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# Recidivism of Minnesota Felons

## CHAPTER 3

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**A**lthough there is a significant body of research literature on the subject of recidivism, there is a limited amount of information about the recidivism of Minnesota offenders. The Minnesota Department of Corrections annually reports on the reimprisonment rates of felons released from state correctional facilities, but it has not analyzed rates of rearrest and reconviction for these offenders. Also, no agency has conducted a statewide analysis of recidivism for the large group of felons who are placed on probation rather than sentenced to prison. The 1996 Legislature requested that our office conduct this study to provide a comprehensive picture of reoffense rates among Minnesota felons.

We asked:

- **To what extent are Minnesota felons arrested for new offenses, convicted of those offenses, and imprisoned? How do recidivism rates differ among probationers and released prisoners?**
- **How do recidivism rates vary among different categories of offenders, such as burglars and sex offenders? What types of new offenses do recidivists commit?**
- **How is recidivism related to offenders' criminal history, personal characteristics, program participation, and other factors?**

We attempted to track (1) all felons released from Minnesota prisons in 1992, and (2) all felons sentenced to probation (rather than prison) in 1992.<sup>1</sup> Of these 8,901 offenders, we excluded about 3 percent from our analysis because we could find no record of them in the Bureau of Criminal Apprehension (BCA) files.<sup>2</sup> Thus, our analysis measured recidivism for a total of 1,879 released prisoners and 6,791

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<sup>1</sup> We limited our prisoner analysis to the group of offenders who were released for the first time in 1992 from their current prison sentence. We did not include prisoners who had been released prior to 1992, violated the terms of their release, returned to incarceration, and were released again in 1992.

<sup>2</sup> Nearly all of the excluded cases were probationers. The Sentencing Guidelines Commission--whose records we used to identify felons sentenced to probation in 1992--does not have information on offenders' BCA or FBI identification numbers, and this made it difficult to locate some offenders' BCA records.

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**We examined the criminal records of each offender for exactly three years.**

probationers.<sup>3</sup> We tracked these offenders' subsequent arrests and convictions for felonies and gross misdemeanors, not for lesser offenses.<sup>4</sup> Our research relied mainly on records from BCA's official criminal history database, but selected analyses in this chapter also incorporate (1) information from BCA's "suspense file," which houses records of Minnesota convictions that BCA has not yet placed in its official criminal history database, and (2) Federal Bureau of Investigation (FBI) records of arrests in states other than Minnesota. We tracked each offender for exactly three years, beginning from a prisoner's date of release or a probationer's date of sentencing. The appendix provides additional information on our research methods.

Overall, we found that about 59 percent of the offenders released from prison in 1992 were arrested for a new felony or gross misdemeanor in Minnesota within three years, and an additional 5 percent were rearrested for a felony or gross misdemeanor outside of Minnesota during the three-year follow-up period. During the three years, 45 percent were convicted of a new offense in Minnesota, and 40 percent were imprisoned for new offenses or technical violations of their supervised release. Felons sentenced to probation had lower recidivism rates, largely reflecting their shorter criminal records. The reoffense rates we found appear to be within the broad range of rates reported in other recidivism studies. We found higher recidivism rates among young offenders, property offenders, and offenders in Hennepin and Ramsey counties. The overall recidivism rates of prison program participants were similar to the rates of non-participants, although it is possible that some programs reduced recidivism rates among some types of participants.

## OFFENDER CHARACTERISTICS

Most of the felons released from prison in 1992 were young, single males. Table 3.1 shows that among our sample of released prisoners, 92 percent were men, and 73 percent were less than 35 years old at the time of their release. The sample included 38 offenders who were certified as adults for crimes committed when they were juveniles.<sup>5</sup> Eighty-one percent of the released prisoners were either never married, divorced, or separated from their spouses. About 58 percent were white, and 29 percent were black.

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<sup>3</sup> We found records in the criminal history file for all but four released prisoners. For one of the four, we found a record in BCA's "suspense file," described in this chapter and the appendix. We found records in BCA's criminal history file for 6,363 of 7,019 probationers (91 percent), and we found records for an additional 428 probationers in BCA's suspense file.

<sup>4</sup> A felony is a crime that, under statute, may result in a prison sentence of more than one year. A gross misdemeanor is an offense for which a jail sentence of 91 days to one year may be imposed. An example of a common gross misdemeanor is repeat driving while intoxicated. To determine the level of offense for which offenders were reconvicted, we considered felonies to be offenses with pronounced sentences exceeding one year, and gross misdemeanors to be offenses with pronounced sentences between 91 and 365 days.

<sup>5</sup> Before 1994, a juvenile who was believed to have committed an offense after becoming an adult could be certified as an adult only if the prosecuting authority demonstrated that the child was not suitable for treatment or that public safety would not be served by keeping the case in juvenile court. The law now presumes certification for certain offenses, and it authorizes prosecutors to seek certification in cases where juvenile court proceedings would not serve public safety.

**Table 3.1: Descriptive Characteristics - Released Prisoners and Probationers**

	Released Prisoners		Probationers	
	Number	Percent	Number	Percent
TOTAL OFFENDERS	1,879		6,791	
GENDER				
Male	1,737	92%	5,518	81%
Female	142	8	1,273	19
RACE				
White	1,093	58%	4,742	70%
Black	545	29	1,400	21
Native American	153	8	306	5
Hispanic	70	4	243	4
Other	18	1	100	1
AGE <sup>a</sup>				
15-24	546	29%	2,926	43%
25-34	833	44	2,350	35
35-44	370	20	1,124	17
45-54	97	5	276	4
55 and over	33	2	115	2
MARITAL STATUS <sup>b</sup>				
Never Married	1,247	66%	NA	
Separated/Divorced	289	15	NA	
Married/Widowed	330	18	NA	
Unknown	13	1	NA	
EDUCATIONAL ATTAINMENT <sup>b</sup>				
Less than 12th grade	659	35%	NA	
High school diploma	511	27	NA	
GED	415	22	NA	
Postsecondary	247	13	NA	
Other	47	3	NA	
TYPE OF OFFENSE <sup>c</sup>				
Violent	700	37%	1,497	22%
Property	875	47	3,553	52
Drug	248	13	1,475	22
Other	56	3	266	4
CRIMINAL HISTORY SCORE <sup>d</sup>				
0	367	21%	4,236	62%
1-3	687	39	2,236	33
4-6	523	30	279	4
7 and over	190	11	40	0

**Prisoners tended to have longer criminal histories than probationers.**

Source: Program Evaluation Division analysis of Department of Corrections and Sentencing Guidelines Commission data.

<sup>a</sup>At time of release from prison or time of sentence to probation.

<sup>b</sup>At time of admission to prison.

<sup>c</sup>Most serious offense for which the prisoner was committed or the probationer was sentenced.

<sup>d</sup>The criminal history score is computed in accordance with Minnesota's sentencing guidelines and reflects offenders' criminal history prior to the current conviction. Lower scores generally indicate fewer prior offenses. We were unable to determine a criminal history score for 112 released prisoners.

The released prisoners had diverse educational backgrounds at the time they entered prison. While 35 percent had not earned a high school diploma, 13 percent had some type of postsecondary training. Twenty-seven percent had graduated from high school and an additional 22 percent had earned a general educational development (GED) certificate.

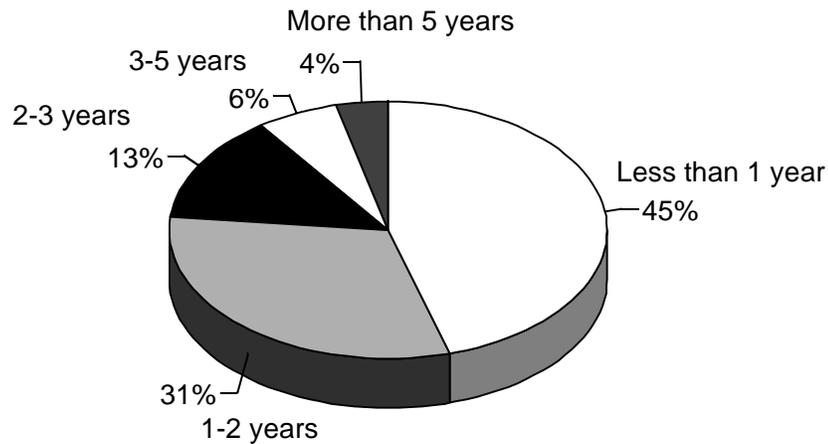
Nearly half of the former inmates had been sentenced to prison for a property crime, such as burglary, theft, forgery, or fraud. Thirty-seven percent were imprisoned for a violent offense, such as criminal sexual conduct, assault, robbery, homicide, or kidnapping. Thirteen percent were committed to prison for a drug-related offense.

Figure 3.1 shows that 77 percent of the released prisoners we tracked had been in prison for less than two years before their release.<sup>6</sup> Some of the released prisoners who had short stays behind bars were not initially sentenced to prison but were incarcerated for violating the terms of their probation. Minnesota has had a determinate sentencing system since 1980, so the Department of Corrections has little control over offenders' dates of release from prison.<sup>7</sup>

In comparison with released prisoners, our sample of probationers sentenced in 1992 included higher percentages of women, white offenders, and felons under age 25. In addition,

**Most of the prisoners we studied had been imprisoned for less than two years.**

**Figure 3.1: Length of Time Served in Prison, Prisoners Released in 1992**



Source: Program Evaluation Division analysis of Department of Corrections data.

<sup>6</sup> Although a felony is defined as an offense for which a prison sentence of more than one year may be imposed, an offender may be imprisoned for as little as two-thirds of the sentence—eight months for a pronounced sentence of a year and a day. In addition to the prison time shown in the figure, offenders may have received credit for jail time served prior to sentencing.

<sup>7</sup> The department may extend the period of confinement for offenders who violate prison rules and it may also determine how long to confine offenders whose supervised release has been revoked.

- **Perhaps the most important differences between released prisoners and probationers were the types of offenses they had committed and the lengths of their prior criminal records.**

These differences largely reflect Minnesota’s sentencing guidelines, which were developed partly to reserve prison space for more serious felony offenders. Compared with the released prisoner population, the probation population included more drug offenders and property offenders, but proportionally fewer violent offenders. In addition, probationers had committed fewer prior offenses than released prisoners. For example, using the sentencing guidelines system for determining prior offenses, 61 percent of probationers had no prior convictions (or not enough to result in one criminal history “point”), compared with 21 percent of released prisoners.<sup>8</sup> We discuss these differences further in a later section of this chapter.

## RECIDIVISM OF RELEASED PRISONERS

### Overall Rates

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**We determined offenders’ rates of rearrest, reconviction, and reimprisonment.**

We measured recidivism by calculating the percentage of released prisoners who were rearrested, reconvicted, and reimprisoned. It is reasonable to expect rearrest rates for felonies and gross misdemeanors to exceed reconviction rates because (1) not all arrested offenders are prosecuted and convicted (or are convicted of misdemeanors, despite having been arrested for more serious offenses), and (2) not all convictions occur during the standard follow-up period (in this case, three years). Likewise, reconviction rates should exceed rates of imprisonment because some convicted offenders are sentenced to probation instead of prison. Many recidivism researchers think that rearrest rates present a more accurate measure of true offender criminality than either reconviction or imprisonment rates. We examined recidivism using all of these measures, although some of our discussions highlight selected measures.

Figure 3.2 presents several three-year recidivism rates for the 1,879 inmates released from state correctional facilities in 1992. BCA records for this sample of offenders showed that:

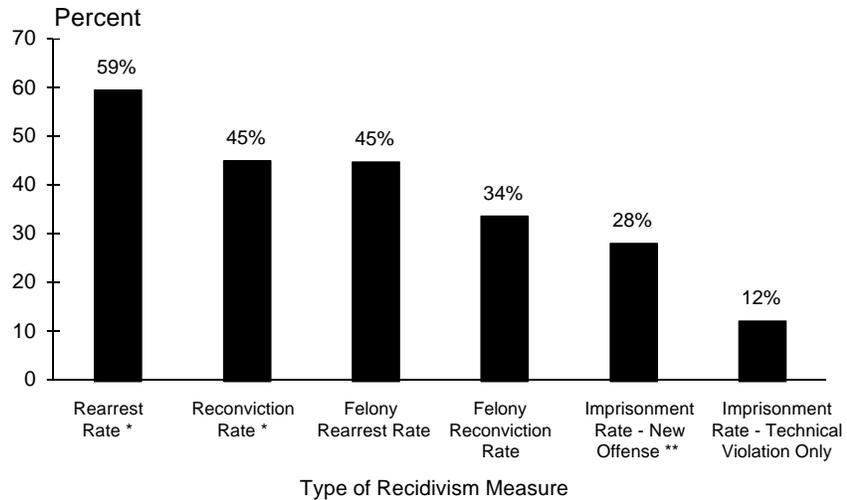
- **About 59 percent of released prisoners were arrested in Minnesota within three years for a new felony or gross misdemeanor, and 45 percent were convicted within three years.**

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<sup>8</sup> The Minnesota Sentencing Guidelines Commission does not count fractions when determining an offender’s criminal history points. For instance, an offender whose criminal history consisted of three gross misdemeanor convictions would have a criminal history score of zero because it takes four such convictions to equal one criminal history point.

Within Minnesota, 59 percent of prisoners were rearrested, and a total of 40 percent were reimprisoned for new offenses or technical violations.

**Figure 3.2: Three-Year Recidivism Rates for Prisoners Released in 1992, Based on Minnesota Offenses Only**



Source: Program Evaluation Division analysis of BCA and Department of Corrections data.

\* For a felony or gross misdemeanor.

\*\* Some of these offenders were imprisoned for both a new offense and a technical violation of supervised release.

In addition, we found that 45 percent of released prisoners were rearrested for a **felony** in Minnesota in the three years following release, and 34 percent were reconvicted of a felony.<sup>9</sup>

We also examined FBI records to determine the extent to which Minnesota offenders committed new crimes in other states. The records showed that an additional 5 percent of the prisoners released from Minnesota correctional facilities in 1992 were rearrested for out-of-state offenses (but not Minnesota offenses) in the three-year follow-up period. Thus, a total of 64 percent of Minnesota's prisoners were rearrested in the United States within three years of release.

We used data from the Department of Corrections and BCA to determine how many released inmates returned to prison within three years. Some offenders return to prison because they commit new offenses and are sentenced to prison again. Others are reimprisoned by the Department of Corrections for violating the terms of their supervised release--perhaps by failing a drug test, committing a minor offense, or refusing to participate in a community treatment program. Department staff told us that they view reimprisonment for technical violations as a way

<sup>9</sup> The general reoffense rates presented in this section include arrests and convictions from both the BCA criminal history file and the suspense file. The felony reoffense rates given here may understate the actual felony rearrest and reconviction rates by 1 or 2 percentage points because we did not search the suspense file for offenders who had only a gross misdemeanor conviction in the BCA official criminal history records. Some of these offenders might have had a felony arrest or conviction record in the suspense file.

to hold offenders accountable before they commit more serious offenses. We found that:

- **A total of 40 percent of released inmates returned to prison in Minnesota within three years-- 28 percent for a new offense and another 12 percent solely for technical violations of the terms of their supervised release, not for new offenses.**

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**The Department of Corrections has understated the number of offenders returning to prison for new crimes.**

We compared these findings with return rates that have been calculated by the department. We found that the department’s method of computing return rates has understated the percentage of inmates who returned to prison with a new sentence. This occurred because the department has categorized inmates’ returns to prison based on only their **first** return. For example, a prisoner who was released in 1992 and first returned as a technical violator in 1993 would be counted by the department as a return without a new sentence. Even if he were subsequently sentenced to prison for a new offense within the follow-up period, the department would still not count the offender as having returned to prison for a new offense. Applying the department’s methodology, only 22 percent of inmates released in 1992 returned to prison with a new sentence within three years, rather than the actual rate of 28 percent. Because the department often provides legislators with information on the percentage of inmates who returned to prison for new offenses, we think that it is important for this return rate to reflect complete information for the follow-up period.

Chapter 2’s review of previous studies observed that three-year recidivism rates for released prisoners have usually fallen within the following ranges: 50 to 70 percent rearrest rates, 35 to 55 percent reconviction rates, and 25 to 45 percent reimprisonment rates for new offenses and technical violations. The recidivism rates that we found for Minnesota were within these broad ranges, and the rearrest and reconviction rates were very similar to those found in a federal study of 11 states. Minnesota’s overall reimprisonment rate was higher than the rates of many states for which we found comparable data. But the data from other states usually did not differentiate between imprisonments for new offenses and imprisonments for technical violations, so it is unclear which type of imprisonment accounted for these states’ lower reimprisonment rates.

## **Recidivism Rates, by Conviction Offense**

Besides measuring overall recidivism rates for released prisoners, we also analyzed inmate reoffense patterns based on the original offense that resulted in imprisonment.<sup>10</sup> We found that:

- **Property offenders were more likely to reoffend than other types of offenders.**

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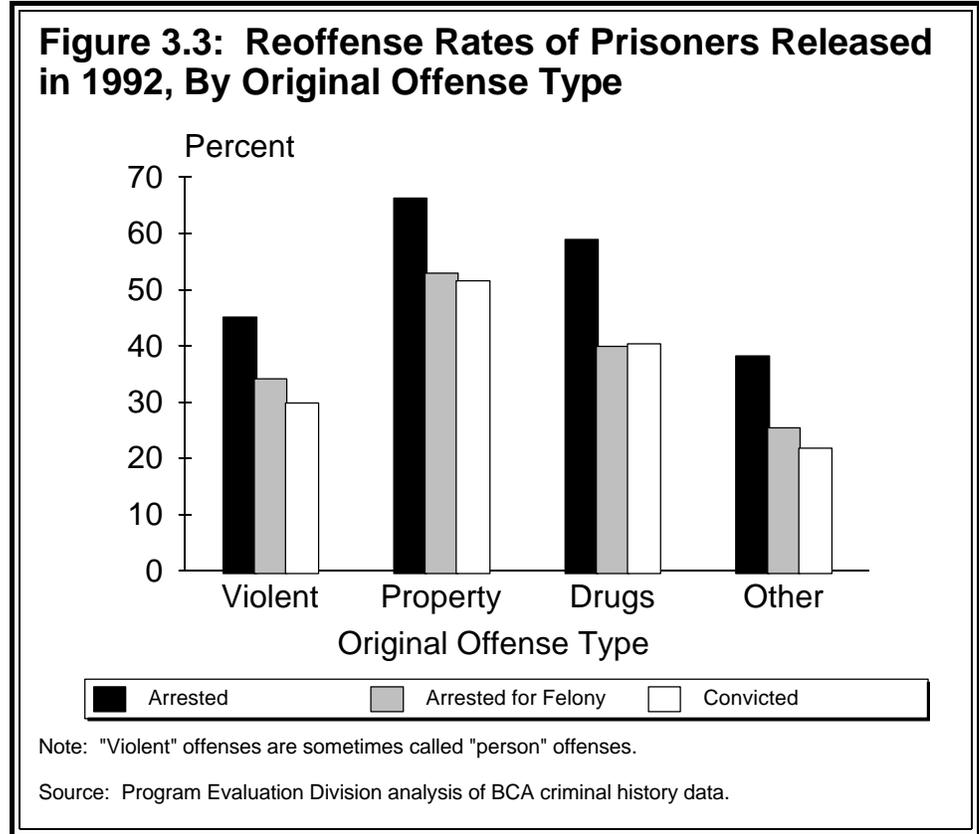
<sup>10</sup> Our analysis of reoffense rates by offense type did not include suspense file records, so rearrest and conviction percentages in this section probably understate the actual rates by several percentage points.

As Figure 3.3 shows, 66 percent of the property offenders in the released prisoner sample were arrested for a new offense within three years of release, and 52 percent were convicted in that time span. In contrast, 45 percent of violent offenders were arrested within the follow-up period, and 30 percent were convicted. Fifty-nine percent of drug offenders were arrested within three years, and 40 percent were convicted of new crimes. In addition, we found that:

- **Violent, property, and drug offenders were about equally likely to be arrested for violent felonies after their release from prison.**

**Property offenders had the highest recidivism rates.**

**Figure 3.3: Reoffense Rates of Prisoners Released in 1992, By Original Offense Type**



About 18 percent of violent offenders, 15 percent of property offenders, and 16 percent of drug offenders were arrested for violent felonies within three years of their release from prison. On the other hand, felons originally sent to prison for property offenses were more likely than other offenders to be arrested for a **property** felony after their release from prison. Forty-one percent of the property offenders in the released prisoner sample were rearrested for a property felony, compared with 15 percent of violent offenders and 22 percent of drug offenders.

Most released prisoners did not commit the exact same offense that had landed them in prison. Table 3.2 presents recidivism rates for released prisoners who had been imprisoned for offenses in selected categories. As the table shows, offenders imprisoned for forgery/fraud were most likely to be rearrested for the same offense; 32 percent were rearrested for forgery or fraud within three years of their release from prison. In contrast, no homicide offenders released in 1992 were

**Table 3.2: Reoffense Patterns For Selected Categories of Offenders Released from Prison in 1992**

Original Offense	Number of Offenders	Percent Rearrested for:					Percent Convicted of Any Felony or Gross Misdemeanor
		Same Offense	Violent Felony	Property Felony	Any Felony	Any Felony or Gross Misdemeanor	
<b>Violent Crimes</b>							
Homicide	41	0%	10%	10%	24%	34%	15%
Kidnapping	11	9	27	18	45	64	45
Sex Offense	263	10	17	7	24	30	17
Robbery	153	10	20	25	47	58	43
Assault	230	14	20	17	39	54	37
<b>Property Crimes</b>							
Burglary	345	28	16	41	54	68	52
Theft	201	20	16	40	52	66	52
Vehicle Theft	108	28	23	52	65	81	65
Forgery/Fraud	130	32	8	38	43	57	45
Receiving Stolen Property	61	5	10	41	49	59	48
Property Damage	22	14	23	41	59	68	50

Note: The data shown here are based solely on records from the BCA's criminal history file. The reoffense rates do not include data from BCA's "suspense file" or FBI data on offenses committed in states other than Minnesota.

Source: Program Evaluation Division analysis of BCA criminal history data.

**Offenders imprisoned for sex offenses and homicide had relatively low recidivism rates.**

arrested for a new homicide, and only 10 percent of released sex offenders were arrested for a new sex offense.

Research has shown that many recidivists commit a variety of offenses, not just a single type, as we discussed in Chapter 2. Thus, we examined which types of prisoners were most likely to be rearrested for *any* type of felony or gross misdemeanor after their release, not just the type of crime for which they were imprisoned. Among felons released from prison in 1992, we found that:

- **Sex offenders and homicide offenders were the least likely to be arrested for new crimes, and vehicle thieves were the most likely.**

Thirty percent of sex offenders and 34 percent of homicide offenders were arrested for a new felony or gross misdemeanor within three years of their release from prison. In comparison, certain types of property offenders were much more likely to be rearrested, particularly vehicle thieves (81 percent), burglars (68 percent), and people imprisoned for other types of theft (66 percent).

Based on our analysis, Department of Corrections officials observed that many released prisoners were not arrested in the follow-up period or were arrested for offenses that were less serious than the offenses for which they were sent to prison. For instance, although all of the released prisoners in our sample had originally been sent to prison for felony convictions, our analysis showed that 55 percent were **not** arrested for felonies in the three-year follow-up period (and 66 percent were not convicted of felonies). However, these findings do not necessarily mean that prisons transformed offenders into less serious criminals or law-abiding citi-

zens. For instance, offenders in our sample may have committed serious offenses that did not result in arrests.<sup>11</sup> In addition, as we discussed in Chapter 2, it is normal for some offenders to stop committing crimes as they grow older, rather than as a result of particular sanctions or programs.

### Recidivism Rates, by Prisoner Characteristics

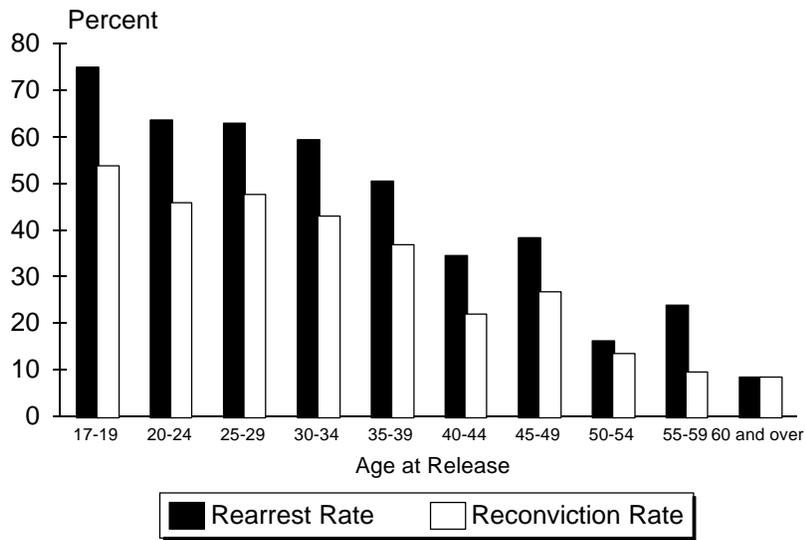
We examined the relationship between recidivism rates and offender characteristics such as age, gender, race, and educational attainment. Table 3.3 presents rearrest and reconviction rates based on various demographic factors for prisoners released from Minnesota correctional facilities in 1992. Consistent with previous recidivism research, our data showed that:

- **Young released prisoners were more likely to reoffend than older inmates.**

Figure 3.4 demonstrates that both rearrest and reconviction rates were higher for younger released prisoners. About 61 percent of inmates age 39 and under at the time of release were arrested for a new offense in Minnesota within three years, but only 31 percent of offenders 40 and older were rearrested in the same period.

**Recidivism rates declined with age.**

**Figure 3.4: Recidivism Rates of Prisoners Released in 1992, By Age of Prisoner at Release**



Source: Program Evaluation Division analysis of Department of Corrections and BCA data.

<sup>11</sup> Any group of released prisoners is a “biased” sample because it consists entirely of offenders who were caught for their crimes and given the most serious possible sanction (imprisonment). Many crimes do not result in arrests, so it is likely that less than 100 percent of released prisoners would be arrested and convicted in a follow-up period even if they all continued to commit crimes. Also, it is possible that some offenders eluded arrest or prosecution for serious offenses but were arrested for lesser offenses.

**Table 3.3: Reoffense Rates of Prisoners Released in 1992, By Age, Gender, Race, Educational Attainment, and Marital Status**

	Total Offenders	Rearrested Offenders		Reconvicted Offenders	
		Number	Percent	Number	Percent
<b>AGE<sup>a</sup></b>					
17-19	51	38	75%	28	55%
20-24	495	315	64	227	46
25-29	460	290	63	219	48
30-34	372	221	59	160	43
35-39	228	115	50	84	37
40-44	142	49	35	31	22
45-49	60	23	38	16	27
50-54	37	6	16	5	14
55-59	21	5	24	2	10
60+	12	1	8	1	8
<b>GENDER</b>					
Male	1,736	989	57%	723	42%
Female	142	74	52	50	35
<b>RACE</b>					
White	1,093	536	49%	397	36%
Black	545	381	70	276	51
Native American	153	100	65	73	48
Hispanic	69	38	55	24	35
Other	18	8	44	3	17
<b>EDUCATIONAL ATTAINMENT<sup>b</sup></b>					
Less than 12th grade	658	388	59%	270	41%
High school diploma	511	260	51	188	37
Postsecondary	247	121	49	90	36
GED	415	270	65	208	50
Other <sup>c</sup>	47	24	51	17	36
<b>MARITAL STATUS<sup>d</sup></b>					
Never married	1,246	767	62%	564	45%
Separated/divorced	289	137	47	94	33
Married/widowed	330	154	47	112	34

Note: The reoffense rates shown here are based solely on records from the BCA's criminal history file. They do not include data from BCA's "suspense file" or FBI data on offenses committed in states other than Minnesota.

<sup>a</sup>Age at time of release from prison.

<sup>b</sup>Highest grade completed at time of incarceration.

<sup>c</sup>Includes special education, vocational school, and unknown.

<sup>d</sup>Marital status was unknown for 13 prisoners released in 1992.

Source: Program Evaluation Division analysis of data from the Department of Corrections and BCA's criminal history file.

We also found that a very high percentage (76 percent) of the released prisoners who had been certified for offenses committed before age 18 were arrested within three years following their release from prison in 1992. One-half of the certified offenders were convicted of a new offense during the follow-up period.

We compared the recidivism rates of the men and women in our sample and found that:

- **Among released prisoners, men had somewhat higher reoffense rates than women.**

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**Men had higher recidivism rates than women, and black offenders had higher rates than whites.**

About 57 percent of the male prisoners and 52 percent of the female inmates were rearrested within three years of their release. Reconviction rates followed a similar pattern, with 42 percent of men and 35 percent of women convicted of a new offense within three years. However, there was a greater difference between the reoffense rates of male and female **violent** offenders. Forty-six percent of the male violent offenders in our sample were rearrested within three years, versus 25 percent of the women who originally committed violent offenses. The **overall** reoffense rates masked this disparity because a higher proportion of female offenders than male offenders were imprisoned for property offenses or drug offenses.<sup>12</sup> As we noted in the previous section, property and drug offenders generally had higher reoffense rates than violent offenders.

We analyzed recidivism rates by racial/ethnic group and found that:

- **Black, Native American, and Hispanic released prisoners had higher rearrest and reconviction rates than whites.**

About 70 percent of blacks, 65 percent of Native Americans, and 55 percent of Hispanic offenders in our released prisoner sample were rearrested within three years, compared with 49 percent of whites.

In addition, we found that 51 percent of the released prisoners who had entered prison with a high school diploma were rearrested within three years of their release, compared with 59 percent of those who had not completed high school. Interestingly, 65 percent of those who entered prison with a GED were rearrested after their release, although this high rate might be partially explained by their higher criminal history scores.<sup>13</sup>

Finally, we found that inmates who had not been married before entering prison were more likely to reoffend in the three years after release than inmates who were married, divorced, or separated (62 percent rearrested vs. 47 percent). This finding was explained in part by the fact that inmates who had never been married tended to be younger, and, as we mentioned previously, younger inmates tended to

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<sup>12</sup> About 78 percent of the female prisoners in our sample had been incarcerated for property or drug crimes, compared with 58 percent of the male inmates. In contrast, while 39 percent of the men were violent offenders, only 20 percent of the women represented this type of offender.

<sup>13</sup> Fifty percent of the released prisoners who entered prison with a GED had criminal history scores of four or higher, compared with 35 percent of the offenders with a regular high school degree and 32 percent of those who had not completed high school.

have higher reoffense rates.<sup>14</sup> Nevertheless, even when we controlled for the age of the inmate, released prisoners who had never been married had higher rearrest rates than married prisoners or prisoners who had once been married.

## RECIDIVISM OF PROBATIONERS

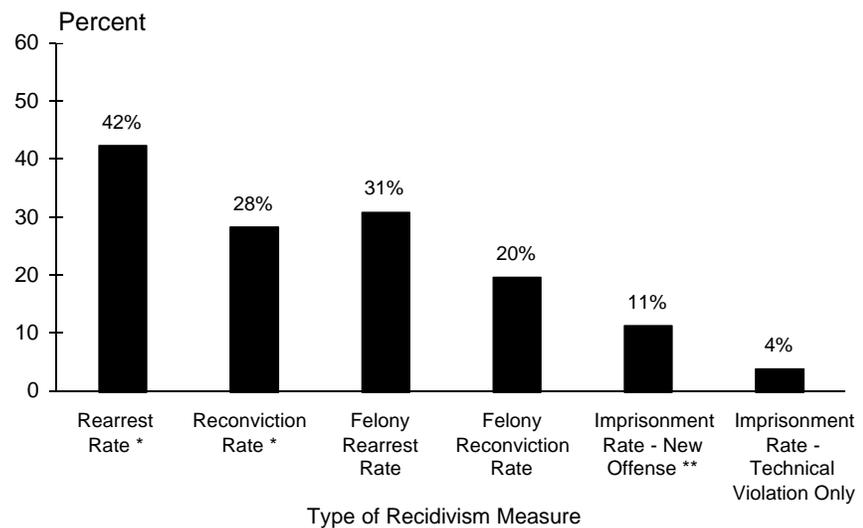
### Overall Rates

We computed rearrest, reconviction, and imprisonment rates for 6,791 offenders who were placed on probation in 1992. Figure 3.5 shows that:

- **Forty-two percent of felony offenders sentenced to probation in 1992 were arrested for a felony or gross misdemeanor within a three-year period, and 28 percent were reconvicted.**

**Forty-two percent of felony probationers were rearrested for felonies or gross misdemeanors in Minnesota, and 28 percent were reconvicted.**

**Figure 3.5: Three-Year Recidivism Rates for Probationers Sentenced in 1992, Based on Minnesota Offenses Only**



Source: Program Evaluation Division analysis of BCA and Sentencing Guidelines Commission data.

\* For a felony or gross misdemeanor.

\*\* Some of these offenders were imprisoned for both a new offense and a technical violation of probation.

<sup>14</sup> The median age for inmates who had never been married was 26, while the median age for inmates who were or had been married was 35.

**A total of 15 percent of probationers were imprisoned within three years of sentencing.**

We also calculated the rate at which probationers were arrested and convicted for new **felony** offenses.<sup>15</sup> About 31 percent of the probationers were arrested for a new felony offense within three years, and 20 percent were convicted of a felony in the follow-up period.

We were able to calculate rates of imprisonment from BCA's criminal history data and "suspense file" records. In addition, we looked at Sentencing Guidelines Commission records to determine the percentage of probationers who went to prison within the three-year follow-up period for violating the terms of their probation. A probation officer can recommend that an offender's probation be revoked for violations such as repeatedly failing drug tests or missing scheduled appointments at the probation office. We found that 11 percent of probationers committed a new offense and were imprisoned at a Department of Corrections facility within three years of their original sentencing date. An additional 4 percent of probationers went to prison for violating the terms of their probation, not for a new conviction.<sup>16</sup>

The recidivism rates we found for Minnesota probationers appear to be within the broad range of rates cited in studies of probationers in other states. For instance, a national study found that a median of 34 percent of probationers in selected **urban** counties (excluding California counties) were arrested within their home states for a felony within three years of sentencing.<sup>17</sup> This is similar to the 31 percent felony rearrest rate that we found for Minnesota probationers statewide.

## Recidivism Rates, by Conviction Offense

Figure 3.6 shows recidivism rates for the four general types of probation offenders, based on the original offense that resulted in a probation sentence. We found that:

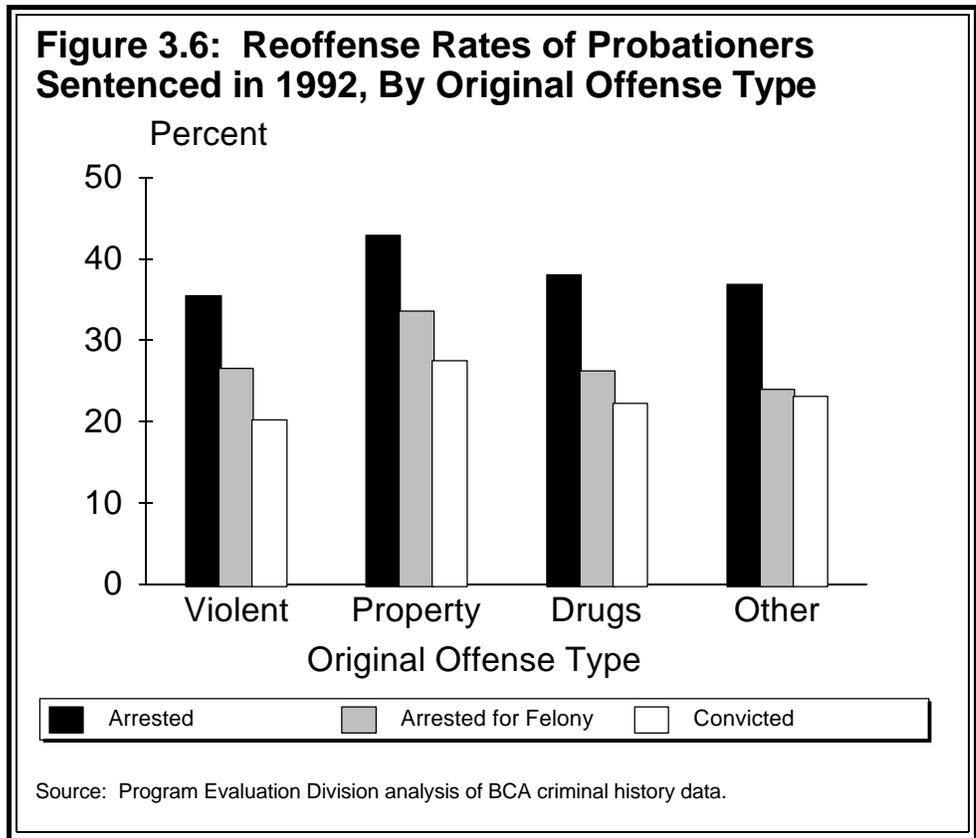
- **Property offenders were more likely to reoffend than other categories of probationers.**

As Table 3.4 shows, 43 percent of the property offenders, 35 percent of violent offenders, 38 percent of drug offenders, and 37 percent of other offenders sentenced to probation in 1992 were arrested for a new felony or gross misdemeanor within

<sup>15</sup> The general reoffense rates presented in this section include arrests and convictions from both the BCA criminal history file and the suspense file, but the analyses of recidivism by conviction offense and offender characteristics count only arrests and convictions in the BCA criminal history file. The **felony** reoffense rates given here might understate the actual felony rearrest and conviction rates by 1 or 2 percentage points because we did not search the suspense file for offenders who had only a gross misdemeanor arrest or conviction in the BCA official criminal history records. Some of these offenders might have had a felony arrest or conviction record in the suspense file.

<sup>16</sup> Data on probation revocations for 1995 were not available at the time of our analysis. Also we did not determine whether 428 offenders whose criminal records appeared only in BCA's "suspense file" went to prison for technical violations of the terms of their probation.

<sup>17</sup> Patrick A. Langan and Mark A. Cunniff, *Recidivism of Felons on Probation, 1986-89* (Washington, D.C.: U.S. Bureau of Justice Statistics, February 1992). Supplemental data are reported in Mark A. Cunniff and Mary K. Shilton, *Variations in Felony Probation: Persons Under Supervision in 32 Urban and Suburban Counties* (Washington, D.C.: National Association of Criminal Justice Planners, March 1991).



**Felons placed on probation for violent crimes were more likely than other probationers to be arrested for new violent felonies.**

three years of their sentencing. Twenty-seven percent of property offenders, 20 percent of violent offenders, 22 percent of drug offenders, and 23 percent of other offenders were convicted of a new felony or gross misdemeanor. In general, the recidivism rates of these four types of probationers were more similar than the rates we found among these types of released prisoners.

We also looked at the types of new offenses for which probationers were arrested. We found that:

- **Persons sentenced to probation for violent offenses were more likely than other probationers to be arrested for new violent felonies, and persons placed on probation for property offenses were more likely to be arrested for new property felonies within three years of their sentence.**

Twenty percent of felons placed on probation for violent offenses were arrested for violent felonies within three years of their sentence. In comparison, 8 percent of felons placed on probation for property offenses and 7 percent of felons placed on probation for drug offenses were arrested for violent felonies within three years. This pattern is different from our findings for released prisoners. Earlier, we noted that released prisoners who had committed violent, property, and drug offenses were about equally likely to commit a new violent offense.

**Table 3.4: Reoffense Patterns of Offenders Sentenced to Probation in 1992, By Original Offense Type**

Original Offense	Total Offenders	Percent Rearrested For:					Percent Reconvicted of Any Felony or Gross Misdemeanor
		Same Offense	Violent Felony	Property Felony	Any Felony	Any Felony or Gross Misdemeanor	
<b>Violent Crimes</b>							
Homicide <sup>a</sup>	14	14%	14%	0%	14%	21%	21%
Kidnapping	19	11	21	5	21	21	16
Sex Offense	498	18	18	3	21	25	13
Robbery	145	28	34	19	46	55	36
Assault	710	17	19	10	27	40	23
Other Violent Crime	<u>31</u>	3	6	10	16	23	6
<b>Total Violent</b>	<b>1,417</b>	<b>18%</b>	<b>20%</b>	<b>8%</b>	<b>27%</b>	<b>35%</b>	<b>20%</b>
<b>Property Crimes</b>							
Arson	46	11%	4%	20%	22%	28%	15%
Burglary	801	26	8	33	39	49	31
Theft	670	16	11	27	35	44	30
Vehicle Theft	305	20	12	36	46	57	38
Forgery/Fraud	1,044	21	4	23	26	34	21
Receiving Stolen Property	247	8	8	25	32	41	24
Damage to Property	149	11	6	28	33	47	27
Other Property Crime	<u>33</u>	3	3	12	24	30	24
<b>Total Property</b>	<b>3,295</b>	<b>19%</b>	<b>8%</b>	<b>28%</b>	<b>34%</b>	<b>43%</b>	<b>27%</b>
<b>Drug Crimes</b>	<b>1,396</b>	<b>16%</b>	<b>7%</b>	<b>10%</b>	<b>26%</b>	<b>38%</b>	<b>22%</b>
<b>Other Crimes</b>							
Family Offenses	15	13%	7%	7%	20%	33%	7%
Gambling	39	10	3	13	26	41	26
Obstruction of Justice	29	7	10	3	21	21	14
Weapons Offenses	82	9	10	20	29	48	27
Escape	33	12	18	15	39	55	45
DUI Resulting in Injury	45	7	7	4	9	20	16
Miscellaneous	<u>12</u>	9	8	0	8	8	0
<b>Total Other Crimes</b>	<b>255</b>	<b>9%</b>	<b>9%</b>	<b>12%</b>	<b>24%</b>	<b>37%</b>	<b>23%</b>
<b>TOTAL</b>	<b>6,363</b>	<b>18%</b>	<b>10%</b>	<b>19%</b>	<b>30%</b>	<b>40%</b>	<b>25%</b>

Note: The data shown here are based solely on records from the BCA's criminal history file. The reoffense rates do not include data from BCA's "suspense file" or FBI data on offenses committed in states other than Minnesota.

Source: Program Evaluation Division analysis of BCA criminal history data.

<sup>a</sup>Twelve of the 14 homicide offenders were sentenced to probation for criminal vehicular homicide involving alcohol or other controlled substances and one each for second degree manslaughter and second degree murder. Two of the offenders originally sentenced to probation for criminal vehicular homicide were rearrested for the same offense within three years.

Persons originally placed on probation for a property offense were the type of offender most likely to be arrested for a property offense within three years of sentencing. We found that 28 percent of property offenders, 8 percent of violent offenders, and 10 percent of drug offenders were arrested for a new property felony.

As was the case with released prisoners, most probationers were not rearrested for the exact same category of offense that had landed them on probation. Table 3.4 shows the recidivism patterns in more detail, based on the original crime for

**Car thieves, robbers, and burglars were the types of probationers most likely to be rearrested.**

which the offenders received probation.<sup>18</sup> Robbers and burglars were the categories of offenders most likely to be rearrested for the exact same offense that had landed them on probation (28 and 26 percent, respectively).

In general, we found that violent offenders sentenced to probation were more likely to be rearrested for the same category of offense than violent offenders released from prison. For instance, 18 percent of sex offenders sentenced to probation were arrested for a new sex offense, while 10 percent of sex offenders released from prison were arrested for a new sex offense.

We also examined which categories of probationers were most likely to be rearrested for *any* type of felony or gross misdemeanor. Among those offenses with at least 50 individuals sentenced to probation in 1992, we found that:

- **Sex offenders were the least likely to be arrested for a new felony or gross misdemeanor and vehicle thieves and robbers were the most likely.**

Twenty-five percent of sex offenders sentenced to probation in 1992 were arrested for a new felony or gross misdemeanor within three years of their sentence.<sup>19</sup> In contrast, probationers with the highest rearrest rates were vehicle thieves (57 percent), robbers (55 percent), burglars (49 percent), violators of weapons laws (48 percent), and property damage offenders (47 percent).

## Recidivism Rates, by Probationer Characteristics

Table 3.5 shows the recidivism rates of probationers sentenced in 1992 by several demographic characteristics (age, gender, and race).<sup>20</sup> We found that:

- **Young offenders sentenced to probation in 1992 had higher rearrest and reconviction rates than older probationers.**

For example, 43 percent of probationers between the ages of 20 and 24 at the time of sentencing were rearrested within three years, but only 22 percent of probationers ages 45 to 49 had new arrests in the same time period. This inverse relationship between age and reoffense rate resembles the pattern we found among prisoners released in 1992.

When we analyzed the recidivism rates of men and women probationers in our sample, we found that:

- **Male offenders sentenced to probation were more likely to reoffend than female probationers.**

<sup>18</sup> Inmates convicted of more than one offense were categorized under their most serious offense. For example, violent offenses were considered more serious than property offenses.

<sup>19</sup> Homicide offenders and kidnappers both had rearrest rates of 21 percent, but fewer than 20 people were sentenced to probation for each of these offenses in 1992.

<sup>20</sup> Analyses of recidivism rates by age, gender, and race do not include convictions recorded in BCA's "suspense file."

**Table 3.5: Reoffense Rates of Probationers Sentenced in 1992, By Age, Gender, and Race**

	Total Offenders	Rearrested Offenders		Reconvicted Offenders	
		Number	Percent	Number	Percent
<b>AGE</b>					
15-19	919	489	53%	278	30%
20-24	1,822	789	43	487	27
25-29	1,238	498	40	311	25
30-34	982	359	37	234	24
35-39	664	232	35	154	23
40-44	385	106	28	57	15
45-49	170	38	22	22	13
50-54	81	20	25	12	15
55-59	52	2	4	1	2
60+	50	6	12	3	6
<b>GENDER</b>					
Male	5,224	2,161	41%	1,333	26%
Female	1,139	378	33	226	20
<b>RACE</b>					
White	4,372	1,444	33%	885	20%
Black	1,378	812	59	500	36
Native American	296	153	52	92	31
Hispanic	221	85	38	54	24
Asian/Pacific Islander	74	33	45	19	26
Other	22	12	55	9	41

Note: The rearrest and reconviction rates shown here are based solely on records from the BCA's criminal history file. The percentages do not include data from BCA's "suspense file" or FBI data on offenses committed in states other than Minnesota.

Source: Program Evaluation Division analysis of BCA's criminal history data and Minnesota Sentencing Guidelines Commission records.

Table 3.5 compares the rearrest and reconviction rates of men and women sentenced to probation in 1992. Forty-one percent of men were rearrested within three years of sentencing, and 26 percent were reconvicted. In comparison, 33 percent of women were rearrested in the follow-up period, and 20 percent were reconvicted.

Finally, we compared probationers' reoffense rates by race and found that:

- **Black, Native American, Asian, and Hispanic probationers were more likely to be rearrested and reconvicted than white probationers.**

Table 3.5 shows that the three-year rearrest rate among white probationers (33 percent) was lower than the rearrest rates for black (59 percent), Native American (52 percent), Asian (45 percent), and Hispanic probationers (38 percent).

## SENTENCING FACTORS AND RECIDIVISM

**According to state guidelines, felony sentences should usually reflect the severity of the crime and the offender’s prior criminal record.**

In 1978, the Legislature reformed sentencing policy by abolishing indeterminate sentencing in Minnesota and replacing it with a sentencing guidelines system. The new law created the Minnesota Sentencing Guidelines Commission and directed it to: (1) determine the circumstances under which imprisonment would be a proper sentence, and (2) set guidelines for the length of imprisonment. The commission created a sentencing grid that judges now use to determine sentences for felony offenders in Minnesota. A sentence is based on two dimensions: the “severity level” of the offense and the offender’s “criminal history index score.” For any combination of offense severity and criminal history, the grid indicates a presumptive sentence for the offender. A judge may depart from the presumed duration and type of sentence, but only under “substantial and compelling circumstances.”<sup>21</sup>

### Offense Severity

According to the Sentencing Guidelines Commission, the offense of conviction is “the primary factor . . . in dispositional decisions.”<sup>22</sup> The commission has divided felony offenses into ten levels of severity. Severity Level I encompasses the least severe offenses, for example the sale of a simulated controlled substance, and Severity Level X contains the most severe offenses, such as second degree murder.<sup>23</sup> If an offender is convicted of two or more felonies, the most severe offense determines the severity level on the sentencing grid.

We used sentencing records to analyze the reoffense rates of released prisoners and probationers by the severity levels of their original conviction offenses.<sup>24</sup> The data showed that:

- **Felons convicted of less severe crimes were more likely to be arrested within three years of release than those convicted of more severe crimes.**

Figure 3.7 shows that 65 percent of released prisoners with less severe conviction offenses (severity levels I - IV) were rearrested in Minnesota during the follow-up period, but among prisoners convicted of the most severe crimes (severity levels

21 Minnesota Sentencing Guidelines Commission, *Minnesota Sentencing Guidelines and Commentary* (St. Paul, August 1, 1995), 20.

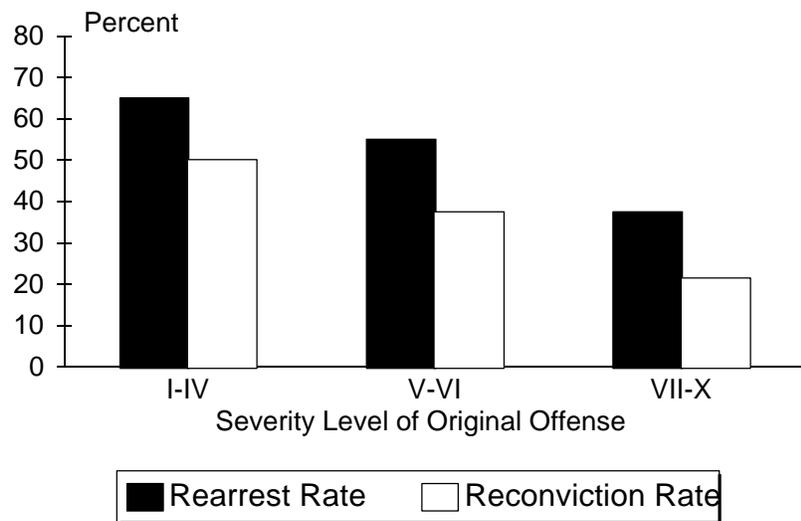
22 *Minnesota Sentencing Guidelines and Commentary*, 5.

23 Since first degree murder carries a mandatory life imprisonment sentence, it is not ranked on the sentencing guidelines grid.

24 We were able to match 94 percent of our released prisoners (1,766 out of 1,878) and 100 percent of probationers to sentencing records. Eight of the prisoners in our sample were never assigned criminal history scores or severity levels because they were sentenced prior to 1980, when the sentencing guidelines took effect. Missing or erroneous data probably account for the remaining offenders for whom we could not locate sentencing records.

**Offenders convicted of less severe crimes tended to have higher recidivism rates.**

**Figure 3.7: Reoffense Patterns of Prisoners Released in 1992, By Severity of Original Offense**



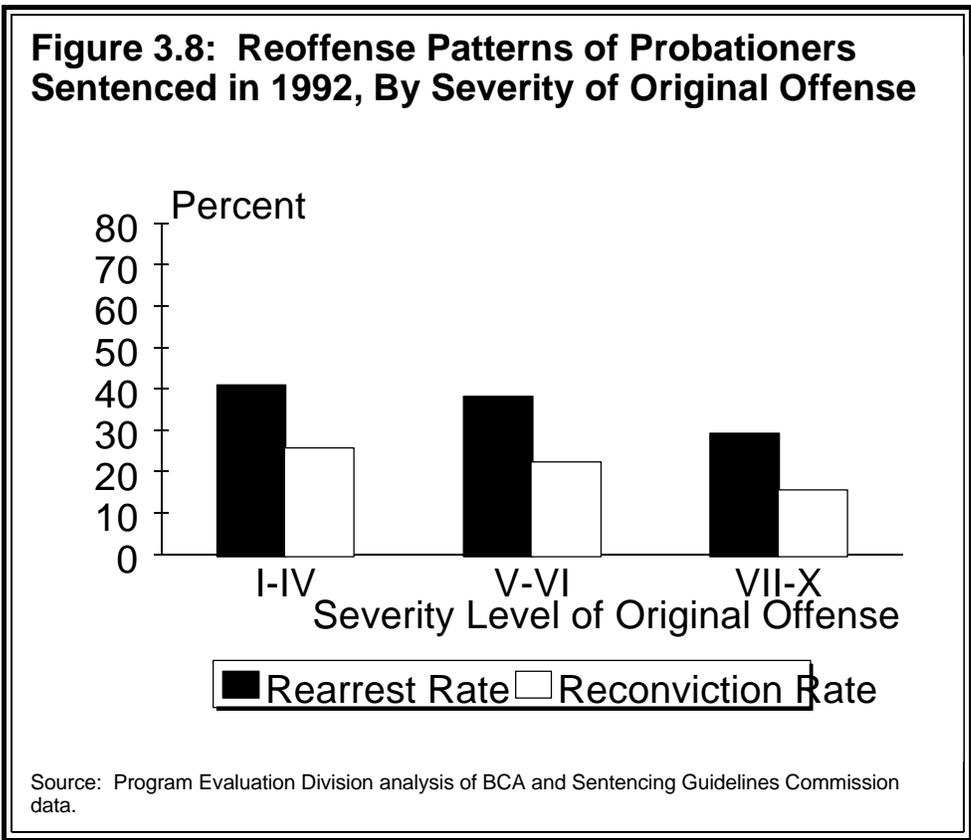
Source: Program Evaluation Division analysis of BCA and Sentencing Guidelines Commission data.

VII - X), 38 percent were rearrested within three years of release.<sup>25</sup> Reconviction rates also decreased as the severity level of the released prisoners' offenses increased. This pattern is consistent with our finding that property offenders had higher rearrest rates than other types of offenders, since most of the offenses at lower severity levels are property crimes.<sup>26</sup> We found that prisoners incarcerated for less serious crimes were rearrested more often for property offenses than violent offenses after their release, while prisoners originally convicted of more serious crimes were more likely to be arrested for violent offenses than property offenses.

Figure 3.8 presents the reoffense rates for probationers convicted of offenses at different severity levels. The graph shows that 41 percent of probationers convicted at the lowest severity levels were rearrested within three years, while 29 percent of probationers convicted at the highest severity levels had new arrests within the follow-up period.

<sup>25</sup> For statistical reporting purposes, the Sentencing Guidelines Commission divides offense severity levels into three groups (I-IV, V-VI, and VII-X).

<sup>26</sup> Seventy percent of released prisoners with original offenses between severity levels I and IV were property offenders, compared with 8 percent for prisoners whose offenses ranked in the highest severity group (VII - X).



**Criminal history scores are a way of measuring the extent of offenders' previous criminal records.**

### Criminal History

The second dimension of the sentencing guidelines grid, the criminal history index score, summarizes the offender's criminal record prior to the current offense. An offender is assigned criminal history points for three types of prior convictions: adult felonies, adult misdemeanors or gross misdemeanors, and crimes committed as a juvenile that would have been felonies if committed by an adult.<sup>27</sup> For example, the guidelines assign 0.5 to 2.0 points per adult felony, depending on its severity, and they assign 0.5 points for each juvenile conviction.<sup>28</sup> The guidelines assign an additional point if the most recent offense occurred while the offender was on probation, on supervised release, or incarcerated.

We compared the rearrest and reconviction rates for felons with different criminal history scores at the time of sentencing. In general, we found that:

<sup>27</sup> A criminal history point for juvenile offenses is generally given only when: (1) the juvenile offenses occurred after the offender's 14th birthday; (2) the offender was under age 25 when their current felony was committed; and (3) the juvenile court made its findings after an admission in court or after trial.

<sup>28</sup> A prior felony at severity level I - II equals 1/2 point; severity level III - V equals 1 point; severity level VI - VII equals 1 1/2 points; and severity level VIII - X equals 2 points. Likewise, prior conviction for first degree murder equals 2 points. This system of weighting prior felonies was implemented in 1989. Before that time, 1 point was assigned for each prior felony, regardless of severity. In most cases, four prior convictions for misdemeanors or gross misdemeanors equal 1 point.

- **Among both released prisoners and probationers, felons with longer criminal records were more likely to be rearrested than those with shorter records.**

As shown in Table 3.6, the three-year rearrest rate for released prisoners who had a criminal history score of zero was 39 percent, but it climbed to 55 percent for prisoners with a score of two, and reached 68 percent for those with a score of six or higher. The trend was the same among felons sentenced to probation. Thirty-two percent of probationers with no criminal history were rearrested within three years, compared with 66 percent of probationers with history scores of six or above. Reconviction rates followed a similar pattern for both samples of offenders.

**Table 3.6: Three-Year Recidivism Rates of Released Prisoners and Probationers, By Criminal History Score**

History Score	Prisoners Released in 1992			Probationers Sentenced in 1992		
	Total Offenders	Percent Rearrested	Percent Reconvicted	Total Offenders	Percent Rearrested	Percent Reconvicted
0	366	39%	23%	3,865	32%	18%
1	201	48	33	1,019	46	29
2	224	55	38	781	52	34
3	262	63	44	383	60	38
4	240	67	51	162	62	49
5	164	66	50	86	70	57
6+	309	68	56	67	66	49

Note: The reoffense rates shown here are based solely on records from the BCA's criminal history file. They do not include data from BCA's "suspense file" or FBI data on offenses committed in states other than Minnesota.

Source: Program Evaluation Division analysis of data from the Department of Corrections, sentencing records, and BCA's criminal history file.

This pattern is partially explained by the fact that felons who had higher criminal history scores were more likely to be property offenders than violent offenders. For example, 26 percent of released prisoners who had a history score of zero were property offenders, but 73 percent of those with scores of six or higher had been imprisoned for property offenses. As we described in a previous section, property offenders were more likely to reoffend than violent offenders.

Table 3.6 also demonstrates that:

- **Probationers and released prisoners with the same criminal history scores had similar rearrest rates.**

Prisoners released in 1992 had much higher **overall** rates of recidivism than probationers (59 percent vs. 42 percent), but these differences narrowed or disappeared when we compared offenders who had similar criminal records. For instance, 55 percent of released prisoners who had a criminal history score of two at the time of sentencing were rearrested within three years of release, and 52 percent of

probationers with this criminal history score were rearrested within three years. Probationers had lower overall rates of recidivism because, in general, they had shorter criminal records than released prisoners. Sixty-one percent of the probationers we tracked had a criminal history score of zero, but only 21 percent of released prisoners had such a score.

## Departures from Sentencing Guidelines

Under Minnesota’s sentencing guidelines, judges are to use the presumptive sentences provided in the sentencing guidelines grid unless the individual circumstances of a case are “substantial and compelling.”<sup>29</sup> When such circumstances exist, a judge may depart from the presumptive sentence but must file written reasons for the departure.<sup>30</sup> An **aggravated dispositional departure** occurs if a judge pronounces a prison sentence when the guidelines indicate a stayed sentence. If a judge places an offender on probation when the guidelines presume prison, this is known as a mitigated, or **downward dispositional departure**. In 1994, downward dispositional departures far outnumbered aggravated dispositional departures (893 to 318). Downward departures constituted 9 percent of all felony sentences pronounced in that year, or 34 percent of the presumptive prison commitments recommended by the guidelines.<sup>31</sup>

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**Property offenders given lighter sentences than called for in the guidelines had high recidivism rates.**

We looked at the recidivism rates of offenders in our probation sample who would have been sent to prison under the guidelines but instead received probation. We found that there was little difference between the overall rearrest rates of offenders with downward dispositional departures and the rearrest rates of other offenders who received probation. As Table 3.7 indicates, 41 percent of the 702 offenders with downward dispositional departures in 1992 were rearrested for a felony or gross misdemeanor in Minnesota within three years of sentencing. The rearrest rate for all other probationers was very similar (40 percent). Reconviction rates were also comparable between the two groups of probationers.

However, we also found that:

- **Property offenders who were placed on probation instead of receiving prison sentences as recommended by sentencing guidelines were much more likely to be rearrested than other property offenders sentenced to probation in 1992.**

For example, among burglars who had presumptive prison sentences but instead received probation, 65 percent were rearrested within three years. Among the other burglars in our probation sample, 48 percent had new arrests in the follow-up period. Seventy percent of the thieves with downward dispositional departures were rearrested in three years, compared with 43 percent of the other thieves in

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<sup>29</sup> *Minnesota Sentencing Guidelines and Commentary*, 20.

<sup>30</sup> *Minn. Stat.* §244.10, Subd. 2.

<sup>31</sup> Minnesota Sentencing Guidelines Commission, *Sentencing Practices: Highlights and Statistical Tables, Felony Offenders Sentenced in 1994* (St. Paul, February 1996), 35-37.

**Table 3.7: Recidivism of Probationers with Downward Dispositional Departures, By Original Offense Type**

Original Offense Type	Offenders Granted Downward Dispositional Departures			All Other Offenders Sentenced to Probation		
	Total Offenders	Percent Rearrested	Percent Reconvicted	Total Offenders	Percent Rearrested	Percent Reconvicted
<b>Violent Offenses</b>						
Homicide	14	21%	21%	0	NA	NA
Sex Offense	118	19	10	380	27%	14%
Robbery	48	50	33	97	58	37
Assault	226	39	23	484	40	23
<b>Property Offenses</b>						
Arson	11	55	27	35	20	11
Burglary	54	65	46	747	48	30
Theft	27	70	56	643	43	29
Vehicle Theft	12	83	75	293	56	37
Forgery/Fraud	15	40	27	1,029	34	21
Receiving Stolen Property	17	47	41	230	40	23
Drug Offenses	145	40	23	1,251	38	22
All Other Offenses	15	53	53	472	38	22
<b>TOTAL</b>	<b>702</b>	<b>41%</b>	<b>26%</b>	<b>5,661</b>	<b>40%</b>	<b>24%</b>

Note: The reoffense rates shown here are based solely on records from BCA's criminal history file. They do not include data from BCA's "suspense file" or FBI data on offenses in other states.

Source: Program Evaluation Division analysis of sentencing records and BCA criminal history data.

our sample. Property offenders with downward dispositional departures were also far more likely to be **reconvicted** than other property offenders.

These results show that judges' dispositional departure decisions for property offenders placed the public at greater risk, since property offenders with downward departures committed new crimes at a much higher rate than other property offenders on probation. In contrast, violent and drug offenders with presumptive prison sentences had recidivism rates similar to or lower than those of other violent and drug offenders on probation. Altogether, offenders with downward dispositional departures were arrested for 517 felonies and gross misdemeanors (and convicted of 260 such offenses) during the subsequent three years, and some of these new crimes might have been avoided or delayed had these offenders been sentenced to prison.

## Jail Sentences

We compared recidivism rates for probationers who were sentenced to serve time in jail and those who were not. About 84 percent of the probationers in our sample were sentenced to jail time. We found that:

**Probationers sentenced to jail had higher recidivism rates than non-jailed probationers.**

- **Probationers sentenced to jail had higher rearrest and reconviction rates than non-jailed probationers with similar criminal history and offense severity scores.**

For example, among probationers with a criminal history score of zero, 33 percent of jailed offenders were rearrested, compared with 27 percent of offenders not sent to jail. Among probationers with a criminal history score of one, 47 percent of jailed offenders were rearrested, compared with 34 percent of probationers not sent to jail.<sup>32</sup>

Similarly, among probationers with an offense severity score of two, 41 percent of jailed offenders were rearrested, compared with 32 percent of non-jailed offenders. Among all probationers convicted of property offenses, 46 percent of jailed offenders were rearrested, compared with 30 percent of non-jailed offenders.<sup>33</sup>

**VARIATION IN COUNTY RECIDIVISM RATES**

Legislators asked us to compare the recidivism rates of offenders under correctional supervision in different Minnesota counties. Specifically, they wanted to know whether there were differences between the reoffense rates of offenders in counties that participate in Minnesota’s Community Corrections Act (CCA) and offenders in other counties.

In 1973 the Legislature passed the Community Corrections Act (CCA) in order to protect society “more effectively” and “to promote efficiency and economy in the delivery of correctional services.”<sup>34</sup> Counties that choose to participate in CCA receive state block grants that help to fund a wide variety of community correctional services, ranging from crime prevention programs and probation services to correctional facilities.<sup>35</sup> CCA counties design their correctional programs with assistance from a local advisory board, and these plans must be approved by the Commissioner of Corrections. There are currently 31 counties participating in CCA, and they represent about 71 percent of the state’s population.<sup>36</sup>

Seventy-seven percent of prisoners released in 1992 and 75 percent of probationers sentenced in that year were supervised in CCA counties. We compared the rearrest and reconviction rates of offenders, based on the county that was responsible for supervision. We found that, for both released prisoners and probationers, offenders in CCA counties were more likely to be rearrested than those in

32 About three-fourths of probationers in our sample had criminal history scores of zero or one.

33 Twenty-nine percent of probationers in our sample were at severity level two, making it the most common severity level. About 52 percent of probationers were property offenders.

34 *Minn. Laws* (1973), Ch. 354, Sec. 1.

35 Counties supplement the state block grants with local funds from property tax revenues.

36 Stearns County became a CCA county in 1994. We counted Stearns among the CCA counties here. The inclusion of Stearns as a CCA county made no difference in the reoffense rates shown in Table 3.8.

other counties. However, further analysis showed that some of the difference between reoffense rates in CCA and non-CCA counties was accounted for by high recidivism rates in Hennepin and Ramsey counties, both of which participate in CCA. Table 3.8 shows that:

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**Offenders supervised in Hennepin and Ramsey counties had high recidivism rates.**

- **Offenders supervised in Hennepin and Ramsey counties were more likely to reoffend than offenders supervised in other counties.**
- **The recidivism rates of released prisoners in CCA counties other than Hennepin and Ramsey were higher than those of released prisoners in non-CCA counties. For probationers supervised in counties other than Hennepin and Ramsey, the recidivism rates of CCA and non-CCA counties were about the same.**

Sixty-four percent of released prisoners in Hennepin and Ramsey counties were rearrested within three years, compared with 53 percent of released prisoners in other CCA counties, and 46 percent of released prisoners in non-CCA counties. Among probationers, we found that 47 percent of the felons supervised in Hennepin and Ramsey counties were rearrested within three years of release, compared with 34 percent in other CCA counties and 35 percent in non-CCA counties. Reconviction rates were also higher for offenders in Hennepin and Ramsey than offenders in all other counties.

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**Table 3.8: Reoffense Rates for Released Prisoners and Probationers, By Type of County**

Counties	Total Offenders	Rearrested Offenders		Reconvicted Offenders	
		Number	Percent	Number	Percent
<b>RELEASED PRISONERS<sup>a</sup></b>					
Hennepin and Ramsey	1,078	687	64%	499	46%
All Other CCA Counties	377	200	53	151	40
Non-CCA Counties	299	138	46	102	34
<b>PROBATIONERS</b>					
Hennepin and Ramsey	2,659	1,263	47%	793	30%
All Other CCA Counties	2,132	730	34	453	21
Non-CCA Counties	1,572	546	35	313	20

Note: The reoffense rates shown here are based solely on records from BCA's criminal history file. They do not include data from BCA's "suspense file" or FBI data on offenses in other states.

Source: Program Evaluation Division analysis of BCA criminal history data.

<sup>a</sup>There were 124 prisoners whose location of release was unknown or who were released to locations outside of Minnesota.

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## RECIDIVISM AMONG CORRECTIONAL PROGRAM PARTICIPANTS

**We examined the recidivism rates of participants in prison programs, but it is difficult to measure the impact of programs apart from other factors.**

At the outset of our study, legislators expressed interest in information on the effectiveness of correctional programs. The cost of prison programs is one of several factors that may contribute to Minnesota’s relatively high costs per prison inmate, and some legislators wondered whether the programs have helped to reduce recidivism rates.

We obtained lists of inmates who participated in selected Department of Corrections programs while in prison, identified the offenders who were released in 1992, and looked at their rearrest and reconviction rates. Specifically, we selected programs that existed in 1992 and still exist today, although some of the programs have been revised. We picked programs for which department staff could identify all inmates who completed the programs before 1993.<sup>37</sup>

For several reasons, we were unable to determine precisely how participation in a specific prison program affected an inmate’s likelihood of rearrest and reconviction after release. First, offenders usually spent time in more than one facility and often participated in more than one program. Thus, we could not isolate the effect of a single program apart from the others. Second, it was impossible to isolate the impact of prison from external factors (such as family background and participation in community programs after release) that might relate to recidivism. Third, it was unclear how much the treatment outcome was due to the individual’s motivation to change (or lack of motivation) rather than the treatment program itself.<sup>38</sup> Finally, without a “control group” of randomly selected offenders who did not receive treatment, it is impossible to know how many of the program participants would have reoffended after their release if they had not participated in treatment.<sup>39</sup> With these qualifications in mind, we found that:

- **Recidivism rates of inmates who participated in prison programs were usually similar to the rates of those who did not, although some programs may have reduced recidivism among some types of participants.**

In the remainder of this section, we review specific program results.

<sup>37</sup> With the exception of sex offender programs, DOC does not keep a centralized database including the programs in which inmates participate. We did not request records of inmate participation in prison industry programs partly because inmates do not “complete” the programs as they do treatment and education programs. We also did not examine some programs that were relatively new in 1992.

<sup>38</sup> Similarly, programs may select clients based on their perceived amenability to treatment. This “selection bias” can be overcome by randomly assigning individuals to treatment and control groups. However, random assignment is rarely done in correctional settings because it results in withholding treatment from some offenders who seek it.

<sup>39</sup> Instead of using a control group, we compared inmates who completed programs with other inmates released in 1992. However, even where the results indicated that program participants had rearrest and reconviction rates similar to non-participants, it is possible that program participants would have had even higher rearrest and reconviction rates if they had not participated in programming.

## Atlantis Chemical Dependency Program

The Atlantis Chemical Dependency Program is a 90-day residential treatment program at the Stillwater correctional facility. The program consists primarily of group therapy sessions, supplemented with lectures, recreation, and motivational reading. We examined recidivism for 81 offenders who were discharged from the program between 1990 and 1992 and released from prison in 1992. Table 3.9 presents their rearrest and reconviction rates. We found that:

- **Among prisoners released in 1992, offenders who participated in the Atlantis chemical dependency program had recidivism rates similar to non-participants.**

**Table 3.9: Recidivism of Inmates Who Attended the Atlantis Chemical Dependency Treatment Program at MCF-Stillwater**

Type of Release/Original Offense	Number of Offenders	Percent Rearrested	Percent Reconvicted
Completed Program			
Violent Offenders	39	54%	28%
Property Offenders	13	69	54
Drug and Other Offenders	8	38	38
All Program Completers	60	55%	35%
Quit Treatment or Were Terminated by Staff	21	57	24
All Program Participants	81	56	32
All Male Prisoners Released in 1992	1,736	57%	42%

Sources: Program Evaluation Division analysis of BCA criminal history data and list of program participants provided by the Department of Corrections.

**Inmates who completed Stillwater's chemical dependency program had recidivism rates similar to those of non-participants.**

Fifty-five percent of the offenders who completed chemical dependency treatment were rearrested within three years of release, compared with 57 percent of all male prisoners released in 1992.<sup>40</sup> Program completers were less likely to be reconvicted than all male prisoners released in 1992 (35 versus 42 percent), but most of this difference is attributable to the high proportion of violent offenders in the treated group (65 percent). We found that 54 percent of violent offenders who completed the Atlantis program were rearrested, and 28 percent were reconvicted, compared with 46 percent rearrested and 31 percent reconvicted among all male violent prisoners released in 1992. For property offenders who completed the Atlantis program, 69 percent were rearrested and 54 percent reconvicted, compared with 67 percent rearrested and 53 percent reconvicted for all male property offenders released from prison in 1992.

<sup>40</sup> With the exception of sex offender treatment programs, the recidivism rates presented in this section do not include offenses from BCA's "suspense file" and the FBI's database on offenses in other states.

Offenders who entered the Atlantis program had somewhat higher criminal history scores than all offenders released from prison in 1992. Inmates with criminal history scores of four or higher accounted for a majority of Atlantis' completers, and their rearrest percentage was identical to that of other male prisoners with criminal history scores of four or higher (67 percent).<sup>41</sup> Among offenders with a criminal history score less than four, 42 percent of the offenders who completed the Atlantis program were rearrested, compared with 50 percent of all 1992 released prisoners.

**Twenty-seven percent of sex offenders released in 1992 had completed a sex offender program in prison.**

## Prison Treatment Programs for Sex Offenders

As discussed in Chapter 2, a review of recent sex offender treatment studies found evidence of small reductions in recidivism rates for treated sex offenders compared with untreated offenders. But treatment programs have used a variety of approaches with a variety of types of sex offenders, so findings should be interpreted with caution.

The Department of Corrections provided us with treatment participation information for the 257 male sex offenders released from prison in 1992. Ninety-two of those offenders participated in sex offender treatment at Oak Park Heights, Stillwater, and Lino Lakes, and 69 completed the programs. Table 3.10 shows recidivism rates for the male sex offenders.<sup>42</sup> We found that:

- **Sex offenders who completed treatment had lower overall rearrest and reconviction rates than those who never entered treatment, but their rearrest rates for new sex offenses were about the same.**

**Table 3.10: Recidivism of Sex Offenders, By Treatment Participation While in Prison**

Treatment Experience	Number of Offenders	Percent Rearrested for Any Felony or Gross Misdemeanor	Percent Rearrested for Sex Offense	Percent Reconvicted of Any Felony or Gross Misdemeanor
Never Entered Treatment	160	42%	11%	26%
Quit Treatment or Were Terminated by Staff	23	43	22	26
Completed Treatment	69	19	12	12

Sources: Program Evaluation Division analysis of BCA criminal history data and list of program participants provided by the Department of Corrections.

<sup>41</sup> Fifty-five percent of the 1992 releasees who completed the Atlantis program had a criminal history score of four or higher, compared with 40 percent of all male prisoners released in 1992.

<sup>42</sup> A few sex offenders enrolled in more than one treatment program. We counted them as completers if they completed at least one program. We excluded five offenders from this analysis who were committed to the Minnesota Security Hospital as sexual psychopaths and were therefore not at risk to commit new offenses. We also excluded six female sex offenders because there were no Department of Corrections sex offender treatment programs for women in 1992. None of the six were rearrested for any crime within three years of their release from prison.

Age differences between program completers and untreated sex offenders may partly explain the difference in overall rearrest rates. Sex offenders who completed treatment were, on average, 36 years old when they were released from prison, compared with 32 years old for sex offenders who did not complete treatment. We found that older sex offenders were less likely to be rearrested for any offense than younger sex offenders, although age was not closely related to the likelihood of rearrest for a sex offense.<sup>43</sup>

On the other hand, differences in the criminal histories of treated and untreated offenders may have masked some positive effects of treatment. Forty-one percent of the sex offenders who completed treatment had at least one felony sex offense conviction before the one that landed them in prison, compared with only 17 percent of the sex offenders who never entered treatment. Table 3.11 shows the relationship between treatment and rearrest based on the individual’s sex offense history prior to the offense that resulted in imprisonment. We found that:

- **Treated offenders with no sex offense convictions before their current offense were less likely to be rearrested than similar untreated offenders.**

Of the 40 offenders who were in prison for their first felony sex offense conviction and completed treatment, only one (3 percent) was arrested for a new sex offense

**Of 40 offenders imprisoned and treated for a first sex offense conviction, only one was rearrested for a new sex offense within three years of release.**

**Table 3.11: Rearrest Rates of Sex Offenders, By Sex Offense History and Treatment Program Participation**

Number of Previous Sex Offense Convictions/ Participation in Treatment Program	Number	Percent Rearrested for Any Felony or Gross Misdemeanor	Percent Rearrested for Sex Offense
<b>No Previous Sex Offense Felony Convictions</b>			
Never Entered Treatment	127	41%	9%
Quit or Terminated by Staff	15	33	7
Completed Treatment	40	8	3
Total	182	33%	7%
<b>One or More Previous Sex Offense Felony Convictions</b>			
Never Entered Treatment	26	46%	27%
Quit or Terminated by Staff	8	63	50
Completed Treatment	28	32	25
Total	62	42%	29%

Sources: Program Evaluation Division analysis of BCA criminal history data and list of program participants provided by the Department of Corrections.

<sup>43</sup> Among sex offenders released in 1992, the median age was 32. Forty-seven percent of sex offenders under 32 years old were rearrested for any felony or gross misdemeanor within three years of prison release. In contrast, 25 percent of sex offenders age 32 and older were rearrested in the follow-up period.

within three years of release from prison, and 8 percent were arrested for any felony or gross misdemeanor. Untreated offenders in prison for their first conviction also had low rates of sex offense rearrest (9 percent) but much higher rates of rearrest for any felony or gross misdemeanor (41 percent). Among offenders with at least one prior felony sex offense conviction, those who completed treatment were about as likely to be arrested for a new sex offense as those who never entered treatment (25 versus 27 percent).

We also examined the recidivism rates of various categories of sex offenders.<sup>44</sup> We found that rapists and “other” sex offenders who completed treatment were less likely to be rearrested than offenders who committed similar sex offenses but who did not receive treatment. Only one (6 percent) of the 16 rapists and “other” sex offenders who completed treatment was subsequently rearrested for a sex offense, compared with 18 percent of the rapists and “other” sex offenders who did not undergo treatment. Among incest offenders and child molesters, however, those who completed sex offender treatment were more likely to be arrested for a new sex offense (13 percent) than those who never entered treatment (6 percent).

Finally, we examined sex offenders who quit treatment or were terminated by staff. We found that:

- **Among sex offenders, those who entered but failed to complete treatment were the most likely to be rearrested for a new sex offense.**

As shown in Table 3.10, 22 percent of sex offenders who started but failed to complete treatment were arrested for a new sex offense within three years of their release from prison, compared with 12 percent of the sex offenders who completed treatment and 11 percent of those who never entered treatment.<sup>45</sup> Forty-three percent of the offenders who began but failed to complete treatment were arrested for some new felony or gross misdemeanor within three years of their release.

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**We examined recidivism rates of inmates who completed education programs at two prisons.**

## **Prison Education Programs**

We obtained lists of inmates who obtained general education development (GED) or vocational certificates from the St. Cloud and Shakopee correctional facilities between January 1990 and December 1992. Table 3.12 presents rearrest and reconviction rates for offenders who earned certificates in these programs and were released from prison in 1992. We found that:

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<sup>44</sup> Sex offender types were determined by sex offender treatment program staff based on interviews, psychological tests, and sex offense histories. In general, rapists use force or coercion when committing sexual assaults, incest offenders use persuasion and their position of authority to induce the participation of their children or other family members, and child molesters use persuasion or their position of authority to induce cooperation from children who are not family members. “Other” sex offenses include statutory rape and recruiting children to participate in pornography or prostitution.

<sup>45</sup> Program participants were terminated for overly aggressive behavior or for failing to fulfill the requirements of the treatment program.

**Table 3.12: Rearrest Rates of Inmates Released in 1992 Who Earned an Education Certificate at Minnesota Correctional Facilities at St. Cloud and Shakopee**

<u>Facility/Type of Certificate</u>	<u>Number</u>	<u>Percent Rearrested</u>	<u>Percent Reconvicted</u>
MCF-St. Cloud			
GED certificate	68	71%	50%
Vocational certificate <sup>a</sup>	34	62	47
All Male Prisoners Under 25 Released in 1992	512	65	47
MCF-Shakopee			
GED certificate	16	44	38
Desktop publishing vocational certificate	3	0	0
All Female Prisoners Released in 1992	142	52	35

Sources: Program Evaluation Division analysis of BCA criminal history data and list of program participants provided by the Department of Corrections. Information was not available on participants who failed to complete the programs.

<sup>a</sup>Includes (1) certificates of completion and (2) certificates of accomplishment given to inmates who made progress but did not complete the course before release. Recidivism rates were virtually the same for both groups.

- **Inmates who completed education programs were rearrested and reconvicted after their release at about the same rates as the general inmate population.**

Seventy-one percent of the male inmates who earned a GED and 62 percent who earned a vocational certificate at St. Cloud were rearrested within three years of their release from prison, compared with 65 percent of all male prisoners under 25 years old who were released in 1992. The rearrest rate for female inmates who obtained their GED at Shakopee (44 percent) was somewhat below that of all females released in 1992 (52 percent). However, 42 percent of the Shakopee inmates who obtained an education certificate were in prison for violent offenses, a group that had lower recidivism rates than property or drug offenders. By contrast, only 20 percent of all females released in 1992 were in prison for a violent offense. Thus, when offense is considered, females who completed education programs were about as likely as other female inmates to be rearrested after their release.

**Some offenders are placed in halfway houses when they are released from prison.**

## **Residential Programs for Released Prisoners**

Finally, we looked at recidivism for released prisoners identified by the Department of Corrections as “public risks” who required special monitoring. Specifically, we examined offenders placed in two large residential programs, 180 Degrees and Reentry Services. The Department of Corrections contracts with these programs to help offenders in the Twin Cities metropolitan area make a more successful transition to community living. Most people were in these halfway houses for two months or less. In general, we found that:

- **Recidivism rates for inmates assigned to the residential programs were slightly higher than recidivism rates for all inmates released in 1992.**

Table 3.13 presents rearrest and reconviction rates for inmates assigned to the 180 Degrees and Reentry Services residential programs after their release from prison. About half of the 180 Degrees inmates had served sentences for sex offenses. Their rearrest and reconviction rates, 35 and 22 percent respectively, were slightly above the rates for all sex offenders released in 1992 (30 percent rearrested and 17 percent reconvicted).<sup>46</sup>

**Table 3.13: Rearrest Rates of Offenders Assigned to Transitional Residential Programs After Release from Prison**

	<u>Number</u>	<u>Percent Rearrested</u>	<u>Percent Reconvicted</u>
<b>180 Degrees Program for Sex Offenders:</b>			
Completed Program	59	27%	15%
Did Not Complete Program	<u>19</u>	<u>58</u>	<u>44</u>
Total	78	35%	22%
<b>180 Degrees Program for Other Offenders:</b>			
Completed Program	37	65%	43%
Did Not Complete Program	<u>39</u>	<u>77</u>	<u>46</u>
Total	76	71%	45%
<b>Reentry Program:</b>			
Completed Program	30	47%	35%
Did Not Complete Program	<u>26</u>	<u>77</u>	<u>62</u>
Total	56	61%	41%

Sources: Program Evaluation Division analysis of BCA criminal history data and lists of program participants provided by the residential programs.

**Offenders who completed halfway house programs had lower recidivism rates than inmates who entered but failed to complete the programs.**

Seventy-five percent of the non-sex offenders in the 180 Degrees program and 80 percent of the offenders in the Reentry program had been in prison for violent crimes. Their rates of rearrest, 71 and 61 percent respectively, were higher than the rearrest rate for all prisoners released in 1992 (57 percent) and well above the rearrest rate for all violent offenders (45 percent).

Many offenders did not “complete” their stay at a halfway house, usually because they absconded or were terminated by the facility’s staff for rule violations. Table 3.13 shows that released prisoners who completed residential programming had lower recidivism rates than those who entered but did not complete it.<sup>47</sup>

<sup>46</sup> We also found that 9 percent of the sex offenders in the 180 Degrees program were rearrested for new sex offenses, compared to 10 percent of all sex offenders released in 1992.

<sup>47</sup> Among offenders at 180 Degrees, rearrest rates were higher for offenders who absconded (81 percent) than for those who were terminated by program staff (59 percent). At Reentry, the opposite was true; 54 percent of the absconders were subsequently rearrested, but the rate was 100 percent for those who were terminated by staff.

## ADEQUACY OF CRIMINAL HISTORY RECORDS

**The Bureau of Criminal Apprehension is supposed to receive information on all arrests and convictions.**

Our study relied considerably on BCA's official criminal history database, which is the main BCA information system used by Minnesota's criminal justice officials. State law requires Minnesota law enforcement agencies to take fingerprints of all persons arrested for felonies or gross misdemeanors and forward such records to the BCA within 24 hours.<sup>48</sup> When BCA receives a fingerprint arrest record that is properly completed, it adds the record to the state's official criminal history database, either matching the new information to an offender who has an existing criminal record, or creating a new record for a first-time offender. Subsequent information about the disposition, or outcome, of the case is sent to the BCA from either the court or the county attorney's office, and BCA appends this data to the correct arrest record.

In numerous cases, however, disposition data received by the BCA cannot be linked to an arrest record on file and are not added to the official criminal history system. According to a 1996 draft report on the completeness and accuracy of the criminal history database, 37 percent of the disposition data received by BCA cannot be matched to arrest data.<sup>49</sup> The report stated that BCA had 159,000 unmatched court disposition records, with each record representing one criminal "count" from a court proceeding. These unmatched records of court dispositions are maintained by the BCA in a separate database, known as the "suspense file."

We searched the suspense file to find records for the felons in our probation and released prisoner samples who did not have a conviction listed in the official criminal history file. In general, our search confirmed that:

- **BCA's official criminal history database is an incomplete source of information on arrests and convictions in Minnesota.**

**BCA's main criminal history database is incomplete.**

We reviewed records for a large group of released prisoners and probationers and found that 54 percent had some type of record in the suspense file, although many of these records preceded or succeeded the three-year follow-up period we used for our recidivism analysis.<sup>50</sup> Many of the suspense file records were for convictions that have not been recorded on BCA's official criminal history database.<sup>51</sup> In the three-year follow-up period alone, the suspense file contained records of

<sup>48</sup> *Minn. Stat.* §299C.10.

<sup>49</sup> Minnesota Bureau of Criminal Apprehension, *Report to the Legislature on Compliance with M.S. §299C.10*, Draft Report (St. Paul, January 1996), 1.

<sup>50</sup> We searched the suspense file for records of offenders who did not have a conviction for a felony or gross misdemeanor within the three-year follow-up period. There were nearly 6,600 released prisoners and probationers in this category.

<sup>51</sup> For example, we found that about half of the 1992-95 suspense file records we examined were convictions, not other dispositions.

about 1,500 arrests and 700 convictions for offenders in our samples.<sup>52</sup> If we had relied solely on BCA’s official criminal history file, we would not have known about these actions, and the rearrest and reoffense rates we calculated would have underestimated the actual rates of recidivism by a few percentage points. Furthermore, even after checking BCA’s criminal history and suspense files, we still found no BCA records of criminal activity for more than 200 probationers who were sentenced in 1992 for felonies committed in Minnesota.

A national expert in criminal history information systems told us many other states have similar problems with their criminal history records. Nevertheless, we think that the absence of comprehensive information in BCA’s criminal history database should be addressed as soon as possible. In our view, it is a serious problem that:

- **Criminal justice agencies and other users cannot obtain complete information about offenders’ criminal records from the BCA’s criminal history database.**

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**Law enforcement agencies, courts, and others rely on BCA to have complete, accessible criminal history information.**

Researchers trying to study patterns of recidivism or convictions in Minnesota would underestimate the actual levels of criminality if they relied solely on the criminal history database. More important, without full criminal records in BCA’s official criminal history database, criminal background checks might not identify instances of known criminal conduct. In addition, community corrections officials might inaccurately calculate the criminal history scores on which judges rely when making sentencing decisions, and inappropriate pre-trial release and bail decisions might be made.

BCA officials are aware of the problems with the criminal history database and have taken several steps to address them. For instance, they have helped coordinate training for law enforcement, prosecution, and court officials about proper reporting of criminal history information, and they are seeking federal funding for continued local implementation of technology that would transmit fingerprint information electronically to BCA. Still, we think this problem is serious enough to require ongoing monitoring, and we offer several recommendations in Chapter 4.

## SUMMARY

Almost two-thirds of the inmates released from Minnesota prisons in 1992 were rearrested for a felony or gross misdemeanor within three years, and nearly half were reconvicted. Felony probationers had lower overall recidivism rates, but this largely reflected their shorter criminal records. We found relatively high recidivism rates among property offenders, young offenders, and offenders in Hennepin and Ramsey counties. Property offenders who were placed on probation rather than receiving the prison sentence presumed by the state’s sentencing guidelines had much higher recidivism rates than other property offenders placed on proba-

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<sup>52</sup> We counted only dispositions in the suspense file that were at the felony or gross misdemeanor level. The suspense file does not contain arrest records, but in cases where an offender had disposition in the suspense file within the three-year window, we assumed that the offender had an arrest within that period as well.

tion. It is difficult to evaluate whether correctional programs caused recidivism to be lower than it otherwise would have been, but we found that the recidivism rates of program participants were often similar to the rates of non-participants.

Minnesota's recidivism rates appear to be within the broad range of rates reported in other recidivism studies. But evaluating whether Minnesota's rates are satisfactory requires some judgment about the **expected** level of recidivism. On the one hand, previous chapters suggested that Minnesota's corrections system has some characteristics that might be expected to reduce offender recidivism rates--for instance, higher levels of spending per inmate than most states, and inmates who are better educated, have fewer prior arrests, and are more likely to be violent offenders than inmates in other states. On the other hand, because Minnesota imprisons a smaller percentage of its population than all but one other state, perhaps its inmate population has a relatively high proportion of intractable criminals who do not want to change their behaviors. Unfortunately, there is no definitive way to determine whether Minnesota's inmates and probationers are more or less "predisposed" to recidivism than offenders in other states.