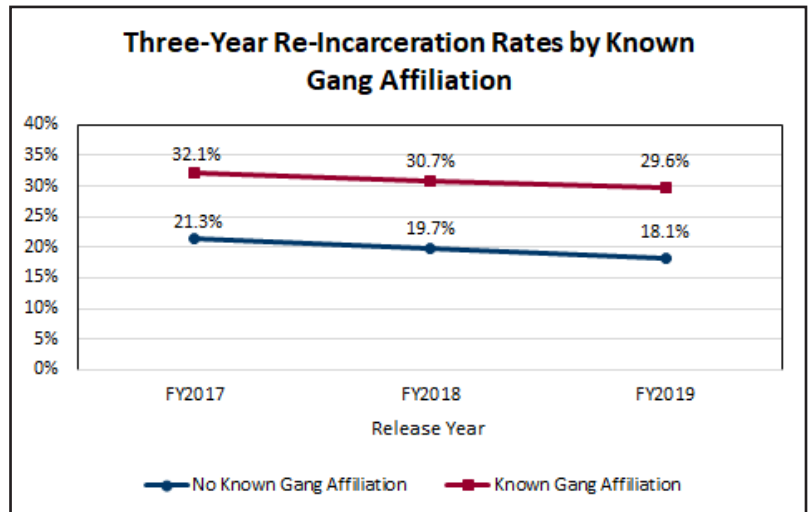




the pattern seen in the FY2017 and FY2018 cohorts, inmates with a history of testing positive for only cocaine and not opioids had the second highest re-incarceration rate of 25.0%. The recidivism rates for all drug use categories were lower for the FY2019 cohort than the FY2018 cohort. Inmates who tested positive for both opioids and cocaine spent the most amount of time in the community prior to returning to VADOC, on average, [631 days](#) (median of [654 days](#)), which may be the result of having increased access to treatment while in the community. These results further underline the essential role of substance use treatment in reducing recidivism.

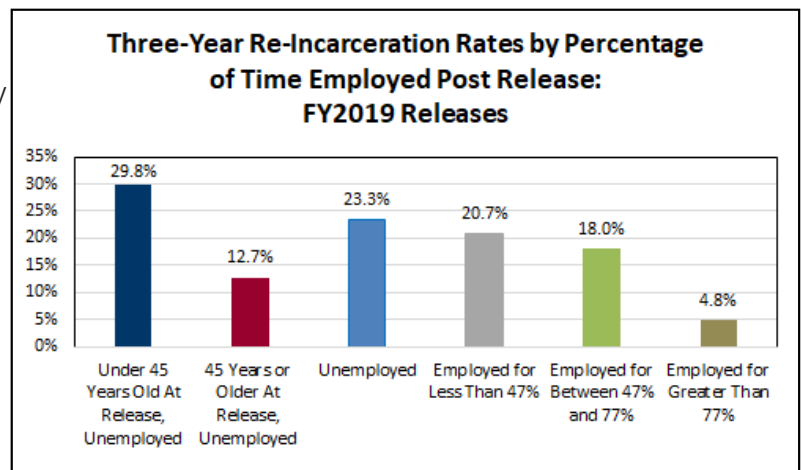
### Known Gang Affiliation and Recidivism

Inmates with a known gang affiliation<sup>9</sup> tend to have a higher recidivism rate than those with no known gang affiliation. The percentage of FY2019 releases with a known gang affiliation who recidivated was 29.6%, a decrease of over 1% (1.1%) compared to the FY2018 cohort and 2.5% compared to the FY2017 cohort. Additionally, inmates with no known gang affiliation had a lower recidivism rate than the release cohort overall (18.1% and 19.0%, respectively). Individuals with a known gang affiliation at the time of release had a higher three-year re-arrest rate ([68.5%](#)) than those who did not have a known gang affiliation ([49.9%](#)).



### Post-Release Employment and Recidivism

Inmates who were employed were much less likely to recidivate than inmates who weren't employed (16.4% and 23.3%, respectively). Inmates who are unemployed or have lower percentages of time employed post release have higher recidivism rates. Inmates under the age of 45 at release who were unemployed had much higher recidivism rates than inmates who were 45 or older at release who were unemployed (29.8% and 12.7%, respectively). This highlights that employment has a greater impact on recidivism for younger releases than older releases. Inmates who were employed for more than 77% of the time they were at liberty during the follow-up period had the lowest recidivism rate (4.8%), which is much lower than the overall cohort (19.0%). Inmates who found employment but were employed for less than 47% of their time at liberty had much higher recidivism rates than those who maintained employment 47% or more of their time at liberty (20.7% and 11.7%, respectively).

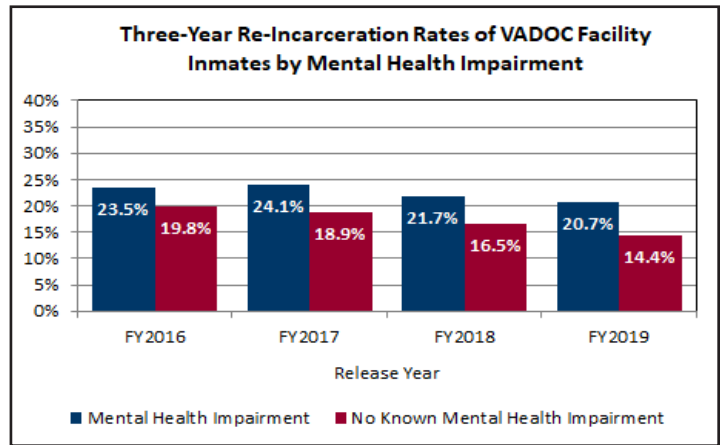
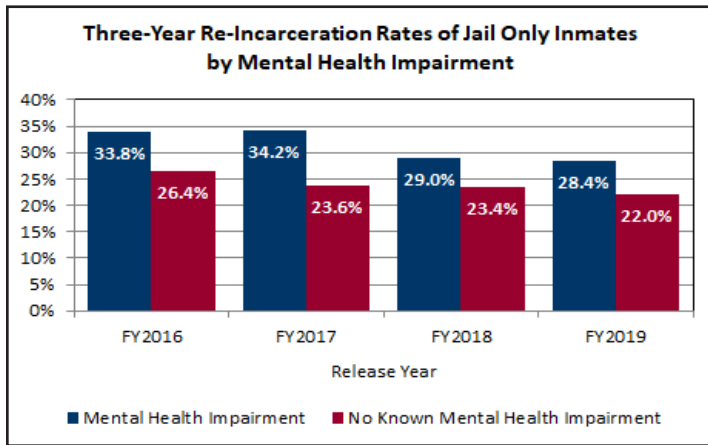


<sup>9</sup> Gang affiliation is defined as affiliation with at least one documented gang organization at release. Inmates may be affiliated with more than one gang.

## Combined Impact of Predictors

### SR Location and Mental Health

When considering both SR incarceration location and mental health, the recidivism rate of FY2019 Jail Only releases with a known mental health impairment was 7.7 percentage points higher than that of those with a known mental health impairment who spent at least part of their SR incarceration term in a VADOC facility (28.4% and 20.7%, respectively). Similarly, there is a 7.6 percentage point difference in recidivism between those without a known mental health impairment who were Jail Only versus those without a known mental health impairment who spent at least part of their SR incarceration term in a VADOC facility (22.0% and 14.4%, respectively). This trend holds true for all four fiscal years.

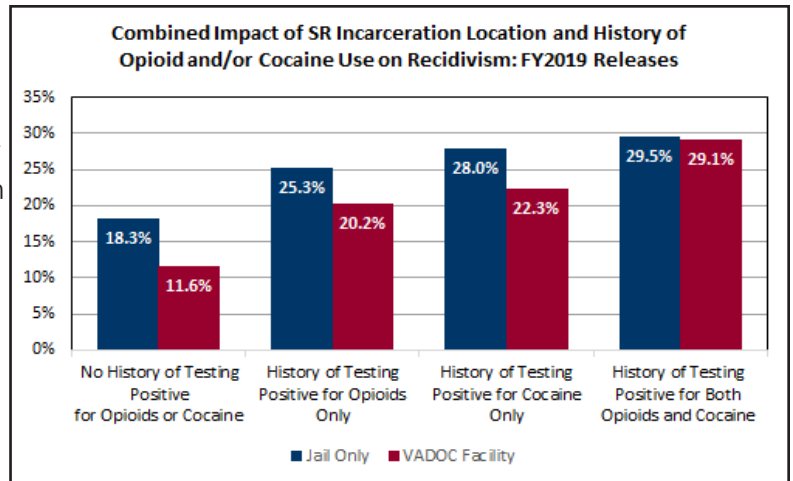


### SR Location and History of Opioid and/or Cocaine Use

Regardless of location of incarceration, inmates who tested positive for opioids and/or cocaine had higher recidivism rates than those who did not. However, the recidivism rates were even higher for those releases who were Jail Only. This can be seen on the chart to the right.

#### Mental Health and History of Opioid and/or Cocaine Use

Those with a mental health impairment had higher recidivism rates than those with no mental health impairment regardless of positive drug test history. For the FY2019 cohort, inmates who had a history of testing positive for opioids and cocaine and had a known mental health impairment were more likely to recidivate (30.6%) than those with a history of testing positive for opioids only or cocaine only and had a known mental health impairment (22.5% and 26.4%, respectively). However, those who tested positive for opioids and cocaine and had no known mental health impairment were more likely to recidivate (28.8%) than those who tested positive for opioids only or cocaine only regardless of mental health impairment status. This



suggests that inmates with comorbid mental health impairment and substance use disorders may require additional resources to prevent recidivism.

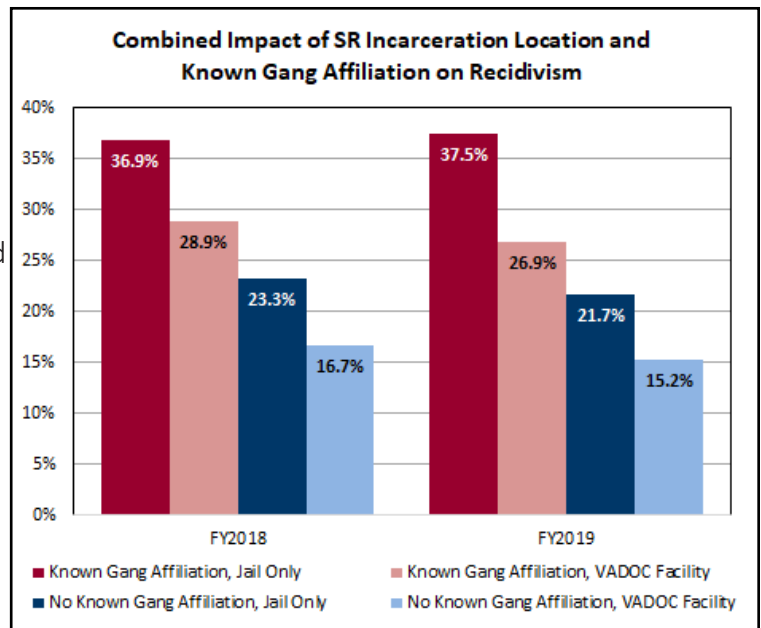
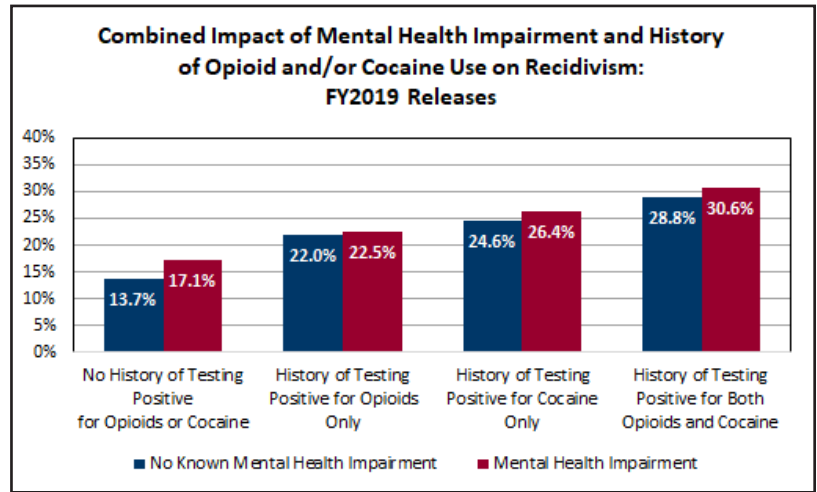
### SR Location and Known Gang Affiliation

Roughly 13% of the 2,399 inmates who recidivated in the FY2019 cohort had a known gang affiliation at the time of release (N = 311). Jail Only inmates were less likely to be identified as a known member of a gang as local/regional jails cannot enter confirmed gang member status into VirginiaCORIS. However, if a Jail Only inmate had previous DOC history (incarceration or supervision), their gang affiliation could be identified. More than 10% (10.8%) of inmates in the FY2019 cohort who spent at least a portion of their incarceration term in a VADOC facility had a known gang affiliation at the time of release. In contrast, only 5% of Jail Only inmates in the FY2019 cohort had a known gang affiliation at the time of release.

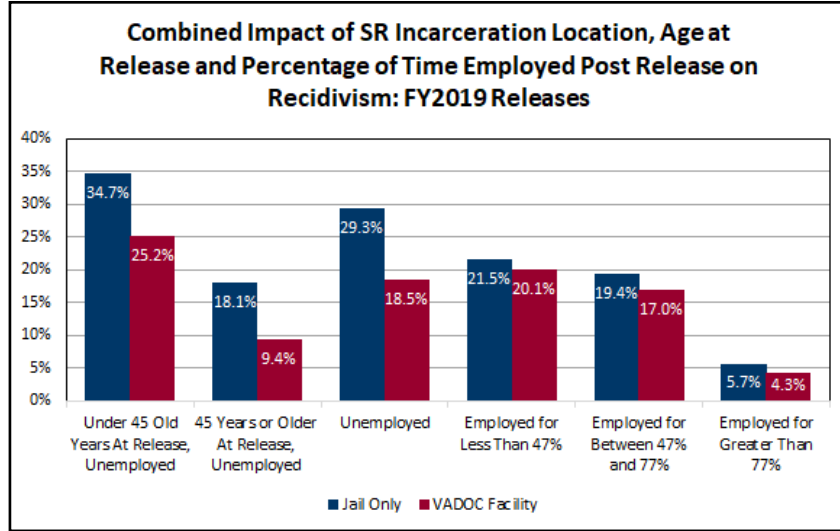
Inmates with a known gang affiliation at the time of release who spent the entirety of their incarceration term in a jail were at a greater risk of recidivating (37.5%) than those who spent at least a portion of their term in a VADOC facility (26.9%). Recidivism rates of inmates with a known gang affiliation who spent at least a portion of their term in a VADOC facility were lower for the FY2019 cohort when compared to the FY2018 cohort (26.9% and 28.9%, respectively). However, Jail Only inmates with a known gang affiliation had a higher recidivism rate for the FY2019 cohort than the FY2018 cohort (37.5% and 36.9%, respectively). These findings suggest that inmates with a known gang affiliation may benefit from the social, cognitive behavioral, and work-related programs offered by VADOC facilities (e.g., Thinking For a Change [T4C]) that are not consistently available in all jails, prior to and upon release.

### SR Location and Post-Release Employment

Regardless of post-release employment, Jail Only inmates had higher recidivism rates than inmates who spent at least a portion of their term of incarceration in a VADOC facility with the same percentage of time employed post release. Unemployed Jail Only inmates who were younger than 45 years at release had the highest recidivism rate (34.7%). Those who were employed for greater than 77% of the follow-up period while they were at liberty, for both Jail Only and VADOC facility releases, had much lower recidivism rates (5.7% and 4.3%, respectively) than any other employment status. The overall recidivism rates for employed and unemployed

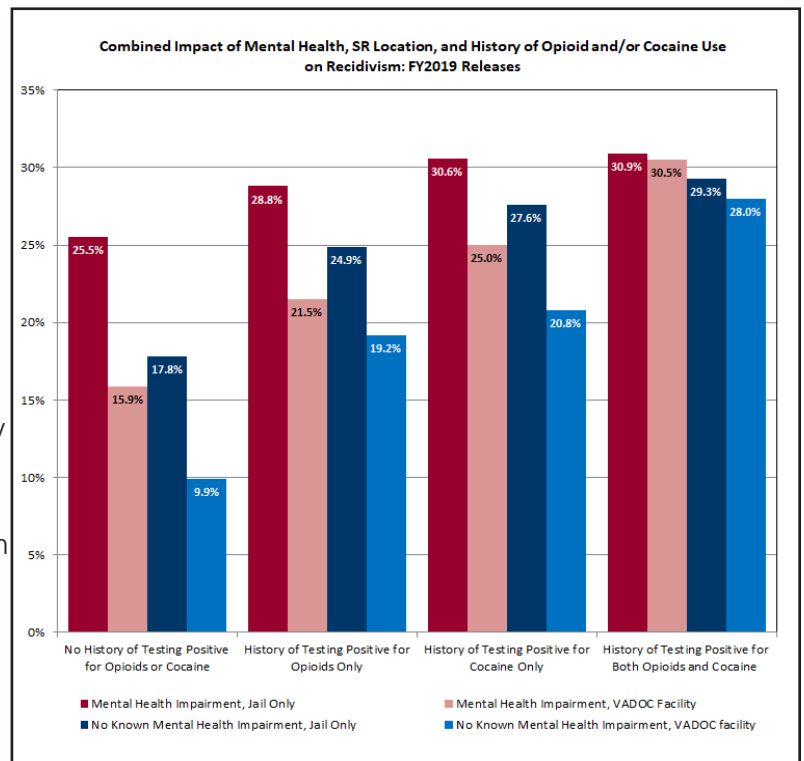


Jail Only releases (18.0% and 29.3%, respectively) had a much larger difference than the recidivism rates for employed and unemployed inmates who spent at least a portion of their incarceration in a VADOC facility (15.3% and 18.5%, respectively).



### Mental Health, SR Location, and History of Opioids and/or Cocaine Use

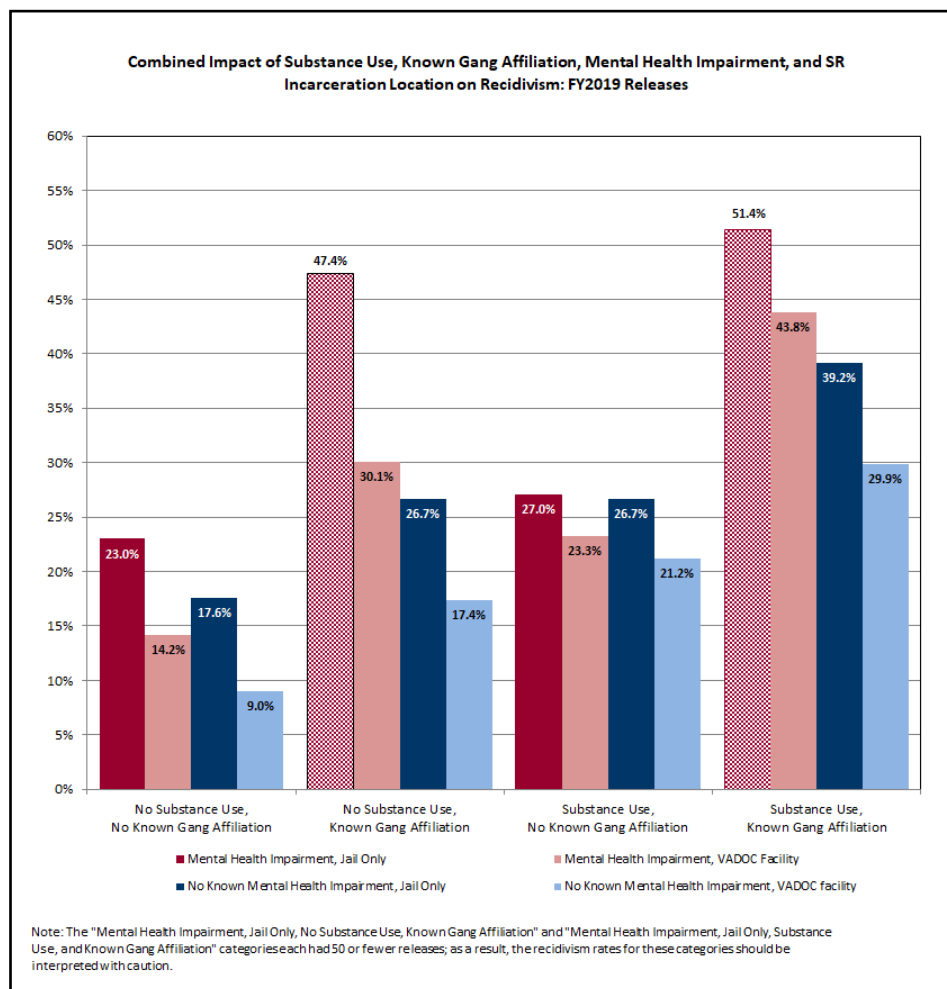
Jail Only inmates had higher recidivism rates than those who served a portion of their term in a VADOC facility with the same drug testing results and mental health impairment status. Jail Only inmates with a known mental health impairment and a history of testing positive for opioids and cocaine had the highest recidivism rate of 30.9%. Those with a known mental health impairment and a history of testing positive for both opioids and cocaine who spent at least a portion of their incarceration in a VADOC facility had a recidivism rate of 30.5%, which is 6-9% higher than the recidivism rate of inmates with the same mental health impairment and location history who tested positive for either opioids only or cocaine only (21.5% and 25.0%, respectively). The recidivism rates for inmates who tested positive for cocaine only were higher than the recidivism rates of those with no history of positive drug tests for opioids and cocaine, and those with positive drug tests for opioids only. The recidivism rate for FY2019 releases with no known mental health impairment, no history of opioid and/or cocaine use, and who spent at least a portion of their incarceration in a DOC facility prior to release was 9.9%, which is much lower than the overall recidivism rate (19.0%).



## Substance Use<sup>10</sup>, Known Gang Affiliation, Mental Health, and SR Location

Comparing the recidivism rates of inmates by substance use, gang affiliation, mental health impairment, and SR incarceration location shows that inmates with a known gang affiliation at the time of release, a known mental health impairment, and a history of testing positive for substances who spent their entire incarceration term in a jail had a higher recidivism rate than those with similar characteristics who spent their entire incarceration term in a VADOC facility (51.4% and 43.8%, respectively). These rates should be interpreted with caution, however, since there were some groups with low numbers of inmates. Regardless of mental health impairment or SR incarceration location, inmates with a known gang affiliation at the time of release or a history of testing positive for substances were at a greater risk of recidivating. This risk was compounded in the presence of multiple risk factors.

These findings suggest that inmates with a known gang affiliation at the time of release are especially vulnerable to recidivism, particularly those with a history of substance use and a mental health impairment. Disparities in identifying gang affiliation by incarceration location may factor into the differences in recidivism rates by SR incarceration location seen here. These results indicate that improvements are needed to better identify and support gang-affiliated inmates to increase their chances of successful re-entry.



<sup>10</sup> Substance use in this context is defined as a history of positive tests for opioids and/or cocaine use.

## Summary and Conclusion

The analyses in this report indicate that risk factors historically tied with recidivism continue to play a central and statistically significant role in the prediction of recidivism in the FY2019 cohort. Most broadly, there was a 1.6% decrease in the recidivism rate for the FY2019 cohort compared to the FY2018 cohort. The three-year SR re-incarceration rate among the FY2019 cohort was 19.0%, the lowest it has been in over 20 years. This low recidivism rate may be partially attributed to the COVID-19 pandemic. However, even with the estimated impact of COVID-19, the recidivism rate would still be lower than the FY2016 cohort, which was not impacted by the COVID-19 pandemic.

Mental health impairment, history of testing positive for opioids and/or cocaine, SR incarceration location, known gang affiliation, and post-release employment were found to be significant factors that impact recidivism. These factors, when considered individually or in combination, are associated with an increase in the likelihood of recidivating. Regardless of whether inmates have a mental health impairment, a history of testing positive for opioids and/or cocaine, a known gang affiliation, or were unemployed or were employed for a smaller percentage of time during the follow-up period, inmates who spent at least a portion of their incarceration term in a VADOC facility consistently have lower re-incarceration rates than their counterparts who spent the entirety of their incarceration term in a jail. These differences are likely due to the evidence-based practices, educational programs, and substance use treatment provided in VADOC facilities.

In comparison with the FY2018 cohort, the FY2019 recidivism rates of those with a mental health impairment (21.9%) and those without a mental health impairment (18.2%) decreased slightly by 1.1% and 1.8%, respectively. The recidivism rates of those with a mental health impairment have decreased by over four percentage points (4.2) since FY2016 (21.9% and 26.1%, respectively).

Inmates with a history of testing positive for opioids and cocaine were more likely to recidivate than those with a history of testing positive for either opioids or cocaine. FY2019 SR releases who had a history of testing positive for cocaine only had higher recidivism rates than those who had a history of testing positive for opioids only (25.0% and 22.1%, respectively). It is also important to note that inmates with no history of testing positive for opioids or cocaine had a recidivism rate 4.7% lower than that of the overall FY2019 cohort (14.3% and 19.0%, respectively). Recidivism rates for each substance history group were lower than the recidivism rates of those in the same category in FY2018. These results underline the central role of substance use treatment in preventing recidivism.

Consistent with the pattern seen in previous cohorts, inmates in the FY2019 cohort with a known gang affiliation at the time of release were more likely to recidivate than those with no known gang affiliation (29.6% and 18.1%, respectively). Those with no gang affiliation had lower recidivism rates than the overall cohort (18.1% and 19.0%, respectively).

Inmates who were employed for 47% or more of the follow-up period while at liberty had much lower recidivism rates than those who were employed for less than 47% or were unemployed (11.7% and 22.1%, respectively). Although employment post release reduces recidivism, inmates who had sustained employment saw the greatest reduction in recidivism rates. Inmates under 45 years of age at release and were unemployed during the follow-up period had much higher recidivism rates than those 45 years or older who were also unemployed (29.8% and 12.7%, respectively). This highlights that employment has a greater impact on recidivism for younger releases than older releases.

Additionally, when time to recidivism was examined by demographic factors, mental health impairment, previous incarceration history, crime type, incarceration location, history of opioid and/or cocaine use, gang affiliation, and employment, differences in the length of time to recidivism emerged. The current study found that established predictors of SR incarceration location, mental health, and substance use still play a role in recidivism and identified gang affiliation as a novel predictor of recidivism. Additionally, employment post release, especially sustained employment, also plays a large role as a predictor of recidivism. Addressing these risks may help prevent recidivism in future cohorts.

# Appendix

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Recidivism Rates and Time to Recidivate for FY2019 SR Releases by Characteristics									
	Total Releases	Total Recidivists	Quartiles				Average	Percent Re-Arrested <sup>2</sup>	Percent Re-Incarcerated
			25th	50th <sup>1</sup>	75th	100th			
<b>All Releases</b>	12,597	2,399	384	616	851	1,095	609	51.4%	19.0%
<b>Gender</b>									
Male	10,829	2,141	385	618	855	1,095	612	52.0%	19.8%
Female	1,768	258	371	599	815	1,083	589	48.0%	14.6%
<b>Age at Release</b>									
Under 30	3,236	772	372	614	819	1,093	597	60.9%	23.9%
30-39	4,339	912	406	628	874	1,095	626	55.7%	21.0%
40-49	2,643	455	362	622	845	1,092	605	47.1%	17.2%
50-59	1,781	229	355	589	859	1,092	596	39.9%	12.9%
60-69	503	26	446	604	870	1,081	619	23.1%	5.2%
70+	95	5	328	464	539	547	439	17.9%	5.3%
<b>Previous SR Incarcerations</b>									
No previous SR terms	6,628	1,009	408	635	854	1,093	622	45.1%	15.2%
1 previous SR term	2,889	614	400	631	857	1,094	618	56.2%	21.3%
2 previous SR terms	1,549	378	341	571	840	1,089	582	57.6%	24.4%
3 previous SR terms	792	196	377	567	847	1,095	591	62.9%	24.7%
4 previous SR terms	390	105	322	575	846	1,086	578	62.6%	26.9%
5 or more previous SR terms	349	97	336	612	857	1,050	593	65.0%	27.8%
<b>Crime Type</b>									
Violent	4,152	687	384	597	854	1,089	604	46.1%	16.5%
Property/Public Order	5,355	1,199	382	616	840	1,094	607	56.4%	22.4%
Drug	3,090	513	385	642	878	1,095	621	49.9%	16.6%
<b>Location History</b>									
VADOC Facility Releases	7,262	1,197	413	649	874	1,093	636	47.9%	16.5%
Jail Only Releases	5,335	1,202	350	582	827	1,095	583	56.2%	22.5%
<b>Mental Health Code</b>									
Mental Health Impairment <sup>3</sup>	2,903	636	395	631	863	1,088	623	56.8%	21.9%
No Known Mental Health Impairment or Not Reported	9,694	1,763	379	612	846	1,095	604	49.8%	18.2%
<b>History of Testing Positive for Opioids and Cocaine<sup>4</sup></b>									
Negative both Opioids and Cocaine	7,244	1,039	378	610	852	1,092	604	41.4%	14.3%
Positive only Cocaine	1,800	450	374	605	840	1,095	605	64.4%	25.0%
Positive only Opioids	1,830	405	371	595	847	1,088	600	60.1%	22.1%
Positive both Opioids and Cocaine	1,723	505	406	654	863	1,091	631	70.7%	29.3%
<b>Known Gang Affiliation at Time of Release</b>									
Known	1,052	311	411	654	853	1,094	628	68.5%	29.6%
No Known	11,545	2,088	379	610	850	1,095	606	49.9%	18.1%
<b>Employment<sup>5</sup></b>									
Unemployed	4,788	1,116	301	501	757	1,094	535	45.5%	23.3%
Employed for Less Than 47% of Follow-Up Period	4,082	847	524	721	904	1,095	703	65.3%	20.7%
Employed for Between 47% and 77% of Follow-Up Period	1,952	351	372	640	847	1,093	617	55.8%	18.0%
Employed for Greater Than 77% of Follow-Up Period	1,775	85	378	632	837	1,081	623	30.6%	4.8%
<b>Re-Incarceration Reason</b>									
Technical Revocation	--	450	311	491	720	1,089	520	--	--
New Crime Revocation	--	1,478	399	628	853	1,095	620	--	--
Not a Revocation, New Crime Only	--	471	450	707	905	1,094	660	--	--

<sup>1</sup>50th percentile = Median.

<sup>2</sup> Arrest records come from the Virginia State Police (VSP) and are matched to data in VirginiaCORIS based on key identifiers. As of July 2021, only arrests mandated to be reported to the Central Criminal Records Exchange (CCRE) are included in the VSP data, per 2021's House Bill 2113. Re-arrest information is based on July 2023 Virginia State Police criminal history data.

<sup>3</sup> The Mental Health Impairment category includes those who had a mental health code of "Appropriate for Field Unit/Work Center".

<sup>4</sup> Drug test history was examined before and within three years of release (end of three-year follow-up period for non-recidivists and recidivate date for recidivists).

<sup>5</sup> Employment was defined as any wages earned during a quarter. Employment was categorized by the percentage of time an inmate was employed during the follow up period while at liberty. Employment data was obtained from VEC and excludes employment data where wages were earned under the table, through freelance work, from another state, or in Washington D.C.

Note: As of Data Copy Date 10/13/2023.

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