

Massachusetts Department of Correction
Carol Higgins O'Brien, Commissioner
ONE YEAR RECIDIVISM RATES: 2012 RELEASE COHORT

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INTRODUCTION

Data presented herein represents recidivism statistics and administrative data for 2,354 criminally sentenced inmates released to the street from the Massachusetts Department of Correction during calendar year 2012 via expiration of sentence or parole to the street¹. Each release during the year is counted, making it possible for one inmate to be included multiple times. The Massachusetts Department of Correction (MA DOC) defines a recidivist as any criminally sentenced inmate released to the street from MA DOC jurisdiction who is re-incarcerated in a Massachusetts state, county or a federal facility for a criminal sentence within one year of their release to the street. The data presented includes information on offender demographics, governing offense, release type, and sentence information.

METHODOLOGY

Information for this brief was gathered from the Massachusetts Department of Correction Inmate Management System (IMS) and the Massachusetts Board of Probation (BOP). Data is based off of information available at time of data collection. Data is subject to change in future reports. The criminal activity of inmates released to the street during 2012 was tracked through the Massachusetts Criminal Justice Information System (CJIS) to determine any re-incarceration within one year of the inmate's release to the street. An inmate can be re-incarcerated in one of the following ways: technical violation of parole, violation of parole with a new offense, new court commitment to a Massachusetts county, state facility or a federal facility, technical violation of probation, or probation violation with new offense.

TECHNICAL VIOLATIONS²

A recidivist is defined as any criminally sentenced inmate released to the street from the MA DOC during 2012 who is re-incarcerated for a new sentence or violation of parole or probation to a Massachusetts state, county facility or a federal facility within one year of his/her release. Types of re-incarceration include technical violation of parole, parole violation with a new offense, return to county custody, return to state or federal custody, technical violation of probation, and probation violation with a new offense. An inmate, who is re-incarcerated due to a technical violation of parole or probation, is re-incarcerated for violating the terms of the conditions set forth regarding their release in the community, not for committing a new offense. A non-technical return would include a parole or probation violation with a new offense, or a new court commitment to a facility. When reporting on the recidivism rates for offenders

¹ Starting in 2008, the cohort includes MA DOC inmates released from county, federal and out of state facilities. In 2012, there were 98 DOC inmates released to the street from non-DOC facilities.

² Inmates released on parole and/or probation are supervised in the community upon release and can be re-incarcerated for violating the terms of their supervision.

released on parole, it is important to note that a portion of the paroled offenders re-incarcerated within the one-year period are no longer under parole supervision at the time they recidivate.

OVERVIEW OF 2012 RELEASE TO THE STREET POPULATION

Demographics

- Of the 2,354 released inmates, 1,785 (76%) were male and 569 (24%) were female.
- Twenty-three percent of the inmates were paroled to the street (n = 553), while 1,801 (77%) were released via expiration of sentence.
- The largest number of releases were Caucasian (n = 1,150) followed by Hispanic (n = 597) and African American/Black (n = 549). The remaining releases reported races of Asian, Native American/Alaskan Native, and Other (n = 58).
- The mean age at time of commitment to the MA DOC for this cohort of inmates was 33.2 years old.
- Female inmates were slightly older than males at time of commitment, 34.2 years old and 32.9 years old, respectively.
- The mean age of inmates at time of release was 36.5 years old.
- Male inmates were older than females at time of release, 36.9 years of age and 35.2 years of age, respectively, due to males generally having longer prison sentences.

Offense Data

- Thirty-nine percent of the male inmates were serving a governing person offense, followed by drug offense (33%), property offense (11%), ‘other’ offense (10%) and sex offense (6%).
- Thirty-two percent of the female releases were serving a governing property offense, followed by ‘other’ offense (26%), person offense (23%), drug offense (18%), and sex offense (1%).
- Fifty-four percent of governing drug offenses carried a mandatory minimum term, including 58% of the male governing drug offenses and 27% of the female governing drug offenses.

Sentencing Data

- The average length of incarceration³ for all releases was 37.9 months.
- The average length of incarceration for males was 46.3 months, compared to 11.6 months for females. This number differs significantly because of the amount of females that serve a county sentence within the Massachusetts Department of Correction.
- The majority of the males (61%) were released from a higher security facility; 47% from a medium security facility and 14% from a maximum security facility. The remaining 39% of the males were released from a lower security facility (minimum or pre-release).
- The majority of the females were released⁴ from a medium security facility (66%), while 34% were released from a lower security facility.

³ Length of incarceration is defined as the number of days between the inmate’s most recent incarceration and their release to the street. This includes new court commitments, county inmates sentenced from the court to serve a county sentence in a state facility, parole violations, and probation violations on their current incarceration. This may be different than their entire “time served.”

⁴ There is no maximum security facility for female offenders in the MA DOC.

Table 1 provides a comparison of the recidivism rates of inmates released during 2012, including and excluding re-incarcerations for technical violations. In order to calculate the recidivism rate excluding technical violations of parole or probation, the inmate's first non-technical re-incarceration within one year of their release was used. *Please note inmates who were returned for a technical violation were incarcerated for a period of time during the one-year follow up period, diminishing the likelihood of a non-technical return.*

One-Year Recidivism Rates Including and Excluding Re-Incarcerations for Technical Violations by Type of Release and Gender

Table 1:

| Recidivism Rates by Release Type and Gender - <u>Excluding</u> Technical Violations of Parole or Probation | | | | | | | | | |
|---|------------------------|------------|-------------|------------------------|------------|-------------|------------------------|------------|-------------|
| | Males | | | Females | | | Total | | |
| Release Type | Number Releases | Rec | Rate | Number Releases | Rec | Rate | Number Releases | Rec | Rate |
| Parole To Street | 415 | 27 | 7% | 138 | 11 | 8% | 553 | 38 | 7% |
| Expiration of Sentence | 1,370 | 161 | 12% | 431 | 50 | 12% | 1,801 | 211 | 12% |
| Total Releases | 1,785 | 188 | 10% | 569 | 61 | 11% | 2,354 | 249 | 11% |
| Recidivism Rates by Release Type and Gender - <u>Including</u> Technical Violations of Parole or Probation | | | | | | | | | |
| | Males | | | Females | | | Total | | |
| Release Type | Number Releases | Rec | Rate | Number Releases | Rec | Rate | Number Releases | Rec | Rate |
| Parole To Street | 415 | 127 | 31% | 138 | 42 | 30% | 553 | 169 | 31% |
| Expiration of Sentence | 1,370 | 162 | 12% | 431 | 55 | 13% | 1,801 | 217 | 12% |
| Total Releases | 1,785 | 289 | 16% | 569 | 97 | 17% | 2,354 | 386 | 16% |

Offenders released to the street with parole conditions are supervised for a period of time while in the community. Paroled offenders who do not adhere to the conditions of their release can have their parole revoked and can be re-incarcerated. A parole revocation can result from technical violation of the terms of release, or can result from the commission of a crime. By virtue of being under supervision in the community an offender may have a higher likelihood of re-incarceration.

- Inmates paroled to the street had a notably higher recidivism rate (31%) than the recidivism rate of inmates released expiration of sentence (12%), including those with technical violations. The role of supervision to prevent future criminality suggests a reason for higher rates for paroled offenders with the vast majority of re-incarcerations occurring as a result of a technical violation of parole conditions.
- Of the 386 inmates who were recidivists using the definition including technical violations, 144 were re-incarcerated for a technical parole or probation violation. One hundred and thirty-seven were technical parole violations and 7 were technical violations of probation.
- Of the 144 inmates who returned for a technical violation, 7 of them had another return within the one-year period that was used when determining the recidivism rate excluding technical violations. The small number is likely due to the fact that most offenders re-

incarcerated for a technical violation will remain incarcerated for the one-year follow up, thus decreasing the opportunity to re-offend.

- Overall, the recidivism rate decreased by 5 percentage points, from 16% to 11% when excluding technical violations, with offenders paroled to the street experiencing the largest decrease from 31% to 7%.

One-Year Recidivism Rates by Post Release Supervision

Table 2:

| Supervision Type | Males | | Females | | Total | |
|---------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate |
| Parole Only | 254 | 31% | 83 | 33% | 337 | 31% |
| Probation Only | 645 | 16% | 161 | 19% | 806 | 17% |
| Both Parole and Probation | 161 | 30% | 55 | 27% | 216 | 30% |
| No Supervision | 725 | 8% | 270 | 9% | 995 | 8% |
| Total Releases | 1,785 | 16% | 569 | 17% | 2,354 | 16% |

- Of the 2,354 inmates being released to the street, those being released on parole only had the highest recidivism rate (31%), followed by those released with both parole and probation (30%) and those released on probation only (17%). Those being released with no supervision had the lowest recidivism rate (8%). This suggests that those under parole supervision have a higher likelihood of recidivating due to increased supervision.
- When examining male releases, those released on parole only had the highest recidivism rate (31%), whereas males being released with no supervision had the lowest recidivism rate (8%).
- For female releases, those being released with parole only had the highest recidivism rates (33%) and those being released with no supervision had the lowest recidivism rate (9%).

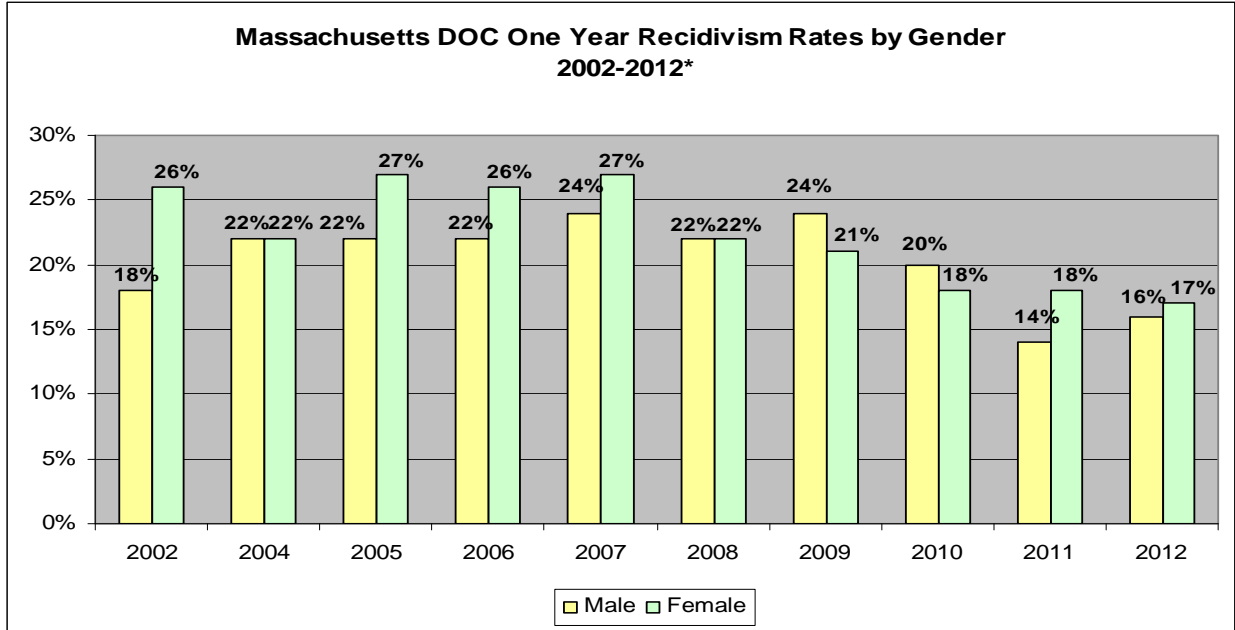
One-Year Recidivism Rates by Offense Category and Gender

Table 3:

| Offense Category | Males | | Females | | Total | |
|-----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate |
| Property | 192 | 30% | 181 | 19% | 373 | 25% |
| Person | 704 | 20% | 130 | 20% | 834 | 20% |
| Drug | 595 | 10% | 103 | 18% | 698 | 12% |
| Other | 183 | 11% | 150 | 11% | 333 | 11% |
| Sex | 111 | 9% | 5 | n.a. | 116 | 9% |
| Total Releases | 1,785 | 16% | 569 | 17% | 2,354 | 16% |

- The highest recidivism rate for male releases was property offenders who recidivated at a rate of 30%, followed by person offenders (20%).
- The highest recidivism rate for female releases was those who committed a person offense with a recidivism rate of 20%, followed by property offenders (19%).

Figure 1:

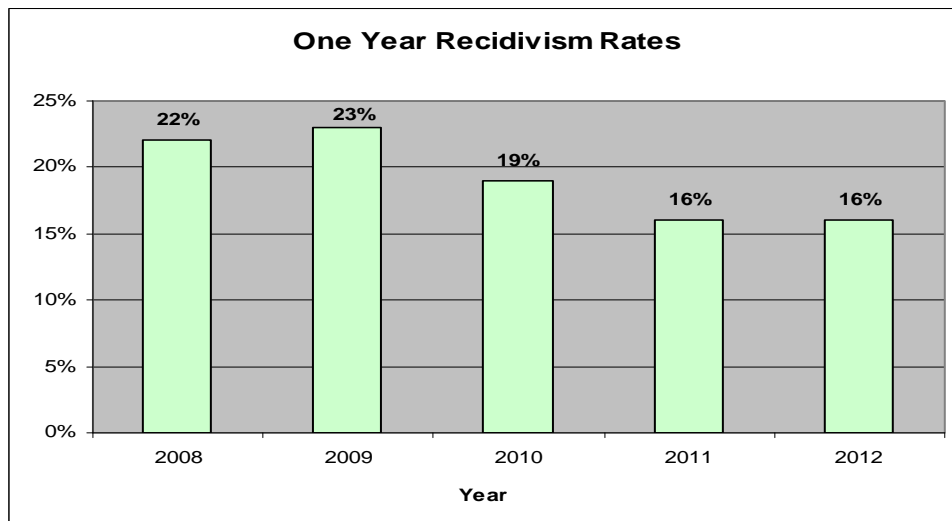


*Note: 2003 data is currently unavailable. 2011 is based on preliminary results.

The male recidivism rate remained consistent at 22% for the 2004 through 2006 release cohorts after increasing by 4 percentage points from 2002 (18%). The male recidivism rate ranged between 22% and 24% from 2004 through 2009. There was a notable decline for the 2010 release cohort (20%) before dramatically decreasing again by 6 percentage points in 2011 (14%). Males recidivated at a rate of 16% in 2012, a 2 percentage point increase from 2011.

The female recidivism rate showed less consistency than their male counterparts with a larger range of 22% to 27% between 2002 and 2008. The female recidivism rate would then steadily decline beginning in 2009 through 2012, starting the trend period at 21% and ending at 17%, a decrease of 4 percentage points.

Figure 2:



| Definitions | |
|--|--|
| County Sentence | <p>Prior to the “Truth in Sentencing” law, if an offender is sentenced to the House of Correction, the term shall be two and a half years or less. Parole eligibility and discharge are based on the maximum term of a sentence.</p> <p>Under the “new” law (passed in 1994), discharge on this sentence will change because of the elimination of statutory good time. There is no change in the parole eligibility date.</p> |
| Governing Offense | The governing offense is the offense associated with the longest maximum release date. |
| Length of Incarceration/Time Served | Length of incarceration represents the number of days between the inmate’s most recent incarceration which represents a new court commitment including county inmates sentenced from the court to serve a county sentence, parole violation, and probation violation on their current incarceration and their release to the street. |
| Lower Security | Lower security includes minimum, pre-release, and contract pre-release facilities. |
| Mandatory Drug Offenders | Inmates serving a governing drug sentence that carries a mandatory minimum term. |
| Offense Category | Offense categories include Person, Property, Sex, Drug, and Other and Offense category represents the inmates governing offense. |
| Race | The race categories self reported and used in this report include: Caucasian, African American/Black, Asian, Hawaiian-Pacific Islander, and American Indian-Alaska Native. Inmates who report a Hispanic ethnicity are reported as Hispanic in the race categories. |
| Recidivism Rate | Number of inmates re-incarcerated within one year of their release to the street divided by the number of inmates released. |
| State Prison Sentence | <p>Prior to the “Truth in Sentencing” law, if an offender is sentenced to the State Prison, except for life or as a habitual criminal, the court shall not fix the term of imprisonment, but shall fix a maximum and minimum term for which he/she may be imprisoned. The minimum term shall not be less than two and a half years. All sentences that have a finite maximum term are eligible to have the term reduced by statutory good time, except for most sex offenses, crimes committed while confined and certain “mandatory” sentences.</p> <p>In the “new law”, all state sentences have a minimum and a maximum term, unless an inmate is sentenced for life or as a habitual criminal. The minimum term is used to determine parole eligibility, and the maximum term is used to determine discharge.</p> <p>Under both the “old” and “new” sentencing systems, an inmate is discharged from his/her sentence at the expiration of his term, less any statutory or earned good time. Under the “new” system none of the reduction will be attributable to statutory good time.</p> |

This Research Brief was written by Gina Papagiorgakis, Research Analyst. Any comments or questions can be addressed by e-mail: Research@doc.state.ma.us. The contributions by Amanda Zaniewski, Northeastern Co-op, and Amanda Longton, Research Clerk, were significant and greatly appreciated. Copies of publications from the Research and Planning Division can be found on www.mass.gov/doc.