



## Department of Public Safety and Correctional Services

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November 15, 2022

The Honorable Guy Guzzone  
Chair, Senate Budget and Taxation Committee  
3 West Miller State Building  
Annapolis, Maryland 21401-1911

The Honorable Ben Barnes  
Chair, House Appropriations Committee  
House Office Building, Room 121  
Annapolis, Maryland 21401-1911

RE: Joint Chairmen's Report – Q00R – Recidivism Report

Dear Chair Guzzone and Chair Barnes:

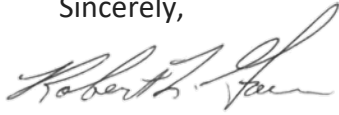
Pursuant to the 2022 Joint Chairmen's Report, the Department of Public Safety and Correctional Services is required to submit a report on recidivism from the period of 2016 onward. The language requirements can be found on page 157 of the 2022 Joint Chairmen's Report and states:

*The budget committees request that the Department of Public Safety and Correctional Services (the Department) submit a report by November 15, 2022, on the following: three-year recidivism numbers for the fiscal 2019 release cohorts; and an analysis of recent recidivism trends, including a comparison to past years and a comparison to other states.*

Attached is the Department's submission for the period for cohorts through FY 2022 in satisfaction of the reporting requirement.

I hope this letter and report meet with your approval. If the Department or I can be of further assistance, please do not hesitate to contact me or Chief of Staff Rachel Sessa at [rachel.sessa@maryland.gov](mailto:rachel.sessa@maryland.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert L. Green".

Robert L. Green  
Secretary

cc:     Members of the Senate Budget & Taxation Committee  
         Members of the House Appropriations Committee  
         Ms. Sarah Albert, Department of Legislative Services  
         Ms. Cathy Kramer, Department of Legislative Services  
         Ms. Melissa Ross, Deputy Legislative Officer, Governor's Office  
         Ms. Cristina Jorge-Tuñón, Budget Analyst, Department of Budget and  
         Management  
         Mr. Jacob Cash, Policy Analyst, Department of Legislative Services



# **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**

## **Recidivism Report**

November 15, 2022

**Governor Larry J. Hogan  
Lt. Governor Boyd K. Rutherford  
Secretary Robert L. Green**

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## Executive Summary

- FY 2019 three-year recidivism is starkly lower than historical rates reported, a trend shared by other states.
- Consistent with national models, Maryland's recidivism is highest in the first year following release. Measurement of first year recidivism changed due to pending resolution of cases, and is now 19.44%
- Recidivism is measured as the earliest return to the Department's custody due to conviction for a new prison sentence, conviction to a new probation sentence, or return from community supervision (parole, probation or mandatory supervision post release) due to revocation.
- Most individuals (66.7%) released from prison from FY 2016 to FY 2019 were released under some form of post-release supervision.
- Returns due to technical violations of community supervision are the most significant driver of first year recidivism (39%) . On average, technical violations occurred in the first 6 months after release.
- The lowest recidivism rates are found among first time parolees, who over a 3-year period are more likely to remain free of new offenses than populations who are released with no supervision.
- Cumulative 3-year recidivism rates decrease with age at release. Breakdowns by age group reveal that most of the recidivism in the State involves the return of inmates who are aged 26-35 at release. Proportionally, emerging adults (aged 25 and younger) still had the highest recidivism rate within their age cohort.
- Generally, inmates with shorter total sentence lengths had higher recidivism rates than those that carried longer, more severe sentences.
- Court closures associated with the COVID-19 pandemic response coincided with variations in FY 2019 recidivism rates, most significantly in returns during the second year. The COVID-19 pandemic has had a diminishing effect on yearly recidivism rates affecting how appropriate the most recent rates will be on predicting future recidivism trends.
- The majority of releases are serving a sentence from a single jurisdiction. A small percentage of released individuals (10.9%) were serving a sentence involving convictions in two jurisdictions, and the remaining < 2% were serving a sentence involving 3-5 jurisdictions. A significant portion of releases in FY 2019 had a nexus to 6 county areas: Baltimore City (42.15%), Baltimore County (14.49%), Prince George's (7.96%), Harford (5.84%), Anne Arundel (5.59%) and Washington (4.95%).
- The FY 2019 release cohort was defined by a large percentage (41.85%) of individuals completing a sentence for a crime against a person. This group was responsible for a slightly smaller proportion of FY 2019 recidivism, and most of the recidivism was driven by technical violations ([see examples](#)), not new offenses.

## Introduction

Recidivism is in part an evaluation of the effectiveness of rehabilitation and deterrence after justice involvement. However, it is equally impacted by transition stability during the re-entry period, access to housing and necessary resources, and the availability of employment

opportunities. Recidivism trends are often used to target interventions more effectively as the relationship between over-involvement in the justice system and poor recidivism outcomes has been explored. Despite the heavy impact of social factors on recidivism, it remains the primary performance measure for state and federal correctional systems even as the landscape of corrections and incarcerated populations have changed dramatically over the last 20 years.

### Smaller, Acute Populations

Nationally, the correctional population has declined by an average of 12.4% since 2009.<sup>1</sup> Maryland has been cited as a leader in correctional decreases and has experienced a 20% decline in its State sentenced population over the same period. Shifts toward smaller, older, longer-serving populations are the expected consequence of the high incarceration trends of the 1990s, which saw Maryland's State correctional population peak in 2003. Since 2009, intakes and releases have declined by nearly 64%. Large decreases in the volume of release cohorts as well as decrease in the volume and composition of annual intakes resulted in changes in recidivism populations over time.

While the size of correctional populations has slowly become more manageable, the composition has become more significant. Over the past six years, the average length of stay in sentenced custody has increased by 29%, and average sentence lengths have increased by 10%. The percentage of the State correctional population serving shorter sentences and sentences for non-violent crimes has decreased. Since the 2018 implementation of the Justice Reinvestment Act, the lessening of penalties for some theft and drug possession offenses diverted inmates away from State incarceration. From FY 2015 to FY 2022, the percentage of inmates serving sentences for these crimes within the Division of Correction (DOC) custody dropped by 75% (theft) and 75% (drug offenses) respectively.

The long term impacts of this comprehensive reform will not be appropriately measured for years to come, but its initial effects are present in the changes to the Department of Public Safety and Correctional Services' (Department) population, and in the reductions in returns for technical violations. By design, the outcome of these diversion measures focuses correctional resources on individuals serving sentences for serious, often violent crimes. The reduction of frequent, short-term, incarceration periods is more strongly reflected in local correctional outcomes than in state incarceration. Additionally, this reduction of shorter sentences in DOC custody means that over time, state recidivism cohorts will consist of individuals with longer periods of incarceration, and more significant criminal histories.

### Separate Systems of Incarceration

Maryland's recidivism calculation must also be considered within the context of its correctional landscape. Maryland is unique among state correctional systems in that it operates as a hybrid between the traditional state correctional model (shared by neighboring Pennsylvania and Virginia) and a unified model (shared by neighboring Delaware). In Maryland, because the Department operates as the State correctional entity (DOC), the local jail in Baltimore City (Division of Pretrial and Detention Services), and the statewide community supervision entity (Division of Parole and Probation), it has unique insight into the relationship between local, state, and community corrections. Most states do not include sentences to probation, and limit

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<sup>1</sup> [Correctional Populations in the United States, 2019 – Statistical Tables, BJS, July 2021, NCJ 300655](#)

their capture of State responsible sentences to felonies or only those with sentences longer than 18 months. (This is discussed in more depth [below](#)) Due to the Department's unique authority as the centralized community supervision agency, the centralized data storage of the Maryland Parole Commission, and the inclusion of local jail sentences within Baltimore City, the 3-year recidivism rate calculated by the Department includes recidivism events that would not necessarily be counted by other state authorities.

Figure 1: Maryland Correctional Structure

Correctional Authority	Sentenced	Pretrial	Populations
State Prisons	✓	✓	<ul style="list-style-type: none"> <li>Sentences longer than 18 months</li> <li>All pretrial and sentenced populations in Baltimore City</li> </ul>
Post Release Supervision	✓		<ul style="list-style-type: none"> <li>Individuals released from State prisons who are supervised in the community on parole or following a mandatory release to supervision.</li> </ul>
County Jails	✓	✓	<ul style="list-style-type: none"> <li>Inmates awaiting trial outside Baltimore City</li> <li>Inmates sentenced for &lt;18 months</li> <li>Local Home Detention &amp; Pretrial Release Programs</li> </ul>
Probation Supervision	✓	✓	<ul style="list-style-type: none"> <li>Individuals assigned Probation Before Judgement</li> <li>Sentences to community supervision</li> <li>Early Releases from State Prison &amp; Local Detention</li> </ul>

#### Initial Impacts of the COVID-19 pandemic

The FY 2019 release cohort left prison between July 1, 2018 and June 30, 2019. The 6,764 individuals leaving during this period experienced the Department's normal re-entry preparations prior to release, and began the re-entry process at a time before Maryland's communities were impacted by the COVID-19 pandemic. In March of 2020, within the first year of the FY 2019 cohort's re-entry, the first community transmission of COVID-19 was detected in Maryland, and the State's response began. Beginning in early April 2020, an administrative order from the Chief Judge suspended jury trials and grand juries. As local jurisdiction activities and businesses slowed, so did opportunities for re-entry stability, as well as reductions in opportunities for recidivism. This impacted the last four months of the first year of returns, and the subsequent two years of re-entry trends.

#### Correctional Population Impacts

Significant changes in the Department's pretrial population were indications both of community events and criminal justice practices statewide that impacted the DOC. Over this time period, new intakes to prison for any reason were significantly impacted. In FY 2020, intakes to custody dropped by 31% within the first four months of COVID-19's impact. In FY 2021, intakes fell by an additional 46%, the resulting annual intakes were 62.6% less than they were before the pandemic. While intakes have rebounded in FY 2022, they remain 22% lower than they were before the pandemic. Bookings during the COVID-19 period fell to historic lows reflecting community enforcement trends, resulting in a 35% decrease compared to the year prior. Fewer incidents involving arrest may have had an impact on new offense rates among the FY 2019



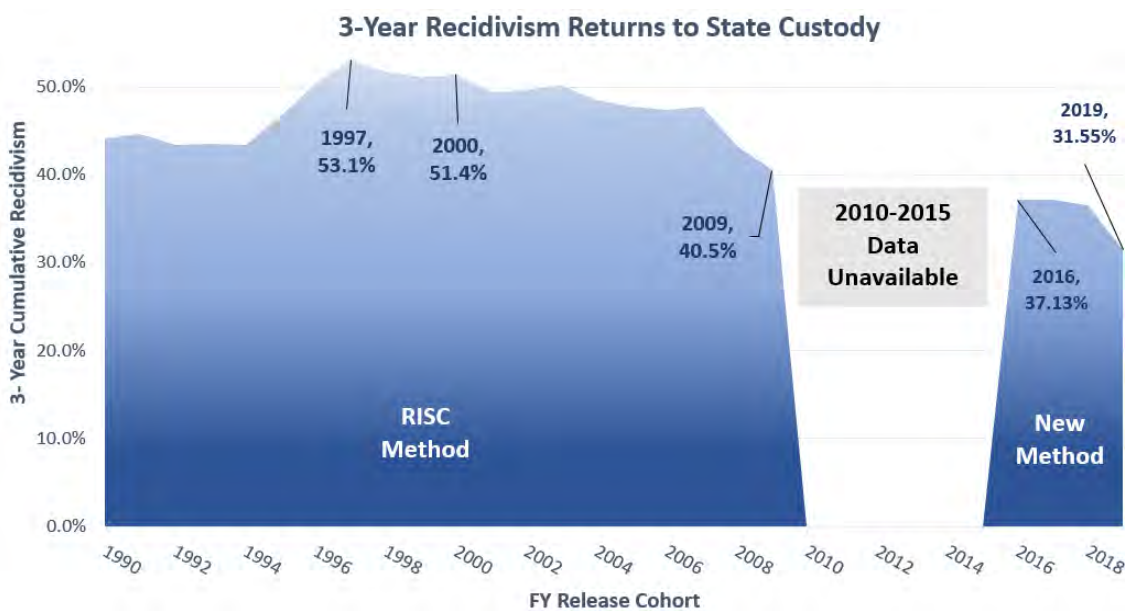
cohort. Nevertheless, individuals booked and detained in pretrial detention experienced longer stays prior to trial, related to increases in no-bond decisions. It is unclear what impact this had on delaying or permanently deflecting sentences from the Department's custody, which may have reduced recorded new offense events that did not result in a sentence to probation. Additionally, the Department has no estimation of what impact potential COVID-19 infection or death had on the recidivism of the FY 2019 cohort.

### Historical Recidivism Calculations in Maryland

To meet the needs of the legislature and the public, the Department has produced 3-year recidivism calculations since 1981, initially using the RISC system, which predated the current database. Beginning in FY 2015 and with the advent of the Department's current database, the Offender Case Management System (OCMS), the Department had the opportunity to redesign its recidivism calculation. The implementation of OCMS brought significant enhancement to the Department's infrastructure and data collection, but interrupted tracking of the recidivism cohorts from 2010-2015, and required that the Department design a new process for collecting recidivism and other data once data entry had stabilized in FY 2016.

Today, the Department has a strong data infrastructure that far exceeds the functionality and flexibility of its predecessor system, capable of tracking complex sentencing conditions and detailed indicators of inmate programming during incarceration. OCMS is well established and has adapted to effectuate and track the changing landscape of criminal justice in Maryland through the implementation of Justice Reinvestment, which took full effect in 2018. In the context of the Department's historical figures, which were calculated using a different methodology, contemporary recidivism rates are at an all-time low for the Department. Overall, cumulative 3-year recidivism rates have been gradually decreasing since 2016. FY 2019 marked a sharp departure from the prior years' trends, largely attributed to the widespread impact of the COVID-19 pandemic.

Figure 2: Comparison of historical recidivism rates 1990-2019<sup>2</sup>



<sup>2</sup> Historical RISC Annual Data, [DPSCS Annual Reports](#)

## Recidivism Outcomes Since 2016: An Overview

Consistent with national models, recidivism is highest in the first year following release. In Maryland, recidivism approximately halves with each continued year after incarceration. There are fewer cohort members remaining and those remaining have demonstrated longer periods of compliance and avoided significant justice involvement. On average, since FY 2016, 19.73% of releases from State incarceration in Maryland have returned within the first year of being released. Nationally, this rate is 19.9%<sup>3</sup> within one year for state prisoners for the 2012 cohort, the most recent period available. This is consistent with broader research on the difficulty of the initial re-entry period, which is closely tied to success and decreased recidivism.

Table 1: Recidivism rates from 2016 - 2019

Release Year	MFR 1 year	1 year	2 year	3 year	Cumulative 3 Year
FY 2016	7.0% <sup>4</sup>	20.74%	10.54%	5.85%	37.13%
FY 2017	6.2%	17.77%	13.62%	5.76%	37.15%
FY 2018	4.7%	20.98%	12.28% <sup>5</sup>	3.29%	36.55%
FY 2019	4.1%	19.44%	7.16%	4.95%	31.55%

## Recidivism Trends

The FY 2017 cohort still provides the most reliable baseline for Maryland's recidivism trends, and should be used for future planning. Inmates released in FY 2017 were the first to be sentenced and supervised under the current structure established by the Justice Reinvestment Act of 2016<sup>6</sup>. Subsequent cohorts are impacted by the COVID-19 pandemic's disruption of regular criminal justice functions that impact measurable events. Impacted cohort years have been identified in blue above. Because the pandemic may have delayed adjudication of recidivism activities or suppressed normal activity within the community, these years warrant a more longitudinal 5-year recidivism calculation to provide a more comprehensive measure of release outcomes over this time period. FY 2019 is the first cohort year where the entirety of the recidivism period occurred during the COVID-19 pandemic.

Within the FY 2019 cohort, first year recidivism was largely in line with previous years, and was minimally impacted by the pandemic. The trend of subsequent decreases in recidivism was exacerbated through the second year post release, as a record low percentage of individuals recidivated. This time period saw 6.6% lower recidivism compared to the year prior, and roughly

<sup>3</sup> Recidivism of Prisoners Released in 34 States in 2012: A 5-Year Follow-Up Period (2012–2017). Available at <https://bjs.ojp.gov/library/publications/recidivism-prisoners-released-34-states-2012-5-year-follow-period-2012-2017>

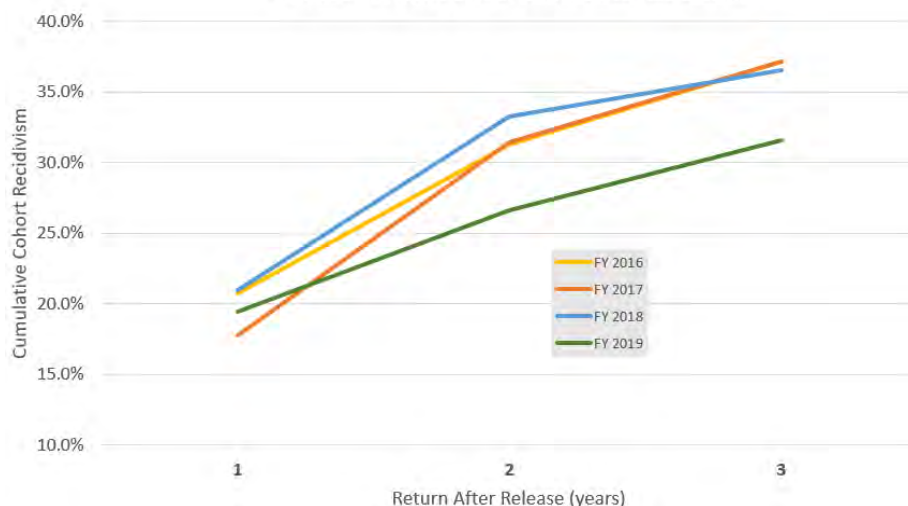
<sup>4</sup> Previously reported in annual Managing For Results reports, available from the Department of Budget and Management. <https://dbm.maryland.gov/pages/managingresultsmaryland.aspx>

<sup>5</sup> Beginning with Year 2 of FY2018's recidivism calculation, subsequent annual measures are impacted by the COVID-19 pandemic. These measures are displayed in italics.

<sup>6</sup> The JRA, Chapter 515 of 2016, had a phased effect from October 1, 2016 (FY 2017) until it took full effect on October 1, 2018 (FY 2019) <http://goccp.maryland.gov/councils-commissions-workgroups/justice-reinvestment/>

corresponds with the period between April 2020 and April 2021. While this gap narrowed slightly in the third year post release, the resulting recidivism rate is still the largest single year decline in 3-year recidivism outcomes the state has recorded since 1990. Deferred adjudication of events occurring during this period and a larger number of individuals persisting into the third year post release may account for the higher recidivism rates in the third year post release. It is also possible given the robust intake rates of FY 2022 that some recidivism events occurring during this period may still be pending final adjudication, or were more likely to be resolved without sentence to the State, underrepresenting the prevalence of new offenses in this cohort.

**Figure 3: Cumulative Recidivism Rate Across All Cohorts**

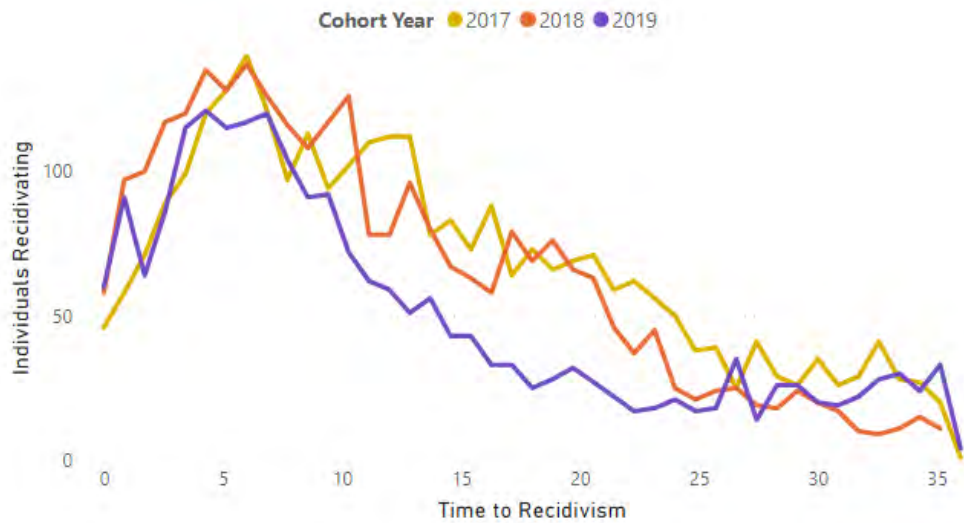


While the most recent recidivism measure is initially promising, the heavy impact of the COVID-19 pandemic limits how indicative this will be of future sustained recidivism rates after case backlogs are resolved, and social and economic engagement return to pre-COVID rates. The large decrease in the release cohort size is another significant co-occurring difference beginning with the FY 2019 cohort that is expected to continue for years given the multi-year trend in depressed intakes. As intakes to state sentenced custody remain decreased by 22% from 2019 to 2022, the persistent shrinking on future release cohorts may have a significant impact on the demographics of release cohorts until at least 2031, given the current average length of stay of 5.39 years.

### Time to Recidivism

A more nuanced monthly examination of time to recidivism reveals more variation in how soon inmates return after release, and how profoundly outside factors impact recidivism. Comprehensive assessment of improved re-entry outcomes includes both a reduction in recidivism and an increase in time until return. Despite the roughly consistent overall single year recidivism rate among cohorts after 2017, there are different trends in when inmates returned to custody. The largest peak in returns to Department custody generally occur within the first six months of release. As illustrated by the progression above, there is significant variation within the recidivism rates. In FY 2019, although there were fewer returns to custody in the first 6 months, this was likely due to the smaller release cohort. In this initial 8-month, pre-COVID, re-entry period, the recidivism rate was comparable (15.22%) to the same period of time in the FY 2018 cohort (15.77%).

Figure 4: FY 2017 - FY 2019 Recidivism Events by Month from Release



The most significant temporal trend is the sharp decline in FY 2019 returns to custody beginning eight months after release, coinciding with March 2020. There was a precipitous drop between this period and May 2020 when the Maryland courts began Phase I operation, which had limited functions. Returns only increased again after August 2020 as courts reopened under Phases III-IV. The corresponding level of criminal justice operations placed the sharp decline and continued departure from prior monthly trends into more appropriate context.

#### Recidivism Drivers

Overall, the 3-year recidivism rate is driven by four main drivers, listed in increasing severity: technical revocations of post-release supervision, revocations due to a new arrest, a new sentence to probation for any offense, and a State-responsible sentence for a new conviction. The figure below summarizes the outcomes of the FY 2019 cohort (n=6,764), based on their first measurable event. Within 3 years of release, 68.46% of individuals leaving state corrections did not have a recidivism event measured by the Department, and an additional 10.74% recidivated but did not return to sentenced custody. Only 11.42% of the releases in FY 2019 committed a new offense severe enough to warrant State incarceration.<sup>7</sup> The remaining 9.38% of the population who are counted as part of the recidivism population returned to the Department as a sanction for a technical revocation of supervision, which did not include a new offense.

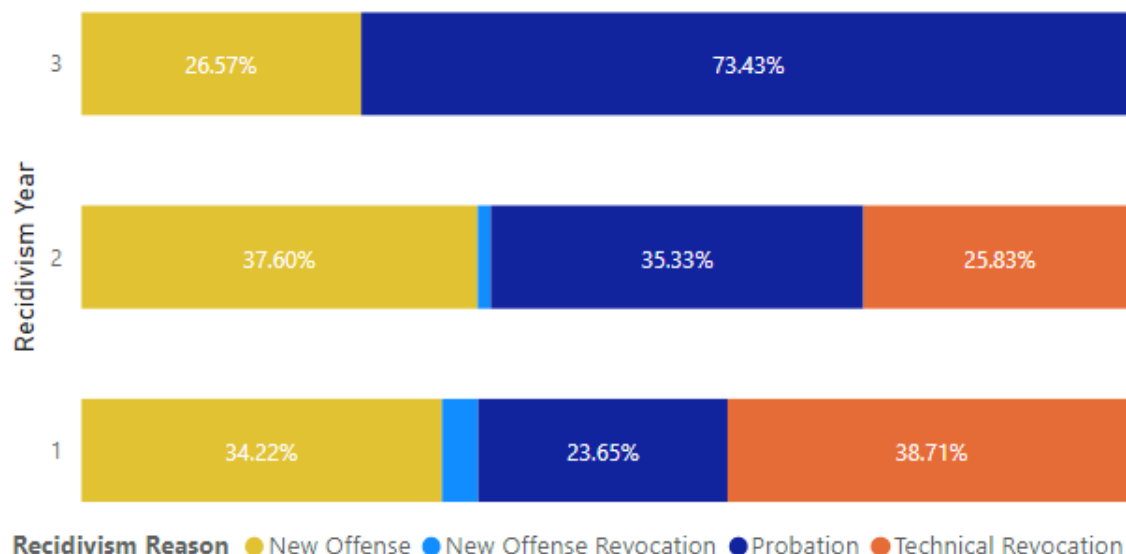
Figure 5: FY 2019 Recidivism Reasons



<sup>7</sup> Recidivism is measured by the first eligible event, and some recidivism events are interrelated. For example, a new offense revocation can precede a subsequent new offense conviction. Of the FY 2019 cohort, a total 12.24% had a new offense resulting in commitment to the Division of Correction at any time in the following 3 years, including those whose recidivism was first triggered by another mechanism.

Examining the recidivism population (n=2,134) in depth reveals that these four main drivers contribute to recidivism at different points post release. Returns due to technical violation of community supervision are typically the most significant driver of first year recidivism in Maryland. Second year recidivism is typically driven by new sentences to probation and new State responsible sentences, including a small percentage of returns from supervision due to new offenses. In the third year, recidivism is entirely due to new probation convictions and to a lesser extent new offense convictions resulting in return to State prison. Analysis of annual recidivism trends within the 2019 cohort found largely consistent drivers of recidivism in each year, regardless of changing operations.

Figure 6: FY 2019 Recidivism Reasons By Year



In FY 2019 measures, technical revocations were still the primary driver (38.71%) in the first year, but accounted for fewer returns than in previous years. Technical revocations accounted for 41.36% of first year returns on average from FY 2016 to FY 2018. New prison sentences were similar to FY 2018 first year return rates, but supervision revocations for a new offense and sentences to probation proportionally accounted for more first year returns in the FY 2019 cohort than previous years. Among second year returns, new prison sentences were a more significant driver (37.60%) compared to the FY 2018 cohort (27.09%), and recidivism due to new probation sentences and technical revocations decreased compared to prior years. Among third year returns, occurring in FY 2022, new sentences to probation remained the primary driver (73.43%) of recidivism, and were more prominent than previous years (65.28%), with new prison sentences constituting less of third year returns (down to 26.57% from 34.72%).

## Recidivism Outcomes Across Diverse Populations

### Recidivism and Release Conditions

Generally, the conditions under which an individual is released from prison have a strong impact on whether they are likely to return. Time spent under community supervision can be directly associated with increased returns to incarceration due to sanctions for technical revocations, which can result in return to prison for a new arrest regardless of conviction, or for behavior

that would not otherwise be sentenced to incarceration. As discussed above, supervision revocations were responsible for the return of 9.38% of the FY 2019 cohort. Individuals who are released due to an expiration of sentence or court order do not necessarily have a period of supervision after release. The largest disparities in recidivism outcomes are seen between different conditions of release. Most individuals (66.7%) released from prison from FY 2016 to FY 2019 were released under some form of post-release supervision, either mandatory supervision due to early release, parole, or continuation of a prior supervision status. The table below provides the cumulative recidivism rate by release type for all available years. For definitions of these release conditions, see **Appendix A**.

**Table 2: Recidivism by Release Reason 2016-2019**

<b>Release Reasons</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
Continued On Mandatory Supervision	44.30%	44.65%	48.02%	43.69%
Continued on Parole	47.98%	45.94%	47.64%	42.91%
Mandatory Supervision	37.62%	36.05%	40.28%	32.21%
Expiration	36.31%	37.36%	32.10%	30.30%
Court Order	32.62%	30.73%	23.02%	26.45%
Parole	30.49%	33.78%	31.25%	22.98%

An examination of cumulative 3-year recidivism outcomes for these groups reveals that individuals returning to the community after at least one prior return to incarceration have the highest recidivism rates, above the yearly average (shaded blue in Table 2). Conversely, the best recidivism rates are found among first time parolees, who over a 3-year period are more likely to remain free of new offenses than individuals who are released with no supervision. One important distinction between these groups is the discretionary nature of parole releases, compared to the indiscriminate nature of releases due to court order, mandatory release to supervision, or upon expiration of sentence. FY 2019 outcomes mirrored FY 2018 outcomes, but had a significant decrease in the recidivism rate of individuals released under mandatory supervision and individuals paroled.

A further analysis, as shown in Table 3, of recidivism drivers among individuals in those release groups shows that the majority of the new offense recidivism within the cohort occurred among those individuals for whom the Department had no release discretion. Individuals released upon expiration of sentence or upon reaching their mandatory release date accounted for 68% of new offense recidivism. In comparison, just 18% of new prison offenses within the 3-year period were attributable to parolees. The majority of parolee recidivism is caused by technical revocations, which are not criminal in nature. New offense revocation is only applicable to the supervised population, but they are predominantly driven by individuals who have already been continued once, and are subsequently revoked for continued noncompliance.



Table 3: 2019 Recidivism by Release Reason

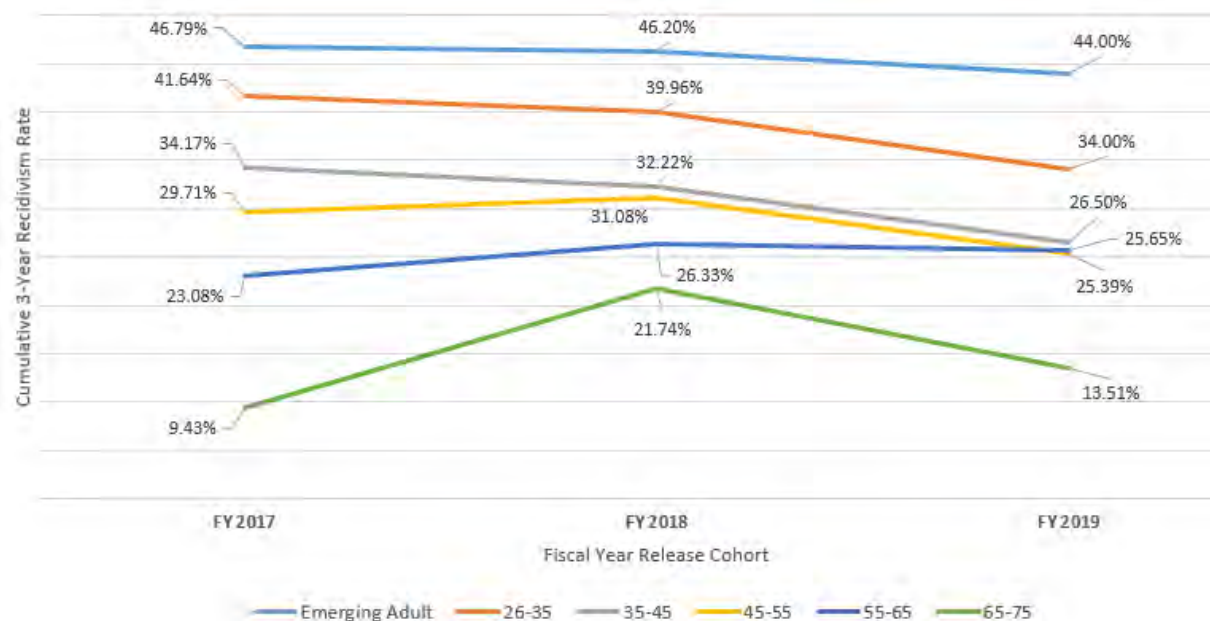
Release Reason	New Offense	New Offense Revocation	No State Recidivism	Probation	Technical Revocation
Continued On Mandatory Supervision	0.80%	0.30%	4.89%	1.35%	1.35%
Continued on Parole	0.65%	0.24%	4.89%	1.27%	1.51%
Court Order	0.65%		5.64%	1.36%	0.01%
Expiration	3.75%		16.01%	3.15%	0.06%
Mandatory Supervision	3.54%	0.16%	23.19%	2.75%	4.56%
Parole	1.27%	0.06%	13.80%	0.89%	1.90%
<b>Total</b>	<b>10.66%</b>	<b>0.76%</b>	<b>68.41%</b>	<b>10.78%</b>	<b>9.39%</b>

### Recidivism and Age

Recidivism rates vary widely based upon age at release from the Department's custody. In FY 2019, the average inmate age within the Department's custody was 38. Across all release cohorts, the average age of inmates leaving custody in FY 2019 was 36.9 years old, while recidivists were slightly younger on average at 34.7 years old. Breakdowns by age group reveal that most (51.2%) of the releases in FY 2019 were age 35 or younger at release. Because they form the bulk of the cohort, specifically the group aged 26-35, they are also the majority (60.92%) of the population that recidivated. However, that disproportionate representation among the recidivism group is due to the oversized impact of the emerging adult population aged 25 and younger.

Figure 7 shows the proportion of each age group who recidivate. As illustrated, recidivism rates decrease with age at release. Emerging adults have the highest recidivism rate of any age group. Geriatric aged inmates (65-75) have the lowest recidivism rate among age groups.

Figure 7: 3-Year Recidivism Rates by Age at Release



While FY 2019 was itself a departure from the norm, there were some trends that remained consistent with prior pre-COVID trends. Recidivism rates have fluctuated over time for some groups. Three-year recidivism among inmates aged 45 and above at release increased slightly in FY 2018, but decreased sharply in FY 2019, falling just below recidivism among 55-65 year olds. The significant increase in recidivism among inmates aged 65 and older in FY 2018 fell in FY 2019 to a rate more in line with previous years. As always the small number of individuals in this group make geriatric recidivism rates susceptible to more dramatic fluctuations. From FY 2017 to FY 2021, a total of 36 inmates aged 65 or older were returned to State custody after release, the majority of which returned for a technical violation of supervision, only eight returned due to a new offense sentence of State incarceration.

### Recidivism and Sentence Length

The majority of inmates released from State incarceration have some portion of their incarcerated sentence in suspension, either due to paroled release or the accrual of diminution credits that offset the sentence length onto a period of post-release supervision. Incarcerated individuals convicted of crimes against persons and multiple or subsequent charges tend to carry longer sentence lengths<sup>8</sup>. In FY 2019, the average sentence length of incarcerated persons within the Department's custody was 18.2 years, with an average length of stay of 6.8 years.

Table 4: Recidivism by Sentence Length 2016-2019<sup>9</sup>

<b>Sentence Length</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
Less than 2	35.47%	37.14%	33.95%	32.42%
2 to 5	39.67%	36.11%	38.32%	32.87%
6 to 10	39.76%	39.78%	38.11%	32.64%
11 to 20	37.29%	38.46%	38.68%	31.99%
21 to 30	29.07%	33.69%	30.72%	26.30%
31 to 40	19.09%	24.53%	24.35%	25.77%
41 to 50	37.14%	22.00%	36.36%	17.65%
Life Equivalent	35.29%	16.67%	26.67%	21.88%

Generally, incarcerated persons with shorter sentence lengths had higher recidivism rates than those that carried longer, more severe sentences. This parallels incarcerated persons' age at release with incarcerated persons released within 2-years; just over 20 years younger than those released after 41-50 years, or life equivalent. Recidivism rates shaded in Table 4 indicate where incarcerated persons of that sentence length have 3-year recidivism rates higher than the overall group. In FY 2019 there was a slight demographic shift towards older incarcerated persons, as those serving sentences of 6-10 years were the largest group (29.86%) of the release cohort. In prior years, this group has tended to have higher recidivism rates. In FY 2019, incarcerated persons released within 20 years of intake had the highest recidivism rate. These individuals were slightly older (<1 year) than the same recidivism groups in FY 2018, and were 36.4 years old on average. Based on the analysis in Figure 8, individuals of this age group had a 26.5% recidivism rate as a whole.

<sup>8</sup> Sentence length calculation is described in more detail in Appendix A: Data Dictionary.

<sup>9</sup> Inmates with a sentence over 50 years were considered life equivalent

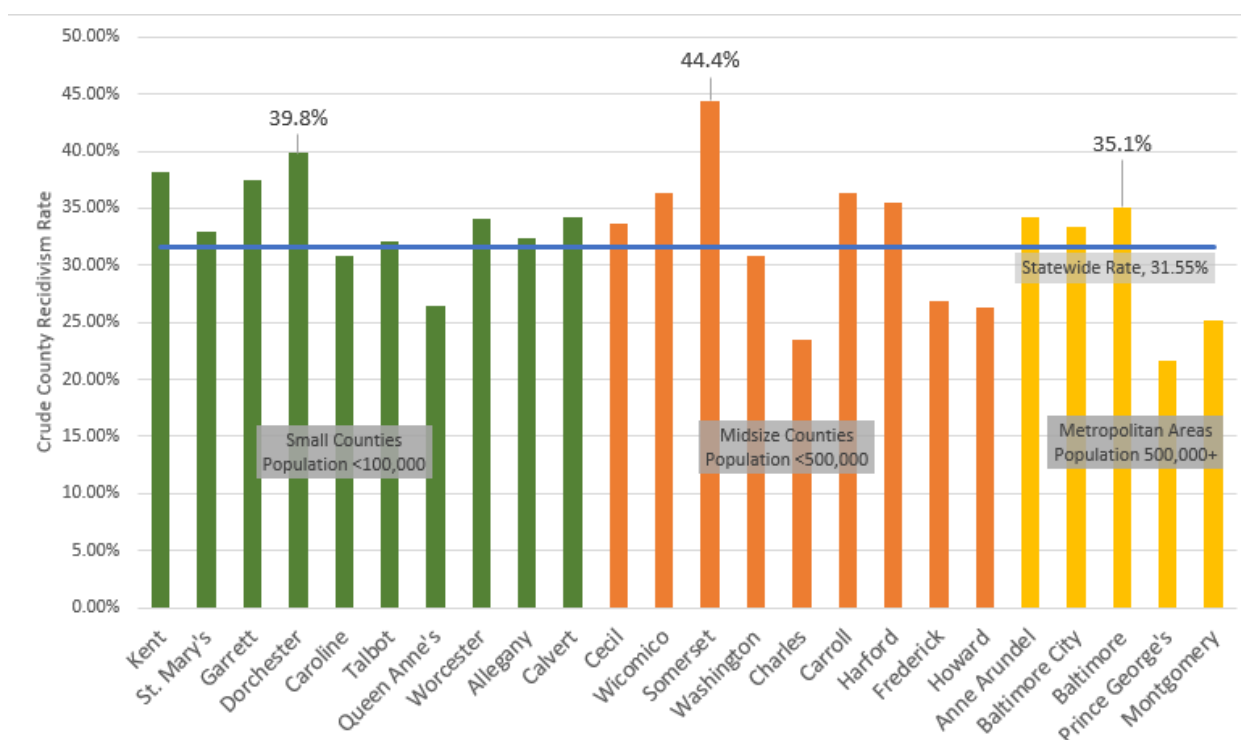


### Recidivism By Location

The majority of releases are serving a sentence from a single jurisdiction. Of those released in FY 2019 for whom sentencing jurisdiction was available, 87% were linked to offenses in only one jurisdiction. An additional 10.9% were serving a sentence involving convictions in two jurisdictions, and the remaining < 2% were serving a sentence involving 3-5 jurisdictions. A significant portion of the release cohort has a nexus to six county areas: Baltimore City (42.15%), Baltimore County (14.49%), Prince George's (7.96%), Harford (5.84%), Anne Arundel (5.59%) and Washington (4.95%).

Recidivism rates by county vary widely due to the vast difference in county cohort sizes, which range from 2,842 (Baltimore City) to 32 (Garrett). Additionally, since approximately 13% of the release population is represented in multiple counties, one instance of recidivism can reflect on multiple county measures.

Figure 8: 3-Year Recidivism Rates by County<sup>10</sup>



In examining these jurisdictions among similarly situated places within Maryland, certain areas emerge as having high rates of recidivism for individuals sentenced to DOC custody from these jurisdictions. This does not indicate that recidivism events occurred within the original sentencing counties, or that recidivism was due to a new offense at all. Among the small counties, individuals sentenced in Dorchester County had the highest recidivism rate, 39.8% of those released in FY 2019. Among the mid-sized counties, individuals sentenced in Somerset County had the highest recidivism rate, 44% of those released in FY 2019, this was the highest

<sup>10</sup> Releases are attributed to every county related to the release offense. There is no connection between the locus of the recidivism events and the counties shown.

rate in the State. Among the large metropolitan area counties, both Baltimore County (35.1%) and Anne Arundel County (34.2%) had higher jurisdictional recidivism rates than Baltimore City. While sentences from Baltimore City impacted the largest group of the release cohort (42%) they did not have a strongly disproportionate representation among the recidivism cohort (44%). Notable age trends were present within individuals recidivating after a sentence from Baltimore City, as 29% of their recidivism cohort was driven by the emerging adult population. Recidivists sentenced in Baltimore City had the highest rate of emerging adults in their jurisdictional group, more than other jurisdictions whose recidivism rates were higher than Baltimore. In comparison, Baltimore County had 17% of its recidivism population within the emerging adult bracket. Not only are emerging adults likely drivers of recidivism among individuals sentenced in Baltimore City, but 59.9% of the emerging adults who recidivated were sentenced in Baltimore City.

### Recidivism By Offense Type

The majority of individuals serving a sentence within the DOC in FY 2022 were serving a sentence for a crime against another person. In FY 2019, when this cohort was being released, 72.5% of the prison population was serving a sentence for one of seven major offenses: homicide, assault, robbery, sexual assault, sex crimes, kidnapping and manslaughter. The increasing acuity of the DOC's population, addressed earlier, affects recidivism in many ways, both lowering some recidivism risk, and impacting the opportunities available to the population leaving custody. This release cohort was far less acute than the correctional population as a whole, impacted by the third of the release group that were released after a sentence shorter than 10 years. Based on the most severe offense, the FY 2019 release cohort was defined by a large percentage (41.85%) completing a sentence for a crime against a person. Figure 9 identifies the diversity of this release group, and the disproportionate history of drug offense (23.64% in the release group compared to 8.9% of the sentenced population at the beginning of FY 2019). The release group also disproportionately includes individuals with a history of property offenses (19.9%) at a higher rate than the sentenced population (13%) at the time.

Figure 9: Primary Offense Categories of FY 2019 Releases



Individuals released from sentences for crimes against people were the largest component of the release population in FY 2019, but were responsible for a slightly smaller proportion of this cohort's recidivism, and most of their recidivism was for technical violations, not new offenses. Individuals released from drug or property sentences were equally responsible for recidivism, but were most likely to have new sentences to probation or new offenses.

**Table 5: Recidivism Reason by Release Offense Type**

Recidivism Reason	Drugs	Person	Property	Public Order	Total
Probation	2.81%	3.52%	2.50%	1.94%	<b>10.76%</b>
New Offense	2.34%	4.01%	2.26%	2.04%	<b>10.64%</b>
Technical Revocation	2.05%	4.33%	2.28%	0.71%	<b>9.37%</b>
New Offense Revocation	0.12%	0.43%	0.19%	0.01%	<b>0.75%</b>
<b>Total</b>	<b>7.32%</b>	<b>12.29%</b>	<b>7.23%</b>	<b>4.70%</b>	<b>31.53%</b>

## Regional State Trends

Methodology for recidivism calculation varies widely among correctional entities, with each state adopting measurement conventions that reflect their priorities, unique legal landscape, and scope of responsibility. The only standard nationwide calculations are conducted by the Bureau of Justice Statistics (BJS) to capture not only standard measurement, but to account for interstate recidivism. The most recent data available from BJS tracked releases in 2012<sup>11</sup> over an initial 3-year recidivism period, with supplementary 5 and 10 year follow up re-evaluations. BJS identified the national 5-year cumulative recidivism to be 39%.

State correctional entities routinely self-publish 3-year recidivism calculations which vary by capacity, focus, and prior convention. Among neighboring states, there is great variation in the size of state responsible populations, as well as scope of responsibility. Among neighboring states, the size of the Department's population most closely mirrors New Jersey's, but in responsibility for local jail sentences, it mirrors Delaware's unified corrections system. Table 6 shows the variety of factors that are captured in state recidivism calculations. Where possible, direct comparison between the sentenced portion of these populations are reflected for the period aligning with the FY 2019 cohort.

**Table 6: Recidivism Models by State**

State	Sentenced Population	Latest 3-year Cohort	Methodology
New Jersey	13,897 <sup>12</sup>	2015	Rearrest, Reincarceration, Reconviction
Pennsylvania	45,006 <sup>13</sup>	2016	Overall: Earliest Rearrest or Reincarceration
Virginia	28,103 <sup>14</sup>	2017	Rearrest, Reincarceration, Reconviction

<sup>11</sup> Recidivism of Prisoners Released in 34 States in 2012: A 5-Year Follow-Up Period (2012–2017). Available at <https://bjs.ojp.gov/library/publications/recidivism-prisoners-released-34-states-2012-5-year-follow-period-2012-2017>

<sup>12</sup> Data reflects 2019 prison population, NJ Department of Corrections [www.state.nj.us/corrections/pdf/offender\\_statistics/2019/Entire%20Report%20-%20Offender%20Characteristics%20Report.pdf](http://www.state.nj.us/corrections/pdf/offender_statistics/2019/Entire%20Report%20-%20Offender%20Characteristics%20Report.pdf)

<sup>13</sup> Data reflects total point in time correctional population as of 7/31/2019. [PA DOC Monthly Population Reports](#).

<sup>14</sup> Data reflects FY 2020 ADP. <https://vadoc.virginia.gov/general-public/agency-reports/>.

Delaware	4,436 <sup>15</sup>	2017	Rearrest, Reconviction, Recommitment, Return to Prison
Maryland	18,803 <sup>16</sup>	2019	Overall: Earliest Reincarceration, Reconviction, Return to Prison
South Carolina	18,743 <sup>17</sup>	2019	Reconviction, Return to Prison
Washington	16,228 <sup>18</sup>	2017	Reconviction, Return to Prison

These important differences in methodology produce widely different recidivism rates. Most neighboring states make 3-year recidivism rates available within 3-4 years of the release cohort year. All neighboring states have had disruptions in their publication timelines, and some have drastically changed their methodology in recent years. In Maryland's calculation, State responsible sentences are determined by intake into DOC custody, and also include local jail commitments for the Baltimore City population which would be encompassed within sentences under 18 months. In other states, such as Virginia, only felonies are reported as state responsible sentences. Currently, as of the publication of this report, Maryland has the most up to date recidivism calculations available, so the most recent historical measures are provided below for comparison.

Beyond neighboring states, two other states have similar sized correctional populations, and comparable state populations: South Carolina and Washington. Recidivism methodology and reportable data points vary widely across different states. Some states, including Virginia and New Jersey, incorporate additional criminal justice records such as arrest and court data, and engage in criminal case-based tracking for recidivism calculation. Other states with unified state and local systems, such as Delaware, report all returns to incarceration in their measure. South Carolina and Washington are the closest in calculation methodology to Maryland in that they exclude rearrest, and provide a combined rate for reconviction and return, however, no other state listed included Maryland's consideration of subsequent probation conviction, which raises Maryland's rate of recidivism to include all State responsible post-release convictions. New probation cases contribute significantly to new offense calculations.

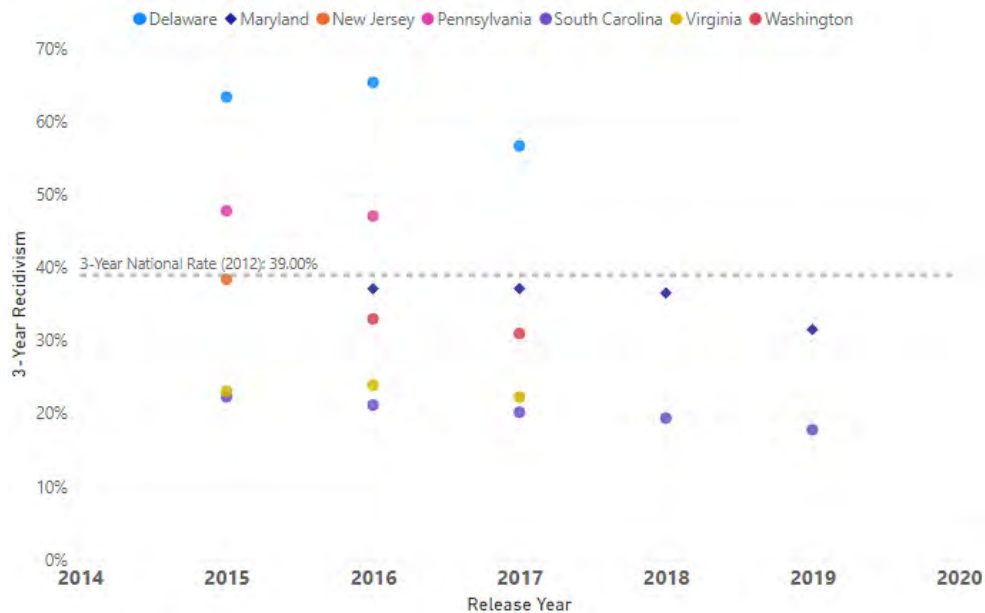
<sup>15</sup> Delaware DOC 2019 Annual Report. [https://doc.delaware.gov/views/annual\\_report.blade.shtml](https://doc.delaware.gov/views/annual_report.blade.shtml)

<sup>16</sup> Annual FY 2019 ADP Report, reflecting total sentenced population, in line with other state correctional systems

<sup>17</sup> Data reflects FY 19 Profile of Institutional Population, <http://www.doc.sc.gov/research/statistics.html>

<sup>18</sup> Data reflects 6/2019 ADP, <https://www.doc.wa.gov/information/data/analytics.html>

**Figure 10: Comparison of State Recidivism Rates**



Where comparison states disambiguated their recidivism rates, those adjusted rates were selected above for comparison along similar methodology. This brought Pennsylvania closer to Maryland's historical recidivism rates. As illustrated in Figure 10, Maryland's 3-year recidivism is closest to the most recent rates made available from Washington and are closely aligned to the national average, similar to New Jersey. Also of important note, is that the only other neighboring state that has continued producing updated 3-year recidivism during the COVID period is South Carolina. All states have recorded decreased recidivism since 2016, and Delaware and South Carolina in particular have noted record lows in their recent recidivism completed during the COVID period.

### **Data Constraints**

Unlike some national studies, the Department limited calculation to only the earliest recidivism event in this report, and did not evaluate all recidivism events in the period. Only sentenced intakes to DOC custody were considered, which may exclude some releases due to time served following a plea agreement. It is unclear what impact these cases may have on recidivism, but their omission places the Department's calculation more in line with other state calculations, which draw a strong distinction between state and locally responsible sentences. Analysis of offenses, charges, and institutional programming will be available in single year cohort reports that allow for more in-depth discussion of cohort characteristics.

### **Recommendations**

#### **Data Maturation**

Compared to preliminary data submitted as part of the 2021 Joint Chairmen's Report, an additional 546 individuals joined the recidivism cohort, more than those that recidivated in year three alone. The Department also recorded increases in both first and second year recidivism outcomes within the FY 2019 cohort. The prior cumulative snapshot represented FY 2019

recidivism at 23.03%, compared to its actual 2-year rate of , and its ultimate 3-year rate of 31.55%. Additions were heavy among the under 35 age cohorts, which are recidivism drivers. There was also a significant increase in recorded sentences that were not related to Baltimore City jail equivalent sentences, identifying that the additional accuracy gained is relevant to the picture of recidivism across the State. Nowhere is the impact of misleading early recidivism estimates seen more clearly than in the longstanding disparity between single year snapshots taken at year close for the Managing for Results reporting, and later first year recidivism, which is the biggest component of State recidivism. Repeated reporting clearly reveals that the State benefits from accurate recidivism calculation that can only be completed once the data has matured, four years after the release cohort. Due perhaps to additional timeline impacts, only two other similar states are currently producing recidivism as quickly as Maryland. The Department recommends that all future recidivism reporting capture a 3-year follow up period, allowing for ideally a year of data maturity after the end of the return period, in line with Virginia's methodology. To better capture the prolonged impact of long term disruptions to criminal justice processes, the Department intends to produce 5-year recidivism reporting for the cohorts impacted by the effects of the COVID-19 pandemic in Maryland, which include FY 2017-2019.

#### Future Reporting

The Department will explore more complex indicators of inmate success post release contained within its records, such as specialization of recidivism offenses, infraction history during confinement, and the impact of diminution credit accrual. Modeling after other states, the Department will focus its efforts on including the impact of education on recidivism for the incarcerated population, as well as participation in evidence-based programming and job readiness programs. With data provided by programming partners, such as the Maryland Department of Labor and Maryland Correctional Enterprises, the Department will be able to better evaluate the impact of these programs on recidivism annually. Additionally, the Department is currently engaging with multiple interagency data sharing partnerships that will allow it to refine post-release outcomes to better identify the true size of the population that can recidivate by incorporating post-release mortality measures.

## Appendix A : Data Definitions

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- **Cohort:** This is a group of individuals released or returned within a fiscal year, or a group of individuals. An individual is only counted once for their earliest event in this period. Because of overlapping time periods, individuals may be present in multiple yearly cohorts due to their recidivism. See definition of cohort periods in Appendix C.
- **Court Order:** Release mandated by a state or federal court. These releases may be followed by a period of supervision or not.
- **Expiration of Sentence:** The latest date an individual may be held in custody under their sentence. Individual releases upon expiration of their sentence do not have a following period of mandatory supervision unless dictated by a split sentence to incarceration and community supervision. Inmates who do not have any behavioral or earned programming credits are released upon the expiration of their sentence.
- **Fiscal Year (FY):** The Maryland State fiscal year begins on July 1 and ends on June 30th of the year for which it is named. This is consistent with all annually reported Departmental performance measurements. Fiscal year figures referenced in this report are reflective of all individuals released or returned over the course of that fiscal year. The current state fiscal year is FY 2023.
- **Mandatory Supervised Release (MSR):** MSR is the release of an offender from the Division of Correction (DOC) due to diminution credits earned and awarded. The offenders are supervised by parole and probation agents and are subject to the jurisdiction of the Maryland Parole Commission after release until the maximum expiration of their sentence. Any alleged violation of mandatory release supervision conditions may result in a revocation hearing.
- **Measurable Event:** This refers to the occurrence of an event that constitutes recidivism to State custody within the recidivism calculation window. Due to the Department's authority as the State correctional entity and the State community supervision entity, new offenses resulting in new State responsible incarceration or supervision, or return to State custody due to revocation of conditions of release are included. In many cases multiple events occur over a 3 year period, and recidivism is reported based on the first to occur.
- **New State Commitment:** An intake to custody for a new sentence, as dictated by a sentencing document. As a recidivism event, this is measured by the earliest date of offense if there were multiple offenses in the 3 year recidivism period.
- **Parole:** The discretionary and conditional release of an offender into the community by the Maryland Parole Commission to continue serving the term of confinement under the supervision of an agent of the Division of Parole and Probation until the expiration of the full, undiminished term. If any conditions of parole are violated, the offender is subject to revocation and re-incarceration. Parole eligibility is determined by sentence length and the specific crime (s) for which the offender is incarcerated.
- **Parole-Medical:** A release type that allows consideration for an inmate who is chronically debilitated, or incapacitated by a medical or mental health condition, disease or syndrome as to be physically incapable of presenting a danger to society to be released on medical parole at any time during the term of that inmate's sentence without regard to parole eligibility.

- **Probation:** A judicially ordered conditional release of an individual from the execution or imposition of all or part of a term of incarceration, usually with the individual subject to divisional supervision or monitoring. Subsequent new probation episodes are identified by a conviction date after the cohort release date.
- **Release:** Release from the custody of a State correctional facility within the DOC. Placements onto the Central Home Detention Unit are not considered releases, even though they involve leaving state correctional facilities. Individuals being released from custody of the DOC may continue onto community supervision under the custody and authority of the Division of Parole and Probation.
- **Return:** Return to State incarceration can be due to a new State responsible sentence within the DOC, or a return from supervision for a technical or new offense revocation hearing.
- **Return-Mandatory Supervised Release (MSR) New Offense:** Upon notification of arrest, based upon the level of charges, DPP may notify the MPC, which can initiate a revocation and hearing. Otherwise when new charges are adjudicated, revocation hearings are often initiated and can result in revocation due to conviction of a new offense. In some instances,
- **State Custody:** Incarceration in a state detention facility, usually for a sentence of 18 months or greater. Individuals can also return to custody for short periods of time due to revocation of conditional release.
- **Return-Technical Violation:** Return to custody from supervision for a hearing as a result of any of the violations of supervision that do not include a new arrest. Examples include failure to report, failure to work or go to school, moving or leaving the state without permission, testing positive to drugs/alcohol, failure to comply with treatment, failure to pay fine, costs, and/or restitution. Individuals may be released, or found guilty and revoked for a period of their remaining sentence.



## Appendix B : Recidivism Methodology

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### Cohort Definition

Incarcerated persons released from the custody of the DOC to the community in a given fiscal year (FY) are included in the release cohort for that year. Releases directly to other correctional authorities, both within and outside the State, are omitted to focus on the release population who has an opportunity to recidivate. Those omitted encompass incarcerated persons released to a detainer, who are expected to have reported recidivism qualifying events immediately following release that is not related to subsequent behavior. Incarcerated persons are only counted once within the eligible fiscal year, by their earliest release date. Sentenced releases from all facilities within the Department's control are included in these cohorts, regardless of the authority or designation of the releasing facility. Prior recidivism calculations struggled to include all incarcerated persons, regardless of overlap between the DOC facilities, DPDS facilities, and the Patuxent Institution.

### Recidivism Definition

The current state recidivism rate provided by the Department is reflective of return to either the DOC or the Division of Parole and Probation following sentencing for a new criminal offense, or return to the Department's physical custody from parole or mandatory supervision due to violation of the conditions of release. It is important to distinguish between the potential severity of behavior between these two circumstances; to that end, the Department has further broken down recidivism indicators by reported technical noncompliance with terms of release and supervision violations tied to new offenses. Returns to custody reflect admission to state custody, not whether an inmate is subsequently not violated and continued on supervision. In instances where multiple measurable recidivism events occur within the same follow-up year, the more severe event will be reported to provide a more accurate picture of recidivism drivers. Recidivism events that occur sooner than one year are reported within single year recidivism. Event severity is weighted toward events with greater certainty of criminal behavior, and towards those sanctions involving state incarceration. Thus, a releasee who is sentenced to prison for a new conviction and returned to state correctional custody for a technical violation in the same year is reflected as the former. Similarly, a releasee who is sentenced to probation for a new conviction, but in the same year is returned to the DOC on a technical violation is reported as recidivating as a result of the former.

Figure 11: Recidivism event hierarchy



The components of recidivism calculation vary significantly based upon the role and aims of the measuring entity. The method of calculation even varies across different state correctional systems (see further discussion [above](#)). Figure 11 identifies the eligible events that are captured in the Department's recidivism calculation. The Department is currently limited to the incarceration and criminal justice records within its purview, which necessarily exclude records of commitment in local detention facilities and out-of-state correctional facilities. Due to the wide variability between arrest and subsequent guilty findings, the fluctuations in local enforcement patterns, and the Department's lack of arrest power, the Department does not include arrest in its recidivism calculation criteria.

## Appendix C : Release Cohort Details

Cohort	Release Period	Release Cohort Size (n)	Return Period	Recidivism Cohort Size
FY 2016	07/01/2015 - 06/30/2016	7,493	07/01/2016 - 06/30/2019	2,782
FY 2017	07/01/2016 - 06/30/2017	7,829	07/01/2017 - 06/30/2020	2,908
FY 2018	07/01/2017 - 06/30/2018	7,483	07/01/2018 - 06/30/2021	2,735
FY 2019	07/01/2018 - 06/30/2019	6,764	07/01/2019 - 06/30/2022	2,134
			Year 1: 07/01/2019 - 06/30/2020	1,315
			Year 2: 07/01/2020 - 06/30/2021	484
			Year 3: 07/01/2021 - 06/30/2022	335

The FY 2019 recidivism release cohort was released throughout FY 2019, which closed 9 months before the COVID-19 pandemic reached Maryland. None of the COVID-19 related accelerated release mechanisms that hastened release or may have expanded releases were in effect during this time. Additionally, the size of the release population was not impacted by the pandemic's depression of intakes. Occurring roughly two years after the implementation of the Justice Reinvestment Act, this precipitous drop in releases may reflect the shrinking of short term sentences within the Department's population.

## Appendix D : Recidivism Cohort Details

2019 Cohort Characteristics	Release Cohort	Recidivism Group	3-year Recidivism
Total	6,764	2,134	31.55%
Gender			
Female	601	135	22.46%
Male	6,159	1,997	32.42%
Race/Ethnicity			
Asian	18	4	22.22%
Black	4,555	1,470	32.27%
Hispanic or Latinx	148	22	14.86%
Native American or Alaskan Native	30	11	36.67%
Native Hawaiian or Pacific Islander	1	0	
Other race	28	8	28.57%
Unknown	160	21	13.13%
White	1,824	598	32.79%
Age (at release)			
Emerging Adult	1,050	462	44.00%
26-35	2,465	838	34.00%
35-45	1,615	428	26.50%
45-55	1,095	278	25.39%
55-65	460	118	25.65%
65-75	74	10	13.51%
Over 75	5	0	
Local Sentenced Population			
>18 Month Sentence	5,114	1,643	32.13%
<18 Month Sentence	1,650	491	29.76%
Release Reason			
Continued On Mandatory Supervision	586	256	43.69%
Continued On Parole	578	248	42.91%
Court Order	518	137	26.45%
Expiration	1,551	470	30.30%

Mandatory Supervision	2,310	744	32.21%
Parole	1,210	278	22.98%
Sentencing Jurisdiction			
Allegany	139	45	32.4%
Anne Arundel	377	129	34.2%
Baltimore	977	343	35.1%
Baltimore City	2842	950	33.4%
Calvert	111	38	34.2%
Caroline	81	25	30.9%
Carroll	110	40	36.4%
Cecil	131	44	33.6%
Charles	192	45	23.4%
Dorchester	103	41	39.8%
Frederick	164	44	26.8%
Garrett	32	12	37.5%
Harford	394	140	35.5%
Howard	141	37	26.2%
Kent	42	16	38.1%
Montgomery	270	68	25.2%
Prince George's	537	116	21.6%
Queen Anne's	72	19	26.4%
Somerset	117	52	44.4%
St. Mary's	100	33	33.0%
Talbot	53	17	32.1%
Washington	334	103	30.8%
Wicomico	322	117	36.3%
Worcester	129	44	34.1%