



Australian Government

Australian Institute of Criminology

Recidivism in Australia: findings and future research

Jason Payne

Research and Public Policy Series

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Director's introduction

In 2005 the Australian Bureau of Statistics (ABS) identified 12 national priority areas underpinning the *National information development plan for crime and criminal justice* (ABS 2005b). One was a commitment to develop 'an agreed measure or measures of recidivism and an evidence base that will inform policy research in the development of effective strategies' (2005b: 36). The plan outlines a shared responsibility between key research and government agencies to achieve these priorities.

In June 2005 the Australian Institute of Criminology (AIC) convened a roundtable of national research and policy delegates to explore the value and limitations of defining recidivism and its analysis. The delegates confirmed that there is an inherent difficulty in developing a single definition of recidivism in the research and policy environments. They recommended that further work be undertaken to consolidate what was then known about recidivism in Australia. The delegates agreed that AIC would develop a report on recidivism as a first step towards building a systematic evidence base in this national priority area.

This report summarises studies published in the Australian literature that have focused on recidivism over the past 10 years. Despite recidivism being a key aspect in understanding offenders and their offending behaviour, there have been relatively few studies. This is partly because of legislated privacy and ethics constraints in working with human subjects and their criminal histories. Two other factors that can impede access to data are the problem of data linkage across the justice sector and a risk averse approach by public officials to data and the publication of those data. There is a strong policy focus on recidivism in European countries because they know that strategies that target recidivist offenders, based on a solid understanding of the existing data, will be effective in driving down crime and reducing the number of victims. However, Australia is well behind in developing national recidivism datasets that are widely accessible for research purposes.

This report brings together, for the first time, the different methods used by Australian researchers to measure recidivism, and highlights their strengths and weaknesses. All methods and data have limitations. Quality research is not just about the best methodologies and data, however. It is also the art of interpreting the findings in the context of a thorough knowledge of criminological theory as it applies to the question being asked and the context in which the estimates have been generated. As the methodology and data will vary according to the question, there will be different measures and different numbers, making a single definition of recidivism unrealistic. This means that it is important that researchers locate their results within the broader theoretical and empirical work on recidivism so that policy makers are not left with a confusing array of findings. Understanding the context and detail of the specific research is sometimes just as important as the ultimate findings from the work.

This report identifies three priority areas for future investment – the development of a national research agenda and national indicators of recidivism; improving capacity through improving the quality of administrative databases (including linkage) and positively enabling access to the data by researchers; and improving the value of recidivism for policy development by improving methodological clarity and rigour.

Investments in some key areas of research are likely to generate important findings for public policy and crime prevention including:

- developing recidivism prediction models for specific offender populations
- focusing recidivism research on emerging areas of crime such as white collar crime, transnational crime and cybercrime
- greater investment in evaluating the number and variety of crime prevention and reduction programs operating across Australia with a commitment to publish evaluation results, both positive and negative.

Toni Makkai
Director
Australian Institute of Criminology

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Executive summary

At a time when evidence based policy development has become increasingly important in the criminal justice policy arena, recidivism research provides promise for crime control strategies targeted at reducing reoffending. Identifying recidivists, understanding the correlates of high volume offending, and evaluating programs designed to reduce offending remain three key research and policy priorities in Australia.

Despite the importance of recidivism, there is a large divide between research and policy. What policy makers would like to measure often bears little resemblance to what researchers are able to measure, given the limitations on appropriate data and available information. As a result, research findings are often used out of context and with little regard for limitations imposed on them by the methodological constraints they face. This is driven primarily by a lack of clarity surrounding an appropriate definition of recidivism and clear articulation of research methodologies.

This report deals with important questions relating to recidivism research. It provides a conceptual framework through which recidivism can be defined and interpreted and arms both researchers and policy makers with a battery of tools useful in critical assessment of the research literature. It begins by looking at the general definition of recidivism and the problems inherent in its measurement and identification.

Defining and measuring recidivism

Defining recidivism seems reasonably straightforward. It is a term frequently used in the criminal justice literature to refer to repetitious criminal activity and is synonymous with terms such as repeat offending and reoffending. A recidivist offender is generally seen as one who engages in repeated criminal activity.

Underlying this seemingly simple and generic term is a complex web of research studies whose definition of recidivism varies with each different methodological approach. Like most criminological concepts, recidivism is constantly being redefined, as new and innovative attempts are undertaken to understand why offenders reoffend.

In essence, this report highlights that the research context, described here as the where, when and why the research is being undertaken, is a key driving force in the methodological development of recidivism. It is the research questions, developed to fill gaps in the knowledge base or to provide answers to specific policy goals, which drive much of the research in this field. Context plays a critical role in the specification of the three key elements of recidivism. It determines the selection of:

- the sample – the target group of offenders whose recidivism is being measured
- the indicator events – the events used to indicate the occurrence of recidivism: specifications are determined by the data sources and counting rules used when identifying and quantifying them
- the observation period – the time period over which the indicator events are observed and counted.

Having an appreciation of the research context and the specification of the three key elements of recidivism is the first step in understanding the differences between recidivism studies. The sample chosen for analysis directs the research findings to a specific group of offenders. Between studies, the sample may differ by location and year of selection, or more specifically, it may be tied to a criminal justice event such as participation in a drug court program, community corrections order or an event of imprisonment. As a general rule, research findings that differ in the underlying sample cannot be directly compared, and specific studies of specific samples cannot be generalised to a broader offending population.

Identifying and quantify recidivism occurs after the selection of the sample and is heavily reliant on the source of the data used. Due to the illicit nature of criminal activity, researchers must rely on either self-reported offending data or official administrative records to determine the advent of criminal offending. Neither source provides a precise measure of actual offending and each is limited in the extent to which it may overestimate or underestimate offending or distort the measurement of time. This report highlights some of the key limitations of each data source as follows:

- Self-report data – these data are, by design, retrospective in nature. They typically measure all offences for which an offender is willing to self-report, and their quality and reliability are only as good as the offender's capacity and willingness to recall past events. The offender's understanding of the instruments used (for example, surveys) to obtain information on offending behaviour is a key consideration in the use of the self-report methodology.
- Police data – these data measure apprehensions, charges or arrests and include offences that come to the attention of police. Not all offenders are detected and arrested by the police, but if they are, not all are guilty. Police data underestimate offending to the extent that they include only offences that are reported officially or otherwise come to the attention of the police. They may overestimate offending because not all offenders apprehended by the police are, in fact, guilty of their alleged offences.

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- Court data – these measure appearances or convictions and include offences that result in an appearance or conviction in court. Court data represent offences the police sought to prosecute and convictions are those offences for which an offender pleaded or was proven guilty. They do not include other offences such as those that were dropped or dismissed during plea negotiations.
 - Corrections data – these data measure recontact with the department of corrective services, such as an offender's return to a community corrections order or imprisonment. Not all offences resulting in a court conviction will result in contact with corrective services, and some offenders may be incarcerated on remand for offences of which they were not guilty.

Aside from these general limitations it is important to recognise a few additional issues regarding the data used in recidivism analysis.

- Jurisdictional variation exists such that different or additional limitations are imposed, depending on when and where the data were obtained.
- As each data source represents a point in the chronology of the criminal justice process, each is generally regarded as a filter through which fewer and fewer offences proceed to each successive stage. This means that a data source not only has its own internal limitations; it is also likely to inherit many of the limitations imposed by earlier systems. For example, court conviction data do not generally include offences that were not detected by the police.

Choosing a data source is but one step in identifying recidivism – deciding what to do with that data, how to construct them, what to count and how to quantify recidivist events are equally important to the specification of recidivism. This report describes two key issues central to the measurement and quantification of recidivism:

- definitional issues – the type of reoffending chosen as an indicator of recidivism
- counting rules – the unit of measurement selected to count the indicator event (for example, will the study aggregate offences occurring at the same time on the same day, or will they be counted separately?)

Not all recidivism research examines recidivism as any and all events of reoffending. Some studies examine recidivism for specific offence types or offence typologies, such as sex offences, or property offences. How the research defines the indicator events, that is, the types of offences used to indicate recidivism will have important implications on how much recidivism is observed.

Moreover, once the event of recidivism is defined by what will or will not be included as a recidivist event, researchers are required to make decisions about the rules applied to counting these events. Some studies utilise aggregation techniques that pool together groups of offences into a single offending episode, while others may measure all events regardless of whether they resulted from a single offending incident. Both measures, even if conducted using the same data source and for the same sample of offenders, are likely to produce significantly different estimates of recidivism.

The final key element of recidivism is the observation period – the length of time over which offending is to be observed. In the research environment, this is termed the follow-up period, and is the number of days, months or years for which recidivism data have been obtained. This report highlights a number of key issues to be considered when interpreting recidivism analysis with varying observation periods:

- longer observation periods offer a greater opportunity to observe criminal events
- short observation periods may be limited in the extent to which offending may be observed, but allow of more timely and perhaps less costly analysis
- there is no gold standard observation period, but decisions about appropriate length should be driven by the research questions and aims, and consider how the data chosen may impact on the timely identification of criminal events. For a single offence, arrest occurs chronologically prior to conviction and conviction prior to imprisonment. To observe that offence at each point may require different observation periods
- not only do observation periods vary between studies, but the length of an observation period may vary between individuals within the chosen sample. Specific longitudinal analyses are needed to account for these variations.

In concluding, this report reiterates the problem of recidivism – that the context of recidivism and the questions the research seeks to identify affect the selection of the sample, the identification and quantification of the indicator events and the specification of the observation period. Each has a unique impact on the definition of recidivism, but combined, they result in very specific definitions. Those undertaking recidivism research or those interpreting it for the purposes of policy and program development would be well served to ask the following questions of the information that is presented:

- When, where and for whom is the research undertaken? Context in this sense shapes the research questions and can assist in the identification of broad level variations in research results.
- What sample was chosen and what specific characteristics of that sample prevent wider application or generalisation?

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- What data are used to identify criminal events and how are they defined and counted? Understanding the limitations imposed by the data and counting methods is paramount to understanding when and how much recidivism is measured.
 - How long was recidivism observed and to what extent has the observation period limited the identification of recidivism? Are observation periods different within the sample, and if so, what methods have been used to account for these differences?

Australian recidivism research

The second aim of this report was to provide a synopsis of the Australian recidivism literature, highlighting key findings and conclusions. This was undertaken with caution, for much of the previous discussion highlighted just how recidivism research should not be compared, contrasted or generalised without appropriate consideration of the key elements. Nonetheless, this report combines similar Australia research studies into subject areas in an effort to describe what is currently known (and not known) about recidivism.

The first section deals with the recidivism of adult prisoners. This includes their retrospective self-reported and administratively recorded prior offending and imprisonment, as well as their prospectively measured reappearance, reconviction and reimprisonment. Although the studies vary widely in context and across the key methodological elements, they show a number of interesting findings:

- about two in every three prisoners will have been previously imprisoned
- about one in four prisoners will be reconvicted within three months of being released from prison
- between 35 and 41 percent of prisoners will be reimprisoned within two years of being released
- the recidivism rates (regardless of how they were measured) appear reasonably consistent over time.

Second, the report deals with recidivism of adult offenders from studies that have selected convenience samples at different stages of the criminal justice system, but not including prisoners. There are fewer studies of generalised offender samples than there are of prisoners, however similar self-report and administrative methodologies have been used. The studies show that:

- approximately 50 percent of adult police arrestees will have been arrested at least once in the past 12 months, and approximately one in five will have spent time in prison in the past 12 months

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- between 50 and 60 percent of adult police arrestees will be rearrested at least once within 10 years, although the probability of arrest is highest within the first two years
 - about two-thirds of adult offenders appearing before the lower courts will have been previously convicted, and one in five previously sentenced to prison
 - approximately 15 percent of adult offenders released from community corrections will return to community corrections within two years

Third, studies of juvenile detainees were examined, with the findings suggesting that:

- approximately half of all juveniles in detention across Australia have spent time in prison on at least one prior occasion
- more than half of those released from detention will be reconvicted within at least six months
- nearly eight in every 10 juveniles released from detention will be subject to supervision (community or custodial) by a corrective services agency within seven years and almost half will be imprisoned as an adult
- juvenile detainees are likely to be reconvicted of new offences much sooner than adult prisoners.

Finally, juvenile offender studies were examined. Similar to the studies of adult offenders, those for the juvenile offender population used convenience samples of police arrestees, court attendees, court convictees and community corrections participants. These studies suggest that:

- around half of juveniles police arrestees have been arrested at least once in the 12 months prior to their current arrest; three percent of police arrestees had spent some time in detention in the past 12 months
- approximately half of the juveniles appearing before a youth or children's court will have been convicted previously
- approximately one-third of juveniles appearing in the youth or children's court will be reconvicted before the age of 18, increasing to two-thirds when early adulthood convictions are included.

Correlates of recidivism

In addition to an analysis of recidivism rates, this report highlights some key findings about the correlates of recidivism.

- Consistent with the early findings of the age-crime curve, reoffending peaks in the mid to late teenage years. The probability of being a recidivist is greatest between the ages of 17 and 21 years of age, and decreases into adulthood.

Finally, the report highlights some emerging areas of research that are likely to generate important and interesting findings for public policy and crime prevention including:

- developing recidivism prediction models using exploratory analysis of specific offender populations
- additional exploratory analysis of recidivism in neglected or emerging areas of crime such as white collar crime, transnational crime, cybercrime, family and domestic violence, and recidivism among the mentally ill
- further investment in evaluating the number and variety of crime prevention and reduction programs operating across Australia. This includes investment in other forms of evaluation such as process and cost-benefit analysis. Evaluation results, positive and negative, should be publicised.

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- There is conflicting evidence about the probability of reoffending and gender. Some studies suggest that females are less likely to reoffend, while others find no difference by gender. Studies that identified a difference are consistent in their finding that females, particularly juveniles, are less at risk of recidivism, and will commit less serious offence types.
 - Criminal history is also important. The younger the age at which an offender commences offending, the more likely they are to be recidivist offenders. Similarly, more frequent and serious prior offending is linked to increased risk of reoffending, as is prior imprisonment.
 - The current most serious offence is also a key indicator of recidivist behaviour, but there is little consistency between studies in the types of offences most linked to reoffending. Serious acquisitive offences, such as robbery and property offences, are clear markers of an increased risk of reoffending.
 - An offender's lifestyle and drug use are also shown to be linked to recidivism. Unemployment, limited or low level education, poor residential location, a history of mental health problems, family instability and serious, prolonged drug use are the key factors identified.
 - Post-release difficulties are particularly important. These difficulties, such as limited access to financial resources, limited contact with family and limited knowledge of social support and health services are all key factors identified as barriers to successful reintegration. They are factors that are subsequently linked to a higher probability of reoffending.

Future directions

Three areas were identified as future priorities in recidivism research:

- **Developing a national research agenda and national indicators** of recidivism that are useful and provide information relevant to the aims and information needs of the various criminal justice agencies.
- **Improving capacity** to measure recidivism using administrative databases by improving the comparability of and linkage between criminal justice data collection sources and access by researchers to those data.
- **Increasing the value of recidivism research for policy development** by ensuring that data, methodology and limitations are clearly identified and where possible, standardised. This will facilitate more accurate interpretation and application to program and policy development.