

Massachusetts Department of Correction
Luis S. Spencer, Commissioner

ANALYSIS OF INMATES ELIGIBLE FOR RELEASE WITHIN NEXT 5 YEARS

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Introduction

As of August 1, 2012, the Massachusetts Department of Correction (MA DOC) custody population¹ consisted of 10,379 criminally sentenced inmates. Over the past four years (2006-2010), the MA DOC criminally sentenced inmate population has been rising steadily and exacerbating the problem of overcrowding in the state prison system. Currently, the MA DOC is operating at an alarming occupancy rate of 146%. In order to better understand inmate population growth, and project future population trends it is essential to learn more about active inmates that are eligible for release within the next few years. This brief will examine the population of active inmates as of August 1, 2012 that are eligible for release within the next five years. Identifying the number of inmates eligible² for release within the next five years can assist with population forecasting, daily operations, re-entry planning, as well as planning for overcrowding.

Methodology

Information for this brief was gathered from the Massachusetts Department of Correction Inmate Management System (IMS) as of August 1, 2012. The cohort consists of active, criminally sentenced inmates incarcerated in MA DOC facilities as of August 1, 2012. This cohort was categorized into four subsets for the release eligibility analysis. Inmates were considered to be eligible for release if they had an earliest release date³ within the next five years, prior to August 1, 2017 while inmates with an earliest release date after August 1, 2017 were not considered to be eligible.

¹ An individual is considered to be in Massachusetts DOC custody when they are being held in a Massachusetts DOC facility.

² It is important to note, this brief is only identifying criminally sentenced inmates that are eligible for release within the next five years. Eligibility does not guarantee an inmate's release as a result of parole decisions, or additional convictions and sentences while incarcerated.

³The inmate's earliest release date is based on either their parole eligibility date, minimum sentence date, good conduct discharge date, or maximum sentence date.

➤ **Release eligibility guidelines by cohort subset:**

- Life 1 inmates (n=979) are not eligible for a parole release to street.
- Life 2 inmates (n=879) are eligible for a parole release to the street after 15 years of time served.
 - Life 2 inmates that had a parole eligibility⁴ date prior to August 1, 2017 were considered to be eligible for a parole release within the next five years.
 - Life 2 inmates that had parole eligibility date after August 1, 2017 were considered to be not eligible for a parole release within the next five years.
- Criminally sentenced inmates that are not serving a life sentence (n=8,493) can be eligible for release via parole or expiration of sentence. Since, this inmate population has a maximum release date, compared to Lifers⁵ who have no maximum release date, two analysis were conducted for this inmate population subset:
 - The first analysis identifies inmates within this subset that have an earliest release date within the next five years, making the inmate eligible for release.
 - The second analysis identifies inmates within this subset that have a maximum release date⁶ within the next five years, indicating the inmate will be releasing within the next five years.
- Out of state life sentenced inmates (n=28) in DOC custody were excluded from the analysis due to differences in sentence structure across states.
- It is important to note, this analysis only accounts for sentences that are to be served on the inmate's current commitment, in which release dates are based on the aggregate of the sentences to be served under their current commitment. Therefore, this analysis does not account for from and after sentences⁷, which would be served on another commitment.

⁴ The earliest date that an inmate may be eligible for parole.

⁵ Life sentenced inmates have no specified maximum release date, and can be incarcerated for the rest of their Life, only second degree life sentenced inmates are parole eligible, with parole being based on the discretion of the parole board.

⁶ The date upon which an inmate's sentence expires, based on the inmate's good conduct discharge date.

⁷ A sentence (which can be a probation term) that does not take effect until the completion of another previously imposed sentence is a consecutive, "from and after", sentence.

MA DOC Criminally Sentenced Inmates Eligible for Release

MA DOC Criminally Sentenced Custody Population on August 1, 2012 Eligible for Release Within the Next 5 Years			
Criminally Sentenced Inmate Population Subsets	Count	Number Eligible for Release Within 5 Years	% Eligible for Release Within 5 Years
Life 1 Inmates (no parole eligibility)	979	0	0%
Life 2 Inmates (parole eligible)	879	630	72%
Criminally Sentenced Inmates, not serving a Life sentence	8,493	7,166	84%
Total Criminally Sentenced Custody Population	10,351	7,796	75%

**Eligibility for release is based on the inmate's earliest potential release date.*

- Seventy-five percent of MA DOC's criminally sentenced inmate population is eligible for release within the next five years.
- In addition, 72% of second degree life sentenced inmates are eligible for parole release within the next five years.
- Eight-four percent (n=7,166) criminally sentenced inmates not serving a Life sentence will be eligible for release within the next five years.

MA DOC Criminally Sentenced Custody Population Not Serving a Life Sentence on August 1, 2012 Eligible for Release Within the Next 5 Years by Offense Type			
Offense Types	Count	Number Eligible for Release Within 5 Years	% Eligible for Release Within 5 Years
Person Offenders	3,300	2,699	82%
Sex Offenders	1,250	889	71%
Drug Offenders	2,182	1,965	90%
Property Offenders	922	844	92%
Other Offenders	839	769	92%
Total Criminally Sentenced Inmates, not serving a Life sentence	8,493	7,166	84%

**Eligibility for release is based on the inmate's earliest potential release date.*

- Ninety-two percent of Property, and 'Other' offenders that are not serving a Life sentence will be eligible for release within the next five years, followed by Drug⁸ offenders (90%), Person offenders (82%), and Sex offenders (71%).
- Overall, 84% of criminally sentenced inmates not serving a Life sentence will be eligible for release within the next five years.

⁸ This analysis does not account for changes in sentence structure via Sentencing Bill Chapter 192 of the Acts of 2012, which reduced the sentence length for specific mandatory minimum drug crimes.

MA DOC Criminally Sentenced Inmates Releasing Within the Next Five Years

MA DOC Criminally Sentenced Custody Population Not Serving a Life Sentence on August 1, 2012 Releasing Within the Next 5 Years by Offense Type			
Offense Types	Count	Number Releasing Within 5 Years	% Releasing Within 5 Years
Person Offenders	3,300	2,328	71%
Sex Offenders	1,250	622	50%
Drug Offenders	2,182	1,804	83%
Property Offenders	922	752	82%
Other Offenders	839	707	84%
Total Criminally Sentenced Inmates, not serving a Life sentence	8,493	6,213	73%

**Offense type represents the inmate's governing offense, which is the offense with the longest maximum sentence. **Release is based on the inmate's maximum release date.*

- Seventy-three percent of criminally sentenced inmates that are not currently serving a Life sentence will be releasing within the next five years.
- Eighty-four percent of 'Other' offenders will be releasing in the next five years, followed by Drug (83%), Property (82%), Person (71%), and Sex (50%).

MA DOC Criminally Sentenced Custody Population Not Serving a Life Sentence on August 1, 2012 Releasing Within the Next 5 Years by Offense Type			
Offense Categories	Count	Number Releasing Within 5 Years	% Releasing Within 5 Years
Violent Offenders	4,550	2,950	65%
Non-Violent Offenders	3,943	3,263	83%
Total Criminally Sentenced Inmates, not serving a Life sentence	8,493	6,213	73%

**Offense type represents the inmate's governing offense, which is the offense with the longest maximum sentence. **Release is based on the inmate's maximum release date.*

- Eighty-three percent of non-violent offenders that are not serving a Life sentence will be releasing within the next five years, while 65% of violent offenders will be releasing within the next five years.

Conclusion

Seventy five percent (n=7,798) of the criminally sentenced inmate population will be eligible for release from the MA DOC within the next five years. As 72% (n=630) inmates serving a Life 2 sentence will be eligible for parole release within the next five years. Seventy-three percent (n=6,213) of criminally sentenced inmates who are not serving a Life sentence *will be released* off their current sentence within the next five years; including 83% (n=3,263) of non-violent offenders and 65% (n=2,950) of violent offenders. These statistics indicate that with a strong emphasis on re-entry, reducing crime in our communities, and recidivism the MA DOC criminally sentenced population can be reduced in number, thus alleviating overcrowding concerns and improving public safety with more positive outcomes for returning citizens.

Any questions or comments can be answered by email: research@doc.state.ma.us. Copies of publications from the Office of Strategic Planning & Research can be found at <http://www.mass.gov/doc>.