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**IN THIS ISSUE...**

Measuring Recidivism..... 1

Multistate Comparison..... 2

    State Methodologies..... 2

    12-Month Reconviction Rates.. 3

    Maryland & Virginia Rates..... 3

    Maryland & Missouri Rates ..... 3

Conclusion ..... 4

## COMPARING RECIDIVISM RATES

*“Preventing future reoffending, with its inherent victimization, is a goal shared by all agencies of the justice system.”<sup>1</sup>*

Recidivism, or the tendency of a criminal offender to reoffend, is a fundamental concept in criminal justice. Because juvenile justice systems strive to prevent youthful offenders from relapsing into offending behavior that could return them to the juvenile system or result in their entry into the adult criminal justice system, lower recidivism is a key measure of success. Unlike adult recidivism, however, no national rates for juvenile recidivism exist.

Because each state’s juvenile system and laws differ, states choose their own methods for tracking and measuring recidivism. As a result, juvenile recidivism rates across states do not lend themselves to easy comparison. Factors affecting these rates include definitions of recidivism, types of offenders and offense severity, length of tracking periods, the age at which juvenile courts and justice agencies have jurisdiction, and methodological variations. Because of these differences, researchers, policymakers, and the public should exercise tremendous caution when comparing recidivism rates across states and other jurisdictions.

This article will shine greater light on the challenges associated with comparing recidivism rates by comparing Maryland’s juvenile recidivism rate to several other states.

### MEASURING RECIDIVISM

Juvenile recidivism, or the rate at which youths commit new crimes following release from juvenile services, is a primary measure of success for juvenile justice agencies across the United States. However, measures of recidivism lack uniformity, rendering cross-state comparisons nearly impossible. A low recidivism rate in one state may reflect little more than differences in how that state defines and measures repeat offending. Further, differences in juvenile justice systems across jurisdictions would render a national estimate of juvenile recidivism almost meaningless.

In a 2009 whitepaper, the Council of Juvenile Correctional Administrators (CJCA) observed: “Recidivism is an inherently negative indicator of program or system performance.” While it can be argued that programs and agencies should measure positive outcomes, such as educational attainment and improved family functioning, recidivism is a public safety concern.<sup>1</sup>

Calls from policymakers and scholars for standardization in the measurement of recidivism date back to the early 1970s. To strive for a more comparable method for gauging recidivism, the CJCA produced a 2009 whitepaper and asked all 50 states to participate in an anonymous comparison of rates. A 2014 analysis reported the rates for seven states, but despite the

collaboration, data limitations and differences in methodologies persisted. CJCA’s definition of recidivism involves a new criminal offense committed by a previously adjudicated youth who has been discharged from a juvenile program or facility. This definition does not include technical violations of court orders or status offenses.

To better standardize measures of recidivism, CJCA observed that new arrests, criminal charges, adjudications or convictions, and commitments to juvenile or adult facilities can be used, but strongly recommended that all studies of recidivism include adjudication or conviction. CJCA also advocates that measurement of recidivism rates should include the following:

- multiple measures to increase opportunities for comparison, such as rearrest, readjudication, and reincarceration
- a follow-up period of at least 24 months from the date of disposition (shorter time intervals, such as 6 and 12 months, can be used as well)
- Recorded dates that establish clear time frames, because of the time-specific nature of recidivism. Adjudication/conviction and disposition/sentencing dates should be recorded, as well as release dates for youths committed to residential facilities, and the dates on which juvenile court jurisdiction was terminated.

**MULTISTATE COMPARISON**

As noted earlier, jurisdictions across the United States vary greatly in their

**Table 1: Comparison of State Recidivism Methodologies\***

Aspects of Recidivism Reporting	Maryland	Florida	Ohio	Oregon	South Carolina	Virginia
Year of Cohort	FY2016	FY2016	CY2014	FY2016	FY2017	FY2016
Includes Adult Data	Y	Y	Y	Y	N	Y
Reports Rearrest	46.50%	N	N	N	N	49.90%
Reports Reconviction	20.00%	48.00%	N	8.30%	13.90%	39.90%
Reports Reincarceration	15.10%	N	20.80%	N	N	16.30%
Adult Jurisdiction Starts at 18	Y	Y	Y	Y	N	Y
Tracks Recidivism From Release Date	Y	Y	Y	Y	Y	Y
Includes “Non-Completers”	Y	N	Y	Y	N	Y
Excludes VOP	Y	N	Y	N	N	Y
Includes Misdemeanors	Y	Y	N	N	Y	Y
Includes Non-Secure: Group Homes, etc.	Y	N	N	N	Y	N
Counts Date of Arrest/Complaint for Recid.	Y	Y <sup>1</sup>	N	N	N	Y

\*The colors in the table above denote a comparison with Maryland. Green indicates that aspect of recidivism reporting is utilized similarly to Maryland while red indicates that the state does not use that particular aspect.

measurement of juvenile recidivism. They may use rearrests, reconvictions, or reincarcerations – or a combination – as criteria for recidivism. Further, periods for tracking recidivism vary, from six months to three years. Recidivism can be a new juvenile offense, an adult criminal offense, or both. Some states may view juvenile rearrests or reconvictions as relapses, not instances of recidivism. Complicating matters further is that youth populations differ across jurisdictions. State policy actions, as well as those of police and courts, also influence recidivism. For all of these reasons, juvenile recidivism rates should not be compared across states without a great deal of caution and careful consideration of these factors.

This section will compare recidivism rates and measures for Maryland with the following states: Florida, Ohio, Oregon, South Carolina, and Virginia. The particular states were chosen because they

have methodological similarities to Maryland, with all reporting

- At the State level, and not at the county or local level.
- 12-month recidivism rates, following the committed release date.
- At least one key measure: re-arrest, reconviction, or reincarceration.
- Juvenile court original jurisdiction is up to 18 years old.

Table 1 compares recidivism rates and measures for Maryland and the other selected states. Despite methodological similarities identified previously, differences persist. Some states include technical violations of probation (VOPs) as recidivism. Some track only youth who “complete” a

program. Not all states include non-secure community placements, such as group homes, in their cohort. Some states include just felony charges. One state – South Carolina – does not consider adult criminal data in its recidivism calculations.

As shown in Table 1, while Maryland and Virginia report separate rates of rearrest, reconviction, and reincarceration, most of the other states studied report only a single measure – usually reconviction or reincarceration. Most states include both juvenile adjudication and adult criminal convictions in their recidivism rates.

With the differences in recidivism methodologies identified previously in mind, Figure 1 illustrates 12-month conviction rates for Maryland, Florida, Oregon, South Carolina, and Virginia. Maryland’s 12-month reconviction recidivism rate is lower than Florida and Virginia, but higher than Oregon and South Carolina. However, differences in populations, juvenile justice systems, and measurement methodologies may explain much of the differences.

**Figure 2: 12-Month Recidivism Rates for Maryland and Virginia**

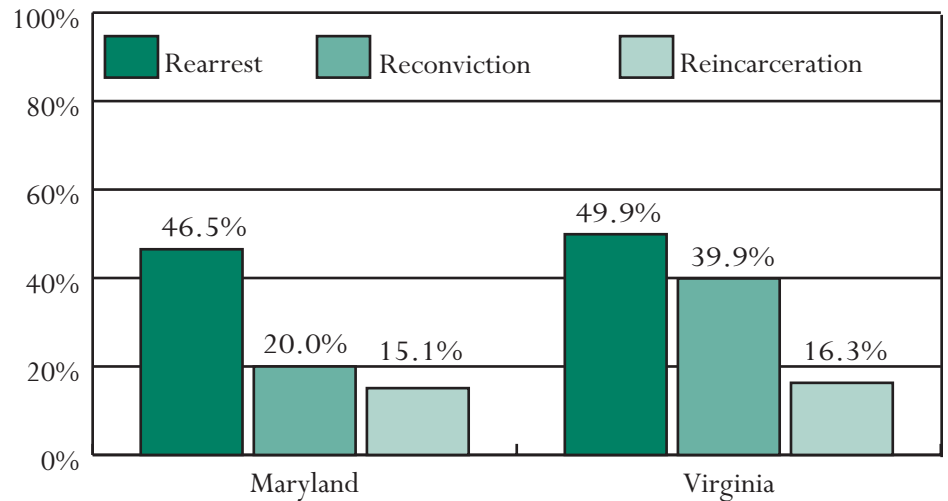


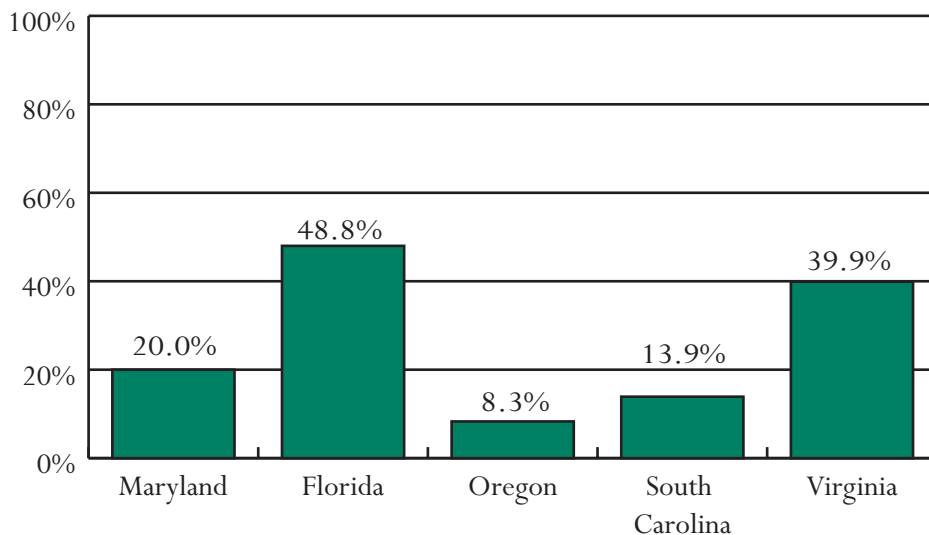
Figure 2 compares 12-month recidivism rates (rearrest, reconviction, and reincarceration) for Maryland and Virginia, which share the greatest similarities in their recidivism methodologies. As shown below, Maryland’s recidivism rates are lower than Virginia’s in all three categories. Nevertheless, differences in populations, juvenile justice systems, and measurement methodologies may account for part of the differences.

**MARYLAND VS. MISSOURI**

This section compares recidivism rates between Maryland and Missouri, a state

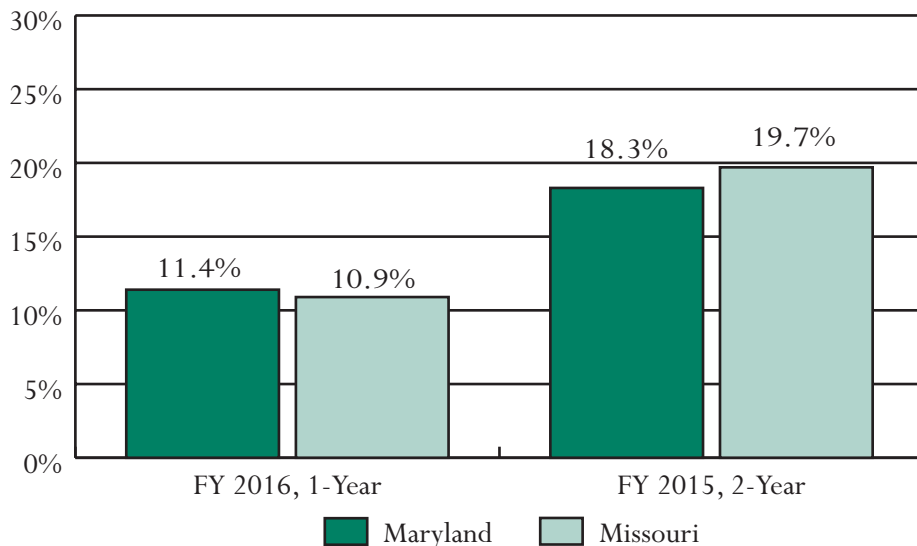
that has won national recognition for its low recidivism rates. Mendel (2010), in a report for the Annie E. Casey Foundation, wrote that Missouri’s recidivism rates were consistently lower when compared to other states that calculate recidivism “using similar definitions.”<sup>2</sup> The Missouri Department of Youth Services (DYS) defines recidivism as juvenile reconviction (court adjudication followed by a new commitment to DYS) or an adult criminal conviction leading to probation, a 120-day “shock” incarceration, or a state prison sentence.

**Figure 1: 12-Month Reconviction Rates**



The Missouri methodology for calculating recidivism differs sharply from Maryland’s method, as well as from the CJCA recommendations outlined earlier. Missouri’s beginning time period for a recidivism cohort is the day on which a youth is discharged from DYS custody – both release from a residential facility and aftercare supervision. In other words, a youth released from a Missouri facility who reoffends while on community supervision would not be considered a recidivist because the youth is still considered to be in DYS custody. This contrasts with Maryland, which counts

**Figure 3: 1- and 2-Year Recidivism Rates for Maryland\* and Missouri Applying Missouri Methodology**



**\*Recidivism rates shown for Maryland are based on a calculation using the Missouri methodology for calculating recidivism. Thus, these rates will not match those in official Maryland documents. Therefore, the rates shown here are not official and should not be inferred as such.**

recidivism from the date of release from placement, not from both placement and aftercare, as Missouri does.

To account for this and other differences in recidivism methodology, as well as to enable a more appropriate comparison, the Research and Evaluation office at DJS recalculated its juvenile recidivism rates, applying the Missouri methodology. Documents and a telephone conference call with Missouri DYS provided details about its methodology. The DYS annual report for 2017 (the most recent year available) provided Missouri juvenile recidivism rates.

When the Missouri methodology was applied, Maryland’s rates were similar to those of Missouri, as shown in Figure 3, which compares the two states. It must be emphasized that the Maryland rates shown here were derived using the Missouri methodology and therefore will not match those found in official Maryland reports, such as the annual

Data Resource Guide. The rates shown in Figure 3 were calculated solely for comparison purposes in this Research Spotlight. They are not official and should not be inferred as such under any circumstance.

When the Missouri method is applied to Maryland’s recidivism data, Maryland’s 1-year 2016 recidivism rate was 0.5 points higher than Missouri’s, while its 2-year 2015 rate was 1.4 points lower. Significance testing revealed that these differences were not statistically significant at a .05 level.

### CONCLUSION

The need for caution when comparing recidivism rates across states cannot be overemphasized. As shown in Table 1, important differences exist that can result in vastly different measures of recidivism. Differences can include definitions of recidivism, types of offenders included in calculations, duration of tracking periods, age of jurisdiction for juvenile courts, and many methodological variations. It is

essential to bear these considerations in mind when attempting to compare recidivism across states.

*Note: DJS publishes annual statewide juvenile recidivism data in its Data Resource Guide<sup>3</sup>.*

### ENDNOTES:

<sup>1</sup> Council of Juvenile Correctional Administrators (2009). “Defining and Measuring Recidivism.” Accessed from <http://cjca.net/wp-content/uploads/2017/12/cjca-recidivism-white-paper.pdf>.

<sup>2</sup> Mendel, R.A. (2010). “The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders.” Annie E. Casey Foundation.

<sup>3</sup> Maryland Department of Juvenile Services Data Resource Guide. Available online at: <https://djs.maryland.gov/Pages/Data-Resource-Guides.aspx>.