

Massachusetts Department of Correction

Luis S. Spencer, Commissioner

THREE YEAR RECIDIVISM RATES: 2008 RELEASE COHORT

Rhiana Kohl, PhD, Executive Director, Office of Strategic Planning and Research

Prepared by:

Gina Papagiorgakis, Research Analyst and Hollie Matthews, Deputy Director

July 2013

INTRODUCTION

Data presented in this research brief represents recidivism statistics and administrative data for 2,718 criminally sentenced inmates released to the street from the Massachusetts Department of Correction during calendar year 2008 via expiration of sentence or parole to the street. Each release during the year is counted, making it possible for one inmate to be included multiple times. The Massachusetts Department of Correction (MADOC) defines a recidivist as any criminally sentenced inmate released to the street from MADOC jurisdiction who is re-incarcerated in a Massachusetts state or county facility or to a federal facility for a criminal sentence within three years of their release to the street¹. 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). The criminal activity of inmates released to the street during 2008 was tracked through the Massachusetts Criminal Justice Information System (CJIS) to determine any re-incarceration within three years of the inmates 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 facility, new court commitment to a Massachusetts state facility, new court commitment to a federal facility, technical violation of probation, or probation violation with new offense. Chi-Square tests were used to determine significance in the differences in recidivism rates for the variables reported.

OVERVIEW OF 2008 RELEASE TO THE STREET POPULATION

Demographics

- Of the 2,718 released inmates, 1,822 (67%) were male and 896 (33%) were female.
- Thirty-seven percent of the inmates were paroled to the street (n = 1,001), while 1,717 (63%) were released via expiration of sentence.
- The majority of the inmates were Caucasian (n = 1,416) followed by African American/Black (n = 635) and Hispanic (n = 621). The remaining releases reported races of Asian, Native American/Alaskan Native, and Other (n = 46).
- The mean age at time of incarceration for this cohort of inmates was 32.4 years.

¹ Prior to the 2008 recidivism collection, data was collected specifically on inmates released to the street from DOC facilities (custody). Starting in 2008, the cohort will also include DOC inmates released from county, federal and out of state facilities. In 2008, there were 26 DOC inmates released to the street from non-DOC facilities.

- Female inmates were slightly older than males at time of incarceration, 34.3 years and 31.5 years, respectively.
- The mean age of inmates at time of release was 35.5 years.
- Male inmates were slightly older than females at time of release, 35.8 years of age and 35 years of age, respectively, due to males generally having longer prison sentences.

Offense Data

- Forty-two percent of the male inmates were serving a governing Person offense, followed by Drug offense (32%), Property offense (12%), ‘Other’ offense (8%) and Sex offense (6%).
- Thirty-one percent of the female releases were serving a governing ‘Other’ offense, followed by Property offense (27%), Drug offenses (22%), and Person offense (20%). Less than one percent of the females were serving a governing sex offense.
- Forty-six percent of governing drug offenses carried a mandatory minimum term; 56% of the male governing drug offenses and 15% of the female governing drug offenses had a mandatory minimum.

Sentencing Data

- The average length of incarceration² for all releases was 34.9 months.
- The average length of incarceration for males was 47.7 months, compared to 8.8 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 (66%) were released from a higher security facility; 56% from a medium security facility and 10% from a maximum security facility. The remaining 34% of the males were released from a lower security facility (minimum or pre-release).
- The majority of the females were released from a medium security facility (72%), while 28% were released from a lower security facility.

Technical Violations³

A recidivist is defined as any criminally sentenced inmate released to the street from the MADOC during 2008 who is re-incarcerated for a new sentence or violation of parole or probation to a Massachusetts State or County facility or to a Federal facility within three years 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 released on parole, it is important to note that a portion of the paroled offenders

² 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.”

³ Inmates released on parole are supervised in the community upon release and can be re-incarcerated for violating the terms of their supervision.

re-incarcerated within the three-year period are no longer under parole supervision at the time they recidivate.

Tables 1 and 2 provide a comparison of the recidivism rates of inmates released during 2008, 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 three years of their release was used. Please note inmates who were returned for a technical violation were incarcerated for a period of time during the three-year follow up period, diminishing the likelihood of a non-technical return.

Three-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	706	215	30%	295	78	26%	1,001	293	29%
Expiration of Sentence	1,116	402	36%	601	180	30%	1,717	582	34%
Total Releases	1,822	617	34%	896	258	29%	2,718	875	32%
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	706	359	51%	295	127	43%	1,001	486	49%
Expiration of Sentence	1,116	402	36%	601	184	31%	1,717	586	34%
Total Releases	1,822	761	42%	896	311	35%	2,718	1,072	39%

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 be violated and 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.

- Of the 2,718 inmates released to the street during 2008, 1,001 (37%) were paroled to the street while 1,717 (63%) were released via expiration of sentence. Inmates paroled to the street had a significantly⁴ higher recidivism rate (49%) than the recidivism rate of inmates released expiration of sentence (34%). The role of supervision to prevent future criminality suggests a reason for higher rates for paroled offenders with a large portion of re-incarcerations occurring as a result of a technical violation of parole conditions.

⁴ Pearson's Chi-Square test was used to determine statistical significance (p ≤ 0.05).

- Of the 1,072 inmates who were recidivists using the definition including technical violations, 281 were re-incarcerated for a technical parole or probation violation. Two hundred and seventy-one (n = 269) were technical parole violations and 12 were technical violations of probation.
- Of the 281 inmates who returned for a technical violation, 84 of them had another return within the three-year period that was used when determining the recidivism rate excluding technical violations.
- Overall, the recidivism rate decreased by 7 percentage points, from 39% to 32% when excluding technical violations, with paroles to the street experiencing the only change, a decrease from 49% to 29%. The recidivism rate for female inmates decreased from a rate of 35% to a rate of 29%. The male recidivism rate, decreased from 42% to 34% when excluding technical violations.

Recidivism Rates Including and Excluding Re-Incarcerations for Technical Violations by Year of Re-Incarceration and Gender

Table 2:

Three Year Re-Incarceration Recidivism Rates <u>Excluding</u> Technical Violations									
		1st Year		2nd Year		3rd Year		Total	
Gender	Number of Releases	Rec	Rate	Rec	Rate	Rec	Rate	Rec	Rate
Female	896	126	14%	80	9%	52	6%	258	29%
Male	1,822	253	14%	223	12%	141	8%	617	34%
Total	2,718	379	14%	303	11%	139	7%	875	32%
Three Year Re-Incarceration Recidivism Rates <u>Including</u> Technical Violations									
		1st Year		2nd Year		3rd Year		Total	
Gender	Number of Releases	Rec	Rate	Rec	Rate	Rec	Rate	Rec	Rate
Female	896	194	22%	74	8%	43	5%	311	35%
Male	1,822	407	22%	232	13%	122	7%	761	42%
Total	2,718	601	22%	306	11%	121	6%	1,072	39%

- The majority of technical violations occurred within the first year of release. When excluding technical violators in the first year, the recidivism rate was 14%, when technical violations were included, the first year recidivism rate increased to 22%. For the second year in the follow-up period, there was no difference in the total recidivism rate, and only slight differences by gender. In the third year, the recidivism rate when excluding technical violators was 7% compared to 6% when including technical violators.

Release Statistics

Three-Year Recidivism Rates by Post Release Supervision

Table 3:

	Males		Females		Total	
Supervision Type	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
Parole Only	467	50%	190	45%	657	49%
Probation Only	451	41%	185	29%	636	38%
Both Parole and Probation	239	53%	105	39%	344	49%
No Supervision	665	33%	416	31%	1,081	32%
Total	1,822	42%	896	35%	2,718	39%

- Of the 2,718 inmates being released to the street, those being released with parole supervision only or both parole and probation had the highest recidivism rates (49%) and those being released with no supervision had the lowest recidivism rate (32%). This suggests that those under parole supervision have a higher likelihood of recidivating due to increased supervision.
- When examining male releases, those on both parole and probation supervision had the highest recidivism rate (53%), whereas males being released with no supervision had the lowest recidivism rate (33%).
- For female releases, those being released on parole supervision had the highest recidivism rate (45%) and those being released with probation only had the lowest recidivism rate (29%).

Three-Year Recidivism Rates by First Release and Gender

Table 4:

	Males		Females		Total	
First Release	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
Multiple Release	259	45%	109	41%	368	44%
First Release	1,563	41%	787	34%	2,350	39%
Total Releases	1,822	42%	896	35%	2,718	39%

- A number of inmates who were released during 2008 had been committed to the MADOC for a violation of parole or probation, making the release from their current sentence not their first.
- There was a notable difference in the recidivism rate for offenders with a prior release on their current sentence (44%) compared to offender whose current release was their first on that sentence (39%), indicating offenders with a prior violation on their current sentence were more likely to be re-incarcerated.

Three-Year Recidivism Rates by Security Level of Releasing Institution and Gender

Table 5:

Security Level	Males		Females		Total	
	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
Maximum	182	60%	n.a ⁵	n.a	182	60%
Medium	1,015	43%	643	36%	1,658	40%
Lower	625	34%	253	32%	878	33%
Total	1,822	42%	896	35%	2,718	39%

- Recidivism rates for inmates released during 2008 were positively correlated with the security level of the inmates releasing facility. The recidivism rate for male inmates increased as the security level of the releasing institution increased.
- Male inmates release from lower⁶ security had the lowest recidivism rate, with 34% of those inmates re-incarcerated within three-years of their release to the street.
- The recidivism rate for males released from medium security was 43%, while the rate for males released from maximum security was 60%, the highest of all security levels designations.
- The recidivism rate for female inmates released from a lower security facility was 32%, whereas females who were released from a medium security facility had a recidivism rate of 36%.
- For both male and female releases the difference in recidivism rates for security level was found to be statistically significant.

Three-Year Recidivism for Females by Sentencing Type⁷

Table 6:

Three Year Recidivism Rate Female 2008 Releases to the Street by Sentence Type		
Sentence Type	Number Releases	Recidivism Rate
State Sentence	106	21%
County Sentence	790	37%
Total	896	35%

Female offenders sentenced from the court to serve a county sentence often serve that sentence in a state correctional facility due to limited bed space at the county level. County sentenced females comprised 88% of the criminally sentenced female releases included in the 2008 recidivism cohort. County sentenced females differ from state sentenced females in a number of ways that could attribute to a higher recidivism rate for these offenders (i.e. less opportunity for programming due to shorter sentences). Despite the higher number of releases, the county female offenders in this cohort were less likely than state sentenced females to transition to a lower security facility prior to release, with 25% of county sentenced females and 54% of state

⁵ There is no maximum security facility for female offenders in the MADOC.

⁶ Lower security includes minimum, minimum pre-release, state pre-release, and contract pre-release facilities.

⁷ Due to the minimal number of county correctional facilities that house female offenders, many females released during 2008 who received a county sentence from the court served that sentence at the MADOC.

sentenced females released from a minimum or pre-release facility. The governing offense category for these two groups also differs, with 30% of the county sentenced female offenders incarcerated for a governing property offense, compared to 10% of the state sentenced female offenders. Property offenders are often found to have higher recidivism rates than offenders sentenced for other offense categories. County sentenced offenders were also older than state sentenced offenders at incarceration, but younger than state sentenced offenders at release. This is due to the disparity in sentence lengths between state sentenced and county sentenced offenders, with state sentenced offenders receiving more severe sentencing for more serious offenses. The average length of incarceration for county sentenced female offenders in this cohort was 5.3 months, compared to 34.7 months for state sentenced female offenders. Age of offenders is also associated with recidivism rates with younger offenders often recidivating at a higher rate than older offenders.

- Female inmates releasing from a county sentence have a significantly higher recidivism rate (37%) than those releasing from a state sentence (21%).

Demographic Statistics

Three-Year Recidivism Rates by Race/Ethnicity and Gender⁸

Table 7:

Race/Ethnicity	Males		Females		Total	
	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
African American/Black	528	47%	107	31%	635	44%
Caucasian	730	41%	686	37%	1,416	39%
Hispanic	544	38%	77	26%	621	37%
Other	3	n.a.	23	26%	26	31%
Asian	9	n.a.	1	n.a.	10	n.a.
Native American/Alaskan Native	8	n.a.	2	n.a.	10	n.a.
Total	1,822	42%	896	40%	2,718	39%

- Within three years of their release to the street, male inmates who reported a race of African American/Black had a recidivism rate of 47%, followed by Caucasian male inmates who recidivated at a rate of 41%. Hispanic males had the lowest recidivism rate, with 38% re-incarcerated within three years of their release.
- Of the 896 female releases, Caucasian inmates had the highest recidivism rate (37%), followed by African American/Black inmates (31%), and Hispanic inmates (26%).

⁸ For releases where the numeric value was less than 20, recidivism rates were not reported in the table.

Three-Year Recidivism Rates by Age at Release and Gender⁹

Table 8:

Age	Male		Female		Total	
	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
17 - 24	217	48%	142	33%	359	42%
25 - 29	370	48%	156	42%	526	46%
30 - 34	312	42%	150	38%	462	41%
35 - 39	333	43%	143	30%	476	39%
40 - 44	248	45%	145	36%	393	41%
45 - 49	169	36%	100	32%	269	35%
50 - 54	91	26%	43	26%	134	26%
55 - 59	43	12%	12	n.a.	55	13%
60 or older	39	15%	5	n.a.	44	16%
Total	1,822	42%	896	35%	2,718	39%

- The age of inmates at time of release from the MADOC ranged from 17 years to 75 years. Recidivism rates of the inmates released during 2008 by age at release were statistically significant.
- Male inmates between 17-34 years at time of release had a recidivism rate of 46%, while 38% of males between 35-75 years of age at release recidivated within three years of their release to the street.
- The disparity in recidivism rates for male offenders by age is most apparent when comparing the youngest and oldest offenders. Male offenders younger than 25 years of age at release had a recidivism rate of 48%, while the recidivism rate for male offenders age 50 or older was less than half the rate for the youngest offenders (20%).
- Female releases between 17-34 years of age had a recidivism rate of 38%, compared to a rate of 31% for females 35 years of age or older.
- These findings remain consistent with research that older inmates are less likely to recidivate.

Offense Statistics

Three-Year Recidivism Rates by Offense Category and Gender

Table 9:

Offense Category	Males		Females		Total	
	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
Property	214	60%	244	43%	458	51%
Person	774	46%	176	32%	950	44%
Other	144	42%	277	36%	421	38%
Drug	575	34%	193	25%	768	32%
Sex	115	17%	6	n.a.	121	17%
Total	1,822	42%	896	35%	2,718	39%

⁹ For releases where the numeric value was less than 20, recidivism rates were not reported in the table.

- Property offenders had the highest recidivism rate of all offense types for both male and female releases.
- The recidivism rate for male Property offenders was 60%, followed by Person offenders who recidivated at a rate of 46%.
- The recidivism rate for female Property offenders was 43%, followed by females in the ‘Other’ offense category, with a recidivism rate of 36%.
- The difference in recidivists and non-recidivists groups was found to be significant when broken out by offense type for the total release cohort.

Three-Year Recidivism Rates by Violent Offense and Gender

Table 10:

	Males		Females		Total	
Offense Type	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
Violent	889	43%	182	32%	1,071	41%
Non-Violent	933	41%	714	35%	1,647	39%
Total	1,822	42%	896	35%	2,718	39%

- Non-violent offenders released during 2008 had a recidivism rate of 39% compared to a rate of 41% for violent offenders.

Three-Year Recidivism Rates for Mandatory Drug Offenders and Gender

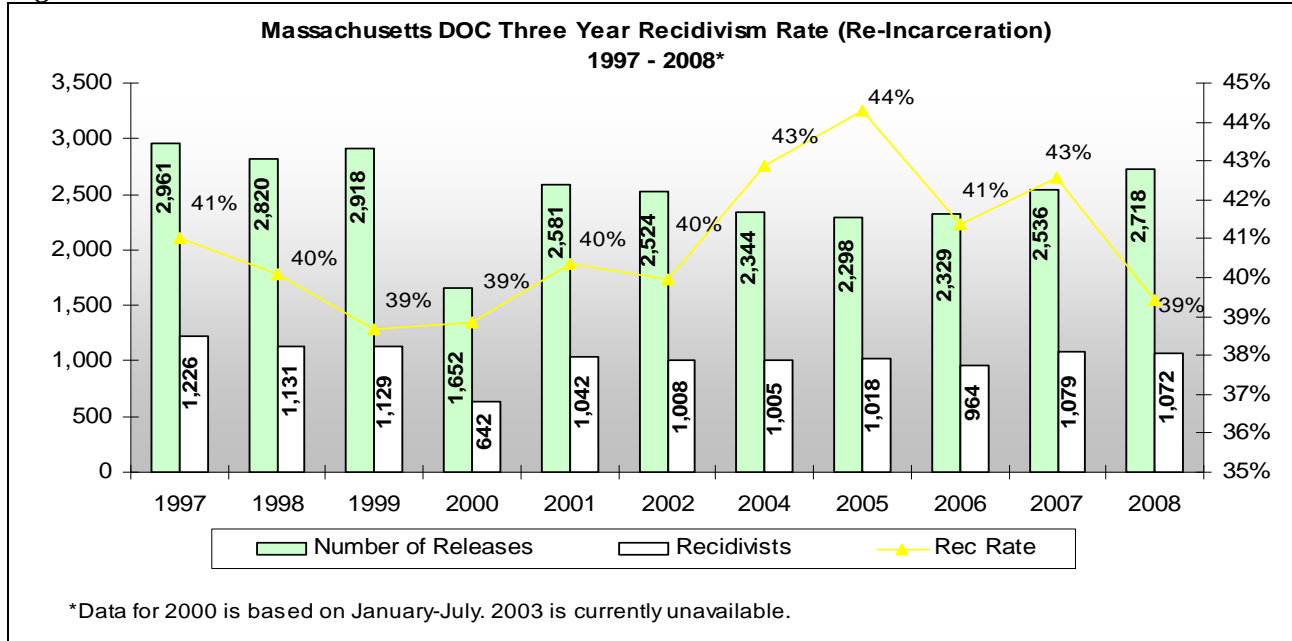
Table 11:

	Males		Females		Total	
Drug Offense Type	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
Non-Mandatory Drug Offense	251	39%	165	28%	416	35%
Mandatory Drug Offense	324	30%	28	11%	352	28%
Total	575	34%	193	25%	768	32%

- Of the 768 inmates who were serving a governing drug offense at the time of their release, 46% were serving a mandatory drug sentence (n = 352).
- Mandatory drug offenders had a recidivism rate that was significantly lower than the rate of non-mandatory drug offenders, recidivating at a rate of 28%, compared to a recidivism rate of 35% for non-mandatory drug offenders.
- The average time served on their current incarceration for drug offenders was 33.4 months. The non-mandatory drug offenders on average were incarcerated for 22 months, compared to mandatory drug offenders who were incarcerated on average for 47 months.

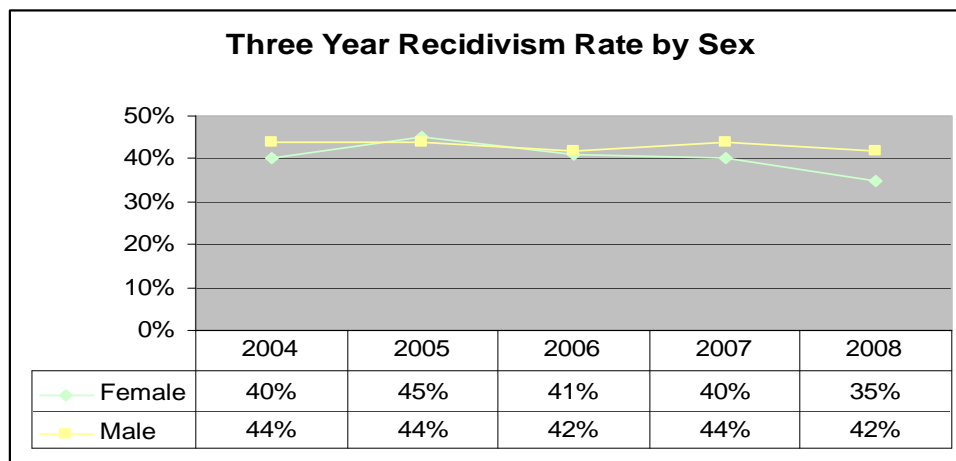
Recidivism Trends 1997-2008

Figure 1:



- The trend in recidivism rates experienced between 1997 and 2002 hovered around 40% before increasing in 2004 to 43% and again in 2005 to 44%. The recidivism rate for the 2006 release cohort decreased to 41%, mirroring more closely the rates experienced prior to the increase beginning with the 2004 releases. The recidivism rate for the 2007 release cohort again experienced an increase similar to 2005 with a recidivism rate of 43%. The recidivism rate decreased by 4 percentage points for the 2008 release cohort to 39% compared to 2007.

Figure 2:



- While the male recidivism rate hovered between 42% and 44% over the last 5 years reported, the female recidivism rate spiked to 45% in 2005 before decreasing 8 percentage points in 2008 (35%).

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>
First Release	Inmates who have not been previously released to the street from their current commitment number.
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, minimum pre-release, state 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 three years 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>
Violent/Non-violent Offense	Person and Sex offenses are combined into the category ‘Violent Offenses’. Property, Drug, and ‘Other’ offenses are categorized into ‘Non-violent’ offenses.

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 Hollie Matthews, Deputy Director and Alexandria Wenner, Northeastern Co-op Research Intern were significant and greatly appreciated. Copies of publications from the Research and Planning Division can be found on www.mass.gov/doc.

Publication No. 14-182-DOC-01, 11pgs. - July, 2013
 Authorized by: Gary Lambert, Assistant Secretary for Operational Services