Inmates Receiving Enhanced Earned Sentencing Credits: Recidivism Tracking

VADOC Research - Evaluation Unit, January 2025

FY2023 Enhanced Earned Sentencing Credit Releases

Of the 12,113 state responsible (SR) inmates released[1] in FY2023, 9,638 (80%) earned Enhanced Earned Sentencing Credit (EESC) rates. The remaining 20% consisted of 2,252 (19%) with the old Earned Sentencing Credit (ESC)[2] rates and 220 (2%) with parole eligible status (parole status).[3] The FY2023 cohort was the first release cohort where releases earned at the new rates. Since it was applied retroactively, there was an increased number of EESC earners released in July and August to meet the court obligation.

Class Level/Earning Rate

The last class level prior to release by ESC status was examined for all 12,113 inmates. Since earned rates can change based on behavior and program participation, there is no way to know how early inmates were released. Three inmates had a class level of (HEM) Electronic Incarceration Program (EIP).[4] Most of the inmates (87%) were class level 1 prior to release. Of the class level 1 inmates, 2% had parole status, 17% had the old ESC status, and 81% had EESC status. For those with class level 2 prior to release (n=546), 5% had parole status, 28% had the old ESC status, and 67% had EESC status. Three-hundred inmates were class level 3 prior to release; 3% had parole status, 26% had the old ESC status, and 71% had EESC Status. Class level 4 had the second highest proportion of inmates at 6%. Of those with class level 4, 4% had parole status, 26% had the old ESC status, and 70% had EESC status.

Class Level by Earned Sentence Type				
	Old ESC	EESC	Parole	Total
(HEM) EIP	--	--	--	3
Class Level 1	1,831	8,542	156	10,529
Class Level 2	151	365	30	546
Class Level 3	78	214	8	300
Class Level 4	192	517	26	735
Total	***2,252***	***9,638***	***220***	***12,113***

*Class Level 1 earns more days for every 30 days served at 4.5 days with the Old ESC and 15 days with EESC.

Re-Arrests of Inmates by Earned Sentence Type

Of the 12,113 inmates released in FY2023, 5,839[5] (48.2%) have been re-arrested.[6] Thirty-nine releases were arrested for an offense committed prior to release.[7] The majority of the releases (5,800) were

1 Releases excluded 90 releases due to death.
2 One released inmate earning the Old ESC rates, was released due to court order.
3 Due to rounding, the percentages total to over 100.
4 EIP inmates were SR inmates serving their sentence in a local/regional jail and are not eligible for earned sentence credits.
5 One post release arrest was for a (HEM) EIP released inmate.
6 Virginia State Police (VSP) data received January 24, 2024.
7 If a released inmate was arrested for a crime committed prior to and post release, only the offense(s) committed post release were examined.

arrested for a new offense (including technical violations) committed after release.

Over one-quarter (26%) of the most serious arresting offenses were for violations of supervision. Of those who have been arrested, releases earning the old ESC had a higher percentage arrested for violent offenses than EESC releases (26% and 17%, respectively). The most serious offenses (MSOs) for these re-arrests are distributed as follows:

Most Serious Offense Arresting Offense*						
	Old ESC		EESC		Parole	
	Pre-Release	Post Release	Pre-Release	Post Release	Pre-Release	Post Release
Felony	**4**	**803**	**29**	**4,207**	**0**	**49**
Violent	3	242	7	807	0	14
Aggravated Murder		5		5		
Homicide-1st		5		15		2
Homicide-2nd		2		14		
Manslaughter		1		5		
Abduction		28		97		1
Rape/Sexual Assault	2	4	3	14		
Robbery		26		71		3
Assault		102	3	396		4
Weapons	1	32	1	146		2
Sex Offense		37		44		2
Property/Public Order	0	465	3	2,284	0	27
Arson		2		23		
Burglary/B&E		25	1	150		4
Larceny/Fraud		81		537		5
Conspiracy				1		
DUI				42		
Habitual Offender		8		78		1
Other Non-Violent		5	2	26		
Violations of Good Behavior		56		235		3
Violations of Supervision		288		1,192		14
Drug	1	96	19	1,116	0	8
Misdemeanor Only	**1**	**125**	**5**	**596**	**0**	**19**
Total	**5**	**928**	**34**	**4,803**	**0**	**68**

*If a released inmate was arrested for a crime committed prior to and post release, only the offense(s) committed post released were examined.
Virginia State Police (VSP) data received January 24, 2025.

Re-Convictions of Inmates by Earned Sentence Type

Re-conviction is defined as a conviction resulting from a re-arrest that occurred within the specified time period. The actual conviction may occur outside the specified follow-up period. Re-convictions are recorded at the conclusion of court proceedings and merged into the Virginia State Police (VSP) database. Because of this processing time lag, the measure is not immediately reportable. Of the FY2023 releases, 5,012[8] have court disposition information at this time. The court disposition information is as follows:

Court Disposition* by Earned Sentence Type				
	Old ESC	EESC	Parole	Total
Guilty	606	3,482	47	4,135
Not Guilty	9	29	0	38
Mentally Insane	1	0	0	1
Charges Dismissed	55	257	4	316
Nolle Prossed	87	365	4	456
Transferred	2	3	0	5
Deferred	9	47	2	58
No True Bill	0	2	0	2
Total	**769**	**4,185**	**57**	**5,011**

*If a court disposition (CDN) code was guilty, the guilty CDN code for the re-conviction MSO was used.
Virginia State Police (VSP) data received January 24, 2025.

8 One court disposition was for a (HEM) EIP released inmate (dismissed).

In total, 4,135 (34.1%) have been found guilty. Of those who were found guilty, 3,482 releases were earning the Enhanced ESC rates, 606 releases were earning the old ESC rates, and 47 releases had parole eligible status. Twenty (<1%) were for offenses committed prior to release. Just under three-fifths (58%) of the convictions were for Property/Public Order offenses. Just over two-fifths (43%) were for violations of supervision.

The current MSO is shown below; however, as pending charges are processed the MSO of cases may change in future reports:

Most Serious Offense Convicted Offense						
	Old ESC		EESC		Parole	
	Pre-Release	Post Release	Pre-Release	Post Release	Pre-Release	Post Release
Felony	**2**	**492**	**15**	**2,856**	**0**	**34**
Violent	1	73	3	261	0	4
Homicide-1st				2		
Homicide-2nd				2		
Manslaughter				3		
Abduction				4		
Rape/Sexual Assault	1	1	1	5		
Robbery		8		13		
Assault		27	2	107		1
Weapons		17		96		2
Sex Offense		20		29		1
Property/Public Order	0	379	2	1,997	0	26
Arson		1		7		
Burglary/B&E		3	1	41		2
Larceny/Fraud		25		180		3
Conspiracy				1		
DUI		1	1	17		
Habitual Offender		3		61		1
Other Non-Violent		2		6		
Violations of Good Behavior		38		211		2
Violations of Supervision		306		1,473		18
Drug	1	40	10	598	0	4
Misdemeanor Only		**112**	**3**	**608**	**0**	**13**
Total	**2**	**604**	**18**	**3,464**	**0**	**47**
Virginia State Police (VSP) data received January 24, 2025.						

Re-Arrest and Re-Conviction Rates of Inmates by Earned Sentence Type

Re-arrests are reported on Virginia State Police (VSP) criminal history database without delay, so the measure is immediately available. Since the last of the FY2023 releases were released on June 30, 2023, only the three to eighteen-month[9] post-release re-arrest rates are available for this report. The three and six month re-conviction rates are not mature and should be interpreted with caution as they are subject to change. However, rates will continue to be monitored and reported on in the future.

For all follow-up periods with mature re-arrest data, EESC releases had significantly higher re-arrest rates than those with the old ESC status. Examining the three-month re-conviction rate also showed a significantly higher rate of re-conviction for those EESC releases compared to those with the Old ESC status (3.9% and 5.0%, respectively). The table on the next page shows the re-arrest and re-conviction rates:

9 VSP data received January 24, 2025.

		Re-Arrest*					
Months Since Release	N	3.0	6.0	12.0	18	24	36
FY2023	12,113	6.5	15.0	29.8	39.8		
Old ESC	2,252	5.5	12.6	25.1	33.8		
EESC	9,638	6.8^{+}	15.8^{++}	31.2^{++}	41.6^{++}		
Parole	220	3.6	8.2	18.2	23.2		

	Re-Conviction*					
Months Since Release	3.0	6	12	18	24	36
FY2023	4.7	11.5				
Old ESC	3.9	9.1				
EESC	5.0^{+}	12.2^{++}				
Parole	2.3	5.9				

*If a released inmate was arrested for a crime committed prior to and post release, only the offense(s) committed post release were examined. Due to this, rates may change as inmates who were arrested for an offense committed prior to release are arrested for an offense post release changing the arrest date analyzed.

$^{+}$ Chi-square test was significant (P<.05)

$^{++}$ Chi-square test was significant (P<.001)

Virginia State Police (VSP) data received January 24, 2025.

Re-Incarceration of Inmates by Earned Sentence Type

Re-incarceration is defined as any SR re-incarceration within the specified time period, including those for crimes committed prior to release and technical violations. VADOC waits at least four years to calculate the three-year re-incarceration rate of SR releases in order to allow all court information to be received and entered into VirginiaCORIS. As of January 14, 2025, 1,477 (12.1%) FY2023 releases have been re-incarcerated. A three-month re-incarceration rate is not yet mature and therefore the results should be interpreted with caution.

Over one-third (36%) were re-incarcerated for a Property/Public Order offense. Almost one-quarter (23%) of new SR terms were for a Larceny/Fraud offense. The most serious offenses (MSOs) for the recidivist term are distributed as follows:

Most Serious Offense of Recidivist State Responsible Term			
	Old ESC	EESC	Parole
Violent	181	290	4
Homicide-1st		2	
Homicide-2nd		2	1
Manslaughter		8	
Abduction	5	2	
Rape/Sexual Assault	57	28	
Robbery	31	21	1
Assault	51	143	1
Weapons	10	61	1
Sex Offense	27	23	
Property/Public Order	20	500	6
Arson	1	12	
Burglary/B&E	6	117	
Larceny/Fraud	9	321	4
Conspiracy		1	1
DUI	2	23	
Habitual Offender	2	24	1
Other Non-Violent		2	
Drug	10	444	0
Uncoded*	5	17	0
Total	**216**	**1,251**	**10**

*Uncoded are those who have not had their offense information entered, and verified, into VirginiaCORIS.

VirginiaCORIS data as of January 14, 2025.

Recidivism Rates of Inmates by Earned Sentence Type

Annual recidivism rates exclude arrests and convictions for offenses that occurred prior to release where the arrest occurred post release. Examining recidivism rates in this way showed similar results as the previous section in this report. For all follow-up periods with mature re-arrest data, EESC releases had significantly higher re-arrest rates than those with the old ESC status. Examining the three-month re-conviction rate also showed a significantly higher rate of conviction for those EESC releases compared to those with the Old ESC status (4.9% and 3.9%, respectively). The three-month re-incarceration rate was the same for EESC and old ESC releases (0.4%). Currently, the re-incarceration rates are not significantly different, but the data is still not fully mature yet.

The table below shows the re-arrest, re-conviction, and re-incarceration rates for all FY2023 releases as well as the rates by each earned sentence type:

		Re-Arrest*					
Months Since Release	N	3	6	12	18	24	36
FY2023	12,113	6.4	14.9	29.6	39.6		
Old ESC	2,252	5.5	12.5	25.0	33.6		
EESC	9,638	6.7^{+}	15.6^{++}	30.9^{++}	41.3^{++}		
Parole	220	3.6	8.2	18.2	23.2		

	Re-Conviction*					
Months Since Release	3	6	12	18	24	36
FY2023	4.7	11.4				
Old ESC	3.9	9.1				
EESC	4.9^{+}	12.0^{++}				
Parole	2.3	5.9				

	Re-Incarceration					
Months Since Release	3	6	12	18	24	36
FY2023	0.4	1.3				
Old ESC	0.4	1.2				
EESC	0.4	1.3				
Parole	0.0	0.9				

*Recidivism rates only include arrests for offenses that occur post-release.
Virginia State Police (VSP) data received January 24, 2025.
$^{+}$ Chi-square test was significant (P<.05)
$^{++}$ Chi-square test was significant (P<.001)
VirginiaCORIS Data as of January 14, 2025.

Summary

Preliminary data shows that releases earning EESC were significantly more likely to be arrested than those who earned the old ESC. However, it is too soon to identify if the re-incarceration rates are significantly different. It is important to note that the re-conviction and re-incarceration rates are not yet fully mature so the results may change in the future once the data is mature.

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