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SPECTRUM ANALYSIS

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TIME SERVED: DOES IT RELATE TO PATTERNS OF CRIMINAL RECIDIVISM?

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TIME SERVED: DOES IT RELATE TO PATTERNS OF CRIMINAL RECIDIVISM?

FINAL REPORT NO. 1

DECEMBER, 1984

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Bureau of Justice Statistics. U.S. Department of Justice. SURVEY OF INMATES OF STATE CORRECTIONAL FACILITIES, 1979.

Bureau of Justice Statistics. U.S. Department of Justice. SURVEY OF INMATES OF STATE CORRECTIONAL FACILITIES, 1974.

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EXECUTIVE SUMMARY

Issues

This study is the first in a short series of analyses of patterns of career criminal recidivism and of the characteristics of inmates who exhibit these patterns. Data bases employed in these companion studies are the Surveys of Inmates of State Correctional Facilities, 1974 and 1979, conducted by the U. S. Bureau of the Census for the Bureau of Justice Statistics.

The subject of this study is time served, and its relationship to subsequent offense seriousness. Recidivism is defined as return to a state institution and the analysis focuses on recidivists who were incarcerated at the time of each survey. For the 1974 survey, the analysis is based on a national sample of 1670 male offenders whose last release was from a state prison during the five year period, 1970-1974. For the 1979 survey, the analysis is based on a national sample of 934 male offenders whose last release was from a state prison during the five year period, 1975-1979.

Most individuals incarcerated in our state institutions have been previously incarcerated, if not in a state prison, then in a local jail or other facility. Prison overcrowding coupled with the fact that most state prison inmates have been previously incarcerated make the relationship between time served and subsequent recidivism a particularly significant issue.

Return to prison may be measured in two general ways. First, it may be measured in terms of the rate of return, i.e., the proportion of a release cohort that returns within a specified period of time, such as three years. Second, it may be measured, as in this study, in terms of patterns of criminal recidivism, i.e., the nature of subsequent incarceration offenses in relation to the nature of previous incarceration offenses. Taken together, the nature and extent of known

recidivism constitute a partial measure of resultant harm to society, and a more complete measure of resultant costs to society, in such terms as prison facility and correctional services requirements.

In response to the ongoing need for time served and related data, the Bureau of Justice Statistics has initiated a National Corrections Reporting System. Other studies have been made of patterns of criminal recidivism. Despite the clear importance of the subject, none that appear in the general literature has considered the effects of judicial sanctions or of time served on patterns of criminal recidivism. This is largely because prior to the conduct of the subject surveys, appropriate multi-state or national data bases did not exist.

Research to date has emphasized general deterrence and its aggregate effects, in contrast to specific deterrence to the individual offender. Further, it has emphasized the extent rather than the nature of subsequent criminality as the outcome measure. While general deterrence is clearly a significant and relevant research issue, it is both difficult to assess and difficult to relate to policy issues. It is individuals, not aggregates, who commit crimes, and it is individuals and not aggregates toward whom criminal justice policies and decisions are directed.

Findings

The five year period preceding the 1974 survey was considerably different from that preceding the 1979 survey. Throughout the former period, the total prison population in the U.S. remained approximately constant, about 200,000. This was considerably less than the previous 1961 high of approximately 225,000. In contrast, throughout the latter period prison populations increased at an unprecedented rate. By 1979, the total prison population had increased approximately 100,000, or 50%. Researchers have generally attributed these differences to increases in the high risk age groups as well as to increases in sanction severity.

Approximately 61% of the white male offenders released within the five year period preceding the 1979 survey were under 25 years of age at last release. This compared to 54% in the 1974 survey and confirmed expectations of a more youthful population. This finding was not replicated for the black offenders. In the 1974 survey, 65% of the black returnees were under 25 years of age at last release; in the 1979 survey, 64% were under 25. Whereas in the 1974 survey, black repeat offenders had been considerably younger than their white counterparts, in the 1979 survey age differences were considerably less.

The effect of population pressures, per se, is to decrease the amount of time served for various offenses. In particular, there will be a tendency for the early release of individuals with less serious offenses. If population pressures are severe enough, however, individuals with more serious offenses may also be selected for early release on a case by case basis. The effect of sanction severity increases, per se, is to increase the sentence length and possibly the amount of time served for various offenses. Such increases might typically, although not necessarily, be greater for the more serious offenses categories.

When both population pressures and sanction severity increase simultaneously, there tends to be a readjustment in the relative amount of time served for different offenses. If the net effect is a decrease in average time served, then such decrease will tend to be greater for the less serious offenses.

These effects were generally noted in comparing the 1974 and 1979 samples of returnees who had been previously released within the last five years. The tendency of population pressures to result in the early release of individuals with less serious offenses was reflected in a greater representation of less serious prior offenses among the returnees in the 1979 survey. For example, 59% of the 1979 returnees had been property offenders, compared to 56% of the 1974 returnees.

Except where it had already been quite low, the mean time that had been

served by the 1979 returnees was notably less than that of the 1974 returnees for less serious offenses; it was approximately the same or even greater for the most s rious offenses. The percentage of returnees who had served less than a year increased more sharply for less serious than for more serious offenses. For example, 43% of the 1979 returnees whose prior offens was burglary had served one year or less, an increase of more than 9% compared to the 1974 survey. In contrast, 15% of the 1979 returnees whose prior offense was robbery had served one year or less, an increase of about 2% compared to the 1974 survey.

It may be seen from the foregoing that the 1974 and 1979 surveys reflected somewhat contrasting time periods. For each survey, the principal issue addressed was: Does time served constitute a specific deterrent with respect to subsequent offense severity? The hypothesis was made that if it does constitute a specific deterrent, then it might be expected that those who served longer would tend to return for less severe offenses.

Prior incarceration offenses were categorized as violent, drug traffic, property, drug possession, and public order. Current incarceration offense severity was categorized as violent or non-violent. For each prior incarceration offense category, the mean time that had been served by those returned for a violent offense was compared to the mean time that had been served by those returned for a non-violent offense. No evidence was found to suggest that time served has any influence on subsequent offense severity, or to support hypotheses of specific deterrence, of "learning a lesson", or of other forms of behavior modification with respect to subsequent offense severity.

The 1979 survey recorded not only time served, but also sentence length associated with prior incarceration offenses. Results based on sentence length as well as percent of sentence served were the same as the time served analysis: there was no evidence to support specific deterrence or other behavior modification hypotheses.

ISSUES AND APPROACH

Time Served in Prison - Prior Research

In the United States, incarceration is the most frequently used sanction for offenders convicted of the most serious crimes. Prison populations are at record levels; associated costs of housing prisoners and of new prison construction constitute critical economic problems in virtually all states. Despite these facts, until recently little has been known on a multi-state or national basis concerning the amount of time that convicted persons actually serve in prison.

Such data are of distinct value to legislators and other public officials, corrections administrators, criminal justice researchers, and to the public. The utility of this information relates not only to prison use assessment and resource planning, but also to a better understanding of how various aims of the criminal justice system are being met.

There is far from universal agreement as to the nature of these aims. Some relate to post-release behavior; others do not. Concepts of fairness, retribution and just deserts relate to criminal acts that have been committed, not to those that might be. In contrast, incapacitation relates to the prevention of offenses during the period that the individual is incarcerated. It does not address either the nature of the current offense or future behavior as such. Aims which relate to the future behavior of the individual include rehabilitation and specific deterrence, while general deterrence relates to the future behavior of others.

For most of the years in the period 1925-1960, data pertaining to time served for various major offense categories were published in National Prisoner Statistics reports. From 1961 until 1984, however, little was

generally known concerning the amount of time convicted persons serve in prison in the United States.

In June, 1984, the Bureau of Justice Statistics issued a Special Report, Time Served in Prison, NCJ-93924, which constituted a renewed effort to provide accurate and systematic data on the duration of prison incarceration for various offenses in a number of states. The study was based on entire prison release cohorts from twelve states and the District of Columbia. It provided updated information pertinent not only to prison resource planning, but also to the functioning of the criminal justice system in terms that might be related to concepts of fairness, retribution and just deserts. The report indicated that BJS further intends to expand on the information it has provided, through the collection of more comprehensive and standardized data pertaining to various topics related to time served.

Within three months of the issuance of Time Served in Prison, the Bureau of Justice Statistics instituted an entirely new program, the **National Corrections Reporting Program.** The first report in this new series, Prison Admissions and Releases, 1981, NCJ-95043, described the characteristics of persons admitted to and released from 33 state prisons and the District of Columbia. Data presented encompassed approximately two-thirds of the estimated admissions and 72% of the estimated releases nationwide. Time served before first release was identified as the most important component of the entire program.

In recent years, prior to the initiation of the **National Corrections Reporting Program**, there had been two major impediments to the reporting of information concerning prison time served in the United States:

1) There existed no national reporting system. While data might be collected in several individual states, there was no ongoing mechanism to assemble data representative of the nation as a whole. This situation is now being resolved.

2) Definitive standards concerning how the data should be reported did not exist. Such standards are now being established, where possible. This includes standards relating both to the definition of time served and to definition of the commitment offenses.

Contribution to the Field

Most prior studies of time served have been studies of prisoners in individual states. Such studies have generally been conducted to provide data pertinent to prison management and resource planning as well as to formulation and assessment of proposed legislative changes within a state. As a result of this process, little information has emerged relative to a broader perspective of time served in prison in the United States. The BJS Special Report, Time Served in Prison, provided additional perspective through the publication of time served data obtained from several individual states together with an overview of some of the influencing factors.

Studies such as the above have been made of time served in prison; a limited number of other studies have been made of post-release recidivism relative to the previous incarceration offense. Little is known, however, concerning the relationship between time served in prison for a given offense and the severity of subsequent incarceration offenses. To those concerned with specific deterrence, this is a subject of vital importance.

In its 1978 report, the National Panel on Research on Deterrent and Incapacitative Effects (Blumstein, Cohen, and Nagin, editors) concluded: "The major challenge for future research is to estimate the magnitude of the effects of different sanctions on various crime types, an issue on which none of the evidence available thus far provides very useful guidance." While advances have been made, the challenge still exists.

Research to date has emphasized general deterrence and its aggregate

effects, in contrast to specific deterrence to the individual offender. General deterrence studies have been made concerning the relation between offense rates and a number of criminal justice sanction variables. These include: arrest rates, probability that an offense will result in incarceration, probability that an arrest will result in incarceration and average sentence length and/or time served per incarceration.

The data examined generally, but not always, support the contention that legal sanctions deter criminal activity. Studies which relate UCR Index offense rates to length of prison sentence or to time served include: Ehrlich (1973 and 1977), Sjoquist (1973), Swimmer (1974), Forst (1976 and 1977), Avio and Clark (1978), Black and Orsagh (1978), Nagin (1978), Vandaele (1978), Barrtel (1979), Wadycki and Balkin (1979), Brier and Fienberg (1980), Loftin (1980) and Orsagh (1981).

General deterrence is a significant research issue. Society's ultimate interest may well be in the impact of criminal justice sanctions on aggregate crime rates. Definitive findings with respect to the impact of such sanctions, however, are both difficult to obtain and difficult to relate to policy issues. The criminal justice system does not deal with aggregates; it deals with individuals. Moreover, it is individuals, not aggregates, who commit crimes, and it is individuals that policies influence directly.

There are numerous methodological problems associated with studying effects of sanctions in the aggregate. For example, there is the ecological fallacy question, i.e., does the relationship observed in the aggregate hold for the individual?

Another example concerns measurement problems. The severity of a sanction is generally represented as time served/crime, whereas the crime rate is defined as crimes/population. The fact that the number of crimes appears in the denominator of one variable and in the numerator of the other produces a spurious negative correlation between time served/crime and crime rate (Logan, 1978).

A third problem relates to the fact that if an individual is to be deterred, it can only be on the basis of his perception of the sanction. The average citizen is ill-informed concerning the amount of time one may expect to serve for various offenses. These and other problems, such as biases due to causal factors not considered, have been widely studied and well summarized (Nagin, 1978; Fisher and Nagin, 1978; Klein, Forst and Fialtov, 1978; Cook, 1980). For the reasons stated and cited, it would appear desirable to increase attention on the effects of specific deterrence.

Deterrence research to date, whether it be concerned with general or specific deterrence, has concentrated primarily on the extent rather than the nature of subsequent criminality as the outcome measure. Likewise, the excellent descriptive studies of the processing of the criminal justice system have provided little information relating the nature of imposed sanctions to the nature of subsequent recidivism.

The severity of offenses for which repeaters return is of particular importance not only because it constitutes a measure of harm to society, but also because time served varies substantially in relation to the severity of the commitment offense. Thus, an increase in the seriousness of repeat offenses may add substantially to the already burdensome problem of prison overpopulation.

System simulation models have been developed, but have been general with respect to the subject issues. Studies have been made of patterns of recidivism (e.g., Wolfgang, Figlio and Sellin, 1973; the FBI Careers in Crime studies as summarized in the Staff Report to the National Commission on the Causes and Prevention of Violence, 1969; the Rand Studies: Petersilia, Greenwood and Lavin 1978, Peterson, Braiker and Polich 1980 and Chaiken and Chaiken 1983; the Spectrum Analysis studies: Reid and Doyon 1981, Doyon and Reid 1981, Willstadter 1982; the Bureau of Justice Statistics Report NCJ-95700, Returning to Prison, November, 1984). None considered the effects of judicial sanctions or of time served on the severity of subsequent recidivism.

The principal issue addressed in this study is: Does time served and/or percent of sentence served for a given offense constitute a specific deterrent with respect to subsequent offense severity? Two national data bases are employed: the Surveys of Inmates of State Correctional Facilities, 1974 and 1979, conducted by the U. S. Bureau of the Census for the Bureau of Justice Statistics. The analysis focuses on recidivists only, i.e., that important subgroup of releasees who were returned to prison and were incarcerated at the time of the survey. Prior to reoffending, such individuals had first hand knowledge concerning the relationship between conviction offense and length of time served. Crime switch patterns are examined in relation to the most recent prior sentence length and time served in prison.

Like the BJS Special Reports, the study sample consists of recent state prison release cohorts. For the 1974 survey, this retrospective analysis employs a national sample of 1670 male offenders whose last release was from a state prison during the five year period, 1970-1974. For the 1979 Survey, the analysis employs a sample of 934 male offenders whose last release was from a state prison during the 5 year period, 1975-1979. Since BJS conducts its inmate surveys every five years, the five year time period is conducive to subsequent trend analysis.

STUDY FINDINGS

Study Populations

As backgound for reviewing subsequent study findings, it is desirable to have a general understanding of the status of prisons during the time periods in question. The rate of change of the number of prisoners in the United States during the five year period preceding the 1974 survey was less than that during any other five year period since national figures became available in 1925. The number of sentenced state and federal prisoners was virtually constant, varying but little from approximately 200,000. Prison populations were down from the previous 1961 peak, approximately 225,000. In contrast, the rate of change of the prison population during the five year period preceding the 1979 survey was at an all-time high. During this period, the number of sentenced state and federal prisoners increased approximately 100,000, or 50% (Prisoners in State and Federal Institutions on December 31, 1979, NCJ-73719, February, 1981).

These differences are generally attributable to increases in the number of individuals in the relatively young, high risk age groups as well as to increases in sanction severity. Based on the former effect, one would tend to expect a greater representation of younger offenders, even among the recidivists who are the subject of this analysis. This was found to be true, although there were ethnic differences in this regard.

Age at last release, in relation to ethnicity, was chosen as one means of characterizing the study samples. This information is summarized in Table 1. It may be noted that in the 1974 Survey, black returnees who had been released during the last five years tended to be considerably younger than their white counterparts. This was not so apparent in the median age at last release, which for black prisoners was 22.1 years, compared to 23.6 years for white prisoners. Corresponding mean ages at last release, however, were 23.8 and 26.2 years, respectively.

TABLE 1 - AGE AT LAST RELEASE
MALE REPEAT OFFENDERS RELEASED WITHIN FIVE YEARS PRECEDING SURVEY

	1974 SURVEY				1979 SURVEY			
	WHITE		BLACK		WHITE		BLACK	
AGE	N	%	N	%	N	%	N	%
Less than 18	109	12.9	138	17.5	76	15.0	52	12.7
18-24	346	41.0	373	47.4	232	45.8	210	51.3
25-34	244	28.9	205	26.0	153	30.2	126	30.8
35-44	98	11.6	54	6.9	37	7.3	15	3.7
45 and above	47	5.6	17	2.2	8	1.6	6	1.5
Total	845 1)		787		506		409	
Under 25	455	53.9	511	64.9	308	60.9	262	64.1
Mean Age	26.2		23.8		24.1		23.7	
Median Age	23.6		22.1		22.3		22.8	

1) Includes one case for which age was unknown. Percentages based on N = 844.

Moreover, approximately 65% of the black offenders had been under twenty five at time of last release, compared to only 54% of the white offenders. An unusually large percentage, 17.5%, of the black offenders had been under the age of 18 when they were last released from a state prison.

In the 1979 survey, age differences tended to be less. This was due primarily to the fact that the 1979 white prisoners were younger at last release than their 1974 counterparts. Median age at last release was 22.8 years for the the black offenders and 22.3 years for the white offenders. Mean ages were 23.7 and 24.1, respectively. The percentage of black offenders who were under twenty five at time of last release decreased approximately 1% between surveys, compared to a 7% increase for the white offenders.

The second potential contributor to the observed prison population increases relates to increases in sanction severity. Once instituted, these result in increases in time served for current offenses.

Such increases may also have an indirect effect on the relative representation of the more serious offenses among the priors. Increased concern with protection of society tends to result in a decrease in the rate of release of offenders with more serious offenses. This decreased representation of such offenders in the release population makes it more likely that there will be a decreased representation of very serious prior offenses among returnees.

As population pressures increase, there are pressures for the early release of individuals with less severe offenses in order to make space available for incoming offenders. To the extent that this is done, it tends to produce a greater representation of the less serious prior offenses among returnees. These two processes, one tending to result in fewer returnees with more serious priors and the other tending to result in an increased number of returnees with less serious priors, appeared to have started to take effect during the 1975-1979 time period.

Table 2 compares the 1974 and 1979 study samples with respect to the relative frequency of various release offenses among returning offenders. As suggested above, there is a decreased representation of the more serious violent offenses and an increased representation of the less serious property offenses in the 1979 survey sample. The decrease in the representation of violent offenses, from 27.5% in 1974 to 23.9% in 1979 is due to decreases with respect to criminal homicide, robbery, and "other" violent offenses. The violent offense category "other" includes rather serious offenses, consisting largely of violent sex offenses.

The increase in the representation of property offenses is due primarily to an increase in the category "other"; next to an increase in the representation of larceny. The property offense category "other" is a less serious incarceration offense category, containing a large representation of offenses such as unauthorized use of a vehicle and illegal entry (without breaking). The larceny category consists primarily of the less serious petit larceny category. Hence, these results also appear to be as one might have expected.

In both the 1974 and 1979 surveys, robbery, burglary and larceny were the most common of the prior offenses. While the relative representation of burglary remained about the same, as indicated above the relative representation of robbery decreased and the relative representation of larceny increased. Together, these three offenses constituted approximately 55% of both the 1974 and 1979 study groups.

Sanction Severity Differences Among Offenses

The Surveys of Inmates of State Correctional Facilities are self report surveys. Comparisons with official reports indicate that the accuracy of such surveys appears to be generally high, particularly with respect to relatively recent events (Marquis, 1981). Special attention must be paid, however, to the wording of questions.

TABLE 2 - MOST SERIOUS PRIOR INCARCERATION OFFENSES
MALE REPEAT OFFENDERS RELEASED WITHIN FIVE YEARS PRECEDING SURVEY

PRIOR OFFENSE	1974 SURVEY N	1974 SURVEY PERCENT	1979 SURVEY N	1979 SURVEY PERCENT
Violent	455	27.5%	223	23.9%
Criminal Homicide	53	3.2	20	2.1
Robbery	254	15.3	131	14.0
Assault	99	6.0	55	5.9
Other	49	3.0	17	1.8
Drug Traffic	41	2.5	32	3.4
Property	928	56.0	551	59.0
Burglary	514	31.0	289	30.9
Auto Theft	105	6.3	56	6.0
Forgery, Fraud	107	6.5	47	5.1
Larceny	151	9.1	98	10.5
Other	51	3.1	61	6.5
Drug Possession	97	5.9	51	5.5
Public Order	135	8.2	77	8.2
Known Offenses	1656	100.0%	934	100.0%
Offense Unknown	4		0	
Missing Cases	10		0	
Total	1670		934	

Previous prison admissions in both the 1974 and 1979 surveys were defined as admissions associated with new sentences. Hence, new court commitments constituted the basis of the study.

With regard to time served, it is also important to know whether credited jail time is included. Likewise, it is important to know whether time served is time served until first release only, or if it includes subsequent time served that does not involve return for a new offense. Examples would be additional time served due to parole revocations and parole suspensions for rule violations.

In the 1974 Survey, respondents were asked, "How much total time did you serve including your jail good time?" In the 1979 Survey, respondents were asked, "How much total time did you spend in jail or prison for this sentence before getting released or getting new sentences?" The wording change appears to have been made to attain greater clarity. While the wording differences might result in lack of perfect comparability, in each case jail time and parole revocation/suspension not associated with a new sentence would be included.

The five year period preceding the 1974 survey was one in which prison population pressures were not very great. Aggregate prison populations were relatively constant, less than they had been a decade earlier.

As indicated above, however, opposing forces seemed to be operating in the 1975-1979 time period. These consisted of pressures to keep offenders in longer due to considerations of just deserts and/or public safety and pressures to release individuals sooner due to prison overcrowding. As a result, there were differential effects not only with respect to the representation of various prior offenses among repeat offenders, but also with respect to the average time served for these offenses.

For the most serious offenses such as criminal homicide, individuals would generally have been kept in longer prior to release. Hence, the

prior time served of those who returned would tend to have been greater.

The reverse would tend to be true for the less serious offenses. For such offenses, there would have been more early releases. Hence, the prior time served of such returnees would tend to have been less. If the time served for a given category of offense were already quite low, then the decrease in mean time served for that offense might tend to be minimal. If, however, time served for a less serious offense were somewhat higher and viewed as excessive under conditions of rapid increases in prison overcrowding, then the decrease in mean time served would generally be greater.

Some offense categories encompass both very serious as well as less serious criminal acts. This is particularly true of property offenses, but applies to certain violent offenses as well. Assault is one such example. It includes both aggravated assault, which can be quite serious, as well as simple assault, which may be far less serious. Further, assaults may involve stranger-stranger violence or assaults on family members. The latter category, the so-called "family beef", historically has been considered less serious, although this judgment has been called into question in recent years.

Table 3 presents the mean time served by offense category for male repeat offenders who had been released within five years preceding the 1974 and 1979 surveys. For violent offenses, the mean time served decreased approximately five months between surveys. As one would have expected, the magnitude of this decrease in time served for the prior offense was greater for such violent offense categories as assault, which included less serious criminal acts. Time served for criminal homicide actually increased, while time served for robbery decreased slightly.

The mean time served for prior property offenses likewise decreased approximately five months between surveys. This included notable decreases in time served for burglary, auto theft and forgery/fraud.

TABLE 3 - MEAN TIME SERVED BY MALE REPEAT OFFENDERS RELEASED WITHIN FIVE YEARS PRECEDING SURVEY

PREVIOUS OFFENSE	1974 SURVEY N	1974 SURVEY MEAN MONTHS SERVED	1979 SURVEY N	1979 SURVEY MEAN MONTHS SERVED
Violent 1)	455	40.8	223	35.4
Criminal Homicide	53	56.8	20	59.8
Robbery	254	40.6	131	39.0
Assault	99	24.8	55	17.6
Drug Traffic	41	25.1	32	24.9
Property 1)	928	23.8	551	18.5
Burglary	514	25.5	289	19.9
Auto Theft	105	19.6	56	15.0
Forgery, Fraud	107	25.3	47	18.7
Larceny	151	19.9	98	18.1
Drug Possession	97	18.0	51	17.8
Public Order	135	15.2	77	14.5
Offense Unknown	4	13.0	0	
Valid Cases, N	1660	27.4	934	22.4
Missing Cases	10		0	
Total	1670		934	
White	845	28.9	506	21.4
Black	787	25.5	409	23.7
Other 2)	38		19	

1) Individual violent and property offenses which are minor in nature or for which the sample size is small are not shown.

2) Mean time served not calculated due to small sample size.

Mean time served for the drug traffic, drug possession and public order categories decreased no more than a fraction of a month between surveys. In the case of drug traffic, this is probably due to the fact that in most instances it is neither among the most serious nor the least serious of the offenses for which one may be incarcerated. In the case of drug possession and public order, this is probably due to the fact that times served for these offenses, as indicated in the 1974 survey, were already the lowest of all the offense categories.

Table 4 shows the percentage distribution of time served for robbery, burglary and larceny by male offenders released within five years preceding the 1974 and 1979 Surveys. For each of these offenses, the 1979 Survey showed a noticeable increase in early releases, within six months of admission. In the case of robbery, this resulted in a decrease of 1.6 months in the mean time served, even though there was an increase in median time served from 33 to 35.5 months. In the case of larceny, both the mean and median time served decreased slightly less than two months.

The biggest change between 1974 and 1979 was with respect to time served for burglary. Fewer than 13% of the 1974 burglary returnees had served less than 6 months; fewer than 34% less than a year. By 1979, the median, or typical time served, decreased 3.5 months, from 18.3 to 14.8 months. The mean, or average time served, decreased 5.6 months, from 25.5 to 19.9 months. The mode, or most common time served, decreased from 24 to 12 months. The percent of interviewees who had been released within six months increased to 19%; those released within a year increased to 43%. The net result was that the distribution of prior time served for burglary in the 1979 survey, was very much the same as the distribution of prior time served for the less serious offense of larceny in the 1974 survey.

Another measure of sanction severity is total maximum sentence. The 1974 Survey did not record this measure for prior incarceration offenses. Table 5 presents a comparison of mean time served, mean total sentence and mean percent of total sentence served for various

TABLE 4 - PERCENTAGE DISTRIBUTION OF TIME SERVED FOR SELECTED OFFENSES. MALE REPEAT OFFENDERS RELEASED WITHIN FIVE YEARS PRECEDING SURVEY

MONTHS SERVED	OFFENSE ROBBERY 1974	ROBBERY 1979	BURGLARY 1974	BURGLARY 1979	LARCENY 1974	LARCENY 1979
0-6	3.5	8.4	12.6	19.4	16.6	22.4
7-12	9.5	6.9	20.9	23.5	25.8	24.5
13-24	26.8	20.6	29.9	32.9	29.1	30.7
25-36	20.8	24.4	16.6	15.9	17.2	13.2
37-48	12.2	14.5	9.7	3.8	5.3	6.1
49-60	9.1	10.7	4.1	2.1	3.4	1.1
61-84	11.0	9.2	3.3	1.0	2.6	2.0
85-120	4.7	3.0	2.1	0.7	---	---
Over 120	2.4	2.3	0.8	0.7	---	---
Median	33.0	35.5	18.3	14.8	15.9	14.0
Mean	40.6	39.0	25.5	19.9	19.9	18.1
Mode	36	36	24	12	12	18
Valid Cases	254	131	514	289	151	98
Missing	1	0	2	0	0	0

offenses based on the 1979 Survey. The method of computing the mean percent of total sentence served is indicated in Table 5.

Mean total sentence length varied from approximately three years for public order offenses, to almost thirteen years for criminal homicide. At the same time, mean percent of total sentence served varied from a low of approximately 42% for criminal homicide, to approximately 66% for public order offenses. Although exceptions may be noted, the general tendency was for those incarcerated for the more serious crimes to receive longer sentences and to serve somewhat smaller percentages of their sentences.

The data presented constitute a basis for future comparisons. In interpreting this data, it should be kept in mind that sentencing objectives and practices are particularly variable and generally not comparable among states and over time. Total maximum sentence length almost invariably includes consideration not only of the seriousness of the indicated offense, but also of the overall seriousness of lesser offenses, as well as the seriousness of the prior record. Factors relating to protection of society, such as rehabilitation, incapacitation, and general and special deterrence are frequent considerations.

Relationship Between Time Served and Severity of Criminal Recidivism

As previously indicated, the principal issue addressed is: Does time served and/or percent of sentence served for a given offense constitute a specific deterrent with respect to subsequent offense severity? If so, one would expect those who served longer would tend to return for less severe offenses.

Severity of criminal justice sanctions may in fact not have an influence on subsequent offense severity. If it has an influence, it is hypothesized that this influence may be some one or combination of the following:

TABLE 5 - COMPARISON OF MEAN TIME SERVED, MEAN TOTAL SENTENCE AND MEAN PERCENT OF TOTAL SENTENCE SERVED

MALE REPEAT OFFENDERS RELEASED WITHIN FIVE YEARS PRECEDING SURVEY

1979 SURVEY

OFFENSE	TIME SERVED ---MONTHS--	TOTAL SENTENCE ----MONTHS----	PERCENT SERVED 1) %	N
Violent	35.4	90.4	53.1	204
Criminal Homicide	59.8	154.7	41.3	18
Robbery	39.0	102.9	52.4	121
Assault	17.6	45.3	56.3	50
Drug Traffic	24.9	90.2	50.8	30
Property	18.5	47.4	54.4	506
Burglary	19.9	51.5	53.9	268
Auto Theft	15.0	35.3	60.5	44
Forgery, Fraud	18.7	54.0	49.0	46
Larceny	18.1	44.7	55.8	91
Drug Possession	17.8	51.8	51.1	48
Public Order	14.5	36.7	66.0	65
All Offenses				
White Offenders	21.4	55.1	54.8	455
Black Offenders	23.7	63.4	54.7	380
Other 2)				18
Valid Cases, N	934	853		853
Missing Cases	0	81		81
Total	934	934		934

1) The indicated number of cases is the number of cases for which there was sufficient data to calculate percent of sentence served. Mean fraction of total sentence served is defined as the average of the individual time served/total sentence length ratios. When the distribution of the sentence length is highly skewed, as it frequently is, this can be quite different from the ratio of mean time served to mean total sentence length.

1) It may be that the longer one is in prison, the more violent-prone he becomes. If this is true, then recidivists who served longer for a given offense would have a greater tendency to return for violent offenses.

2) To the extent that appropriate decision-makers can predict future behavior and to the extent that time served and/or percent of sentence served are based on protection of society, then one would expect that shorter sentences for a given offense would be associated with less serious recidivism; longer sentences with more severe recidivism. Though the mechanism is quite different, the net result, measured in terms of crime switch patterns in relation to sanction severity, would be quite similar to 1) above.

3) To the extent that individuals are rehabilitated, or to the extent that time served and/or percent of sentence served constitute a specific deterrent, then one would expect that recidivists who served longer for a given offense would have a greater tendency to return for less severe offenses.

Figure 6 examines the severity of the current incarceration offense, classified as either violent or non-violent, in relation to time served, sentence length and percent of time served for various prior incarceration offenses. For purposes of this analysis, prior incarceration offenses were classified as violent, drug traffic, property, drug possession and public order.

For each prior incarceration offense in the 1974 survey, the mean time that had been served by offenders who were returned for violent offenses was compared to the mean time that had been served by those who were returned for non-violent offenses. Differences in mean times served were then tested for statistical significance using analysis of variance methods.

Only one significant difference was found. That was in the case of drug possession. For this offense, it was found that the mean time

TABLE 6 - SEVERITY OF CURRENT OFFENSE IN RELATION TO PREVIOUS TIME SERVED, SENTENCE LENGTH AND PERCENT OF SENTENCE SERVED

PRIOR INCARCERATION OFFENSE	CURRENT OFFENSE SEVERITY 1974 SURVEY MOS. SERVED VIOL	1974 SURVEY MOS. SERVED NON-VIOL	1979 SURVEY MOS. SERVED VIOL	1979 SURVEY MOS. SERVED NON-VIOL	1979 SURVEY SENTENCE-MOS. VIOL	1979 SURVEY SENTENCE-MOS. NON-VIOL	1979 SURVEY % SERVED VIOL	1979 SURVEY % SERVED NON-VIOL
Violent								
Mean	40.3	41.7	37.4	32.1	98.6	78.8	53.0%	53.4%
Std Dev.	38.0	43.2	34.4	28.0	105.0	91.0	28.2	25.8
Valid Cases	279	176	138	85	125	79	125	79
Drug Traffic								
Mean	19.2	27.3	17.3	27.9	73.1	97.6	52.8	49.9
Std Dev.	12.8	28.1	12.9	17.7	96.0	100.4	31.4	34.2
Valid Cases	11	30	9	23	9	21	9	21
Property								
Mean	23.9	23.7	18.7	18.5	46.0	48.1	57.0	53.3
Std Dev.	23.8	21.4	15.3	18.0	45.8	45.9	27.5	28.8
Valid Cases	298	630	177	374	157	349	157	349
Drug Possession								
Mean	11.7	21.0 1)	15.4	18.7	48.1	53.3	54.1	49.9
Std Dev.	8.4	16.6	10.5	13.2	53.5	49.6	27.0	21.4
Valid Cases	31	66	14	37	14	34	14	34
Public Order								
Mean	14.7	15.6	17.5	12.3	50.1	27.2	68.0	64.5
Std Dev.	18.5	16.4	16.4	11.0	61.5	33.7	35.7	30.7
Valid Cases	48	87	33	44	27	38	27	38
All Offenses								
Mean	29.6	26.1	22.4	22.4	66.9	53.5	56.1	53.8
Std Dev.	31.3	27.3	22.5	25.8	80.0	59.4	28.7	28.4
Valid Cases	669	991	371	563	332	521	332	521

1) Significant difference at .01 level of significance.

served for the prior offense by those who had been returned to prison for a non-violent offense, 21.0 months, was significantly greater than the mean time served by those who had been returned for a violent offense, 11.7 months. Such a finding, if substantiated, would tend to support the hypothesis of specific deterrence with respect to subsequent offense seriousness.

This finding was not replicated in the 1979 survey. In the latter survey, since sentence length data were available, analysis of variance tests for significant differences were made not only with respect to time served, but also with respect to sentence length and percent of time served. That is, for each prior incarceration offense in the 1979 survey, the mean time served, the mean sentence length and the mean percent of sentence served by offenders who were returned for violent offenses were compared to the corresponding mean time served, mean sentence length and mean percent of sentence served by those who were returned for non-violent offenses. Hence, whereas five tests of significant differences were made for the 1974 survey, fifteen tests were made for the 1979 survey. In all tests based on the 1979 survey, differences were not significant.

If a large number of significance tests are made, as in this case for which twenty tests were conducted in all, a finding of one significant difference takes on less meaning. This is because it becomes more likely that it could have resulted by chance, even though there was in fact no significant difference. Since the 1974 finding suggesting specific deterrence in the case of drug possession was not replicated in any other case, including drug possession in 1979, it was concluded that this isolated finding too, most likely was the result of chance. Hence, the overall conclusion of this study based on both the 1974 and 1979 surveys of inmates in state correctional institutions is that there is no evidence to support the hypothesis that time served, sentence length and/or percent of sentence served constitutes a specific deterrent with respect to subsequent offense seriousness.

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