



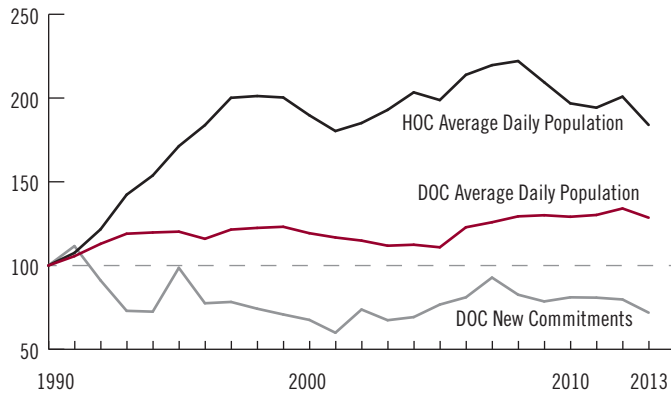
Crime, Cost & Consequences:

A Two Year Progress Report

In March 2013, MassINC and the Massachusetts Criminal Justice Reform Coalition issued *Crime, Cost, & Consequences*, a groundbreaking report that carefully documented the need for wholesale change to the state's criminal justice system. Massachusetts has much to gain by adopting data-driven reforms that have allowed other states to enhance public safety and reduce the enormous direct and indirect costs of incarceration. As the figures presented below suggest, recent changes have produced laudable gains for Massachusetts, but considerable progress remains to be made.

FIGURE 1

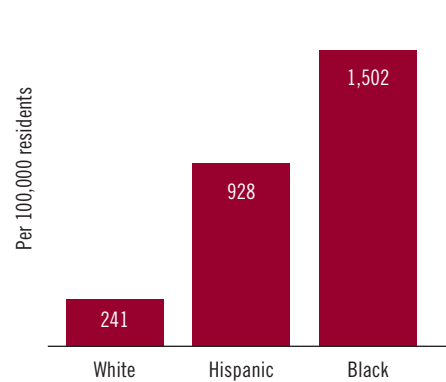
Change in average daily population relative to new commitments (1990=100)



Source: MA Department of Correction

FIGURE 2

Massachusetts incarceration rates by race and ethnicity, 2010



Source: Prison Policy Initiative

Prison Populations

- *Crime, Cost, & Consequences* highlighted the sharp disconnect between falling annual commitments and rising prison populations to illustrate that offenders were serving increasingly long prison terms. While the state’s prison populations have declined simultaneous with falling commitments in recent years, large disparities remain.
- Between 2011 and 2014, the average daily population fell by 6 percent at DOC facilities. However, the longstanding trend of population declining more slowly than commitments continued to hold. Over this three-year period, annual commitments to DOC prisons dropped 17 percent.
- Relative to 1990, annual commitments to DOC facilities has fallen by one-third and yet the average daily population at DOC prisons is 22 percent higher. The HOC average daily population is 82 percent higher than 1990 (comparable annual admissions data are unavailable).
- In addition to offenders serving longer terms, an increase in the pre-trial population may also help explain the disparity between prison populations and commitments. Over the last decade, the number of pre-trial inmates held in DOC facilities grew by nearly one-quarter (23 percent). While small relative to the overall inmate population, the number of female inmates awaiting trial has grown at a particularly fast pace in recent years, nearly doubling between 2010 and 2014 (144 to 278).

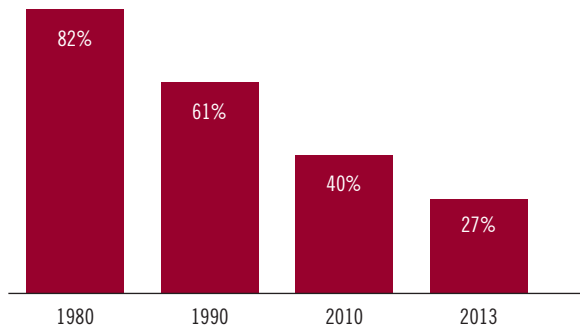
- Massachusetts’s incarceration rate is still roughly triple from before the “tough on crime” era levels. The state’s overall incarceration rate obscures considerable variation by race. Incarceration rates for African-Americans (1,502 per 100,000) and Hispanics (928 per 100,000) are more than six and three times higher, respectively, than the incarceration rate for non-Hispanic whites (241 per 100,000).

Drug Offenders

- Between 2011 and 2013, the number of drug offenders in DOC facilities fell by 31 percent. This drop explained the entire 7 percent decline in the DOCs criminally sentenced population over this period.
- The decline in the number of drug offenders held in DOC prisons is at least partially related to changes in the state’s mandatory minimum statutes enacted in 2012. Between 2011 and 2013, the number of offenders sentenced under mandatory minimum drug laws declined by 38 percent (722 to 450). While HOCs represent a smaller share of mandatory minimum drug commitments, these facilities saw a particularly sharp drop in new admissions sentenced under these statutes (53 percent for HOCs vs. 38 percent at DOC).
- In 2013, drug offenders made up 16 percent of the DOC’s criminally sentenced population, down from 22 percent in 2011. This figure is still exceptionally high in relative terms; drug offenders represented just 6 percent of DOC inmates in 1985.

FIGURE 3

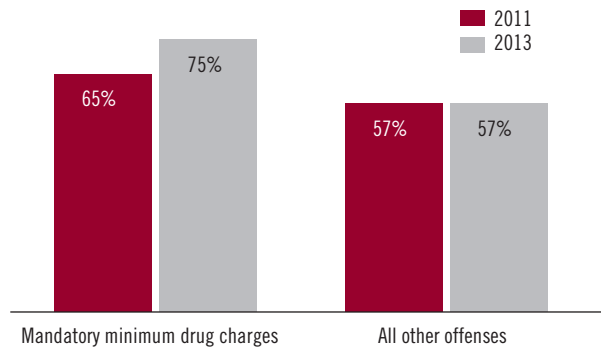
Parolees as a percent of all DOC releases



Source: MA Department of Correction

FIGURE 4

Percent of offenders committed to DOC and HOC prisons with sentences that reduce the likelihood of parole (minimum term exceeds 80 percent of the maximum term)



Source: MA Sentencing Commission

Re-Entry and Post-Release Supervision

- Sentencing practices continue to give inmates, especially those with drug-related offenses, very limited incentive to win parole because the maximum time they need to serve for unconditional release is not much greater than the minimum time they must serve before they become eligible for parole.
- In 2013, 75 percent of inmates sentenced under mandatory drug statutes received terms where the minimum was at least 80 percent of the maximum (up from 65 percent in 2011). While this practice is most pronounced for drug offenders, it is problematic for those with other governing offenses as well. In both 2011 and 2013, 57 percent of non-drug offenders were serving sentences where the minimum was at least 80 percent of the maximum.
- In 2013, 39 percent of DOC offenders returned to the community with no supervision or post-release probation. This was a significant improvement from 2011, when 48 percent of releases were unsupervised. This growth was attributable to an increase in the number of offenders paroled. In 2013, 27 percent of DOC inmates were released to parole, up from 19 percent in 2011. Still, these figures remain far lower than in previous periods. In 1990, over 60 percent of DOC inmates were released through parole.
- Many inmates still return to the community directly from maximum security facilities. As in 2011, one out of 10 DOC offenders released to the street in 2013 came directly from a maximum security facility. However, there has been some reduction in the percent of offenders returning from medium security facilities (57 percent to 52 percent) and a corresponding increase in those exiting from minimum or pre-release facilities (33 percent to 38 percent).
- Recent reforms in sentencing and classification have increased the number of DOC inmates eligible for pre-release programming, but DOC facilities struggle to provide these services. Over the past two years, wait lists for substance abuse education, cognitive behavioral therapies, and employment readiness have grown significantly.

FIGURE 5

Wait list for DOC programs

PROGRAM	JAN. 2013	DEC. 2014	INCREASE
Violence reduction	1,592	2,502	57%
Substance abuse education	813	1,187	46%
Criminal thinking	1,102	1,780	62%
Reentry employment readiness	489	763	56%

Source: MA Department of Correction

Making Progress on Corrections Reform in Massachusetts

To enhance the performance of the state's corrections system, the Massachusetts Criminal Justice Reform Coalition urged leaders to take the following steps in 2013:

1. Place a moratorium on the expansion of state and county prisons;
2. Empower the Sentencing Commission to revisit the state's approach to sentencing and sanctions;
3. Clearly delineate responsibility for all post-release supervision to the Parole Board and pretrial and diversion to the Probation Department;
4. Expand the use of community supervision and pre-release;
5. Make Boston's Emergency Reentry Program a model for urban centers across the state;
6. Complete an extensive survey of conditions of confinement, programming, and program quality across the system;
7. Standardize data systems and reporting protocols, and funnel information to a central research center;
8. Understand how the state's corrections system can be oriented toward Justice Reinvestment and develop a strategy to build a culture of data-driven decision-making with the relevant agencies.

Progress has been made on many of these items, most notably reconstituting the state's Sentencing Commission. With new members appointed in the fall of 2014, the body is now empowered to meticulously review current sentencing policies and practices to ensure that they support fair and effective administration of justice.

There has also been meaningful action from administrative agencies. For example, DOC has revised classification procedures and moved inmates down to HOC facilities prior to release, better positioning the system to prepare offenders for successful re-entry.

While the Coalition is eager to see continued progress on many of the recommendations above, it is particularly critical that Massachusetts commits to building a stronger foundation for data-driven criminal justice policy. From the courts to the Houses of Correction, each component of the system has made notable progress improving internal capacity to generate data for evidence-based decision-making, but Massachusetts still lacks a focused effort to integrate data. This coordination is crucial. Criminal justice leaders must have a complete and accurate picture of the system's performance in order to cost-effectively maximize public safety.



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