



May 8, 2023

M E M O R A N D U M

TO: Nevada DPAD Learning Collaborative Team
FROM: National Governors Association Center for Best Practices
RE: Terminology Related to Recidivism

The following document is for the sole and exclusive use of the members of the National Governors Association and gubernatorial staff. It is intended to provide references to state statutes, regulations, executive orders, policies, and other resources that are currently in the public domain. This document is not an exhaustive list. Such document primarily draws from publicly available information and, therefore, may not fully reflect the policy or practices of states and jurisdictions referenced herein. NGA makes no endorsements or recommendations of any proposal or legislation that is described in this memorandum.

The National Governors Association Center for Best Practices (NGA Center) received a technical assistance request from the Nevada state team for the DPAD Learning Collaborative. The request sought research on how Nevada and other states define recidivism.

Based on a [2018 Recidivism Analysis](#) released in 2022 by the Nevada Department of Corrections (NDOC), recidivism is the proportion of offenders that return to custody after release to the community on parole supervision or discharge. To measure success, the NDOC looks at a variety of factors, including age, gender, substance use, type of offense, etc. These [reports have been published annually](#) for the past decade.

Other states have provided definitions of recidivism. These select examples are listed below:

- Arkansas
 - Under § 12-1-101 (Recidivism reporting), recidivism is defined as “criminal act that results in the rearrest, reconviction, or return to incarceration of a person with or without a new sentence during a three-year period following the person's release from custody.”
- California
 - Signed in 2013 by Governor Jerry Brown, California Assembly Bill 1050 [defines](#) recidivism as “conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.”
- Colorado
 - The 2022 Colorado Probation Recidivism Study commissioned by the Colorado Judicial Branch Division of Probation Services [defines](#) recidivism within the terms of pre-release and post-release. Pre-release recidivism is defined as a new deferred agreement, adjudication, or conviction while under probation supervision. Post-release recidivism is defined as a new deferred agreement, adjudication, or conviction one, two, and three years’ post-release from probation regardless of whether that release is considered successful.
- Florida
 - The Florida Department of Correction [defines](#) term the recidivism as “an inmate’s re-arrest, reconviction, reincarceration, or probation revocation in the state within a 3-year time period following the inmate’s release from incarceration.”

- Indiana
 - The Indiana Department of Correction (IDOC) [defines](#) recidivism as a return to incarceration within three years of the offender’s date of release from a state correctional institution.
- Texas
 - In a 2019 report on “Statewide Criminal And Juvenile Justice Recidivism And Revocation Rates” compiled by the Legislative Budget Board’s Criminal Justice Data Analysis Team, recidivism is defined as “a return to criminal or delinquent activity after previous criminal or delinquent involvement.”
- Vermont
 - Under 28 V.S.A. § 4 (Standard measure of recidivism), Public Institutions and Corrections departments shall determine the rate of recidivism “based upon offenders who are sentenced to more than one year of incarceration who, after release from incarceration, return to prison within three years for a conviction for a new offense or a violation of supervision resulting, and the new incarceration sentence or time served on the violation is at least 90 days.”
- Wisconsin
 - The Wisconsin Department of Corrections [measures](#) recidivism through rearrest, reconviction, and reincarceration. Rearrest is defined as an arrest in Wisconsin for a new criminal offense. Reconviction is defined as a new offense resulting in a conviction and sentence to the WI DOC (prison or probation). Reincarceration is defined as a new admission to a WI DOC prison for a revocation, revocation with a new sentence, or new sentence.

Recidivism has also been defined by federal agencies, including:

- The National Institute of Justice (NIJ),
 - [According to the NIJ](#), recidivism is defined as “a person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime.” NIJ uses recidivism data to inform parole and probation initiatives to grow the population of justice involved individuals who desist.
- The United States Sentencing Commission
 - In a 2016 report on “[Recidivism Among Federal Offenders](#)”, the United States Sentencing Commission expands on the NIJ’s definition of recidivism, indicating that it is “typically measured by criminal acts that resulted in the rearrest, reconviction, and/or reincarceration of the offender over a specified period of time.”