



An Evaluation and Sustainability Resource Brief

# Racial Equity Considerations When Using Recidivism as a Core Outcome in Reentry Program Evaluations

## Recidivism Measurement Considerations and Limitations

Disrupting the cycle of recidivism, or a return to criminal activity after some type of intervention, is a central goal of most reentry initiatives. Such programs seek to address individuals' criminogenic needs and provide services that help participants successfully reintegrate into society and refrain from criminal activity. But measuring the outcome of recidivism in reentry program evaluations is not straightforward because no standard definition for recidivism exists. Most commonly, recidivism is operationalized as a return to the criminal justice system through arrest or reincarceration. In other words, rather than measuring criminal activity itself, researchers commonly measure criminal activity *that has been detected by the criminal justice system*.

System-focused measures of recidivism (e.g., rearrest, reincarceration) are certainly of importance to criminal justice system stakeholders, because whether or not individuals return to the system has major cost implications. Second Chance Act (SCA) grantees are required to report several system-focused recidivism outcomes for SCA program participants.<sup>1</sup> However, recidivism measures that focus on justice system involvement alone are limited and can reflect racial bias underlying the justice system. Because such metrics are not direct indicators of whether someone engages in criminal activity, they conflate criminal justice system surveillance and decision-making (e.g., police activity, supervision efforts, prosecutor decisions about charging, sentencing policies) with individual behavior (Butts & Schiraldi, 2018; Skeem & Lowenkamp, 2016). Some policing practices, in particular, affect the racially disproportionate risk of criminal justice system contact (see sidebar), and bias is inherent in some crime control policies.

### Applying a Racial Equity Lens in Reentry Program Evaluation

This resource brief is part of a three-part series intended to assist reentry programs that are interested in applying a racial equity lens to their research and evaluation activities. The other briefs, which can be found on the National Reentry Resource Center website, focus on (1) [risk assessment and racial equity](#) and (2) [assessing and enhancing cultural responsiveness in reentry programs through research and evaluation](#).

<sup>1</sup> Specifically, at grant closeout, grantees must report the number of program participants (from among those still participating, successfully completed, and unsuccessfully completed) who were arrested and booked on a new charge, were convicted of a new crime, had a revocation of the terms identified by community corrections supervision, or were reincarcerated after their initial release.

# Racial Equity Considerations When Using Recidivism as a Core Outcome in Reentry Program Evaluations

## The Disconnect Between Criminal Activity and Justice System Contact

- Black individuals are disproportionately targeted for police-initiated contact after individual involvement in criminal activity and conviction history are controlled for (Baumgartner et al., 2017; Taniguchi et al., 2017; Unnever et al., 2017).
- White young people who are engaged in criminal activity are less likely to be stopped by police than are Black young people who are not engaged in criminal activity (Harris et al., 2017).
- Predominantly Black neighborhoods are disproportionately targeted for police-initiated contact after local crime rate is controlled for (Beckett et al., 2006; Fagan et al., 2010; Kirk, 2008).

Measures of formal systems engagement also do not account for differences in social context, such as more intensive policing in neighborhoods of concentrated disadvantage (Butts & Schiraldi, 2018). It is also important to consider that racial disparities in recidivism measures may vary by crime type (e.g., violent or drug crimes) and stage of the criminal justice process (e.g., decision to stop, arrest, charge, prosecute, sentence; Blumstein et al., 1983; Piquero, 2015). Often, implicit bias is manifested in the discretionary decisions made by key criminal justice stakeholders. Any bias at an earlier stage in the criminal justice system continuum (e.g., arrest) increases the probability that someone will advance to the next stage (e.g., sentencing). Therefore, racial bias becomes cumulatively problematic for decision points further in the criminal justice system continuum because it reflects bias in earlier points. For example, the overrepresentation of people of color at the arrest stage will lead to amplified disparities at the

decision to recommend bail at the pre-trial stage. Therefore, recidivism measures that operationalize criminal justice decisions at different stages are affected by cumulative disparities at early stages (and a person's prior involvement in the justice system). This means that "late stage" outcomes, such as reincarceration in a correctional facility, will likely be the most biased against participants of color, resulting in higher recidivism rates for such groups. On the other hand, "early stage" outcomes have limitations as well, mainly that they include incidents that ultimately did not result in a conviction or sentence and therefore do not reflect a determination of guilt. Therefore, when using "official" measures of recidivism, the limitations of the particular measure being used should be kept in mind.

## What Can Reentry Program Evaluations Do to Assess Program Outcomes in a More Equitable Manner?

### Measure other important reentry outcomes.

Reentry program evaluations should not rely on recidivism as their only measure of program success. A desistance framework, which views crime reduction as a "complicated change process in which individuals learn to be law abiding over time" (Butts & Schiraldi, 2018, p. 9) allows for incremental successes to be measured. In the context of reentry


# Racial Equity Considerations When Using Recidivism as a Core Outcome in Reentry Program Evaluations

programs, meaningful measures of how people are reintegrated into a community after an incarceration are relevant. Many reentry programs strive to help their participants obtain stable housing, get jobs, become financially independent, reconnect with family members, strengthen their social support systems, and abstain from drug and alcohol use. These outcomes should be rigorously measured in the program evaluation and given high priority in any assessment of program impacts. The inclusion of such outcomes is specifically encouraged by the Bureau of Justice Assistance for some SCA funding streams<sup>2</sup> and is valued by many policymakers. Attitudinal outcomes, such as increasing one's self-efficacy, increasing motivation or readiness for change, and reducing criminal thinking, are also important to measure as "mechanisms of change" in reentry program evaluation. Finally, metrics of program engagement, such as services received or graduation rates, are important program outputs that should receive attention in reentry program evaluation. When telling the story of program impact in evaluation reports and products, give meaningful attention to all relevant program outcomes, not just recidivism. Framing results with a focus on positive outcomes related to the desistance process may ultimately provide programs with a better place to work from and is consistent with an asset-based perspective (Butts & Schiraldi, 2018).

## **Consider measuring self-reported criminal activity as the recidivism outcome.**

If the evaluation has the resources to collect primary data for program participants and comparison group members, measuring self-reported criminal activity (e.g., whether the individual engaged in specific crime types over a specific follow-up period) can provide information on individuals' actual behavior in a manner that is not influenced by criminal justice system surveillance or decision-making. Not only is this measure free from bias related to whether an individual's actual behavior is detected and responded to by the legal system, it is more directly tied to the manner in which programs seek to affect individual behavior and rehabilitation (e.g., by providing programming to change criminal thinking and improve employment readiness). Numerous cross-site evaluations of SCA and other reentry initiatives have examined self-reported criminal behavior as a supplement to official indicators of recidivism, and these instruments are publicly available to other researchers.<sup>3</sup> Importantly, to improve data quality, the survey items should use behaviorally specific language rather than legal (e.g., criminal code) descriptions. Also, to ensure that individuals answer sensitive questions honestly, collect such data in a confidential manner (ideally, such that individuals will not need to disclose this information to program staff or any staff affiliated with the criminal justice system). Respondents must trust that the information will be used only for analysis purposes. When using official measures of recidivism, be sure to note the limitations of the measures you are using. As noted, the main limitation of late-stage measures (e.g., reincarceration) is that they reflect the compounded effects of bias in previous decision-making stages, and the main

<sup>2</sup> For example, the Comprehensive Community-Based Adult Reentry grantees are encouraged to explore outcomes beyond recidivism, including program engagement, family reunification and stability, financial literacy/economic stability, and housing.

<sup>3</sup> See, for example, the survey instruments from the Multi-Site Evaluation of the Serious and Violent Offender Reentry Initiative: <https://www.icpsr.umich.edu/web/NACJD/studies/27101>. 

# Racial Equity Considerations When Using Recidivism as a Core Outcome in Reentry Program Evaluations

limitation of early-stage measures (e.g., arrest) is that they include incidents that did not result in a conviction. Also, evaluators should consider alternatives to binary indicators reflecting any legal action (e.g., any rearrest or reincarceration within 12 months of release). For example, focusing on offenses at a certain level of severity (e.g., felonies), exploring “time to failure,” or developing counts of new crimes could reduce bias and serve as more meaningful outcomes. In particular, focusing on a measure such as arrest for violent crime is preferable and reflects the most unbiased measure because such offenses are more likely to be reported to law enforcement and are less subject to justice system discretion than crimes like drug use or “public order” crimes (Skeem & Lowenkamp, 2016).

## Make careful comparisons.

Some reentry evaluation plans include an analysis of “what works for whom,” which entails examining program impact for subgroups of participants, such as racial or ethnic minorities, women, or younger participants. Such analyses may be important for understanding for whom the program (or specific services) seemed to work better; however, the analytic approach must be appropriate. Results for program participants in the subgroup of interest should be compared to those for *comparison group members* (a carefully selected group of individuals who meet program eligibility criteria but who are receiving standard services rather than the reentry programming being evaluated) *in the same subgroup of interest*. For example, rather than comparing the rearrest rate for white program participants to that of Black program participants to assess for whom the program seemed to work better, the reduction in rearrest achieved for white program participants compared to that for the white comparison group should be compared to the reduction achieved for Black program participants compared to that for Black comparison group members. This approach allows for a more rigorous assessment of the *relative* impact of

## Avoid Program-Level Comparisons

In addition to employing a careful approach to comparing program impact among participants within a particular program, researchers should avoid comparing their program’s overall success to that of other programs (or to that of the overall jail or prison population) when examining recidivism outcomes. Recidivism is heavily influenced by client characteristics (e.g., criminal history, age) and jurisdiction-specific enforcement and prosecution resources and practices (Butts & Schiraldi, 2018). Thus, attempting to draw any conclusions about how one program performs compared to another is inadvisable because any differences could be the result purely of population risk for legal system involvement. For example, a program targeting high-risk individuals returning to a heavily policed community would be expected to have higher rearrest rates than a program targeting the general inmate population, regardless of the quality of services provided.

reentry program participation and standard services on a particular outcome, even if that outcome is subject to bias across the different subgroups of interest.

## Acknowledge limitations in evaluation reports.

When writing up the results of evaluation findings, evaluators should explicitly state the limitations of all outcome measures used (as well as other design limitations associated with the evaluation) so that readers can understand the extent to which conclusions can be drawn from the evaluation findings. For recidivism measures based on systems involvement, one limitation that should be acknowledged is the possibility of racial bias. Further,

# Racial Equity Considerations When Using Recidivism as a Core Outcome in Reentry Program Evaluations

the *implications* of any bias should also be spelled out for readers. For example, if a program was not found to have a positive effect for participants of color (based on a measure such as reincarceration), researchers cannot rule out the possibility that the finding was actually due to participants of color being subject to greater criminal justice system surveillance

or harsher sentencing, and they should state such an implication in the evaluation findings. Self-reported measures may be subject to other biases (e.g., individuals may be reluctant to disclose engaging in illegal behavior), and this should certainly be noted as well.

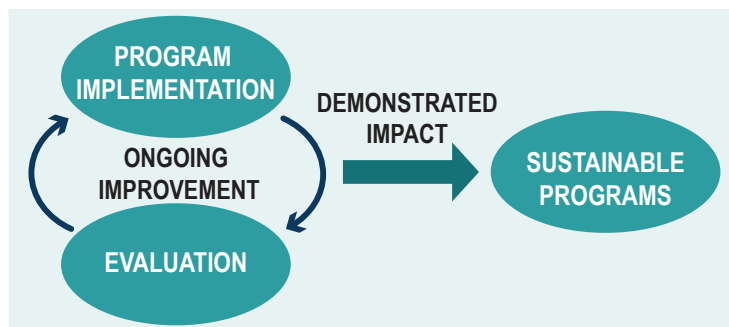
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## The Evaluation and Sustainability Training and Technical Assistance Project

The Evaluation and Sustainability Training and Technical Assistance (ES TTA) Project supports Second Chance Act (SCA) grantees in conducting more rigorous evaluations that lead to data-driven program improvement and demonstrated impact and that support programs' long-term sustainability. For more information about the project, contact [ESTTA@rti.org](mailto:ESTTA@rti.org).



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