

Massachusetts Department of Correction

Luis S. Spencer, Commissioner

THREE YEAR RECIDIVISM RATES: 2009 RELEASE COHORT

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INTRODUCTION

Data presented in this research brief represents recidivism statistics and administrative data for 2,758 criminally sentenced inmates released to the street from the Massachusetts Department of Correction during calendar year 2009 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 2009 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 2009 RELEASE TO THE STREET POPULATION

Demographics

- Of the 2,758 released inmates, 2,010 (73%) were male and 748 (27%) were female.
- Thirty-nine percent of the inmates were paroled to the street (n = 1,064), while 1,694 (61%) were released via expiration of sentence.
- The largest number of releases were Caucasian (n = 1,314) followed by African American/Black (n = 720) and Hispanic (n = 669). The remaining releases reported races of Asian, Native American/Alaskan Native, and Other (n = 55).
- The mean age at time of incarceration for this cohort of inmates was 32.1 years.

¹ Prior to the 2009 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 2009, there were 45 DOC inmates released to the street from non-DOC facilities.

- Female inmates were slightly older than males at time of incarceration, 34 years and 31.3 years, respectively.
- The mean age of inmates at time of release was 35.3 years.
- Male inmates were slightly older than females at time of release, 35.5 years of age and 34.9 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 (11%), ‘other’ offense (9%) and sex offense (6%).
- Thirty-one percent of the female releases were serving a governing property offense, followed by ‘other’ offense (29%), drug offense (23%), person offense (16%), and sex offense (1%).
- Forty-five percent of governing drug offenses carried a mandatory minimum term; 53% of the male governing drug offenses and 14% of the female governing drug offenses had a mandatory minimum.

Sentencing Data

- The average length of incarceration² for all releases was 36.5 months.
- The average length of incarceration for males was 46.2 months, compared to 10.5 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 (65%) were released from a higher security facility; 52% from a medium security facility and 13% from a maximum security facility. The remaining 35% 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 (69%), while 31% 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 2009 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 and/or probation 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 2009, 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	809	235	29%	255	36	14%	1,064	271	25%
Expiration of Sentence	1,201	409	34%	493	164	33%	1,694	573	34%
Total Releases	2,010	644	32%	748	200	27%	2,758	844	34%
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	809	448	55%	255	87	34%	1,064	535	50%
Expiration of Sentence	1,201	413	34%	493	174	35%	1,694	587	35%
Total Releases	2,010	861	43%	748	261	35%	2,758	1,122	41%

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.

- Of the 2,758 inmates released to the street during 2009, 1,064 (39%) were paroled to the street while 1,694 (61%) were released via expiration of sentence. Inmates paroled to the street had a significantly⁴ higher recidivism rate (50%) than the recidivism rate of inmates released expiration of sentence (35%). 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 1,122 inmates who were recidivists using the definition including technical violations, 354 were re-incarcerated for a technical parole or probation violation. Three hundred and thirty-one were technical parole violations and 23 were technical violations of probation.
- Of the 354 inmates who returned for a technical violation, 76 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 10 percentage points, from 41% to 31% when excluding technical violations, with offenders paroled to the street experiencing the largest decrease from 50% to 25%. The recidivism rate for female inmates decreased from a rate of 35% to a rate of 27%. The male recidivism rate, decreased from 43% to 32% 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	748	104	14%	62	8%	34	5%	200	27%
Male	2,010	314	16%	224	11%	106	5%	644	32%
Total	2,758	418	15%	286	10%	140	5%	844	31%
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	748	155	21%	69	9%	37	5%	261	35%
Male	2,010	476	24%	271	13%	114	6%	861	43%
Total	2,758	631	23%	340	12%	151	5%	1,122	41%

- The majority of technical violations occurred within the first year of release. When excluding technical violators in the first year, the recidivism rate was 15% compared to when technical violations were included where the first year recidivism rate increased to 23%. For the second year in the follow-up period, the recidivism rate was 10% when excluding technical violations compared to 12% when including technical violations. In the third year, there was no difference in the total recidivism rate (5%).

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	526	54%	154	35%	680	50%
Probation Only	531	40%	175	33%	706	38%
Both Parole and Probation	283	58%	101	33%	384	51%
No Supervision	670	30%	318	37%	988	32%
Total Releases	2,010	43%	748	35%	2,758	41%

- Of the 2,758 inmates being released to the street, those being released with both parole and probation had the highest recidivism rate (51%), followed by those released with parole only (50%) and those released with probation only (38%). 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 (58%), whereas males being released with no supervision had the lowest recidivism rate (30%).
- For female releases, those being released with no supervision had the highest recidivism rate (37%) and those being released with probation only or both parole and probation supervision had the lowest recidivism rates (33%).

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	303	49%	77	49%	380	49%
First Release	1,707	42%	671	33%	2,378	39%
Total Releases	2,010	43%	748	35%	2,758	41%

- A number of inmates who were released during 2009 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 (49%) 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	259	57%	n.a ⁵	n.a	259	57%
Medium	1,044	43%	515	39%	1,559	42%
Lower	707	37%	233	25%	940	34%
Total Releases	2,010	43%	748	35%	2,758	41%

- Recidivism rates for inmates released during 2009 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 37% 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 57%, the highest of all security level designations.
- The recidivism rate for female inmates released from a lower security facility was 25%, whereas females who were released from a medium security facility had a recidivism rate of 39%.
- 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 2009 Releases to the Street by Sentence Type		
Sentence Type	Number Releases	Recidivism Rate
State Sentence	92	25%
County Sentence	656	36%
Total Releases	748	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 2009 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 29% of county sentenced females and 49% of state

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

⁶ Lower security includes minimum, 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 2009 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 34% 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 4.1 months, compared to 40.4 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 (36%) than those releasing from a state sentence (25%).

Three-Year Recidivism Rates by Releasing Massachusetts County

Table 7:

Age	Male		Female		Total	
	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
Bristol County	160	49%	18	n.a.	178	46%
Berkshire County	38	47%	4	n.a.	42	45%
Suffolk County	471	44%	106	38%	577	43%
Hampden County	313	44%	17	n.a.	330	43%
Worcester County	262	44%	148	40%	410	42%
Essex County	178	43%	123	40%	301	42%
Middlesex County	236	46%	168	34%	404	41%
Plymouth County	93	45%	75	36%	168	41%
Hampshire County	23	39%	5	n.a.	28	36%
Barnstable County	32	41%	12	n.a.	44	34%
Norfolk County	91	34%	49	27%	140	31%
Dukes County	1	n.a.	0	n.a.	1	n.a.
Franklin County	12	n.a.	1	n.a.	13	n.a.
Nantucket County	1	n.a.	0	n.a.	1	n.a.
Total Releases	1,911	44%	726	35%	2,637	42%

- Of the 2,758 releases in 2009, 96% (n = 2,637) had a self-reported release address in Massachusetts.
- Though they did not have the highest number of recidivists, the counties with the highest recidivism rates overall were Bristol County (46%), Berkshire County (45%), and Suffolk and Hampden Counties (43%).
- The highest recidivism rates for male releases based on release county were released to Bristol County (49%), followed by Berkshire County (47%) and Middlesex County (46%).
- The highest recidivism rates for female releases were released to Worcester and Essex Counties (40%), followed by Suffolk County (38%) and Plymouth County (36%).

Demographic Statistics

Three-Year Recidivism Rates by Race/Ethnicity and Gender⁸

Table 8:

Race/Ethnicity	Males		Females		Total	
	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
African American/Black	613	43%	107	31%	720	41%
Hispanic	611	43%	58	28%	669	41%
Caucasian	762	43%	552	37%	1,314	40%
Asian	13	n.a.	2	n.a.	15	n.a.
Native American/Alaskan Native	7	n.a.	2	n.a.	9	n.a.
Other	4	n.a.	27	30%	31	39%
Total Releases	2,010	43%	748	35%	2,758	41%

- Within three years of their release to the street, male inmates who reported a race of African American/Black, Hispanic or Caucasian all had a recidivism rate of 43%.
- Of the 748 female releases, Caucasian inmates had the highest recidivism rate (37%), followed by African American/Black inmates (31%), “Other” inmates (30%) and Hispanic inmates (28%).

Three-Year Recidivism Rates by Age at Release and Gender⁹

Table 9:

Age	Male		Female		Total	
	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
18 - 24	235	54%	130	40%	365	49%
25 - 29	433	47%	148	38%	581	44%
30 - 34	407	43%	113	42%	520	43%
35 - 39	303	42%	106	34%	409	40%
40 - 44	233	47%	114	32%	347	42%
45 - 49	195	37%	71	34%	266	36%
50 - 54	110	28%	47	15%	157	24%
55 - 59	57	25%	10	n.a.	67	22%
60 or older	37	8%	9	n.a.	46	7%
Total Releases	2,010	43%	748	35%	2,758	41%

- The age of inmates at time of release from the MADOC ranged from 18 years to 85 years. Recidivism rates of the inmates released during 2009 by age at release were statistically significant.
- Male inmates between 18-34 years at time of release had a recidivism rate of 47%, while 38% of males 35 years of age or older at release recidivated within three years of their release to the street.

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

- 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 54%, while the recidivism rate for male offenders age 50 or older was less than half the rate for the youngest offenders (24%).
- Female releases between 18-34 years of age had a recidivism rate of 40%, compared to a rate of 29% 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 10:

Offense Category	Males		Females		Total	
	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
Property	214	57%	233	44%	447	51%
Person	845	52%	120	28%	965	49%
Other	189	39%	215	33%	404	35%
Drug	634	33%	175	31%	809	33%
Sex	128	16%	5	n.a.	133	15%
Total Releases	2,010	43%	748	35%	2,758	41%

- Property offenders had the highest recidivism rate of all offense types for both male and female releases, 57% and 44% respectively.
- The second highest recidivism rate for male releases was person offenders who recidivated at a rate of 52%.
- The second highest recidivism rate for female releases was those who committed an ‘other’ offense with a recidivism rate of 33%.
- 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 11:

Offense Type	Males		Females		Total	
	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
Violent	973	47%	125	27%	1,098	45%
Non-Violent	1,037	39%	623	36%	1,660	38%
Total Releases	2,010	43%	748	35%	2,758	41%

- Non-violent offenders released during 2009 had a recidivism rate of 38% compared to a rate of 45% for violent offenders.

Three-Year Recidivism Rates for Mandatory Drug Offenders and Gender

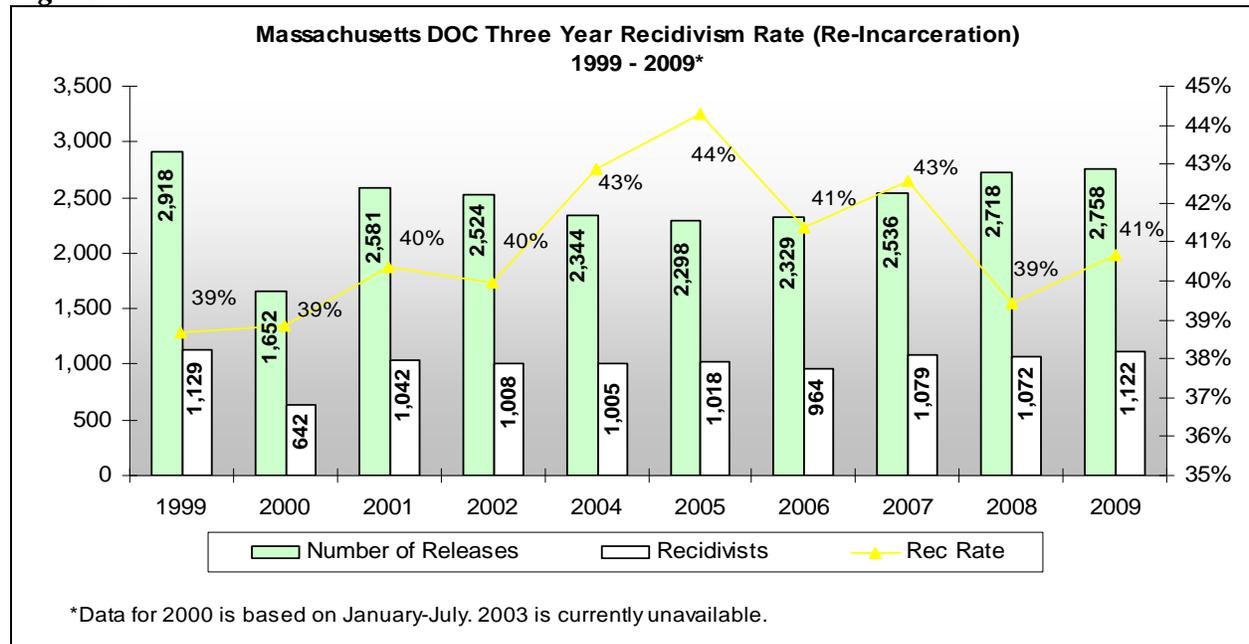
Table 12:

	Males		Females		Total	
Drug Offense Type	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate	Number Releases	Recidivism Rate
Non-Mandatory Drug Offense	297	36%	150	33%	447	35%
Mandatory Drug Offense	337	31%	25	16%	362	30%
Total Releases	634	33%	175	31%	809	33%

- Of the 809 inmates who were serving a governing drug offense at the time of their release, 45% were serving a mandatory drug sentence (n = 362).
- Mandatory drug offenders had a recidivism rate that was significantly lower than the rate of non-mandatory drug offenders, recidivating at a rate of 30%, compared to a recidivism rate of 35% for non-mandatory drug offenders.
- The average time served on their current incarceration for drug offenders was 35.5 months. The non-mandatory drug offenders on average were incarcerated for 26.1 months, compared to mandatory drug offenders who were incarcerated on average for 47 months.

Recidivism Trends 1999-2009

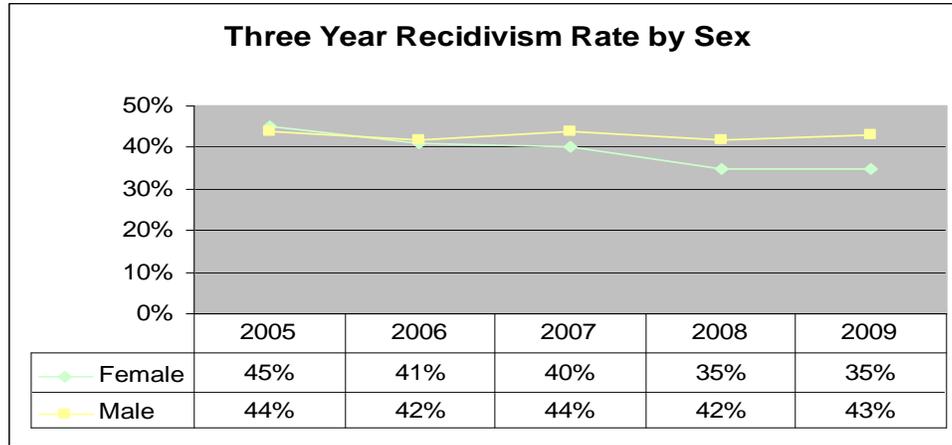
Figure 1:



- The trend in recidivism rates experienced a consistency between 1999 and 2002, ranging from 39% to 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, before increasing to 41% in 2009.

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 10 percentage points in 2008 and 2009 (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, 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 Melanie Arenson, 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.