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# Introduction

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**D**uring the 1996 legislative session, there was considerable discussion about the cost-effectiveness of Minnesota's prison system. Among the 50 states, Minnesota has one of the lowest rates of imprisonment, but its cost per inmate is among the nation's highest. At a time when Minnesota was contemplating construction of additional prison beds, legislators wondered whether spending more per inmate had resulted in better outcomes, such as reduced rates of offender recidivism. They also wondered whether community-based alternatives to prison--another growing part of the state budget--adequately protect public safety.

As a result, the 1996 Legislature requested the Legislative Audit Commission to authorize a study that would "analyze and report on the recidivism rates of felons released from state and local correctional facilities and programs."<sup>1</sup> The commission approved this study in May 1996. In our research, we asked:

- **To what extent are convicted Minnesota felons subsequently arrested, convicted, and imprisoned, and how do these recidivism rates compare with those found in studies done elsewhere?**
- **How is recidivism related to offenders' criminal history, conviction offense, personal characteristics, program participation, and other factors? What types of new offenses do convicted felons commit?**
- **Do recidivism rates measure progress toward important state goals, and should such rates be reported regularly?**

Information on the extent of repeated criminal behavior could serve important purposes. It could help policy makers and corrections officials to evaluate the effectiveness of alternative correctional sanctions and programs, establish appropriate sentencing policies, and determine whether correctional agencies are using valid methods of assessing offender risk. More generally, it is useful for legislators and corrections officials to periodically consider whether actual rates of offender recidivism are consistent with their own expectations and those of the general public.

For our study, we tracked adult felons for a uniform three-year follow-up period. Specifically, we tracked felons released from prison in 1992 for three years from their dates of release, and we tracked felons placed on probation in 1992 for three

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<sup>1</sup> *Minn. Laws* (1996), Ch. 408, Art. 8, Sec. 25. State law defines felonies as crimes for which prison sentences of more than one year may be imposed.

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**We determined  
three-year  
recidivism  
rates for 8,670  
felons.**

years from their sentencing dates.<sup>2</sup> Our literature review indicated that a three-year follow-up period should be sufficient to identify a majority of offenders who would eventually be arrested for new offenses. Some of the offenders we studied were not under community correctional supervision for the entire three-year follow-up period, depending on the length of their probation or supervised release from prison.<sup>3</sup>

To determine rates of offender recidivism, we obtained a computerized version of the Minnesota Bureau of Criminal Apprehension's (BCA) criminal history database, which contains arrest and court disposition information for persons arrested in Minnesota for felonies and gross misdemeanors. We also obtained information from the Federal Bureau of Investigation (FBI) on offenses committed in other states, as well as information from BCA on Minnesota convictions that had not yet been entered into the state's official criminal history database. We used these information sources to determine recidivism rates for 1,879 inmates released from prison in 1992 and 6,791 offenders sentenced to probation in 1992. This is the largest group of Minnesota felons whose recidivism has been tracked over a period of three years or more, and our study is the first to determine recidivism rates for Minnesota's statewide probation population.

"Recidivism" can be defined as an individual's return to crime following a criminal conviction. Our study--like nearly all other recidivism studies--relied on official records of criminal activity and, therefore, only measured offenses that were reported to the police and resulted in arrests.<sup>4</sup> Some studies define recidivism as instances in which convicted offenders are subsequently **arrested**, while others define it as subsequent **convictions** or **imprisonments**. Some studies examine only new felony offenses, while others examine new offenses of any level. Clearly, a study's definition of recidivism can have an important impact on the amount of recidivism it identifies. For any group of offenders that is tracked for a uniform period, fewer will be convicted than arrested, fewer will be imprisoned than convicted, and fewer will commit felony offenses than commit offenses of any kind. There is no universally-accepted method of measuring recidivism, so we used multiple approaches in our analysis rather than relying on a single method.

During our study, some Minnesota Department of Corrections officials expressed concerns about measures of recidivism that are based on arrests. They noted that not all arrested persons are guilty of the crimes for which they were arrested, and they wondered whether law enforcement authorities might sometimes be inclined

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2 We limited our sample of prisoners to those who in 1992 were given the first release on their current commitment to prison. Our sample did not include prisoners who were released following revocation of the terms of an earlier release.

3 Prisoners would have three years of supervised release only if they originally received at least a nine-year sentence. Less than 10 percent of felons sentenced to prison in 1994 received sentences this long. A survey conducted by our office indicated that 90 percent of felons placed on probation receive stayed sentences of three years or more. See *Funding for Probation Services* (St. Paul, January 1996), 39-40.

4 In addition to looking at offenses that resulted in arrests, convictions, and imprisonments, we also examined cases where offenders were imprisoned for technical violations of their probation or supervised release, rather than for new offenses.

to arrest “the usual suspects”—that is, persons with previous criminal records—when they are trying to solve crimes. Undoubtedly, innocent people are occasionally arrested; it is impossible to know exactly how many.

But, for several reasons, we decided to examine rearrest rates as one measure of offenders’ criminal activity. First, we found that leading corrections researchers have concluded that arrests are a valid and, in fact, preferred measure of recidivism. Although some arrests do not result in convictions, researchers attribute many of these cases to plea bargaining, diversion of cases out of criminal courts, revocations of probation or supervised release (rather than prosecution for new offenses), reluctance of key witnesses to cooperate, and due process issues—not the innocence of the person arrested.<sup>5</sup> Second, one reason that reconviction and reimprisonment rates are lower than rearrest rates is the length of time that it takes for cases to move through the criminal justice system. Thus, recidivism rates based on arrests may provide a more accurate indication of offender behavior within a fixed time frame than recidivism rates that are based on subsequent actions by the court system. Third, as we discuss in Chapter 3, the arrest data in BCA’s official criminal history database appear to be more complete than the conviction data. For instance, some convictions are not recorded in this database because the case disposition information provided to BCA by the courts is inconsistent with the arrest information submitted to BCA by law enforcement agencies. Fourth, legislative staff told us that legislators would like to see an array of recidivism measures, including measures based on arrests. Finally, it is worth noting that the Minnesota Department of Corrections has used arrest rates as a measure of recidivism in some of its own studies.

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**We examined recidivism by measuring offenders’ subsequent rates of arrest, conviction, and imprisonment.**

Our report suggests some benchmarks from previous research with which Minnesota’s recidivism rates can be compared, but such comparisons should be made cautiously. Not only are there differences in the definitions of recidivism used in previous studies, but there are differences in the populations of offenders across states. Unfortunately, there is no way to know for certain whether Minnesota felons are more or less predisposed to reoffend than felons in other states.

This report does not attempt to explain the causes of recidivism, which are complex. While offenders must certainly be accountable for their own behavior, the roots of repeated criminal activity might sometimes be found in failures of families, schools, communities, and correctional programs. It may be difficult for the criminal justice system to change the well-established criminal behaviors of many serious offenders, but protection of public safety and rehabilitation of offenders are among the system’s goals.

Legislators told us they were interested in learning about the impact of various correctional programs. Our report provides general information on the content of pro-

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<sup>5</sup> The most often-cited book on analysis of offender recidivism concluded that ‘arrest is a better indicator of offender conduct than conviction’ (Michael D. Maltz, *Recidivism* (Orlando: Academic Press, 1984), 58). Also, researchers Alfred Blumstein and Jacqueline Cohen concluded that: ‘In view of the predominantly procedural reasons why arrests fail to reach conviction, the errors of commission associated with truly false arrests are believed to be far less serious than the errors of omission that would occur if the more stringent standard of conviction were required as an indicator of criminal behavior (“Estimation of Individual Crime Rates From Arrest Records”, *Journal of Criminal Law and Criminology* 70 (1979), 565).

grams provided in Minnesota prisons, based on interviews with program staff and several site visits. We also analyzed recidivism rates for inmates who completed selected programs before or after their release from prison in 1992. This did not enable us to conclusively determine whether the programs resulted in less recidivism than would have occurred in their absence, but we did try to compare the recidivism of program participants with that of similar types of offenders.<sup>6</sup>

We hope that this report provides information that will help legislators and others evaluate the goals and performance of Minnesota's criminal justice system. Chapter 1 provides background information on Minnesota's correctional system and felony offenders. Chapter 2 examines findings from previous recidivism studies. Chapter 3 analyzes Minnesota recidivism rates, and Chapter 4 offers recommendations for ways to gather and use recidivism information in the future.

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<sup>6</sup> Ideally, for research purposes, offenders would have been randomly assigned to prison programs or to "control groups" that did not participate in the programs. This approach helps researchers to isolate the impact of the programs from other factors. When random assignment is not possible, researchers sometimes identify a comparison group that has similar characteristics to the group in the program. It can be difficult to know for sure whether the groups are sufficiently comparable, and there is always the possibility that inmates who chose to participate in a program were more inclined to change their behaviors than those who did not.