Recidivism Rates  
Opposition Brief by Joel Erickson  
  
*Halden Prison, Norway*

Recidivism rates appear to be the pot of gold for affirmatives. They’re accessible with a few Google searches, easy for judges to understand, and depict a neat, numerical dichotomy between differing nations. And who can argue with them? After all, they’re statistics!

Yet, in this particular situation, the aphorism *if it’s too good to be true, it probably is* demonstrates its trustworthiness again. The ideological conflict between rehabilitation and retribution is far more nuanced than the use of recidivism statistics implies, and reducing the entire debate to a “rehabilitation has a 20% recidivism rate and retribution has a 76% recidivism rate” paradigm is brazenly reductionist and overly simplistic.

This opposition brief counters the affirmatives statistics by underscoring the nuances—differences between countries’ tracking of recidivism, disparities between countries’ definitions of recidivism, and external factors that render recidivism rates amorphous and inaccurate.

The sheer numbers belie the undercurrents of subtlety. Emphasize the subtlety, and win the debate.

Opposition Brief: Recidivism Rates

Recidivism Measures Imperfect Because Crimes Committed without Detection

“Measuring Recidivism,” National Institute of Justice, last edited June 17, 2014. <https://www.nij.gov/topics/corrections/recidivism/pages/measuring.aspx>

“Although recidivism is denoted by a return to crime, criminologists may not have a valid way of measuring whether a crime has occurred. Officially recorded criminal justice events such as arrest conviction are imperfect measures for assessing criminal activity because many crimes are committed without detection.”

Recidivism Measures Imperfect Because Memories Are Imperfect

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“Another way of assessing criminal activity is to interview study participants and ask them to recall the crimes they have committed. Because of memory decay and other methodological issues, this, too, is an imperfect measurement. As a compromise, recidivism is measured in different ways to see whether the different assessments correspond.”

Researchers Inconsistent with Timing

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“The timing of recidivism is key not only to its measurement but also to understanding the processes underlying the effects of sanctions and interventions with respect to the propensity of the individual to commit crime. Recidivism is delineated by starting and stopping events. The starting event can be the entry into a program or the release from prison. Other criminal justice events such as starting probation or the beginning of parole also qualify as starting events. The stopping event is typically a criminal justice action such as an arrest or revocation of supervision. Recidivism refers to both the type of stopping event (such as the arrest) and the amount of time between the starting and stopping criminal justice events (such as between entering a program and re-arrest). Sometimes researchers report only statistics on the stopping event, such as the percentage of people arrested. Other times, researchers report the average amount of time from starting to stopping event(s).”

Analysts Assume Risk Environment Same for All Subjects, which is Problematic

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“One of the many difficulties with measuring recidivism is that analysts tend to assume that the risk environment of re-arrest is the same for everyone who is being studied. This factor is important for practitioners and criminologists to be able to study programmatic differences in an intervention. If someone released from one program is put in a "riskier" environment than someone from a different intervention or a control group, any observed differences in re-arrest or recidivism rates may be due to the risk environment rather than the intervention. For example, one can think of a program that releases offenders to higher levels of supervision than a contrasting program. Observed differences in recidivism may be due to the different levels of supervision rather than the effect of the program.”

Different Countries and States Define Recidivism Differently

Jessica Benko 2016 (Ragnar Kristoffersen, quoted in the article, is a researcher for the Correctional Service of Norway Staff Academy) The New York Times, March 26, 2016 “The Radical Humaneness of Norway’s Halden Prison.” <http://www.nytimes.com/2015/03/29/magazine/the-radical-humaneness-of-norways-halden-prison.html>

“Then there was the question of what qualifies as ‘recidivism.’ Some countries and states count any new arrest as recidivism, while others count only new convictions or new prison sentences; still others include parole violations. The numbers most commonly cited in news reports about recidivism, like the 20 percent celebrated by Norway or the 68 percent lamented by the United States, begin to fall apart on closer inspection. That 68 percent, for example, is a three-­year number, but digging into the report shows the more comparable two-­year rate to be 60 percent. And that number reflects not reincarceration (the basis for the Norwegian statistic) but rearrest, a much wider net.”

Nearly Impossible to Compare Apples-to-Apples with Recidivism

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“Somewhat to my surprise, Kristoffersen went into a rant about the unreliability of recidivism statistics for evaluating corrections practices. From one local, state or national justice system to another, diverse and ever-­changing policies and practices in sentencing — what kinds and lengths of sentences judges impose for what types of crimes, how likely they are to reincarcerate an offender for a technical violation of parole, how much emphasis they put on community sentences over prison terms and many other factors — make it nearly impossible to know if you’re comparing apples to apples. Kristoffersen pointed out that in 2005, Norway was putting people in prison for traffic offenses like speeding, something that few other countries do. Speeders are at low risk for reoffending and receiving another prison sentence for that crime or any other. Excluding traffic offenders, Norway’s recidivism rate would, per that survey, be around 25 percent after two years.”

Measuring Effectiveness of Halden Impossible

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“What does that mean? Is the American prison system doing a better job than conventional wisdom would suggest? It is frustratingly hard to tell. I asked Kristoffersen if that low reincarceration rate might reflect the fact that long prison sentences mean that many prisoners become naturally less likely to reoffend because of advanced age. He agreed that was possible, along with many other more and less obvious variables. It turned out that measuring the effectiveness of Halden in particular was nearly impossible; Norway’s recidivism statistics are broken down by prison of release, and almost no prisoners are released directly from maximum-­security prisons, so Halden doesn’t have a recidivism number.”

Norway and US Comparison Rates Not Drastic

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US Uses Rearrests, Not Reincarceration, as Metric for Recidivism

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