

## THE RATE OF PENITENTIARY RECIDIVISM 2014

NEWSLETTER DISSEMINATION OF RESEARCH

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### Introduction

In 1993 the Centre for Legal Studies and Specialised Training published the first piece of research that measured and analysed the rate of prison recidivism in Catalonia. Since then, this research has been periodically repeated and the current work, which we present in this dossier, is now the fourth in the series. This time we have studied the inmates that left prison in 2010 and who have been monitored until the 31 December 2013 to see if they have returned to prison. As an innovation we should highlight that this research has studied the whole population and not only a representative sample, as had been done until now. In total, in 2010 there were 3,414 different inmates who left prison, forming the population that is the object of this study. We have limited the monitoring time to an average of 3.5 years, although a corrective measure has been established in order to maintain the comparison of reoffending rates with the previous studies that covered a broader monitoring. Another innovation of this research is that we have partially analysed a series of new variables introduced with a new individualised evaluation tool for the inmates who use the prison treatment professionals, called *RisCanvi*. The new way of working has been promoted by the Prison Services Office (herein DGSP). The tool has the aim, among other things, of evaluating the future risk of committing violent acts by the people imprisoned. It was incorporated into the work routine of the treatment teams in 2009 although the collection of information of the inmates was not systemised until the following year, information that has gradually increased each year. In our study we have been able to collect the results of 659 different subjects, 19.2 % of the total, who have been evaluated with the *RisCanvi*. Of these, 410 subjects had at least one *RisCanvi* evaluation in its full version (since the *RisCanvi* also has a reduced or screening version). The scale of the full *RisCanvi* is made up of 43 risk factors that are grouped into the criminological, biographic, social and family, clinical, and finally, personality factors. To these 43 factors are added the evaluation of the future risk of the appearance of 4 behaviours: violence against oneself, intra-institutional violence, violent reoffending and breaking of sentence. This is the first time that we have been able to make use of a series of data which we did not have until now and which will form part of some specific analyses, even though we should take in account that this group only represents 12% of the prison population studied and that the selection is not random or representative of the whole Catalan prison population. We are not aware of any other study in the Spanish State that forms part of a series of research studies that analyse prison reoffending on a regular basis ensuring, moreover, sufficient sampling representativeness in the context of the parameters required by international research. In this sense, the bibliographic study we have conducted places us among a reduced group of countries that periodically publish reoffending data: USA, Canada, Japan, Australia, United Kingdom, Germany, France, Holland and Sweden. The results obtained show us quite a precise and unique radiography of the characteristics present in the Catalan prison population. The maintenance of the series, moreover, provide added value to the research because it enables us to record the changes that have taken place over time. It also allows us to establish hypotheses that enable the DGSP to design interventions aimed at reducing reoffending and encouraging desisting from repeating the crime. Studies of prison recidivism are often considered a way of evaluating the effectivity of the prison system. Indeed, an easy reading could lead us to

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conclude that, if many subjects return to prison after being released, the prison system does not work in its aim to rehabilitate and for special prevention. On the contrary, if just a few return, the running of the penitentiary services is obtaining good results.

Recidivism, however, is a complex phenomenon that provides general information about multiple factors. The reoffending rates speak, globally and indifferently of: 1) the moment that they cross the policies of security (more or less political and/or media pressure on specific groups or geographical areas, more control linked to specific offences, etc.); 2) the effectiveness of police control and of the priorities that are established in this control; 3) the result of applying a specific legislation; 4) the possibilities that each subject has or each sample of subjects (by age, associated problems, motivations, etc.) of changing an already begun criminal history; and 5) the social policies and possibilities of reinsertion that society offers (work, housing, treatment of mental illnesses, dealing with problems of addiction, integration of immigrants, etc.). Among these social policies should be included the prison policy and its focus more or less effectively aimed at reinsertion or avoidance of reoffending (effective control of risk factors).

We should, therefore, be very cautious on attributing a positive or negative change of recidivism rates to just one of these factors, ignoring the analysis of the others. Knowing the rate helps us orientate policies, but in no case can we attribute its increase or decrease to a sole factor or to some occasional specific interventions, since we have not controlled the multiplicity of relations and variables that intervene.

### Aims of the study

1. To update the 2008 rate of recidivism.
2. To review the Spanish and international literature to update the studies, data and other innovations that have been undertaken regarding the question.
3. To compare the profile of the released population in 2010 with those released in previous studies.
4. To update the personal, criminal and prison profile of the reoffenders compared to the non-reoffenders, with the inclusion of the new variables collected from the implementation of the *RisCanvi*.
5. To compare the profile of the people released on probation to that of those released without conditions. In this latter group, differentiate the people who have been released in 1<sup>st</sup> and 2<sup>nd</sup> degree from those released in 3<sup>rd</sup> degree and from those who have not been classified during the sentence.
6. To study as specific groups foreigners and women.

### Methodology

The methodology of the research is based on the collection and quantitative use of the data obtained through the SIPC application (Penitentiary Information System of Catalonia) and from the *RisCanvi* database.

**Table 1. Technical specifications of the research**

Territorial scope	Catalonia
	Prison population that that finishes a prison sentence in 2010 (base sentence), whether on probation, or 3 <sup>rd</sup> degree, or whether directly, in total liberty (N=3,414 subjects).
Population object of study	A monitoring has been undertaken of the population until the 31 December 2013 in order to record if there have been new re-admittances to prison. Monitoring period average 3.5 years. Minimum 3 years, maximum 4 years. A corrective measure has been established (5.9%) to be able to compare with previous studies, which had a monitoring period of 5.5 years.
Source of the data	SIPC (Penitentiary Information System of Catalonia); It includes for the first time in this type of study the <i>RisCanvi</i> variables. A total of 118 personal, family, social, penal and penitentiary variables have been studied.
Statistical use	Statistical package IBM SPSS Statistics 17.0

## Results

### 1. Regarding the rate of recidivism

The rate of prison recidivism in 2014 is 30.2%.

Seven out of ten people who have been to prison have not returned for a new offence in the four years after their release.

A major drop has occurred in the prison reoffending rate of 10 points (in the previous study it was 40.3%).

The type of release from prison becomes an indicator of the probability of later recidivism, even though it is an indicator affected by the characteristics of the inmates of each group. Those that have left directly from the 1<sup>st</sup> degree reoffend 10 points more than those released in the 2<sup>nd</sup> degree. These, however, double in the rate of reoffending compared to those of the 3<sup>rd</sup> degree. Probation shows excellent results, since the people who have been released in this sentence completion system have only reoffended at a rate of 11.6%, in other words, 1 in 10. This data has two opposing interpretations: positively, it shows the degree of adaptation regarding the penitentiary classification that the prison professionals make, since the people that reoffend in greater proportion are those that the professionals do not propose progress to the 3<sup>rd</sup> degree or probation. Negatively, it shows us that the percentages of prison release in total liberty are high (58.4%) and that many of these cases the fact of not being able to make a progressive and supervised return to the community may imply an increase in risk of reoffending.

Specific characteristics of the inmates are linked to the highest reoffending rates. The most outstanding are: 1) having previous criminal record (more criminal record, more reoffending) and 2) completing a prison sentence for a subsidiary personal responsibility (SPR).

### 2. Regarding the characteristics of recidivism

Those who reoffend take an average of 336.14 days to do so. That is 50 days less on average than the previous study. 65% of those who have reoffended do so within the first year. Within 2 years the percentage reaches 87%.

The most common main offence committed in the first reoffending is an offence *against property* (60.2%). The average of prison admittance after reoffending is 2.2.

The results also tell us that the factors associated with a lower rate of reoffending (the offence in prison admittance being primary, committing a different offence to that of property, enjoying ordinary permits, leave in 3<sup>rd</sup> degree or on probation) also take more time in reoffending and which reoffend on much fewer occasions.

### 3. Regarding the characteristics of the reoffender

Among the reoffenders we find over-represented those people who have prison records, who have committed a non-violent offence *against property*, and who complete short sentences of less than two years. Also featured are inmates who inside prison have had incidents and regressions and have not enjoyed probationary permits.

Moreover, in this group of reoffenders there are more foreigners than would correspond by proportion to the general prison population, with more emphasis on Europeans and Asians. Those under threat of expulsion but which is not applied are also found over-represented in this group, as well as those who have less parental responsibilities, less education and who are younger, both in terms of committing their first offence and at the time of entering to complete the *base sentence* and on leaving prison. We also find over-represented those who left prison from the 1<sup>st</sup> or 2<sup>nd</sup> degree.

Regarding the factors of the *RisCanvi*, many of the factors of risk are found over-represented in the reoffenders and in the case of the non-reoffenders they are infra-represented. Specifying a little more:

- At the level of *socials factors*, the reoffenders have an over-representation of: problems related to employment, lack of economic resources, absence of viable future plans, criminal record in the family of origin, lack of family and social support, membership of gangs/delinquent friends, membership of social group at risk.
- At the level of *personal factors*, the reoffenders have an over-representation in the following: abuse or dependence of drugs and/or alcohol, giving a limited response to treatment, having personality, anger and violence disorders, self-injuring behaviour, attitudes of fear, impulsiveness and emotional instability, irresponsibility and pro-criminal/ hostile attitude.
- At a *penal level*, there is more over-representation in reoffenders of factors such as: having a history of previous violence, having initiated criminal activity before the age of 16 and completed periods of uninterrupted prison longer than 3 years.
- At a *penitentiary level* the reoffenders have over-representation of the following factors: conflicts with inmates, disciplinary reports, evasions, breakages and breaches.
- In the *evaluations of the RisCanvi*, the reoffenders score “high” in 4 types of evaluation of risk (self-directed, intra-institutional, violent reoffending and breaking of sentence).

It is obvious that the *RisCarvi* is shown as a good tool for distinguishing the characteristics of the people who reoffend from those who do not.

#### **4. Regarding the change of characteristics of those released with those from the previous study**

The most relevant aspects that differentiate the released population in 2010 from that released in 2002 (previous study) are the following:

- Among the people who left prison in 2010, there is a larger proportion of foreigners.
- They have a better educational and training level and understand the two official languages of Catalonia better.
- They are older, both in the first admittance to prison (4 years older on average) and at the time of release (3 years older on average).
- The proportion of first offenders (who enter prison for committing a first crime in Catalonia) has increased significantly: in 2010, 64.5% had no previous prison record compared to 39.6% in 2002.
- Violent crimes have increased. Crimes against persons have almost doubled, going from 9.2% in 2002 to 16.1% in 2010. Also increased are violent crimes against property, from 5.6% in 2002 to 10.9% in 2010.
- The average time of the sentence in days has not increased but the percentage of longer sentences has increased, from 5 years or more, from 15.7% in 2002 to 20.1% in 2010.
- Regarding the prison situation, the most outstanding changes are: the reduction of ordinary permits by more than 11 points (53.3% of released persons in 2010 did not leave with permits) and the reduction in the percentage of people leaving on probation by almost 5 points (21.1% in 2010).

#### **5. Regarding the hypotheses explaining the drop in the rate of recidivism**

##### **5.1. Macro-social and criminal policy changes**

- 1) There has been a generalised decrease in criminality in Spain (since 2008 it has dropped from 51.9% to 46.1% in 2013).
- 2) Some international experts speak of a generalised drop in the reoffending rates of the main countries that study them systematically. One of the arguments that would justify it would be the increase in security systems for the prevention of minor offences, offences that usually produce more reoffending.
- 3) The latest migratory studies point out that many foreigners have left Catalonia. A part of the drop in the rate could be attributed to this fact, since if it also affects released foreigners, we would have a group of people who have left the country and who, therefore, we are unable to know whether they are reoffenders or not, though through the statistical data available it is not at all clear that this has occurred.
- 4) The different penal reforms relating to violent crimes of gender and road safety have created new types of offenders who until now did not enter prisons. The impact of this new profile, with a lower rate of reoffending than the general average, may also explain a part of the drop.

##### **5.2. Changes in the personal, penal and penitentiary characteristics of the imprisoned subjects**

- 5) The age: the released people in 2010 are older, both at the time of their first admittance to prison (26.9 years old in the previous study and now it is 31.7 years old), and in the moment they are released (34.4 before and now 37.3 years old). This factor can indeed explain a percentage drop in the rate, since in our studies young people are associated with a higher level of reoffending.
- 6) Regarding the penal behaviour of the reoffenders:
  - a) Crimes *against property* have dropped from 58.8% in the previous study to 41.3% in the current one.
  - b) The percentage of multi-reoffending has dropped in this study (before it was 18.4% of the total compared to 10.5% now). If there is less reoffending it is logical that this fact has an effect of lowering the rate.
  - c) The number of people who complete prison sentences for SPR in the previous study was 28.9% of the total and now involves 17.7%, which is a drop of 11.2 points. If there are less people who are completing a prison sentence for SPR (which has a high level of reoffending) this fact could also have an effect on the decrease in the rate.
- 7) There is a large increase in primary offenders going to prison (before 39.6% and now 64.5%). Having a prison record is clearly associated with a higher level of reoffending and not having one, with reoffending less. The drop has been very significant, of 25 points.

### **5.3. Changes related to infrastructural, economic and human resources**

- 8) After the completion of the previous research, 3 new prisons were opened –Brians 2 (2007), Lledoners and Joves (2008)- which represented new projects, new alternatives and different ways of intervention.
- 9) In 2008 five externally dependent units were created to treat drug addictions. This provided greater possibilities of specific treatment in settings not exclusively penitentiary (in 2006 there were 1,996 inmates in drug addiction programmes, whereas in 2010 intervention reached to 3,451).
- 10) In the period of 2006/2010 there was a greater availability of economic resources, with good support for collaborating social entities (subsidies and agreements) that increased their presence in prisons and in the reception and release processes of the cases. It was also easier to provide economic aid to inmates and their families faced with very precarious situations.
- 11) Regarding productive work, the average number of people employed each month for one or more days and in one or more productive activities went from 2,162 people in 2006 to 3,902 people in 2010.

### **5.4. Changes related to instruments of intervention**

- 12) The DGSP has informed us that it was a period in which the number of rehabilitation programmes undertaken increased.
- 13) It was in those years that the *RisCanvi* was implemented, with all that that involved in changing the model of evaluation and valuation of the individuals that made up the prison population. All the staff training for treatment in this model was done and the way of intervening was redirected.
- 14) Two major protocols were set into motion of coordination with other institutions: protocol of high risk prison releases (coordination with Public Prosecutor's Office), and protocol of coordination with victims. It is believed that this has had a preventive effect regarding reoffending.

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- 2 La cárcel pública de Barcelona durante la etapa isabelina / La casa de corrección de Barcelona (1836-1856). Enero 1998.
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- 5 Inteligencia y personalidad en el proceso rehabilitador del delincuente. Mayo 1998.
- 6 Salud y prisión. Octubre 1998.
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- 8 El tratamiento de los agresores sexuales. Febrero 1999.
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- 14 El estado de la adopción en Cataluña (1998-1999).
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- 28 Presentación de dos investigaciones del ámbito penitenciario.
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- 30 La clasificación inicial en régimen abierto de los condenados a prisión.
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- 32 La asistencia religiosa y la libertad de culto en las prisiones de Cataluña.
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- 34 Violencia de los jóvenes en la familia.
- 35 Infractores y conducta violenta.
- 36 Drogas y tratamiento penitenciario.
- 37 Perfil profesional del juez de primera instancia e instrucción de Cataluña.
- 38 Violencia de género y justicia.
- 39 Delitos sexuales y reincidencia.
- 40 Intervención con infractores juveniles.
- 41 Mediación y resolución de conflictos en entornos penitenciarios.
- 42 Perfil profesional del Secretario Judicial de Cataluña.
- 43 Predicción del riesgo de violencia en contextos institucionales. Los sistemas de control monitorizado aplicado a penados adultos.
- 44 Drogas y prisión . Medidas de seguridad y salud mental.
- 45 Modelos de política criminal y penitenciaria internacional.
- 46 Mujer y violencia de género.
- 47 La formación de los funcionarios de seguridad de los centros penitenciarios en Cataluña y Francia.
- 48 Perfil de los penados por delitos contra la seguridad del tráfico.
- 49 Intervención con agresores de violencia de género.
- 50 Intervención con infractores condenados por delitos de tráfico a programas formativos.
- 51 Abuso sexual infantil: valoración psicosocial desde el ámbito de la justicia.
- 52 Agresores en violencia de pareja.
- 53 Inserción después de la cárcel.
- 54 Extranjeros en centros penitenciarios.
- 55 Victimología y ciberdelito en menores.
- 56 La reincidencia en el programa de mediación y reparación de menores.
- 57 Intervención penal con infractores de tráfico.
- 58 Evaluación de menores infractores: factores protectores y de riesgo..
- 59 El tiempo en la justicia de menores.
- 60 Intervención en el marco de la ejecución de medidas penales en la comunidad.
- 61 Prestaciones en beneficio de la comunidad y realización de tareas socioeducativas en justicia juvenil.
- 62 La victimización de niños y jóvenes en riesgo.
- 63 La libertad condicional en Cataluña.
- 64 Gestión de casos en el ámbito penitenciario.
- 65 Ejecución penal y toxicomanías.
66. Evaluación del programa de entrenamiento de habilidades parentales *Limits*.