



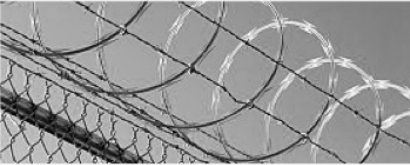
# CSG JUSTICE CENTER—MASSACHUSETTS CRIMINAL JUSTICE REVIEW

*Working Group Meeting 3 Interim Report, July 12, 2016*

The Council of State Governments Justice Center

*Interim report prepared by: Katie Mosehauer, Project Manager; Steve Allen, Senior Policy Advisor, Behavioral Health; Monica Peters, Research Manager; Cassandra Warney, Policy Analyst.*

Corrections



Justice Reinvestment



Mental Health



Reentry



Substance Abuse



Youth



Courts



Law Enforcement



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THE COUNCIL OF STATE GOVERNMENTS

Justice Center provides **practical, nonpartisan advice** informed by the best available evidence.

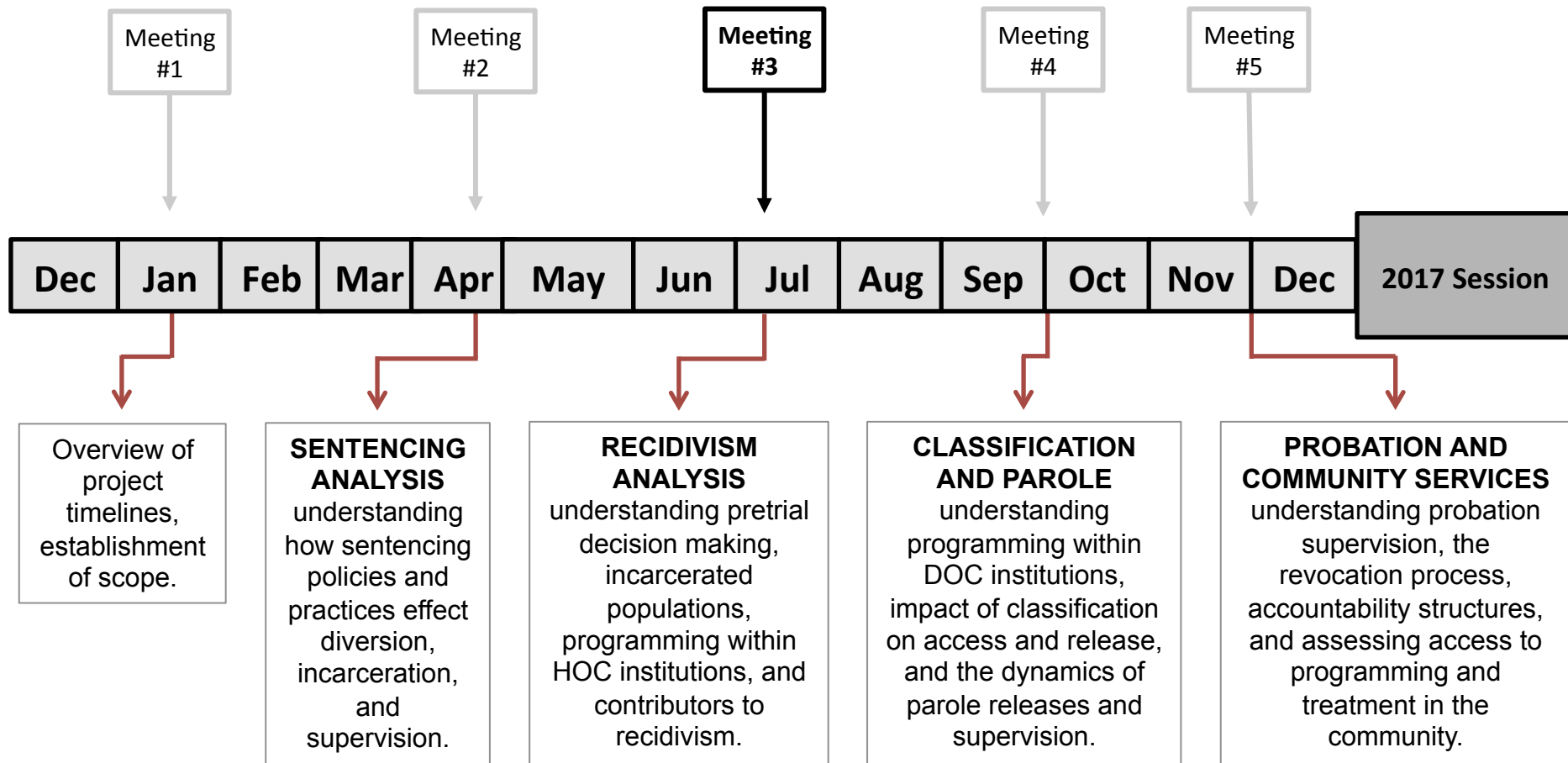


# JUSTICE REINVESTMENT

*A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety*

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** and **The Pew Charitable Trusts**

# Massachusetts Justice Reinvestment Timeline



## Recap of April Presentation

**A small group of people are responsible for the majority of criminal justice activity in the commonwealth and there are opportunities to better identify these people and prioritize the appropriate system responses; including supports, services, and treatment.**

1

People with previous justice system involvement are responsible for three-quarter of new convictions.

2

Motor vehicle and property offenses generate a large volume of short sentences to HOC and over half of these are for short sentences where there is limited opportunity for programming or formal support for them during incarceration or after release.

3

Sentencing practices impact whether people sentenced to incarceration receive post-release supervision.

# Topics covered in today's presentation

## PRETRIAL

### PRESENTED TODAY

### INCLUDED IN RESEARCH ADDENDUM

Snapshot of jail and detainee populations	Trends in jail and detainee populations
Discussion of release decision making	Demographic analysis of jail and detainee populations
Analysis of no bail holds	

## INCARCERATED POPULATIONS & RECIDIVISM

### PRESENTED TODAY

### INCLUDED IN RESEARCH ADDENDUM

HOC and DOC recidivism rates for re-arraignment, re-conviction, and re-incarceration	Snapshot and trend information for HOC and DOC populations
HOC recidivism rates by age and risk level	Mandatory incarceration sentences among DOC populations
Programming “best practices” and impacts on recidivism	Demographic analysis of incarcerated populations
Impact of post-release supervision on HOC and DOC recidivism	Follow-up analysis on CWOFF outcomes
Impact of DOC classification on recidivism	

# Definitions used in this presentation

**County Jail Population** – Individuals held in county facilities who are either awaiting trial, awaiting a probation violation hearing, or are on a federal or ICE hold.

**DOC Detainees** – Individuals held apart from the sentenced DOC population, most often females awaiting trial or being held for an alleged probation supervision violation when local HOCs do not have capacity to house female detainees. DOC detainee populations may also include 52As from some counties.

**Recidivism** – A return to criminal justice system involvement for either a new offense or a supervision revocation. This presentation uses three measures of recidivism—re-arraignment, re-conviction, and re-incarceration.

**HOC Cohort** – A set of individuals serving a county sentence and released to the community from a HOC facility within a given fiscal year.

**DOC Cohort** – A set of individuals serving a state prison sentence and released to the community from a DOC facility within a given fiscal year.

**Re-Arraignment Rate** – The most sensitive measure of criminal justice system involvement, this is the percent of a cohort of individuals released from incarceration with a subsequent court arraignment occurring one, two, or three years following release. Includes dismissed cases, Continuing Without a Finding (CWO) dispositions, or guilty convictions. Re-arraignment is used in this context as a proxy for re-arrest.

**Re-Conviction Rate** – Percent of a cohort of individuals released from incarceration with a subsequent guilty finding occurring one, two, or three years following release (does not include CWO dispositions). Both the date of arraignment and date of conviction must occur after the date of release to be considered a re-conviction.

**Re-Incarceration Rate** – Percent of a cohort of individuals released from incarceration subsequently returning to incarceration in a county (HOC) or state (DOC) facility on a new offense or violation of supervision within one, two, or three years of release.

**Supervision** is defined as a form of post-release community oversight of individuals under correctional control and includes probation, community corrections or parole.

**Risk of recidivism, or “risk,” refers to the likelihood that an individual will come in contact with the criminal justice system again.**

An individual’s level or risk is determined by risk assessment tools that help sort individuals into low-, medium-, and high-risk groups.

Objective risk assessments have been shown to be more consistently predictive of recidivism risk than professional judgment.

Individual assessors must be carefully trained and the reliability of risk assessment tools must be routinely validated to ensure accuracy.

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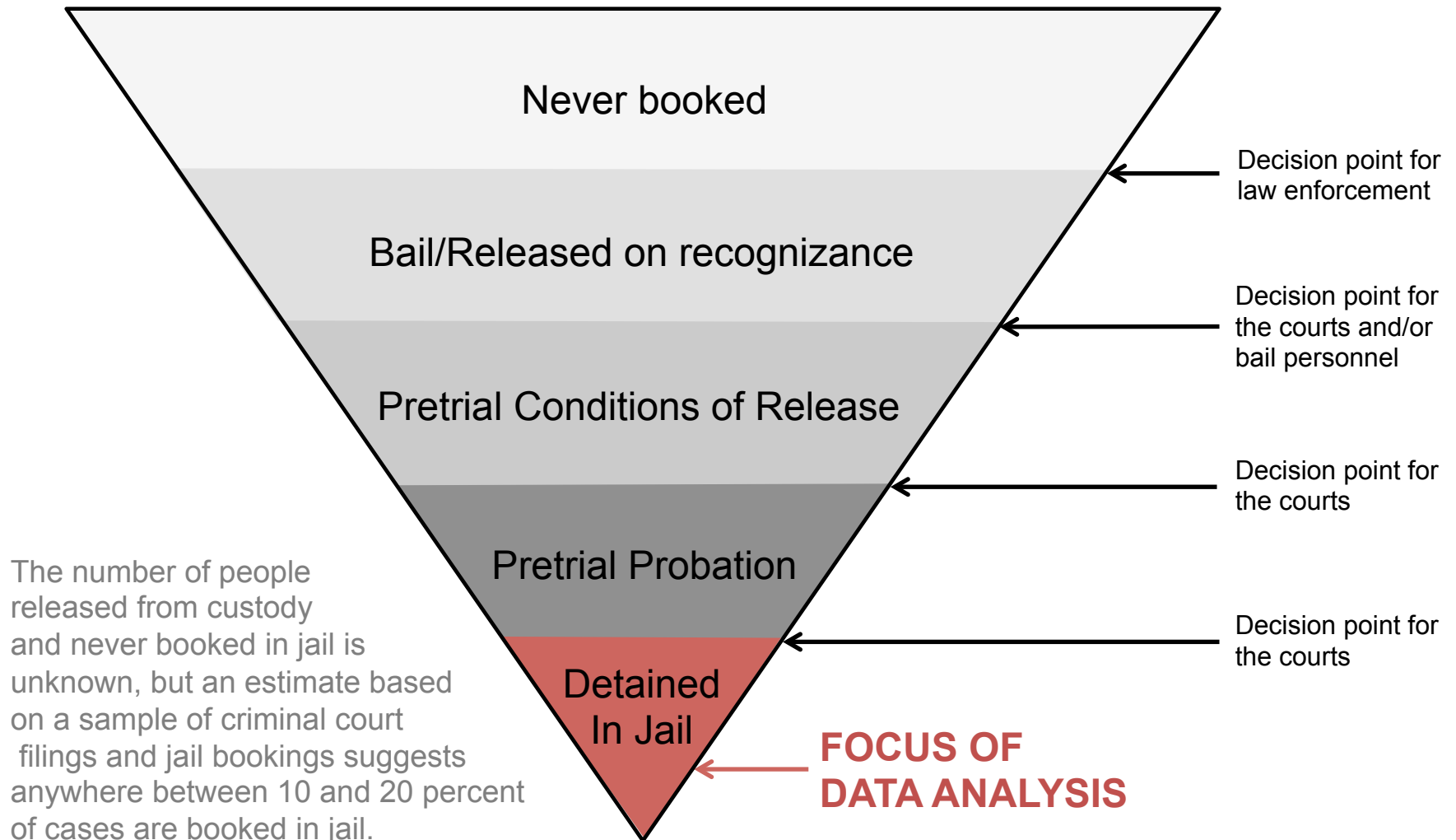
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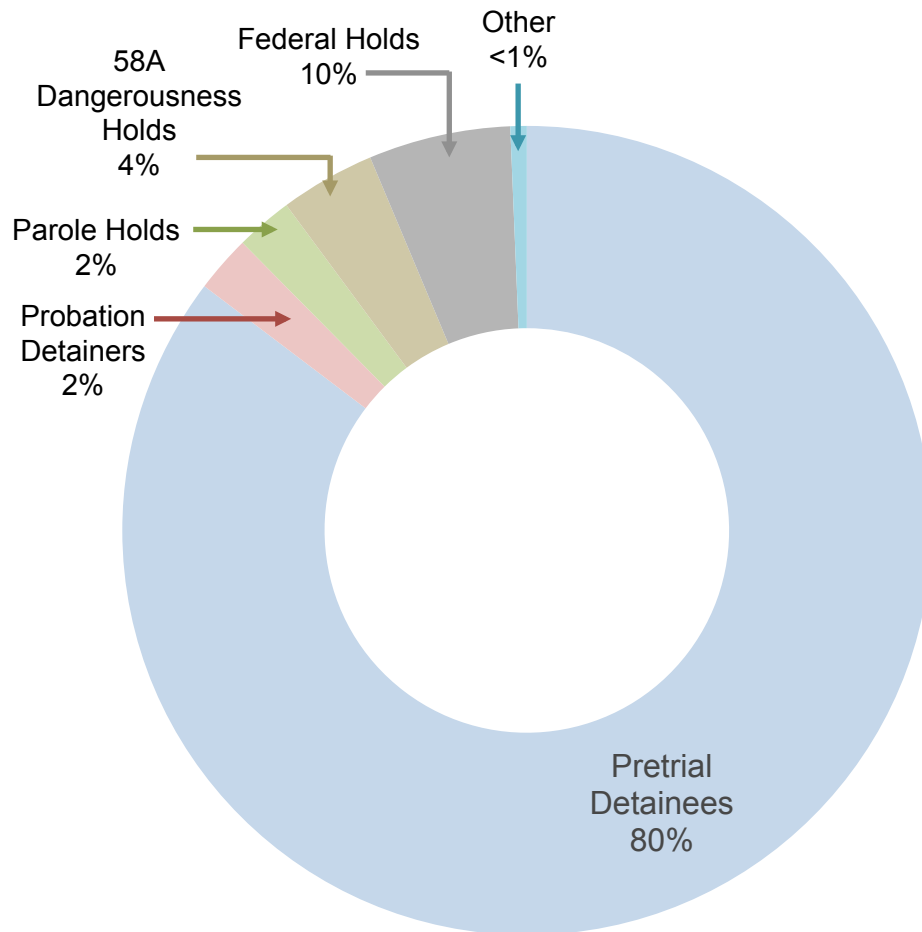
While individuals detained pretrial are the largest portion of jail populations, there are a number of options considered before incarceration



In a sample of counties, 9 out of 10 people held in jail were pretrial or on a probation detainer

### COUNTY JAIL POPULATION SNAPSHOT

June 30, 2015 Barnstable, Bristol, Hampden, Middlesex, Plymouth and Suffolk County Jails  
N=3,455



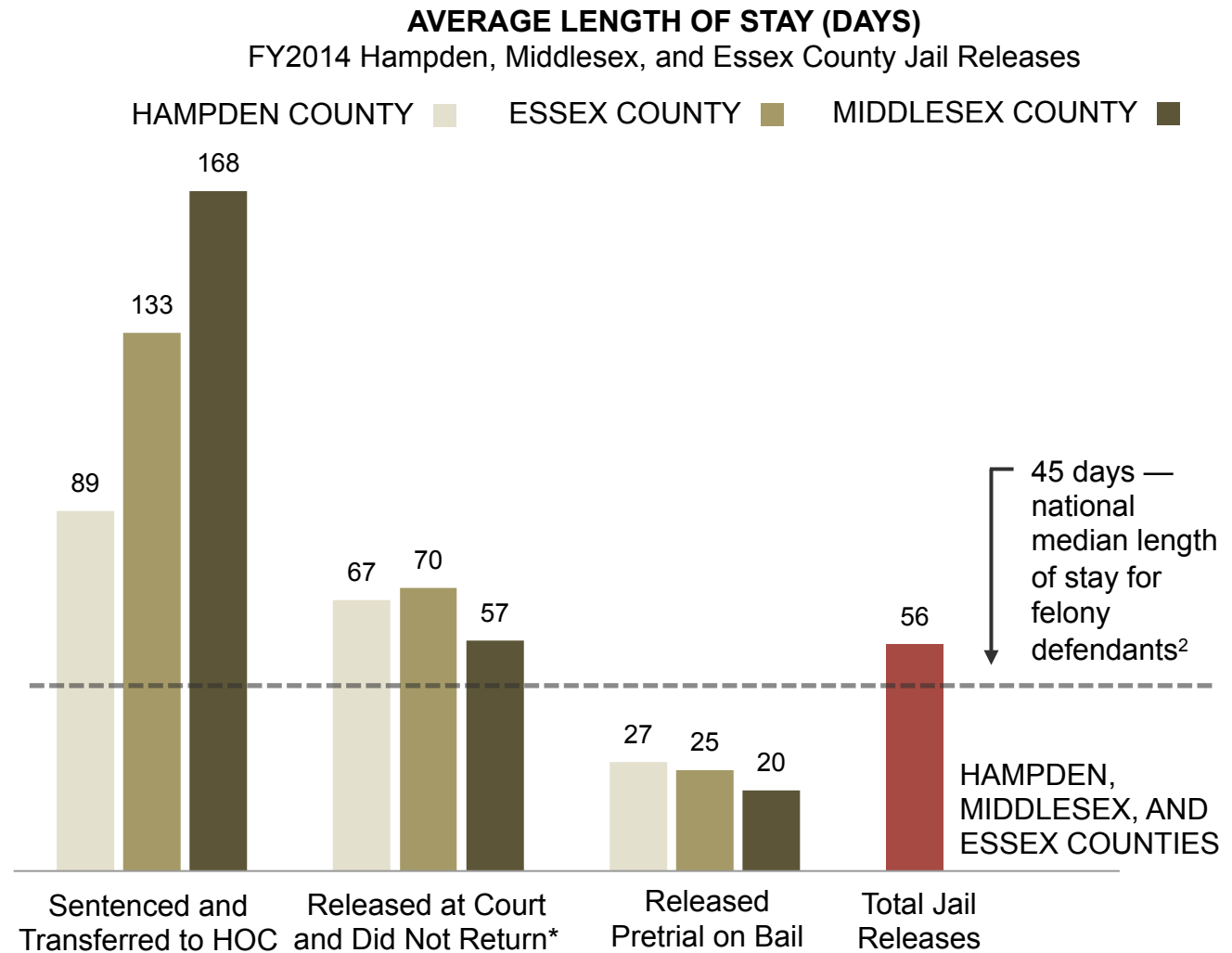
	PRETRIAL DETAINÉES	PROBATION DETAINERS	PAROLE HOLDS*	FEDERAL HOLDS*
<i>Barnstable</i> N = 169	100%	0%	0%	0%
<i>Bristol</i> N = 584	100%	0%	0%	0%
<i>Hampden</i> N = 515	89%	4%	1%	3%
<i>Middlesex</i> N = 849	91%	<1%	8%	0%
<i>Plymouth</i> N = 522	67%	<1%	<1%	32%
<i>Suffolk</i> N = 816	69%	7%	1%	22%

\*Parole Holds and Federal Holds may be held in a House of Correction or county jail facility.

CSG Justice Center County Survey, June, 2016; CSG Justice Center analysis of Hampden county jail data.

In sample counties, jail releases stayed an average of nearly 60 days, with much longer stays for individuals eventually sentenced to an HOC

Over 55 percent of defense attorney survey results cited waiting for discovery or forensic results (e.g. drug lab results) as significant contributors to long lengths of time leading up to trial or disposition.<sup>1</sup>

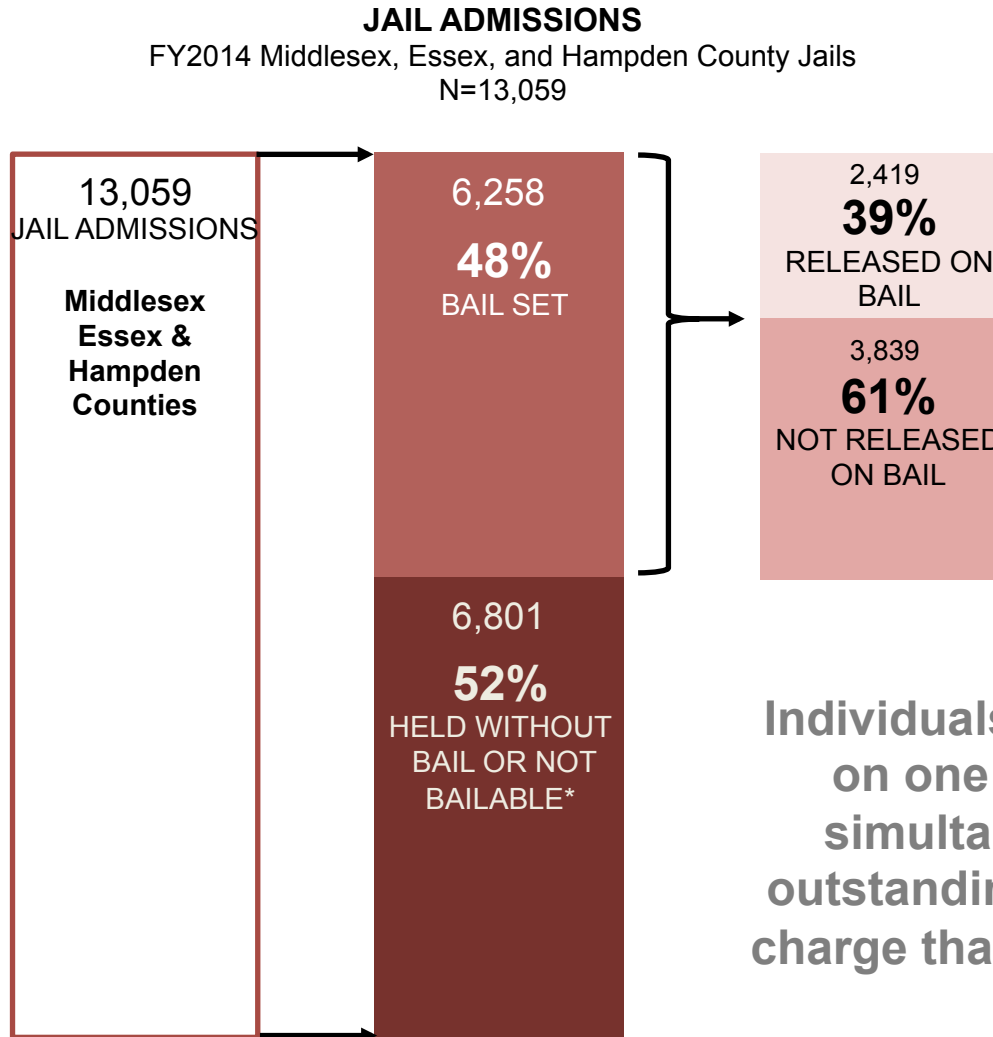


<sup>1</sup> CSG Justice Center survey of Massachusetts Defense Attorneys, June 2016.

<sup>2</sup> BJA <http://www.bjs.gov/content/pub/pdf/prfdsc.pdf>. Nationally, median number of days from arrest to adjunction is 45 days for detained defendants charged with felonies.

CSG Justice Center analysis of FY2014 Middlesex, Essex and Hampden county jail data.

In sample counties, nearly half of individuals have bail set, but also have other legal issues that preclude them from being released

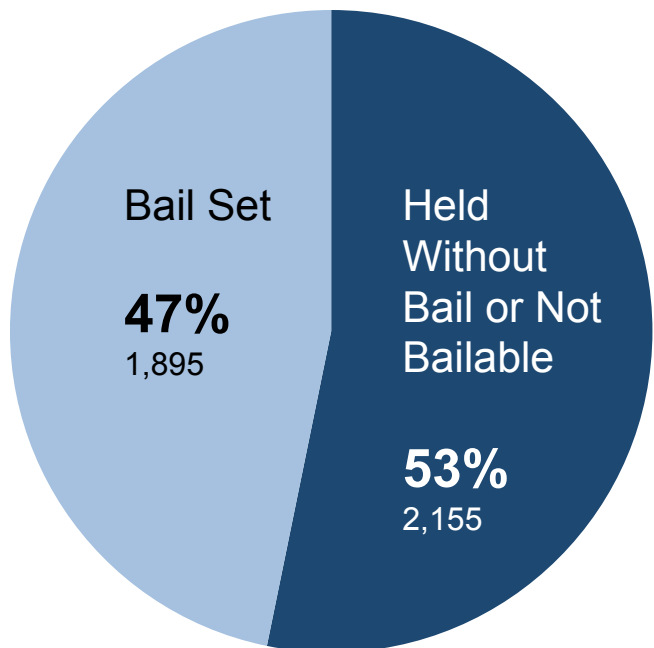


Individuals may have bail set on one charge but also simultaneously have an outstanding warrant or other charge that is not bail eligible.

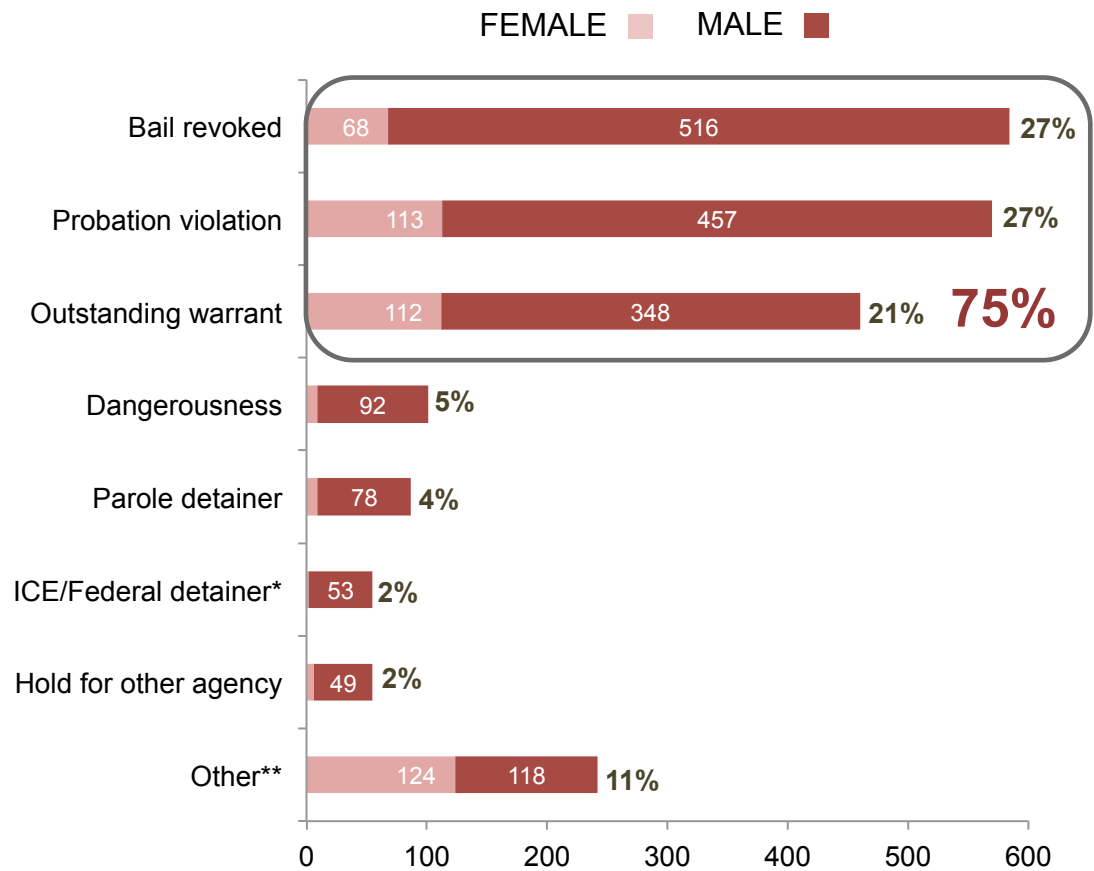
\*A person who is not bailable could have been revoked on bail, held on a probation detainer or have outstanding warrants.  
CSG Justice Center analysis of FY 2014 Middlesex, Essex and Hampden county jail data.

# In a sample county, jail admissions held without bail were primarily the result of bail revocations, probation violations, and outstanding warrants

**COUNTY JAIL ADMISSIONS**  
FY2014 Hampden County Jail Admissions  
N = 4,050



**REASONS FOR HOLDING WITHOUT BAIL**  
FY2014 Hampden County Jail Admissions  
N = 2,155



\*Regulations around holding ICE and other federal holds changed in 2014. These numbers have likely declined in subsequent years.

\*\*The "Other" category represents instances in which court documents provided to Hampden County had incomplete information on the reason for being held without bail.

Reasons why people were held without bail were not available in Middlesex and Essex County.

CSG Justice Center analysis of FY2014 Middlesex, Essex and Hampden county jail data.

Jail release decisions are made without the assistance of an objective, research-driven tool

**DECISIONS TO RELEASE OR DETAIN** are based on an assessment of an individual's risk of failing to appear, but that assessment is largely subjective and **not data-driven**.

**PRETRIAL PROBATION AND CONDITIONS OF RELEASE** are established without the benefit of an objective assessment of the individual's likelihood of pretrial misconduct, and as a result, supervision and any attached conditions **may not be appropriately targeted or be effective**.

**REASONS FOR DENYING BAIL** are initially **driven by broad categories within state statute** rather than by individual assessment of an individual's risk.

**DETERMINING WHO SHOULD BE CONSIDERED FOR A DANGEROUSNESS HEARING** is in the discretion of the prosecutor and **not informed by an individualized and data-driven assessment**.

There are a number of different types of tools that can assist the pretrial decision-making process

**Pretrial risk assessment tools provide guidance on how to weigh individual risk factors to construct a validated, predictive risk score to inform decisions to detain or release.**

## **PRETRIAL RISK ASSESSMENT GOALS VARY BY STATE**

Tools generally focus on predicting failure to appear, dangerousness, pretrial misconduct, or a combination of these factors. Common domains considered to construct a risk profile include: pending charges, criminal history, past failure to appears, employment and residence history, and past or current mental health issues and/or substance abuse.

There is overlap in the domains considered in Massachusetts and in pretrial risk assessment tools. However, there is no guidance in statute on how these factors should be weighed or to what extent they are predictive of future behavior.

Examples of pretrial risk assessment tools across the country include:

Virginia Pretrial Assessment Instrument (VPRAI)

Colorado Pretrial Risk Assessment Tool (CPAT)

Ohio Risk Assessment System – Pretrial Assessment Tool (ORAS-PAT)

“Arnold Tool” Public Safety Assessment (PSA)

Massachusetts General Laws Chapter 276 Section 58, VPRAI <http://www.dcjs.virginia.gov/corrections/riskAssessment/assessingRisk.pdf>; CPAT <http://www.pretrial.org/download/risk-assessment/CO%20Pretrial%20Assessment%20Tool%20Report%20Rev%20-%20PJ%202012.pdf>; ORAS-PAT: [http://www.ocjs.ohio.gov/ORAS\\_FinalReport.pdf](http://www.ocjs.ohio.gov/ORAS_FinalReport.pdf); PSA: <http://www.arnoldfoundation.org/initiative/criminal-justice/crime-prevention/public-safety-assessment>

# KEY FINDINGS FROM JAIL AND DOC DETAINEE ANALYSIS

- Decisions to release or detain, bail amounts, conditions of release, pretrial probation, and when to hold a dangerousness hearing are not informed by individualized, objective, research-driven assessments of risk of flight or pretrial misconduct.
- Nearly half of jail admissions in a sample of counties are not eligible for bail or release on recognizance, primarily as a result of bail revocations, outstanding warrants, or probation violations.
- Lengths of stay varied significantly across three sample counties.
- Probation detainers account for less than 10 percent of jail populations in sample counties.

# DISCUSSION

**Decisions to release or detain following arrest/arraignment are critical to not only ensure that people who are most at risk of failing to appear, engage in pretrial misconduct, or who pose a danger to the community are detained but also to avoid the expense and collateral consequences of incarcerating people who do not pose such risks.**

Do you think an objective, research-driven tool would help or hinder the pretrial decision-making process in Massachusetts?

Aside from a pretrial assessment tool, are there additional resources you think would benefit system efficiency and the protection of public safety?

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# Overview of data used in recidivism analysis

## **Houses of Correction (HOC)**

HOC data included in this analysis was obtained from the Parole Board's SPIRIT database and includes information on commitments and commitment closures statewide. This data was combined with parole supervision data, also obtained from the Parole Board, to create a release date. Demographic information was available in the dataset, as well as LSCMI risk assessment information for a portion of the population with sentences of at least 60 days.

## **Department of Correction (DOC)**

DOC data included in this analysis was obtained from the DOC database and includes information on admissions, releases, and snapshot populations for criminal, pre-trial, and civil commitment cases. The data files were built and extracted by DOC research staff to include sentence and offense information (criminal cases only), admission and release types, length of stay, demographic information, and the court from which the sentence came. COMPAS risk scores for FY2014 releases were also provided by the DOC Reentry and Programs Division.

## **Criminal Offender Record Information (CORI)**

Also known as a Board of Probation record (BOP), this data includes criminal history information. The data includes information on all arraignments, resulting in conviction or otherwise, and included the type of disposition on the case (i.e. dismissal, CWO, guilty with no incarceration, not guilty, guilty with incarceration). CORI data was obtained from EOPSS using a batch file-matching process. Using an individual's unique state identifier PCF number, CORI information was obtained on the HOC and DOC releases to be tracked.

## Additional background on the Parole SPIRIT data used for HOC recidivism analysis

- The Parole Board's SPIRIT data is the only statewide data source available for HOC admissions and releases and was therefore used for analysis of HOCs. Without the Parole Board's capture of this information in a single, unified data source, analysis of statewide HOC populations would not be possible.
- The Parole Board's SPIRIT data should be considered a "proxy" for HOC populations. The data captured in SPIRIT is not entered or maintained by sheriff's offices. The database primarily functions through the lens of parole and parole eligibility, not as a case management system for HOC facilities.
- A comparison of single day snapshot population figures using Middlesex, Essex, and Hampden county HOC datasets and the Parole Board's SPIRIT data for these counties show that approximately 90% of the population is captured in SPIRIT. A comparison of the number of releases was slightly lower – approximately 85% capture rate.
- Based on information available in SPIRIT, sentences of less than 60 days are excluded from length of stay analysis.
- In addition to the Justice Reinvestment project, the Parole Board's SPIRIT HOC data, in combination with BOP records from the CORI database, is also used by the DOC in calculating county incarceration for recidivism purposes, which is done on an annual basis.

Three measures of recidivism were analyzed for HOC and DOC populations to provide a system perspective from the minimum threshold of criminal justice involvement to the most serious

#### EXAMPLES OF RECIDIVISM

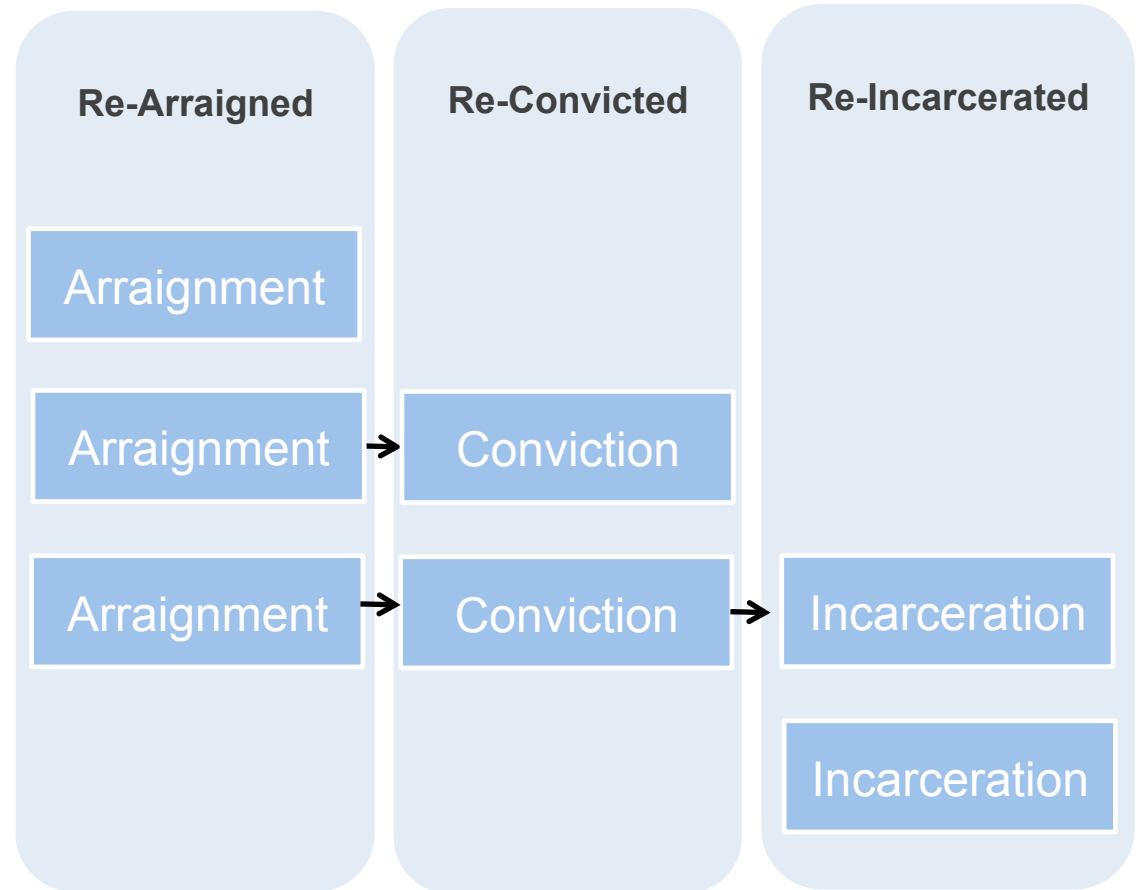
**Individuals can fall in multiple categories of recidivism:**

Re-arraignment only

Re-arraignment &  
Re-conviction

Re-arraignment, re-conviction,  
and re-incarceration

Re-incarceration only  
(supervision revocation)



Arraignment includes dismissed cases, Continued Without a Finding (CWOF) dispositions, or guilty convictions. Re-arraignment is used in this context as a proxy for re-arrest, as arrest data is not available in a format that can be analyzed for this type of analysis at this time.

The first re-arraignment, re-conviction, and re-incarceration during the tracking period was selected.

At the beginning of the project, the Justice Center found that few measures of recidivism were regularly tracked or reported

		TYPE OF NEW SYSTEM INTERACTION			
		Re-Arrest/ Arraignment	Supervision Violation	Re- Incarcerated	Re- Conviction
Population	Pretrial	Information not reported			
	Probation	Tracked internally		Information not reported	
	Houses of Correction	Some individual counties tracking and reporting, but no regular statewide tracking or reporting			
	Department of Correction	Information not reported	Reported annually in a published report		Previously reported, not as of 2008
	Parole	Re-arrest only reported if it results in a return to incarceration	Reported annually in a published report		Re-conviction only reported if it results in a return to incarceration

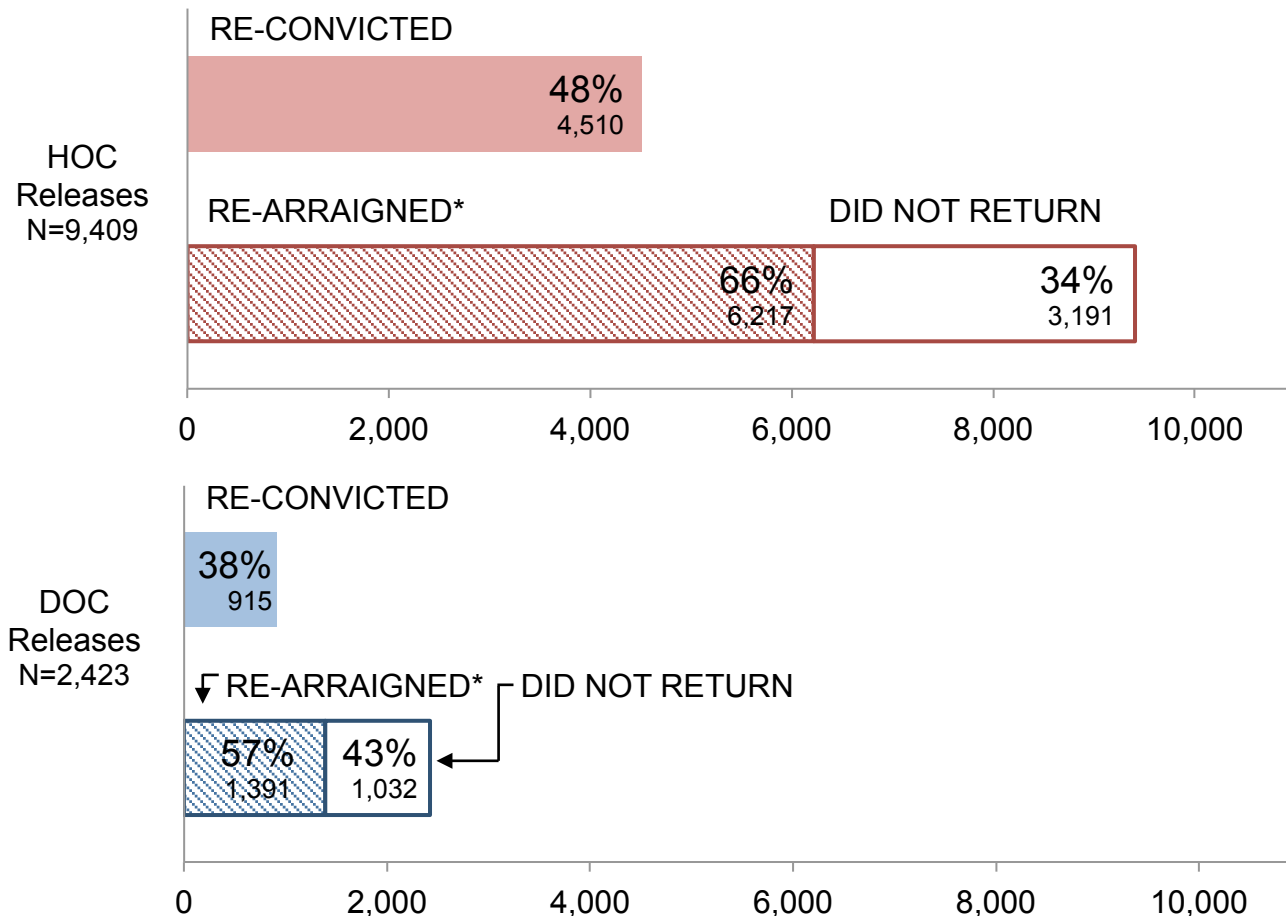
\*Does not include MA's recent involvement in the Results First Initiative, which produced re-conviction rates for HOC, DOC, probation, and parole populations

# Within three years of release, two thirds of individuals leaving HOCs and over half of those leaving DOCs had new criminal justice system involvement

## RE-CONVICTION OR RE-ARRAIGNMENT IN THREE YEARS

FY2011 DOC and HOC Releases to the Community

N=11,832



Re-Arraignment	HOC	DOC
One Year	42%	31%
Two Year	58%	48%
Three Year	66%	57%
Re-Conviction	HOC	DOC
One Year	20%	11%
Two Year	37%	26%
Three Year	48%	38%

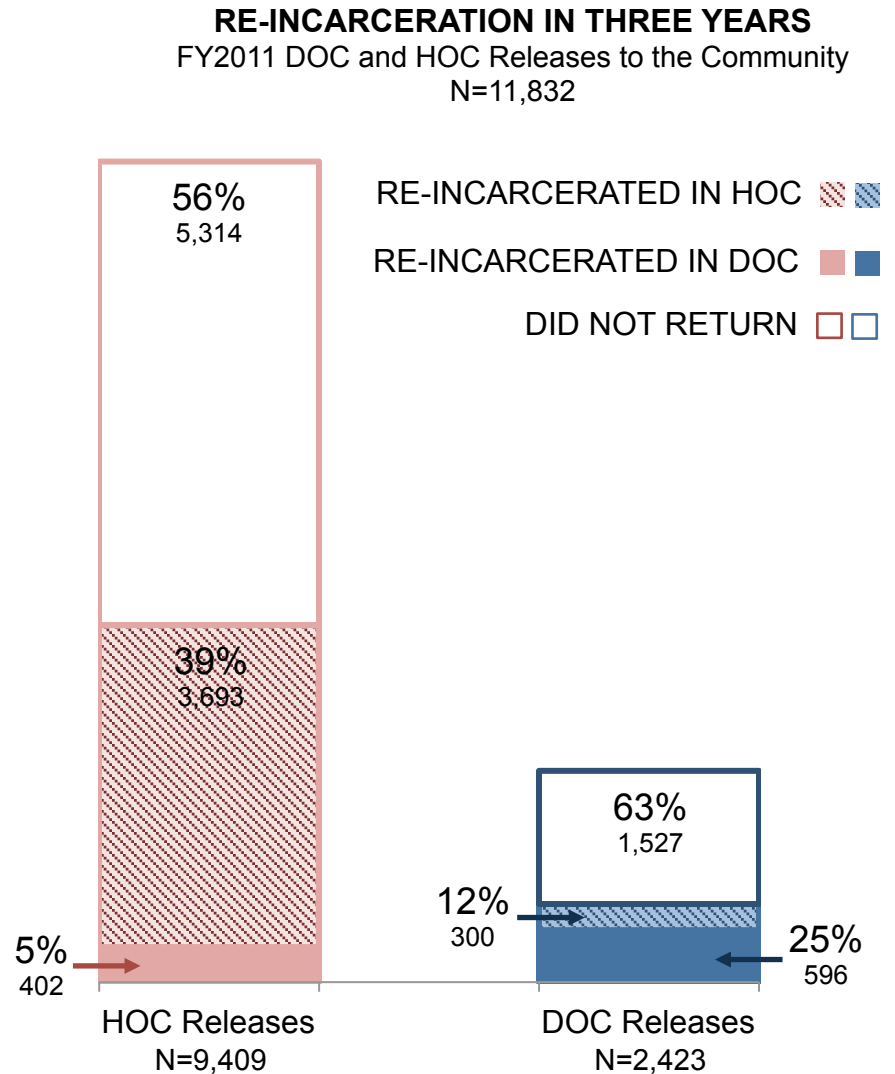
\*Arraigned cases may be completed or dismissed cases or those not yet disposed.  
CSG Justice Center analysis of FY2011-2014 Parole SPIRIT HOC and parole data, as well as CORI data.

# People who were re-incarcerated tended to return to the type of facility from which they were released

Re-Incarceration	HOC	DOC
One Year	22%	17%
Two Year	35%	29%
Three Year	44%	37%

Of **HOC** releases that were re-incarcerated, **92% returned to HOC** while 8% were incarcerated at DOC.

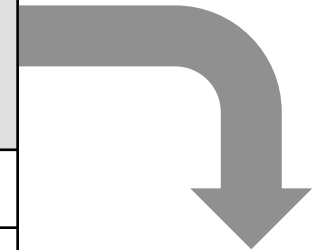
Of **DOC** releases that were re-incarcerated, **60% returned to DOC** while 40% were incarcerated at HOC.



Reducing recidivism in the HOC population can lead to much larger declines in new convictions than reducing recidivism in the DOC population

### ACTUAL RECIDIVISM

Release Cohort	Individuals Released in FY2011	Three Year Re-conviction Rate	Number Re-convicted
<b>HOC</b>	9,409	48%	4,510
<b>DOC</b>	2,423	38%	915



POTENTIAL  
RECIDIVISM REDUCTION  
OF HOC VS DOC

### SCENARIO WITH A 10% REDUCTION IN RECIDIVISM

Release Cohort	Individuals Released in FY2011	Three Year Re-conviction Rate	Number Re-convicted	Reduction in Convictions
<b>HOC</b>	9,409	43%	4,045	<b>465</b>
<b>DOC</b>	2,423	34%	823	<b>92</b>

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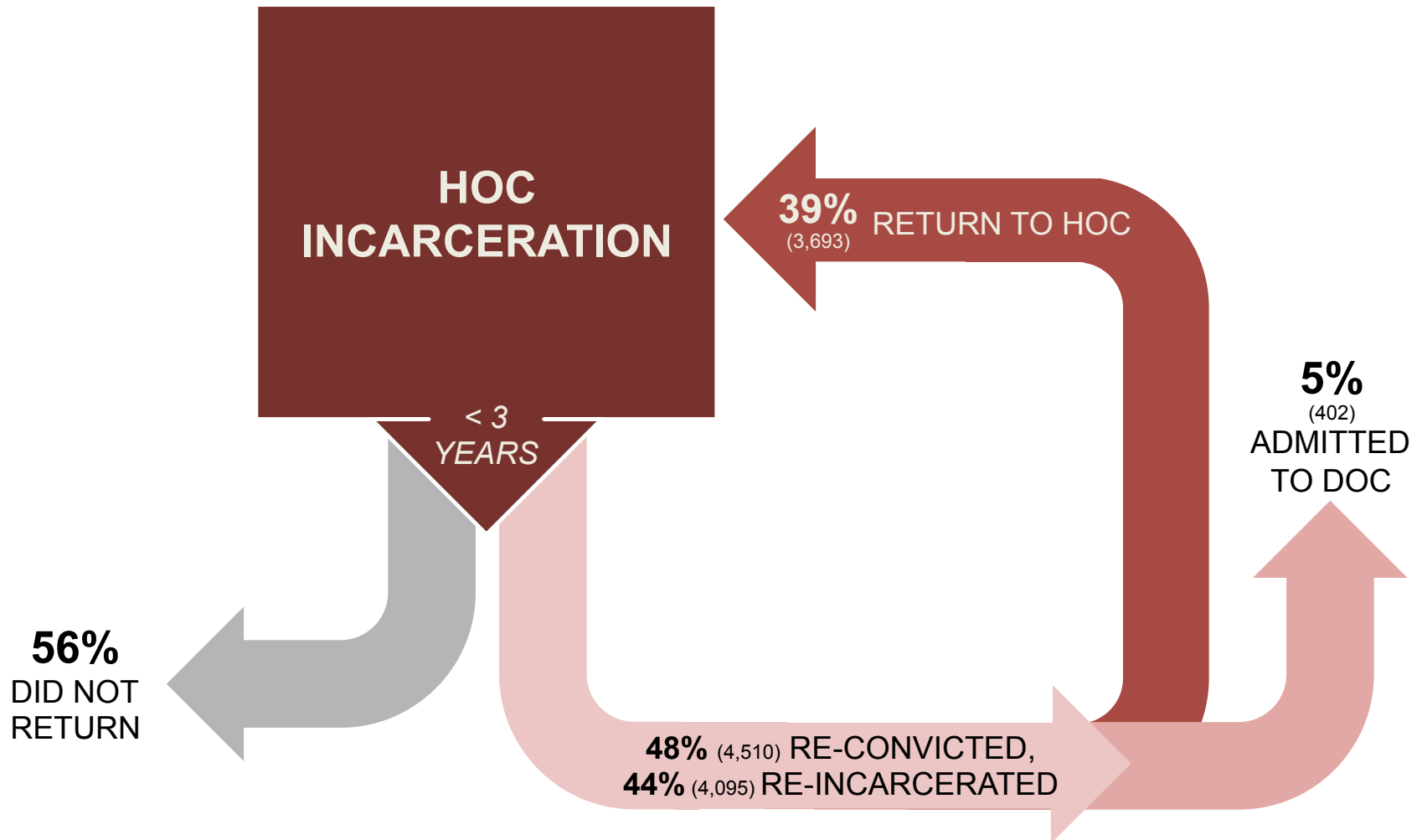
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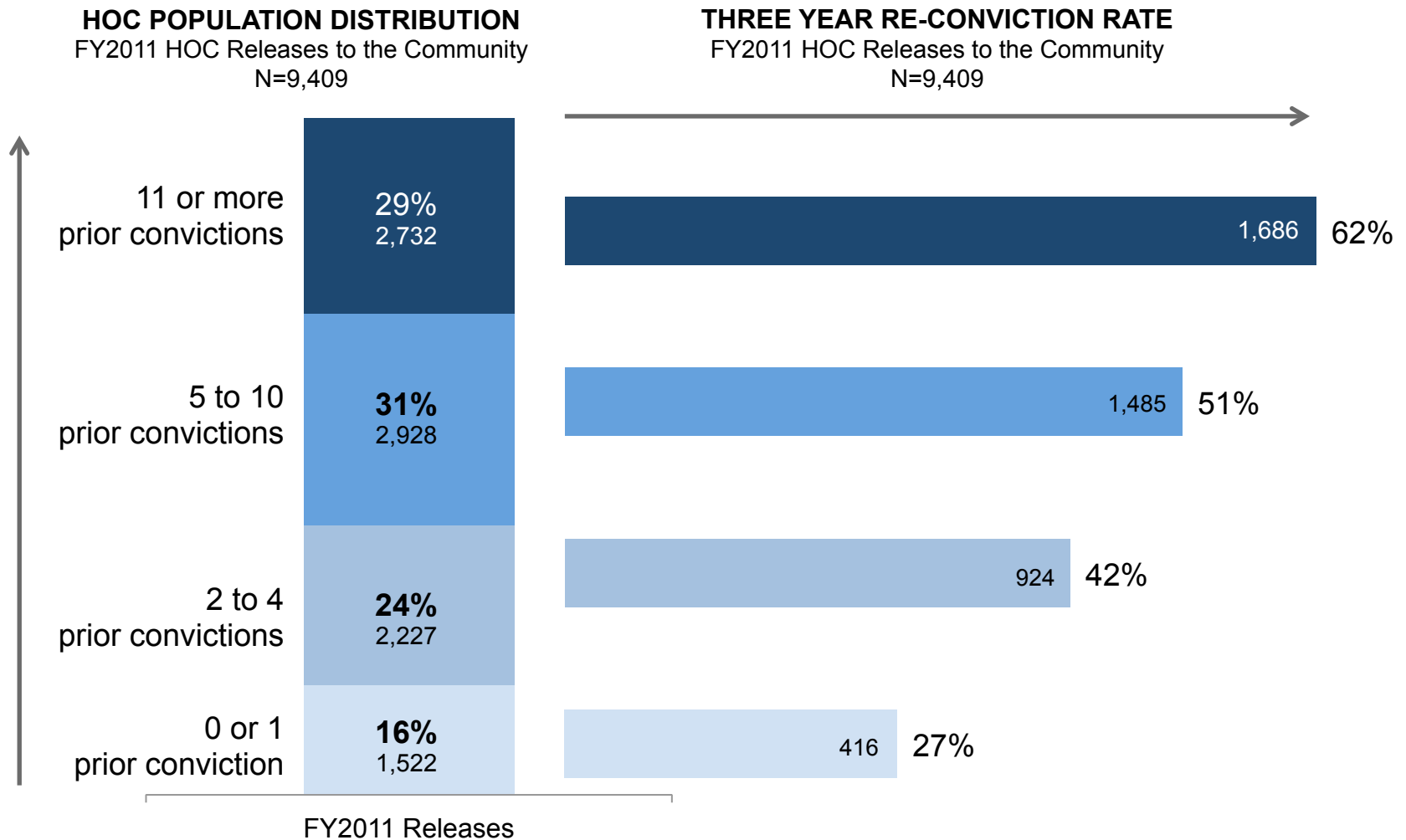
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People released from HOC recidivate at high rates and are a driver of each year's admissions back to HOC



# 60 percent of HOC releases had 5 or more prior convictions; people with more extensive criminal history were more likely to recidivate



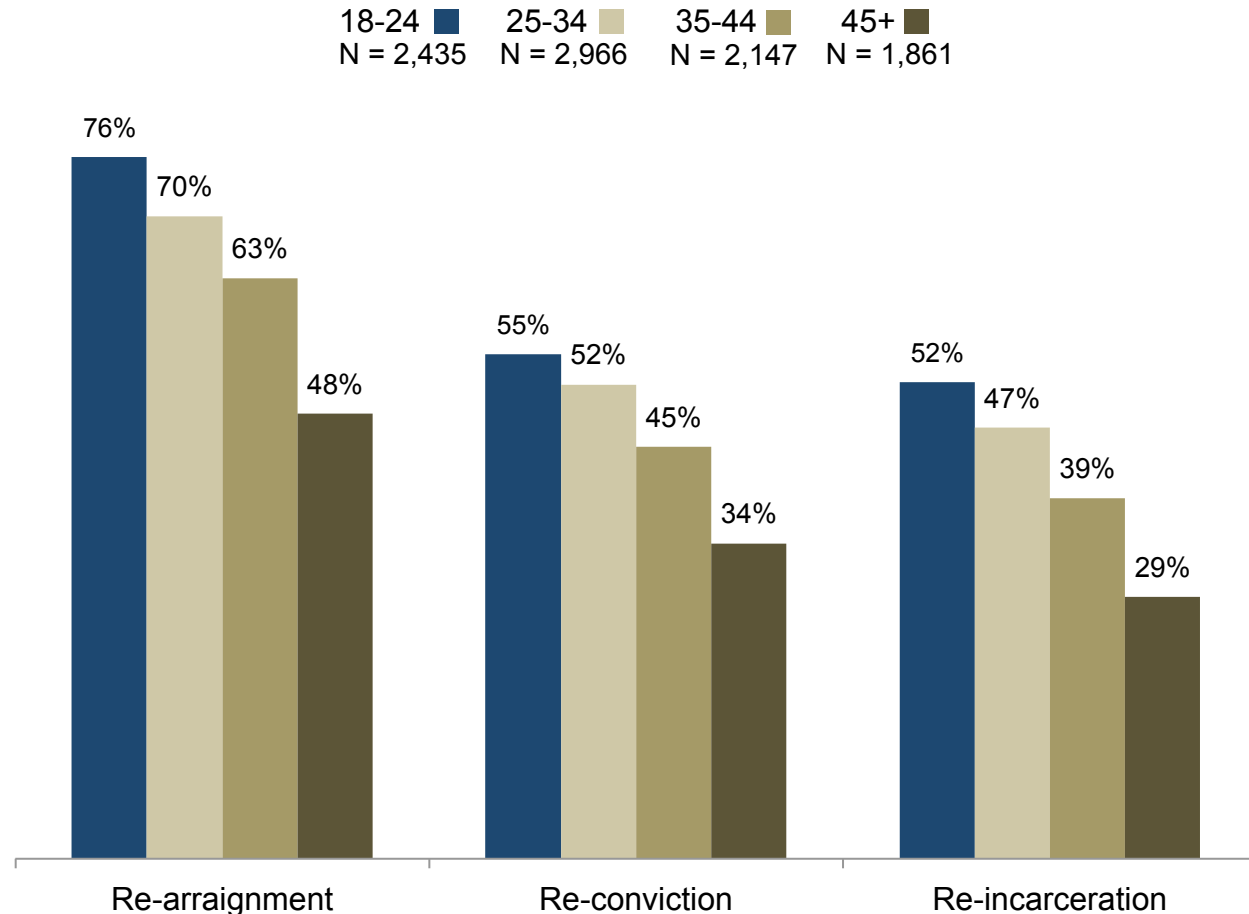
# Recidivism rates for 18 to 24 year olds released from HOC are higher than all other age groups

18-24 year olds had the highest recidivism rates of releases from DOC, but still recidivated less than the same age group released from HOC.

Three Year Re-Incarceration	HOC	DOC
18-24 year old	52%	56%
25-34 year old	47%	40%
35-44 year old	39%	40%
45 and older	29%	27%
Total	44%	38%

Three Year Re-Conviction	HOC	DOC
18-24 year old	55%	51%
25-34 year old	52%	41%
35-44 year old	45%	36%
45 and older	34%	26%
Total	48%	37%

**THREE YEAR RECIDIVISM RATES**  
FY2011 HOC Releases to the Community  
N = 9,409

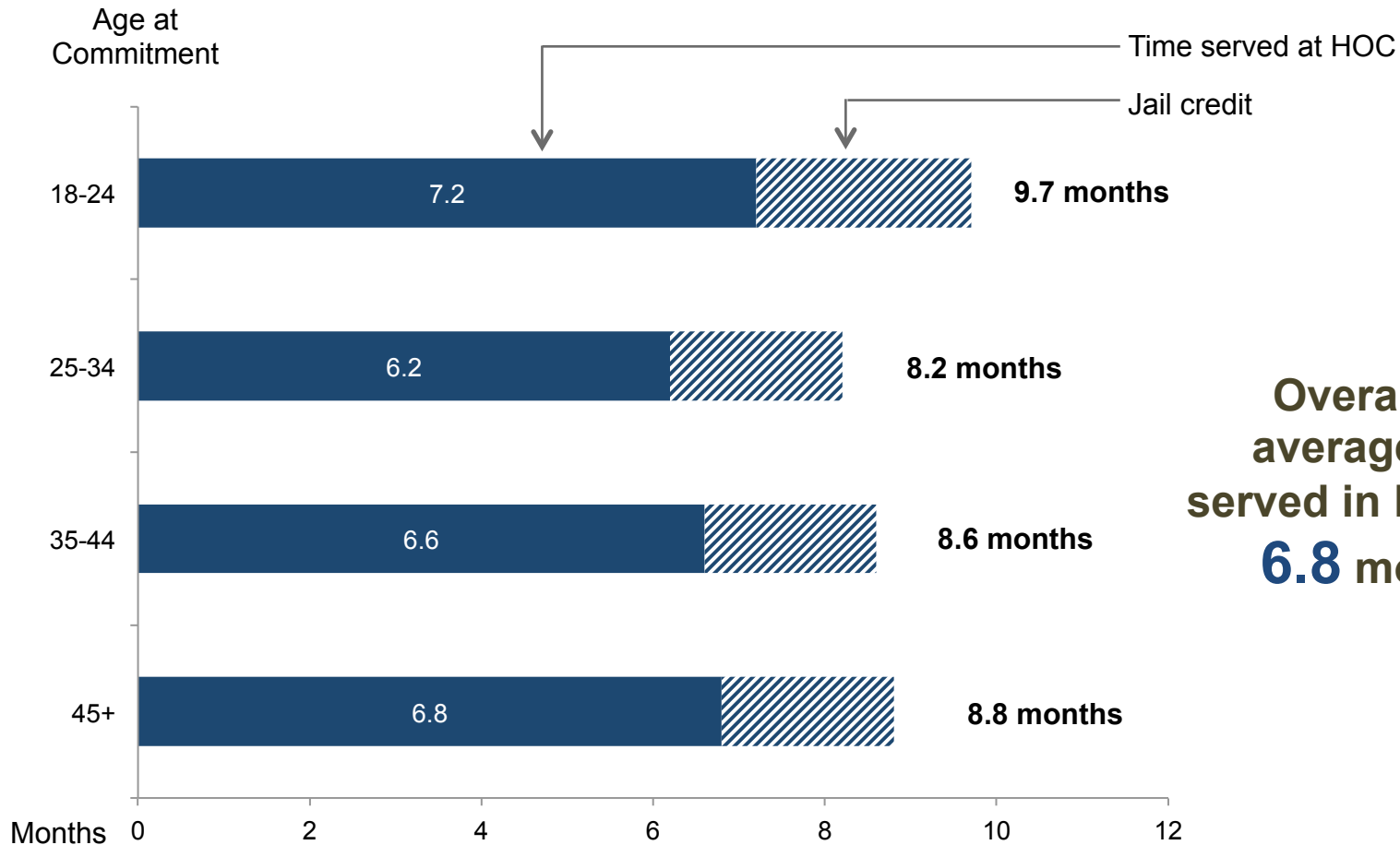


# Younger people also have longer lengths of stay than other groups, making them the most costly group of recidivists

## AVERAGE LENGTH OF STAY FOR PAROLE ELIGIBLE HOC RELEASES\*

FY2014 HOC Releases

N = 9,087



**Overall the  
average time  
served in HOC was  
6.8 months**

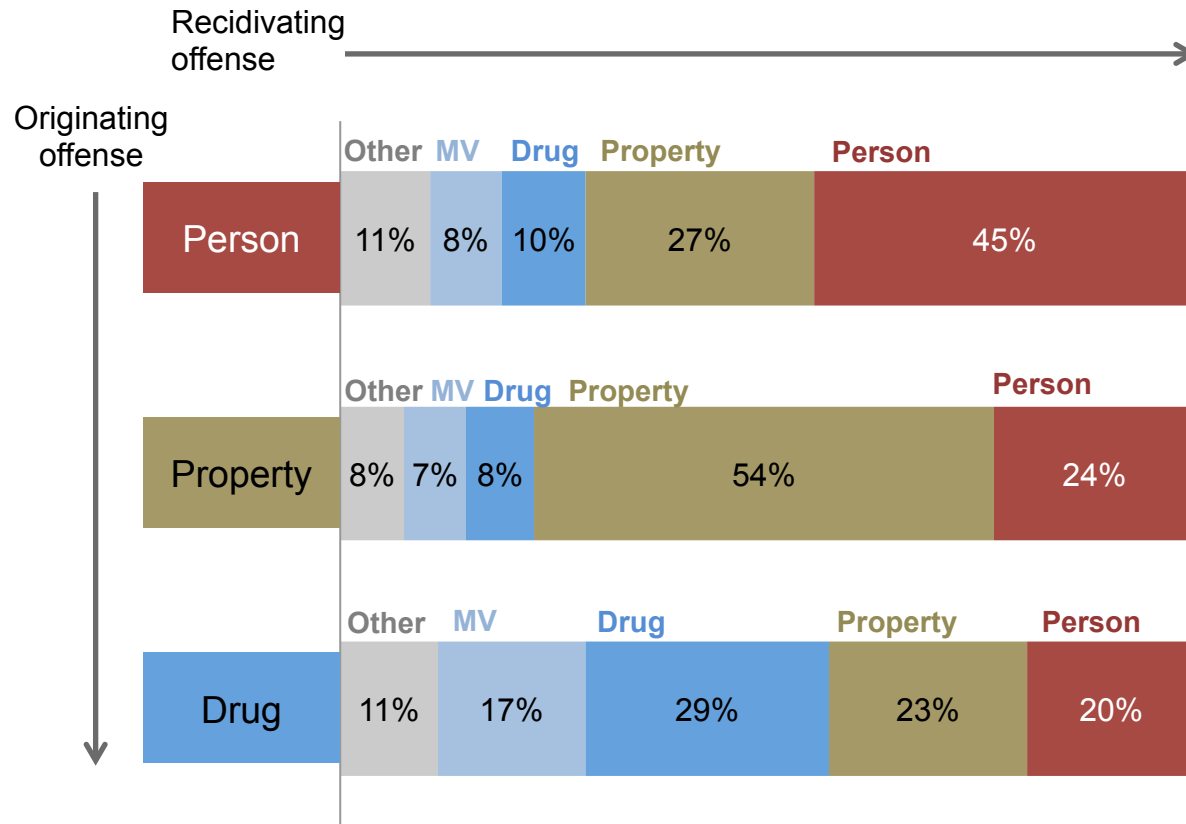
\*Sentences of less than 60 days were excluded from the analysis and therefore could be skewing the data towards longer lengths of stay. Based on data obtained from three counties, it is estimated that approximately 5-15% of HOC admissions have a sentence of less than 60 days. Length of stay is measured by the initial period of incarceration from admission to release. Additional time incarcerated following a parole violation is not included.

CSG Justice Center analysis of FY2014 Parole SPIRIT HOC data.

# When HOC releases recidivated, their most serious offense was most often a similar offense to their original conviction

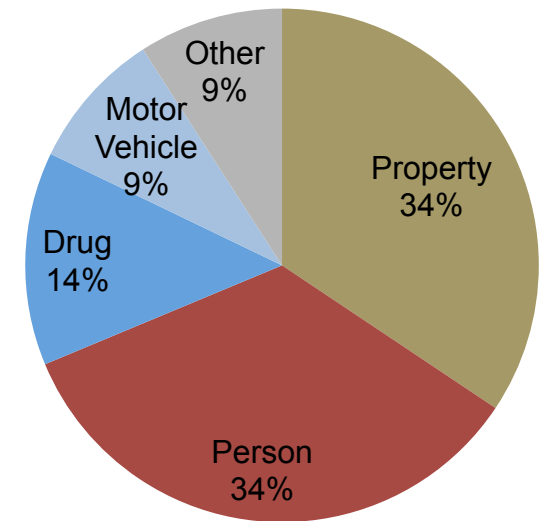
## MOST SERIOUS OFFENSE OF CONVICTION IN THREE YEARS FOLLOWING RELEASE

HOC FY2011 Recidivists  
N=4,510



## ESTIMATED HOC POPULATION JUNE 30, 2014

N = 4,800\*



\*6% of HOC records could not be matched to obtain information on offense - Total N = 5,099

Severity of offense was based on offense category and ranked as follows: Person, Property, Drug, MV, Other.

Other includes weapon offenses, trespassing, disorderly conduct and non-violent sex offenses.. Non-violent sex offenses are reported under Other and include prostitution, indecent exposure, and sex offender registration violation. Violent sex offenses were included in Person and include sexual assault, indecent assault, rape, and possession of child pornography.

CSG Justice Center analysis of FY2011-2014 Parole SPIRIT HOC data and CORI data.

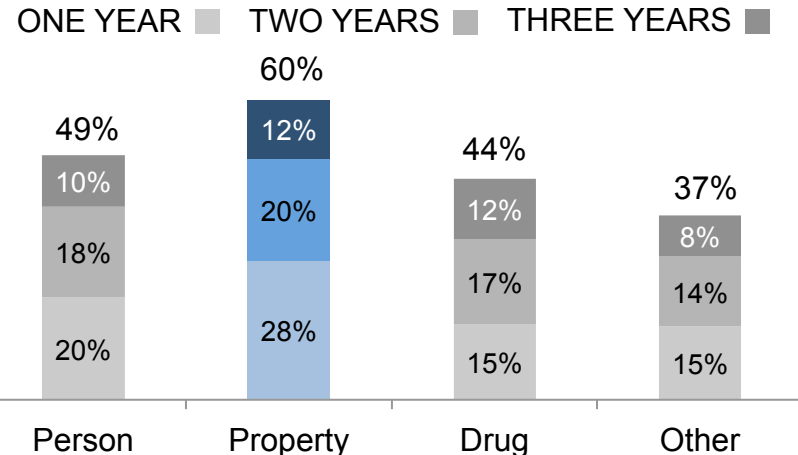
# People convicted of a property offense and released from HOC have the highest recidivism rate

## WHAT WE KNOW ABOUT PEOPLE CONVICTED OF PROPERTY OFFENSES

- Property crimes represent a large share of sentences, consuming law enforcement and court resources, and a large volume of HOC admissions.
- They are more likely to have a new arraignment or be re-incarcerated, particularly in the first year of release from HOC.
- Property offenders have an average length of stay of 6.8 months at HOC and an additional 2 months of jail time.
- They may have significant criminogenic needs, including substance use and criminal attitudes, that must be addressed to prevent future criminal behavior. For example, among property releases from HOC in 2014 who were assessed, 85% had a history of drug problem indicator\*, compared to 73% for all releases.

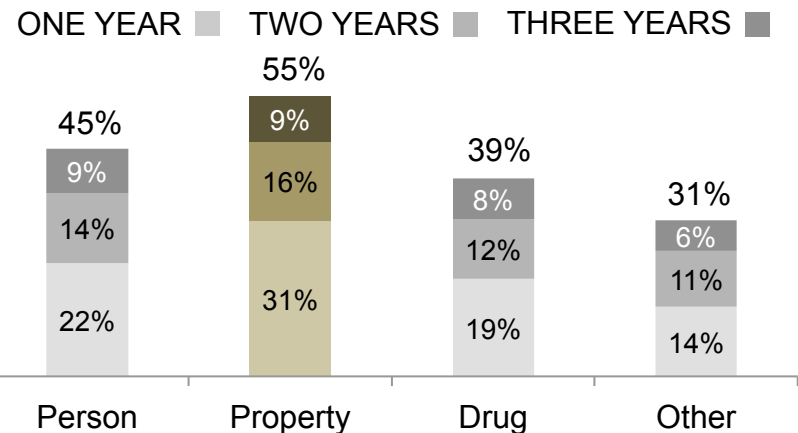
## THREE YEAR RE-CONVICTION RATE

FY2011 HOC Releases to the Community



## THREE YEAR RE-INCARCERATION RATE

FY2011 HOC Releases to the Community



\*LSCMI drug problem indicator includes all illegal drugs and excludes alcohol.

Other includes weapon offenses, trespassing, disorderly conduct and non-violent sex offenses.. Non-violent sex offenses are reported under Other and include prostitution, indecent exposure, and sex offender registration violation. Violent sex offenses were included in Person and include sexual assault, indecent assault, rape, and possession of child pornography.

CSG Justice Center analysis of FY2011-2014 Parole SPIRIT HOC data, CORI data, and DOC data.

# There are eight central risk factors for criminal behavior\*

Risk Factor	Need
1. History of criminal behavior	Build alternative behaviors
2. Antisocial personality pattern <sup>1</sup>	Problem solving skills, anger management
3. Antisocial cognition <sup>2</sup>	Develop less risky thinking
4. Antisocial peers	Reduce association with criminal others
5. Family and/or marital discord <sup>3</sup>	Reduce conflict, build positive relationships
6. Poor school and/or work performance <sup>4</sup>	Enhance performance, rewards
7. Few leisure or recreation activities	Enhance outside environment
8. Substance abuse	Reduce use

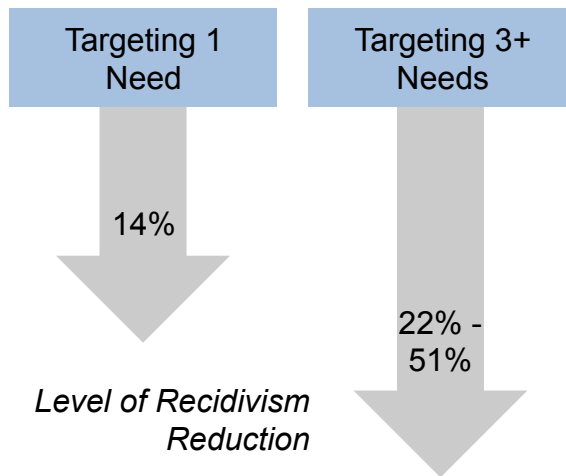
1 p < .001; 2 p < .05; 3 p < .01; 4 p < .05

**Most individuals in the criminal justice system have the co-occurrence of multiple risk factors that must be addressed to change behavior**

# To reduce recidivism, programs must address the multiple need areas that drive criminal behavior

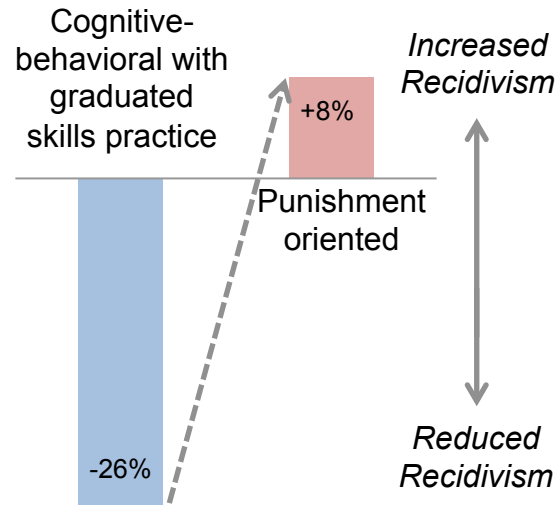
## Addressing just one need is insufficient to change behavior

*Addressing only one criminogenic factor has significantly less of an impact than addressing multiple factors*



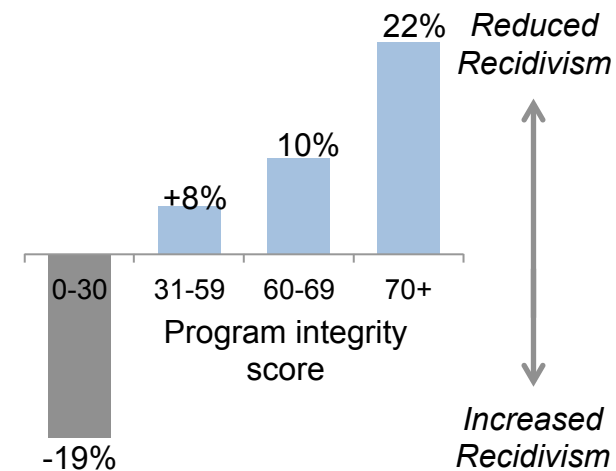
## Programs must be based on proven curricula or principles of effective intervention

*Evidenced-based practices significantly reduce recidivism, while outdated punitive approaches can increase negative results*



## Programs must have high integrity

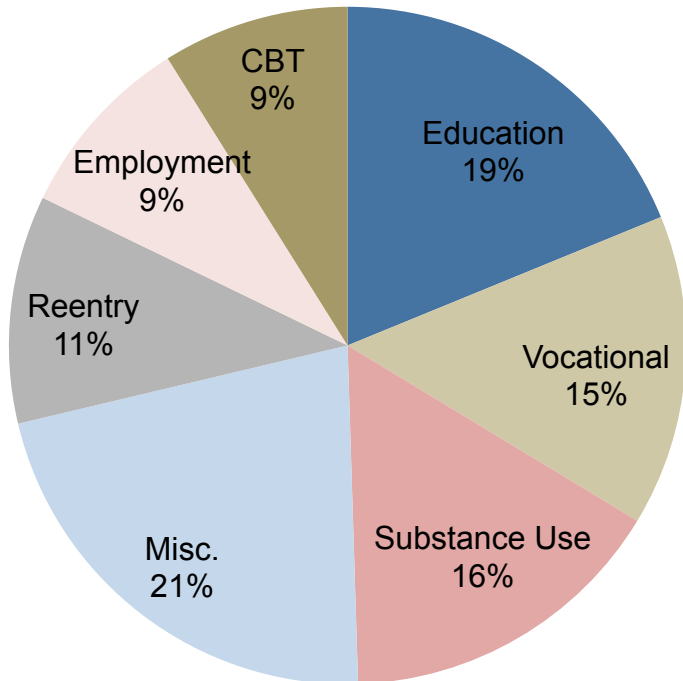
*Program integrity is how closely a program aligns with best practice standards (fidelity to the model).*



*HOC's should evaluate existing programming offerings to ensure they adhere to the most current research on recidivism reduction*

# HOCs offer 389 recidivism reducing programs that target a variety of needs\*

**DISTRIBUTION OF PROGRAMMING\*\***  
March 2016 Massachusetts'  
Comprehensive Program Inventory Summary Brief



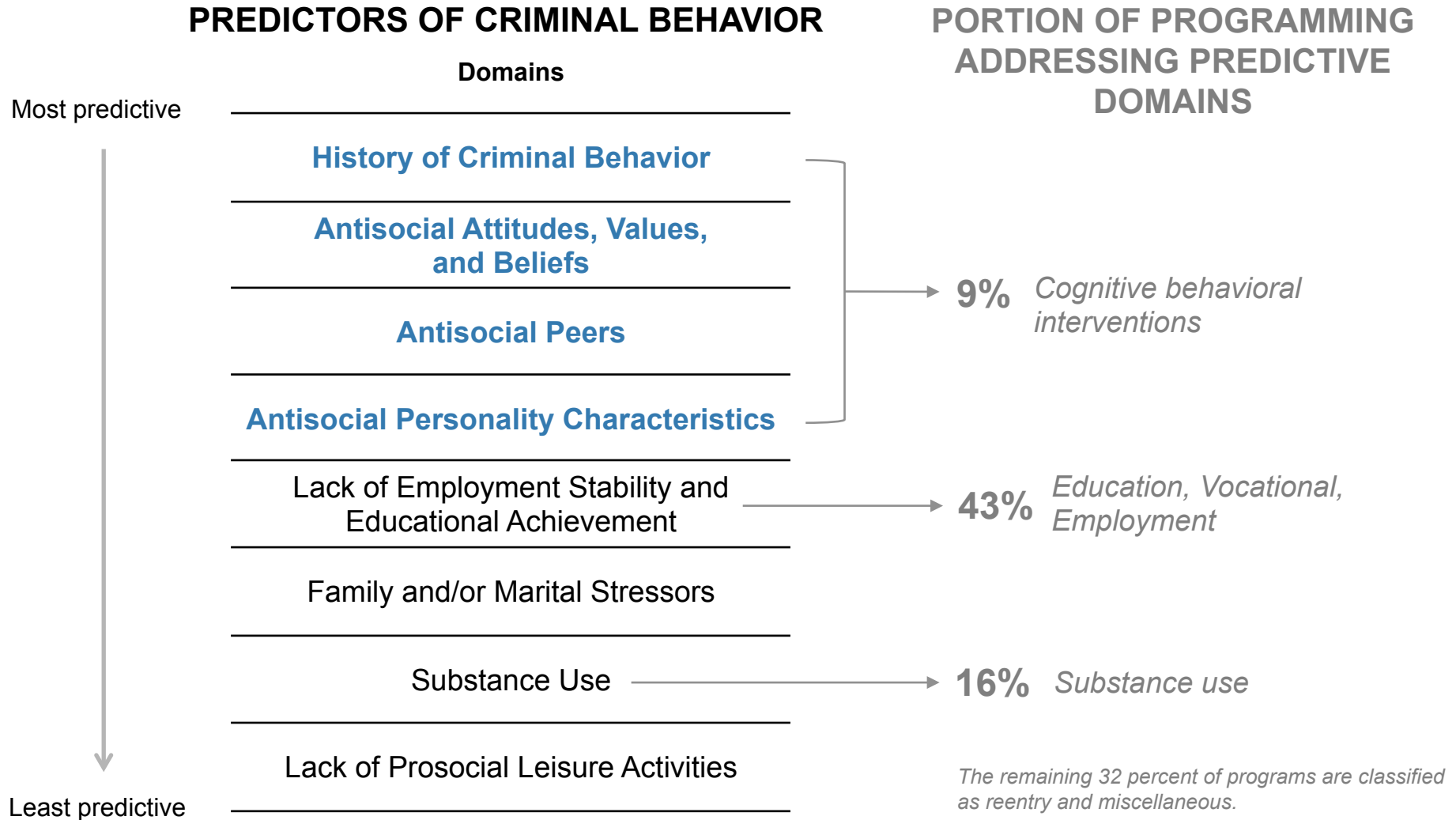
The extent of programming varies by location. Some HOCs offer as few as **10** programs, others offer as many as **70**.

*\*Recent programming inventories looked specifically at state-funded programming. Additional programs may be funded at the local level.*

*\*\*Program inventory includes DOC, parole, and county-based programming. However, HOCs represent over 80 percent of all programming.*

*In addition to reviewing the HOC program inventory, CSG Justice Center staff also visited several HOCs, observed programming and held conversations with HOC classification staff.*

However, only 9 percent of state-funded programming targets the four most predictive domains of criminal behavior



# Changing behavior of those most likely to recidivate is most effective through interventions after release



*Washington State Institute for Public Policy, Evidence-Based Adult Corrections Programs: What Works and What Does Not, January 2006 ; D. A. Andrews and James Bonta, The Psychology of Criminal Conduct, 5th ed. (New Providence, NJ: Mathew and Bender & Company, Inc., 2010).*



# KEY FINDINGS FROM HOC RECIDIVISM ANALYSIS

- HOC releases have a high risk of recidivating and are likely to return to an HOC if re-incarcerated.
- Individuals with more prior convictions are more likely to recidivate.
- Over half of 18-24 year olds released from HOCs were both re-convicted and re-incarcerated within 3 years.
- HOCs provide a large number of recidivism reducing programs, but only a small portion of state-funded programming targets the most predictive domains of criminal behavior.

# DISCUSSION

**HOC populations include high percentages of people with prior criminal justice involvement and half of those released from HOCs return within three years. Short lengths of stay and inconsistent requirements for community supervision complicate delivery of recidivism reducing supports and services both during and after incarceration.**

How do you think HOCs could be better supported to provide more evidence-based programming to inmates?

How could connections to community services be improved to help support a successful reentry?

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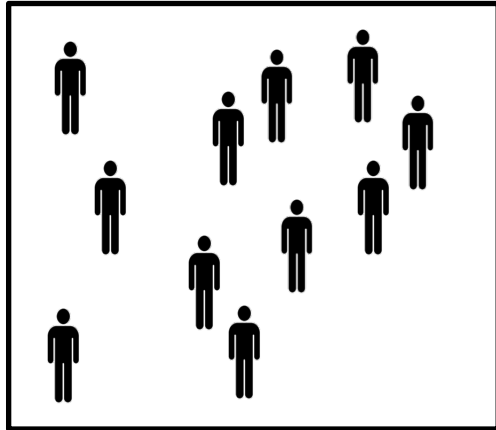
6

CASE STUDIES

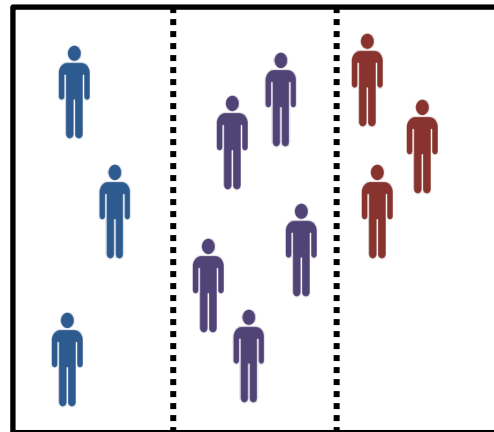


Evidence show that focusing resources and effort on higher-risk populations has the largest impact on reducing recidivism

## Assess Population for Risk



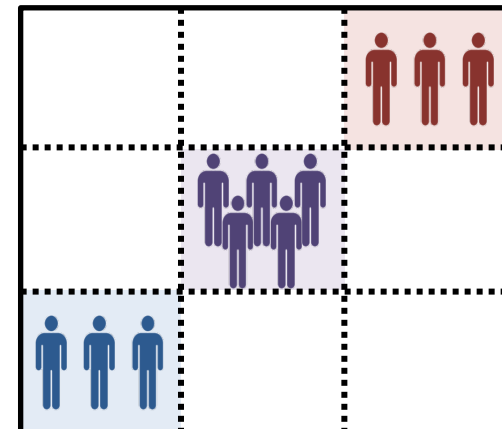
## Determine Appropriate Supervision Levels



### Risk of Recidivism

Low	Moderate	High
10%	35%	70%
re-arrested	re-arrested	re-arrested

## Focus Resources on Higher-risk Populations



**High**  
Supervision/  
Program  
Intensity

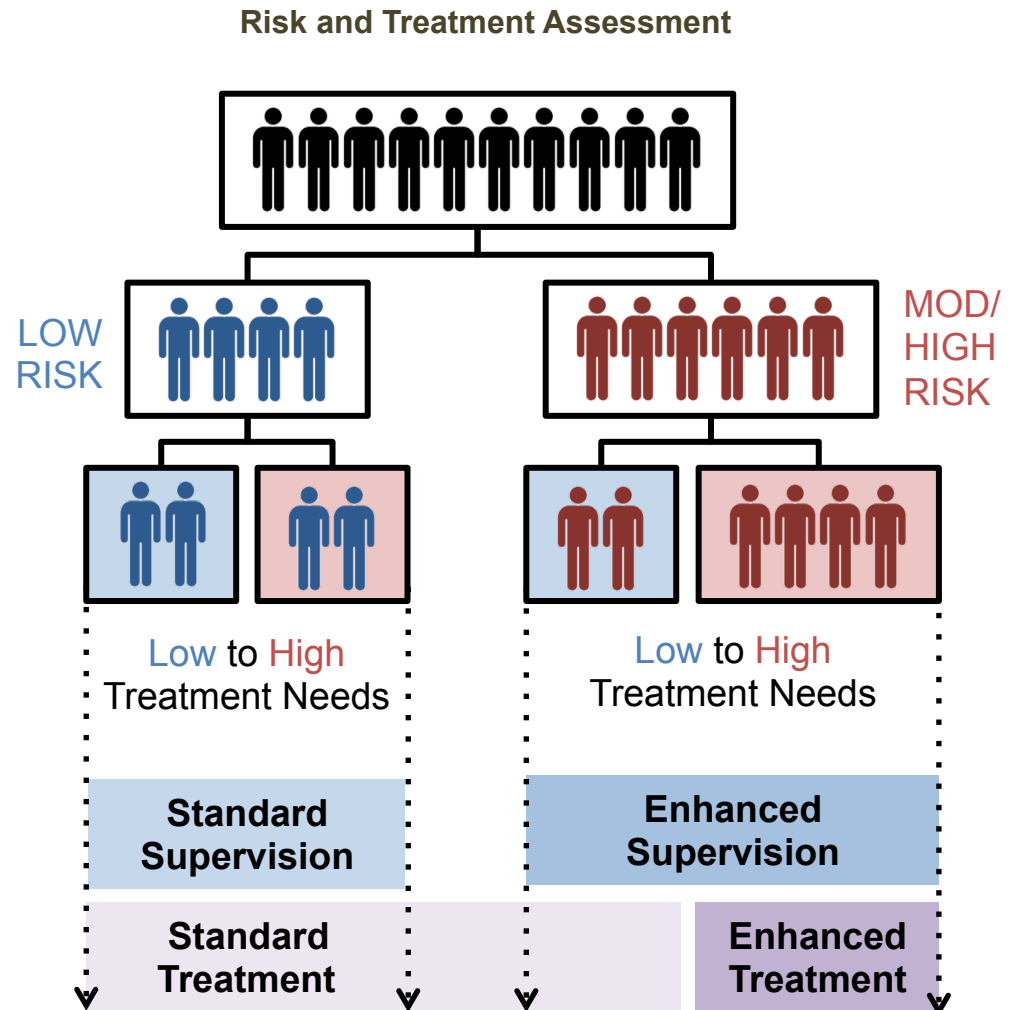
**Moderate**  
Supervision/  
Program  
Intensity

**Low**  
Supervision/  
Program  
Intensity

# Properly identifying the risk and needs of people leaving HOC or DOC incarceration helps appropriately match them to programming

Risk, need and responsivity principles work by individually matching an individual's risk of recidivism and criminogenic need factors to programs and treatment.

When tailored programs and treatment are combined with community supervision, they are effective in reducing recidivism.

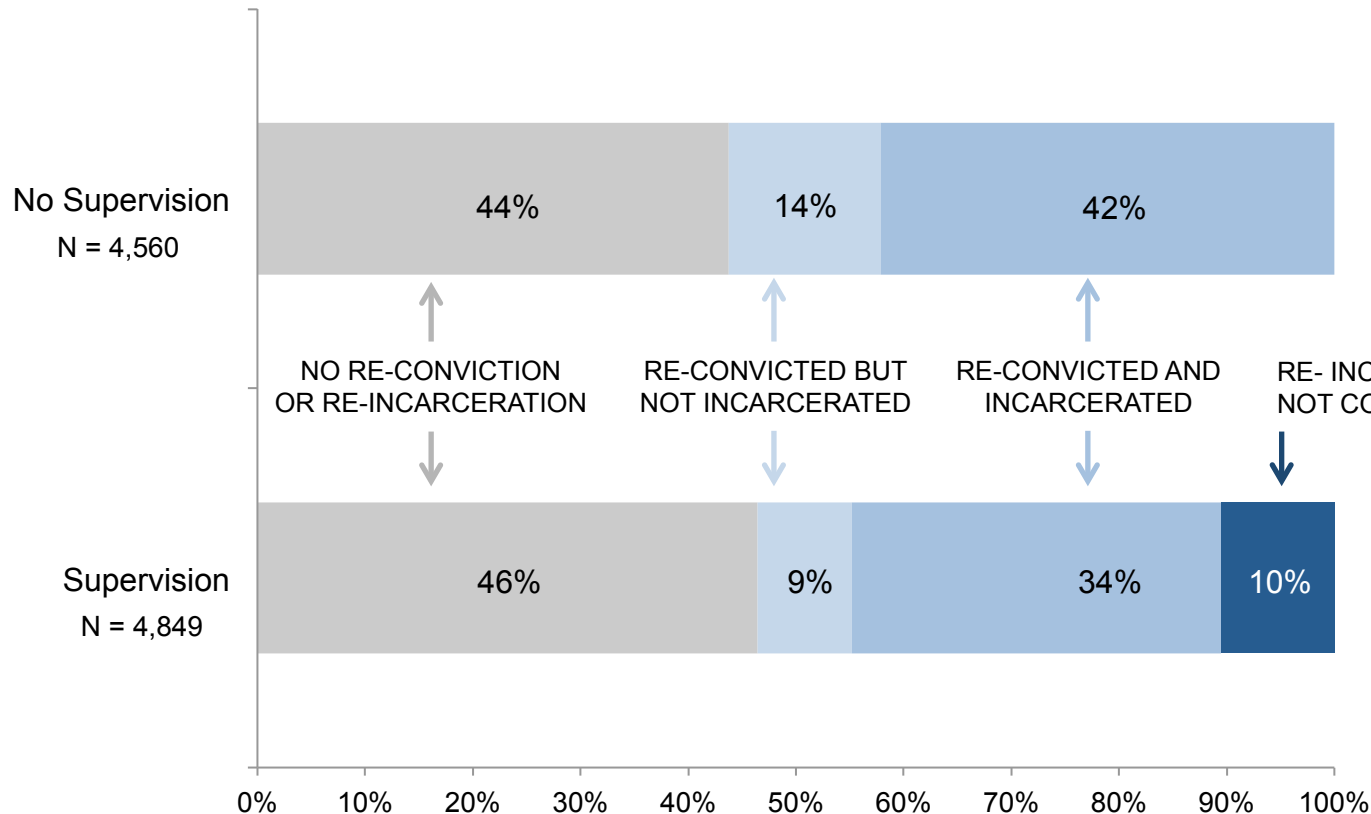


# HOC releases on supervision had lower re-conviction rates and an overall lower recidivism rate than those not on supervision

## THREE YEAR RE-CONVICTION & RE-INCARCERATION RATES

FY2011 HOC Releases to the Community

N = 9,409



### TOTAL RE-CONVICTION RATE

No Supervision	56%
Supervision	43%

### TOTAL RE-CONVICTION AND/OR RE-INCARCERATION RATE

No Supervision	56%
Supervision	54%

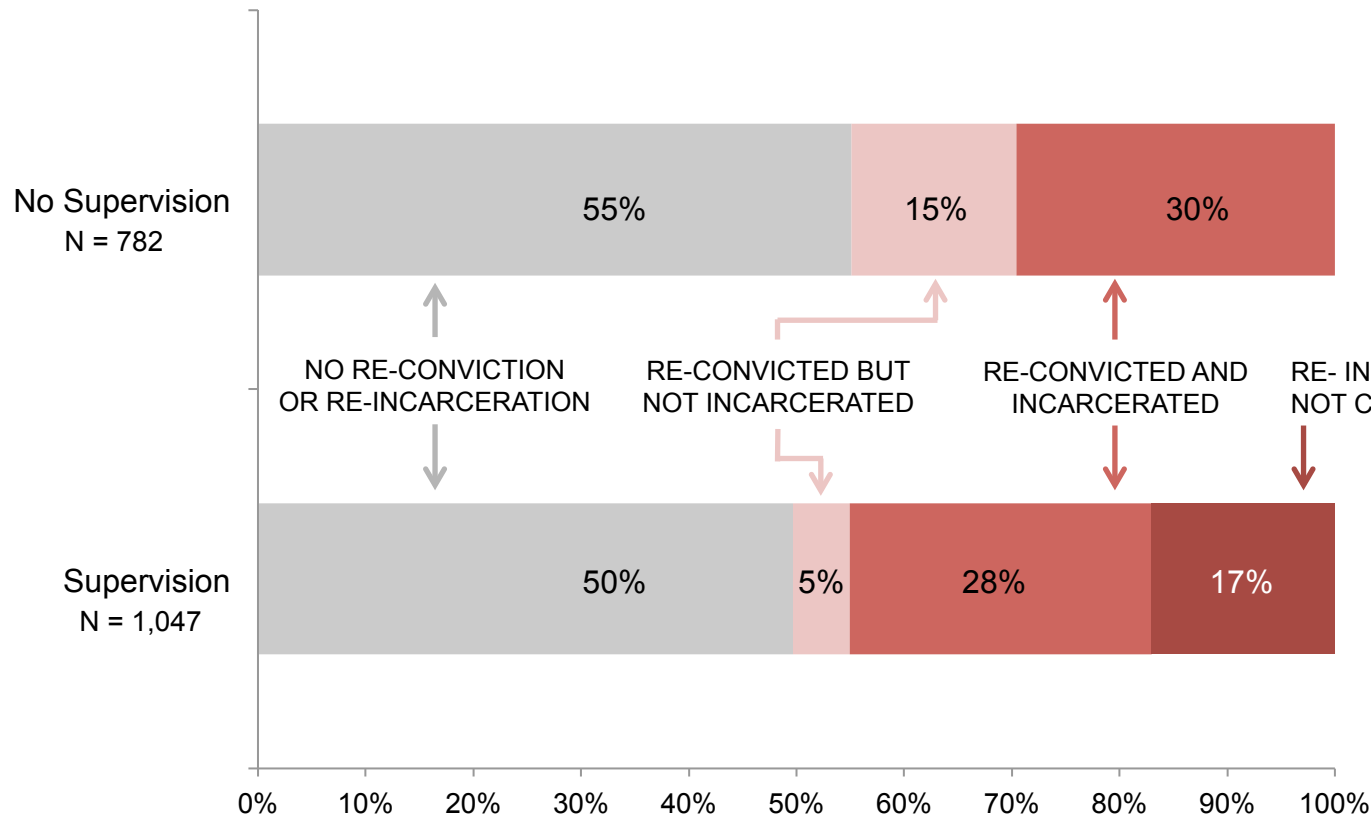
# DOC releases on supervision had lower re-conviction rates but an overall higher recidivism rate due to returns to incarceration related to non-criminal supervision violations

## THREE YEAR RE-CONVICTION & RE-INCARCERATION RATES

FY2011 DOC Releases to the Community

N = 1,829

County sentences not included



### TOTAL RE-CONVICTION RATE

No Supervision 45%  
Supervision 33%

### TOTAL RE-CONVICTION AND/OR RE-INCARCERATION RATE

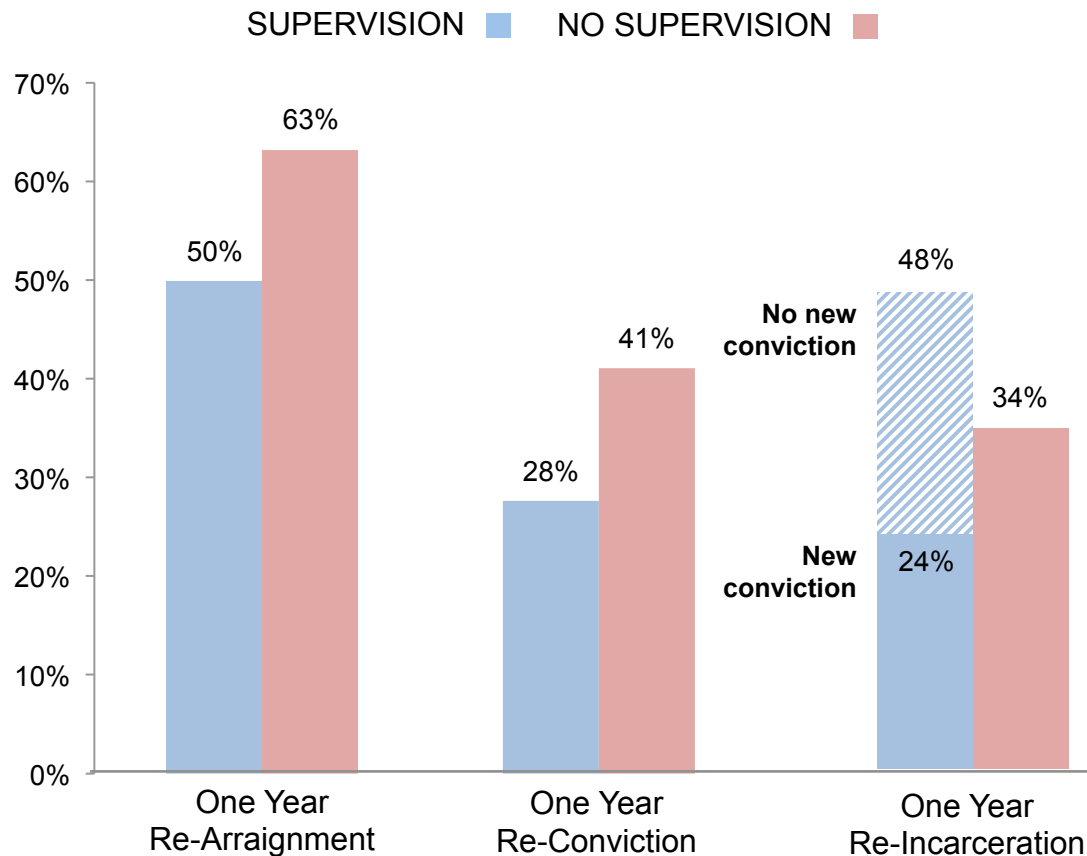
No Supervision 45%  
Supervision 50%

# High risk individuals released to supervision from HOCs had lower recidivism rates than high risk individuals released without supervision

## ONE YEAR RECIDIVISM FOR INDIVIDUALS ASSESSED AS HIGH RISK

FY2014 HOC Releases to the Community

N = 2,001\*



\*Includes only individuals with a LSCMI risk level.

Supervision includes probation or parole.

CSG Justice Center analysis of FY2014 Parole SPIRIT HOC and CORI data.

# A larger portion of higher risk individuals are released without supervision\* than lower risk individuals

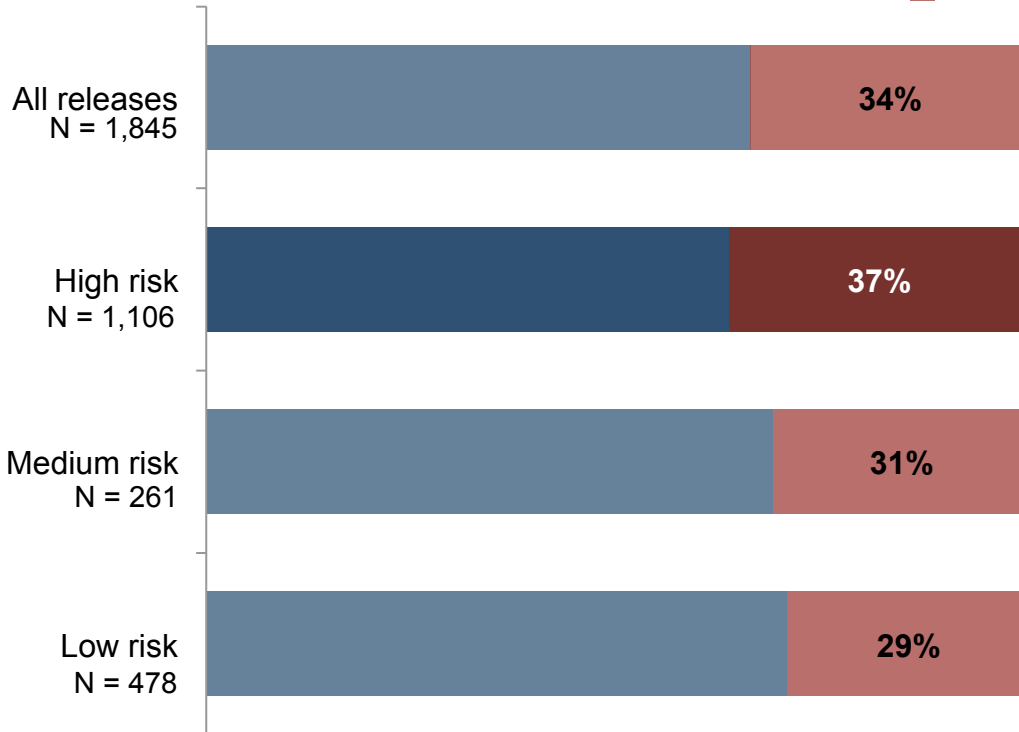
## RELEASES BY RISK LEVEL AND SUPERVISION STATUS\*

FY2014 DOC Releases to the Community

N = 1,845\*\*

95% of DOC releases had risk information available for analysis

SUPERVISION ■ NO SUPERVISION ■



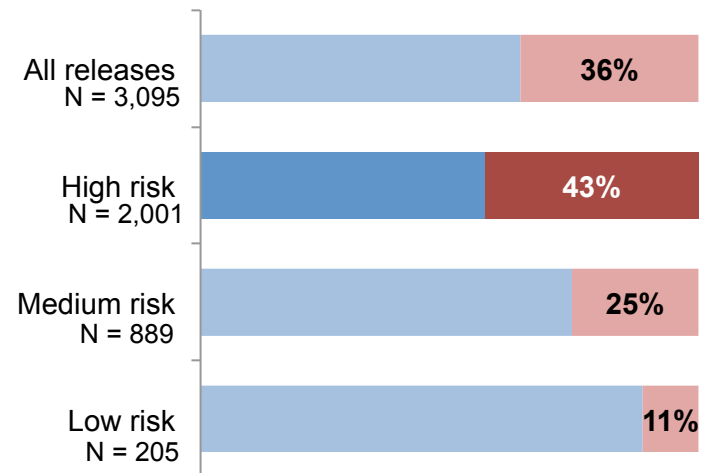
**Nearly 40% of “high risk” individuals leave DOC without supervision**

## RELEASES BY RISK LEVEL AND SUPERVISION STATUS\*

FY2014 HOC Releases to the Community

N = 3,095

47% of HOC releases had risk information available for analysis

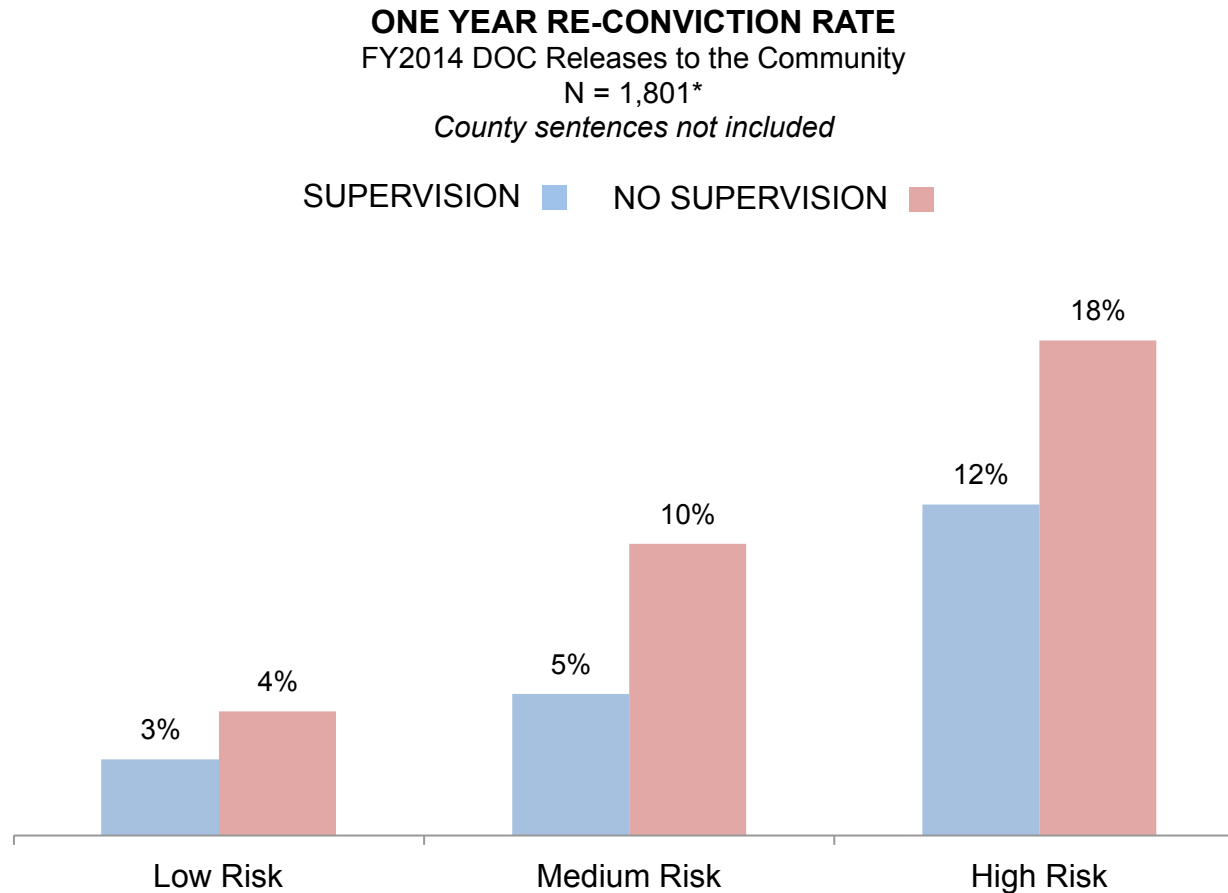


\*Supervision includes probation or parole. \*\*County sentences not included.

The reason for a high number of HOC records missing risk information is due to the fact that the policy for the Parole Board to conduct risk assessments was implemented starting in October 2013, four months into FY2014.

CSG Justice Center analysis of FY2014 DOC data.

Across all risk levels, those released to supervision from DOCs had lower rates of re-conviction than those released without supervision



2014 was the only year for which risk assessment information was requested and provided.

\*First release of the year selected. Approximately 5% of releases did not have risk information.

CSG Justice Center analysis of FY2014-2015 DOC and CORI data.

# DOC re-conviction rates were substantially higher for releases from maximum security facilities than pre-release facilities

## THREE YEAR RE-ARRAIGNMENT AND RE-CONVICTION

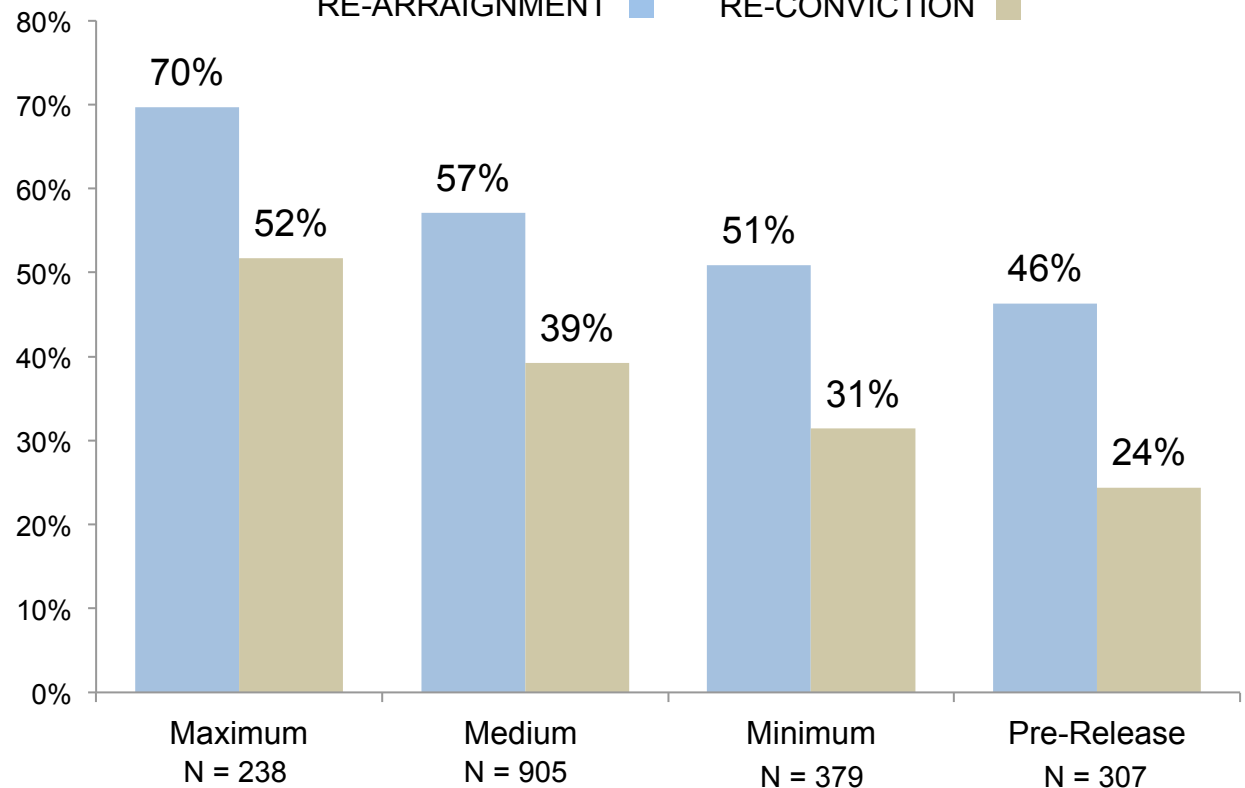
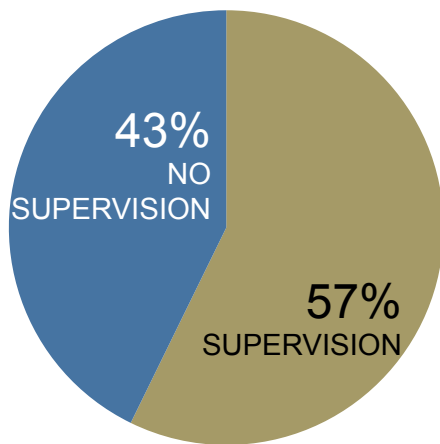
FY2011 DOC Releases to the Community

N = 1,829

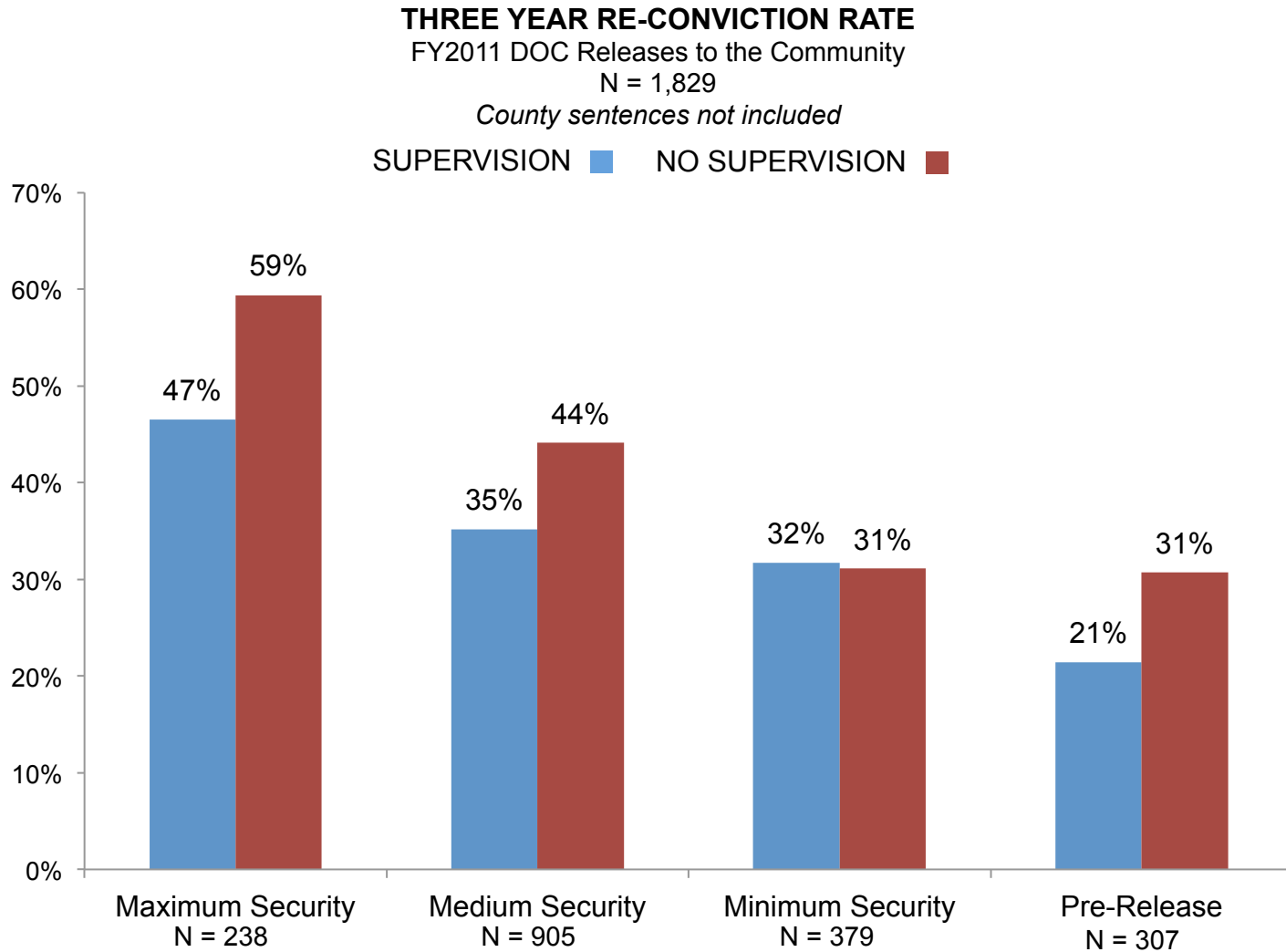
County sentences not included

RE-ARRAIGNMENT RE-CONVICTION

### DOC RELEASES, FY2011 N = 1,829



The difference in DOC recidivism rates between supervision and no supervision was largest for those released from maximum security

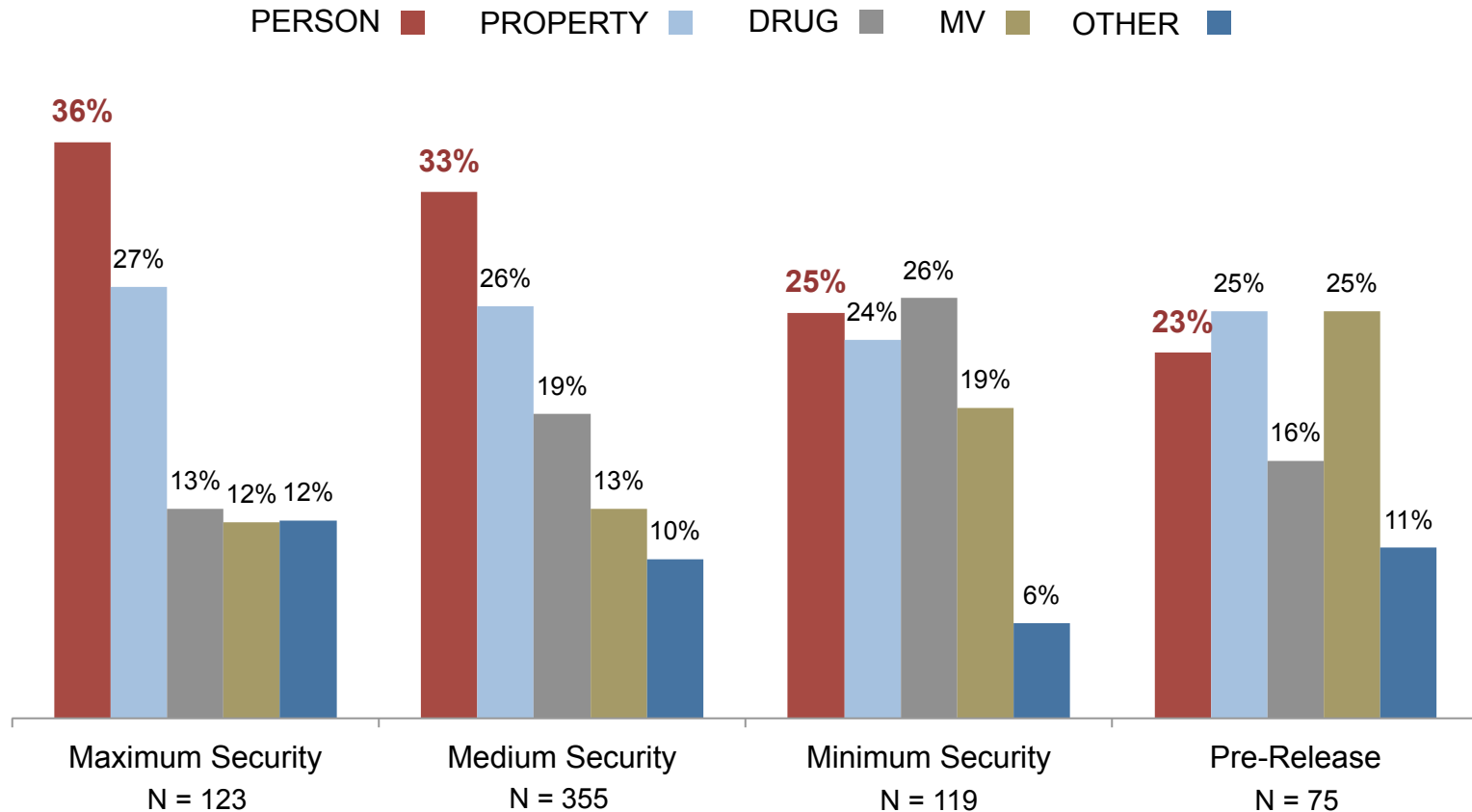


# A larger portion of recidivists released from maximum or medium security were convicted of person offenses than those released from minimum security or pre-release facility

## MOST SERIOUS OFFENSE OF RE-CONVICTION IN 3 YEARS

FY2011 DOC Recidivists

N = 672



# KEY FINDINGS FROM RECIDIVISM & SUPERVISION ANALYSIS

- Individuals released to supervision after incarceration in a DOC or HOC facility had lower re-conviction rates but higher re-incarceration rates than individuals without supervision.
- 45 percent of people released from maximum security DOC facilities returned directly to the community without supervision. A larger portion of recidivists released from maximum or medium security were convicted of person offenses than those released from minimum or pre-release security.
- Approximately 40 percent of people leaving both DOC and HOC facilities do not have post-release supervision.

# DISCUSSION

**High-risk people are too often released from DOC and HOC facilities without the support of proven recidivism-reduction strategies involving individualized interventions and effective supervision.**

How do you think the effectiveness of supervision should be measured?

How can the state better support re-entry and reduce recidivism for “frequent fliers” (those most likely to return)?

What barriers are there to consistently providing supervision, supports and services to high-risk individuals after release?

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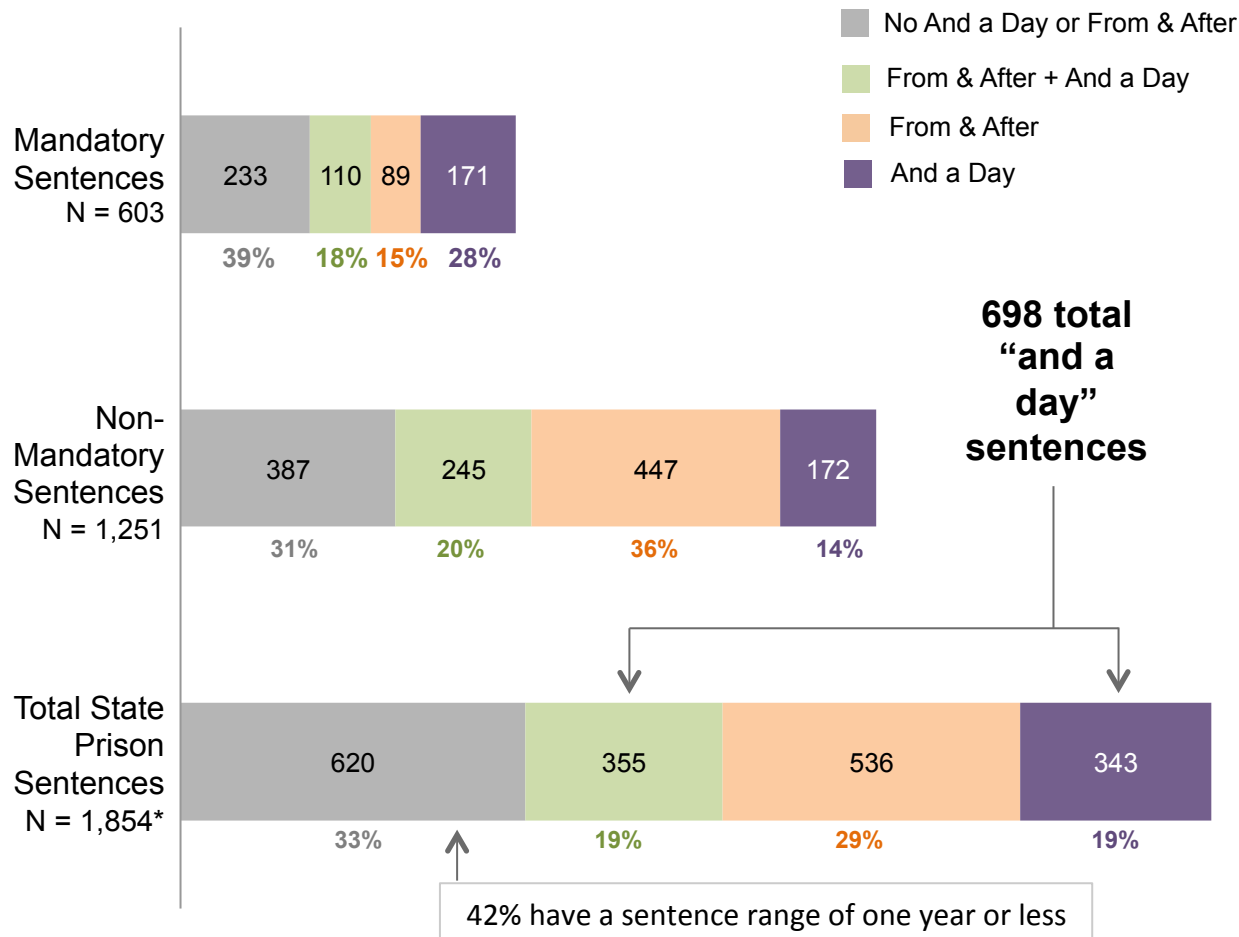
6

CASE STUDIES



# Nearly 20% of state prison sentences were ineligible for parole and had no post-release probation

## 2013 STATE PRISON SENTENCES



**20 to 50 percent of state prison sentences will be reviewed by the parole board to determine eligibility and release to post-release supervision.**

### And a Day

A sentence with the minimum and maximum sentence one day apart

### From & After

A sentence of post-release probation

### From & After + And a Day

A sentence of post-release probation as well as min and max one day apart

### No And a Day or From & After

No sentence of post-release probation and the period between min and max longer than one day

\*45 sentences were for Murder I, representing 2% of all state prison sentences and 7% of mandatory sentences.

CSG Justice Center analysis of 2013 CARI sentencing data.

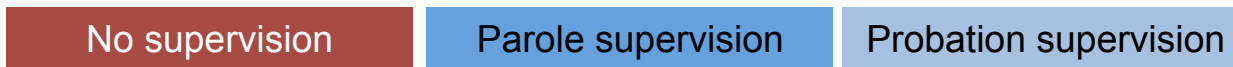
Few individuals at higher security facilities were paroled; 45 percent of releases from a maximum security facility were not supervised after release

### SUPERVISION STATUS BY SECURITY LEVEL AT RELEASE

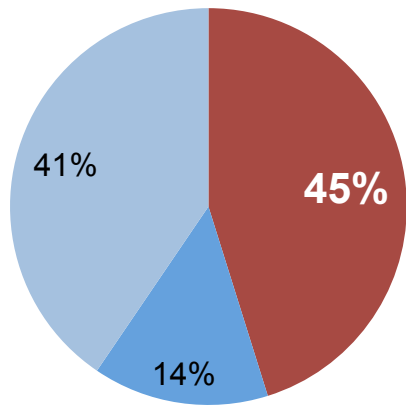
FY2014 DOC Releases to the Community

N = 1,947

*County sentences not included*

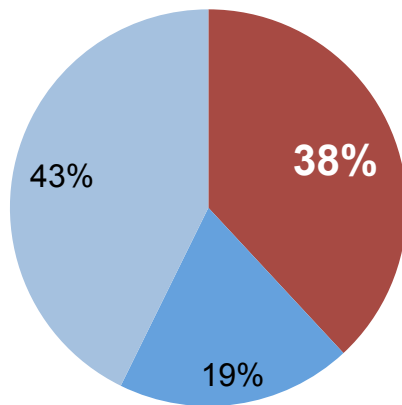


**Maximum Security**



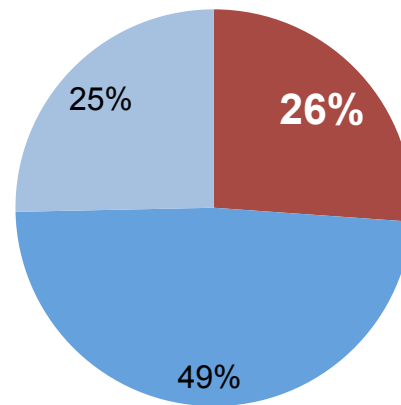
N = 279

**Medium Security**



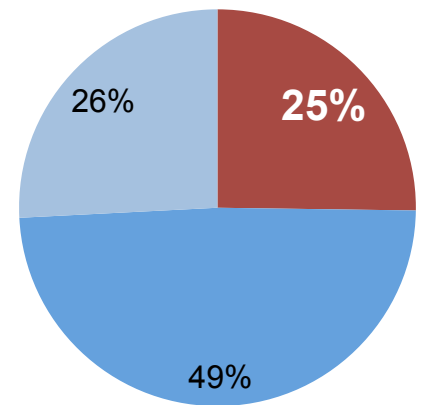
N = 948

**Minimum Security**



N = 379

**Pre-Release**



N = 341

**Over 60% of parole releases are from minimum security or pre-release**

# KEY FINDINGS FROM REVIEWING SYSTEM CHALLENGES

- Sentencing has a significant impact on who does and does not receive post release supervision, and decisions to require supervision are not based on an individual's recidivism risk or needs.
- Individuals leaving medium and maximum security facilities have the lowest proportion of individuals who are paroled and the highest proportion of individuals released without any community supervision.

# DISCUSSION

**Challenges at both ends of the system prevent risk from being appropriately managed through community supports and supervision.**

How do you think plea deals impact who receives supervision and who does not at sentencing?

What do you think could be done at sentencing to improve the targeting of supervision resources? What can be done at the time of release?

# SUMMARY OF ANALYSIS

Analysis completed by the CSG Justice Center reveals opportunities to **better manage risk** to recidivate for people involved in the criminal justice system. Clearly understanding a person's recidivism risk (and the factors contributing to that risk) provides the state with the **best opportunity to focus resources** on strategies that effectively reduce future justice system involvement, incarceration, collateral consequences, and the social impacts of additional criminal conduct.

Developing **a statewide strategy** to focus on risk reduction can maximize the state's use of its criminal justice resources and **improve outcomes** both for people involved in the criminal justice system and for public safety.

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## Justice Reinvestment States That Have **IMPROVED THE PRETRIAL PROCESS**



Hawaii required timely risk assessments of pretrial defendants to inform pretrial detention and release decisions.



West Virginia required that jails conduct a pretrial risk screen within three days of a person's admission to jail.



Delaware required that results of a pretrial risk assessment to gauge a defendant's risk of flight and re-arrest be provided to magistrates to inform release decisions and conditions of pretrial release.

## Virginia Case Study

# USING A RISK ASSESSMENT TOOL TO INFORM PRETRIAL DECISION MAKING

”The “Virginia Model” was the first research-based statewide pretrial risk assessment in the country. Previously in the state, there was no guidance for making pretrial release recommendations to the court or determining appropriate levels of pretrial supervision”

### ADOPTED ASSESSMENT PERFORMS WELL IN PREDICTING OUTCOMES

Of 14,383 cases, **15%** experienced failure pending trial

### RELEASED DEFENDANTS LESS LIKELY TO EXPERIENCE PRETRIAL FAILURE

**1.2 times** less likely to experience failure

**1.3 times** less likely to fail to appear or to experience a new arrest pending trial

## Justice Reinvestment States That Have HELPED PROGRAMS FOCUS ON RESEARCH-BASED INTERVENTIONS AND REINVEST IN BEHAVIORAL HEALTH RESOURCES



Pennsylvania required performance-based contracts for providers delivering programs and clinical services



Idaho created statutory requirements for ongoing program evaluation (CPC), development and adoption of minimum treatment standards, and mandatory risk assessment (ID)

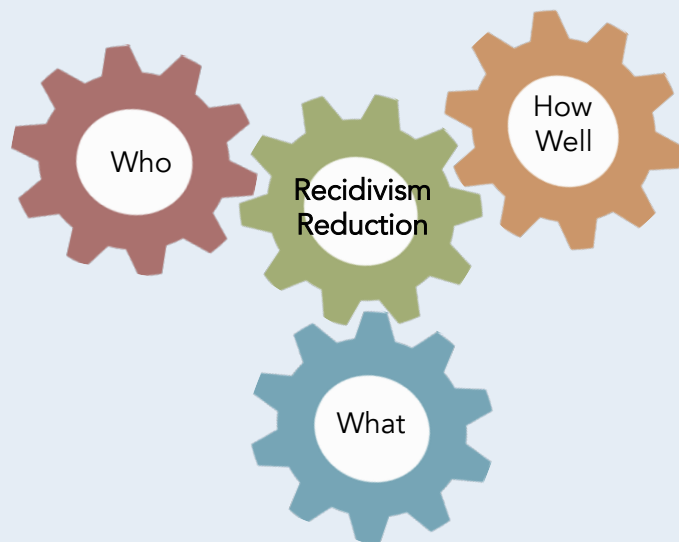


Kansas and West Virginia invested in treatment slots for high-risk high-need individuals in facilities and in the community

## Idaho Case Study

# OVERHAULING PROGRAMMING IN PRISON

Idaho's Department of Corrections spent millions on programming to reduce recidivism. After state leaders set goals to reduce recidivism, they undertook a six-month review of **who** got programming, **what** curricula were being used and **how well** the programs were running through on-site observations.



## ANTICIPATED IMPACT OF SYSTEM OVERHAUL

Redesign an overly complex and ineffective set of program curricula to a more streamlined approach that uses program models based on proven practices to reduce recidivism.

## Justice Reinvestment States That Have SHIFTED SUPERVISION RESOURCES TO FOCUS ON PEOPLE MOST LIKELY TO REOFFEND



Nebraska ensures post-release supervision for most people upon release from prison and supports victims through improved restitution collection



Alabama provides supervision to every person released from prison and improves notification to victims regarding releases from prison



North Carolina requires mandatory supervision for everyone convicted of felonies upon release from prison

## Kentucky Case Study

# POST-RELEASE SUPERVISION FOR PEOPLE LEAVING PRISON

In 2009, Kentucky began requiring **SUPERVISION OF ALL INMATES** upon release from incarceration, with two mandatory reentry supervision groups based on offense and security level.

Inmates released to mandatory reentry supervision were **30 percent** less likely to return to prison for a new crime within one year of release than a comparable cohort before enactment of mandatory supervision policies.

**“Mandatory reentry supervision is working in Kentucky. It has been a fiscal success, saving the commonwealth over \$1 million per month. But more importantly, it’s been good for public safety by cutting recidivism.”**

*Kentucky Representative John Tilley*

# Thank You

Cassandra Warney, Policy Analyst  
[cwarney@csg.org](mailto:cwarney@csg.org)

To receive monthly updates about all states engaged with justice reinvestment initiatives as well as other CSG Justice Center programs, sign up at: **[csgjusticecenter.org/subscribe](https://csgjusticecenter.org/subscribe)**

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