

A New Look at Recidivism Among Patuxent Inmates

HENRY J. STEADMAN, P.H.D.*

In all previous assessments of Patuxent Institution's program a major focus has been the comparison of the recidivism rates of those inmates who completed its program with those who were partially treated and with those in other correctional facilities. In fact, at the heart of one dispute surrounding Patuxent has been the criticism leveled at the various Patuxent studies (Boslow and Kohlmeyer, 1963; Hodges, 1971; Maryland Department of Public Safety and Correctional Services, 1973; and Carney, 1975) which have reported substantially lower rates of rearrest for inmates receiving IBR release than for those who returned to the street through redetermination hearings or legal technicalities or those in regular correctional programs. The two major criticisms of these reports (Wilkins, 1975, and Sidley, 1975) have been: (1) the reports were done by in-house people with a vested interest in the continuance of Patuxent, and therefore their veracity was suspect; and (2) the number of comparison groups included was insufficient and those that were used were inappropriate to adequately test Patuxent's success based on relative recidivism rates.

This report responds to these points. First, the raw data for the recidivism rates were compiled from FBI "rap sheets" by a study group affiliated neither with the independent firm that carried out the study nor with any Maryland agency. More importantly, with respect to the second set of issues raised by the critics of the prior Patuxent studies, we have defined five study groups which cover the full range of institutional pathways that have been alternatives for inmates sentenced to Patuxent. This classification has permitted the comparison of recidivism rates in a more comprehensive manner than had previously been possible.

Research Design

For the purposes of this study five research groups were designated. For each group all criminal activity was compiled for the first three years after their return to the community through parole, sentence expiration or court mandate. The study groups were:

Group 1 – All Patuxent inmates put on parole status in 1971 and 1972.

Group 2 – All Patuxent inmates released in 1971 and 1972 by

*Dr. Steadman is Director, Special Projects Research Unit, New York State Department of Mental Hygiene, Albany, NY 12229. He gratefully acknowledges comments by Dr. Joseph J. Coccozza upon earlier drafts of the paper.

redetermination hearings or legal technicalities.

Group 3 — All inmates from 1964 through 1972 referred to Patuxent for evaluation and found defective delinquent (DD) by Patuxent staff, but not certified by the court.

Group 4 — All inmates referred for evaluation in 1967 and not found defective delinquent by Patuxent staff.*

Group 5 — A sample of 100 inmates paroled in 1971 and 1972 from Maryland Correctional facilities.

The data for Group 1 were coded in such a way as to enable further specification into those paroled in 1971 and 1972 who were subsequently approved for IBR release (1A), those subsequently released at redetermination hearings (1B) and those still under Patuxent auspices (1C). However, for the purposes of analyzing comparative recidivism rates it was considered inappropriate to separate these subgroups of Group 1. This decision was made despite the fact that it was precisely these three subgroups that have provided the key documentation in prior research on Patuxent recidivism rates. Our logic for collapsing subgroups 1A, 1B, and 1C into a single group for comparing recidivism rates is central to our research design and is as follows.

To determine how successful Patuxent inmates are as compared to partially treated Patuxent inmates and to comparable groups totally within the correctional system, the follow-up period for recidivism must begin at the point each individual becomes at risk of recidivism, *i.e.*, when he hits the street. For those who are released from correctional facilities, this point is the day they are released to the community at the expiration of sentence or on parole. Similarly, for those who are removed from Patuxent by court intercession or legal technicality, the period at risk would begin when they hit the street either directly from the courts that release them from Patuxent or after serving their original sentences in Correctional facilities. Thus, *recidivism rates to assess results of the Patuxent program must also begin at the time parole begins.* One is then comparing the relative success of the institutionalization effects on deterrence for further crime. If one wishes to compare the quality of parole programs, then follow-up might begin at the successful *completion* of parole *in all groups.* This might be the third-fourth-fifth years after return to the street, and fourth-fifth-sixth years or whatever years actually mark the successful completion of parole. Regardless, the time frame must be the same for all groups.

What this modification in research design from prior Patuxent studies does is to permit comparisons of the experiences of all groups of inmates, whether from Patuxent or other Maryland correctional facilities, during their first three years on the street. It avoids taking one group which has successfully completed parole and by definition is the most successful (Group 1A) and then comparing them to other groups that are by definition less successful or they too would have received IBR releases (Group 1C). Instead, we have one

*1967 was chosen because our pilot study of Patuxent records indicated that the average length of stay in Patuxent for the 1971-72 parolees was approximately five years, making an average admission date 1967. As we will see below, the average length of stay in Patuxent turned out to be substantially longer than five years.

Patuxent group (Group 1) all of whose members were considered to have sufficiently progressed through the Patuxent program to warrant parole in 1971 and 1972. In our study these “graduates” are then followed for three years and compared with Group 2, which represents inmates who never progressed to the point in the program where they were given parole but whom the courts released nevertheless, Group 3, who the staff felt ought to be in the programs but were not so certified, Group 4, which the courts referred for evaluation, but whom the Patuxent staff found not to be Defective Dqlinquents, and Group 5 which was never even referred for evaluation.

Data Collection

a. Obtaining Rap Sheets

The designation of the original study groups identified 456 individuals for whom complete criminal histories were needed. The first source used was the record system at Patuxent. Since former Patuxent inmates are “flagged” in the FBI crime reporting system, each time a report is made to the FBI for a specified period of time after Patuxent release, an updated rap sheet is routinely forwarded to Patuxent. Thus, we expected that for groups 1A, 1B, and 1C Patuxent files would provide the needed data. It turned out, however, that it could not be determined in most instances whether the most recent rap sheet in the Patuxent files indicated no further criminal activity or whether the “flag” had been withdrawn. Thus, after identifying 39 cases in which we could be certain that the rap sheet covered the entire follow-up period, we requested the remaining 417 rap sheets from the FBI. Rap sheets were delivered for the entire study population with the exception of 33 cases; 32 either were not available when the FBI search occurred or could not be located without an FBI identification number which we did not have; and one sheet, although headed with the name requested, proved to be someone else’s.

b. Abstracting Crime Data

Based on prior work with rap sheets by members of the Recidivism Team and on the specific needs of this project, a code book was devised to abstract all prior and subsequent criminal activity. The coding was developed to permit analysis by major offenses such as murder, assault, burglary, and robbery as well as by standard Uniform Crime Report groupings. Data were also obtained from the rap sheets for relevant dates in the criminal careers, such as age at first incarceration, date of Patuxent admission, and date of release to the street.

Each rap sheet was coded by a two-person team. All coders had prior experience in abstracting data from such sources. This team coding process provided a balance between speed and dual verification of each data item. After coding, keypunching was completed and was followed by the verifying of all keypunching.

c. Study Group Attrition

During the course of gathering the rap sheets and abstracting their data, a number of factors contributed to some attrition in all study groups. As is evident in Table 1, the amount of attrition in most study groups was small.* The most serious attrition occurred in Group 4. The only bias that possibly may have been introduced in Group 4 was some underestimation of subsequent criminal activity. Since the reason for an incorrect date was subsequent arrest, all individuals excluded from Group 4 were recidivists. However, in many cases the recidivism occurred after the three-year follow-up would have ended. Thus, there would be only minor underestimation of subsequent criminal activity in Group 4.

The 26% attrition rate in Group 3 was related primarily to 12 of the study group drawn never being at risk during the follow-up period and therefore being excluded. This occurred since after being found DD by the Patuxent staff, but not certified by the courts, they returned to prison with lengthy sentences which prevented their release through December, 1975. December, 1975, is the key date, since no one was included in the study who did not have at least one full year on the street, although very few individuals were not released in time to have a full three years of follow-up during which they could have been in the community.

Neither in the attrition in Group 3 nor that in any other study group was there anything to suggest bias similar to that possible in Group 4. Either the rate of attrition was insignificant in itself or the factors causing attrition were not systematically related to the variables of concern to the study.

Findings

a. Prior Criminal Activity

Table 2 clearly shows that there are consistent differences between Group 1 and all of the other study groups.** Group 1 was more often arrested, more often convicted and more often incarcerated than any of the other groups. For example, where 90% of the 106 individuals in Group 1 had at least one prior arrest, for all the other groups this percentage ranged from 69% to 84% with prior arrest. This resulted in each member of Group 1 having an average of 4.4 prior arrests compared to about 3 for all other groups. The same pattern occurs when prior arrests for all violent crimes*** are examined. While 65% of Group 1 had prior arrest for violent crimes, the other groups ranged between 23% and 46%.

Thus, on all major indicators of prior criminal history, Group 1 had longer

*Details on the reasons for this attribution may be found in the original report from Contract Research Corporation, "The Evaluation of Patuxent Institution."

**Nowhere in this article will tests of significance be employed. As discussed by Morrison and Henkel, 1970, such tests are inappropriate unless one is estimating the probability of finding the observed relationships in the populations from which samples are drawn. Throughout this section we are observing differences between groups whose "significance" is measured by policy decisions of whether observed differences warrant program or statutory alterations. For such decision-making statistical tests of significance are unnecessary.

***Violent offenses included are murder, manslaughter, assault, robbery, kidnapping, and arson.

and more serious records than any of the other groups. Further, there was almost no difference between the seriousness and length of prior criminal records among any of the other groups, although the group referred by the courts for evaluation and not found DD by the staff (Group 4) consistently had the least serious prior records. In sum, the groups that progressed the furthest through the Patuxent treatment program came into the system with the most serious prior criminal records. This is not surprising given the intentions of Patuxent and the criteria for DD.

b. Length of Detention

The data presented in Table 3 show that those inmates in Group 1 entered Patuxent with longer sentences and were detained for lengthier periods than all other groups. Further, there are sharp differences between Group 2, the Patuxent partially-treated group, and those groups whose entire time was done in Correctional facilities, with the exception of the periods Groups 3 and 4 spent in Patuxent for evaluation. Those inmates who reach Patuxent parole status come in with average maximum sentences of 12 years and are incarcerated an average of 6.8 years before parole. Group 2 has both shorter sentences, 5.7 years and, because of court intervention, briefer incarcerations, 4.9 years. The other three study groups are quite similar, having sentence lengths between those of Groups 1 and 2, but substantially shorter incarcerations than both Groups 1 and 2. It should be noted, however, that Group 2, which has substantial time in Patuxent beyond that for evaluation plus prison time, serves a significantly higher proportion of its maximum sentence (86%) than any other group.

Also included in Table 3 is the mean age of each group at time of release to the street. Obviously, this factor is somewhat associated with length of incarceration, but has been shown elsewhere to operate independently as a factor related to recidivism (Steadman and Coccozza, 1974). Whereas all study groups, except Group 1, are 26 or 27 at release, the Patuxent parolees were 33. However, even with the longer incarcerations, Group 1 was somewhat older on admission than the other groups. Thus, their older age at release is only partially dependent on the length of incarceration. The age of the Patuxent parolees is a factor in assessing the recidivism rates in the next section. As in other studies of criminal recidivism, there is a small, but significant relationship between age and recidivism ($r = -.18$). Given this relationship, which certainly explains very little about who does and does not recidivate, the relative age of the groups is important.

Further, with Group 1 having an average of 4.4 prior arrests, the years during which they are incapacitated (ages 26 through 33) would most probably be a time of high criminal activity which would later diminish simply because of the age at which they were released. For example, the FBI 1975 Uniform Crime Reports indicate that the percentage of all arrests in the United States for the relevant grouping is: age 25-29, 11.7%; age 30-34, 7.6%; and ages 35-39, 5.8% (FBI, 1975). Thus, as we proceed to the recidivism rates of the five study groups it is important to recognize that the Patuxent parolees simply by their significantly older age statistically would be expected to have lower rates.

In sum, Group 1 is older than all other groups at community release and has been incarcerated the longest. Group 2, the other group spending time as DD in Patuxent, has the second longest detention time and serves the highest proportion of its maximum sentence. The other three study groups who do prison time spend substantially less time incarcerated than either Patuxent group.

c. Subsequent Criminal Activity

In Table 4 we report the data on a range of indicators of subsequent criminal activity. What is readily apparent is that somewhat different conclusions result from use of various indicators. On percentage arrested during the three-year follow-up period, percentage convicted, mean number of arrests and mean number of convictions, Group 1 is the lowest (*i.e.*, most successful) of all groups. However, the magnitude of the differences across indicators are quite different. Examining the column displaying Percentage Ever Arrested, 60% of the parolees in Group 1 were rearrested at least once while 74% of Group 2, 67% of Group 3, 67% of Group 4 and 64% of Group 5 were. Such differences are hardly remarkable.

If one focuses on Percentage Ever Convicted, while Group 1 remains the lowest (24%), the magnitude of differences from the other groups is substantially increased over the arrest data. For example, the rate of subsequent convictions for Group 2 (54%) is over two times as high and all other groups are at least 50% higher. However, we feel that conviction rates are misleading, since a common pattern for Patuxent parolees is for rearrest to result in revocation of parole and return to Patuxent *without* conviction occurring. In all other study groups subsequent arrest does not lead to reincarceration without conviction. Thus, for Patuxent parolees rearrest was sufficient for removal from the streets, but conviction was usually necessary in other groups. Also very important is the fact that the data on FBI "rap sheets" is much more reliable in reporting arrests (which involve fingerprint checks) than in reporting dispositions of cases (which do not require fingerprint checks). Thus as we proceed with our analysis of recidivism rates, we will focus mainly on arrests.

While Group 1 had only a slightly smaller percentage with no subsequent arrests than the other study groups, those in Group 1 that were arrested were arrested less often. In fact, the mean number of subsequent arrests in Groups 2, 3, and 4 are double that of Group 1 (1.8, 1.7, and 1.8 vs. .9). Group 5 is more similar to Group 1 in terms of numbers of subsequent arrests (1.2).

Turning to subsequent arrests for violent crimes, Group 1 is higher than Group 5 (31% vs. 24%), about the same as Groups 2 and 4 (33% each), and lower than Group 3 (41%). Again, here there are dramatic, but misleading, differences in conviction rates. Focusing, then, on arrests, the comparable Correction group had the least amount of violent subsequent activity, with the Patuxent parolees (who had significantly more severe prior records) quite similar to the partially treated and the non-DD groups and lower than the group the staff saw as DD, but who were not certified.

One of the criticisms of our analysis of the recidivism data in this section is that differences between the groups was not taken into account either by random assignment or through statistical analysis. Gordon suggested that the

analysis of covariance techniques used in the cost/benefit section of the CRC report should be employed here. This suggestion reflects little understanding of the intent of our analysis and demonstrates a frequent error in policy analyses. The core questions addressed by the recidivism data were *not* what factors were associated with recidivism among the study groups and how could the subsequent criminal activity have been more successfully predicted. These questions are those that the statistical analyses suggested by Gordon would address. Instead, the policy question that guided our analyses was simply, given that certain decisions were made that placed various individuals into or not into Patuxent for varying lengths of time, how did these different groups fare after release? Our intent was not to attempt a comprehensive explanation of the successes or failures of the decisions made. Rather, it was to ascertain the level and type of recidivism that resulted from the decisions which were, in fact, made. From these data, then, more rational estimations of the actual costs and benefits could be made. What Gordon has suggested is something that would be most appropriate when the definitive study of Patuxent recidivism is done. Our effort was confined to a limited, specific question that directly addressed the policy questions faced by the Maryland Legislature. To those questions our analyses were clearly adequate and appropriate.

The results of this section to this point can be summarized simply by saying that the inmates certified as Defective Delinquents come into Patuxent with worse prior records and are subsequently rearrested and convicted at rates very similar to or lower than those persons found DD by Patuxent staff but not committed, those evaluated as not DD by the staff who are returned to Correctional facilities, and those who spend their full incarceration time in Correctional facilities and for whom the question of DD is never raised.

d. Other Recidivism Issues

There are three important additional issues that we addressed as they related to prior reports on Patuxent inmates. The first was that those individuals who were placed on parole status and subsequently released by the IBR (Group 1A), as had been previously reported by Patuxent in-house studies, do in fact have significantly lower recidivism rates. However, these rates are misleading. The reason is that, by definition, this group has lower rates than the other groups. It is precisely because they have lower rates that they receive IBR release. The reciprocal does not follow. It is not that they do better because of completed treatment. Rather they achieve completed treatment, *i.e.*, IBR release, because they have lower rates while on the street during their period of parole. Thus, our empirical findings do not affront the numbers in prior Patuxent reports. They do modify their conclusions. This modification results from a reconceptualization of what are the appropriate study groups and what is the appropriate time period for comparison. When this is done, the rearrest rates for both violent offenses and all offenses of all those released to the street with Patuxent approval vary much less from those of all relevant comparison groups than prior reports have demonstrated.

The second point that should be discussed deals with the rates of recidivism for those who are released from Patuxent directly to the street or to correctional facilities because of court intervention. In our study, Groups 2 and 3 are included in this category. Inmates in these study groups were found defective delinquent by the Patuxent staff. Group 2 spent substantial time in Patuxent, while Group 3 was there only for evaluation. In earlier reports the recidivism rates for Group 2, where court intervention resulted in early termination, were mid-way between rates for the fully treated Patuxent inmates and recidivism rates taken from the total prison felon population. This result has been interpreted as further indication of the benefits of the Patuxent program, since apparently Patuxent inmates had received partial treatment which resulted in their being worse than the fully treated but better than the non-treated. Our data show no such trend. In fact, Group 2 is near the top on all indicators of recidivism, doing much worse than the comparison group taken from the Maryland prisons.

A final issue concerns possible influences of racial characteristics on progress through Patuxent and on recidivism rates. Among the present groups, the only difference involving race was that the comparison group chosen from the prisons (Group 5) was comprised of 65% Blacks while the percentage of Blacks in the other four study groups ranged from 48% to 55%. Further, given the importance of the age of the Patuxent parolees, we examined the mean ages of Blacks and Whites within each study group to estimate any possible relationship of age interacting with race. In fact, there were only slight differences (never more than two years) in the ages at release of Whites and Blacks in each group. Also, in some study groups one racial group was older and in others the other was. Thus, the racial characteristics of the five study groups did not appear to explain any of the observed differences in recidivism.

Discussion

It is fairly clear from the recidivism data that those persons who complete the Patuxent program to the point of receiving parole come into Patuxent with longer and more severe records than any of the other groups and that after release they are arrested approximately as often as all other groups. Certainly one thing that must be kept in mind when interpreting these data is that the longer incapacitation of the Patuxent parolees returns them to the community on the average at age 33, compared to an age of about 27 for all other study groups. This difference incapacitates them at a time when statistically they would be at very high risk of rearrest.

At the bottom line, there are two issues that must be faced directly. Both of these relate to costs. Apparently some limited benefit to society has been produced by Patuxent in that it takes a very hard core offender population and reduces their rearrest rate to the level of other offender groups. Since to produce this result has been shown elsewhere in the CRC report, to cost approximately twice as much per year as the conventional system, the taxpayer may ask whether it is worth it. Further, there are the costs in the freedom taken away from Patuxent parolees. They are incarcerated for an average of four years in excess of what would happen in the normal criminal

justice experiences of this offender group. during this time approximately one-third of the group would not have been rearrested. Can such fiscal and individual costs be justified? These cost questions and associated policy issues are the logical extensions of the recidivism data we have reported here. It is in enabling us to address such policy questions more intelligently that data such as these realize their true importance.

TABLE 1
ATTRITION IN ORIGINAL STUDY GROUPS

Study Groups Defined in Proposal	(N)	Final N	% Original Group
Group 1A – IBR released parolees	(36)	34	94.4
Group 1B – Patuxent parolees released by court	(25)	27	96.0*
Group 1C – Patuxent parolees not yet released	(51)	45	94.1**
Group 2 – Patuxent discharge without parole due to court intervention	(116)	105	90.5
Group 3 – Staff found DD, but not certified	(62)	46	74.2
Group 4 – Not DD after evaluation	(64)	39	60.9
Group 5 – Corrections comparison	(100)	74	74.0
TOTALS	456	370	81.1

*Data actually obtained on 24 of 25, but addition of three cases from 2A increased group size.
**Three cases transferred to Group 2, which means 48 of the 51 originally selected were included for study.

TABLE 2
PRIOR CRIMINAL ACTIVITY FOR PATUXENT PAROLEES
AND ALL OTHER STUDY GROUPS

Group	(N)	\bar{X} Prior Arrests	\bar{X} Prior Convictions	\bar{X} Prior Incarcerations	% With Prior Arrests	% With Prior Conviction	% With Prior Violent Arrest	% With Prior Violent Conviction
1 - Patuxent parolees	(106)	4.4	3.1	2.6	89.6	85.8	65.1	51.9
2 - Patuxent – partially treated	(105)	3.3	2.2	1.8	80.0	67.6	39.1	24.8
3 - Staff found DD – not certified	(46)	3.6	2.3	1.6	78.3	65.2	45.7	28.3
4 - Not DD after evaluation	(39)	2.5	1.6	1.2	69.2	61.5	23.1	17.9
5 - Prison comparison group	(74)	3.6	1.8	1.8	83.8	70.3	40.5	24.3

TABLE 3
DETENTION TIME AND AGE FOR PATUXENT PAROLEES
AND ALL OTHER STUDY GROUPS

Group	(N)	\bar{X} Number Years of Maximum Sentence	\bar{X} Number Years Incarcerated	Proportion of Maximum Sentence Served	\bar{X} Age at Release
1 - Patuxent parolees	(106)	12.0	6.8	57%	33
2 - Patuxent – partially treated	(105)	5.7	4.9	86%	27
3 - Staff found DD – not certified	(46)	9.3	3.2	35%	27
4 - Not DD after evaluation	(39)	6.7	2.6	37%	26
5 - Prison comparison group	(74)	9.4	2.8	29%	26

TABLE 4
SUBSEQUENT CRIMINAL ACTIVITY FOR PATUXENT PAROLEES
AND ALL OTHER STUDY GROUPS

Group	(N)	% Ever Arrested	% Ever Convicted	\bar{X} Number Arrests	% With Violent Arrest	% With Violent Conviction
1 - Patuxent parolees	(106)	60.4	23.6	.9	31.2	8.5
2 - Patuxent - partially treated	(105)	74.3	54.3	1.8	33.3	25.7
3 - Staff found DD - not certified	(46)	67.4	32.6	1.7	41.3	17.4
4 - Not DD after evaluation	(39)	66.7	43.6	1.8	33.3	17.9
5 - Prison comparison group	(74)	63.5	35.1	1.2	24.3	16.2

Bibliography

- Boslow HM and Kohlmeyer WA: The Maryland Defective Delinquency Law: An eight year follow-up. *American Journal of Psychiatry*, 120: 118-124 (1963)
- Carney FL: The indeterminate sentence at Patuxent. *Crime and Delinquency*, April 1974, pp 135-143
- Federal Bureau of Investigation. 1975 Uniform Crime Reports, Table 36. August 25, 1976
- Hodges EF: Crime Prevention by the indeterminate sentence law. *American Journal of Psychiatry*, 128: 291-295 (1971)
- Sidley NT: The evaluation of prison treatment and preventive detention programs: Some problems faced by the Patuxent Institution. *The Bulletin of the American Academy of Psychiatry and the Law*, June 1974, pp 73-95
- State of Maryland Department of Public Safety and Corrections: Maryland's Defective Delinquent Statute: A progress report. January, 1973
- Steadman HJ: Some evidence on the inadequacy of the concept and determination of dangerousness in law and psychiatry. *The Journal of Psychiatry and Law*, Winter 1973, pp 409-426
- Steadman HJ and Cocozza JJ: *Careers of the Criminally Insane*, Lexington Books, D.C. Heath and Company, Lexington, Massachusetts, 1974
- Wilkins LT: Putting 'treatment' on trial. *Hastings Center Report*, February, 1975
- Morrison DE and Henkel R (ed): *Significance Test Controversy: A Reader*. New York: Aldine, 1970