SELECTED CHARACTERISTICS OF RESIDENTS WHO HAVE ESCAPED ON FURLOUGH FROM MASSACHUSETTS CORRECTIONAL INSTITUTIONS NOVEMBER 6, 1972 THROUGH MAY 25, 1974

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#### INTRODUCTION

In response to the tremendous public attention focused upon the furlough program for residents of Massachusetts correctional facilities, the Department of Correction has been involved in extensive study and evaluation of this program and has issued several reports in regard to this program. Also updated furlough statistics are reported in the "Monthly Statistical Report on Community Based Programs".

The focus of this particular study is upon the furlough escapees, i.e. the individuals who violated the furlough agreement by failing to return to the correctional institution within two hours of the designated time of return.

Since the first furlough granted on November 6, 1972 [as authorized by Section 90A of the Correctional Reform Act, Chapter 777,] through May 25, 1974 there have been a total of 11,549 furloughs issued to residents of Massachusetts correctional facilities. While on furlough 172 residents failed to return at the designated time. The overall success rate of the furlough program for this time period then is 98.5%, while the overall escape rate is 1.5%.

The escape rate by individuals furloughed rather than by total number of furloughs was computed for the time period between the

<sup>1</sup> See Farrington, Faye, "The Massachusetts Furlough Experience" Massachusetts Department of Correction, April 1974, and Joanne O'Malley, "An Evaluation of the Massachusetts Furlough Experience, November 1972- August 1973", Massachusetts Department of Correction, December 1973.

<sup>2</sup> These figures do not correspond exactly with the May statistics reported in the Department's May "Monthly Statistical Report on Community Based Programs" for two reasons. In the course of the data collection it was discovered that: (1) five individuals had been incorrectly reported as escapes by the institutions and (2) two MCI-Bridgewater escapees were patients, i.e. civil commitments rather than prisoners and therefore are not subject to the legal stipulations of the furlough program.

inception of the program on November 6, 1972 and November 5, 1973.

During this time period 2267 individuals were furloughed with a total of 119 failing to return. The overall escape rate by individual therefore is 5.2%.

A breakdown of the escape rate by institution type reveals that the large, higher security institutions, i.e. MCI-Walpole, MCI-Norfolk, MCI-Concord and MCI-Bridgewater, have a significantly higher escape rate (2.5%) than do the minimum security facilities, Forestry and MCI-Framingham which have a combined escape rate of .9%. The small, community based Pre-Release Centers had the lowest combined rate of .4%.

The primary source of data for this study was the individual's central file at the Department of Correction central office. This information was supplemented by the weekly furlough roster data that is regularly incorporated in the Department of Correction data base.

Two distinct aspects of the furlough escape were investigated. First, a descriptive analysis of the furlough escape situation was obtained. Variables related to the escape situation include the following: Institution of escape, the present status of furlough escapees, length of time on escape status, legal prosecution of escape cases, dispositions of adjudicated escape cases, and known criminal activity of escapees while on escape.

The second area of investigation concerned certain selected characteristics of the furlough escapees. A previous study published by the Department of Correction analyzed a large variety of

<sup>3</sup> See Joanne O'Malley, "An Evaluation of the Massachusetts Furlough Experience, November 1972-August 1973, "Massachusetts Department of Correction publication, December 1973.

background variables with the fact of escape. This study provides supplementary information regarding the following selected variables: Type of offense committed by furlough escapees, length of time incarcerated prior to the escape, prior furlough history, extent of previous institutional misconduct, individual record of previous escapes or attempted escapes, and parole status for their present commitment.

# I. THE ESCAPE SITUATION

### A. <u>Institution</u> of Escape

MCI-Norfolk, a medium security institution which has granted the greatest number of furloughs of all the state correctional facilities, also accounts for the greatest number of escapes. Fifty-nine or 34.3% of the 172 escapees had been furloughed from MCI-Norfolk.

MCI-Concord, which is also a major furloughing facility, accounts for the second largest percentage (30.8%) of escapes.

It is interesting to note that while Shirley Pre-Release and Boston State Pre-Release Centers have granted numerous furloughs, they account for a combined total of only 8.2% of all escapes.

# B. Present Status of Furlough Escapee

Of the 172 escapees from furlough, nearly three-fourths (75.0%) have been returned to the custody of the Massachusetts Department of Correction or are being detained in other correctional or law enforcement detention facilities. (See Table 2) Of the 129 returned individuals, (See Table 2A) over a fourth (27.9%) returned to the correctional facility of their own volition or surrendered to local police authorities. The remainder (72.1%) were apprehended by law enforcement officials. At the time of this writing, 42 individuals remained at large from the custody of the Department of Correction.

ABLE 1
INSTITUTION OF ESCAPE

MASS. CORRECTIONAL INSTITUTION		E POPULATION		HS 11/6/72 5/25/74		HEES ESCAPED to 5/25/74	SUCCESS RATE BY INSTITUTION	ESCAPE RATE BY INSTITUTION
	N	8	<u>N</u>	ç <sub>o</sub>	N	<del>Q</del>		
Walpole Concord Norfolk Bridgewater Framingham Warwick Plymouth Monroe	533 399 675 141 97 45 46 44	(25.4) (19.0) (32.2) (6.7) (4.6) (2.1) (2.2) (2.1)	275 1797 2876 395 904 493 715 549	(2.4) (15.6) (24.9) (3.4) (7.8) (4.3) (6.2) (4.8)	8 53 59 12(1) 11 5 5	(4.6) (30.8) (34.3) (7.0) (6.4) (2.9) (2.9) (2.3)	(97.1) (97.1) (98.0) (97.0) (98.8) (99.0) (99.3) (99.3)	(2.9) (2.9) (2.0) (3.0) (1.2) (1.0) (0.7) (0.7)
PRE-RELEASE FACILITY  Boston State Shirley Charlotte House	39 46 7	( 1.9) ( 2.2) ( .3)	2266 1018 90	(19.6) ( 8.8) ( .8)	7 7 0	( 4.1) ( 4.1) ( 0.0)	(99.7) (99.3) (100.0)	(0.3) (0.7) (0.0)
Brooke House Coolidge House Roxbury Community	· 6	( .3)	72 54	( .6) ( .5)	1 0	( .6)	(99.4) (100.0)	(0.6) (0.0)
Rehabilitation Center	12	( .6)	45	( .4)	0	( 0.0)	(100.0)	(0.0)
TOTAL	2095	(100.0)	11,549	(100.0)	172	(100.0)	(98.5)	(1.5)

<sup>(1)</sup> No further information is available for one of these escapees since his commitment to Bridgewater was through a transfer from a House of Correction.

TABLE 2

PRESENT STATUS OF FURLOUGH ESCAPEES

		/
STATUS	_N_	_ °6
Returned to Custody of DOC or Detained Elsewhere	129	(75.0)
At Large	42	(24.4)
Unknown	1	( .6)
TOTAL	172	(100.0)

# TABLE 2A

# TYPE OF RETURN

TYPE	<u> N</u>	<del>-</del> 8
Voluntary	36	(27.9)
Involuntary	93	(72.1)
TOTAL	129	(100.0)

#### C. LENGTH OF TIME ON ESCAPE STATUS

Of the 129 returned escapees, nearly half (48.9%) were returned within a week of their escape. (See Table 3) An additional 13.2% were returned within a month, and 49 individuals were on escape status for over a month. The median length of time on escape of those returned was ten days.

A direct relationship (P < .001) exists between the length of time on escape and the type of return. The large majority (88.9%) of the voluntary returns did so within a week of the date of escape. A large proportion (63.9%) of these individuals returned within several hours of the designated time of return but since they were over two hours late, they are nevertheless reported as escapes.

Involuntary returns, however, remained on escape status for much longer periods of time, with only a third (33.4%) having been apprehended within a week's time.

TABLE 3

LENGTH OF TIME ON ESCAPE STATUS

NUMBER OF DAYS	VOLUNTA	ARY RETURNS	INVOLUNTA	RY RETURNS	T	OTAL
	<u>N</u>	<u>용</u>	N	<u>ક</u>	N	96
One day or Less	23	(63.9)	14	(15.1)	37	(28.7)
2-7 Days	9	(25.0)	17	(18.3)	26	(20.2)
8-30 Days	2	(5.6)	15	(16.1)	17	(13.2)
More than 30 Days	2	(5.6)	47	(50.5)	49	(38.0)
TOTAL	36	(100.0)	93	(100.0)	129	(100.0)

Mean = 53 days Median = 10 days  $x^2 < .001$ 

### D. Prosecution of Escape Cases

Of the 129 individuals who have been returned voluntarily or involuntarily, a fourth (25.6%) were either never prosecuted or had their charges dismissed by the court. (See Table 4)

In many cases the lack of prosecution is related to voluntary return. In fact, two-thirds of the non-prosecuted escape cases returned to the correctional facility of their own volition, usually within 24 hours of their designated time of return. Frequently there are extenuating circumstances related to the resident's failure to return and prosecution is deemed unnecessary by law enforcement officials. In such cases, institutional disciplinary procedures are activated to obtain proper internal settlement of the cases.

The large majority of the returned escapees, two thirds (66.7%) in fact, did face criminal prosecution. 74 of these cases have been fully disposed by the courts and another twelve cases have yet to be adjudicated.

In ten cases, the legal status of the escape case is unknown.

TABLE 4
PROSECUTION OF ESCAPE CHARGE

	N	<del></del>
Prosecution Underway or		
Completed	86	(66.7)
Not Prosecuted	33	(25.6)
Status Unknown	10	(7.7)
TOTAL	129	(100.0)

## E. Disposition of Prosecuted Escape Cases

The disposition most frequently accorded to furlough escapees was a new sentence to be served (usually in a House of Correction) from and after the resident's current sentence. (See Table 5) This sentence was meted out to 28 individuals, nearly a fourth (23.5%) of all disposed cases. The length of these sentences range from one month to a year with the majority (50%) being a three month sentence. (See Table 5A)

TABLE 5

DISPOSITION OF PROSECUTED ESCAPE CASE

	_ <u>N</u> _	<del>8</del>
Not Guilty Guilty, Case Filed Probation, Concurrent Probation, From and After New Sentence, Concurrent New Sentence, From and After New Sentence, Forthwith Case Pending Not Prosecuted	3 10 19 8 28 2 13	( 2.5) ( 2.5) ( 8.4) (16.0) ( 6.7) (23.5) ( 1.7) (10.9) (27.7)
TOTAL	119	(100.0)

TABLE 5A

LENGTH OF FROM/AFTER SENTENCE

LENGTH	NO. OF ESCAPEES	8
1 month 2 months 3 months 4 months 5 months 6 months 1 Year	2 2 14 2 1 5 2	(7.1) (7.1) (50.0) (7.1) (3.6) (17.9) (7.1)
TOTAL	28	(100.0)

The second most common disposition was probation from and after with nineteen (16.0%) individuals receiving this disposition. The term of probation was generally for one year (See Table 5B) although the length of time varied from six months to three years.

TABLE 5B

LENGTH OF FROM AND AFTER PROBATION

LENGTH OF PROBATION	<u> </u>	-8
Six Months One Year Two Years Three Years	5 10 1 3	(26.3) (52.6) (5.3) (15.8)
TOTAL	19	(100.0)

One particularly interesting disposition that was utilized in eighteen cases is probation on a new sentence to be served concurrent with the sentences that the resident is presently serving.

Finally it should be noted that three individuals were adjudicated "Not Guilty". Another three were found guilty but the case was filed and no disposition administered, and two received sentences to be served forthwith.

# F. Criminal Activity of Furlough Escapees

Although the full extent of the criminal activity of furlough escapees on unauthorized leave is impossible to assess accurately, it was determined that 23 furlough escapees were arrested and charged with criminal offenses other than the charge of escape. As can be

seen in Table 6 the charges are fairly serious, with 18 individuals having been charged with crimes against the person. Thirteen of these persons were arrested on charges or armed robbery. One individual has been charged with murder.

TABLE 6
OFFENSES ALLEGEDLY COMMITTED BY FURLOUGHEES ON ESCAPE

OFFENSES AGAINST THE PERSON	N	8
Murder, 1st Degree Pending Armed Robbery	1 13	( 4.3) (56.6)
Armed Dangerous Weapon w/Intent to Rob 15 cc Assault w/Intent to Murder Assault w/Intent to Rob 8-10 Kidnapping	1 1 1	( 4.3) ( 4.3) ( 4.3) ( 4.3)
OTHER OFFENSES		v.
Unlawful Possession Weapon Larceny 6 mos. F&A, ss 2 yr. prob Possession Marijuana 2 1/2 yr. Operating w/o Authority 6 mos. F&A H. OF C.	2 1 1 1	( 8.7) ( 4.3) ( 4.3) ( 4.3)
TOTAL	23	(100.0)

Of these 23 cases twelve have resulted in convictions and new sentences. A list of the new sentences is given in Table 6A. An additional four individuals are presently serving time in other states and the remaining seven cases have not yet been adjudicated.

TABLE 6A

SENTENCES RECEIVED BY OFFENDERS CONVICTED OF CRIMES
COMMITTED WHILE ON ESCAPE FROM FURLOUGH

OFFENSE	SENTENCE	N
Armed Robbery	20-25 yrs, Forthwith	1
Armed Robbery	12 yrs, cc	1
Armed Robbery	6-9 yrs, cc	1
Armed Robbery	5-20 yrs, F&A	1
Armed Robbery	5-7 yrs, cc	1
Armed Robbery	$2 \frac{1}{2} - 5 \text{ yrs, cc}$	2
Armed Dang. Weapon w/Intent		÷
to Rob	15 yrs, cc	1
Assault Int. Rob	8-10 yrs, cc	1
Larceny	6 mos. F&A, ss 2 yr.prob.	1
Possession Marijuana	2 1/2 yrs, cc	1
Oper. w/o Authority	6 mos. F&A, H. of C.	1
		<del></del>

#### II. SELECTED BACKGROUND CHARACTERISTICS OF ESCAPEES

## A. Original Committing Offense

In Table 7, data is presented regarding the major committing offense 4 of the furlough escapees. For purposes of comparison, offense data concerning the individuals who received furloughs during the period November 1972 through August 1973 is also provided.

The most substantial disparity between the two sets of data is in the offense against property category where escapees are slightly over represented (+6.2%). A statistical analysis of this difference however failed to indicate a significant relationship.

In general, it appears that the type of original committing offense has no bearing upon furlough escape.

<sup>4</sup> It should be noted that the only offense considered was the original committing offense even though it is possible that a resident was serving a From and After sentence at the time of the escape. In the case of a commitment involving multiple offenses, the first offense will be recorded. (This offense is not marked concurrent). Usually this is the most serious offense in the judgment of the sentencing court.

TABLE 7
ORIGINAL COMMITTING OFFENSE

		to $5/74$ )	POPU) (11/72	DUGHED LATION to 8/73)
	<u>N</u>	<u>%</u>	<u>N</u>	90
OFFENSE AGAINST PERSON			•	
Murder 1 Murder 2 Manslaughter Armed Robbery Other Person	3 7 11 48 35	1.8 4.1 6.4 28.1 20.5	47 106 113 392 242	3.0 6.8 7.3 25.3 15.6
TOTAL	104	60.8	900	58.1
PROPERTY OFFENSES				
Burglary Larceny of Auto Other Property	19 4 19	11.1 2.3 11.1	146 19 120	9.4 1.2 7.7
TOTAL	42	24.6	285	18.4
SEX OFFENSES				
Rape Other Sex	3 3	1.8 1.8	59 31	3.8
TOTAL	6	3.5	90	5.8
OTHER OFFENSES				
Escape Narcotics Other	3 16 0	1.8 9.4 0.0	12 229 33	.8 14.8 2.1
TOTAL	19	11.1	274	17.7
GRAND TOTAL	171	100.0	1549	100.0
Unknown	1		198	
TOTAL POPULATION	172	•	1747	

#### B. Length of Time Incarcerated Prior to Escape

The median length of time a resident had been incarcerated prior to his escape on furlough was 1 year and 8 months. Nearly a third (32%) had served less than a year of their sentencesprior to their escapes and well over half (55.8%) had served less than two years. (See Table 8) Thirty-three individuals (19.2%) had spent at least four years in confinement prior to their escape.

TABLE 8

	ESCAPE	. <u>8</u>
Less than one year Over 1 year to 2 years Over 2 years to 3 years Over 3 years to 4 years Over 4 years Unknown	55 41 27 15 33	32.0 23.8 15.7 8.7 19.2
TOTAL	172	100.0

Mean: 2 years and 4 months Median: 1 year and 8 months

It should be noted that two thirds (67.3%) of the 55 individuals who had served less than a year of their sentences prior to escape were originally Concord commitments. Because the length of incarceration for Concord commitments is comparatively short (median=9 months) residents may receive furloughs after serving only a few months of their sentence.

### C. Furlough History

A large percentage, 40.1%, in fact, of the escapees were in the community on their first furlough when they absconded. Usually this would be their first quarterly furlough, an unescorted 12 hour leave from the institution granted to satisfy one of the stated purposes of the requested furlough. Success of this furlough is a pre-requisite for becoming a participant in the work/education release programs and for obtaining additional longer earned furloughs in the future.

The majority (59.9%) of the escapees, however, had successfully completed at least one furlough prior to the escape. It is interesting to note though that as the number of prior furloughs increases the number of escapees having completed that number of prior furloughs decreases. Evidently then the risk of a furloughee absconding diminishes as he successfully completes additional furloughs.

TABLE 9

PRIOR FURLOUGHS	_ <u>N</u> _	8
0	69	40.1
1	31	18.0
2	23	13.4
3	18	10.5
4	14	8.1
Over 5	16	9.3
Unknown	1	.6
TOTAL	172	100.0

# D. Number of Disciplinary Reports Received Prior to Escape

One of the important responsibilities of the furlough committee is to review the resident's institutional adjustment before granting furloughs. One measure of this adjustment is the number and seriousness of any disciplinary reports that the resident had received while incarcerated on his/her present offense. It was found that 80 individuals (46.5%) of the furlough escapees had not received disciplinary reports since their original commitment dates. Of the remaining 91 individuals who had received disciplinary reports, 50 (29.1%) had only one or two reports, and the remainder (23.9%) had three or more.

A word of caution is in order: The lack of corresponding data regarding the total furloughed population precludes the making of definitive assumptions regarding the relationship between disciplinary infractions and furlough outcome. The data does tentatively indicate however that furlough escapes were probably not major disciplinary problem prior to their escape.

TABLE 10

NUMBER OF DISCIPLINARY REPORTS RECEIVED PRIOR TO ESCAPE

NO. OF REPORTS	<u>N</u>	, <del>-8</del> -
0 1 2 3 4 5 or More	80 29 21 11 8 22	(46.5) (16.9) (12.2) (6.4) (4.7) (12.8)
Unknown	1	( .6)
TOTAL	172	(100.0)

### E. Prior Escape Record

Data on the escape record of the total resident population, i.e. the number of individuals who have in the past been charged with the offense of escape on attempted escape from a correctional facility, was available to compare with the data concerning previous escapes or escape attempts committed by the furlough escapee population.

In both populations, few residents possessed an escape record (See Table 11) but there was a slightly higher percentage of escapees possessing such a record (13.4%) than of residents in the total population (10.6%). However, this difference did not prove to be statistically significant.

TABLE 11
PRIOR ESCAPE RECORD

NO. OF PREVIOUS ESCAPE CHARGES	ESCAPEES N %		POPULATION 1/74 8
None One or More	148 (86.0) 23 (13.4)	1862 222	(88.8) (10.6)
Unknown	1 ( .6)	12	( .6)
ጥር ጥል T.	172 (100.0)	2096	(100.0)

# F. Parole Status at Time of Escape

Nearly two thirds (65.1%) of the furlough escapees had not seen the Parole Board in the six month period prior to their escape. (See Table 12).

Of the remaining sixty individuals on whom some parole action had been taken, fourteen (8.1%) had been assigned a Reserve Date for release in the near future. A Reserve Date involves an approval for release with a tentative date on which conditions are attached that must be met prior to release. This is particularly interesting since these individuals would logically appear to be disinclined to escape as their release on parole was imminent. In most cases the Reserve Date was immediately rescinded by the Parole Board upon notification of the individual's escape.

In 24 (14%) cases, parole status was in a tentative state, i.e. their hearing had recently been postponed, parole action was pending, or a parole hearing was scheduled for the near future. It can be argued that residents in this category of parole status would be good furlough risks since they would not want to jeopardize their chance for parole. However, it appears that in certain cases the fact of impending parole or the possibility of parole does not deter residents from absconding on furlough.

On the other hand, in fourteen cases (8.1%) the resident had been denied parole or special consideration in the six-month period prior to their escape. Curiously, the number of furlough escapes who had received a Reserve Date and those who had received parole denials, are identical.

In four cases, the resident had recently been paroled from his original committing offense to a from and after sentence. Another three persons had recently been denied parole at their own request. The fact that three voluntary parole denials appeared among the furlough escapee population is interesting because it is an extremely rare phenomena for a resident to deny parole. It is possible that these three individuals chose to abscond on furlough in order to prolong the duration of their institutionalization.

A second measure of parole history was whether or not the escapees had violated a parole granted since their original commitment. The majority (54.1%) of escapees were not parole violators (See Table 13). An impressive proportion (45.3%), however, had been returned as parole violators prior to escaping on furlough.

TABLE 12

# PAROLE STATUS AT TIME OF ESCAPE

	N	<u>%</u>
Given Reserve Date	14	( 8.1)
Postponement, Acting Pending, or Date set for Consideration	24	(14.0)
Parole or Special Consideration Denied	14	( 8.1)
Parole Denied at Own Request	3	( 1.7)
Paroled to From and After Sentence	4	( 2.3)
Has Not Seen Parole Board on Present Commitment Unknown	112 1	(65.1) ( .6)
TOTAL	172	(100.0)

TABLE 13

# RETURNED AS PAROLE VIOLATORS ON PRESENT COMMITMENT

	N	<u>&amp;</u>
Yes	78	(45.3)
No	93	(54.1)
Unknown	. 1	( .6)
TOTAL	172	(100.0)

# ESCAPEE PROFILE

From the previously discussed data it is possible to draw a rough profile of the furlough escapee.

The escapee most probably was on furlough from one of the larger institutions, MCI-Norfolk or MCI-Concord, and has been returned to the correctional system either in the custody of the Massachusetts Department of Correction or in the detention of other correctional facilities. Although usually returning from escape involuntarily, the escapee on the average was returned in approximately ten days.

Usually facing criminal prosecution on return from furlough escape, the resident probably received a new three month sentence to be served in a House of Correction or a disposition of probation to be served from and after his current sentence for one year. If he was charged with committing a new offense while on escape, which is unusual according to available data, it would probably be for an offense against the person.

Like that of most residents receiving furloughs, the major committing offense of the escapee was usually an offense against the person. Prior to the furlough on which he escaped, the resident had served approximately one year and eight months of his sentence and was likely to either have successfully completed only one furlough or have not had any previous furloughs. Like most of the resident population, the escapee usually did not have any prior escape record. In the six months prior to his furlough escape, the resident had probably not seen the Parole Board.