THE MASSACHUSETTS FURLOUGH EXPERIENCE

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Massachusetts Department of Correction

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Commissioner

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A C K N O W L E D G E M E N T S

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THE MASSACHUSETTS FURLOUGH PROGRAM

The furlough program for inmates of Massachusetts correctional facilities was authorized by Section 90A of the Correctional Reform Act (Chapter 777) passed by the Massachusetts legislature in October of 1972. Specifically the law permitted the Commissioner of Correction to "extend the limits of the place of confinement of a committed offender at any state correctional facility by authorizing such committed offender under prescribed conditions to be away from such correctional facility but within the commonwealth for a specified period of time ...". Further provisions of this law include: (1) Residents may be released on furlough no more than 14 days in the course of a year and (2) inmates serving a life sentence or a sentence for a violation or attempt to violate certain specified sexual and violent crimes (e.g. attempts to murder, manslaughter, armed robbery, kidnapping. etc.) may be furloughed only upon recommendation of the Superintendent and the express approval of the Commissioner.

Section 90A also delineated the purposes for which a furlough may be granted. These purposes are:

a) to attend the funeral of a relative;

b) to visit a critically ill relative;

c) to obtain medical, psychiatric, psychological or other social services when adequate services are not available at the facility and cannot be obtained by temporary placement in a hospital;

d) to contact prospective employers;

e) to secure a suitable residence for use upon release on parole or discharge;

f) for any other reason consistent with reintegration of a committed offender into the community.

In order to supplement the legislative provisions of the Correctional Reform Act, the Department of Correction drafted and implemented a set of rules and regulations which govern the administration of the furlough program. This directive established basic eligibility requirements, instituted a thorough selection process, created four distinct types of furloughs, provided for the automatic notification of proper law enforcement officials, and formulated definitive policies for the handling of residents who abuse the furlough privilege. The key aspects of these guidelines are cited below.

Eligibility

Except in cases of emergency, a resident of a state correctional facility is ineligible for furlough until he has been incarcerated for three months or when he is within 18 months of parole, whichever comes first. Residents classified as sexually dangerous persons pursuant to G.L. c. 123A are ineligible for furloughs.

Types of Furloughs

Quarterly furloughs are 12-hour leaves granted to residents who satisfy one of the designated purposes of the furlough and "for whom there is reasonable cause to believe that he will honor the trust extended to him while on furlough". Earned furloughs are permitted to residents who have successfully completed a quarterly furlough and who are actively participating in institutional programming. Earned furloughs are officially allowed for a maximum of 7 days at a time but in practice the average earned furlough is a 48-hour leave. Emergency furloughs are granted to residents when a serious and genuinely personal situation exists which necessitates his immediate presence in the community. Furloughs under Escort are authorized in emergency situations

to residents who are deemed untrustworthy. Such residents must be accompanied at all times by one or more correctional officers.

Selection Process

An inmate who desires a furlough must complete an application form in which he must state the intended purpose of his furlough, the amount of time requested, dates of departure and return, destination, transportation arrangements and projected expenses. This application is submitted to the furlough officer who determines the resident's eligibility, confirms the details of the resident's plans in the community, and forwards the application to the furlough committee. The furlough officer is also responsible for all administrative details and record-keeping relative to the furlough program.

The furlough committee is composed of at least five members (three at the forestry camps and pre-release centers), at least two of which must be correction officers. It is the furlough committee's responsibility to review the inmate's application, personally interview the applicant, and to inform, in writing, the superintendent and resident of the committee's recommendations and reasons for such recommendation.

It is the responsibility of the Superintendent to review all furlough applications, relevant material and the recommendations of the furlough committee in order to made the final decision to authorize or deny the furlough application. In the case of "special offenders" (i.e. those residents serving sentences for certain specified offenses) the superintendent may reject the resident's application, or if the furlough applicant meets with his approval, he will recommend the case to the Commissioner.

The Commissioner of Correction upon receipt of a special offender's furlough application will carefully review the case and will make the ultimate decision regarding the applications.

Notification of Police

Administrative regulations require the written notification of the Chief of Police of the community the furloughee designates as his destination and the Department of Public Safety, at least one week prior to the release of a resident on furlough. District Attorneys or other law enforcement agencies may be notified upon their written request and the approval of the Commissioner.

Abuse of Furlough Privileges

If a resident fails to return within two hours subsequent to his designated time of return, he will be declared an escape regardless of prior notification to the facility that he will be late. Appropriate law enforcement officials will be notified immediately and escape warrants will be issued. The District Attorney's office will be informed of all escapes and the resident will be subject to criminal prosecution according to the discretion of the District Attorney.

Statistical Information

The first residents were released on furlough on November 6, 1972. Since that date, a total of 10,148 furloughs have been granted.* Of these furloughs a total of 164 have resulted in the issuance of escape warrants. The overall failure rate therefore is 1.6%. All but 42 of those failing to return have either returned voluntarily or have been apprehended by law enforcement authorities.

The escape rate by individuals furloughed was computed for the time period between the inception of the program on November 6, 1972 and November 5, 1973. During this time period 2267 individuals were furloughed with a total of 119 failing to return. The overall escape rate by individual, therefore, is 5.2%.

* As of March 30, 1974.

Table I below lists the monthly escape rates since the program's inception. As can be seen, the escape rates by furlough have been gradually declining. Table I clearly reveals this point. Except for an inexplicable jump in the escape rate in November of 1973, there is clearly a measureable decline in the escape rate in recent months.

TABLE I

		NO. OF FURLOUGHS	NO. OF ESCAPES	ESCAPE RATE
1972	November	397	0	0%
	December	761	7	.9%
1973	January	452	3	.7%
	February	616	14	2.3%
	March	591	21	3.4%
	April	472	9	1.9%
	May	579	9	1.6%
	June	641	13	2.3%
	July	674	13	1.5%
	August	498	6	1.2%
	September	619	14	1.8%
	October	541	6	1.7%
	November	634	18	2.9%
	December	877	11	1.3%
1974	January	429	6	1.4%
	February	566	6	1.1%
	March	801	8	1.0%
TOTAL		10,148	164	1.6%

Table II also supports this point. During the first year of the furlough program, the rate of failures to return was 1.7%. Since that time, however, the rate has dropped to 1.1%. Thus, as we have gained more experience in administering the furlough program, we have been able to improve our success rate.

TABLE II

	N	ESCAPES	ESCAPE RATE
November 1972 through November 1973	7476	133	1.7%
December 1973 through March 1974	2672	31	1.1%
Overall TOTAL	10,148	164	1.6%

In order to control for the influence of seasonal fluctuations upon furlough escape rates, the rates of the first quarters of 1973 and 1974 were computed and compared. The results provide the strongest support thus far that escapes while on furlough are sharply in decline. While 1973's escape rate for the months of January, February and March was 2.3%, the escape rate for the corresponding time period in 1974 was only 1.1%. This is particularly significant in view of the fact that a greater number of furloughs were granted in the latter time period. It is apparent then that furlough screening authorities are becoming more skillful at predicting the success potential of applicants without simultaneously curbing the number of furloughs.

TABLE III

	N	AVERAGE PER MONTH	ESCAPES	ESCAPE RATE
1st Quarter 1973	1659	553	38	2.3%
1st Quarter 1974	1796	599	20	1.1%

Data on Furloughs Granted to Lifers

First Degree Murder

Between November 1972 thru March 1974, a total of 283 furloughs were granted to 54 individuals serving life sentences for First Degree Murder. This represents an average of 5.2 furloughs per individual. Among the 283 furloughs, there were 2 escapes, for an escape rate of 0.7% and a success rate of 99.3%. This compares favorably to the overall escape rate of 1.6%. The escape rate by individual furloughed for first degree lifers is 3.7% which, again, compares favorable with the overall figure of 5.2%.

The average time served before the first furlough the for 54 first degree lifers was approximately nine years.

Second Degree Murder

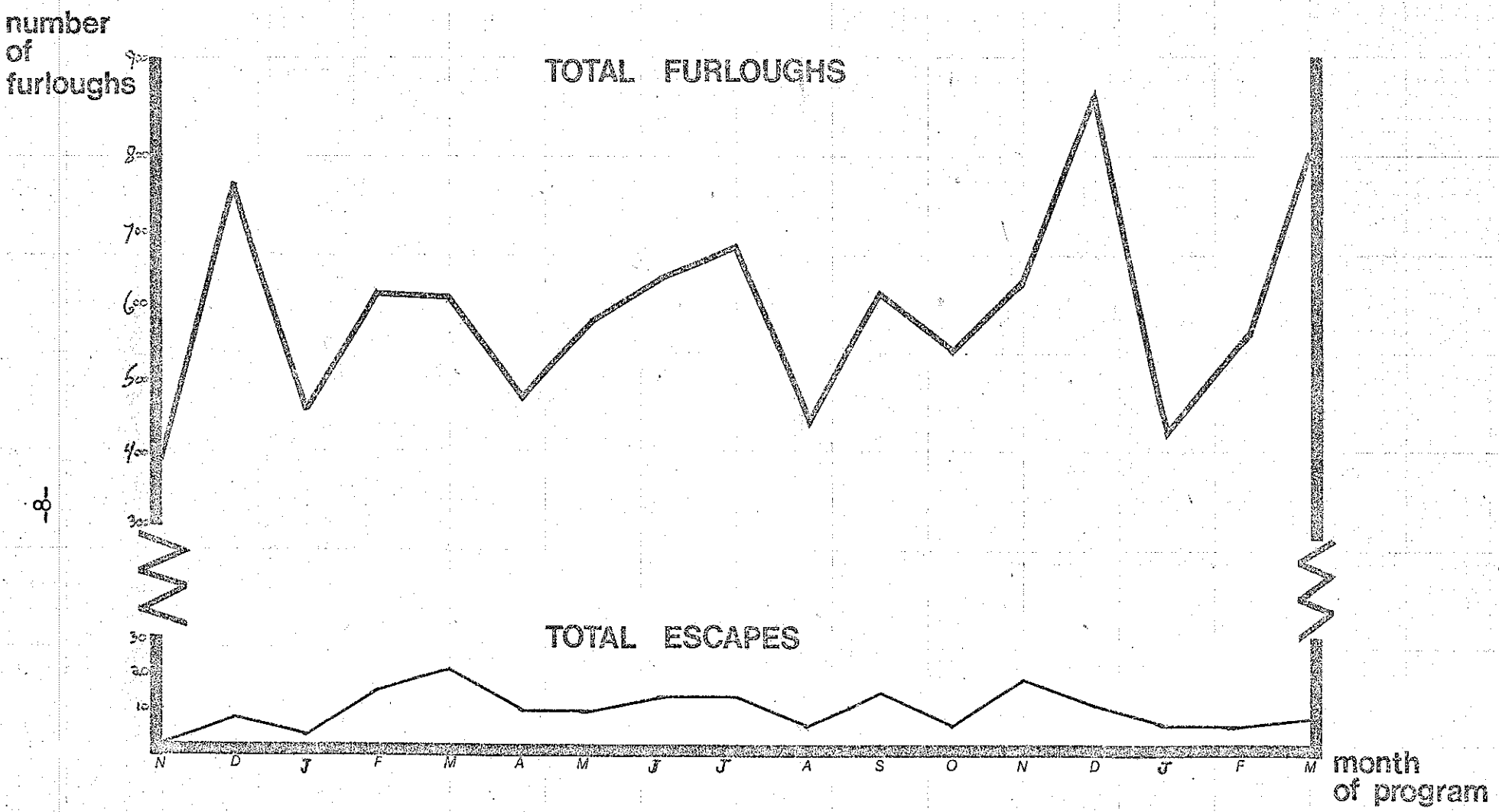
A total of 543 furloughs were granted to 105 individual second degree lifers, for an average of 5.2 furloughs per individual. Among the 543 furloughs there were 4 escapes for an escape rate of 0.7% and a success rate of 99.3%. Again this compares favorably to the overall escape rate of 1.6%. (The escape rate by individual furloughed is 3.8%, compared to the overall figure of 5.2%.)

The average time served before the first furlough was 6.1 years.

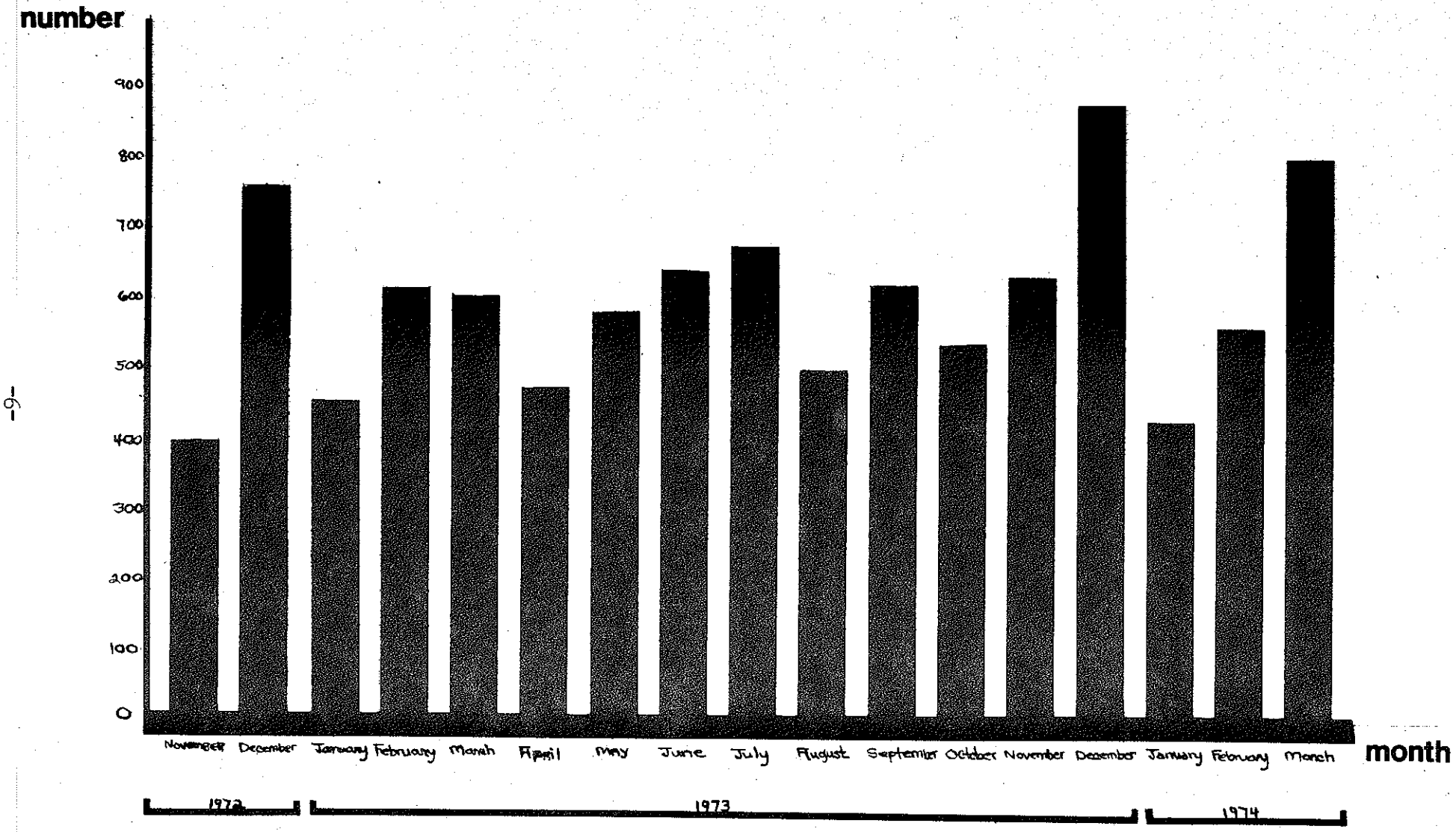
Total for Lifers

Combining the data for first and second degree lifers, a total of 826 furloughs were granted to 159 individuals, for an average of 5.2 furloughs per individual. There were 6 escapes for an escape rate of 0.7% and a success rate of 99.3%. The escape rate by individuals is 3.8%.

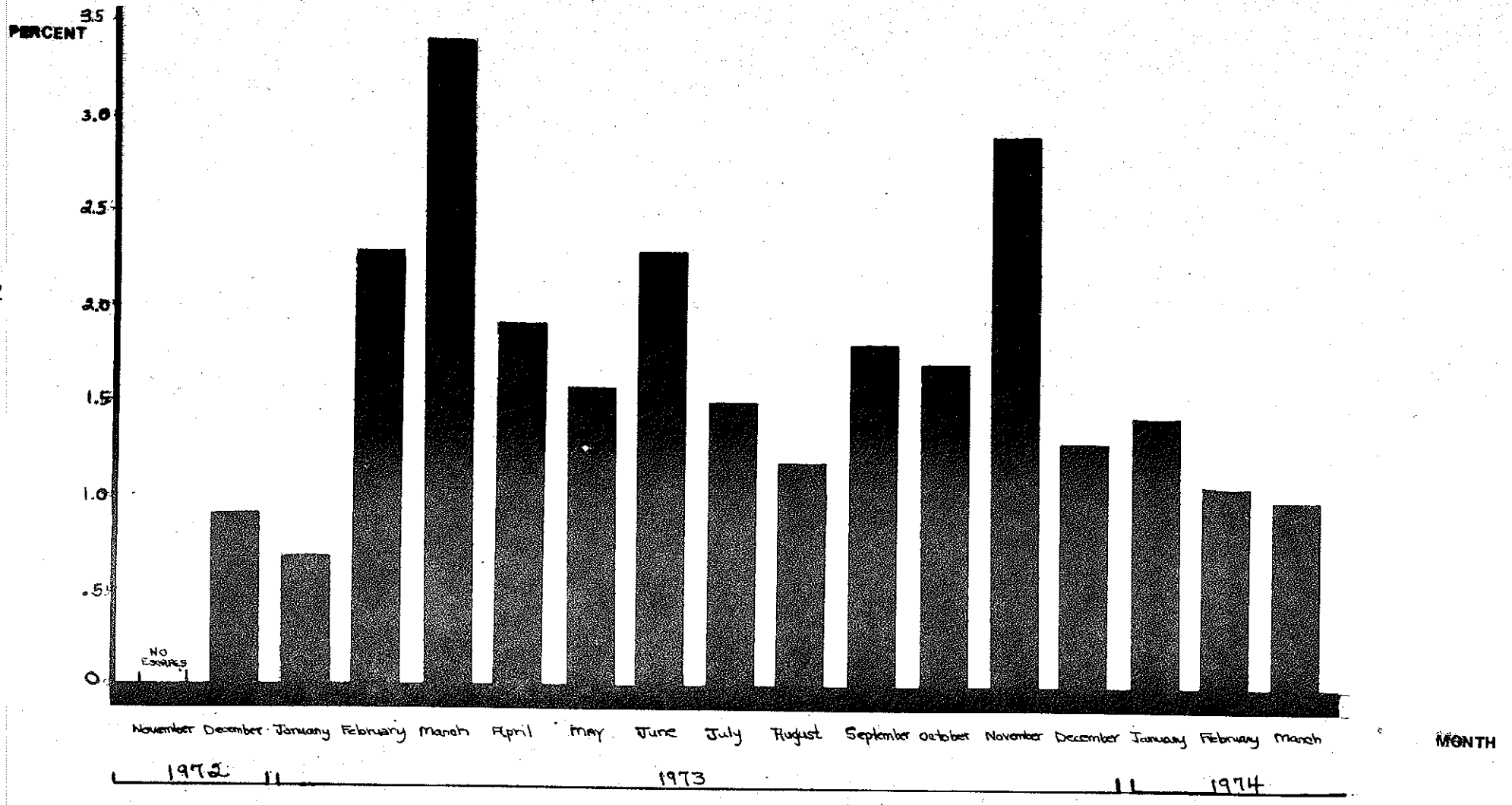
The average time served before the first furlough for the 159 lifers was approximately seven years.


number of furloughs
TOTAL FURLOUGHS
900
800
700
600
500
400
300
TOTAL ESCAPES
30
20
10
N
D
J
F
M
A
M
J
J
A
S
O
N
D
J
F
M
month of program

FURLOUGHS GRANTED BY MONTH



FURLOUGH ESCAPE RATE BY MONTH



FURLOUGH EXPERIENCE FOR SPECIAL CATEGORIES OF OFFENDERS

It is important to note that proposed legislation aimed at restricting offender eligibility will prohibit furloughs for those elements of the offender population who have thus far demonstrated the most successful furlough experience. There is much evidence to support the generalization that those segments of the population who will be most directly affected by furlough limitations have in fact achieved the lowest failure rates in terms of escape.

Two levels of analysis were undertaken to determine the extent of the relationship between: (1) furlough success and type of offense committed and, (2) furlough success and length of time to serve prior to parole eligibility. The residents of Massachusetts Correctional Institutions and Pre-Release Centers who were incarcerated on January 1, 1974, serve as the sample base. Thus the total figures will be inconsistent with previous furlough statistics which concern all residents furloughed since the inception of the program in 1972.

First, the furlough experience of individuals serving sentences for crimes against the person were compared with that of offenders serving sentences for crimes not against the person. As Table IV indicates, only 1.3% of the furloughs granted "persons" offenders resulted in the issuance of escape warrants.

By comparison, the escape rate for other offenders was 1.6%, resulting in a difference of .3%. It is evident then that, in terms of failure to return, offenders committing crimes against the person do not pose a higher escape risk.

TABLE IV

FURLOUGH EXPERIENCE FOR RESIDENTS SERVING OFFENSES AGAINST THE PERSON

vs.

OFFENSES NOT AGAINST THE PERSON*

	NUMBER OF FURLOUGHS	NUMBER OF ESCAPES	ESCAPE RATE
Offenses Against the Person	3045	41	1.3
Offenses Not Against the Person	1293	21	1.6
TOTAL	4338	62	1.4

Since the amount of time to be served prior to parole eligibility is considered by many to be a viable basis on which to restrict furloughs, a second analysis was conducted to determine the validity of this point. Offenders who were serving a sentence for a serious crime against the person were broken down into two groups: those with 18 months or less to serve before becoming eligible for parole and those with more than 18 months to serve. The escape rates for these two groups were then computed. Table V provides the results of this analysis. Of the total furloughs granted to offenders with a relatively short time (18 months or less) to serve before attaining parole eligibility, 1.8% failed to return at the proper time and were declared escapes. The corresponding rate for furloughs given to residents with a longer time to serve before being eligible for parole was only 1.0%. It is apparent then that the

* Data refers to all residents incarcerated on January 1, 1974.

fact of impending parole eligibility does not effectively deter furloughees from absconding. It is very possible that the converse is occurring, particularly in view of the fact that furloughe person offenders with more than two and a half years to serve before parole eligibility had extremely low escape rates. (See Table VI).

TABLE V

FURLOUGH EXPERIENCE FOR INMATES SERVING SENTENCES FOR OFFENSES AGAINST THE PERSON

	NO. OF FURLOUGHS	NO. OF ESCAPES	ESCAPE RATE
Offenders with 18 months or less before Parole Eligibility Date	1215	22	1.8
Offenders with more than 18 months before Parole Eligibility Date	1736	18	1.0
Parole Eligibility Date Unknown	94	1	1.0
TOTAL	3045	41	1.3

TABLE VI

FURLOUGH EXPERIENCE FOR INMATES SERVING SENTENCES FOR OFFENSES AGAINST THE PERSON

	NO. OF FURLOUGHS	NO. OF ESCAPES	ESCAPE RATE
Offenders with less than 30 months before Parole Eligibility Date	1449	29	2.0
Offenders with 30 months or more to serve before Parole Eligibility Date	1502	11	.7
Parole Eligibility Date Unknown	94	1	1.0
TOTAL	3045	41	1.3

Comparative Data

In order to view the Massachusetts furlough experience on a comparative basis, several correctional departments were contacted to obtain the most recent statistical data regarding furlough programs elsewhere in the United States. These data are presented in Table VII. These data should be interpreted with extreme caution, however, because of the wide variation in offender eligibility requirements which can radically influence success-failure rates. Certain states (e.g. Florida, New York, Michigan, Pennsylvania) require an inmate to serve a designated portion of his sentence in order to be eligible for home furloughs. Although Massachusetts does not presently have such restrictions, our escape rate is much the same as that of other jurisdictions.

TABLE VII

STATE	TIME PERIOD	FURLOUGHS GRANTED	ESCAPE RATE
Maine	1/69 - 3/74	3,305	0.3%
Connecticut	7/73 - 3/74	4,071	0.5%
Michigan	4/70 - 12/73	13,000	0.7%
Washington	7/71 - 12/73	7,500	1.1%
New York	1/73 - 12/73	8,169	1.3%
Oregon	4/68 - 7/73	10,417	1.5%
Massachusetts	11/72 - 3/74	10,148	1.6%
California	1/71 - 12/72	13,123	1.7%
Pennsylvania	12/70 - 4/74	15,000	2.0%
Federal Bureau of Prisons	FY 1973	5,757	3.3%
TOTAL		90,490	1.5%