

Recidivism Rates: What You Need to Know

The rate at which people return to prison following release is a key measure of the performance of the nation's criminal justice system, yet national statistics on recidivism are rare. The federal Bureau of Justice Statistics (BJS) publishes them only every three years. This brief summarizes the key takeaways from the most recent [report](#), released in July 2021, and analyzes them in the context of previous findings.

1. **The return-to-prison rate has dropped considerably.** People released from state prison in 2012 were much less likely to return to prison than those released in 2005. During the first year following release, 19.9% of the 2012 group returned to prison compared with 30.4% of the 2005 cohort. The three-year prison return rate – the most commonly used measure – fell from about 50% to 39%. This 11-percentage point reduction persisted through the full five-year tracking period.

Difference in Cumulative 5-Year Return-to-Prison Rates

2. **Rearrest rates remain stubbornly high.** The cumulative five-year rearrest rate of people exiting prison in 2012, at 71%, was six percentage points lower than that of people released in 2005 (77%). The rate of rearrest for violent offenses was virtually unchanged, while rearrests for property offenses declined by three percentage points, rearrests for drug violations declined by six percentage points, and rearrests for public order offenses declined by four percentage points.

Rearrest by Crime Type, 2005 vs. 2012

3. **Most people are rearrested for public order offenses.** Public order offenses are the most common reason people are rearrested following release, accounting for 58% of 2005 releases who were rearrested and 54% of 2012 releases (Table 9, p. 9; Table 10, p. 10). Public order is a broad category that includes offenses such as driving under the influence, disorderly conduct, and weapons violations. The share of rearrests for

weapons offenses remained relatively stable between those released in 2005 and 2012 (at 9.1% and 9.4%, respectively), as did rearrests for driving under the influence (from 9.3% to 8.7%).

4. **Older people return to prison at lower rates.** The new BJS data underscore one of the most well-established facts in criminology: that people “[age out](#)” of crime. People released at age 24 or younger were 64% more likely to be reincarcerated at year five (56.8%) than those released at age 40 or older (36.3%) (see Table 8).
5. **The severity of the original conviction offense is not indicative of recidivism risk.** People released in 2012 who were convicted of homicide were the least likely to be rearrested, with 41.3% rearrested at least once over five years (Table 5, 2021 report). This finding could reflect age to some degree, as it is likely that many people serving time for homicide would be over 40 at time of release owing to long sentences. By contrast, people convicted of property crimes were most likely to be rearrested, at 78.3% over five years. This suggests that it is more important to assess risks and needs by looking at longer-term criminal histories than the most recent conviction offense.
6. **Criminal activity is not highly specialized.** People released in 2012 who had been serving a prison term for a violent crime were almost as likely to be rearrested for a property crime (28.9%) as a violent crime (32.4%) – Table 11. Similarly, many people serving time for property crimes (29.6%) were rearrested for violent offenses (51.2%). This aligns with prior research that suggests that most criminal behavior is [not highly specialized](#) and that labeling someone as “violent” or “non-violent” is overly simplistic.
7. **Different metrics tell different stories.** Historically, the most common measure of recidivism has been the rate at which people return to prison within three years of release. Because there were long periods of time between national reports over the last few decades, it was commonly thought that the three-year state prison recidivism rate was stagnant at about 50%. That was the return rate of people released in 1994, a finding that wasn’t published until 2002. It was another dozen years before the [next report, in 2014](#), tracked recidivism of those released in 2005. More recently, BJS has reported recidivism rates more frequently and has used different measures, including the rearrest rate. While the different measures have their strengths and weaknesses, it

is important to compare apples to apples. In this case, that means distinguishing headlines about rearrest rates that top 70% over a five-year period from three-year reincarceration rates, which now have fallen below 40%.

8. **The reasons for the reduction in return-to-prison rates are unclear.** The drop in return-to prison rates could be explained by changes in the behavior of those being released (i.e., committing fewer new crimes or violations of supervision), or by changes in the behavior of the criminal justice system (such as police arrest practices or policies regarding how probation and parole agencies respond to supervision violations).

Federal and state investments in reentry programs have been substantial in recent years, as have private sector initiatives to hire people with criminal records; these efforts and others may have reduced reoffending rates. Arrest rates for minor offenses have [declined](#) over the past decade, and the total number of arrests also has been falling, from [12 million in 2005 to 9 million in 2018](#). During that same time, at least two dozen states have [limited](#) or even prohibited reincarceration for technical violations of supervision, which may account for a large portion of the reduction. In addition, some of the drop in return-to-prison rates may relate to differences in the composition of the 2005 and 2012 study cohorts. While the groups are remarkably similar in terms of age and type of conviction offense, White people make up 43.8% of the 2012 cohort compared with 35.4% of the 2005 cohort. More data and analysis are required to produce a fuller understanding of why the prison recidivism rate is falling.

Recidivism studies like the recent BJS report are crucial in tracking the impact of criminal justice reforms and reentry programs. Such studies, which track recidivism of release cohorts, should be complemented by those that track recidivism outcomes of individuals. Studies focused on individuals paint a more accurate picture of post-release reoffending; that's because cohort studies are weighted toward people who serve relatively short sentences, many of whom cycle in and out of jail and prison and thus have a much higher propensity to recidivate. Studies examining recidivism rates by individuals find much lower return-to-prison rates, on average, with one [study](#) reporting that among people sent to prison for the first time, one third or fewer commit new offenses.

This brief was prepared by [Nancy La Vigne](#), Executive Director of the Council on Criminal Justice Task Force on Policing, and [Ernesto Lopez](#), Research Specialist at the Council on

*Criminal Justice. Please direct all media inquiries to Jenifer Warren at
jwarren@counciloncj.org.*