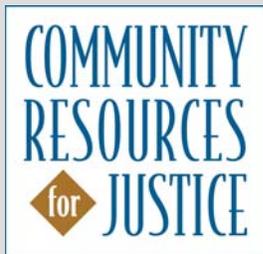


Promoting Public Safety Through Successful Community Transition

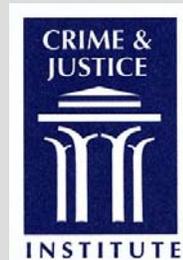
Toward an Evidence-Based System of Offender Reentry

May 9, 2008

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Dear Reader,

Community Resources for Justice and its Crime and Justice Institute are proud to present this report urging progress on systemic prisoner reentry reform in Massachusetts.

Major change in public policy does not happen frequently or without careful deliberation. Policy takes time to fully develop and is justifiably difficult to change. For a policy area like criminal justice, change is even more difficult to achieve because of the complex political environment, the devastating impact of a single high-profile tragedy, and the lack of a broad-base of motivated and engaged supporters. Education, health care and environmental policy all have dedicated supporters that consistently look to move policy forward in order to improve outcomes for themselves and others. Criminal justice policy, therefore, needs different triggers to compel action.

In this environment three elements have combined to present policy makers and the public with the ingredients for systemic progress in criminal justice policy. The high financial cost of corrections, the public's opinion that we should work to reduce crime rather than just punish the criminal, and research that shows what works to reduce recidivism are leading a number of states to re-examine their criminal justice systems with a focus on enhancing public safety by reducing recidivism.

This report is a 'call to action' for Massachusetts state leaders to implement a systemic approach to offender reentry, one that involves traditional as well as non-traditional agencies and collaborates with community leaders and service providers. A collaborative approach is necessary to overcome the inherent limitations of changing criminal justice policy.

Our examination explores the need for reentry reform and the existing opportunity for change created by corrections costs, public opinion and research. This report examines the current state of corrections in Massachusetts as well as the numerous and thoughtful findings and recommendations that have been made in recent years.

For Massachusetts, the combination of rising corrections budgets, in the face of a budget crisis, high recidivism rates and the fact that our corrections and parole agencies have begun to make significant progress in preparing offenders to return to the community should make systemic reentry reform a priority. With strong leadership and the collaboration of diverse agencies and community leaders Massachusetts is poised to improve community safety and use resources in a smart and sustainable way.

Best regards,



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The time, effort and passion that Community Resources for Justice staff devote to improving the lives of ex-offenders and the communities to which they return has formed the foundation of this project.

Table of Contents

I. Executive Summary	i
II. Introduction.....	1
III. The Need for Reform.....	3
Can We Do Better?	4
Where is the “System” in the Criminal Justice System?.....	4
Why Now?	5
Cost.....	5
Public Opinion	6
Research.....	7
IV. A Systemic Approach to Successful Transition	8
The Reentry Process.....	8
Diversion.....	9
Sentencing.....	9
Incarceration	10
Post-Release Supervision.....	11
Transition to the Community	11
V. Promising Practices in Offender Reentry	13
Transition from Prison to Community Initiative (TPCI)	13
Steps Forward	14
VI. Massachusetts Reentry: Opportunities and Barriers	16
Opportunities and Progress	17
Barriers.....	19
VII. Recommendations.....	22
Appendix	23
Endnotes	28

I. Executive Summary

They all come home. Over 95% of inmates complete their sentences, are released from prison or jail, and return to their communities.

Research tells us that most of those inmates have substance abuse problems, poor employment histories, below average educational attainment, and often are engaged in anti-social relationships. These are the barriers that fostered their criminal behavior leading them to prison and are often the ones they confront as they leave prison. Once released, inmates find it difficult to adjust to life in the community because of inadequate interventions in prison and little support in the community. They often return to criminal behavior, diminishing public safety, creating new victims, destabilizing communities and further increasing the financial costs of corrections and law enforcement.

Research also shows that confronting those barriers with services such as substance abuse and mental health treatment and job training reduces the likelihood that offenders will return to crime. Yet, rehabilitating ex-offenders is a complex undertaking with little political support. The dynamic regarding whether to rehabilitate and restore or to punish and stigmatize, has been at the heart of the criminal justice debate for generations.

Since the 1980s the country has relied extensively on prison for fighting crime. This has led to a 700% increase in the nation's prison population. As incarceration rates have increased so have the costs and now corrections budgets are among the highest in state government. Yet, policy makers are hesitant to examine other promising crime-fighting options because they are intimidated by accusations of being soft on crime.

Massachusetts has likewise experienced an increase in its inmate population and in the cost of corrections. These problems have been brought on by policies that lengthened prison sentences, limited eligibility for parole and required mandatory sentences for non-violent offenses:

- The prison population in Massachusetts has increased nearly 300% since 1980
- The corrections budget (Department of Correction and county jails) has increased more than \$300 million in less than 10 years and is now close to \$1 billion annually
- It costs approximately \$43,000 annually to incarcerate an offender in Massachusetts
 - Comparatively, it costs approximately \$18,000 annually for tuition, fees, room and board for a student to attend UMASS
- Approximately 97% of Massachusetts prisoners are eventually released to the street
- Each year 20,000 inmates are released from Massachusetts prisons and jails
- More than 40% are released without supervision
- More than 50% of released offenders are rearrested or returned to prison or jail within three years of release

Over the past few years the merger of three factors has led to significant changes in criminal justice policies across the country. The exorbitant **cost** of prison when compared to other equally important government obligations, the **public support** for programs that reduce future crime rather than simply punish the offender, and **research** showing what does and does not work to reduce the risk of recidivism, have provided the impetus for many state and local leaders to reform their criminal justice systems. States that have implemented systemic reform have begun to see the results of their efforts in reduced recidivism and better collaboration.

As these forces for change strengthen, the time is ripe for examining and reforming Massachusetts' approach to prisoner reentry with the goal of reducing the risk offenders pose to the public.

Implications of Recidivism for Massachusetts

Recidivism costs are well known – new crime victims, increased financial costs due to expanding law enforcement, criminal justice and corrections agencies, and social and economic costs related to destabilized communities, unemployable ex-offenders and broken families. Offenders who return to prison do not contribute to society, the workforce or their families and they rarely pay taxes.

And what are the savings if recidivism is reduced in a measurable way?

- A 1% reduction in the recidivism rate for offenders in prison or jail would result in corrections-only savings of nearly \$4.3 million
 - A 1% reduction in the recidivism rate for offenders serving a state prison sentence would result in corrections-only savings of about \$1.3 million.
 - A 1% reduction in the recidivism rate for offenders serving a county sentence would result in corrections-only savings of about \$2.9 million.

Important to this discussion is the fact that such savings rarely materialize because an open prison bed is often filled as soon as it is available. Thus real savings will not be realized until a section of a prison or jail can be mothballed or a whole facility closed and resources reallocated.

Alternatively, because of the extraordinary overcrowding throughout the system, steady recidivism reduction can eliminate the need to build more prisons. To fully develop the benefits of lower recidivism rates, law enforcement and the courts must be active partners to ensure that open prison and jail beds are not filled with low-risk offenders who could be in less-expensive community-based treatment.

Historically, the transition of offenders from prison to community was the sole responsibility of the corrections system. Promising reentry practices and models clearly indicate that stable and long-term success will only come with the involvement of many agencies and community partners. In addition to corrections agencies (jails, prisons, parole and probation), public health, social services, education, and workforce and economic development agencies play a significant role in reducing the risk an offender might pose to the community. Community organizations such as health centers, housing agencies and employment services are vital to ensuring that community-based programming is available and effective for returning offenders.

Reforming offender reentry is eminently achievable in Massachusetts. The issue of reform has been studied time and again. The Commonwealth is fortunate to have had thoughtful and research-based recommendations produced in very recent years and a number of agencies have made progress toward improving effective reentry programs. The next step will require leadership at the highest levels of government across all branches and agencies and it will require a partnership that unifies all of the stakeholders under a single goal of reducing the risk of recidivism.

II. Introduction

Imagine this.

Imagine a criminal justice system that responds meaningfully to crime and public agencies that do more than incarcerate offenders; they give them skills to stay crime free.

More than 650,000 people across the country will return to communities from prison this year. More than 20,000 incarcerated people will return to Massachusetts communities this year. Most will return to a handful of our large urban centers where they will be expected to find a job and a place to live, remain out of trouble with the law, and generally handle the day-to-day obligations that life brings.

Yet, most people leaving prison and jail were incarcerated because of significant risk factors that made living a stable lifestyle difficult if not impossible. Most offenders have substance abuse problems, poor employment histories, and below average educational attainment, and often are

Imagine a justice system that is held accountable for helping people change and for driving crime rates down

engaged in anti-social relationships that foster criminal behavior. The transition from incarceration to the community, commonly known as offender reentry, has traditionally involved providing the person with a bus ticket or transporting an individual from prison to his or

her last known address. Once released from prison, offenders find it difficult to adjust to life in the community because of inadequate interventions in prison and little support in the community.

So it is no surprise that more than half of the offenders released from prison in Massachusetts are either rearrested for a new crime or returned to prison or jail for violations within three years of release. Thus, approximately 10,000 previously-incarcerated people are back in trouble soon after returning to the community. New crime means new victims, increased law enforcement and criminal justice budgets, and untold social costs to the families and communities affected by high crime rates.

Of additional importance is the growing cost of corrections. The current Massachusetts corrections budget is nearly \$1 billion annually.¹ It is expected to increase \$80 million next year excluding additional construction.² The total corrections budget for Massachusetts is nearly equal to the combined corrections spending of the other five New England states.³

Imagine incarcerating fewer offenders for shorter periods of time and having safer communities; and for less money than we spend now

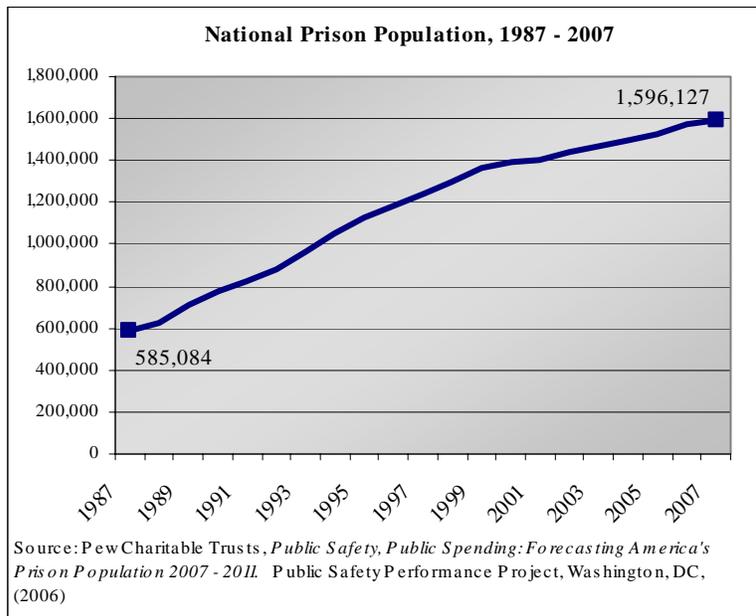
Over the past few years, research shows that a systemic, collaborative, evidence-based approach to offender reentry can reduce recidivism allowing resources from corrections budgets to be redirected to community programs in order to provide ex-offenders with the tools needed to remain law-abiding. Various partnerships must be established in order to create an effective transition for the ex-offender, with a clear recognition that the responsibility for reducing re-offense is not solely in the hands of criminal justice agencies. Offender reentry is a process that starts at the court; continues throughout the period of incarceration with evaluations, treatment, programs, and reentry planning; and is maintained when the person is released into the community with services directed at addressing the issues that might lead the ex-offender back to criminal behavior.

This report will examine the issues that make reentry reform a national priority, identify what some states have done to improve reentry outcomes, discuss what Massachusetts reentry looks like, and review a series of recommendations to improve outcomes in the Commonwealth's criminal justice

system. The Massachusetts reentry process has been studied, examined and re-examined and significant recommendations have been made in recent years. Yet, our current process cannot be viewed as an overall success; not with a recidivism rate of 50 percent and a corrections budget nearing \$1 billion.

III. The Need for Reform

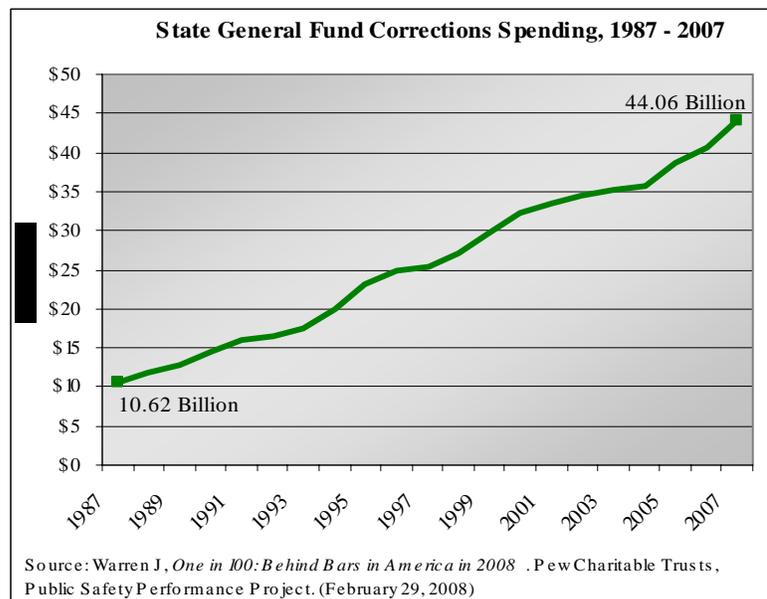
Crime is a fact of life in our society. Society’s response to crime attempts to balance retribution and incapacitation with rehabilitation and a second chance. Over the years, these conflicting ideals have shifted in priority; sometimes favoring rehabilitative models, other times favoring retributive models. Since the 1980s the focus has been on an incarcerative model; incapacitate offenders for long periods of time and hope this deters them from future criminal activity. This approach, for the most part, does not acknowledge that an unprepared offender is likely to return to crime once back in the community. Simply extending the sentence or making prison more miserable does nothing to reduce the risk the offender poses once released.



In recent years the debate about the criminal justice system’s role in preparing offenders to reintegrate into society has become fever-pitched. Federal, state and local governments are grappling with overburdened and budget-busting criminal justice systems.

The growth of the prison system throughout the country has been extraordinary, increasing by 700 percent between 1970 and 2005.⁴ In 1987, there were less than 600,000 people in prisons across the country. In 2007, there were nearly 1.6 million people in prisons with another 700,000 in local jails.⁵

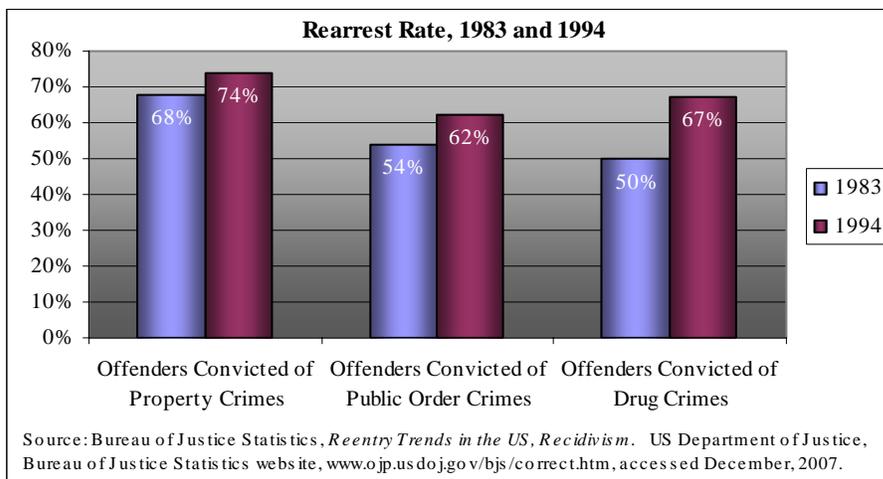
This growth has caused corrections budgets at all levels to swell. In 1982, expenditures on corrections budgets across the country totaled \$9 billion. By 2007, corrections budgets had increased to \$44 billion.⁶ In addition to growing rates and costs of incarceration there is a corresponding growth in the number of ex-offenders returning from prisons and jails. More than 95 percent of the incarcerated population will be released and will return to communities across the country.⁷ Annually, more than 650,000 people are released from U.S. prisons.⁸ Most of these offenders primarily return to a few urban centers and within those centers to a handful of neighborhoods.⁹ The highest concentrations of ex-offenders are found in chronically distressed, high-crime communities.



Can We Do Better?

Throughout this period of rapid growth of incarceration, the national crime rate has fluctuated with little regard to the various crime control techniques used. Historical trends show that during previous spikes in the crime rate the incarceration rate remained largely unchanged.¹⁰ Since the mid-1990s there has been a steady decline in the crime rate. While higher incarceration rates account for a percentage of the crime rate decline (about 25 percent)¹¹, other factors such as an improved economy, community policing strategies, and the decline of the crack epidemic, had a far greater impact on the drop in crime rates.¹²

An additional measure to gauge the effectiveness of incarceration as a crime control technique is whether previously incarcerated offenders are deterred from future criminal conduct because of incarceration. Nationally, of the 95 percent of offenders who return to the community from prison and jail, more than 65 percent are rearrested.¹³ Two national studies of recidivism rates, one conducted in 1983 and the other conducted in 1994, show that recidivism rates in three of the four major crime categories increased significantly between the study periods.



Overall rearrest rates increased five percent between 1983 and 1994¹⁴, a period when the prison population and the cost of operating prisons significantly increased.¹⁵

Incarceration is one of several essential tools in fighting and controlling crime. Yet citizens should expect

better results for what is spent on incarcerating an offender. Federal, state and municipal budgets are being strained beyond their limits triggering very difficult funding choices. Continuing to expend massive public resources for poor results does not serve public safety and is not fiscally responsible.

Where is the “System” in the Criminal Justice System?

For the past two decades the government’s response to crime has been to sentence more offenders to longer periods of incarceration. Offenders are processed through multiple agencies. Law enforcement arrests, the courts sentence, corrections incarcerates, and parole supervises. Offenders move from one agency to another, with each having little interaction with the others. The principles guiding this generation of policy makers were that criminal behavior required serious punishment, that criminals were too hardened to change and, as one prominent researcher concluded about rehabilitation, “nothing works.”¹⁶

Following years of rising corrections budgets, increasing numbers of overcrowded and unsafe prisons, and consistently high recidivism rates, some policy makers are questioning this approach. They have concluded that the “system” was not acting like a system in that the components were fairly isolated from, and sometimes in conflict with, each other. Yet, efforts to change criminal justice policies have been bitterly opposed with supporters accused of coddling criminals and ignoring victims.

Progressive criminal justice policy has traditionally had limited appeal in the political environment and its constituency has often been muffled by fear of high profile incidents such as another ‘Willy Horton’ and disregarded for the status quo. This makes progress towards coherent, evidence-based criminal justice policy very difficult. Sound, long-term policies are neither quick nor easy. They require inter-agency collaboration as well as cooperation with organizations outside of government. Positive, systemic change requires the development of a solid foundation supported by many agencies that can withstand the inevitable high-profile incident.

Why Now?

Historically, crime rates have triggered shifts in corrections policy that have gone back and forth from the rehabilitation models of the 1920s and 1960s to the retribution models in place in the 1950s and the 1980s.

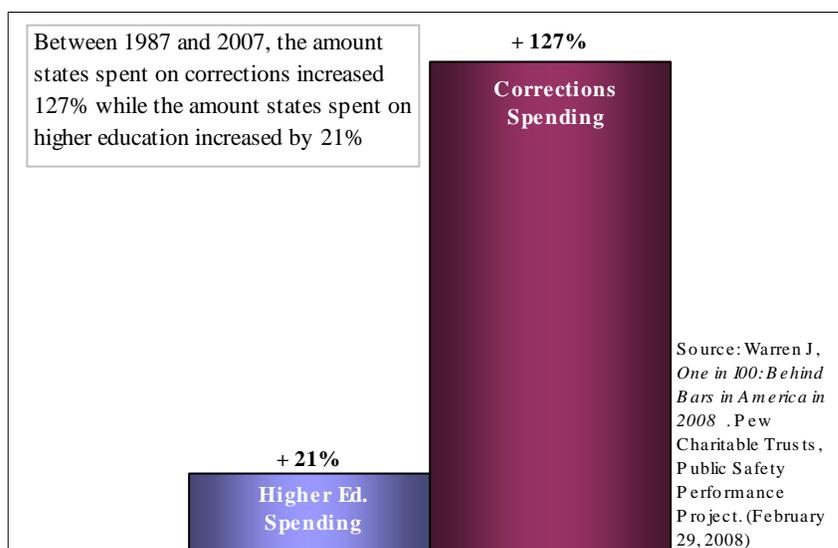
Public opinion about crime, the cost of criminal justice, and high profile incidents influenced criminal justice policy.

Yet, in the midst of a three-decade long expansion of incarceration and corrections budgets, the country appears on the verge of a sea-change in its approach to corrections policy; a change that improves public safety and reduces recidivism by effectively reducing the risk offenders pose after release.

Lessons from history, a sizable body of rigorous research, and an emerging consensus about the importance of reentry create a realistic possibility of a time when our criminal justice systems can be more effective and less costly.¹⁷

What distinguishes the current environment from previous policy shifts is the confluence of three public policy components that have not been aligned in the past. These components - the **cost** of the corrections system, **public opinion** about crime and punishment, and **research** indicating what does and does not work in improving public safety - have compelled several jurisdictions around the country to re-examine the way offenders are prepared to return to the community. This combination of factors has driven some states and municipalities to begin to build the foundation for reforming the criminal justice system.

Cost – Policy makers have found that the crime fighting model that resulted in a massive increase in the prison and jail population, resulting in recidivism rates well above 50 percent, is no longer economically sustainable. Historically, corrections budgets have been a priority, guided by the notion that “you can’t put a price on safety.”

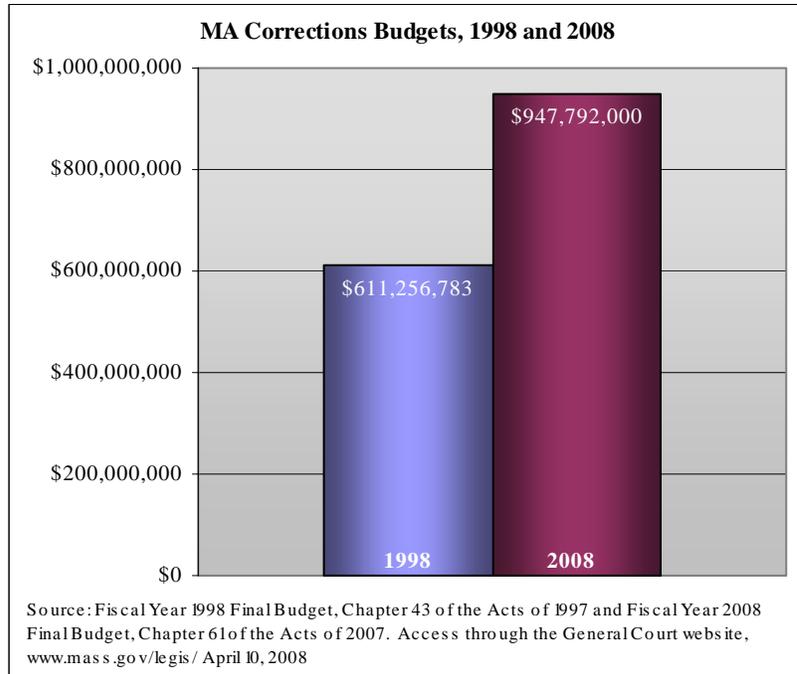


This approach has led to corrections budgets far outpacing other priority areas of government. Nationally, expenditure growth on corrections far exceeds the growth of higher education expenditures over the past 20 years.

Yet, with state and municipal budgets under extraordinary stress, policy makers are being forced to reconsider high incarceration rates and

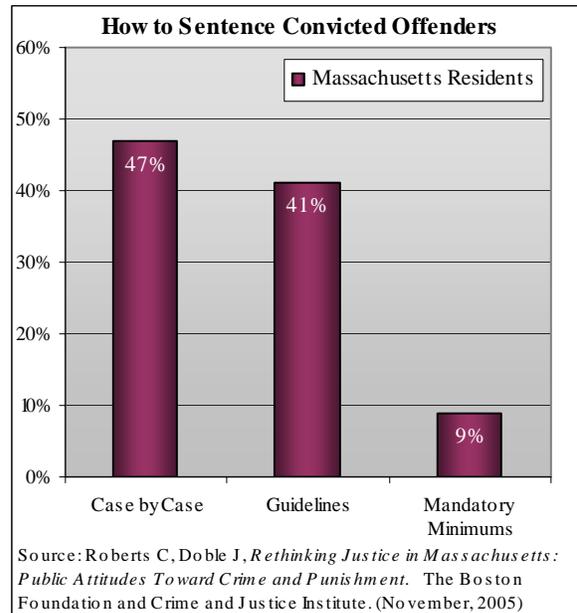
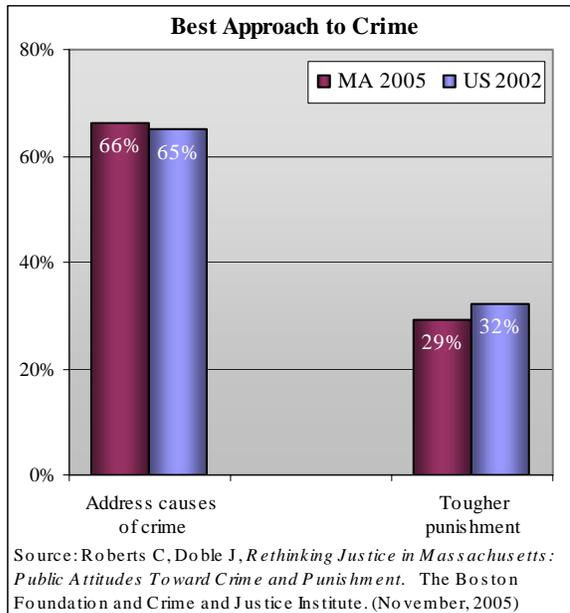
costs. With data indicating that longer periods of incarceration do not improve public safety, many jurisdictions are exploring whether there are more cost effective ways of managing offenders and reducing the risk posed by ex-offenders.

In Massachusetts, the corrections budget has increased more than \$300 million since 1998 with the average annual cost per inmate in excess of \$43,000.¹⁸ The cost of corrections is approaching the cost of higher education and more than doubles the cost of the Early Education and Care budget. Based on analysis conducted by the Pew Charitable Trusts, unless Massachusetts changes its policies regarding crime and punishment, its prison population will increase 6 percent by 2011,¹⁹ yet the overall population is only expected to increase 1.9 percent over this period.²⁰



Public Opinion – Conventional wisdom states that the public’s fear of crime requires policy makers to be tough on criminals, with longer prison sentences, austere prison environments, and little in the way of services for offenders. Yet a series of public opinion surveys over the past six years shows the opposite to be the case. Unlike in the early 90s when many tough-on-crime policies were implemented, crime is no longer the number one issue nationally and, in fact, is well down most people’s list of concerns. In a national poll, by an 8 to 1 margin, voters favored a corrections system with rehabilitative services for prisoners rather than a punishment only system, and 70 percent favored services both during incarceration and after release from prison.²¹ Most striking is the public’s position on what is most important in combating crime; by 2 to 1, the public believes that attacking social problems should be the favored approach rather than more law enforcement, prisons, police and judges.²²

In a recent Massachusetts survey,²³ more than 75 percent of the respondents believed that prison systems should provide treatment, employment and job training, and education to offenders to better prepare them for reentry. With regard to sentencing, the public was far more aligned with what the research supports than with our current policies. Eighty-eight percent of Massachusetts residents opposed mandatory minimum sentences for drug offenders with only 9 percent supporting them. When it came to the cost effectiveness of treatment and training for released ex-offenders, 75 percent of Massachusetts residents thought that education, job training, and drug treatment in the community would save money by preventing more crimes. Sixty-four percent indicated that Massachusetts should be doing much more to reduce recidivism, with only 7 percent indicating the state was doing enough.²⁴



Research - The volume of recent research presents the most compelling basis to move forward on reentry reform. Virtually all of the research concludes that in order to address recidivism and decrease its significant, adverse public safety impacts the offender reentry process must effectively prepare offenders to transition back to the community. The research lays out a systemic approach to reentry that begins at the court with diversion or sentencing and continues well after the offender returns to the community.

Diversion	For defendants shown, through validated risk assessments, to be non-violent and could benefit from community-based interventions, the court should have options other than a sentence of imprisonment such as substance abuse treatment combined with supervision. Expensive prison beds should be used for violent and the highest-risk offenders.
Sentencing	The sentence imposed should not restrict correctional professionals from preparing the offender to return to the community, as it often does, and it should give the court options for offenders in need of treatment rather than incapacitation.
Incarceration	Inmates must be assessed to determine what factors led to their criminal activity. These factors must be corrected through targeted interventions proven to ameliorate the risk. A reentry plan must be developed, with the assistance of parole, probation and community service providers, that maps the offender's service needs after release to the community.
Post-release supervision	Medium and high risk offenders must be supervised and this must be accompanied by support services that continue the treatment provided in prison or jail and enables the offender to obtain housing and employment.
Transition to Community	Similar to the services available for low-risk offenders in the diversion phase, services proven to reduce risk among ex-offenders must be available in the community that connect the offender to pro-social relationships, drug-free housing and stable employment

The public understands and supports the idea that offenders respond better to treatment and training than to longer periods of incarceration. The research shows that this approach effectively enhances public safety and improves communities. And state and municipal budgets are pressed to the point of forcing major changes in what the public gets for its tax dollars. For political leaders the table appears to be set for substantive change that will create a foundation for sound criminal justice policies.

IV. A Systemic Approach to Successful Transition

Most, if not all, of the responsibility for successfully moving an ex-offender from prison to the community has traditionally been in the hands of the corrections entities. These agencies - the departments of correction, the county jails, parole boards and probation departments - are perceived as responsible for ensuring that returning offenders pose minimal risk to re-offend. While these agencies have considerable responsibility in the process of preparing ex-offenders to return to the community, they are insufficient in achieving the goal of reduced recidivism. An effective system of reentry must include not only the traditional criminal justice and law enforcement agencies but also public health, housing, education, workforce and economic development organizations.

*From a systems perspective, you will not solve the problems associated with offender reentry unless a partnership of key systems actors is formed to carefully examine the link between/among system inputs (e.g., money, staff, support), activities (e.g., police practices, court practice, corrections practices, mental health systems practices), and outputs (e.g., arrests, convictions, sentence type/length, offender returns to prison, offender recidivism, community crime rates, and/or fear of crime). Once these systems linkages are examined and the gaps – or shortfalls – are identified, the partnership team can take the first steps toward planning for real change in reentry policies and practices.*²⁵

The Report of the Re-Entry Policy Council, funded in part by the US Department of Justice, US Department of Labor and US Department of Health and Human Services, found that “the single most important denominator shared among jurisdictions that have launched a successful re-entry initiative is that some collaboration between representatives of at least two independent organizations preceded the development and implementation of the program or policy.”²⁶ Collaboration between the criminal justice agencies and the Departments of Mental Health (DMH) and Public Health (DPH), for instance, would enable DMH and DPH to engage ex-offenders while incarcerated to identify and anticipate their needs and assist in directing them toward community-based services when they return to the community.

Vital to the success of multi-agency collaboration is a uniform structure of data collection and sharing. Agencies and outside stakeholders must communicate using the same systems and collect information and data in the same format, in a coherent way. Without a sound communication system, data collection and sharing is difficult to obtain and distribute and without data collection, outcomes and measurements are impossible to track. If a system does not communicate well it does not know whether it is delivering what is intended.

The Reentry Process

Research shows that crime-prone characteristics include antisocial attitudes and thinking, antisocial peer groups, substance abuse problems, anger and hostility, lack of self-control, poor social skills,

*There are various opportunities for supervision agencies to work in concert with treatment providers, law enforcement, and the community to employ problem-solving methodologies that address the situational risks of reoffending, such as high-risk places, drug relapse, and reunification with criminal peers. These innovations do not require a shift in jurisprudence so much as the articulation of a new goal – shared among state corrections and parole agencies, and local organizations – to improve the likelihood of a successful return to the community.*²⁷

lack of educational achievement and lack of vocational and financial achievement.²⁸ These traits do not evaporate simply because the person is imprisoned. To effect change in an offender, a process must be in place that reduces the risks these characteristics pose to public safety. The preparation and transition of a

person from prison to the community is a linear process. Research indicates that in effective reentry systems the process starts when the sentence is imposed and continues well after the offender returns to the community. Yet the focus on transitioning offenders from prison or jail to the community implies that incarceration is a key element of the reentry process. Because many people who do not need to be incapacitated end up imprisoned the idea for applying diversion programs to the reentry

model is gaining momentum. In most cases, each phase of the process is managed by a single entity, for instance the judicial branch manages the sentencing of the offender and the department of corrections or county corrections agencies manages the offender’s period of incarceration, yet each phase is linked to the others with regard to offender reentry.

Diversion – The first step in the reentry process is the diversion of low-risk offenders from either trial (pre-trial diversion) or incarceration (jail diversion). Usually implemented at the court, low risk offenders are identified and diverted to structured treatment and monitoring programs, prior to any significant involvement with the criminal justice system. The goals of diversion programs include avoiding the cost of a jail bed for a low-risk offender, putting the offender in a community-based program to address the underlying problems like substance abuse and mental health issues, reducing recidivism by addressing the causes of crime, and reducing the stigmatizing effects of a criminal conviction or imprisonment.²⁹

Most non-violent offenders can be effectively managed in the community so long as proven, evidence-based programs are available. Similar to post-incarceration reentry programming, diversion requires programmatic alternatives to be in place to enable the diverted offender to obtain the treatment and services needed. The establishment of community-based programs for returning offenders enables the use and expansion of these programs to defendants on the front-end of the system.

In the face of a massive prison overcrowding, California passed Proposition 36 in 2000 which

Massachusetts
 A 2006 evaluation³⁰ of four Suffolk County, Massachusetts drug courts found drug court graduates:

- Are 33% less likely to be arrested
- Have 47% fewer convictions on average
- Remain arrest-free for 25% longer on average
- Are 70% less likely to be incarcerated
- Have 66% fewer incidents of incarceration
- Have 54% fewer suspensions and revocations

allowed people convicted of first and second-time drug possession charges the opportunity to be diverted to substance abuse treatment instead of being sent to prison or jail. In the intervening years, this measure has successfully moved low-risk offenders into treatment, has saved taxpayers money, and has reduced recidivism rates for this group of offenders. A

UCLA study found savings to taxpayers between \$2.50 and \$4 for every \$1 invested in the diversion program.³¹

Sentencing – Over the past two decades, lawmakers have passed laws requiring longer terms of imprisonment, mandatory minimum sentences for drug crimes and a reduced use of parole. These policies have resulted in lower-risk, non-violent offenders inappropriately incarcerated, have made reentry preparation overly cumbersome, and have reduced the likelihood that offenders returning to the community will succeed.

*The debate over the goals of sentencing is a difficult one, but we should not cease to conduct it. Prevention and incapacitation are often legitimate goals. Some classes of criminals commit scores of offenses before they are caught, so one conviction may reflect years of criminal activity. There are realistic limits to efforts at rehabilitation. We must try, however, to bridge the gap between proper skepticism about rehabilitation on the one hand and improper refusal to acknowledge that the more than two million inmates in the United States are human beings whose minds and spirits we must try to reach.*³²

-Justice Anthony M. Kennedy

Restrictive sentencing policies limit what corrections professionals can do to prepare inmates for their inevitable return to the community by restricting transfers to low-security settings such as pre-release and work release programs. An offender serving a sentence for a drug crime often has a drug problem. However, mandatory sentence requirements prohibit the judge from imposing treatment requirements instead of the full mandatory prison sentence, and restrict corrections officials from

placing the offender in community-based treatment. As a result, the offender is often discharged after the sentence has been served without having received substance abuse services.

Massachusetts

- Of the 85 offenses requiring mandatory minimum sentences, 31 are drug offenses³³
- 68% of male, state inmates serving drug sentences are serving mandatory minimum sentences³⁴
- 55% of state prison inmates were serving sentences that are not eligible for parole supervision and will probably not be supervised upon discharge³⁵
- Massachusetts spends \$43,000 annually to incarcerate an offender³⁶
- A six-month residential drug program costs around \$10,000³⁷
- In a 2005 survey of Massachusetts residents, 88% opposed the use of mandatory minimum sentences³⁸

In addition to punishing past criminal behavior, sentencing decisions are an opportunity for the court to intervene in the offender’s life in a way that

improves future public safety. While politically difficult to change, sentencing laws should not adversely impact public safety by restricting the corrections system from preparing the offender to return to the community.

Incarceration – With 97 percent of the incarcerated population eventually returning to the community, government must reduce the risk an offender will re-offend.

*Prisons are no longer simply viewed as places to incarcerate individuals who have broken the law or breached community supervision rules. Indeed, as exemplified by re-entry initiatives, current expectations are that prisons must prepare inmates for timely and safe return to their communities, forming a vital team with community corrections.*⁴⁵

Once the decision to incarcerate is made there is little choice but to apply a research-based, risk reduction strategy to all offenders once

they enter the corrections system. This requires that risk assessments are conducted to determine the inmate’s crime-inducing risks; that evidence-based programs and treatment interventions are applied to reduce these risks; that a case plan is developed and followed throughout incarceration; and that preparation for reentry is initiated early to assist the inmate in adjusting to reintegration. For a full examination of this process and the evidence-based programs that reduce recidivism see

Massachusetts

- 25,000 offenders are incarcerated in prisons and jails: 14,000 in county jails and 11,000 in the state prison system³⁹
- The average annual cost to house one inmate is \$43,000⁴⁰
- Recent Test of Adult Basic Education statistics on state inmates found:⁴¹
 - 36% tested below the 6th grade reading level
 - 59% tested below the 9th grade reading level
- 81% of state inmates have a history of substance abuse⁴²
- Rates of mental illness in the incarcerated population are between 2 and 4 times higher than in the general population⁴³
- Statistics from 1999-2007 show that the inmate population is rapidly aging:⁴⁴
 - The number of inmates between age 40 and 64 increased 20%
 - The number of inmates older than 64 years increased 67%

www.nicic.org/TPCIModel and www.wispp.wa.gov.

This is not an area requiring study. Research and evaluations over the past few years have provided a clear roadmap for what should take place inside prison and jail and in the community through probation and parole to reduce the risk of re-offense.⁴⁶

Massachusetts Prison and Jail Overcrowding, 2007 Data:

- The Department of Correction is 42% over capacity; all but two prison facilities are overcrowded⁴⁷
- Medium facility prisons were the most overcrowded in the state, operating at 155%⁴⁸
- Every county jail is overcrowded, operating, on average, 65% above capacity with an average daily population of 13,932 with capacity for 8,444 inmates⁴⁹
- The Worcester County jail was recently ordered to release more than 100 inmates due to overcrowding⁵⁰
- The DOC has more than 600 state inmates housed with higher risk offenders because of a lack of medium, minimum and pre-release beds for the lower-risk offenders⁵¹

Post-Release Supervision – Offenders returning to the community are either released with supervision (parole or probation) or are released unconditionally, without supervision. The research shows that supervision and treatment should be

*Because their responsibilities span an offender's time in prison, preparations for release, and actual return to the community, paroling authorities are well positioned to reduce the severe fragmentation that hampers criminal justice system efforts.*⁵⁶

Massachusetts

Of the offenders released from state prison:⁵²

- 27% are released to parole supervision
- 52% are released with no parole supervision (the remaining are released to other jurisdictions such as another state or federal authorities)
- 47% of inmates released without parole supervision were **convicted of a new crime** within 3 years of release⁵³
- The number of inmates discharging from a maximum security prison has increased 14% since 1997
- The number of inmates discharging from a minimum security prison since 1997 has decreased 35%
- 48% of inmates released from a maximum or medium security prison were **convicted of a new crime** within 3 years of release while 37% of the inmates released from a minimum security prison were convicted of a new crime within 3 years of release⁵⁴
- Probation supervises more than 250,000 people who come through the court system. More than 55,000 end up returning to court for either violating probation conditions or for committing a new crime⁵⁵

targeted to higher risk offenders.⁵⁷ The research also shows that for low-risk offenders, supervision requirements and interventions should be minimal and offenders should be discharged as quickly as possible.⁵⁸

While the paroling authority is usually required to determine that a parole applicant is at low-risk to re-offend in order to grant parole, this criteria conflict with the evidence that higher risk offenders have the greatest need for post-release supervision. Thus parole boards are in the position of granting parole to low-risk offenders, those that need minimal supervision, and denying high-risk inmates parole who most need supervision because they pose a greater risk to public safety. While this may seem reasonable, without parole high-risk offenders have no supervision upon release; a time of great need for both supervision and support. This logic contributes to high recidivism rates because those most at risk of re-offending are the least likely to be supervised or be required to participate in treatment programs as a condition of their release.

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. 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 inevitably continue to destabilize the community.

*A powerful tool in the successful transition of inmates to the community is the community itself. Informal social controls such as family, peer, and community influences have a more direct affect on offender behavior than formal social controls.*⁵⁹

Numerous studies show that to have a significant impact on recidivism, drug and alcohol treatment programs need to be provided throughout the correctional system; moreover, treatment in the community has been found to have a greater impact on successful transition than treatment in prison with no follow-up in the community. A study of the Key-Crest program in Delaware revealed that offenders who did not receive alcohol and drug treatment in prison or the community had a 70 percent re-arrest rate. Treatment in the community following prison resulted in a 50 percent reduction in recidivism, and treatment that began in prison and continued into the community resulted in a 64 percent reduction in recidivism.⁶⁷ A 1997 study published by the Department of Health and Human Services demonstrates that for every dollar invested in substance abuse treatment, taxpayers save \$7.00 as a result of reductions in crime, victimization and other costs.⁶⁸

Housing and employment are primary needs that communities can assist in filling. Offenders who do not have housing, ongoing treatment and services, and, eventually, stable employment are more likely to re-offend. Significant barriers to housing and employment make obtaining both very difficult for returning offenders. The reentry system must reduce the barriers by:

- Creating and supporting research-based, risk-reduction community programs;
- Ensuring that appropriate housing is available immediately after the offender is released;
- Reducing inappropriate barriers that restrict low-risk offenders from stable employment; and
- Engaging the business community to assist in skill-development and employment opportunities for qualified, low-risk offenders.

Massachusetts

- 20,000 inmates are released from corrections facilities annually⁶⁰
- More than 50% of them are rearrested or returned to incarceration within 3 years of release⁶¹
- More than 5,000 people entering emergency shelters in 2000 had been in a MA prison or jail⁶²
- Public housing authorities may be required to deny housing to drug offenders⁶³
- 20% of state inmates return to Boston and, of those, 45% return to just 10% of the city's area⁶⁴
- Employers rarely consider hiring an ex-offender:⁶⁵
 - 93% will not hire someone with a felony property crime
 - 77% will not hire someone with a felony drug crime
- Criminal offender record information is widely used by employers to make hiring decisions; access to the state criminal record system has increased 300 percent since 1998 from 400,000 to 1.5 million CORI requests annually⁶⁶
- MA does not prohibit discrimination in hiring decisions on account of criminal history

V. Promising Practices in Offender Reentry

The process of planning and implementing an effective offender reentry system requires collaboration among committed, vigilant individuals. Several jurisdictions across the country have embarked on the type of systemic change necessary to implement effective offender reentry. Motivation for reform differed among these jurisdictions, with some driven by the need to reduce the cost of incarceration and others wanting better public safety outcomes.

Over the past several years, as states and local governments sought solutions and guidance, the federal government has provided significant support. The National Institute of Corrections and the National Institute of Justice have assisted in the development and implementation of evidence-based models of reentry reform. The Transition from Prison to Community Initiative was developed to systematize the offender's return to the community. The Initiative bases success on released offenders remaining arrest-free and becoming competent and self-sufficient members of their communities.⁶⁹

Transition from Prison to Community Initiative (TPCI)

The eight jurisdictions that have implemented the initiative have fundamentally shifted the mission of their correctional agencies and the agencies' priorities, operating procedures, staffing and management practices.⁷⁰ The TPCI brought an approach to offender reentry rooted in research of what works to reduce recidivism, and a coordinated approach to the transition process requiring "corrections, releasing, supervision, and human service agencies to form strategic and tactical partnerships to integrate and coordinate basic policies, and to sustain and nurture those partnerships and policies over time."⁷¹

The goals of the TPCI are: to promote public safety by reducing the threat of harm to persons and their property by released offenders; and to increase the success rates of offenders who transition from prison by fostering effective risk management and treatment programming, offender accountability, and community and victim participation.⁷²

The TPCI identifies these components for an effective reentry system:⁷³

- **Mobilize** interdisciplinary, collaborative leadership teams convened by corrections agencies to guide reentry efforts at state and local levels.
- **Engage** in a rational planning process to carefully define goals, develop a clear understanding of re-entering offender populations and their rates of recidivism, and review existing policies, procedures, and resources for reentry.
- **Integrate** stages of offenders' processing through the justice/corrections system (beginning at commitment to prison or earlier and continuing through assessment, prison programming, preparation for release, release, and supervision in the community), resulting in a carefully planned process with close communication and collaboration among prison officials, releasing authorities, and post-prison supervision staff.
- **Involve** non-correctional stakeholders (public, private, and community agencies) who can provide services and support as reentry efforts are planned and implemented.
- **Assure** that transitioning offenders are provided basic survival resources such as identification documents, housing, appropriate medications, linkages to community services and informal networks of support before, during, and after they are released from prison.
- **Implement** valid offender assessments at various stages of the offender's movement through the system.
- **Target** effective interventions, based on good research, to address the offenders' risks and criminogenic needs identified by assessments.

- **Expand** the traditional roles of correctional staff beyond custody, security, accountability, and monitoring to include an integrated approach to offender management that engages offenders in the process of change.
- **Develop** the capacity to measure change toward specific outcomes and track information that can be used for planning future improvements.

Michigan's Reentry System – Michigan was an early model site for the TPCI and established the Michigan Prisoner Reentry Initiative (MPRI) in 2003. After finding that the state was spending \$114 million on parole failures per year⁷⁴, the state welcomed the collaborative opportunity presented by the National Institute of Corrections model. The Michigan legislature funded the first wave of the initiative in eight communities, and over the next few years it was adopted statewide.

Crucial to the effective implementation of MPRI has been the broad collaborations established by the Governor's leadership. Her office has created a State Policy Team which is comprised of top-level officials in five state departments: Corrections; Community Health; Labor and Economic Growth; Human Service; and Education.

While still in the early stages of implementation with only a small number of offenders having gone through all phases of the MPRI, the preliminary data is promising:

- As of February 2007, 3,276 parolees had been released since 2005 and there was a 20 percent overall improvement in the returns to prison⁷⁵

Missouri's Reentry System – Missouri's reentry system, known as the Missouri Reentry Process (MRP) is also premised on the TPCI model. The MRP began in 2002, with technical assistance provided by NIC. Similar to Michigan and a few other TPCI states, cross-agency and community partnerships and leadership have been the hallmarks of this initiative's early success.

Eight state agencies have joined forces to improve outcomes for people leaving prison as well as the people and the communities to which they return. Corrections, Economic Development, Health and Senior Services, Mental Health, Social Services, Elementary and Secondary Education, Revenue and the Office of State Courts Administrator have partnered and are reaching beyond their agencies to involve non-state agencies such as community organizations, crime victims, law enforcement, treatment providers and faith-based communities.

A key component of the reentry process is the Transitional Housing Units that provide offenders within six months of release comprehensive programs and services designed to prepare them for their return to the community. Various state agencies in the partnership participate in the delivery of services to offenders while in the Transitional Housing Units and assist in developing external resources to improve services in the community when the offender returns. Missouri now has Transitional Housing Units in 11 prisons throughout the state.

- In a November, 2007 DOC report, the 12 month recidivism rate for offenders who had spent five months or longer in a Transitional Housing Unit was 8.2% lower than the recidivism rates of all other offenders released from Missouri correctional institutions.⁷⁶

Steps Forward

Over the past few years, as state corrections budgets have exploded along with the prison and jail populations, and re-offense outcomes have consistently shown the failure of existing policies, many states have made incremental progress toward reducing the barriers to effective reentry. While most states have not embarked on the kind of system-wide reform in the TPCI model, state legislatures and executive branches have shown leadership in changing the direction of their criminal justice policies and have begun to find common ground on criminal justice issues that had previously been very divisive.

Washington – In 2006, the Washington legislature created the Joint Task Force on Offenders Programs, Sentencing, and Supervision. This task force reviewed the impact of state sentencing and community supervision programs on rehabilitation, public safety, and recidivism and identified strategies for improvement. The result was passage of a comprehensive criminal justice bill one year later that incorporated many of the task force recommendations to reduce recidivism including:

- Requiring each county to perform an inventory of its available reentry services and setting up a pilot program to connect offenders to services in four communities;
- Requiring an individual reentry plan be developed for all inmates;
- Improving and expanding the work release and educational opportunities for inmates; and

- Establishing transitional supportive housing with reentry services in two pilot sites and limiting civil liability for landlords who rent to people with a prior felony conviction.

Oklahoma – A new law established two committees to address the challenges of reentry and recidivism in the state. The Reentry Policy Council is designed to ensure that reentry initiatives achieve the intended goal of easing transition back into the community. The Transformational Justice Interagency Task Force will identify evidence-based practices in reentry and establish benchmarks to reduce the recidivism rate, coordinate the different agencies involved in reentry programming, link pre- and post-release services, and encourage the use of family-based treatment centers.

California – In response to the high rate of recidivism within the first six months of release, California is piloting a program called “earned discharge.” The program allows low-risk, non-violent offenders on parole who pose minimal risk to the public to discharge from parole after only six months so that resources can be invested in higher-risk parolees for a longer period of time.

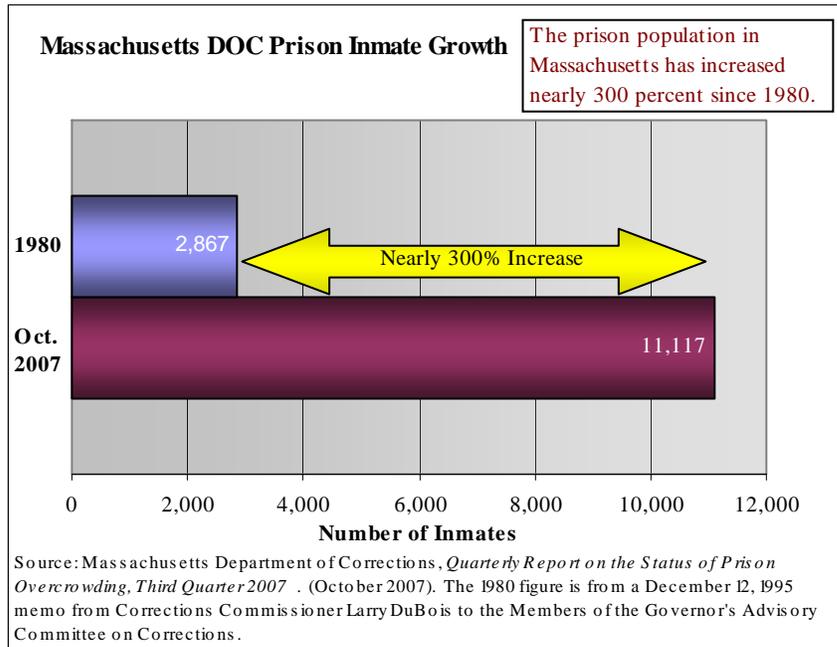
Louisiana – The state implemented a law creating the Prison Substance Abuse and Rehabilitation Pilot Program. This measure requires all eligible inmates serving time for a drug offense to receive substance abuse treatment and also requires that the program be evaluated to determine its effectiveness.

Kansas – The state enacted the Community Corrections Risk Reduction Initiative which provides funds to community corrections agencies in order to enhance risk reduction efforts with the goal of decreasing parole and probation revocation rates by 20 percent.

Virginia – New state regulations require the Director of the Department of Corrections to provide each inmate with the following documents upon discharge so that they are available when the offender seeks employment:

- Verification of the prisoner's work history while in custody; and
- Verification of all educational and treatment programs completed by the prisoner while in custody.

VI. Massachusetts Reentry: Opportunities and Barriers



Massachusetts corrections system is about to burst. Every jail in the state is overcrowded, and all but two of the Department of Correction facilities are overcrowded.⁷⁷ Recently one sheriff was ordered to release more than 100 inmates due to overcrowding. The cost of the corrections system is closing in on \$1 billion annually.⁷⁸ And of the 20,000 offenders released annually from imprisonment, more than 50 percent of them are rearrested or returned to incarceration within 3

years of release.⁸¹ It costs approximately \$43,000 annually to incarcerate an offender in Massachusetts.⁸² Yet it costs approximately \$18,000 annually for tuition, fees, room and board for a student to attend UMASS.⁸³

Despite these circumstances, the criminal justice system in Massachusetts, primarily through corrections and parole, has made systemic progress. Over the past eight years, several reports examined issues related to offender reentry in Massachusetts, identified opportunities and barriers and suggested recommendations. The studies consistently urged a systemic approach to reentry and uniformly recommended changes that apply to various governmental and non-governmental stakeholders involved in reentry.

Implications of Recidivism for Massachusetts

Recidivism costs are well known – new crime victims, increased financial costs for law enforcement, criminal justice and corrections, and social costs related to destabilized communities. Additionally, offenders who return to prison do not contribute to society, the workforce or their families and they rarely pay taxes.

And what are the savings if recidivism is reduced in a measurable way?

- A 1% reduction in the recidivism rate for offenders in prison or jail would result in corrections-only savings of nearly \$4.3 million.
 - A 1% reduction in the recidivism rate for offenders serving a state prison sentence would result in corrections-only savings of about \$1.3 million.⁷⁹
 - A 1% reduction in the recidivism rate for offenders serving a county sentence would result in corrections-only savings of about \$2.9 million.⁸⁰

Important in this discussion is the fact that such savings rarely materialize because an open prison bed is often filled as soon as it is available. Thus real savings will not be realized until a section of a prison or jail can be mothballed or a whole facility shut-down. Alternatively, because of extraordinary overcrowding throughout the state, steady recidivism reduction can eliminate the need to build more prisons. To fully develop the benefits of lower recidivism rates, law enforcement and the courts must be active partners to ensure that open prison and jail beds are not filled with low-risk offenders who could be in less-expensive community-based treatment.

Opportunities and Progress

Some jurisdictions in Massachusetts have been working on system reform for several years and results, to this point, are promising. The Hampden County House of Correction is showing that thoughtful planning, development and implementation can effectively reduce recidivism.

Department of Correction – Since the report and recommendations from the Governor’s Commission on Correction Reform⁸⁴, the Department of Correction has made improvements in preparing inmates for release. Two highlights from the report’s recommendations are especially important. First, the Department adopted a mission statement making recidivism reduction a priority. Second, the collaboration between the Department of Correction and the Parole Board better systematizes the way offenders are prepared for life in the community. Additional progress includes:

- **Inmate Classification and step-down** – DOC adopted a new classification system, partly in response to the earlier recommendation that more inmates be classified to lower level facilities (step-down) in order to expose them to pre-release planning and preparation services. The new system has been recently applied to all male offenders in the Department. The early results are both promising and cautionary. Seven percent of the inmate population has seen a reduction in their classification level necessitating a transfer to a lower level facility. Yet, because of the lack of beds at medium, minimum and pre-release facilities, more than 600 of these inmates will not be transferred and will be unable to access appropriate pre-release planning.
- **MassHealth** – DOC recently began using MassHealth’s Virtual Gateway System which allows DOC staff to apply online for coverage of an inmate approaching release. Critical to reentry success is the ability to access necessary medical insurance, enabling a smoother transition to post-release treatment programs, medical appointments and related services. When an inmate is within six months of his or her release, the staff member can apply for MassHealth coverage, and if coverage is authorized the inmate receives a MassHealth card before he or she is discharged. Prior to its implementation only 13 percent of discharging inmates were approved for MassHealth. Since the system has been implemented, an average of 69 percent of the discharging inmates is approved prior to release.
- **Employment** – DOC created the Transition Workshop, and, in 2007, the workshop was improved to include key elements of evidence-based principles. The workshop is offered to inmates who are within one year of release and includes an intensive ten-day program designed to help inmates with housing arrangements, employment, social support, crisis planning, and financial budgeting. The employment module includes a four-day curriculum to assist inmates in seeking, securing and maintaining employment primarily focused on soft-skills, which research indicates is a significant gap in reentry planning. Approximately 1,500 inmates complete the workshop annually.
- **Housing** – DOC created the Reentry Housing Program in partnership with the South Middlesex Opportunity Council. The Council meets with inmates while they are incarcerated to assist in developing budgeting skills, repairing their credit, and identifying various housing options. For the inmates referred to the program, the Council follows them for a year after release with case management, treatment, education and employment support during the vulnerable period after release. In late 2007, approximately 13 percent of the inmates released from prison were referred to the program.
- **Education** – all DOC inmates receive TABE testing at intake to determine their grade level in math, reading and language. An education plan is then developed to address each inmate’s needs.

Massachusetts Parole Board – In the past three years, the Parole Board has taken significant steps toward implementing evidence-based practices with the goal of improving public safety. The Parole Board has shown leadership in attempting to reduce the risk posed by returning offenders.

- Intermediate sanctions – The Parole Board adopted guidelines and procedures for imposing intermediate sanctions in response to parolee behavior that could traditionally have led to a violation of parole. The goal of intermediate sanctions is to impose a sanction for misbehavior that is based on the risk posed by the offender and the seriousness of the violation. Additionally, and most importantly, the Board has committed to training its parole staff in the use of intermediate sanctions in order to systematize the use of fewer parole revocations for less serious violations.
- Regional Reentry Centers – the Parole Board established eight regional reentry centers (RRC) designed to address the significant and ongoing needs of ex-offenders who have discharged from DOC with no parole or probation supervision. These people are transported by DOC to the RRC closest to their home where they are offered various services and support. While the ex-offenders are free to leave, many, having no other place to go and understanding that the next 72 hours may very well result in their return to custody, take advantage of the services at the RRCs.
- Transitional Housing Program – the Parole Board created a long-term residential treatment and sober housing program for parolees and unsupervised ex-offenders that provides housing, counseling, and employment assistance.
 - Employment – 18% of the clients were employed when they arrived in the program and 46% were employed when they discharged from the program⁸⁵
 - Housing – Upon discharge from the program 68% had obtained sustainable housing⁸⁶

Houses of Correction –

Suffolk County HOC – Suffolk County Sheriff’s Department created the Common Ground Institute (CGI) to bridge the gap between jail-based skill development and real world needs of employers. The ten-week instructional program is designed to improve employment skills and help ex-offenders make a successful transition to society. Suffolk has teamed with STRIVE, a community job-readiness program to improve clients’ emotional and mental readiness for work. In 2006, CGI was certified by the Massachusetts Department of Workforce Development as an apprenticeship sponsor, meaning that CGI graduates receive the same credits as those who successfully complete an accredited apprenticeship program outside the facility. Since its inception in May 2005:

- 284 inmates have participated in CGI;
- 211 have graduated and passed their OSHA examination;
- 106 have been successfully employed; and
- 78 have retained their employment as of March 2008.⁸⁷

Additionally, the Sheriff’s Department has contracted with Community Resources for Justice for residential pre-release services through Brooke House for males and McGrath House for females. Inmates transferred to these programs receive comprehensive case management services to address employment, housing, family and treatment needs including gender-specific services at McGrath House.

Hampden County – Hampden County Sheriff’s Department has been a national model for implementing evidence-based principles in offender reentry. It has created After Incarceration Support Services (AISS) that prepares inmates to return to the community and supports them with community partners upon return. Through a combination of offender risk and needs assessments, and required participation in quality educational, vocational and treatment programming, Hampden County has developed a process that prepares inmates for a law-abiding life upon release. The program features a strong post-incarceration community support system to help the

inmate develop positive community ties prior to release. Research over the past two years indicates a 4 percent recidivism reduction for offenders released from the Hampden County House of Correction.

There are four noteworthy components to the program:

- *Risk and Needs Assessment:* Each inmate's level of risk and need is determined, and a case plan is developed that will best prepare that inmate for reentry. The assessment is also used to determine service and supervision needs for offenders in the community.
- *Productive Incarceration:* All inmates are required to participate in educational, vocational, and treatment activities. All activities are geared towards reducing recidivism and developing productive citizens.
- *Community In-Reach:* The Sheriff's Department encourages community groups to bring services into the jail, which helps inmates develop positive community ties.
- *After Incarceration Support Systems:* This case management program begins while offenders are incarcerated and continues to provide support to inmates when they are in the community.⁸⁸

Essex County – Essex County Sheriff's Department has created a reentry preparation continuum that begins when the offender walks into the jail and does not end until the offender is in the community. Because all Essex County inmates will return to the community, reentry planning focuses on preparing inmates no matter what security risk they pose. This means inmates in maximum security housing are also provided with an individual treatment plan and appropriate services to prepare for release. An additional highlight of the Essex County plan is the data collection and sharing system that informs decision making and assists in tracking offenders released to the community. The research indicates that this is a vital piece for determining the quality of the programs and the success of the reentry process in reducing recidivism.

Boston Reentry Initiative – Boston Reentry Initiative is a partnership between the Suffolk County Sheriff's Department, the Boston Police Department, the U.S. Attorney's Office and the District Attorney's Office as well as community organizations such as SPAN which assists offenders in obtaining employment. The Initiative creates a formal inter-agency support system for inmates, before their release, with an emphasis on mentoring, information sharing, addiction treatment, and developing employment opportunities for inmates after release.

MassCourts – The Massachusetts Trial Court has begun to implement a web-based, electronic case management system called MassCourts. This project grew out of the findings of the Visiting Committee on Management in the Courts. MassCourts creates a uniform system to facilitate linkages and improve the exchange of information with external agencies from law enforcement to the Registry of Motor Vehicles.⁸⁹

Barriers

Despite the progress that has been made fundamental barriers still exist. Largely ignored is the lack of participation and collaboration of all partners necessary to establish a comprehensive offender reentry system, and an absence of leadership willing to pursue such a systemic approach to reentry. For the most part, these barriers are still in place and portend a difficult road ahead for offender reentry, absent a collaborative effort directed by leaders from all stakeholder groups.

- In January 2002, MassINC, released a report that identified a series of barriers that hindered appropriate supervision of offenders after release. The report cited a growing prison population, a corresponding increase in the number of ex-offenders released from incarceration, a lack of post-release supervision, a fragmented criminal justice system that lacked coordination and accountability and suffered from duplication of services with questionable efficacy.⁹⁰

- In June 2004, the Governor’s Commission on Corrections Reform released a report that identified significant barriers in the Department of Correction caused by internal and external forces. The barriers included a lack of accountability in the Department Correction, the absence of recidivism reduction as a priority for the Department and the State, poorly prepared inmates returning to the community, insufficient community connections to improve offender transition to the community, and statutory restrictions on sound reentry preparation including mandatory minimum sentences, access to pre-release/work release programs and parole eligibility.⁹¹
- In early 2004, the Governor’s Commission on Criminal Justice Innovation was established to advise the Governor on “cutting-edge crime fighting techniques that might enhance the safety of the people of Massachusetts.”⁹² The Commission found that a “lack of communication and information sharing among stakeholders, as well as legal and administrative barriers” adversely affected the state’s ability to improve public safety through successful reentry outcomes. The Commission indicated that the fiscal problems at the time had an impact but that “the dated view that tough sentencing does not also include proper planning for reentry and future public safety”⁹³ had pervaded corrections.
- In June 2004, the Crime and Justice Institute published a report with recommendations for implementing successful reentry in Massachusetts.⁹⁴ As with the previous reports, the lack of collaboration and a poor data collection and information sharing system were identified as major obstacles to systemic reform. Most glaring though, was the absence of evidence-based principles in correctional agencies.
- In December 2004, the National Governors Association (NGA) issued a report on prisoner reentry in Massachusetts that presented a series of barriers to comprehensive reentry reform.⁹⁵ The NGA identified the following barriers: sentencing structures including the cumbersome process of jails holding offenders sentenced up to 2 ½ years and prisons holding the longer term offenders, and a fragmented service delivery system where each agency has different plans, tools and communication systems.
- In November 2005, the Crime and Justice Institute conducted a statewide survey of Massachusetts residents to gauge their attitudes about crime and punishment.⁹⁶ The results overwhelmingly show that the public strongly supports criminal justice policies that stress treatment and support versus long prison sentences and fewer rehabilitative programs. The public, by significant margins believe that inmates who serve longer prison terms are more likely to re-offend because the corrections system does not do a good job rehabilitating inmates, that more should be spent on programs proven to reduce recidivism, and that substance abuse treatment, employment, and housing assistance programs should be available to ex-offenders in the community in order to prevent re-offense.

As is evident from these reports, two overarching issues conspire to hinder broad, cost-effective, system reform. One issue is the lack of collaboration between the various stakeholders in the “system”. And the other issue is the poor data collection and sharing that exists between the agencies.

Massachusetts has a unique corrections system. The jails act more like prisons because they house inmates serving sentences up to 30 months. Jails in most states house pre-trial detainees or inmates serving sentences no greater than 12 months. The effect, in Massachusetts, is a jail system that houses more inmates than the state prison system. An additional issue is the fact that the jails are within the complete jurisdiction of the county and the county’s elected sheriff.

Additionally, while partnerships have been created locally to address a particular jail or prison population, there has been little indication of system-wide collaboration that would bring together all key parties to participate in constructing a coherent state-wide criminal justice system. This is evident by the poor quality of the data available and the capacity of the current agencies to collect and

share information. A glaring example of the difficulty the Commonwealth faces in establishing a reentry system supported by data collection and sharing is the fact that recidivism data is not

systemically collected. Moreover, even among those agencies that track recidivism, the definition of recidivism is different between the prison, jails and community corrections agencies and therefore data from one source cannot be evaluated against data from another source within the same system.

Systemic reform of any criminal justice system is difficult. There is no powerful political constituency forcing change and there are many constituencies resistant to systemic change. In Massachusetts, years of isolated agencies protecting the status quo and ignoring the overlapping goals and responsibilities with other agencies has created a debilitated criminal justice system. The progress of the past few years notwithstanding, the circumstances Massachusetts currently faces – poor criminal justice outcomes, redundant service delivery and massive budgets – begs a different course of action. And, not coincidentally, three key components are currently in place to compel evidence-based reform – unreasonably high **costs**, **public opinion** overwhelmingly in favor of a different course, and **research** showing what works to effectively reduce recidivism and improve public safety.

VII. Recommendations

Create a more effective system for offender reentry to achieve better public safety outcomes, more effective uses of resources and more agency and system accountability.

1. The Commonwealth of Massachusetts should set a three-year goal for recidivism reduction that is measurable and report the progress on that goal annually.
2. Agencies and departments with a role in reentry—corrections, parole, probation, houses of corrections, courts and community providers—should adopt evidence-based policies and principles and use data for decision making.
3. The Governor should establish an Offender Transition Task Force composed of the Secretaries of Health and Human Services, Public Safety and Security, Labor and Workforce Development and all relevant departments and the Department of Probation and the Court system. The objectives of the task force would include:
 - Development of a statewide plan for offender reentry to advance collaboration and create a data collection and information sharing system throughout the Commonwealth
 - Development of a plan creating clear, measurable benchmarks for accountability at every level of the system
 - Development of a model system of reentry that can be piloted in a particular county and with the full partnership of the DOC, county sheriff, Parole, Probation and community service providers
4. The Governor and the Legislature should enact and amend legislation, regulations and executive polices to:
 - Prioritize the successful transition of ex-offenders from prison to the community
 - Reduce the barriers to successful transition at all points in the reentry process including diversion, sentencing, incarceration, post-release supervision and community transition
 - Engage and empower communities and employers to participate in the reentry system

Appendix

In 2004, the Executive Office of Public Safety compiled a list of recommendations from reports written for Massachusetts policy makers over the previous two years. The following reports produced the recommendations:

- Boston Bar Association: *Parole Practices In Massachusetts and Their Effect on Community Reintegration*
- MassINC: *From Cell to Street: A Plan to Supervise Inmates After Release*
- Crime and Justice Institute: *From Incarceration to Community: A Roadmap to Improving Prisoner Reentry and System Accountability In Massachusetts*
- Governor’s Commission on Corrections Reform: *Strengthening Public Safety, Increasing Accountability and Instituting Fiscal Responsibility in the Department of Correction*
- Governor’s Commission on Criminal Justice Innovation: *Governor’s Commission on Criminal Justice Innovation, Final Report*

EOPS compiled more than 100 recommendations from these reports and identified the agency or agencies responsible for carrying out the recommended changes. In an effort to update the status of the recommendations the Crime and Justice Institute sent requests to all responsible agencies identified to provide and update of their efforts. Requests were sent to all Sheriff’s Departments, the Department of Correction, Parole Board, Probation Department, and the Chief Court Administrator. The following agencies responded with information: the Department of Correction (DOC), Parole Board, Chief Court Administrator, and sheriff’s departments in the following counties: Barnstable, Dukes, Essex, Hampden, Hampshire, Middlesex, Norfolk, and Suffolk. Because of the length of the fully updated document, we condensed the recommendations into eight categories and summarized the recommendations for each category and in some cases sub-categories.

To review the full document, go to www.cjinsitute.org

Recommendations	Responsibility	Comment
Sentencing		
Revise sentencing laws	Legislature	No progress
Intake, Assessment, and Classification		
Standardize assessment and classification	DOC, Parole, Probation Sheriffs	<p>DOC - The DOC has developed a standardized, validated risk assessment tool but it has not yet been implemented. DOC has rewritten its classification process which has led to more inmates classified, appropriately, to lower risk levels. Yet, despite reduced risk levels more than 600 inmates are still housed in higher security prisons than is recommended by their risk level.</p> <p>Parole – Parole is working in conjunction with the DOC and will implement the same risk assessment tool on the same timeline with the DOC</p> <p>Sheriffs – Several Sheriff’s Departments are using validated risk assessment tools to determine the criminogenic factors and risk of re-offense and a separate tool to measure risk factors for substance abuse.</p> <p>Regarding the use of a universal risk assessment tool used throughout the criminal justice system, several responding agencies indicated a willingness to adopt a universal assessment tool if it would improve their risk assessment and targeted programming process. There is no indication of a systemic effort to accomplish this.</p>

Recommendations	Responsibility	Comment
Increase security step-down prior to release	DOC, Sheriffs	<p>Probation – did not respond.</p> <p>DOC – the new classification procedure classifies more inmates at security levels that are lower than the previous classification process allowed and the DOC has added more than 25 pre-release beds to accommodate the transfer of recently reclassified pre-release inmates.</p> <p>Sheriffs – the responding Sheriffs’ Departments have implemented procedures to move inmates to lower security facilities as their risk level is reduced.</p> <p>For both the DOC and the Sheriffs, bed space at lower security facilities is limited due to extraordinary overcrowding. There are fewer lower security beds (minimum and pre-release) than other beds. There is little evidence of collaboration between the DOC and the Sheriffs’ Departments to move appropriate inmates between facilities to improve reentry outcomes. Another limitation is the lack of halfway house beds in particular counties.</p>
Correctional Programming and Treatment		
Offer programs grounded in evidence-based research	DOC, Sheriffs, parole, probation	<p>DOC – The DOC has developed evidence-based curricula and programming which target criminogenic risk factors associated with criminality. Evidence-based programming is now being offered at all security levels in the Department and all RFRs require evidence-based principles and policies for its contracted services and programs.</p> <p>Parole – Parole has implemented evidence-based programming in its offender management and reentry planning process. Evidence-based policies formed the basis of Parole’s decision to develop a comprehensive intermediate sanctions process.</p> <p>Sheriffs – Responding Sheriffs’ Departments acknowledged an understanding of and need for evidence-based programs and policies. A few of the sheriffs are implementing programs that adhere to evidence-based principles while others are in the process of creating plans that will include evidence-based programming. Budget limitations were cited as a main reason why more evidence-based programming has not been implemented.</p> <p>Probation – Did not respond.</p>
Address needs of special populations	DOC, Sheriffs	<p>DOC – The DOC has adopted a specific risk assessment and specialized treatment for sex offenders. It is working to develop a comprehensive and integrated treatment program to address the needs of inmates with serious mental illness. It has also developed gender-specific programs which are being implemented at the Framingham prison and has partnered with the Institute of Health and Recovery to improve services to for women and their children.</p> <p>Sheriffs – Responding Sheriffs that house female inmates report having gender-specific programming for the female population.</p>
Parole Release		
Expand use of discretionary parole release	Legislature	No progress

Recommendations	Responsibility	Comment
Transition and Reentry		
Require mandatory reentry plans	DOC, Parole, Sheriffs	<p>DOC – The DOC has created a multi-disciplinary committee within each institution to develop individual discharge plans for each inmate prior to release. A transitional parole officer, located at each institution, participates in this process.</p> <p>Parole – Parole has a parole officer in each institution, called a Transitional Parole Officer (TPO) who develops a reentry plan (valid home plan) in conjunction with the correctional staff from various disciplines. Parole also completes a reentry plan for offenders without parole supervision who are transferred to a Regional Reentry Center.</p> <p>Sheriffs – All of the responding Sheriff’s Departments prepare reentry plans for all of their returning inmates. Their process for developing the plans varies but they have similar components and goals and all seek to establish links in the community for the returning offender.</p>
Expand use of pre-release programs	DOC, Sheriffs	<p>DOC - Since 2005, DOC has nearly doubled, to more than 600, the number of residential treatment beds available to inmates preparing for release. DOC has expanded its Reentry Workshop with an employment component and now 1,500 inmates complete the program annually. The DOC has also added 25 pre-release beds to address the recently reclassified inmates moving from medium and minimum security to pre-release status.</p> <p>Sheriffs - Some sheriffs have expanded pre-release programs to place inmates in community settings in preparation for discharge. They provide support services for mental health and substance abuse treatment, education, employment training and housing support. Some of these programs include the Community Works Program and Common Ground Institute at the Suffolk Sheriff’s Department and the After Incarceration Support System at the Hampden Sheriff’s Department. Other sheriff’s departments have in-reach, pre-release services where community partners begin providing services to the inmate in the jail and continue when the inmate is discharged.</p>
Create community connections and coordinate aftercare	Multiple criminal justice agencies, community organizations including business partners	<p>DOC – The DOC has begun to establish connections with community providers to improve services for inmates after release. Highlights include work with community services organizations such as South Middlesex Opportunity Council for reentry housing, Spectrum Health Services for coordinated aftercare treatment and with various organizations to assist returning female offenders.</p> <p>Parole – Through the Regional Reentry Centers (RRC) Parole has established a number of relationships with community partners to improve the service delivery to discharged offenders including partnerships with neighborhood health centers, non-profit housing vendors and employment preparation offices.</p> <p>Sheriffs – The Hampden Sheriff’s Department has set a national standard with more than 60 organizations involved in the transition process. Suffolk Sheriff’s Department has also established several partnerships with community organizations such as Aid to Incarcerated Mothers, ABCD, SPAN, STRIVE, Community Resources for Justice, the Boston Public Schools and Boston Community Schools, and a number of neighborhood health centers. Other sheriff’s departments have established or are establishing</p>

Recommendations	Responsibility	Comment
		community partnerships with local public schools, community colleges, faith-based organizations, neighborhood healthcare centers and others, with the goal of improving the transition to the community. Probation – did not respond
Strengthen government agency partnerships	DOC, Parole, multiple government agencies	DOC – In the past few years the DOC has partnered with several agencies to improve inmate service delivery and better prepare inmates for discharge. Notable partnerships include MassHealth for medical coverage of inmates upon discharge; Department of Mental Health assists in transition planning and aftercare; and the Lowell Police Department and the Boston Police Department for information sharing. The most comprehensive collaboration is with Parole where the partnership begins while the inmate is incarcerated and continues well after the person is discharged either to parole supervision or to the community without supervision. Parole – In addition to its extensive relationship with DOC, parole has partnerships with some sheriff’s departments to assist in the transition process from the jail to parole or the RRC, with police departments for information sharing, the Department of Public Health, Federal Probation for re-employment of offenders, the Office of Community Corrections for drug testing, and the Registry of Motor Vehicles for valid identification cards. Sheriffs – Most sheriffs’ departments indicated a partnership with Parole for both offenders being discharged to parole and discharging offenders without parole supervision. Some of the responding sheriffs also indicated extensive partnerships with the local police departments, the Office of Community Corrections and the Departments of Mental Health and Public Health. Probation – did not respond
Supervision and Violations		
Institute mandatory post-release supervision for all offenders	Legislature	No progress
Adjust supervision levels of risks/needs of offenders	Legislature, Parole	Legislature – No progress. Parole – Parole has implemented evidence-based practices into its supervision process so that an offender’s risk level and needs assessment is matched to appropriate services and resources in the community. Because some inmates are serving mandatory sentences that prohibit parole until a certain portion of the sentence is served, parole often does not have the opportunity to supervise these offenders. The legislature has not made progress on reducing the barriers to appropriate reentry planning and post-release supervision presented by mandatory minimum sentences.
Expand use of intermediate sanctions	Parole	Parole – Parole created a new intermediate sanctions policy for responding to technical violations committed by parolees and conducted agency-wide training on the evidence-based principles and policies that underlie the new policy and on the implementation of the policy.

Recommendations	Responsibility	Comment
Information Sharing		
EOPS should lead in sharing information and conducting research	EOPS	<p>EOPS - Through the research and planning unit, EOPS, has facilitated research across many areas and has published its own work and the work of its contractors. The DOC and Parole, which are part of EOPS, continue to conduct and publish their research. Recently DOC has broadened its research by conducting research on recidivism outcomes.</p> <p>The sharing of information and data between agencies relative to decision-making is improving with the collaboration between DOC and Parole.</p>
Improve data coordination across agencies	Multiple criminal justice agencies	<p>DOC – The DOC is improving data coordination within its department, with Parole and with local police departments. It has invited Probation to participate.</p> <p>Parole – Parole has coordinated data sharing with the DOC, with some sheriffs’ departments and with local police departments. Parole also collaborates with Federal Probation.</p> <p>Sheriffs – Responding sheriffs indicate information sharing relationships with local police. Some sheriffs also share information with Parole, and the Office of Community Corrections.</p> <p>Probation – did no respond</p>
Leadership, Accountability, and Organizational Change		
Governor’s office and EOPS provide strong leadership and facilitate inter-agency collaborations for reentry	EOPS	<p>EOPS – EOPS has indicated that offender reentry is a priority and has begun discussions with other agencies as well as non-governmental entities to address improvements in reentry outcomes. The recent appointment of the current leaders of Parole and the DOC indicates a strong commitment to improving reentry through broader collaborations as both leaders have a history of progress in coalition-building.</p>
Develop and monitor performance measures	Multiple criminal justice agencies	<p>Overall – There is no evidence of systemic performance measures being developed and monitored across the criminal justice system.</p> <p>DOC – The Governor’s Commission on Corrections Reform established a set of performance measures that the DOC has been tracking and updating semi-annually.</p> <p>Parole – Parole maintains monthly performance measures.</p> <p>Sheriffs – There is limited evidence of the establishment, implementation and monitoring of performance measures throughout the jail system. Some sheriffs maintain their own performance measures.</p> <p>Probation – did not respond</p>
Consider changes to the Parole Board’s structure and capacity	Governor, legislature	<p>Governor – The Governor has appointed three board members including the reappointment of the chair. The two new members include a retired police officer and a clinical psychologist.</p> <p>Legislature – no progress</p>

Endnotes

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⁸⁰ Amount is based on the number of annual releases from county jails - 17,000 inmates, the average length of stay at a county jail - 7 months, the annual cost of incarcerating a county inmate - \$30,000, and the annual recidivism rate - 35% (at Hampden County House of Correction)

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