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## **Recidivism Analysis**

### **Women Released From Maryland Prisons**

**FY2007 to FY2010**

### **Memo to Female Offender Management Workgroup**

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By Shawn M. Flower, Ph.D.  
Principal Researcher  
Choice Research Associates

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TO: Facility Administrator Sheron Thornton, Chair  
DPSCS Female Offender Management Workgroup

CC: DPSCS Female Offender Management Workgroup

FM: Shawn M. Flower, Ph.D., Member  
DPSCS Female Offender Management Workgroup

RE: Draft Analysis of Women's Recidivism Rates

Date: June 14, 2014

Below are the results of the recidivism analysis of 2,624 women released from Maryland Correctional Institution for Women (MCIW) and Baltimore Pre-Release Unit for Women (BPRU-W) from Fiscal Year 2007 through 2010. Among those released, 1,869 were released one time, and 606 women were released, returned and re-released multiple times (from 2 to 5 times) in the period. These 2,624 releasees represented 2,217 unique (unduplicated) women. The State Identification (SID) numbers of these 2,217 women were submitted by the Department of Public Safety and Correctional Services (DPSCS) for a standard Criminal Justice Information System (CJIS) criminal history data extract. Of those, 2,183 were matched to a criminal record in CJIS. An additional 21 women were dropped from this analysis because of the following reasons: 11 were matched in CJIS but the data was essentially blank (e.g., only 1 date of arrest but without offense, verdict, or sentencing information); 8 had only post-release activity (no prior CJIS records); 1 woman had two different SID numbers, and 1 woman shared part of her record (based on SID number) with another woman – but as I could not distinguish between them, both were deleted. This left 2,562 women released in this period, representing 2,162 unique women.

Table 1 provides release and descriptive information of 2,562 the women in the final sample. As indicated below, the majority of women (82%) were released from MCIW, while 18% were released from BPRU-W. Over the four year period, 27% of the 2,562 women were released in FY2007; 27% in FY2008; 25% in FY2009; and the remaining 20% were released in FY2010.

The release status is presented two ways – for all 2,562 (including those who returned due to either a new charge or a technical violation, and then were subsequently re-released in this period); and the release status of the 2,162 women during their first release from the facility. Viewed both ways, approximately a third of women are released on Mandatory Supervision Release (MSR); less than a fifth of women are released at the expiration of their sentence; approximately two-fifths were released on parole; and a small number were released on court order. Among the women who returned to the facility and were re-released following a revocation hearing, 16% were returned to the community on Continued MSR or Continued Parole as there was insufficient information available to revoke parole.

At the time of their release, the women were 36 years old, on average, ranging from 17 to 71 years old; 64% were African American and 36% were White.

**Table 1: Release and Demographic Descriptives**

	<b>N</b>	<b>Freq.</b>	<b>Percent</b>	<b>Range</b>	<b>Mean (SD)</b>
<b>Fiscal Year (Including Duplicates)</b>	2562				
2007		689	27%		
2008		700	27%		
2009		650	25%		
2010		523	20%		
<b>Facility Released From</b>					
MCIW	2562	2088	82%		
BPRU-W		474	18%		
<b>Release Status – All Releasees</b>	2562				
Mandatory Supervision Release (MSR)		832	32%		
Sentence Expired		361	14%		
Parole		930	36%		
Continued MSR <sup>1</sup>		136	5%		
Continued Parole <sup>1</sup>		274	11%		
Court Order		39	2%		
<b>Release Status – First Release</b>	2162				
Mandatory Supervision Release (MSR)		706	33%		
Sentence Expired		307	14%		
Parole		894	41%		
Continued MSR <sup>1</sup>		62	3%		
Continued Parole <sup>1</sup>		154	7%		
Court Order		39	2%		
<b>Age at First Release</b>	2162			17 to 71	36.88 (8.90)
<b>Race</b>	2038				
African American		1302	64%		
White		731	36%		
Other		5	<1%		

N=Number of those with data available to assess; May not total 100% due to rounding.

Table 2 provides several measures of criminal history, calculated or summarized from the CJIS criminal history data. The most common type of offender is a person offender (47%), followed by drug (30%), sex offender (14%), and property (9%). Note that offender class is based on the most serious conviction over their criminal career and not on the most frequent type of crime or

<sup>1</sup> Released on a Continued MSR or Continued Parole indicates the individual had a revocation hearing, but there was insufficient information to revoke parole (Personal Communication, M. Chippendale, MCIW Acting Warden, April 2014)

most recent offense committed.<sup>2</sup> The length of criminal career<sup>3</sup> for these women spanned a range from as little 71 days to over 42 years. On average, the women had been criminally involved for over 14 years.

The prior arrest history reflects this longevity. The women had an average of 10 arrests (ranging from 1 to 71), 6 prior convictions and an average conviction rate of 62% overall. Among those convictions, approximately 29% were for felony level offenses and the maximum seriousness category averaged 3.57 – which is midway between a level V and Level IV offense (ranging from the most serious category of level I to least serious, level VII).<sup>4</sup> Level V offenses include second degree assault; uttering false document; theft over \$500; motor vehicle theft; possession of controlled dangerous substances (not marijuana); third degree sexual offense; reckless endangerment, and obstructing & hindering. Level IV offenses include manufacture and/or distribution of controlled dangerous substances, child abuse, second and third degree burglary, escape from confinement, and robbery.

Table 2 also provides arrest information broken down to provide charge data. Releasees had an average of 26 prior charges (ranging from 1 to 127 charges) in their criminal career, with 8.2 charges resulting in a conviction (ranging from 0 to 49 charges convicted), thus 34% of all charges resulted in a conviction. Among these charges, 25% were for felony level offenses, and the most serious charge category averaged 4.2 – a Level IV offense.

A breakdown by different types of offenses includes both the number of charges overall, within a range, and the number of those charges that lead to a conviction. Note that the offenses listed include person crimes (including weapons charges) and sex crimes (including prostitution). Given that weapons (due to their potential lethality) add a level of seriousness to the offense, and that those who engage in prostitution have a fair number of charges, both weapons and prostitution charges and convictions are also provided separately so to present a balanced view.

For instance, for the 2,162 women, 1,516 (or 70%) were charged in their career with at least 1 person offense (including weapons) ranging up to 90 person offenses, and averaging 6 person charges over their career. Among those charged with a person offense, they were convicted of 1.4 person offenses, on average, over their lifetime (ranging from 0 to 18 person offense convictions.) The 608 women charged with prostitution had from 1 to 35 charges over their

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<sup>2</sup>In deciding which was the most serious conviction, person offenses were privileged over drug and property types of offenses. For the purpose of offense seriousness, DUI/DWI offenses, eluding police, etc., although designated as traffic offense type, were still considered as person offenses and thus were privileged over property, drug and other types of offenses. Thereafter, seriousness was determined based on the specific charges in accordance with the State of Maryland criminal law statutes.

<sup>3</sup> Length of criminal career was calculated based on the first date of arrest in the CJIS data to the most recent arrest or the date of release.

<sup>4</sup> Each charge was coded by offense seriousness category from I (most serious) to VII (least serious) (which was reverse coded so that a higher value indicated a more serious crime) in accordance with Maryland State statutes. The source for statute classification information was from the Maryland State Commission on Criminal Sentencing Guidelines Manual Guidelines Offense Table Appendix A, updated February 2006, and the 2012 manual.

career, with an average of 3.8 charges. Of those charged with prostitution, they were convicted 2.7 times, on average, ranging from 0 to 18 convictions. Finally, 80% of the women (1,808 of 2,162 released) had at least 1 drug charge over her career; with an average of 10.9 charges (ranging from 1 to 105 charges). Of those charges, they were convicted of 3.5 charges, on average, within a range from 0 to 26 convictions.

The final section of Table 2 is incarceration history. Among these women, 97%<sup>5</sup> had been incarcerated for one or more days during their career. They experienced from 1 to 33 periods of incarceration, on average serving 4.2 times. The total time imposed over the course of their career ranges from 0 days to 119 years, with an average time imposed of 7 years.<sup>6</sup> The average sentence per incarceration period is 147 days, but ranges up to 20 years.

**Table 2: Criminal History Descriptives N=2162**

	N	Freq.	Percent	Range	Mean (SD)
<b>Offender Class (Serious Conviction)</b>	2135				
Person		999	47%		
Sex		293	14%		
Drug		645	30%		
Property		198	9%		
Traffic		0	0%		
Other		0	0%		
<b>Criminal Career</b>					
First Time Offender	2162	160	7%		
Length of Career (in months)	2162			2 to 510	171 (92)
Length of Career (in days)	2162			71 to 15516	5204 (2800)
<b>Arrest, Charge, and Conviction History</b>					
Total Number of Prior Arrests	2162			1 to 71	10.4 (8.4)
Total Number Prior Convictions - Arrest	2162			0 to 42	6.0 (4.8)
Prior Arrest Conviction Rate	2162			0 to 1	.62 (.22)
Proportion of Prior Felony Convictions	2135			0 to 1	.29 (.30)
Most Serious Category - Convictions	2135			1 to 7	3.57 (1.04)
Total Number of Prior Charges	2162			1 to 127	26.0 (18.9)

<sup>5</sup> Given this is a release population one would expect 100% to have been incarcerated. However, one of the limitations of these data is that parole and probation violations are typically not discernible within the CJIS data (e.g., offenses are sometimes listed as a VOP (Violation of Probation/Parole - but not consistently). It is also unclear whether the sentence imposed for that offense was for the original charge or the VOP and thus it may not reflect incarceration as a consequence of the VOP. In addition, for District court cases, the only way to obtain VOP data is to go through paper commitment files and/or search individual records on MD Judiciary Case Search. (For more on this, see <http://www6.montgomerycountymd.gov/content/docr/pdfs/finalrecidivismreport-dec-16-2009.pdf>, the section titled Violation of Probation – Differential Reporting by Court.)

<sup>6</sup> Calculated from sentencing data by subtracting the sentence suspended from sentence imposed. However, there is no ability to discern in the CJIS data those sentences that were served consecutively from those served concurrently, thus these figures likely overestimate the amount of time actually served. In addition, 3 women were sentenced to LIFE, which was entered as 99 years.

	N	Freq.	Percent	Range	Mean (SD)
Total Number Prior Convictions - Charges	2162			0 to 49	8.2 (6.4)
Average Charges Per Prior Arrest	2162			1 to 52	3.2 (2.8)
Prior Charges Conviction Rate	2162			0 to 1	.34 (.18)
Proportion of Prior Felony Charges	2162			0 to 1	.25 (.19)
Most Serious Category - Charges	2162			1 to 7	4.2 (1.1)
<b>Charge &amp; Conviction History By Type of Offense</b>					
<b><i>Person Offenses (Including Weapons)</i></b>					
Total Number of Charges	1516			1 to 90	6.4 (6.9)
Total Number of Convictions	1508			0 to 18	1.4 (1.7)
<b><i>Weapons Only Offenses</i></b>					
Total Number of Charges	682			1 to 21	2.2 (2.1)
Total Number of Convictions	682			0 to 4	.27 (.54)
<b><i>Sexual Offenses (Including Prostitution)</i></b>					
Total Number of Charges	635			1 to 51	4.1 (4.7)
Total Number of Convictions	633			0 to 22	2.7 (2.9)
<b><i>Prostitution Only Offenses</i></b>					
Total Number of Charges	608			1 to 35	3.8 (3.9)
Total Number of Convictions	607			0 to 18	2.7 (2.8)
<b><i>Drug Offenses</i></b>					
Total Number of Charges	1733			1 to 105	10.9 (9.0)
Total Number of Convictions	1725			0 to 26	3.5 (2.9)
<b><i>Property Offenses</i></b>					
Total Number of Charges	1808			1 to 116	11.3 (14.8)
Total Number of Convictions	1790			0 to 37	2.9 (4.0)
<b><i>Traffic Offenses</i></b>					
Total Number of Charges	249			1 to 16	1.9 (2.0)
Total Number of Convictions	248			0 to 4	.29 (.58)
<b><i>Total "Other" Charges</i></b>					
Total Number of Charges	302			1 to 14	1.5 (1.2)
Total Number of Convictions	301			0 to 10	.49 (.94)
<b><i>Total Violation Probation/Parole</i></b>					
Total Number of Charges	310			1 to 14	2.4 (1.9)
Total Number of Convictions	310			0 to 8	1.7 (1.5)
<b>Incarceration History</b>					
Sentenced to Incarceration Rate	2110			0 to 1	.97 (.17)
Prior Times Incarcerated	2110			1 to 33	4.2 (3.7)
Total Time Imposed (in days)	2110			0 to 43435	2700 (3472)
Average Incarceration Sentence (in days)	2110			0 to 7300	147 (391)

Table 3 presents the recidivism analysis (defined here as a return to incarceration of 1 or more days post-release) of women released from MCIW or BPRU from FY2007 to FY2010, based on CJIS records. The results are presented for each fiscal year, and then all release years combined, at one, two, and three years (cumulatively) after release.

As noted below, among the 669 women released in FY2007, 18% were sentenced to 1 or more days by the end of the first year; 30% by the end of year 2; and 35% by end of year 3. Among the 400 women released in FY2010, 12% were returned by the end of the first year, 19% by the second year, and 21% by end of the third year. This is a statistically significant ( $p < .000$ ) decline in return rates from 2007 to 2010.

Overall, within 3 years of release, 29% of women returned to prison.

However, as noted in Footnote 5, CJIS data does not appear to consistently capture returns to prison for violations of probation or parole. Using the Department of Corrections data provided by DPSCS, the return to prison rate was recalculated to include those who returned on either a new charge or for a technical violation. By the end of the third year, the rate of return for women released in FY2007 was 47%; in FY2010 it was 22%. It is interesting to note that in FY2007, the difference in return rates using CJIS data alone (35%) versus including DOC data (47%) was 12%; yet by FY2010 only a 1 % difference remained between these data sources.

Overall, within 3 years of release, 37% of women returned to prison, when probation and parole violations are included in the calculation.

**Table 3: Return Rates by Women Released from MCIW or BPRU from FY2007 to FY2010**

Fiscal Year of Release	Total Women Released N=2,624	Total Unique Women (First Release) N=2,162	Cumulative Percentage and Cumulative Total of Corrections Releases Returned based on CJIS Records			Including DOC Release Records
			By End of First Year	By End of Second Year	By End of Third Year	By End of Third Year
2007	703	669	18%	30%	35%	47%
			120	199	237	317
2008	718	593	15%	25%	32%	40%
			91	150	192	237
2009	668	500	13%	21%	25%	30%
			65	105	125	149
2010	535	400	12%	19%	21%	22%
			49	75	83	88
All Release Years	2,624	2,162	15%	25%	29%	37%
			325	529	637	791

Table 4 provides recidivism rates (arrest, econviction, and restating the reincarceration findings in Table 3) within 3 years of release. As with incarceration rates, there is statistically significant ( $p < .000$ ) decline in arrest and conviction post-release from FY2007 to FY2010. Of women released in FY2007, 68% were rearrested and 54% were reconvicted, compared women released in FY2010, where 42% of women rearrested and 29% reconvicted.

**Table 4: Recidivism Based on CJIS Records Cumulative by End of Third Year**

<b>Fiscal Year of Release</b>	<b>Total Unique Women (First Release) N=2,162</b>	<b>Arrested Post Release</b>	<b>Convicted Post Release</b>	<b>Sentenced 1 or More Days Post Release</b>
2007	669	68%	54%	35%
		456	360	237
2008	593	66%	50%	32%
		393	299	192
2009	500	52%	35%	25%
		260	176	125
2010	400	42%	29%	21%
		168	114	83
All Release Years	2,162	52%	39%	29%
		1,129	833	637

When these data were presented to the Female Offender Management Workgroup (FOMW) in our June 2014 meeting, the group theorized that these declines may be the result of a number of departmental policy changes (e.g., a shift away from returning those with a VOP to prison or the increasing use by police of hospital and psychiatric evaluations for mentally ill rather than arrest); greater utilization of diversion (e.g., mental health and prostitution courts); and the emphasis on reentry (e.g., connecting individuals to treatment prior to release).

While the recidivism analysis is informative, the key purpose of conducting this study was to discern if there were differences in recidivism rates by the length of time incarcerated. In 2012, members of the FOMW noted that women incarcerated in MCIW for longer than 8 years (“long-timers”) have different needs and experiences upon reentry to the community than those released after shorter periods of time. This appeared to be the case, based on anecdotal experiences of FOMW members, yet remained an empirical question. The group surmised that if there were differences in recidivism for long-timers, then the FOMW would consider applying for technical assistance from the National Resource Center for Justice Involved Women (NRCJIW) to fund the development of curriculum and programming for this long-timer group. Possible curriculum included a support group that could begin inside the institution and continue after release, family reunification or parenting the adolescent or adult child, how to have healthy relationships both inside and outside the institution (including awareness of domestic violence), decompression programming to overcome the trauma of incarceration, and possibly a mentoring



component. Curriculum could also be developed for Community Supervision Officers for dealing with this special population.

In order to test this theory, the length of stay was approximated using CJIS records based on the most recent conviction and sentence prior to the release date. However, as noted in Table 5 below, this resulted in approximately 10% of those released defined as long-timers. I believe this is overestimated as based on DPSCS records, only 5% of women released in FY 2011 had served more than 8 years.<sup>7</sup> In addition, the use of the CJIS sentencing data to calculate length of stay for this purpose does not account for good time credits; thus I will ask DPSCS to provide commitment dates from Department of Corrections data, and I will re-run the analysis.

**Table 5: Actual Time Served Before Release by Fiscal Year**

Time Served Before Current Release	Fiscal Year				Total	Percent of Total
	2007	2008	2009	2010		
1 year or less	262	248	188	150	848	39%
1 to 3 years	208	191	160	115	674	31%
3 to 8 yrs	143	102	87	83	415	19%
8 yrs or more (“Long-timers”)	56	50	65	52	223	10%
<b>Total</b>	<b>669</b>	<b>591</b>	<b>500</b>	<b>400</b>	<b>2160</b>	<b>100%</b>

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<sup>7</sup> Personal Communication, R. Gowen, DPSCS, January 2012.