

**RECIDIVISM AND THE MASSACHUSETTS
DEPARTMENT OF CORRECTION**

A Report On Recidivism Rates for 1998 and 2007

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By

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HIGHLIGHTS

Recidivism rates for 1998 and 2007 releasees from the Massachusetts Department of Correction are analyzed in this report. The following are highlights with page references in parentheses:

- Over the ten year period from 1998 through 2007, the Massachusetts Department of Correction spent over \$5.3 billion on its prison system, i.e., excluding county corrections. (2)
- The recidivism rate in 1998 was 40% and in 2007, the rate was 43%, an increase of 7.5%. (2)
- Returnees to prison for technical violations of parole exceeded those returned for committing new crimes for both years. (2 - 3)
- For both years, prisoners who had been released to the street on parole had higher recidivism rates than those who had been released after their sentences had expired. (3)
- Over 50% of prisoners released to the street from maximum security were returned, while 35% of those released from lower security were returned. (4)
- Caucasian, African/American, and Hispanic prisoners all showed increased recidivism rates, when comparing 1998 with 2007 releasees. (6)
- Prisoners age 35 to 49 had the largest increases in recidivism rates in comparison to other age groups, when comparing 1998 with 2007 releasees. (6)
- The first year after release, with a 50% recidivism rate for 1998 releasees and 59% for 2007 releasees, was the most critical year in the three years of post release. (8)
- In one study of male returnees to Massachusetts prisons, only 27% reported that they had had any vocational or job training while incarcerated. (9)
- Recidivism rates for Massachusetts have fluctuated in a limited range, i.e., 39% to 44% from 1997 through 2008, with an average rate of slightly over 41%. (11 - 12)
- 84% of those presently incarcerated, excluding those serving life sentences, will be eligible for release in the next five years. (12)
- Approximately 7,200 prisoners will be eligible for release in the next five years and nearly 3,000 will be returned to prison at some time within the initial three years after release. (12)

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RECIDIVISM AND THE MASSACHUSETTS DEPARTMENT OF CORRECTION

INTRODUCTION

The Massachusetts Department of Correction (MADOC) defines a recidivist as "any criminally sentenced inmate released to the street from MADOC jurisdiction who is reincarcerated in a Massachusetts state or county facility or a federal facility for a criminal sentence within three years of their release to the street."¹ The MADOC's Office of Strategic Planning and Research has calculated recidivism rates for many years. This report seeks to compare the three year recidivism rates for various categories, as published by the MADOC, for inmates released in 1998² with those released in 2007.³ The MADOC utilized the Massachusetts Criminal Justice Information System (CJIS) to track the criminal activity of those released in the 2007 cohort.⁴ For the 1998 cohort, the MADOC collected information "using the DOC's VAX computer system, DOC Inmate Management System (IMS), CARI files, DOC Inmate Six Part Folders, and through contacting various houses of correction."⁵

Recidivism rates are readily calculable and comparable both in Massachusetts and for other departments of correction across the nation, as evidenced by the numerous and repeated studies conducted by the MADOC and the Bureau of Justice Statistics. The impact of recidivism on public safety and the expending of taxpayers' funds is both immediate and long lasting. Indeed, the success or failure of any department of correction can be defined in terms of reducing recidivism.⁶ For instance, lowering recidivism rates in Massachusetts has been proposed as a "collective goal of the criminal justice system."⁷ In addition, as stated in a report published by the PEW Center On The States:

Prisons serve multiple purposes, including exacting retribution for breaking the law, separating offenders from society so they cannot commit more crimes, deterring the general population from committing crimes and discouraging incarcerated offenders from committing new crimes once they are released. The last goal - avoiding future criminal conduct through deterrence and rehabilitation - is measured by the recidivism rate and has long been considered the leading statistical indicator of return on correctional investment.⁸

Lastly, in one report, the MADOC was challenged to reduce all its goals or objectives to just one: "Decrease recidivism by 2% per year for the next five years."⁹ It was estimated that each 1% reduction would net an annual savings of \$1.3 million.¹⁰

The financial burden placed by the MADOC on taxpayers is substantial. For the ten year period from 1998 through 2007, the MADOC's total budgeted expenses, in constant 2012 dollars, exceeded \$5.3 billion.¹¹ But, according to a study by The VERA Institute, total taxpayer costs for departments of correction are 13.9% higher than budgeted expenses due to underfunded contributions to retiree health care, pension contributions, employee benefits and taxes, and inmate health and hospital care costs.¹² Factoring in that 13.9% underfunding rate, the total MADOC expenses for the same period, in constant 2012 dollars, would exceed \$6 billion. It should be noted that the money spent by the MADOC are for prison expenses only. Thus, the costs to operate the county facilities are not included. County facility costs are not germane to this report as both cohorts under study were comprised of state prisoners only. Recidivism is clearly an important barometer regarding how well the MADOC is accomplishing its mission. In fact, "Many states are taking a hard look at their recidivism rates as a key indicator of the return they receive from their correctional investments."¹³

COMPARATIVE RECIDIVISM RATES IN THE MADOC: 1998 vs 2007 ¹⁴

In the 1998 study, 2,820 inmates were tracked after having been released to the street from the MADOC. Of those 2,820 inmates, 1,131 were reincarcerated over the ensuing three year period for an overall recidivism rate of 40%.¹⁵ In the 2007 study, 2,536 inmates were released to the street from the MADOC. Of those 2,536 inmates, 2,079 were reincarcerated over the three year period subsequent to their releases for an overall recidivism rate of 43%.¹⁶ Thus, the overall recidivism rate for 1998 as compared to 2007 increased by 7.5%, i.e., from 40% to 43%.

The returns to prison for each cohort included both those returned for committing new crimes and those returned for technical violations of parole or probation. Technical violations occur when released inmates violate a condition of parole or probation and are returned to prison, even though they had not been convicted of committing new crimes. Since technical violators are returned to prison and remain until they are released back to the street again, the cost implications of technical violator recidivists are the same as for those returned to prison after having been convicted of committing a new crime. The effect of returning technical violators on recidivism rates is significant. For the 1998 cohort, the recidivism rate excluding technical violators was 35% (985 of 2,820 releasees); the recidivism rate including technical violators was, as noted above, 40% (1,131 of 2820).¹⁷ The number of technical violators exceeded the number returned for new crimes in the 1998 cohort by 146, or 15%. For the 2007 cohort, the recidivism rate excluding technical violator was also 35% (893 of 2,536), but the rate including technical violators was 43% (1,079 of 2,536).¹⁸ The number of technical

violators exceeded the number returned for new crimes in the 2007 cohort by 186, or 21%.

By Type of Discharge:

Releases to the street from the MADOC are either those who are paroled or those sentences have ended [Good Conduct Discharges (GCD)]. Table 1 below presents the three year comparative post release recidivism data for both cohorts broken down for types of discharge. The data are the sum of those returned for new crimes and those returned for technical violations.

TABLE 1

<u>Category</u>	<u>1998 Cohort¹⁹</u>			<u>2007 Cohort²⁰</u>		
	<u># Released</u>	<u># Returned</u>	<u>Rec. Rate</u>	<u># Released</u>	<u># Returned</u>	<u>Rec. Rate</u>
Parole	993	475	48%	907	448	49%
GCD	<u>1827</u>	<u>656</u>	<u>36%</u>	<u>1629</u>	<u>631</u>	<u>39%</u>
Totals	2820	1131	40%	2536	1079	43%

In addition, for the data reported by the MADOC for the 1998 cohort, the recidivism rate for only those released on parole and returned, excluding technical violators, was 34% (338 of 993 releasees), as compared to the recidivism rate for those released on parole and returned to prison, including technical violations, was 48% (475 of 993 releasees).²¹ For the 2007 cohort, the percentage gap was even greater. The recidivism rate for those on parole and returned, excluding technical violators was 30% (276 of 907 releasees); the recidivism rate for those released on parole and returned to prison, including technical violators, was 49% (448 of 907 releasees) ²² Thus, for the 1998 cohort, 137 inmates were returned from parole to prison solely for technical violations. For the 2007 cohort, 172 inmates were returned only for technical violations. The average cost of one year in prison has been estimated at \$45,500. ²³ Using that estimate for the 1998 cohort, the return of 137 parolees for technical violations alone cost in excess of \$6 million for each year those returnees remained incarcerated. For the 2007 cohort, the annual cost exceeded \$7.8 million. The policy of returning technical violators to prison needs a careful review. Suitable cost and safety effective divergent strategies, other than incarceration, need to be found and implemented.

By Security Level

Table 2 below presents the comparative three year post release recidivism data for both cohorts for releases from the different security levels. Prisoners are released to the street from maximum security, medium security, and lower security which includes both minimum and pre-release facilities. Not surprisingly, the recidivism rates increase for those released from lower security to those released from medium security and then to those released from maximum security. The data include both those returned for committing new crimes and those returned for technical violations.

TABLE 2

<u>Category</u>	<u>1998 Cohort²⁴</u>			<u>2007 Cohort²⁵</u>		
	<u># Released</u>	<u># Returned</u>	<u>Rec. Rate</u>	<u># Released</u>	<u># Returned</u>	<u>Rec. Rate</u>
Maximum	132	70	53%	158	97	62%
Medium	1638	682	42%	1543	693	45%
Lower	<u>1050</u>	<u>379</u>	<u>36%</u>	<u>835</u>	<u>289</u>	<u>34%</u>
Totals	2820	1131	40%	2536	1079	43%

When the data for maximum and medium security level releasees are combined, the overall recidivism rate is 42% (752 of 1,770 releasees) for the 1998 cohort and 46% (790 of 1,701 releasees) for the 2007 cohort. In addition, note that the total number of prisoners being released from maximum and medium increased from 752 to 790, while the number released from lower security decreased from 379 to 289. The larger numbers of prisoners being released from maximum and mediums impact public safety given that for the 2007 cohort, 62% of those released from maximum returned as did 45% of those released from medium. This compares to 34% of those released from lower security. The MADOC needs to increase the number of lower security releases by increasing the number of lower security beds. By doing so, higher security prisoners would have better opportunities to successfully transition back into society through lower security facilities.

By Governing Offense When Incarcerated

Comparative recidivism data for three years post release for prisoners released in 1998 and 2007 were calculated based upon the governing offenses for which the prisoners had

been convicted and incarcerated. Table 3 below contains that overall data, i.e., combined for those who were returned for committing new crimes and those who were returned for technical violations.

TABLE 3

<u>Category</u>	<u>1998 Cohort²⁶</u>			<u>2007 Cohort²⁷</u>		
	<u># Released</u>	<u># Returned</u>	<u>Rec. Rate</u>	<u># Released</u>	<u># Returned</u>	<u>Rec. Rate</u>
Person	993	429	43%	855	391	40%
Sex	223	63	28%	131	37	28%
Property	528	270	51%	407	210	51%
Drug	665	231	35%	742	269	36%
Other	<u>411</u>	<u>379</u>	<u>34%</u>	<u>401</u>	<u>172</u>	<u>43%</u>
Totals	2820	1131	40%	2536	1079	43%

The recidivism rates for those convicted of sex and property offenses for 1998 and 2007 releasees were the same, 28% and 51% respectively. There were slight increases for person and drug offenses, while those convicted of other offenses recidivated at a rate which was 26% higher for 2007 releasees than for those released to the street in 1998. Other offenses included: "non-support, unlawful possession of alcohol, trespassing, false alarm of fire, attempt to commit crime, habitual criminal, resisting arrest, bribery, drunkenness and gaming."²⁸

By Race When Incarcerated

Table 4 below presents the comparative three year post release recidivism data for both 1998 and 2007 releasees differentiated by race. The data combine the releasees returned for committing new crimes and those returned for technical violations. The data in Table 4 are also combined for male and female releasees. The race data are broken down by sex in the individual MADOC reports for the 1998 and 2007 releasees. It should also be noted that the data for the Asian and the Other categories are statistically insignificant as there were insufficient data. The data for Caucasians, African-Americans, and Hispanics all showed higher recidivism rates for 2007 releasees than for those released to the street in 1998, albeit the

increase for both of the last two categories was only one percentage point each. The recidivism rate for Caucasians, however, increased by four percentage points, or 10.5%.

TABLE 4

Category	1998 Cohort ²⁹			2007 Cohort ³⁰		
	# Released	# Returned	Rec. Rate	# Released	# Returned	Rec. Rate
Caucasin	1541	581	38%	1363	566	42%
Afr./Amer.	721	333	46%	637	302	47%
Hispanic	546	216	40%	506	205	41%
Asian	6	0	---	9	1	11%
Other	<u>6</u>	<u>1</u>	<u>17%</u>	<u>21</u>	<u>5</u>	<u>24%</u>
Totals	2820	1131	40%	2536	1079	43%

By Age

Table 5 below presents the combined comparative three year post release recidivism data for both 1998 and 2007 releasees differentiated by age at the time of incarceration.

TABLE 5

Category	1998 Cohort ³¹			2007 Cohort ³²		
	# Released	# Returned	Rec. Rate	# Released	# Returned	Rec. Rate
17 - 24	398	190	48%	348	162	47%
25 - 29	580	257	44%	546	240	44%
30 - 34	653	290	44%	424	197	46%
35 - 39	529	224	42%	391	182	46%
40 - 44	341	100	29%	354	157	44%
45 - 49	162	38	23%	260	99	38%
50 - 54	92	21	23%	127	31	24%
55 - 59	36	7	19%	45	5	11%
60+	<u>29</u>	<u>4</u>	<u>14%</u>	<u>41</u>	<u>6</u>	<u>15%</u>
Totals	2820	1131	40%	2536	1079	43%

The age categories which showed the most significant changes in recidivism rates for the releasees in 1998 vs those in 2007 were: 35 - 39, 40 - 44, and 45 - 49. The total number of releasees for those three categories in 1998 was 1,032 or 37% of all releasees for that year. For releasees in 2007, the total for the same three categories was 1,005 or 40% of all releasees for that year. The combined recidivism rate for those categories for the 1998 releasees was 32% (362 of 1,032); for the 2007 releasees, the recidivism rate was 44% (438 of 1,005). That is an increase of 37%, i.e., from 32% to 44%. Clearly, these three age categories need continued study. It must be remembered that the age categories represent the ages of the releasees upon incarceration, not when they were released. Future MADOC recidivism reports should give special attention to those who are incarcerated from the age of 35 to 49 to determine if this trend toward higher recidivism rates has continued. The MADOC might want to consider targeting this age grouping during their incarceration for resources and programming, particularly educational and vocational training. Employment at later ages upon release to the street may be significantly more difficult for this age grouping without particularized skills training.

By Gender

Table 6 below presents the comparative three year post release recidivism data for both 1998 and 2007 releasees differentiated by gender.

TABLE 6

<u>Category</u>	<u>1998 Cohort³³</u>			<u>2007 Cohort³⁴</u>		
	<u># Released</u>	<u># Returned</u>	<u>Rec. Rate</u>	<u># Released</u>	<u># Returned</u>	<u>Rec. Rate</u>
Male	2086	879	42%	1613	707	44%
Female	<u>734</u>	<u>252</u>	<u>34%</u>	<u>923</u>	<u>372</u>	<u>40%</u>
Totals	2820	1131	40%	2536	1079	43%

Similar to the previous category breakdowns, the recidivism rates for those released in 2007 were higher than for those released in 1998. The number of males returned to prison actually decreased for 2007 releasees (707) as to compared to 879 for 1998 releasees. But, the recidivism rate increased from 42% to 44%, a 4.8% increase, due to a lower base, i.e., fewer males being released to the street in 2007 as compared to 1998. The opposite was found for females. The number of females released to the street in 2007 was 372, as compared to 252 females released in 1998. In addition, the total number of females released to the street

increased from 734 in 1998 to 923 in 2007. The recidivism rate for females increased from 34% in 1998 to 40% in 2007, an increase of 17.6%. In 1998, females comprised 26% of the total number of releasees; in 2007, that percentage increased to 36%.

By Year After Release

Table 7 below presents the comparative three year post release recidivism data for both 1998 and 2007 releasees differentiated by year after release, i.e., first year, second year, and third year.

TABLE 7

<u>Category</u>	<u>1998 Cohort³⁵</u>			<u>2007 Cohort³⁶</u>		
	<u># Returned</u>	<u>% of Releasees</u>	<u>% of Ret'd</u>	<u># Returned</u>	<u>% of Releasees</u>	<u>% of Ret'd</u>
1st Year	562	20%	50%	633	25%	59%
2nd Year	355	13%	31%	325	13%	30%
3rd Year	<u>214</u>	<u>8%</u>	<u>19%</u>	<u>121</u>	<u>5%</u>	<u>11%</u>
Totals	1131	40%		1079	43%	
Total # Released	2820			2536		

Returns in the first year after release comprised 50% of the total returnees for the 1998 releasees. This percentage rose to 59% for releasees in 2007. The recidivism rates for those returned in the first year rose from 20% for releasees in 1998 to 25% in 2007. Percentage rates for those returned in the second year after release decreased slightly (31% to 30%), while the third year percentage rate decreased significantly, from 19% to 11%. That at least one half of all returns to prison occur in the first year after release indicates that special efforts and additional funds need to be directed by both the MADOC (prior to release to the street) and the Parole Board (post release) toward assisting releasees in what is their most critical time, i.e., the first year after release to the street. The recidivism rates for the second and third year returnees held constant for the second year (13%) and decreased from 8% to 5% in the third year.

CONCLUSION

Given that \$6 billion were expended by the MADOC from 1998 through 2007, it is fair to ask what have Massachusetts taxpayers received in return? One simple criterion shedding light on that question is the rate at which those who were released from prisons to the street were returned to prison. Determining whether the MADOC has been successful in improving public safety, given the dollars expended and the concomitant opportunity costs lost by not having funds to invest in other services, begins with whether or not the recidivism rates have been reduced.³⁷

The results of comparing the recidivism rates for two separate cohorts, those released to the street in 1998 and those released in 2007, show that, in all categories, the recidivism rate was 7.5% higher for 2007 release than for those in 1998. This increase in the recidivism rate held true for all categories, i.e., age, gender, race, security levels, governing offense, and first year after release. Although the recidivism rate for the third year after release did notably decrease in 2007 as compared to 1998, this is likely a consequence of the larger numbers recidivating in the first year. For both cohorts, at least 50% of all returns occurred in the first year after release. Thus, the MADOC needs to direct more efforts to preparing prisoners to cope with the problems they will confront in the critical first year after release.

In 2008, the MADOC, in conjunction with the Urban Institute, published a study of the experiences of Massachusetts male returnees to prison.³⁸ Participation in prerelease preparation, beginning 1 to 3 months prior to release, was reported by 82% of the returnees. 56%, however, began prerelease preparation 3 to 6 months before release, and 26% began prerelease preparation more than 6 months before release.³⁹ Assuming that those who had begun prerelease preparation six months before release were provided at least six months of preparation, it seems clear that the MADOC needs to intensify its commitment to prerelease preparation programs, including that potential releasees should spend at least six months in intensive preparation for release to the street. This would be facilitated greatly if potential releasees spent at least their last year of incarceration in pre-release facilities. Rushing prisoners through a short program, i.e., three months or less, is not providing whatever the potential releasees need, particularly given that the first year after release is so critical.

Of the 178 returnees surveyed, only 27% reported that they had had any vocational or job training while incarcerated and 46% reported that they had wanted to participate in such training, but had been unable to do so.⁴⁰ Providing opportunities to gain marketable job skills while incarcerated for only slightly over one-quarter of those being released is inadequate. When nearly 50% of those surveyed had wanted to undergo vocational/job training, but were

unable to do so, highlights where the MADOC needs to expand programming resources if releasees can be expected to be employed at a living wage, a critical requirement for living as a productive citizen in society. To drive the point home further, included in the survey were interviews with parole officers who supervised those released to the street on parole. According to those parole officers, 85 - 90% of releasees under their supervision had a "hard time finding meaningful employment" partly because "parolees had very high, often unrealistic expectations and limited education or vocational skills to meet those expectations."⁴¹

One area in which great strides can be made in reducing recidivism rates is the reincarceration of those on parole who are returned for only technical violations. In the study of the 178 returnees, 83 or 47% were returned for technical violations.⁴² Of those returned for technical violations, 53% had failed a drug test, and 33% had failed to timely report to their parole officers. The others were returned for various failures to comply with certain restrictions.⁴³ It must be noted that returning parolees for technical violations cannot be laid at the door of the MADOC. The decision to violate parolees is made by the Parole Board. But, the MADOC absorbs the costs.

Parolees who violate conditions of parole need to face consequences. Returning parolees for technical violations, however, is far too extreme. The Parole Board needs to develop alternative consequences. Two states have done just that by implementing successful programs to reduce recidivism for technical parole violators. In New Jersey, Regional Assessment Centers where parolees are held for 15 to 30 days rather than being returned to prisons was one of many changes implemented to address recidivism. As a result, the percentage of parole violators being returned to prison decreased from 81% to 46%, lowering the prison population between 1999 and 2009 by 19%.⁴⁴ In addition, New Jersey instituted The Halfway Back Program to work with parolees at risk of returning to prison for technical violations. The Halfway Back Program combined with the Assessment Centers saved \$2.2 million for 2009 and \$14 million for 2010.⁴⁵

In Oregon, the number of technical violators reincarcerated dropped precipitously. Technical violators "face an array of graduated sanctions in the community, including a short jail stay as needed to hold violators accountable." This policy cut the percentage of technical violators returned to prison nearly in half.⁴⁶

Returning technical violators to prison has a crippling effect upon a parolee's ability to rejoin society as a productive citizen whenever he/she may be again released. Supporters drift away, whatever employment the parolee may have found is severed, housing, and most, if not all, personal property is sacrificed. It is simply grossly counter-productive and disproportional when nearly one-half of all returnees from parole are reincarcerated for technical violations. Committing new crimes is an obvious reason for returning a parolee to prison as protecting

public safety demands no less. Returning technical violators is, however, not so obvious, but is clearly costly.

Even the Parole Board recognized the negative impact of returning technical violators to prison. In 2013, the Parole Board published a special report of a three year analysis of recidivism for those released to the street in 2009. Both those released on parole and those whose sentences had expired were included. The total sample consisted of 15,689 releasees from state and county facilities - 2,911 had been released on parole and 12,778 had completed their sentences. The good news for the Parole Board was that those released on parole, based on the Parole Board's definition of recidivism, had a lower recidivism rate (23.8%) than those whose sentences had expired (34.9%).⁴⁷ Their conclusion was that: "[I]t appears that parolees are more likely to be rehabilitated upon discharge from supervision than inmates who do not receive parole supervision."⁴⁸ The bad news for the Parole Board, however, is that for their study, recidivism was defined as "incarceration upon conviction of a new offense..."⁴⁹ Thus, technical violators were excluded. Because the Parole Board did not include data on returns for technical violations, the overall recidivism rate, i.e., including the technical violators, cannot be calculated. If those returnees were included, then the recidivism rate for those under parole supervision would surely have exceeded the rate for those not under parole supervision. Not including technical violators is the only way the Parole Board could claim that releases are "more likely to be rehabilitated" when under parole supervision than those who were not afforded that opportunity. The facts simply do not support their self-serving conclusion.

Massachusetts did not fare well in a recent national study on recidivism conducted by the Pew Center On The States. Cohorts of releasees for both 1999 and 2004 were analyzed. Thirty-three states, including Massachusetts, reported data. The study tracked releasees to the street for three years after release, i.e., 1999 - 2002 and 2004 - 2007 respectively. Overall, for the thirty-three states, the recidivism rate declined by 4.8% when comparing 1999 releasees with those for 2004. For Massachusetts, however, the recidivism rate for the 1999 cohort was 38.1%; for the 2004 cohort, it was 42.2%.⁵⁰ That is an increase of 10.8%. Massachusetts was one of only eight states which registered an increase in recidivism rates. Seventeen states reported decreases averaging 9%. The remaining eight states reported no significant change.⁵¹

In 2013, the MADOC published *Prison Population Trends 2012*, a report which included annual recidivism rates from 1997 through 2008. The recidivism rate for 1998 was, as has been noted in the present report, 40% and the rate in 2007 was 43%. Those rates are for two specific years only and may not, necessarily, reflect an overall trend. If both years were anomalies on the high side, then the over \$6 billion spent by the MADOC may have been money well spent. They were not. The highest annual recidivism rate was not for 2007, but for

2005 at 44%. The rate for 2004 equaled 2007, i.e., 43%. The 40% recidivism rate of 1998 was also the same rate for 2001 and 2002, i.e., 40%. The lowest annual recidivism rate was 39% for 1999, 2000, and 2008. Lastly, the rate for 1997 and 2006 was 41%.⁵² Recidivism rates fluctuated from year to year, having decreased from 43% to 39% from 2007 to 2008 as one example. But, the recidivism rates remained within a limited range for the eleven year period, averaging slightly more than 41%. For Massachusetts taxpayers, a relatively constant recidivism rate is a poor return on the billions of dollars spent to fund the MADOC.

The impact of a 41% recidivism rate on public safety is highlighted by the results of another MADOC report. In October 2012, the MADOC published an *Analysis of Inmate Eligible For Release Within Next 5 Years*. According to that report, 7,166 criminally sentenced prisoners will be eligible to be released before August 1, 2017. This number excludes those serving life sentences.⁵³ Assuming an average recidivism rate of 41.3%, 2,959 of those released prisoners will return to prison. Based on the 2007 recidivism rates by governing offenses listed in Table 3 on page 5 *supra*, the number of offenders to be returned to prison over the next five years is estimated in Table 8 below:

Table 8

<u>Offenses</u>	<u># Eligible For⁵⁴ Release</u>	<u>Expected Rec. Rate</u>	<u>Estimated # to be Returned</u>
Person	2,699	46%	1,242
Drug	1,965	36%	707
Sex	889	28%	249
Property	844	51%	430
Other	<u>769</u>	<u>43%</u>	<u>331</u>
Totals	7,166	41.3%	2,959

Ultimately, it is up to the taxpayers of Massachusetts, and the legislators who represent those taxpayers, to determine whether or not having nearly 3,000 releasees to the street returned to prison protects public safety. While public safety may be enhanced during the time offenders are incarcerated, few offenders do not return to society at some time. In fact, 84% of those serving criminal sentences now will be eligible for release within the next five years, and that excludes those serving life sentences.⁵⁵ The question that needs to be considered is: How well will that 84% of prisoners be prepared to rejoin society as productive citizens? The mission of the MADOC should be directed primarily to answering that question such that returning offenders are given every opportunity to be ready to reintegrate and not return. A zero recidivism rate is unrealistic, but lowering the present 39% to 44% rate significantly is not. What

is needed is that the MADOC dedicate substantially more of its resources toward reducing recidivism. As it is clear by the results over the past decade and more, that has not been, and is not currently, the case. The MADOC must be held accountable by those who determine policy and control the purse-strings for what is produced by the expending of billions of taxpayer dollars. Presently, the MADOC fails over 40% of the time. No corporation could remain in business with such a dismal record. Other states have taken steps to reduce recidivism and, thereby, have saved millions of dollars which could then be directed to other worthy areas such as education, pre-school programs, health care, and infrastructure improvements. So, the task is not impossible and the paths have been illuminated. Now, the MADOC needs to find the will to commit to reducing recidivism, with a hefty push from those most affected, the taxpayers and the legislators who serve them.

END NOTES

1. Kohl, Rhiana, Ph.D. with Ashley Montgomery and Hollie Matthews. *Recidivism Rates of 2007 Release Cohort*. Massachusetts Department of Correction. April 2012 at 1.
2. Kohl, Rhiana, Ph.D. and Hollie Matthews Hoover. *Recidivism of 1998 Released Department of Correction Inmates*. Massachusetts Department of Correction. June 2004 at 1.
3. Kohl, *Recidivism Rates 2007 ... supra*.
4. *Id* at 1.
5. Kohl, *Recidivism of 1998. supra* at 1.
6. Pew Center On The States. *State of Recidivism: The Revolving Door of America's Prisons*. The PEW Charitable Trusts. Washington, D.C. April 2011 at 27.
7. Engel, Len. *Priorities and Public Safety: Reentry and the Rising Costs of Our Corrections System*. The Crime and Justice Institute. Boston, 2009 at 24.
8. PEW Center On The States, *supra* at 6.
9. Haas, Gordon. *Massachusetts Department of Correction - 2012*. March 2013 at 16. See: www.realcostofprisons.org for the full report.
10. *Id*.
11. Forman, Benjamin and John Larivee. *Crime, Cost, and Consequences: Is It Time to Get Smart on Crime?* MassINC and Community Resources For Justice. Boston. March 2013 at 13, Figure 3. See: massinc.org @ [massinc](http://massinc.org). Total calculated by the author of this report.
12. Henrichson, Christian and Ruth Delaney. *The Price of Prisons: What Incarceration Costs Taxpayers*. The Vera Institute of Justice. New York. July 2012 at 6. See: www.vera.org.
13. PEW Center On The States. *supra* at 6.
14. The data presented in the various tables in this report, except for Table 6, combine data for male and female releasees. The data in each of the 1998 and 2007 MADOC reports differentiate the data by sex.
15. Kohl, *Recidivism of 1998 ... supra* at ii.
16. Kohl, *Recidivism of 2007 ... supra* at 3.
17. Kohl, *Recidivism of 1998 ... supra* at 20.
18. Kohl, *Recidivism of 2007 ... supra* at 3.
19. Kohl, *Recidivism of 1998 ... supra* at 20.
20. Kohl, *Recidivism of 2007 ... supra* at 3.
21. Kohl, *Recidivism of 1998 ... supra* at 20.

22. Kohl, *Recidivism of 2007 ... supra* at 3.
23. Forman, *Crime, Cost, and Consequences ... supra* at 12.
24. Kohl, *Recidivism of 1998 ... supra* at 11. The numbers returned were calculated by the author based upon the numbers released and recidivism rates are reported by the MADOC.
25. Kohl, *Recidivism of 2007 ... supra* at 6. The numbers returned were calculated by the author based upon the numbers released and recidivism rates are reported by the MADOC.
26. Kohl, *Recidivism of 1998 ... supra* at 17. The numbers returned were calculated by the author based upon the numbers released and recidivism rates are reported by the MADOC.
27. Kohl, *Recidivism of 2007 ... supra* at 8. The numbers returned were calculated by the author based upon the numbers released and recidivism rates are reported by the MADOC.
28. Kohl, *Recidivism of 1998 ... supra* at 61.
29. Kohl, *Recidivism of 1998 ... supra* at 17. The numbers returned were calculated by the author based upon the numbers released and recidivism rates are reported by the MADOC.
30. Kohl, *Recidivism of 2007 ... supra* at 7. The numbers returned were calculated by the author based upon the numbers released and recidivism rates are reported by the MADOC.
31. Kohl, *Recidivism of 1998 ... supra* at 17. The numbers returned were calculated by the author based upon the numbers released and recidivism rates are reported by the MADOC.
32. Kohl, *Recidivism of 2007 ... supra* at 8. The numbers returned were calculated by the author based upon the numbers released and recidivism rates are reported by the MADOC.
33. Kohl, *Recidivism of 1998 ... supra* at 19.
34. Kohl, *Recidivism of 2007 ... supra* at 4.
35. Kohl, *Recidivism of 1998 ... supra* at 19. The return percentages were calculated by the author based upon the recidivism data as reported by the MADOC. The % # of Releases for 1998 add to 41% due to rounding. The total for 1998 remains 40% (1131 / 2820).
36. Kohl, *Recidivism of 2007 ... supra* at 4. The return percentages were calculated by the author based upon the recidivism data as reported by the MADOC.
37. PEW Center. *State of Recidivism ... supra* at 27.
38. Brooks, Lisa, Amy L. Solomon, Rhiana Kohl, et al. *Reincarcerated: The Experiences of Men Returning to Massachusetts Prisons*. MADOC in conjunction with The Urban Institute of Washington, D.C. April 2008.
39. *Id* at 11.
40. *Id* at 10.
41. *Id* at 32.

42. *Id* at 5.
43. *Id* at 31.
44. Forman, Benjamin. *Crime, Cost, and Consequences ... supra* at 24.
45. *Pruning Prisons: How Cutting Corrections Can Save Money and Protect Public Safety*. Justice Policy Institute, Washington, D.C. May 2009 (www.justicepolicy.org) at 13.
46. The PEW Center. *State of Recidivism ... supra* at 20.
47. Anderson, Shawna. *Massachusetts Parole Board Three-Year Recidivism Analysis: 2009*. December 2013 at 2.
48. *Id* at 4.
49. *Id* at 1.
50. The PEW Center. *State of Recidivism ... supra* at 9 - 10.
51. Forman, Benjamin. *Crime, Cost, and Consequences ... supra* at 20.
52. Kohl, Rhiana, Ph.D. *Prison Population Trends 2012*. MADOC, Publication No. 13-133-DOC-01 at 46. See: www.mass.gov/doc
53. Moniz, Matthew and Daniel Feagans. *Analysis of Inmates Eligible For Release Within Next 5 Years*. MADOC Publication No. 13-283-DOC-01 at 3. See: www.mass.gov/doc
54. *Id*
55. *Id* at 3.