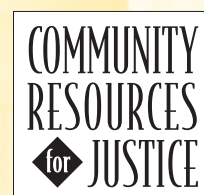


## Priorities and Public Safety:

Reentry and the Rising Costs of our Corrections System

Prepared by  
**The Crime and Justice Institute**  
A Division of Community Resources for Justice  
For  
**The Boston Foundation**



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The Crime and Justice Institute (CJI) at Community Resources for Justice provides nonpartisan consulting, policy analysis, and research services to improve public safety in communities throughout the country. CJI develops and promotes evidence based practices which inform practitioners and policymakers, including corrections officials, police, courts, and political and community leaders to assist them in making criminal and juvenile justice systems more efficient and cost-effective to promote accountability for achieving better results. For more information about CJI, visit [www.crinstitute.org](http://www.crinstitute.org) or call 617-262-8054.

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Community Resources for Justice, Inc. believes that society wins when all people are given the support and tools to lead responsible, productive, and dignified lives. Whether transitioning inmates back into mainstream society, diverting troubled youth away from crime and towards productive and fulfilling lives, or providing those with developmental disabilities with a chance to grow and flourish in the community, Community Resources for Justice, Inc. welcomes and fosters change. Guided by excellence, creativity, and compassion, CRJ has strengthened individuals, families, and communities for over 100 years. For more information about CRJ, visit [www.crjustice.org](http://www.crjustice.org) or call 617-262-8054.

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# UNDERSTANDING BOSTON

## **Priorities and Public Safety: Reentry and the Rising Costs of our Corrections System**

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The project has also benefited from numerous discussions and interactions over the years with staff and officials throughout the state and county corrections systems. The departments and their staff continue to be dedicated to the mission of protecting the public and improving correctional outcomes despite significant pressures of the day-to-day job and those created by the dramatic budget crisis.

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Most importantly, this project would not have been possible without the support, advice and direction of the Boston Foundation. Mary Jo Meisner, Jim Rooney, and Jill Lacey Griffin provided critical guidance in the framing and focus of this report, following up on earlier collaborations between the Boston Foundation and CJI. The collaboration of the Boston Foundation and the Crime and Justice Institute has helped illuminate complex policy issues such as Criminal Offender Records Information reform as well as opportunities for significant improvement. The Boston Foundation's continued leadership on these issues has triggered public discussions and policy advances for many of society's more difficult issues.

Dear Friends,

The last year has brought economic turbulence unprecedented in most of our lifetimes, with ripple effects across both public and private sectors. Government in particular has been hard hit by declining revenues and an increased demand for services, amidst counter-intuitive increases in some seemingly endlessly rising costs like health care. States across the nation are grappling with budget deficits and are forced to reinvent the way they do business or significantly pare back on services. At the beginning of this crisis, many observed – with a glimmer of hope– that challenging times like this can at least provide an opening for innovative system reform for which there is often little appetite during headier times. I suggest that while we never invite tough times, there can be a “utility of trouble” that can lead complex organizations like state government to refine its mission and improve its performance.

This report, *Priorities and Public Safety: Reentry and the Rising Costs of our Corrections System*, prepared by the Crime and Justice Institute for the Boston Foundation as part of our *Understanding Boston* series, shows that several of our competitor states are taking advantage of the utility of trouble by reinventing their corrections systems in more innovative ways informed by data and best practices. This report finds that several states are enacting major policy changes to reduce the practice of incarceration and lower the cost of corrections. The result has been not only more cost-effective government, but also, even more importantly, improved public safety.

In the 1990s, Massachusetts and other states jumped on a “get tough on crime” bandwagon that did not necessarily lead to improved outcomes. Corrections budgets nationally and locally have exploded over the past twenty years at the expense of other investments. For example, this report shows that over the past ten years our major corrections budgets enjoyed double digit growth while our Higher Education budget was cut by 7.5%. This disparity might be justified if we could point to a greater need or improved outcomes as a result of that disproportionate investment in corrections. But during that period the prison population remained constant as did most recidivism indicators.

This report offers a roadmap for how Massachusetts might adopt more cost-effective – and more performance-effective – approaches to corrections amidst the current budget crisis.

This roadmap represents the latest partnership between the Boston Foundation and the Crime and Justice Institute, building on our recent reports, task force, and advocacy around CORI reform. As with our efforts around CORI, we seek to frame our examination of the state’s corrections systems and opportunities to promote more innovative approaches and cost-effectiveness not only as a public safety but also an economic competitiveness concern. As with our shared work on CORI reform, we expect this issue to be of interest to a wide range of business, civic, and other stakeholders beyond those specializing in corrections, as our public safety systems – and our fiscal health as a Commonwealth – have a direct impact on us all. I invite you to read this report and join with us in considering the recommendations put forward.

Paul S. Grogan  
President and CEO, The Boston Foundation



## Executive Summary

As the national economic crisis continues to ripple across state governments, with most states moving to deeply cut vital services, there is a renewed interest in directing resources toward those practices and policies that are most effective and efficient. State budget-writers are increasingly examining the performance of departments, agencies, vendors, individuals and services to determine which are producing outcomes that deserve continued funding and which are not. The fact that corrections agencies are being scrutinized indicates the seriousness of the budget crisis.

Historically, corrections agencies have been able to avoid deep budget cuts in bad economic times and obtain significant budget increases in normal economic periods. As a result, corrections budgets nationally have increased nearly 300 percent over the past 20 years. The current economic crisis, though, has altered this trend and forced many states to abandon the practices and policies that triggered prison expansion and mounting corrections budgets.

As in other states, Massachusetts criminal justice budgets have risen dramatically. Over the past 10 years corrections budgets have grown at a faster rate than the budgets of almost any other state service including Public Health, Higher Education and Local Aid. Adjusted for inflation:\*

- The Department of Correction budget has increased more than 12%;
- The County Sheriffs' budget (in aggregate) has increased more than 20%; and
- The Probation budget has increased more than 160%.

On the other hand, over the same period:

- The Public Health budget has decreased 3 percent;
- The Higher Education budget has decreased 7.5%; and
- The Local Aid budget has decreased nearly 1%.

Massachusetts is in the midst of a serious budget crisis due to declining revenues, leading government officials to make deep cuts to services that Massachusetts normally takes pride in providing. Budgets for vital state services will receive significantly fewer resources than in previous years, leading to fewer services and more costs to individual users and municipalities. For FY10:

- The Higher Education budget is reduced by 17%;
- Public Health is reduced by 13%; and
- Local Aid is reduced by 28%.

Yet, the budget crisis has not led to similar reductions in the corrections budgets:

- The Department of Correction budget was reduced by just 1.9%;
- The County Sheriffs budget was reduced by 8%;
- The Probation Department was reduced by 8%; and
- The Parole Board was reduced by less than 2.5%.

Rising corrections budgets can often be justified if prison and jail populations increase significantly or if public safety outcomes (such as reduced recidivism rates) improve. Yet,

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\* See Appendix A for full budget information and see Appendix B for references and citations for budget data. This data does not reflect pending "9c" cuts to the FY10 budget.

neither of these circumstances appears to be the case in Massachusetts. Over the 10-year period from 1998 to 2008, corrections budgets experienced disproportionate growth while corrections populations largely remained constant, rising less than 5 percent overall.

Public safety outcomes are more difficult to measure because Massachusetts corrections agencies have no uniform method of data collection and information sharing. However key indicators, such as recidivism reduction and the number of parole revocations and probation surrenders that indicate failure rates of released ex-offenders, show little change over the same 10-year period.

The Commonwealth's economic circumstances are similar to virtually every other state in the country. But in many of these states, growing corrections budgets have led to a closer examination of the return on investment in a growing corrections infrastructure as well as the policies triggering this growth.

Several states have taken a decidedly different approach than Massachusetts. They are making major policy shifts, based on research and outcomes from other states, to shrink the cost of corrections, reduce the use of incarceration for lower-risk offenders and improve public safety. The states that already have had initiatives in place have reduced their prison populations, focused resources on those most likely to re-offend and saved millions of dollars – helping to offset budgetary impacts on other state services. Michigan for example, has closed 13 corrections facilities and saved \$500 million since it began a corrections reform initiative in 2003. It has also continued to see reduced levels of re-offending.

Massachusetts cannot expect to take the budgetary steps that a state like Michigan has taken this year, but it must begin, based on models that have proven to reduce recidivism and improve public safety, to build a system that produces results. Possible solutions include:

- Make the reduction of recidivism the collective goal of the criminal justice system.
- Establish uniform data collection and information sharing.
- Science should guide policy-making.
- Examine laws and practices that restrict access to supervised reentry programs in the community for non-violent individuals.
- Collaborate with multiple stakeholders in the communities to which prisoners return and use the existing community capacity to improve reentry outcomes and reduce the risk of re-offense.
- Reconsider resource allocations that direct significant resources to prison and jail infrastructure and proportionally far fewer resources to programs and services that are proven to reduce recidivism.
- Direct corrections resources to managing and preparing higher-risk prisoners for successful transition into the community.

The Commonwealth can begin to construct a more efficient and effective corrections system that will lead to lower prison and jail populations, a less expensive corrections system and improved public safety outcomes with fewer ex-prisoners returning to crime. The budget crisis presents a rare opportunity to look closely at our corrections system and ensure that the public's considerable investment is achieving results.



## Introduction

### **“Safety at any price”**

For decades, this has been the motto guiding the criminal justice system. Recognizing the importance of public safety to individuals and its influence on other areas of civil society, government officials have traditionally been willing to create policies that protect the public and others that only have the veneer of safety. Such policies are often expensive and budgets are increased to accommodate growing corrections populations.

Yet, in the current economic climate, the cost of corrections and, likewise, the policies that have led to high corrections populations are being closely examined. The momentum behind this fiscal analysis has led many states to alter their approach to policies that influence corrections budgets as well as examine the outcomes expected from a criminal justice system. Across the country, states are reconsidering stringent sentencing laws, limitations on community supervision, the length of incarceration and the necessity of new prison construction to address overcrowded conditions.

Along with the rest of the country, Massachusetts is in the midst of an economic crisis that necessitates cuts to vital state services and increased taxes to limit the impact of the cuts. Because budgets for corrections departments have grown at a faster rate than just about any other department in the state, an examination of the Massachusetts corrections system is appropriate to understand whether taxpayer money is being spent effectively.

The criminal justice system in Massachusetts is a fairly complex structure with several systems operating within it. The corrections departments, the court system, and law enforcement agencies all make up the criminal justice system. This report focuses on the corrections departments. These agencies – the Department of Correction and the Sheriffs Departments, which manage offenders in corrections facilities, and the Probation Department and Parole Board, which manage and supervise offenders in the community – have a large responsibility to reduce an offender’s threat to re-offend and to protect the public from dangerous offenders.

These twin responsibilities are often in conflict because of statutory limitations and budget restrictions. Restrictive sentencing and parole laws limit the ability of corrections agencies to prepare and release appropriate offenders to the community. Because an overwhelming percentage of corrections resources is directed to infrastructure – expensive buildings and thousands of state and county employees – it is very difficult for corrections officials to shift resources to programs and services that reduce recidivism and improve public safety. In a budget crisis, these programs are cut even further which the research shows adversely impacts public safety with unprepared offenders returning to the community.

The circumstances in the corrections agencies and the state’s budget crisis compelled the Boston Foundation and the Crime and Justice Institute, a division of Community Resources for Justice, to examine the corrections system and the recent trends in policies that are affected by growing corrections spending. Earlier Boston Foundation and Crime and Justice Institute collaborations examined the Criminal Offender Record Information system. This work provided clarity and momentum behind efforts to reform the use of, access to and understanding of criminal records and the broader policy implications of economic and workforce development and public safety. The current examination has relied on several sources of information, most of them available to

the public, as well as discussions and documents from various stakeholders in state and local government associated with either corrections or the budget and legislative processes.

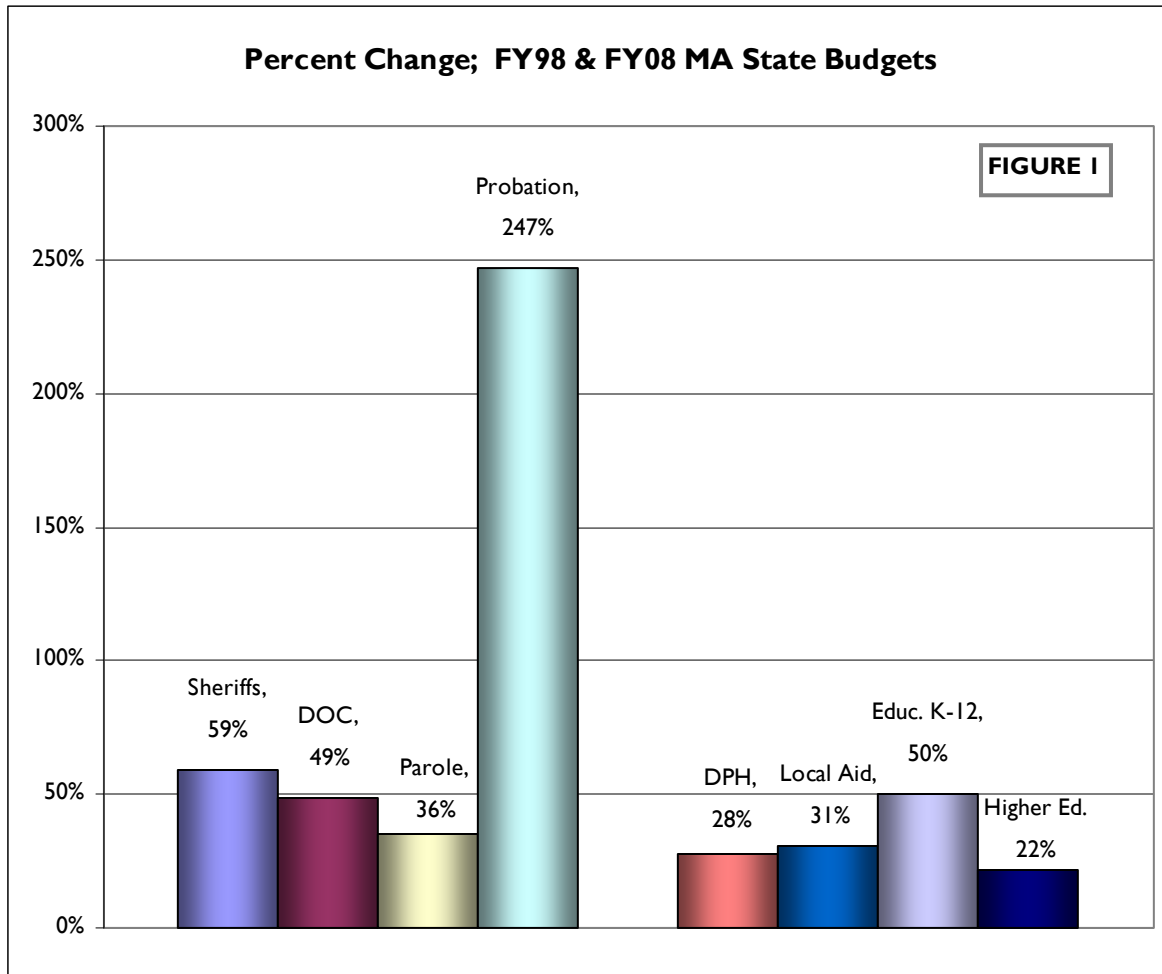
The findings in this report suggest that the massive growth in corrections spending over the past 10 years has not been driven by equal growth in the corrections population or in improved public safety outcomes. The questions raised by these findings revolve around the state's willingness to pay nearly any amount for criminal justice policies currently in place without evidence of better outcomes.

Is the public willing to accept significant cuts to other state and local services while corrections agencies receive minimal budget reductions? As important: should the actions of other states to reform similarly expensive criminal justice policies inform Massachusetts lawmakers in reconsidering past policies and the direction of its criminal justice system?

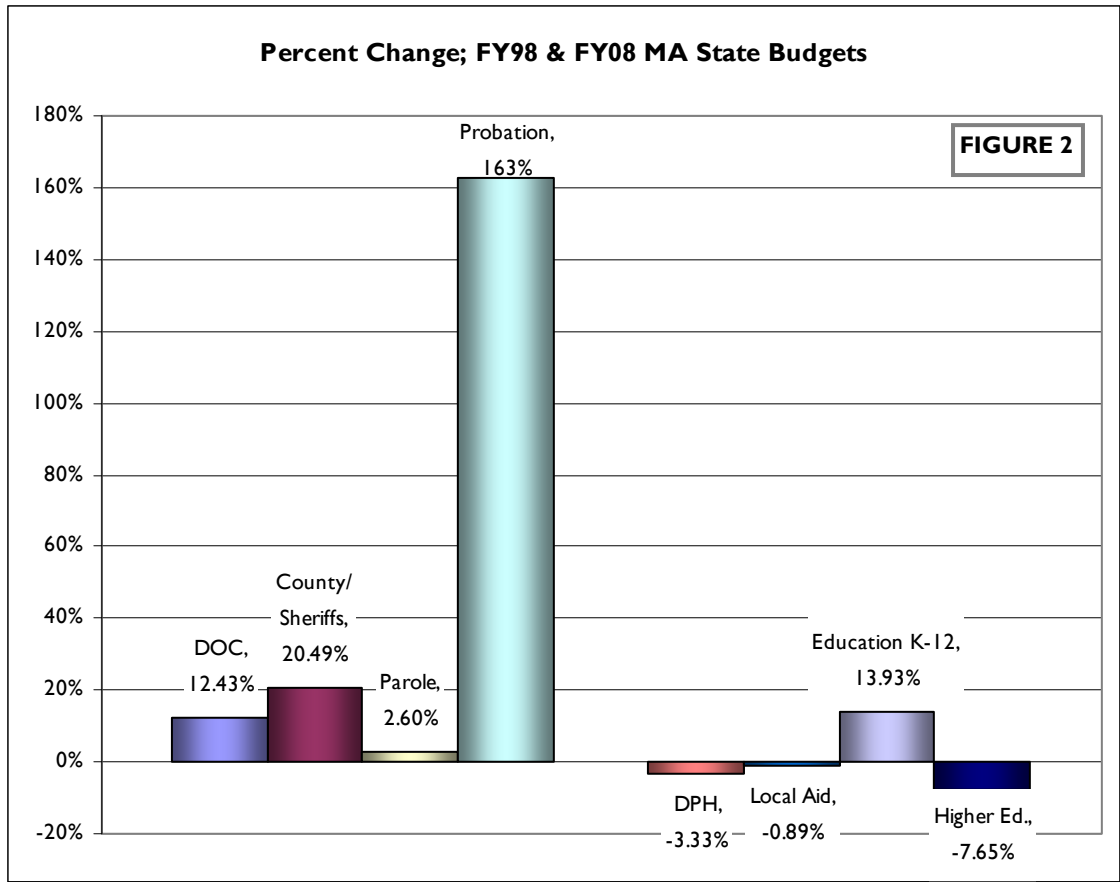
## The State of Corrections in Massachusetts

In 2009, Massachusetts spent more than \$1.2 billion<sup>1</sup> on corrections including prisons, jails, probation and parole. This was more than any other state service budget except Local Aid (\$1.3 billion) and the Department of Education (\$4.5 billion). Massachusetts spent more incarcerating people than it did on the budgets for Higher Education, the Department of Public Health and the Department of Social Services.

The corrections budgets are the result of a decade-long expansion and they significantly exceed the growth rates of nearly all other state services. A review of the Fiscal Year 1998<sup>2</sup> and Fiscal Year 2008<sup>3</sup> state budgets indicate an unusually vigorous commitment to a growing corrections infrastructure that has few equals in other areas of state government. The questions then arise: what has driven these budget increases, and are we safer because of them?



\*Data in this graph has not been adjusted for inflation. See graph on next page for inflation-adjusted data.



\*Data in this graph has been adjusted for inflation.<sup>4</sup>

**Factors causing increased corrections budgets**

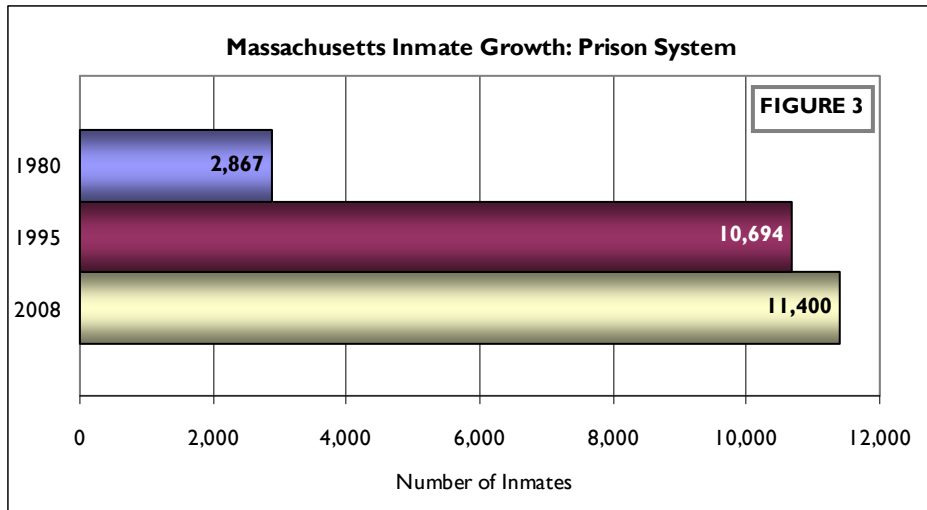
The past decade in Massachusetts shows large budget increases for prisons and jails and fairly minimal budget increases for most other vital services. Given these increases, it is reasonable to assume that the increased budgets were triggered by large increases in prison and jail populations or that the state is receiving significant public safety benefits in the form of reduced recidivism, fewer crimes and fewer victims.

Did a sudden rise in the prison and jail population account for the increased corrections budget?

Budget increases are often driven by increases in the prison population. A logical assumption might be that growth in the Massachusetts corrections budgets was driven by an equivalent increase in the corrections population. A review of historic corrections population trends does not support this connection. The period of significant population growth occurred primarily between 1980 and the mid-1990s when the population in the Department of Correction<sup>†</sup> soared nearly 300 percent from 2,867<sup>5</sup> to 10,694<sup>6</sup> and the population in the sheriffs’ departments<sup>‡</sup> increased from 2,654<sup>7</sup> to 11,152<sup>8</sup>. However, in the 10-year period between 1998 and 2008 when corrections budgets grew substantially both the prison and jail populations have remained relatively static, rising only about five percent in the 10-year period.

<sup>†</sup> The Department of Correction incarcerates prisoners serving sentences greater than 2 ½ years.

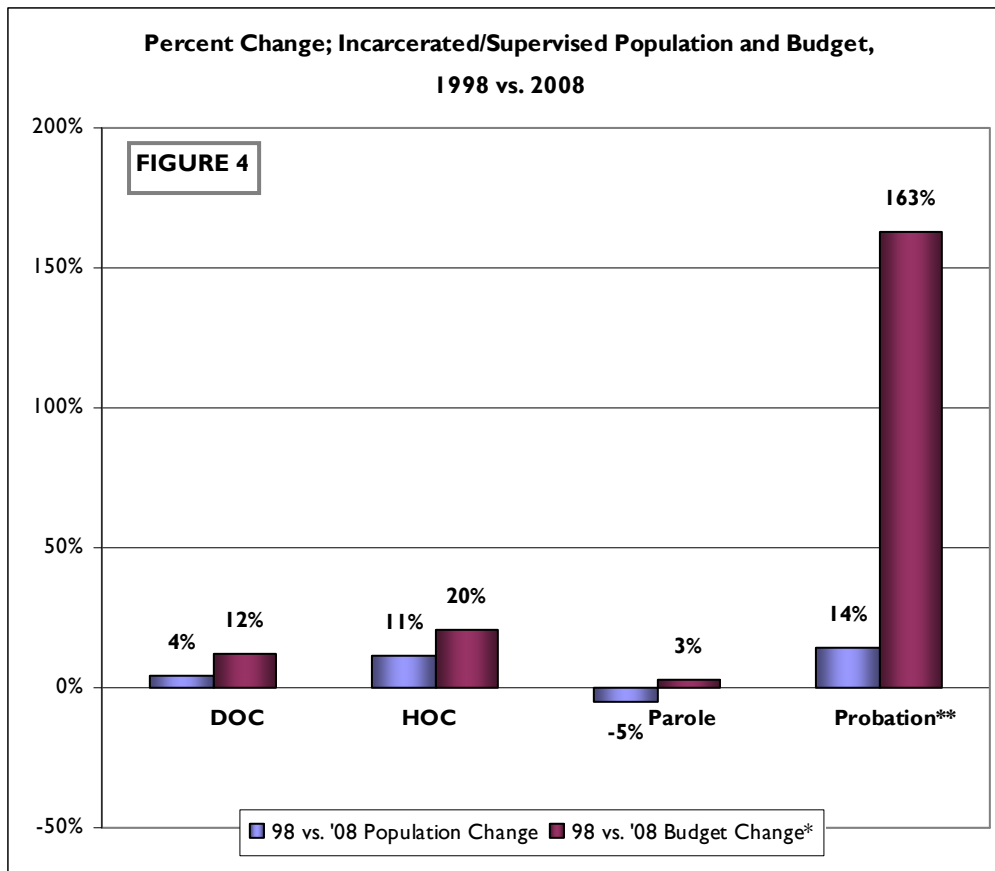
<sup>‡</sup> The Sheriffs Departments incarcerate, in Houses of Correction, prisoners serving sentences up to 2 ½ years in length.



The growth in the corrections budget does not appear to have been a response to overcrowding in the corrections system. Overcrowding has continued to be a problem for both county jails and the state prison system. Data<sup>9</sup> indicate that in 1990 the population in the prisons was 60% above capacity and county jails were 50% above capacity. In 1998, the prisons were 38% above capacity and the jails were 50% above capacity. And in 2008, the prisons were 44% above capacity and the jails were 61% above capacity. These figures indicate that overcrowding has been an unsolved problem in the corrections system for nearly 20 years despite the size of the corrections budgets and the fluctuation of the incarcerated population.

Community corrections agencies have experienced almost no growth in the supervised population. In fact, the parole caseload has declined over the 10-year period and the Probation Department's risk/needs caseload<sup>10</sup> has also declined although the total probation population increased due to a caseload transfer from the district court. A comparison of the 1998 and 2008 corrections populations shows:

- The incarcerated population in the Department of Correction increased about 5% from 10,915 to 11,400.<sup>11</sup>
- The combined incarcerated population in the Sheriffs' Departments increased about 11% 12,531 to 13,965.<sup>12</sup>
- The parole population actually decreased about 5% from 8,326 to 7,893.<sup>13</sup>
- The FY1999 probation population decreased for probationers on risk/needs supervision nearly 14% from 64,016 to 55,064.<sup>14</sup> The overall probation population increased, but the majority of the increase was an administrative probation caseload for low-risk offenders and juveniles transferred from the district court to the Probation Department in 2004<sup>15</sup> along with an \$80 million budget increase.



\*FY98 Figures adjusted by a 32.1% inflation rate - based on the Annual Average CPI-U for 1998 (163.0) and 2008 (215.303).  
Source: U.S. Dept. of Labor, Bureau of Labor

\*\*Caseload change in 2008 does not include 80,507 cases on administrative supervision in the district court and does not include the Probate and Family category.

\*\*2008 budget adjusted to account for 2004 district court budget transfer of \$81 million.

The growth of the incarcerated population over the past ten years has been minimal and in some cases there has been a reduction in the supervised population. In the face of continuing budget deficits policy makers and government officials should question whether, absent evidence of a public safety reason for budget growth, the significant budget increases are justified.

#### Has more money reduced re-offenses among ex-offenders and improved public safety?

Understandably, the public and policy makers are willing to spend significant resources in order to ensure the safety of residents. Protecting the public is a priority of government, whether local, state or federal. High crime rates affect all aspects of public and private life from health and education to economic development. Thus, government's role in protecting the public is bound to have a budgetary impact.

Yet, the growth of Massachusetts corrections budgets has not been matched by corresponding public safety outcomes. The criminal justice system has various responsibilities including protecting the public, holding offenders responsible for their criminal acts, incapacitating those requiring prison or jail and reducing the risk ex-offenders pose when they return to the community. For measuring the public safety benefits of the corrections system, recognized outcomes include the rate of recidivism<sup>16</sup> and the number of revocations and surrenders. Thus collecting and analyzing these data points is necessary to determine the impact of corrections

policies on public safety and whether they are successful in reducing the risk of re-offending posed by ex-offenders.

- Department of Correction data show that the recidivism rate has fluctuated between 42 percent (1998) and 39 percent (2002).<sup>17</sup> The DOC has no data for offenders released after 2002.
- The Sheriffs' Departments do not report aggregate recidivism data and only a few sheriffs appear to track recidivism. There is insufficient data from 1998 to compare with more recent data.
  - The most recent data show that recidivism for county jail inmates averages 50 percent within 1 year of release.<sup>18</sup>
- Parole data indicate that:
  - In 1998, 10 percent of the parole grants were revoked, with 793 revocations due to either a new crime or a technical violation.<sup>19</sup>
  - In 2008, 11 percent of parole grants were revoked, totaling 900 revocations.<sup>20</sup>
- Probation data indicate that:
  - In 1998, there were 58,622 surrenders.<sup>21</sup>
  - In 2008, there were 56,654 surrenders.<sup>22</sup>

The data show that despite the significant increases in corrections spending little has changed with regard to the offender's likelihood of success once released. Between 40 and 50 percent of offenders released from correctional supervision are back in trouble again within three years. These numbers, when available, are fairly consistent over the past 10 years. The notion of corrections agencies 'correcting' behavior does not appear to have been an outcome affected by increased spending. Under the current fiscal crisis, it is reasonable to question whether the corrections budget growth is justified given the limited public safety improvement as illustrated by relatively limited reentry success.

#### What did the corrections budgets pay for?

To a certain degree, we know what some of the budget increases supported. A 2005 report titled *Strengthening Public Safety, Increasing Accountability and Instituting Fiscal Responsibility in the Department of Correction*,<sup>23</sup> examined the state prison system including its budget decisions. It found that corrections budgets have very high fixed and personnel costs. "Cost increases result primarily from the rising costs of labor, including overtime and collective bargaining. Between 1995 and 2003, staffing expenditures increased from \$200 million to \$312 million, a 56% increase."<sup>24</sup> The staff costs increased to \$363 million in the FY 2008 budget.<sup>25</sup> The report found that the Department of Correction had the second highest staff to inmate ratio in the country and correctional officers were the third highest paid in the country.<sup>26</sup>

Staffing data from other corrections agencies was not available and it is difficult to determine what the increased budgets for many of the sheriffs' departments and the Probation Department covered. The Parole Board, which experienced the smallest increase of the four corrections agencies, directed budget increases to the development of eight Regional Reentry Centers during this 10-year period. These centers provide treatment services, connections to other service providers and basic services that help stabilize recently released inmates.

#### **Corrections Budgets in an Economic Crisis<sup>27</sup>**

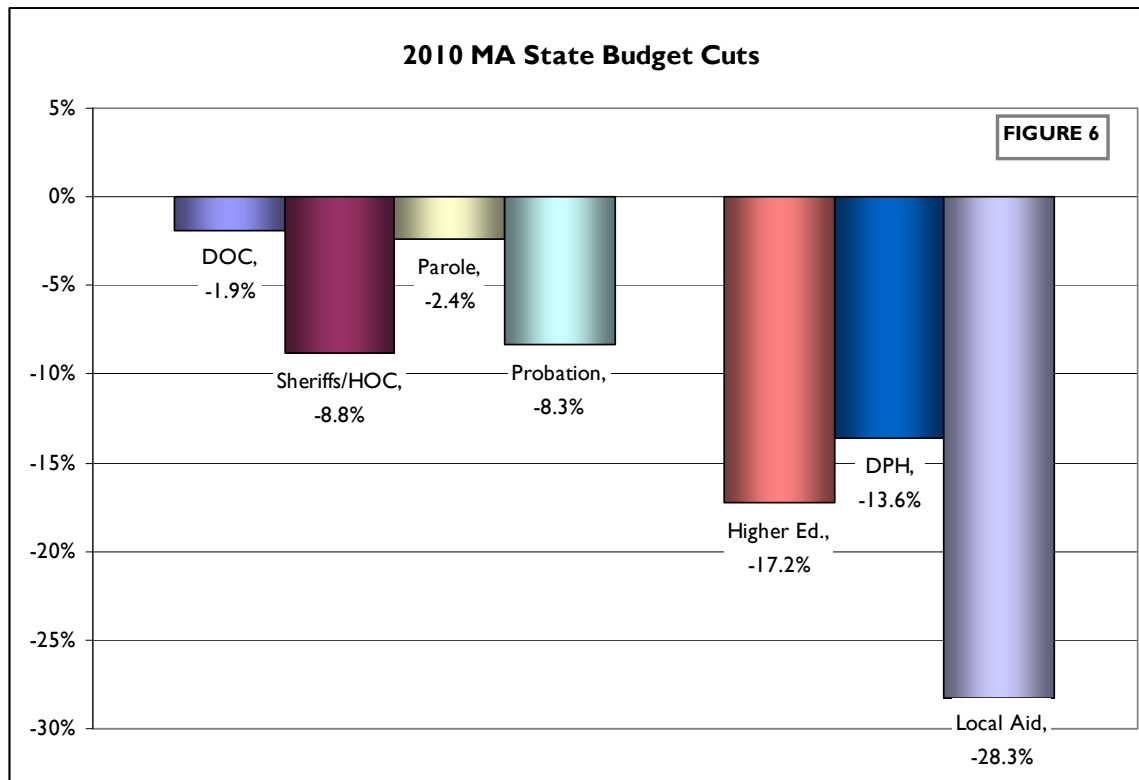
Over the past year, Massachusetts, like the rest of the country, has seen its revenues plummet, its unemployment rate rise, and the state budget deficit climb above \$4 billion. In the grip of an economic meltdown, Massachusetts lawmakers had little choice but to make many difficult and,

in some cases, devastating budget cuts in order to close the budget gap. Like most other accounts, corrections budgets were reduced and services were cut.

- The DOC budget was cut by 1.9%
- The Sheriffs' Departments' budget (collectively) was cut by 8.8%
- The Parole Board budget was cut by 2.4%
- The Probation Department budget was cut by 8.3%

While corrections budgets were reduced less than 9 percent, other vital state services received budget cuts that will mean diminished resources for cities and towns, limited services from agencies providing mental health services, care for seniors and children living in poverty – and higher costs to attend public colleges.

- The Public Health budget was cut 13.6%
- The Higher Education budget was cut 17.2%<sup>28</sup>
- The Local Aid budget was cut 28.3%<sup>29</sup>



Over the past several years, there has been limited attention to the financial impact of the growing criminal justice system and the budget choices made to support corrections expansion. Admittedly, examining such impacts during flush fiscal times attracts little interest given the willingness of taxpayers and lawmakers to expend considerable resources for public safety. But in difficult economic times, budget decisions that result in reductions to vital services compel a closer examination of the fiscal circumstances and public safety outcomes of our criminal justice system.



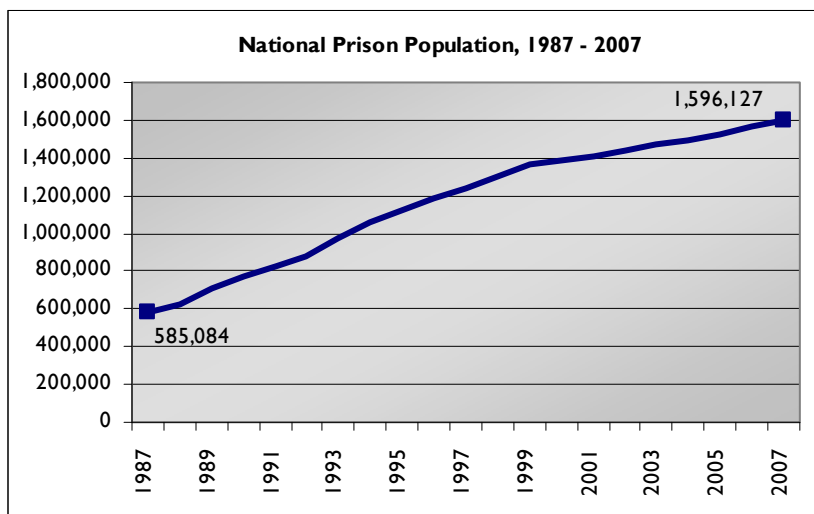
The public is willing to pay for public safety and political leaders recognize this. Most troubling though is that while tax dollars are directed to growing corrections budgets, there does not appear to be the measurable benefits the public would expect for the investment. Rising corrections costs might be acceptable if public safety is improved, if the corrections system is run efficiently and transparently, and if recidivism is reduced. Growing corrections budgets would probably be acceptable if the prison population grew substantially in response to higher crime rates. Yet, none of these are what drove the growth of the corrections budget over the past 10 years.

The structural and political difficulties of such reductions are obvious. Because the corrections system relies on large and expensive physical structures, real savings will not be realized until units of a prison or jail or a whole facility are closed. Closing a prison or jail means either reducing the flow of offenders coming into prisons and jails, reducing the amount of time they spend locked up, or both. People want to feel safe and the political dynamics of these options are difficult to accept, even in an economic crisis. Yet, across the country, states are looking at the same budgetary abyss that Massachusetts is facing and taking a decidedly different approach to corrections spending and policies affecting sentencing, early release and supervision.

## The National Picture

The United States now incarcerates 2.3 million of its adult citizens in prisons and jails across the country, far more than any other country in the world.<sup>30</sup> Another 5 million people are being supervised by probation or parole.<sup>31</sup> Combined, more than 7 million people in the United States, or one in 31 adults are under correctional supervision.<sup>32</sup>

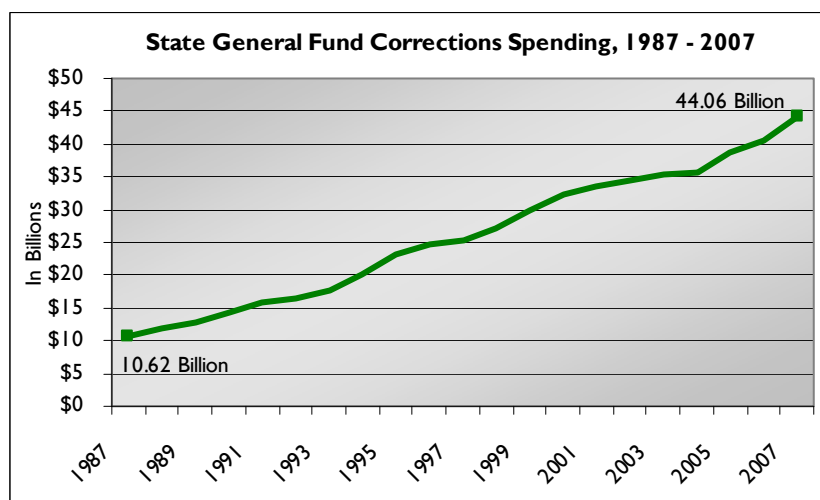
The growth of the prison system throughout the country has been extraordinary, increasing by 700 percent between 1970 and 2005.<sup>33</sup> In 1987, there were fewer than 600,000 people in prisons in the United States. In 2007, there were nearly 1.6 million people in prisons with another 700,000 in local jails.<sup>34</sup>



During this period of growth, strict sentencing laws swept the country, prisons were built to house the growing number of incarcerated individuals serving longer sentences, and corrections budgets rose to meet the urge to incarcerate. Laws and policies limiting judicial discretion, such as three strikes and mandatory minimum sentences for drug offenses, were very popular in Congress and in state

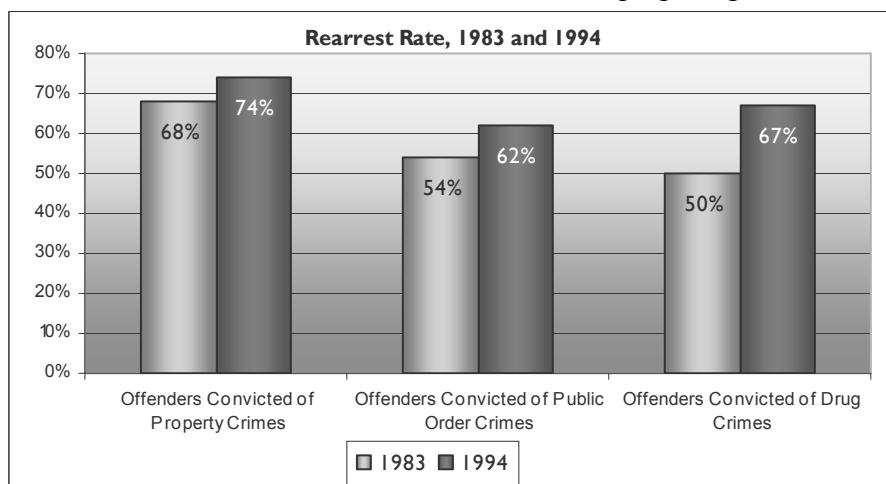
legislatures across the country. Laws limiting or in many cases eliminating parole were equally popular. In the mid-1990s, the Truth in Sentencing Act was passed by Congress, requiring states to change sentencing laws so that violent offenders serve at least 85 percent of their sentences.<sup>35</sup> By the end of the 1990s most offenders, violent and non-violent, were serving longer periods in prison.

This growth has caused corrections budgets at all levels to swell. In 1982, corrections budgets across the country totaled \$9 billion. By 2007, corrections budgets had increased to \$44 billion.<sup>36</sup>



Despite the rising cost of corrections, the public does not appear to be getting the public safety benefits it expects. Rates of recidivism have continued to reflect widespread failure of the criminal justice system in changing offender behavior. Across the country, recidivism rates exceed 50 percent. Thus, despite a massive

increase in prison construction in order to house more than two million people, state and federal leaders have not built a sustainable structure for preparing offenders to return to the community



and become productive members of society. The lack of planning has, according to recent research, led to the probability that our corrections population and corresponding expenditures will continue to rise for the next several years.<sup>37</sup>

### Economic impact of correctional budgets and policies across the country

Criminal justice policies are frequently triggered by emotional reactions to high profile incidents. These policies are often maintained, despite their ineffectiveness, because of a lack of political will to challenge soft-on-crime demagoguery. Budget crises present an opportunity to change such policies despite the political risk because the public is more focused on wasteful government spending. Nowhere is this more evident than in corrections and sentencing policy and many states are taking this opportunity to reform expensive and ineffective policies. Below are several examples of states that implemented policies using evidence-based practices to reduce recidivism, improve public safety and create long-term cost savings.

**Michigan** – Six years ago Michigan began reforming its corrections system to require evidence-based programs for inmates returning to the community and to increase reliance on community supervision rather than long prison terms.

- The success of the reentry initiative has resulted in fewer offenders re-offending and fewer parolees returning to prison.
- Over the past two years the prison population has declined 7%.<sup>38</sup>
- Parole revocations have declined 42% as the parole population has increased 40%.<sup>39</sup>
- The reduction in the prison population and the success of the new parole initiatives has allowed the state, since 2003, to close 13 corrections facilities and save \$500 million.<sup>40</sup>
- Despite this year’s budget deficits and deep cuts, the Governor and legislature, recognizing the important public safety outcomes that have occurred, doubled the funding for the evidence-based reentry initiatives and for community supervision.<sup>41</sup>

**Kansas** – A 2006 study of the incoming prison population found that nearly 65 percent of new prison admissions were offenders who had violated the terms of their previous release while on probation or parole at a cost of \$53 million annually.<sup>42</sup> As the prison population grew, the need to construct new prisons to accommodate the population also grew and policy makers projected that it would cost \$80 million in prison construction to address the growing population. Kansas tried another option since it did not appear that the current policies were reducing crime or violations.

- Kansas reformed its community supervision process so that probation officers were encouraged to keep offenders with non-criminal violations in the community using graduated sanctions.
- Lawmakers instituted a measure requiring a 20% reduction in probationers sent to prison for violating release conditions.<sup>43</sup>
- Lawmakers used financial incentives for counties to adopt evidence-based practices to reduce the rate of probation revocations.<sup>44</sup>
- Lawmakers restored earned time credits for nonviolent offenders and established 60-day credit programs for inmates completing education and substance abuse programs.<sup>45</sup>
- In the past three years of the program, parole revocations have dropped 48%.
- Kansas has closed three prison units and a cell house, saving \$34 million, and officials anticipate they will avoid more than \$80 million in additional corrections costs.<sup>46</sup>

**Connecticut** – Like many states, Connecticut had serious prison overcrowding and despite a massive prison construction spree of 12 new prisons and an increased capacity of 50 percent by the mid-1990s, the prison system was overcrowded within three years.<sup>47</sup> This led the Department of Corrections to send prisoners to other states, another significant drain on their budget. Recognizing that these were short-term fixes, state lawmakers instituted new policies in 2004 designed to slow the inmate population and reduce the growing costs of corrections while also reducing recidivism rates.

- The law required a 20 percent reduction in parole and probation revocations.<sup>48</sup>
- All inmates housed out-of-state were returned to Connecticut facilities.
- The community supervision law was amended requiring all eligible inmates be released to community supervision prior to the completion of their sentences.<sup>49</sup>
- The law required the state to develop a reentry plan for all inmates leaving state custody to reduce recidivism.<sup>50</sup>
- As the incarcerated population began to decline, \$13 million in savings was redirected to community-based strategies to reduce recidivism and improve public safety.<sup>51</sup>
- Reinvested funds enabled the Probation Department to implement a violation-reduction program and a program focused on intensive treatment and supervision for violators that would have otherwise been re-incarcerated.<sup>52</sup>
- In another act, lawmakers established a policy and planning division responsible for: collecting data from various criminal justice agencies; tracking information and trends; analyzing the system and effectiveness of the reforms; and recommending improvements.<sup>53</sup>
- Due to the success of the Probation initiatives, especially with higher-risk probationers, revocation rates also decreased by 20 percent.<sup>54</sup>
- The prison population has declined 4% and the rate of prison admissions has declined 12% since 2008.<sup>55</sup>

**Other States – budget-related, evidence-based reforms:<sup>56</sup>**

**In an effort to reduce supervision costs and focus resources on supervising those at higher risk to re-offend:**

|                   |  |
|-------------------|--|
| <b>Virginia</b>   | Now requires judges to remove offenders from community supervision who have been supervised for at least two years and have satisfied all of the supervision conditions except restitution, fines, or costs. |
| <b>Washington</b> | Eliminated supervised probation of people convicted of misdemeanors and some low-level felonies.   |
| <b>Texas</b>      | Reduced the maximum probation terms for people convicted of certain property or drug offenses from 10 years to 5 years.  |

**After years of tough-on-crime laws such as mandatory minimum sentences for drug offenses, three-strikes laws and restrictive parole eligibility guidelines, many states are rolling some of these measures back in an effort to shorten periods of confinement and place lower-risk inmates in community-based settings:**

|                     |  |
|---------------------|--|
| <b>Colorado</b>     | Increased earned time for eligible inmates from 10 to 12 days per month and also allows early parole release of 60 days for certain offenders.   |
| <b>Oregon</b>       | Increased the amount of earned time people may accumulate from 20 percent of their sentence to 30 percent of their sentence.   |
| <b>New York</b>     | Eliminated certain mandatory minimum drug sentences, known as the Rockefeller Laws. It also expanded eligibility for early parole for those inmates with significant medical needs.  |
| <b>Washington</b>   | Established a new medical parole policy which allows early release for inmates who are 55 years or older and are chronically or terminally ill.  |
| <b>Pennsylvania</b> | Adopted sentencing options for low-level offenders who are likely to receive a sentence of imprisonment but who can opt for a shorter sentence that combines participation and completion of an intense risk reduction program in prison with an earlier release date so long as institutional behavior has been satisfactory. |
| <b>Maryland</b>     | Restored parole eligibility for mandatory minimum drug sentences.  |
| <b>Nevada</b>       | Repealed mandatory minimum sentencing enhancements for certain offenses.   |

## **What works to reduce recidivism?**

In order to reduce recidivism, the criminal justice system must improve offender reentry outcomes. Successful reentry means fewer ex-offenders returning to criminal activity. Recent research makes clear that effective reentry uses scientific methods to identify the risk of re-offense posed by an offender and the interventions that will reduce that risk. Decision-making for security, program and treatment participation, and community supervision is guided by the results of these methods. Such assessments occur throughout the phases of the criminal justice process and assist in placing offenders under supervision commensurate with their risk and needs.

In most cases, each phase of the process is managed by a single entity; for instance the judicial branch sentences the offender and the department of corrections or county corrections agencies manage the offender's period of incarceration, yet each phase is linked to the others with regard to offender reentry. See Appendix C for a reentry flow chart showing the stages and practices supported by research.

**Diversion** – Research shows that most non-violent offenders can be effectively managed in the community, without incarceration, so long as proven, evidence-based programs are part of the supervision. The diversion of low-risk offenders from either trial (pre-trial diversion) or incarceration (jail diversion) is usually decided by the court and involves diverting the offender to structured treatment and supervision programs, prior to any significant involvement with the criminal justice system. The goals of diversion include avoiding the cost of a jail bed for low-risk offenders, putting offenders in community-based programs to address underlying problems like substance abuse and mental health issues, and reducing the stigmatizing effects of a criminal conviction or imprisonment.<sup>57</sup>

**Sentencing** – Sentences should not limit the ability of corrections professionals to prepare an offender to reenter society. A court should recognize that the offender will return to the community and that the sentence imposed will have an impact on how prepared the offender is to constructively return to society. The laws should reflect the research and reduce the barriers to effective reentry preparation. Cognizant of these findings, many states are taking steps to mitigate the damaging effects of mandatory minimum sentences for drug offenses, limitations on low-security placements, like halfway houses, and restrictions on community supervision through parole and probation.

**Incarceration** – With 97 percent of the incarcerated population eventually returning to the community, the objective must be to reduce the risk that an ex-offender will return to crime. While prison or jail is designed to separate prisoners from society for a period, it should also change behaviors and attitudes that create the risk to public safety. This requires that risk assessments be conducted to determine the inmate's crime-inducing risks; that evidence-based programs and treatment interventions be applied to reduce these risks; that a case plan be developed and followed throughout incarceration; and that preparation for reentry be initiated early to assist the inmate in adjusting to reintegration. Given the amount of money it costs to incarcerate an individual, not reducing the risks that led the offender to crime and eventually to prison is fiscally irresponsible.

**Post-Release Supervision** – Offenders returning to the community are either released with supervision (parole or probation) or are released unconditionally, without supervision. Research shows that supervision and treatment should be targeted to higher risk offenders being released

into the community.<sup>58</sup> The research also shows that for low-risk offenders, supervision and interventions should be minimal and offenders should be discharged as quickly as possible.<sup>59</sup>

Whether they are ready or not, low-risk or high-risk, almost all prisoners will be released at some point. Therefore, while it may seem reasonable for a parole board to deny parole to a higher-risk offender, it is neither good for the safety of public nor fiscally prudent to keep such offenders locked up until the end of their sentence and then released without supervision. The placement of higher risk offenders on supervision with appropriate treatment and support improves the likelihood that the person will successfully transition into the community.

**Transition to the Community** – The community can be a resource for a returning offender or it can lead to the offender’s failure and return to imprisonment. Community resources must be capable of continuing the treatment and support that began in prison. The criminal justice system must involve community service providers and local municipal leaders to ensure sufficient resources are available to reduce the risk of recidivism. Recidivism means a return to anti-social behavior, either in the form of a new crime or behavior that violates release conditions, and this behavior almost always occurs in the community to which the offender returns. The reentry process owes the community more than the return of poorly-equipped offenders who will continue to destabilize the community.

### **Barriers to Effective Correctional Outcomes in Massachusetts**

There are several reasons that Massachusetts has not had the public safety outcomes that a correctional system should produce. Many of these are beyond the control of corrections agencies and have been created through legislation or regulation. The most significant include:

- Sentencing laws – Over the past several years the Massachusetts Legislature has passed laws requiring mandatory minimum sentences for drug offenses, set longer prison and jail sentences for non-violent offenses, and prohibited individuals convicted of certain offenses from participating in work release and halfway houses. These changes contributed to a huge increase in the prison and jail population. Currently there are 31 drug offenses that require mandatory minimum sentences and nearly 2,000 inmates are housed in the prison system as a result (not including the county jail system).<sup>60</sup> At \$47,000 a year per prison inmate and mandatory minimum sentences ranging from two years to 10 years the cost of such a punitive policy is significant.
- Community supervision laws and policies – Inmates serving prison sentences are not eligible for parole until they have served at least two-thirds of the maximum sentence no matter how good their conduct has been. And inmates serving mandatory minimum drug sentences are not eligible for parole at all. While this might seem appropriate, many inmates use their time in prison constructively and are prepared to move back to the community under the supervision of a parole officer earlier than currently allowed. Continuing to incarcerate these inmates is expensive and unnecessary. Restrictive sentencing and parole eligibility laws have also contributed to the nearly 40 percent of ex-offenders who are unsupervised immediately after release.<sup>61</sup>
- Collaboration – Massachusetts corrections agencies historically have been prime examples of a silo mentality. Recently, some departments have voluntarily committed to working together, although this is not widespread. The lack of collaboration has created redundancy, wasted resources and made systemic policy improvements very difficult to implement.

- **Data Collection - Massachusetts does not have uniform data collection or information sharing**

A number of bills currently before the Massachusetts legislature seek to address some of the challenges in the criminal justice system. However, there is a significant question about the direction these bills will take the Commonwealth and whether they will make the system more or less effective and efficient. Given the state of the economy, the legislative session has been dominated by whether new laws and regulations will reduce or increase the state's expenditures. However, the public discussion around the criminal justice measures has not triggered the same degree of fiscal scrutiny. The issues underlying these bills are not new and, as with previous attempts, success largely depends on the legislature's willingness to enter the criminal justice fray so close to an election.

**These issues include:**

**Sentencing Reform** – several bills related to changing some aspect of the sentencing laws are on the docket, many of which have been filed for several sessions of the legislature. The most prominent of these bills would allow parole for prisoners serving mandatory minimum sentences for drug offenses, reducing the impact of mandatory minimum drug sentences on transfers to community supervision, and another that would dramatically increase the penalties for a third superior court conviction whether the crime is violent and serious or non-violent.

**CORI Reform** – the issue of CORI reform has received significant attention from the legislature. Over the last few sessions, several bills have been filed and well-attended public hearings have occurred with no legislative changes in the CORI laws. However, recently the Governor issued an Executive Order and followed up with new regulations altering the hiring practices for departments and vendors in the Executive Office of Health and Human Services. The current CORI bills in the legislature seek changes to the degree of access users of criminal record information currently have and the information available on a criminal record. They also seek to improve the process for obtaining criminal record information by streamlining access, improving accuracy and greatly shortening the waiting period for a record. The Governor's bill makes wholesale changes to the CORI system and purports to raise revenue.

**Post-release Supervision** – this issue has been before the legislature previously and is prominent among policy makers because it seeks to supervise everyone released from a state prison under the belief that all ex-prisoners require some kind of supervision after release. The mandatory post-release supervision bills add a period of supervision onto the sentence imposed by the court and require each returning ex-prisoner to be supervised by the Parole Board.

There is little indication that any of the bills addressing these issues will cause a measurable reduction in the prison and jail populations, recidivism or the corrections budgets. Of additional concern is that these bills are devoid, for the most part, of full-cost projections or the ancillary costs associated with additional supervision caseloads, greater numbers of parolees violating conditions of parole, a massive expansion in the length of sentences of prisoners serving third superior court convictions, and the growing costs of incarcerating an aging prison population that will require support and services commensurate with their age and needs. These bills also do not reflect the research or evidence of what is effective in reducing recidivism and stemming the growing costs of corrections.

requirements for its criminal justice agencies or its corrections agencies. A key factor in evaluating the effectiveness of corrections programs and spending decisions is recidivism data, yet there is no uniform definition of recidivism, making collection and evaluation impossible. Uniform data collection practices would enhance the criminal justice system's efficiency and accuracy. The lack of uniform data collection limits transparency and restricts outcome-based budget and policy decisions.

**Highlights in Massachusetts Corrections Practice**

Throughout the corrections system, involving community supervision agencies and prisons and jails, there are very positive signs of progress, best and promising practices, and recognition that the future should be guided by what works to reduce recidivism.

The Hampden County Sheriff's Department has consistently collected and reported recidivism data for several years and recent data continue to show positive outcomes. The rate of recidivism has steadily declined since 2001 when the one-year recidivism rate was



31 percent with the current rate at 23 percent.<sup>62</sup> Additionally, Hampden County has been a national leader in the implementation of evidence-based reentry practices and this commitment has led to not only the reduction of recidivism, but also stable and motivated community-based collaborations. The Hampden County Sheriff's Department has also implemented a performance accountability model<sup>63</sup> that applies to staff as well as inmates. Inmates are expected to participate in programs designed to reduce their risk of re-offense. Staff members are expected to assist inmates in participating and succeeding in preparing for reentry and recognize that their professional advancement depends on their performance.

Another improved area is the Parole Board. Parole data show significant progress in the percentage of parole applicants being granted parole:

- In 1998, the parole rate was 46 percent<sup>64</sup>
- In 2008, the parole rate was 70 percent<sup>65</sup>

Research shows that community supervision using appropriate offender management techniques and evidence-based interventions reduces recidivism and improves public safety. The Parole Board recognized that lower-risk offenders unnecessarily sitting in expensive prison cells would be better prepared for the community if they had some period of parole supervision prior to discharge. By paroling these offenders earlier than might have been done in previous years, the Parole Board was able to improve the preparation for the offender's return to the community and reduce the likelihood that the offender would return to anti-social behavior. While more people are being paroled, they are also succeeding in greater numbers and are discharging from parole supervision without incident.

The Parole Board has also made progress in data collection and has recently focused on outcome data designed to illuminate the reasons that some inmates do not succeed. The Parole Board's initiatives, focused on intensive parole for higher risk parolees, housing for parolees, and the stability provided by Regional Reentry Centers, have contributed to below average recidivism rates for individuals who have been discharged from parole for at least three years.<sup>66</sup>

The Department of Correction (DOC) has recently implemented evidence-based programs throughout its reentry preparation process which use a validated risk/need assessment tool and targeted interventions for inmates preparing for reentry. Not only is this an effective use of taxpayer funds but these programs have been shown to reduce recidivism.

The Department is also putting in place a process focused on preparing those offenders most likely to re-offend and has collaborated with the Parole Board to integrate parole officers in the reentry process so that the transition to the community is as seamless as possible.

Recently, the DOC embarked on an ambitious initiative to improve employment prospects for prisoners preparing for release through a combination of services and programs designed to diminish the characteristics leading to criminal behavior and skill development and training to make them job-ready. Characteristics such as substance abuse, mental health problems, poor family ties, anti-social relationships in the community, and impulsiveness and anger are targeted for proven interventions. Skill development programs are then provided along with connections to employers and employment support programs in the communities to which the inmates return in order to build a bridge to stability after release. The Department's efforts match those in other states that have produced a successful transition model and reduced rates of re-offense.

The Essex County Sheriff's Department has recently implemented a reentry preparation process focused on improving employment opportunities for ex-offenders. The process includes basic education and soft skill development, treatment to address substance abuse and mental health issues, and directed training in jobs that are available to a recently released offender.

#### **Boston's Community Collaboration Model**

Using key evidence-based principles, the city of Boston and several public and private partners have implemented a safety initiative to reduce the incidence of youth violence in Boston's neighborhoods.

The initiative, called StreetSafe Boston, was conceived and driven by the Boston Foundation in conjunction with the City of Boston and a number of key organizations. The initiative involves the collaboration of a unique combination of partners; targeting high-risk neighborhoods of the city; and the delivery of wraparound services all focused on a very small percentage of the population responsible for a majority of the violent crime in the city.

Research has guided the initiative since its inception. A study by the Harvard Kennedy School found that 1 percent of Boston's youth population drove over 50 percent of the gun violence. It found that 70 percent of the shootings were concentrated in about 5 percent of the city's streets and specifically in 5 neighborhoods. The initiative then trained street workers familiar with the environment to intervene in the lives of these high-risk individuals and it reached out to community service providers to participate. Assessment tools are used to identify the high-risk targets of the outreach and street workers meet the targeted youth where they are. By providing safe access to pro-social programs as well as connections to workforce, education, housing, family, reentry and mental health services, street workers and other community partners are able to provide positive, long-term and goal-oriented alternatives to gang involvement and anti-social activities. While focused on high-risk, violent youth, this model combines key elements of research-supported best practices for community collaborations and should be a model that can be brought to scale as well as modified to address older, high-risk individuals.

While this progress is supported by evidence of what works to reduce victimization and the cost of corrections, these programs should be expanded to reach all prisoners who will be released and those under supervision in the community.

Unfortunately, these promising and in some cases proven programs, to reduce re-offending and lower prison and jail

populations, have been affected by recent budget cuts. The FY10 budget cuts to corrections agencies, while comparatively minimal to other state services, have adversely affected the programs and services that have the greatest impact on recidivism and public safety. The primary reason for this appears to be the exorbitant fixed costs of maintaining so many corrections facilities, the statutory restrictions to moving appropriate inmates to low-security facilities and community supervision and the flood of low-risk individuals serving mandatory sentences for non-violent offenses. The Hobson's Choice for corrections administrators – either cut programs and services that ultimately make communities safer or close prisons in the midst of significant overcrowding – has left many programs vulnerable. With little external support, the progress made by corrections agencies over the past few years may be in jeopardy.

## Potential Solutions

With the economic crisis necessitating significant cuts to vital state services and information and data obtained from other states that are implementing practices which reduce recidivism, lower the cost of corrections and improve public safety, Massachusetts has the ingredients and the opportunity to take similar steps. Principles and practices that should guide a corrections reform effort include:

### Make the reduction of recidivism the collective goal of the criminal justice system.

A singular message that the Commonwealth is unified in reducing recidivism. Because recidivism means new victims and additional costs, reducing recidivism must be a priority.

### Establish uniform data collection and information sharing.

“What gets measured gets done.” This adage should form the foundation of the system’s collection and use of data. Data and information, collected and shared, enables agencies to determine whether their approaches are working and what needs improvement. Uniform data collection leads to common operational practices and consistent communication protocols which improve efficiency and effectiveness in the criminal justice system. Data and information also provide accountability and transparency to the public when it comes to the use of tax dollars.

### Science should guide decision-making.

Over the last 10 years, extensive research has been conducted about what works and what doesn’t work, and what is and is not cost effective, in reducing recidivism. Research shows that the use of assessment tools to identify higher-risk prisoners, the application of evidence-based programs targeted to this population that are proven to reduce these risks, and the supervision of these individuals by trained parole officers reduces the likelihood that higher-risk ex-prisoners will return to criminal activity. We know what works to reduce recidivism and do not need to reinvent the wheel.

### Examine laws and practices that restrict access to supervised reentry programs for non-violent offenders

Research shows that prisoners who are supervised in the community and participate in programs and services designed to reduce their risk to re-offend are more likely to stay out of trouble after their sentences end. A recent Massachusetts recidivism study found that 20 percent of the offenders who recidivated did so within the first six months of release and nearly 50 percent did so within the first year of release.<sup>67</sup> Yet, more than 40 percent of state prisoners are not supervised prior to the end of their sentences. Most offenders need support and supervision once they are released and this is best done through the use of parole practices that assist ex-offenders in obtaining housing, treatment and therapy, skill development and employment. Massachusetts must reduce the barriers to supervised support for those individuals most likely to re-offend after release.

### Collaborate with multiple stakeholders in the communities to which offenders return and use the existing community capacity to improve reentry outcomes and reduce the risk of re-offense.

The urban centers in Massachusetts are fortunate to have a wealth of effective and dedicated community service providers that assist those in greatest need or at highest risk. Some of these providers have been effectively engaged as is evident in the StreetSafe Boston model discussed earlier in this report and the After Incarceration Support Services model run by the Hampden County Sheriff’s Department. Massachusetts would benefit from a statewide effort that uses

these models to link state and municipal efforts with community providers for a more efficient and effective community reentry model.

Reconsider allocations that direct significant resources to prison and jail infrastructure and far fewer to programs and services that reduce recidivism.

Research shows that programs and services must be available in the community if reentry is to succeed in reducing the risk that an offender will re-offend. Yet, the inflation adjusted budgets for prisons and jails rose more than 12 percent and 20 percent respectively and the probation budget rose 163 percent between 1998 and 2008. Over the same period, the Department of Public Health budget, which funds substance abuse programs in the community, shrank 3.3 percent. This distribution of resources ignores the research indicating that treatment programs and skill development are necessary components in reducing re-offense and victimization.

Direct corrections resources to managing and preparing higher-risk offenders for successful transition into the community.

Higher-risk offenders are just that, offenders more likely to re-offend after release; and most high-risk offenders will be released from the corrections system at some point. Therefore the public is far better served if resources are directed to reducing the risk these offenders pose than focusing on those who pose minimal risk to re-offend.

## Conclusion

The economic crisis has forced state and local governments to make changes they would not consider making at any other time. Most of these changes are painful and likely will be reconsidered when the fiscal crisis is over. Yet, many states also are seeing unexpected opportunities to implement evidence-based practices throughout their corrections systems. These reforms, some triggered by the budget crisis, are nevertheless driven by a need to improve effectiveness and efficiency through the implementation of proven practices. For those states that were already moving in this direction, such as Michigan and Connecticut, the budget crisis has not been as damaging. Indeed they are benefiting from data and outcomes that support the continuation of innovative policies. As shown in the case studies in this report, the movement toward evidence-based sentencing policy and corrections practices has long-term benefits for states and communities, not just short-term benefits for state budgets.

Historically, corrections systems have been nearly impenetrable to research and thoughtful policy decision-making. This has led to massive prison and jail populations in states across the country and even larger state corrections budgets. Sentencing, parole and release policies often have been driven by headlines rather than by research into public safety and the reduction of victimization. The economic crisis has offered many state leaders the opportunity to reconsider these policies in an effort to control the cost of corrections and improve public safety outcomes. In some cases, states have had no choice but to make changes in their systems due to budgetary constraints.

In this bleak budget climate we often hear state leaders and advocates for various interest groups agreeing that budgets are a statement of a state's priorities and values. Whether government is cutting vital services or increasing taxes to meet the needs of a state's residents, there is a resounding call for budgeting focused on priorities and on "what works." Throughout the country, states are deciding whether and how much to reduce funds for schools, health care, support services for those most at risk, aid to cities and towns and the preservation of important quality of life programs. State residents deserve value for their tax dollars and many states are concluding that government should produce measurable public safety results.

Massachusetts has not been on the leading edge of this issue. While states across the country are reducing prison and jail populations through sentencing reform, instituting earlier parole eligibility combined with smart supervision and case management practices, and using new approaches to data collection and outcome measures, Massachusetts is considering a bill to institute a three-strikes law<sup>68</sup> that would significantly increase the prison population for years to come, as well as a proposal to spend half a billion dollars to construct new prisons and untold millions to operate them.

The economic crisis has been difficult for government leaders at all levels as well as the people who rely on government to make ends meet. Significant cuts in the services that Massachusetts prides itself in providing – such as public higher education, public health and support for local communities – should trigger reforms in the criminal justice system that make it more effective and efficient. It is essential that Massachusetts policy makers closely examine the costs and benefits of our current approach to corrections and reentry, carefully weigh the evidence when it comes to proposed changes, and make the right decisions on behalf of the people of the Commonwealth.

## Appendix A

The information in this appendix clarifies the data presented in the figures in this report. Each Figure in the report is numbered and the corresponding data supporting the information is found below.<sup>§</sup>

**Figure 1: Percent Change; FY98 and FY08 MA State Budgets – Unadjusted**

| Agency              | FY98 Budget –<br><i>Unadjusted for Inflation</i> | FY08 Budget     | FY98 vs. FY08<br>Budget Percent Change |
|---------------------|--|-----------------|--|
| DOC                 | \$322,044,967                                    | \$478,259,581   | 48%                                    |
| County HOC/Sheriffs | \$286,143,821                                    | \$455,417,959   | 59%                                    |
| Parole Board        | \$13,194,357                                     | \$17,880,679    | 35%                                    |
| Probation           | \$20,835,967                                     | \$72,341,184*   | 247%                                   |
| Higher Education    | 857,518,588                                      | \$1,046,031,207 | 22%                                    |
| Public Health       | 394,585,891                                      | \$503,866,742   | 28%                                    |
| Local Aid           | 1,025,980,483                                    | \$1,343,096,219 | 31%                                    |
| Dept. of Education  | 2,860,339,721                                    | \$4,304,339,932 | 50%                                    |

\*Probation budget adjusted to account for 2004 district court budget transfer of \$81 million. Actual 2008 budget is \$157,926,086

**Figure 2: Percent Change; FY98 and FY08 MA State Budgets – Adjusted**

| Agency              | FY98 Budget –<br><i>Adjusted for Inflation</i> | FY08 Budget     | FY98 vs. FY08<br>Budget Percent Change |
|---------------------|--|-----------------|--|
| DOC                 | \$425,381,887                                  | \$478,259,581   | 12.43%                                 |
| County HOC/Sheriffs | \$377,960,878                                  | \$455,417,959   | 20.49%                                 |
| Parole Board        | \$17,428,127                                   | \$17,880,679    | 2.60%                                  |
| Probation           | \$27,524,312                                   | \$72,341,184*   | 162.83%                                |
| Higher Education    | \$1,132,676,838                                | \$1,046,031,207 | -7.65%                                 |
| Public Health       | \$521,199,547                                  | \$503,866,742   | -3.33%                                 |
| Local Aid           | \$1,355,194,331                                | \$1,343,096,219 | -0.89%                                 |
| Dept. of Education  | \$3,778,157,810                                | \$4,304,339,932 | 13.93%                                 |

\*Probation budget adjusted to account for 2004 district court budget transfer of \$81 million. Actual 2008 budget is \$157,926,086

**Figure 3: MA Inmate Growth: Prison System, 1980, 1995, 2008**

Data found in Massachusetts Department of Correction publications for Third Quarter of 1980 and of 1995, *Quarterly Report on the Status of Prison Overcrowding*.

<sup>§</sup> Citation and reference information for the data in these tables is found in Appendix B.

**Figure 4: Percent Change; Incarcerated/Supervised Population and Budget, 1998 vs. 2008**

| Agency              | 1998 Population | 2008 Population | '98 vs. '08 Population Percent Change |
|---------------------|-----------------|-----------------|---------------------------------------|
| DOC                 | 10,915          | 11,400          | 4%                                    |
| County HOC/Sheriffs | 12,531          | 13,965          | 11%                                   |
| Parole              | 8,326           | 7,893           | -5%                                   |
| Probation           | 121,295         | 138,443         | 14%                                   |

DOC – Figures are average daily population from 3<sup>rd</sup> Q 1998 and 2008

HOC – Figures are average daily population from 3<sup>rd</sup> Q 1998 and 2008

Parole – Figures are total annual caseload

Probation – 2008 number does not include 80,507 cases on administrative supervision from district court transfer in 2004 or Family and Probate category

**Figure 5: 2010 MA State Budget Cuts**

| Agency              | FY2009 Budget*** | FY2010 Budget | Percent Change |
|---------------------|------------------|---------------|----------------|
| DOC                 | 534,873,622      | 524,327,622   | -1.97%         |
| County HOC/Sheriffs | 478,229,836      | 436,013,824   | -8.83%         |
| Parole Board        | 19,255,248       | 18,789,506    | -2.42%         |
| Probation           | 169,464,542      | 155,331,833   | -8.34%         |
| Higher Education*   | 1,096,733,749    | 907,175,073   | -17.28%        |
| Public Health       | 545,744,442      | 471,479,466   | -13.61%        |
| Local Aid**         | 1,345,096,219    | 963,646,140   | -28.36%        |
| Social Services     | 831,477,528      | 786,259,603   | -5.44%         |
| Dept. of Education  | 4,566,389,225    | 4,314,916,033 | -5.51%         |

Budgets do not include retained revenue line items. FY2010 budgets do not include vetoes or overrides

\* Does not include \$155,939,201 in ARRA funds. Including these funds, higher education will decrease by 3.07% in FY10.

\*\* Does not include potential ARRA funds. Including the potential \$167,649,347 ARRA funding, local aid will decrease by 15.89% in FY10. Local Aid budget does not include Chapter 70 allocation.

\*\*\*General Appropriation

## Appendix B

### Budget Reference Information

This page serves as a reference and citation section for the budget data found in the report. What would have been cited in footnotes in the narrative of the report is found in this section due to the repetition of the budget data discussed in the report. The data is presented in chronological order beginning with the most recent budget information discussed in the report.

#### **Fiscal Year 2010 budget information –**

House 4129, *An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissioners, Institutions and Certain Activities of the Commonwealth, For Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements*. The Commonwealth of Massachusetts (June 2009).

(The budget data in the report does not include vetoes made by the Governor or overrides voted on by the legislature)

Found at <http://www.mass.gov/legis/ht04129.pdf>

#### **Fiscal Year 2009 budget information –**

Chapter 182 of the Acts of 2008, *An Act Making Appropriations for the Fiscal Year 2009 for the Maintenance of the Departments, Boards, Commissioners, Institutions and Certain Activities of the Commonwealth, For Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements*. The Commonwealth of Massachusetts (July 2008).

Found at <http://www.mass.gov/legis/laws/seslaw08/sl080182.htm>

#### **Fiscal Year 2008 budget information –**

Chapter 61 of the Acts of 2007, *An Act Making Appropriations for the Fiscal Year 2008 for the Maintenance of the Departments, Boards, Commissioners, Institutions and Certain Activities of the Commonwealth, For Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements*. The Commonwealth of Massachusetts (July 2007).

Found at <http://www.mass.gov/legis/laws/seslaw07/sl070061.htm>

#### **Fiscal Year 1998 budget information –**

Chapter 43 of the Acts of 1997, *Fiscal Year 1998 Budget*. Commonwealth of Massachusetts (July 1997).

Found at <http://www.mass.gov/legis/senate/98budget/contents.htm>



## Appendix C

# Offender Reentry Flow Chart

**Sentencing** – the beginning of the reentry process. Sentencing has significant impact on the ability of corrections officials to prepare prisoners for reentry. Decisions that allow for diversion from prison or jail, placement in a treatment center or a sentence enabling an earlier parole decision recognize that not all offenders require a long period of incarceration and that reentry can start earlier with better results. Restrictive sentencing policies such as mandatory minimum drug sentences limit appropriate sentencing decisions and sound preparation by corrections professionals.



**Assessing inmate's risks and needs** – to understand the problems that led an individual to prison, the system must know the kind of risk they pose and what their needs are in order to minimize that risk. Therefore, upon intake a validated risk assessment tool should measure the prisoner's risk of committing another crime and evaluate the factors that created the risk. Assessments should be done periodically as the individual moves through the system to gauge the progress and evolving needs of the offender at different intervals.

**Targeting interventions** – the job of the correctional system is to reduce the risk prisoners pose to the community. The risk/needs assessment tool gives corrections officials the information to target those risk factors that can be mitigated. Interventions such as programs addressing substance abuse, lack of educational attainment and employment skills, and antisocial attitudes must be targeted to those with these deficits who are a higher risk to re-offend. The programs must be those that research has shown to be effective in mitigating these risks. In a national study only about 10% of the programs reviewed attained the highest levels of effectiveness.

**Planning for discharge** – every prisoner who will return to the street should have a reentry plan. The development of the reentry plan should begin once the individual's risk/needs assessment and intervention plan is determined. The plan should incorporate the intervention programs, the ongoing needs of the prisoner as he or she moves through the system, the likely factors that will be present in the individual's life upon return to the community and information on managing each of these. The plan should be collaborative and multi-disciplinary and should address preparation for release, terms and conditions of release, and post-release supervision and services. The other supervisory agencies, parole and probation, should be part of the creation of the reentry plan and should actively participate in the transition from prison to the community.



**Classification and step-down** – as prisoners move through the system, they should be housed in facilities appropriate to their risk level and their programmatic needs. Their classification levels must be adjusted to reflect their diminishing levels of risk related to incarceration so that they can be appropriately transferred to facilities where the transition to the community is more seamless. Pre-release facilities and work-release facilities provide programs that are unavailable in medium or high security facilities and prepare the individual much better for the transition to the community.

**Post-release supervision and support** – More than 40% of the prisoners released from the Department of Correction are unsupervised upon release. Worse, 83% (in 2002) of the prisoners released from a maximum security prison to the community do not have parole supervision. Thus inmates who pose the greatest threat to the community upon release are the least likely to be supervised. Research shows that supervision and services are a necessary component of an individual's successful reentry. Support services must coincide with supervision in the community in order to continue to address the individual's risk factors that are likely to lead to re-offending. Model programs combine collaborations with key community stakeholders with wraparound service delivery.

## Offender Reentry: Key Elements of Each Step

### Sentencing –

- Give the judiciary greater authority to impose non-mandatory sentences, within guidelines, for drug offenses
- Increase diversion programs as an option for judges to impose rather than incarceration
- Reduce parole eligibility periods for non-violent individuals
- Restore earned compliance credits to encourage good behavior and program participation and enable lower-risk prisoners to transition to the community.



### Assessing prisoner's risks and needs –

- Risk assessment used throughout incarceration to assess program application and accomplishments
- The same risk assessment tool used by the DOC, sheriffs, parole and probation
- Risk assessment tool should be used to determine level of supervision and types of interventions for individuals on probation and parole.

### Targeting –

- Implement programs that have been proven effective to reduce re-offense
- Programs should be directed toward higher risk prisoners, those more likely to reoffend when released, in order to reduce recidivism
- Prisoners must be induced to participate and allowed to complete programs they are participating in
- Create reentry housing for those prisoners participating in programs and preparing for life in the community.

### Planning for discharge –

- Create reentry plan committee in each facility
- Create collaborations between the DOC, each facility and supervising agency, and the community programs that will participate in the individual's continuation of care after release
- Bring employers into the facilities who are likely to consider hiring recently released individuals to assist in skills training programs (soft and hard skills), conduct job fairs and network with prisoners preparing for release
- Ensure that prisoners understand the plan and what is expected throughout their incarceration and as they transfer to parole.



### Classification and step-down –

- Objectively classify all prisoners in DOC custody without regard for where they are currently housed
- Determine whether the DOC facilities' security levels match the needs of the prisoner security levels based on the objective classification
- Ensure that a prisoner's custody level match his or her placement
- Create broader collaboration with HOCs to receive prisoners who will soon discharge to the HOC's community

### Post-release supervision and support –

A returning prisoner should have:

- an identification, health insurance, resume of accomplishments while in custody, copy of accurate CORI, contacts for employment and housing providers in their community, contacts who can guide their immediate post-incarceration decision making
- housing, even if temporary
- a job lined up or at least employer contacts
- a mentor for the first couple weeks, at least, of the transition
- ability to communicate quickly with supervisor or someone that can help
- a network of community partners capable of supporting the person's success

## Footnotes

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- <sup>1</sup> Fiscal Year 2009 budget citation and information found in Appendix B. Complete budget amounts found in Appendix A.
- <sup>2</sup> Fiscal Year 1998 budget citation and information found in Appendix B. Complete budget amounts found in Appendix A.
- <sup>3</sup> Fiscal Year 2008 budget citation and information found in Appendix B. Complete budget amounts found in Appendix A.
- <sup>4</sup> Inflation adjusted numbers based on 32.1% inflation rate based on Annual Average CPI-U for 1998 (163.0) and 2008 (215.303). Source: U.S. Department of Labor, Bureau of Labor.
- <sup>5</sup> Memo from Corrections Commissioner Larry DuBois to the members of the Governor's Advisory Committee on Corrections, December 12, 1995.
- <sup>6</sup> Massachusetts Department of Correction, *Quarterly Report on the Status of Prison Overcrowding, Third Quarter of 1995*. Average daily population for 3<sup>rd</sup> quarter. (November 1995)
- <sup>7</sup> Metzler C. *Commitments to Massachusetts Houses of Correction during 1980*. Massachusetts Department of Correction (March 1980)
- <sup>8</sup> Massachusetts Department of Correction, *Quarterly Report on the Status of Prison Overcrowding, Third Quarter of 1995*. Average daily population for 3<sup>rd</sup> quarter. (November 1995)
- <sup>9</sup> Data for the three years identified in this paragraph is found in the *Quarterly Report on the Status of Prison Overcrowding, Third Quarter* for the following years 1990, 1998, and 2008. Massachusetts Department of Correction. Available at: [http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Law+Enforcement+%26+Criminal+Justice&L2=Prisons&L3=Research+Data&sid=Eeops&b=terminalcontent&f=doc\\_research\\_and\\_planning\\_quarterly\\_overcrowding\\_reports&csid=Eeops](http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Law+Enforcement+%26+Criminal+Justice&L2=Prisons&L3=Research+Data&sid=Eeops&b=terminalcontent&f=doc_research_and_planning_quarterly_overcrowding_reports&csid=Eeops)
- <sup>10</sup> The risk/needs caseload, while unclear in the Probation Department's publicly available information, appears to be a traditional probation caseload requiring monitoring and management of a probationer by a probation officer.
- <sup>11</sup> Massachusetts Department of Correction, *Quarterly Report on the Status of Prison Overcrowding, Third Quarter of 1998* and *Quarterly Report on the Status of Prison Overcrowding, Third Quarter 2008*. The average Daily Population in all facilities was used. (November 1998 and October 2008)
- <sup>12</sup> Ibid.
- <sup>13</sup> Massachusetts Parole Board, *2008 Annual Statistical Report*. Data for 1998 obtained in an email from Parole Board staff upon electronic request on May 29, 2009.
- <sup>14</sup> Office of the Commissioner of Probation, Research Department, Fiscal Year 1998 – Fiscal Year 1999. This comparison used FY 1999 data because the 1998 data was missing significant comparison data. Additionally, the data for both years does not include data for administrative supervision for two of the largest low-level populations.
- <sup>15</sup> The Probation Department budget in line item 0339-1001 was increased from \$13,315,523 in FY 2003 (<http://www.mass.gov/legis/laws/seslaw02/sl020184.htm>) to \$105,861,116 in FY 2004 (<http://www.mass.gov/legis/laws/seslaw03/sl030026.htm>).
- <sup>16</sup> Recidivism is commonly defined as the return of an offender to incarceration or a conviction for a new crime within a three-year period. Massachusetts criminal justice agencies do not have a uniform definition of recidivism and therefore recidivism data is difficult to compare across agencies and departments.
- <sup>17</sup> Kohl R, Hoover HM, McDonald SM, Solomon AL, *Massachusetts Recidivism Study: A closer Look at Releases and Returns to Prison*. Urban Institute and Massachusetts Department of Correction. (April 2008)
- <sup>18</sup> Massachusetts Sentencing Commission, 2002.
- <sup>19</sup> Data received in a May 28, 2009 email from Parole Board staff.
- <sup>20</sup> Massachusetts Parole Board, *2008 Annual Statistical Report*.
- <sup>21</sup> Office of the Commissioner of Probation, *Administrative Office of the Trial Court Annual Report, Fiscal Year 1998 – Fiscal Year 1999*. Research Department, Massachusetts Probation Department
- <sup>22</sup> Office of the Commissioner of Probation, *General Statistics, Fiscal Years 2007 & 2008*. Research Department, Massachusetts Probation Department.
- <sup>23</sup> The Governor's Commission on Corrections Reform, *Strengthening Public Safety, Increasing Accountability and Instituting Fiscal Responsibility in the Department of Correction*. Commonwealth of Massachusetts. (June, 30, 2004)
- <sup>24</sup> Ibid pg. 2.
- <sup>25</sup> Massachusetts Department of Correction, *Annual Report 2007, DOC Overview Charts and Graphs*. (2007)

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- <sup>26</sup> The Governor's Commission on Corrections Reform, *Strengthening Public Safety, Increasing Accountability and Instituting Fiscal Responsibility in the Department of Correction*. Commonwealth of Massachusetts. (June, 30, 2004)
- <sup>27</sup> Fiscal Year 2010 budget citation and information found in Appendix B. Complete budget amounts found in Appendix A.
- <sup>28</sup> The higher education budget cut does not reflect the potential federal funds from the American Recovery and Reinvestment Act (ARRA). Depending on the amount allocated to higher education if the ARRA funds are distributed, the Higher Education budget reduction could be approximately 3% rather than 17%.
- <sup>29</sup> The local aid budget cut does not reflect the potential federal funds from the American Recovery and Reinvestment Act (ARRA). Depending on the amount allocated to local aid if the ARRA funds are distributed, the Local Aid budget reduction could be approximately 15% rather than 28%.
- <sup>30</sup> Warren J, *One in 100: Behind Bars in America in 2008*. Pew Charitable Trusts, Public Safety Performance Project. (February 28, 2008)
- <sup>31</sup> Urahn S, *One in 31: The Long Reach of American Corrections*. Pew Charitable Trusts, Public Safety Performance Project. (March 2, 2008)
- <sup>32</sup> Ibid.
- <sup>33</sup> Pew Charitable Trusts, *Public Safety, Public Spending: Forecasting America's Prison Population 2007-2011*. Public Safety Performance Project, Washington, DC, (2006)
- <sup>34</sup> Warren J, *One in 100: Behind Bars in America in 2008*. Pew Charitable Trusts, Public Safety Performance Project. (February 28, 2008)
- <sup>35</sup> Sabol WJ, Rosich K, Kane KM, Kirk DP, Dubin G, *The Influences of Truth in Sentencing Reforms on Changes in States' Sentencing Practices and Prison Populations*. Urban Institute. (April 2002)
- <sup>36</sup> Ibid.
- <sup>37</sup> Pew Charitable Trusts, *Public Safety, Public Spending: Forecasting America's Prison Population 2007-2011*. Public Safety Performance Project, Washington, DC, (2006)
- <sup>38</sup> CNNMoney.com article, *Michigan Shuts 8 Prison to Save \$120M*. June 6, 2009 article on [www.CNNMoney.com](http://www.CNNMoney.com) quoting John Cordell, spokesman for the Michigan Department of Corrections.
- <sup>39</sup> Michigan Department of Corrections, presentation by Deputy Director Dennis Schrantz to the US House of Representatives Judiciary Subcommittee on Criminal Justice Reforms, Washington DC (June 2009)
- <sup>40</sup> Data received from Public Information Officer for the Michigan Department of Correction in an email on August 26, 2009.
- <sup>41</sup> Michigan Senate Fiscal Agency, *H.B. 4437, FY 2009-2010 Corrections Budget, Governor's Recommendation*. (February 2009)
- <sup>42</sup> Fabelo T, *Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending*. Presentation to Kansas Legislature, December 12, 2006.
- <sup>43</sup> U.S. House of Representatives, Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, Statement by Secretary Roger Werholtz, Kansas Department of Correction. Hearing on Justice Reinvestment, April 1, 2009
- <sup>44</sup> Ibid.
- <sup>45</sup> Ibid.
- <sup>46</sup> Ibid.
- <sup>47</sup> Pew Charitable Trusts, *Connecticut Case Study*. Public Safety Performance Project of the Pew Charitable Trusts and the Council of State Governments' Justice Center. (February 2007)
- <sup>48</sup> Connecticut General Assembly, *Public Act 04-234: An Act Concerning Prison Overcrowding*. (July 2004)
- <sup>49</sup> Ibid.
- <sup>50</sup> Ibid.
- <sup>51</sup> Pew Charitable Trusts, *Connecticut Case Study*. Public Safety Performance Project of the Pew Charitable Trusts and the Council of State Governments' Justice Center. (February 2007)
- <sup>52</sup> Ibid.
- <sup>53</sup> Connecticut General Assembly, *Public Act 06-193: An Act Concerning Criminal Justice Policy and Planning and the Establishment of a Sentencing Task Force*. (July 2006)
- <sup>54</sup> Cox S, Bantley K, Roscoe T, Evaluation of the Court Support Services Division's Probation Transition Program and Technical Violation Unit. Department of Criminology and Criminal Justice at Central Connecticut State University. (December 2005)
- <sup>55</sup> Connecticut Office of Policy and Planning, *Monthly Indicators Report, June 2009*. Connecticut Criminal Justice Policy and Planning Division. (June 2009)
- <sup>56</sup> Scott-Hayward C, *The Fiscal Crisis in Corrections: Rethinking Policies and Practices*. Center on Sentencing and Corrections, Vera Institute of Justice. (July 2009)

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<sup>57</sup> Clark J, *The Role of Traditional Pretrial Diversion in the Age of Specialty Treatment Courts: Expanding the Range of Problem-Solving Options at the Pretrial Stage*. Pretrial Justice Institute. (October 2007)

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Data received from Department of Correction research unit in an email on February 3, 2009.

<sup>61</sup> Massachusetts Department of Correction, *An Effective Reentry Focused Correctional System*. Presentation by Commissioner Harold Clarke. (July 2009)

<sup>62</sup> Lyman M, *Fiscal Year 2009 Annual Report Overview*. Research Division, Hampden County Sheriff's Department. Received in an email from Hampden County Sheriff's Department September 10, 2009.

<sup>63</sup> The Governor's Commission on Corrections Reform, *Strengthening Public Safety, Increasing Accountability and Instituting Fiscal Responsibility in the Department of Correction*. Commonwealth of Massachusetts. (June, 30, 2004)

<sup>64</sup> Data received from Parole Board staff in an email dated May 28, 2009.

<sup>65</sup> Massachusetts Parole Board, *2008 Annual Statistical Report*.

<sup>66</sup> Massachusetts Parole Board, *A Profile of Factors and Offenses Related to Parolee Recidivism*. Report compiled for successful parolees discharged from parole in 2004. (December 2008)

<sup>67</sup> Kohl R, Hoover HM, McDonald SM, Solomon AL, *Massachusetts Recidivism Study: A closer Look at Releases and Returns to Prison*. Urban Institute and Massachusetts Department of Correction. (April 2008)

<sup>68</sup> See *House Bill 1423: An Act Relative to the Punishment of Habitual Offenders*. Massachusetts House of Representatives. (2009)



