



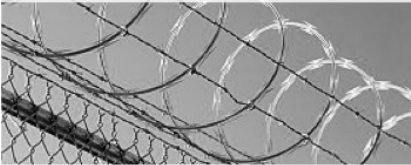
CSG JUSTICE CENTER—MASSACHUSETTS CRIMINAL JUSTICE REVIEW

Working Group Meeting 4 Interim Report, October 20, 2016

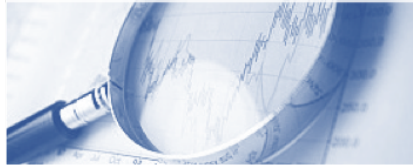
The Council of State Governments Justice Center

Interim report prepared by: Katie Mosehauer, Project Manager; Steve Allen, Senior Policy Advisor, Behavioral Health; Monica Peters, Research Manager; Cassandra Warney, Policy Analyst.

Corrections



Justice Reinvestment



Mental Health



Reentry



Substance Abuse



Youth



Courts



Law Enforcement



National nonprofit, nonpartisan membership association of state government officials that engage members of **all three branches** of state government.

JUSTICE ★ **CENTER**
THE COUNCIL OF STATE GOVERNMENTS

Justice Center provides **practical, nonpartisan advice** informed by the best available evidence.



JUSTICE REINVESTMENT

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** and **The Pew Charitable Trusts**

Remaining justice reinvestment timeline

October	November	December	January
WORKING GROUP MEETING #4: HOC & DOC REENTRY PROCESSES	WORKING GROUP MEETING #5: COMMUNITY SUPERVISION, RACE	WORKING GROUP MEETING #6: POLICY FRAMEWORK & IMPACT PROJECTIONS	<i>2017 Session Begins</i> <div>FINAL REPORT RELEASED BILL INTRODUCED</div>

Overview

01

Recap of Key Recidivism Measures in MA

02

What Works to Reduce Recidivism

03

Recidivism Reduction for DOC Releases

04

Recidivism Reduction for HOC Releases

05

Next Steps



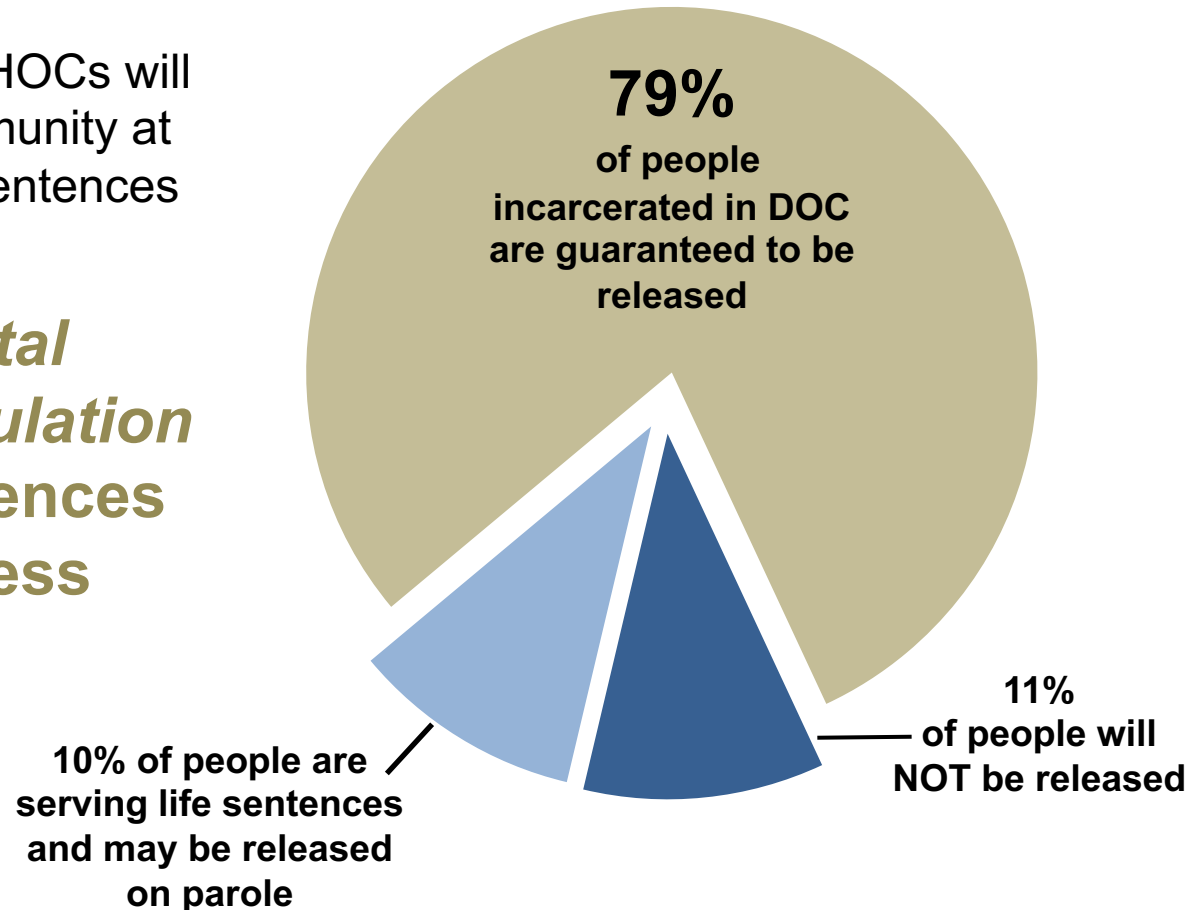
Nearly everyone incarcerated in the state of Massachusetts will return to the community at some point

All people sentenced to HOCs will be released to the community at the conclusion of their sentences

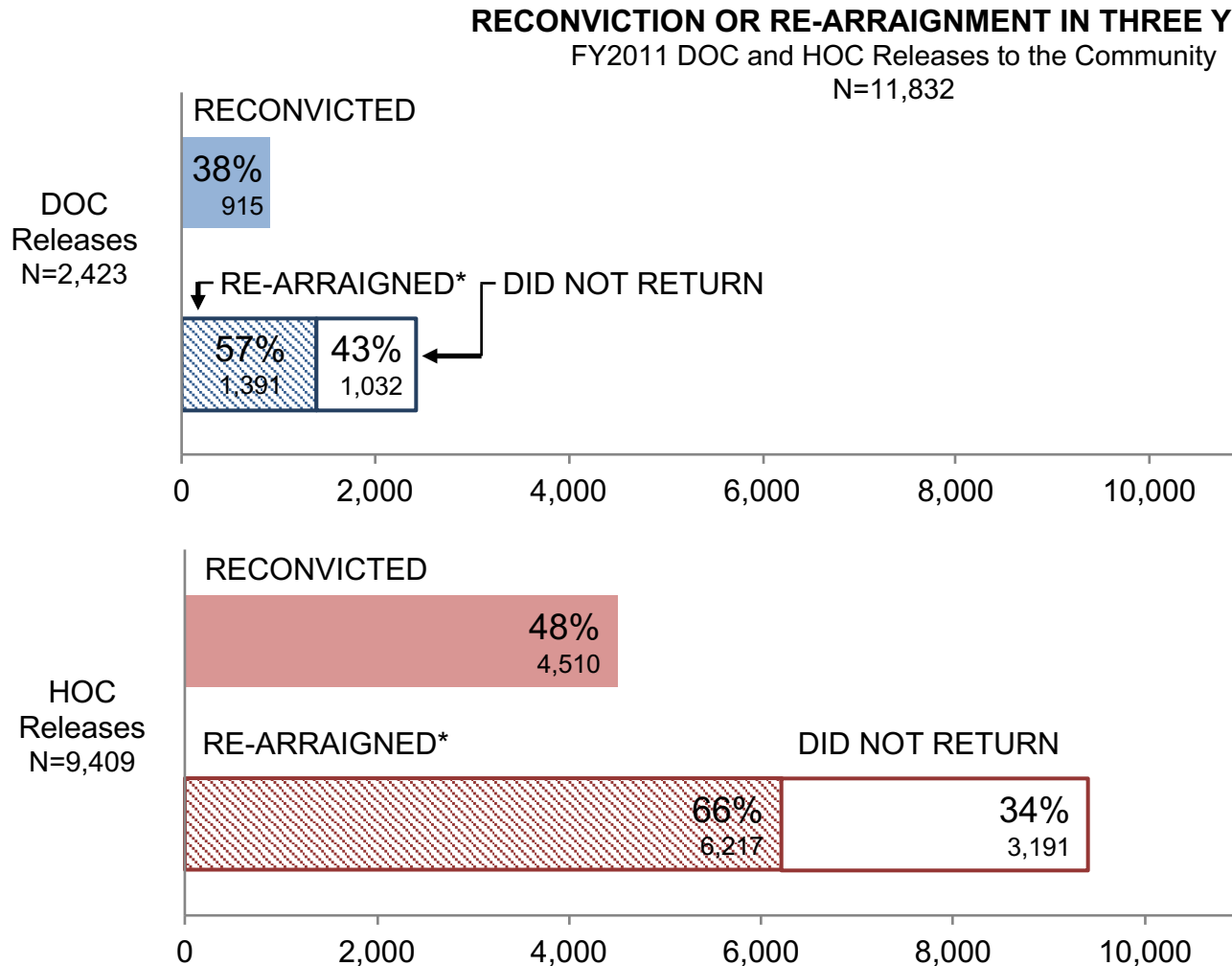
50% of the *total incarcerated population* are serving sentences of 5 years or less

2014 DOC INCARCERATED POPULATION
BY SENTENCE TYPE

N=9,669



Within three years of release, over half of the 2011 cohort of DOC releases and two-thirds of HOC releases had new criminal justice system involvement



Re-Arraignment	HOC	DOC
One Year	42%	31%
Two Year	58%	48%
Three Year	66%	57%
Re-conviction	HOC	DOC
One Year	20%	11%
Two Year	37%	26%
Three Year	48%	38%

*Arraigned cases may be completed or dismissed cases or those not yet disposed.
CSG Justice Center analysis of FY2011-2014 Parole Board's SPIRIT HOC and parole data, as well as CORI data.

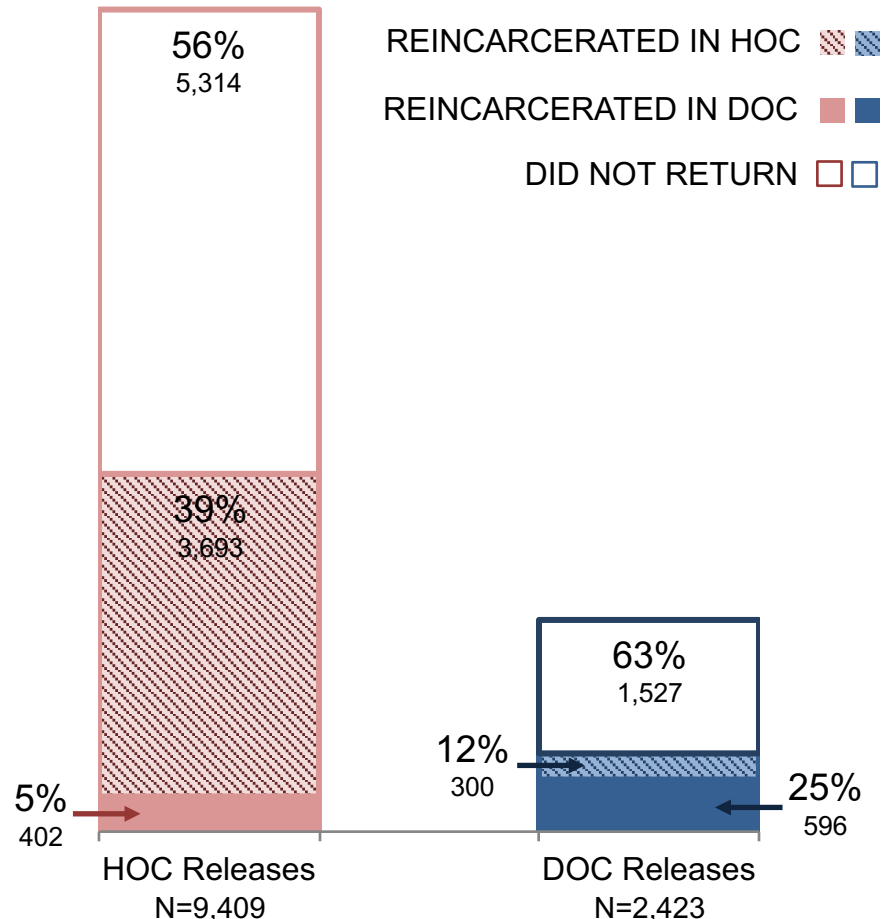
The majority of people who are reincarcerated return to the institution from which they were released

Reincarceration	HOC	DOC
One Year	22%	17%
Two Year	35%	29%
Three Year	44%	37%

Of **HOC** releases that were reincarcerated, **92% returned to HOC** while 8% were incarcerated at DOC.

Of **DOC** releases that were reincarcerated, **60% returned to DOC** while 40% were incarcerated at HOC.

REINCARCERATION IN THREE YEARS
FY2011 DOC and HOC Releases to the Community
N=11,832



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Recidivism Reduction for HOC Releases

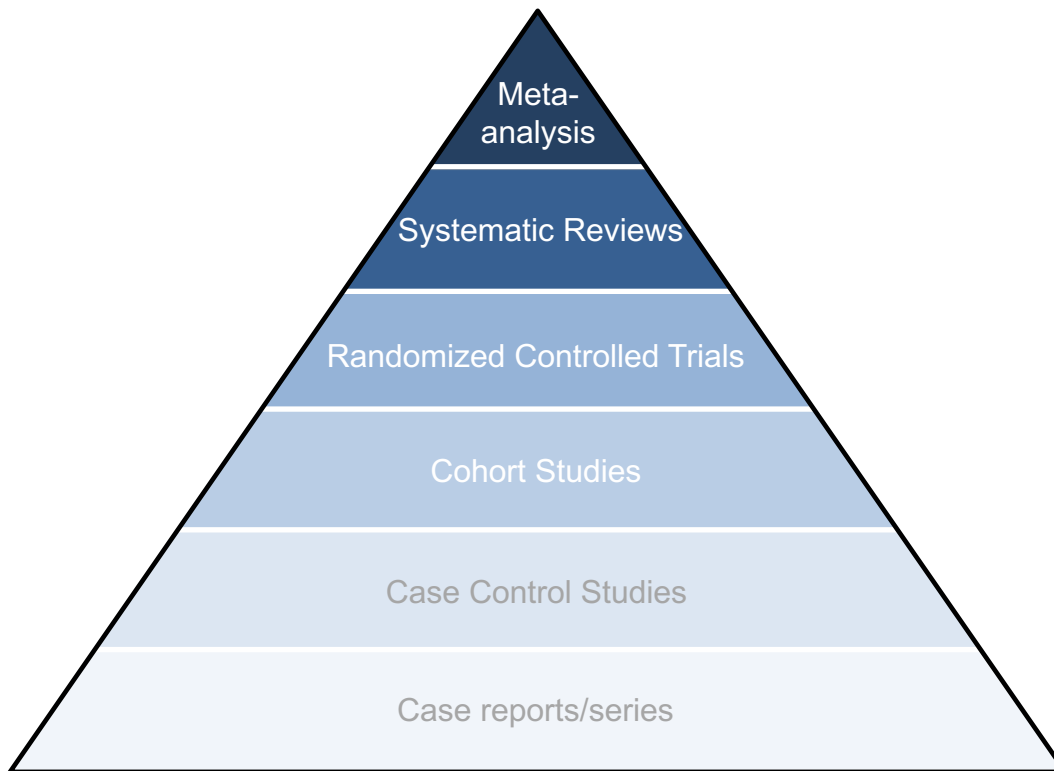
05

Next Steps



The body of literature measuring what does and does not work to reduce recidivism is large enough to have produced a number of meaningful meta-analyses

HIERARCHY OF EVIDENCE



Meta-analyses can provide more powerful findings than individual studies because they combine the results from multiple studies to explore the extent to which particular approaches achieve their intended goals.

EFFECT SIZE

Expresses difference between two groups (e.g., treatment vs. non-treatment)

0.8 = Large Effect

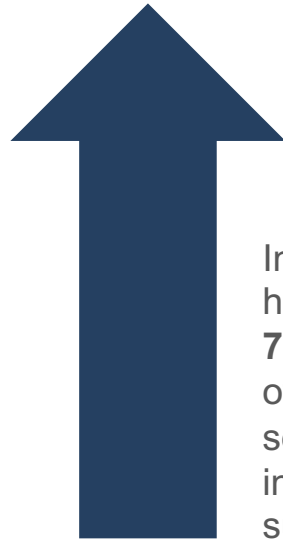
0.5 = Medium Effect

0.2 = Small Effect

Studies show that incarceration is associated with modest increases in recidivism risk

2002 META-ANALYSIS OF THE EFFECTS OF PRISON SENTENCES ON RECIDIVISM*

57 studies, N = 375,000



Imprisoned offenders had recidivism rates **7% higher** than offenders whose sentence only involved community supervision



People with longer sentences were **3% more likely to recidivate** than people with shorter sentences

Incarceration is an appropriate penalty for some offenders. However, **sentences should include measures to counteract associated increases in criminogenic factors**, such as programming during incarceration followed by post-release supervision aligned with the principles of risk, need, and responsivity (RNR).

**Authors worked to code for risk level (risk matched samples) but found no differences associated with risk level.*

Research also shows that people are at the highest risk of recidivism in the first one to two years after release from incarceration

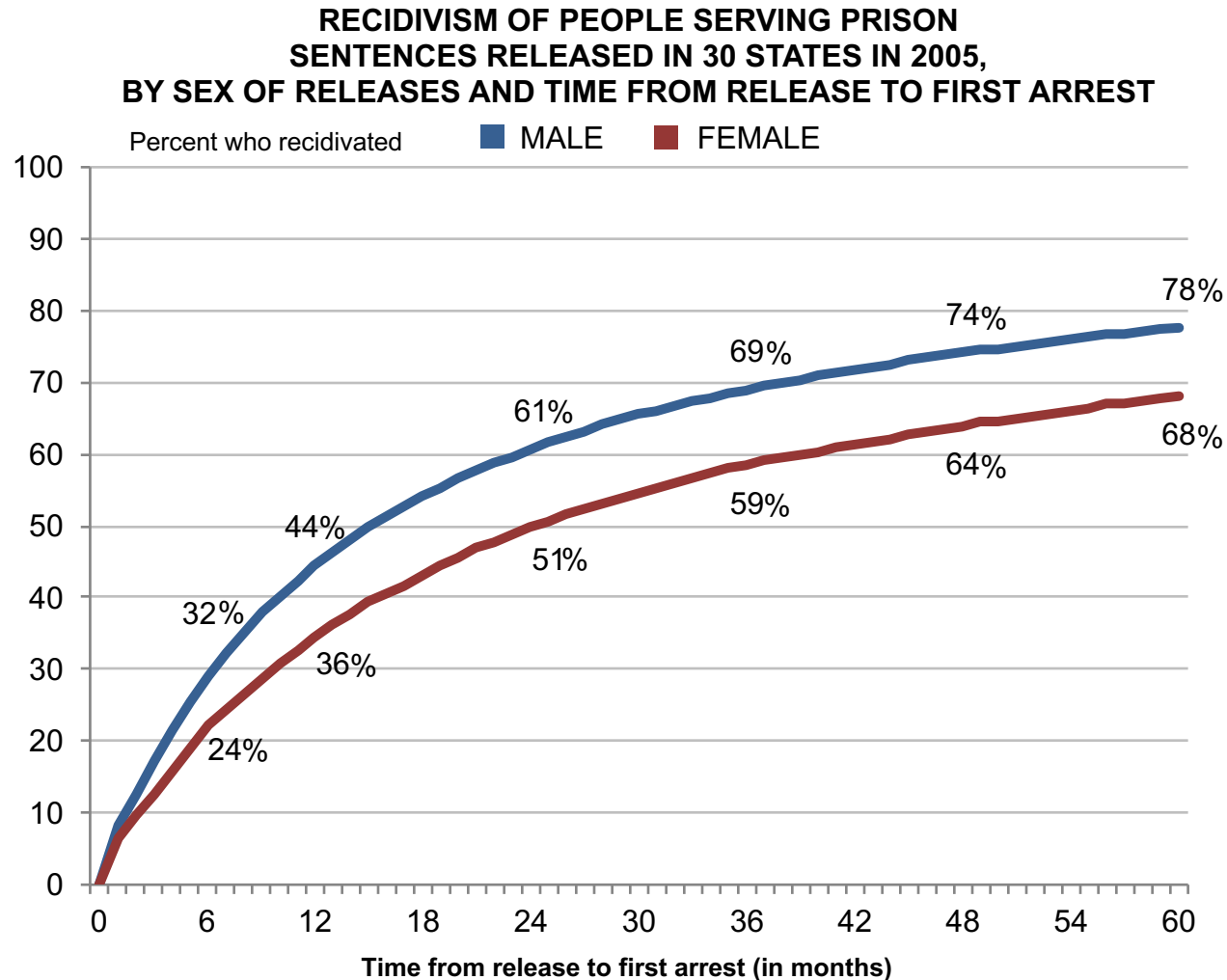


Figure 5. Recidivism of prisoners released in 30 states in 2005, by sex of release and time from release to first arrest.

The Risk, Need, Responsivity (RNR) framework has proven to be most effective in reducing recidivism and changing offender behavior

CORE PRINCIPLES OF THE RNR FRAMEWORK:

THE RISK PRINCIPLE asserts that criminal behavior can be reliably predicted, intensity of services should match the offender's risk level, and treatment should focus on higher-risk offenders

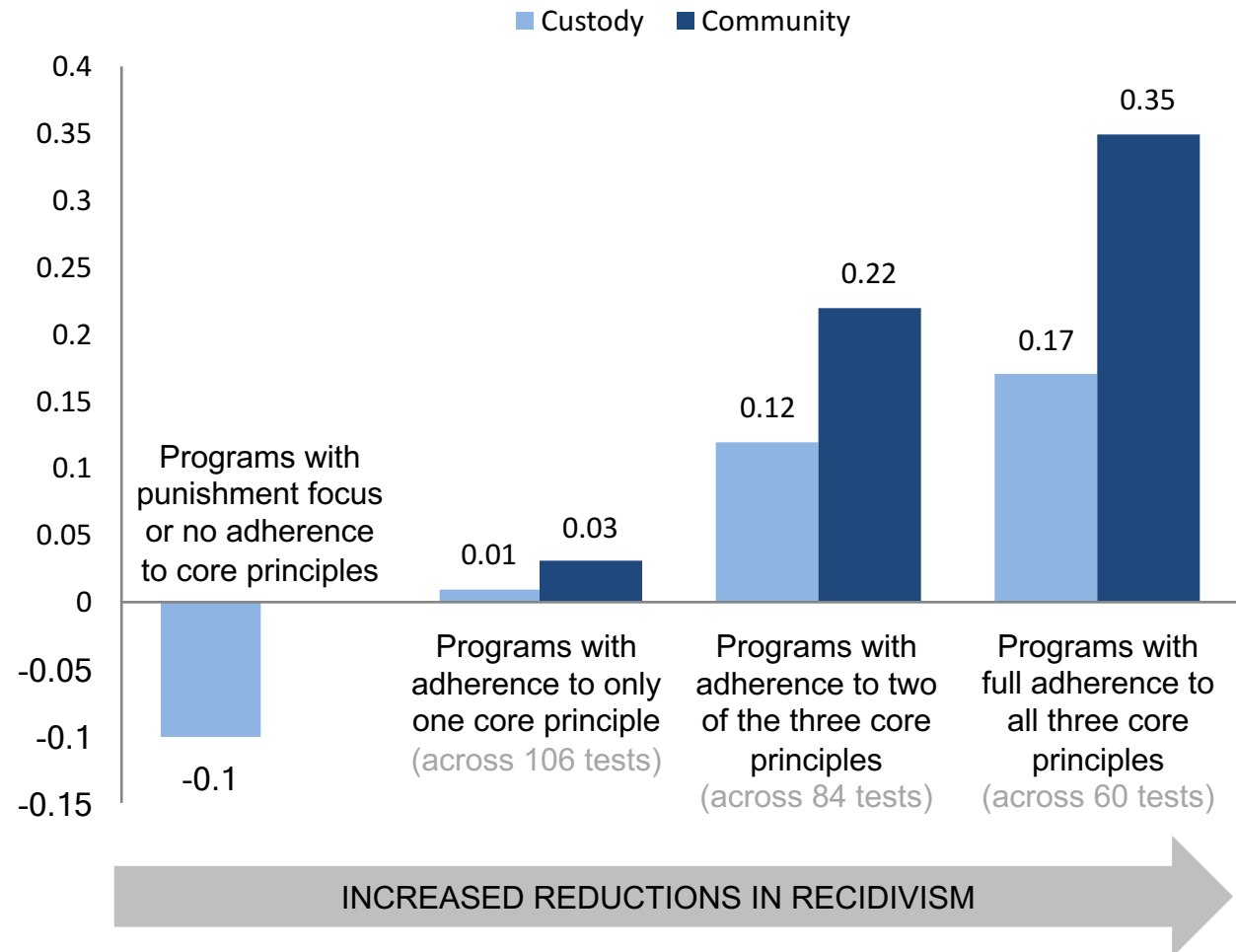
THE NEED PRINCIPLE highlights the importance of addressing criminogenic needs in the design and delivery of interventions

THE RESPONSIVITY PRINCIPLE focuses on utilizing interventions proven to be effective and tailored to individual characteristics (i.e., gender, age, language, mental health, learning style, motivation)

Strong adherence to core RNR principles increases the effectiveness of recidivism-reduction programming

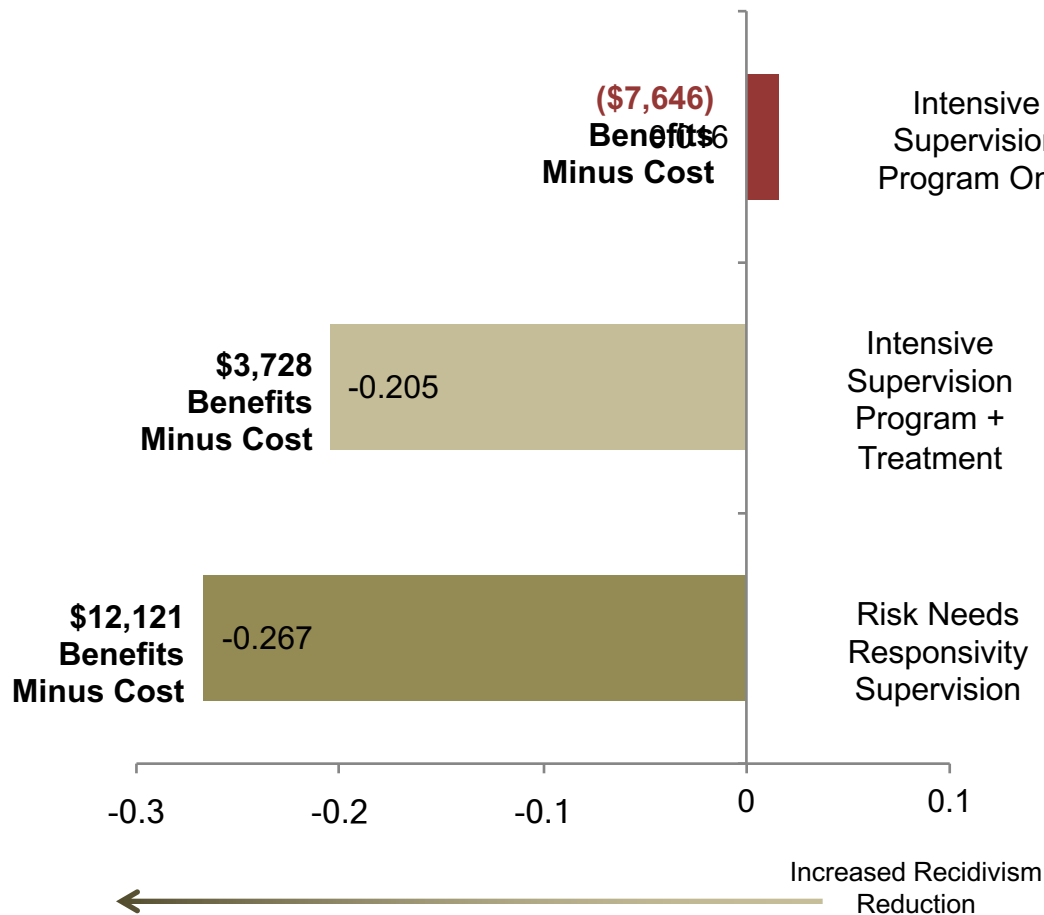
MEAN EFFECT SIZE BY RNR ADHERENCE AND CORRECTIONAL SETTING

RNR program approaches within prisons are important, but maximum recidivism reduction is achieved when those RNR programs are also delivered in the community post release.



Adherence to RNR principles is especially important to the effectiveness of community supervision as a recidivism-reduction strategy

EFFECT SIZE OF DIFFERENT SUPERVISION PROGRAMS ON RECIDIVISM REDUCTION AS DETERMINED BY INVENTORY OF EVIDENCE-BASED AND RESEARCH-BASED PROGRAMS FOR ADULT CORRECTIONS AS OF DECEMBER 2013



Characteristics of Intensive Supervision Programs

- Surveillance focus
- One-size-fits-all approach
- Contact frequency as a key performance measure for officers
- Use of incarceration as primary sanction
- Proportionality of sanctions not prioritized
- Little consideration of criminogenic “needs”

Characteristics of RNR Supervision

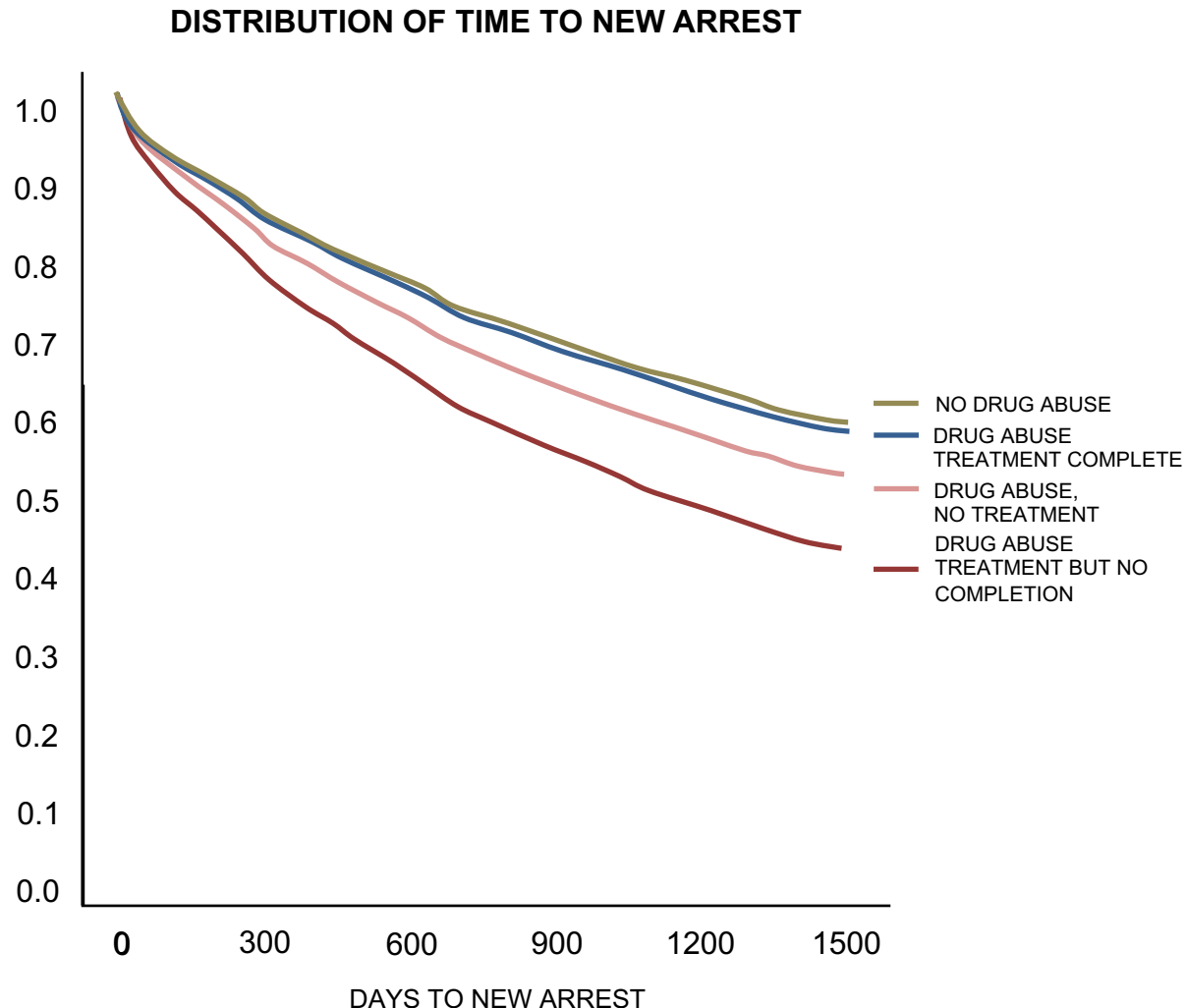
- Assessing risk/needs
- Focusing on higher-risk parolees
- Balancing supervision and treatment
- Using incentives and rewards
- Involving offenders in process
- Responding to violations in swift and consistent manner
- High-quality CBI programming

RNR supervision can hold people accountable for completing treatment in the community, which has significant impacts on recidivism

Probationers with a history of drug abuse were more likely to recidivate than other offenders.

Participation in treatment reduced recidivism, but only for people who completed the full course of treatment.

People who did not enroll in treatment were **1.42 times more likely to recidivate** than those who completed. People who enrolled and did not complete treatment were **1.69 times more likely to recidivate**.



Victims of crimes are supportive of the public safety approach of RNR supervision

- Victims prefer **investments in mental health** over incarceration by a seven-to-one margin.
- Victims want a **focus on community supervision and rehabilitation** over prisons and jails by a two-to-one margin.
- By a margin of nearly 3 to 1, victims believe that prison makes people **more likely** to commit crimes than to rehabilitate them.

The extent of recidivism reduction for supervised populations depends on the quality of supervision and the level to which services are integrated to target criminogenic needs

The analysis in this presentation covers:

- Overview of recidivism-reduction programs within DOC & HOC
- Releases to community supervision
- Causes for releases without supervision

The analysis in the next presentation covers:

- Evaluating probation and parole supervision
- Investigating accountability structures and the revocation process
- Assessing access to programming and treatment in the community



Overview

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Reducing recidivism for prison populations is most successfully achieved by engaging three complimentary strategies

1

Adequately identify criminogenic needs during incarceration and provide access to targeted programming and treatment and incentives for participation

2

Provide a transitional period of post-release RNR supervision to provide support and accountability as a person reenters the community

3

Integrate high-quality services, programs, and treatment that continue to target criminogenic needs while on RNR supervision in the community

Recidivism reduction and reentry planning begins at admission



Effective recidivism reduction begins with addressing an individual's needs through evidence-based programming while in an institution and continues with programming in the community that is most effectively paired with quality RNR supervision to ensure accountability.

Classification is also an evaluation that helps determine the DOC custody assignment (maximum, medium, or minimum or prerelease) of the person. While classification on its own is not a recidivism-reduction tool, classification levels can impact access to programs and perceptions by the parole board. Initial Classification Variables include: severity of current offense, severity of convictions within the last 4 years, history of escapes or attempts to escape, history of prior institutional violence within the last 7 years, age, education, & employment.

Only a portion of people serving prison sentences participate and complete priority programming that targets their criminogenic needs prior to release

**PROGRAMMING COMPLETION RATES FOR PEOPLE RECOMMENDED TO PROGRAMMING AREAS AND
RELEASED BETWEEN JULY 2014 AND MARCH 2015**

N = 1,002

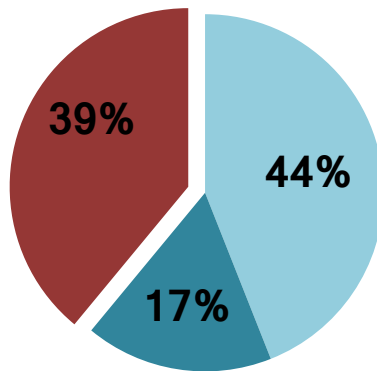
Participated & Completed

Participated & Did Not Complete

Did Not Participate

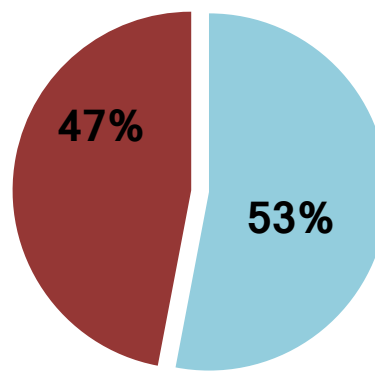
**SUBSTANCE ABUSE
PROGRAM**

N = 679



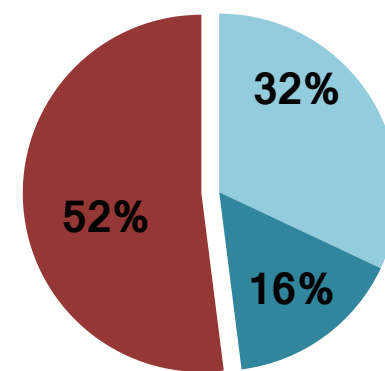
**SEX OFFENDER
TREATMENT***

N = 121



**VIOLENCE-REDUCTION
PROGRAM**

N = 561

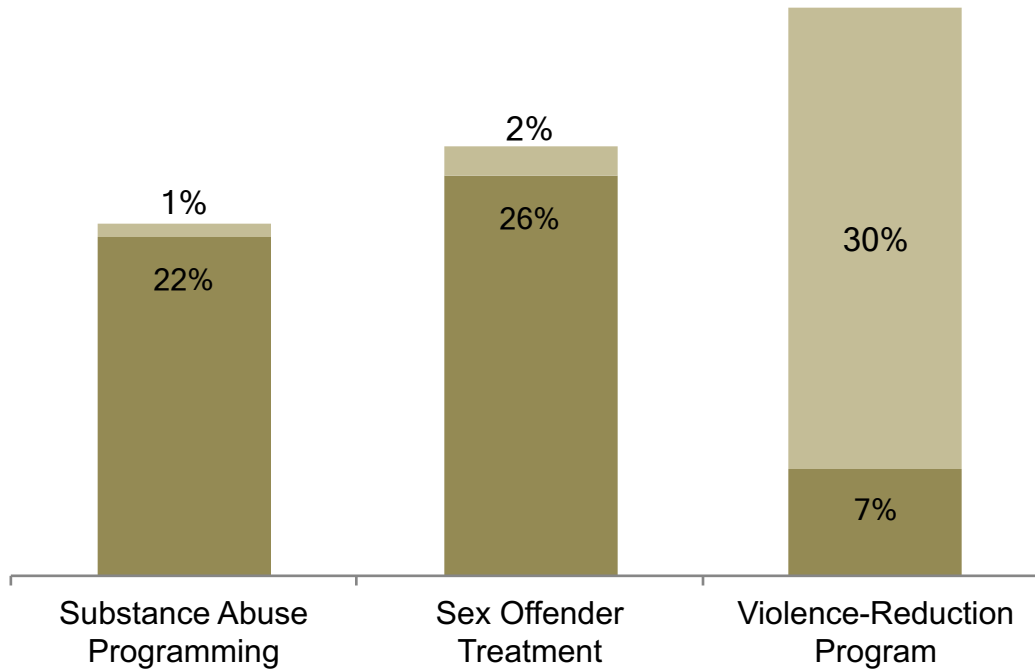


**Sex offender treatment is not tracked as "completed" like other programs offered at DOC, but is monitored as Participated or not. In this cohort, 53% of people who were recommended for sex offender treatment were participating upon release*

A sizable portion of people never had access to recommended programming prior to their release

FY2015 DOC RELEASES WITHOUT ACCESS TO RECOMMENDED PROGRAMS

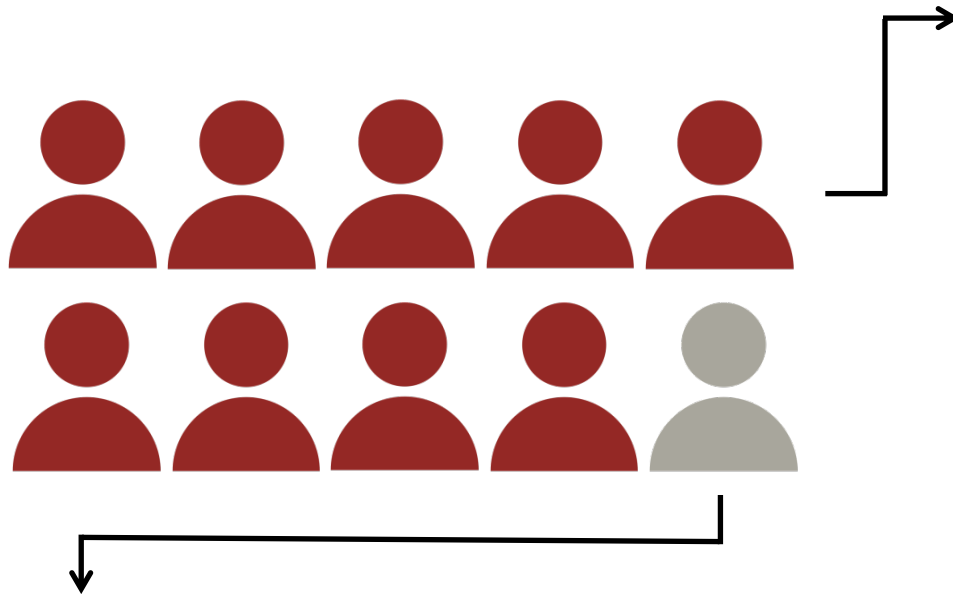
■ No Access to Program ■ Waiting list



A high percentage of people in DOC could not access programs due to waiting lists or to a lack of program offerings in the facility in which they were housed

Regardless of the cause, non-participation and non-completion of programs can delay parole release

Incentives, such as earned time and special privileges, are effective tools to encourage participation in recidivism-reduction programming



People who enroll in programming can receive up to **10 DAYS** of earned time credit off their sentences for every month of active participation, as well as **10 ADDITIONAL DAYS** when completing a program that was at least 6 months long.

10%–15% of people recommended for programs refuse to participate.*

DOC policy discourages refusals by attaching certain privileges, such as employment and single cells, to active participation in programming.

Participation in DOC programming increased due to efforts to better incentivize participation.

**Some people refuse to participate while they have an appeal pending so as to avoid the appearance of guilt. Others refuse because they are not interested in participating.*

Massachusetts General Laws Chapter 127, Section 129D

Post-release supervision provides accountability and support for people to continue engaging in programming in the community



Requiring recidivism-reduction programming as a condition of community release is a strong incentive for people to participate in and complete effective programming



Post-release supervision ensures that people are participating in appropriate interventions and holds people accountable for non-compliance.

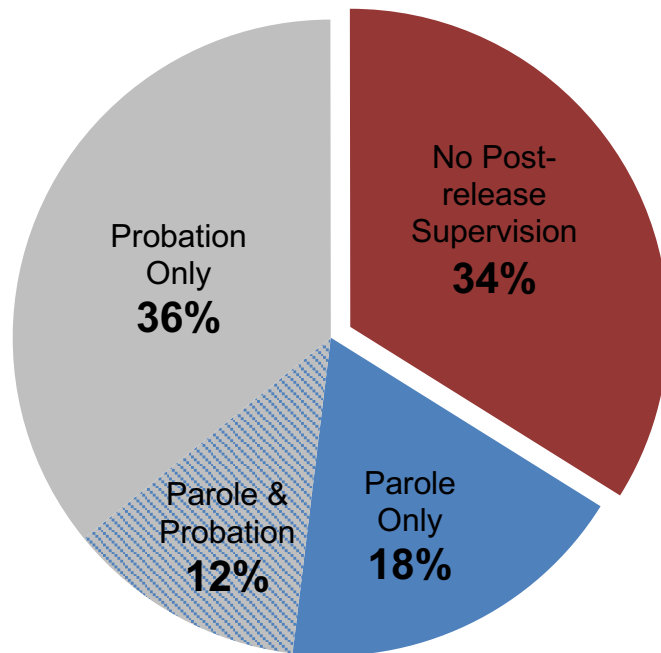


Programming in the community has consistently proven more effective at changing behavior than programming delivered during incarceration, making this second phase of interventions crucial to recidivism reduction.*

One-third of DOC releases returned to the community without supervision as a reentry support

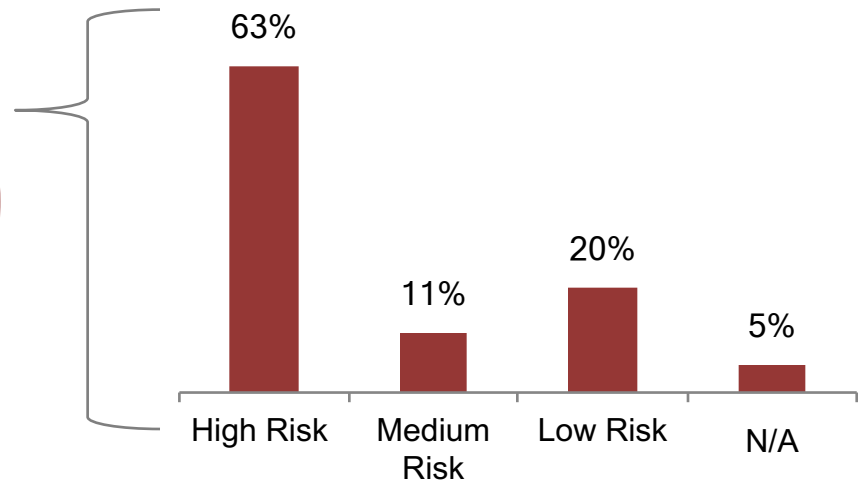
**FY2015 DOC RELEASES TO THE
COMMUNITY BY SUPERVISION STATUS***

N = 1,908



**UNSUPERVISED RELEASES BY
RISK LEVEL**

N = 647

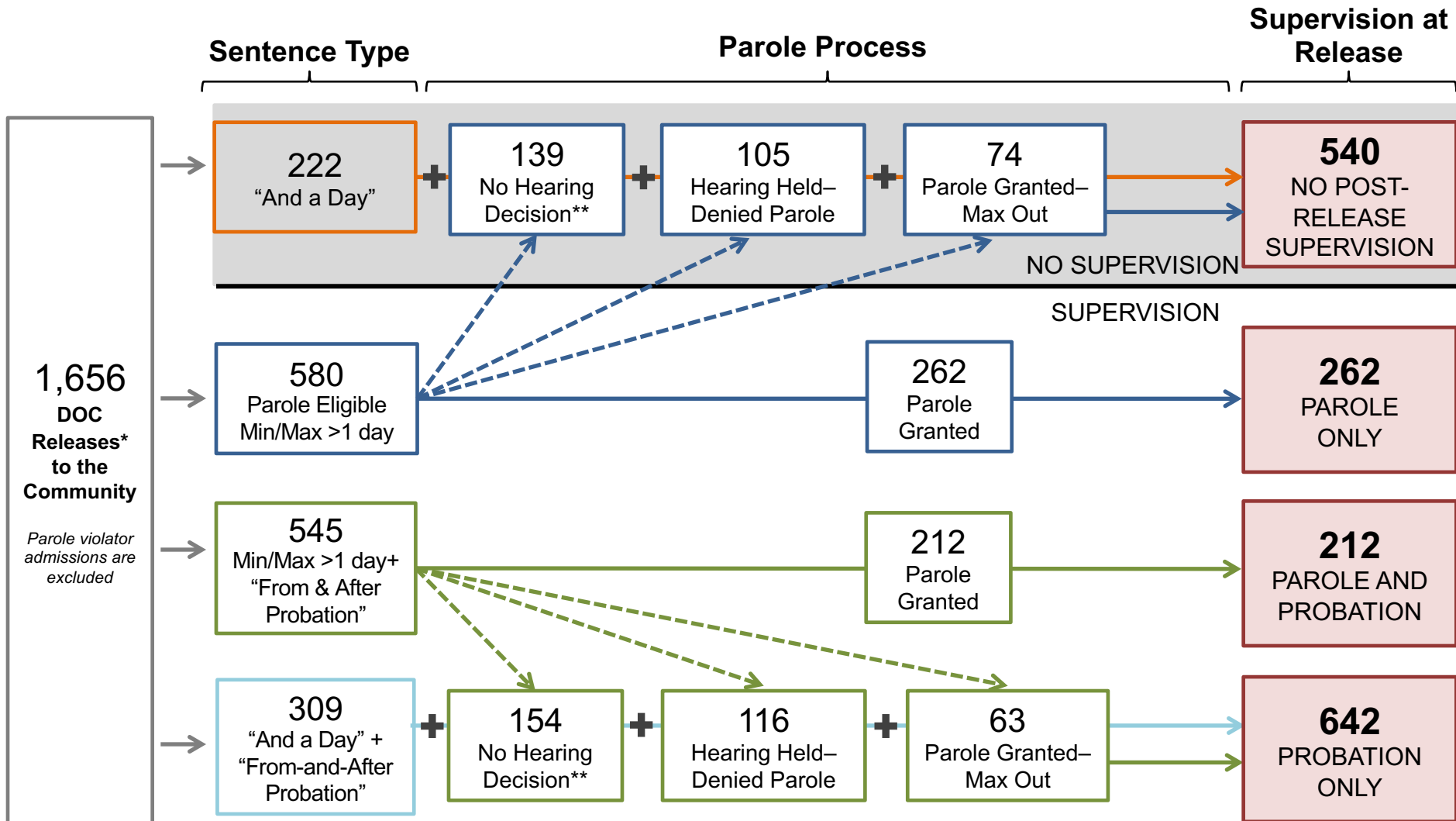


*County commitments housed at DOC are excluded.

*Includes new commitments and parole violator releases.

CSG Justice Center analysis of FY2015 DOC release data.

The drivers of release without supervision are a combination of sentencing and factors related to parole eligibility

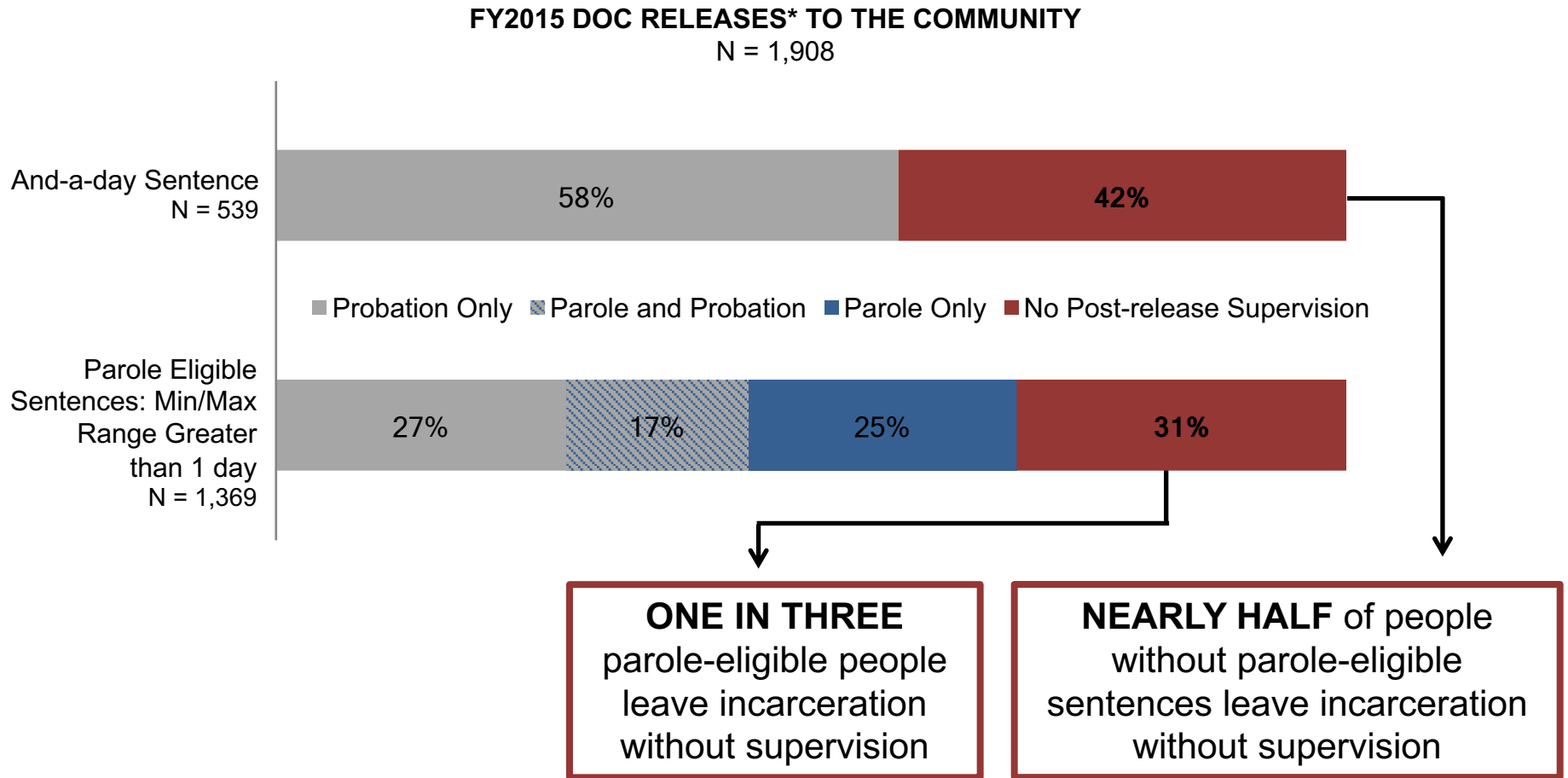


*County commitments housed at DOC are excluded. Includes new court commitments only.

**Reasons for no hearing decision include waived or postponed hearing, action pending, put on next available list, split vote, and other reasons not seen. Both waivers and postponements are initiated by the parole-eligible person.

CSG Justice Center analysis of FY2015 DOC release data and Parole Hearing data.

From-and-after probation guarantees supervision for a sizable portion of those ineligible for parole, but adding parole eligibility results in fewer people leaving without supervision



**County commitments housed at DOC are excluded.*

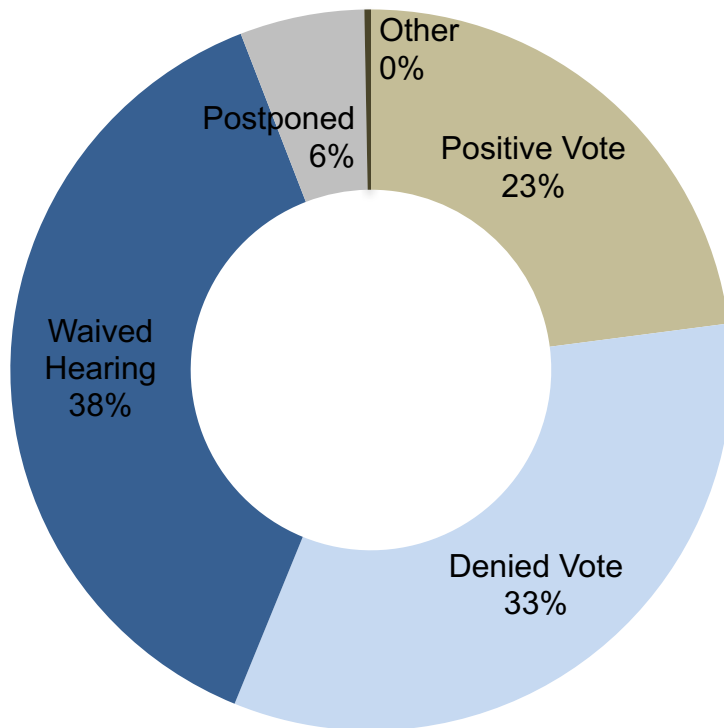
**Includes new commitments and parole violator releases.*

Approximately one-quarter of "and a day" and parole eligible sentences are mandatories.

CSG Justice Center analysis of FY2015 DOC release data.

Nearly half of parole-eligible people who receive no supervision either waived or had their final hearings postponed

FY2015 DOC RELEASES* TO THE COMMUNITY
PAROLE-ELIGIBLE RELEASED TO NO SUPERVISION
N =340



The parole board, DOC staff, people currently serving DOC sentences, and formerly incarcerated people shared their opinions and experiences as to why a person may waive or have their hearing postponed:

- ✓ People may have recently received a disciplinary infraction so would like a later hearing after period of clear conduct
- ✓ Others may want to finish a program or treatment prior to a hearing to enhance likelihood of parole
- ✓ People in pre-release prefer to max-out rather than be paroled for several reasons: the stability of a job/place to sleep outweighs the benefits of release; they wish to continue earning good time; they do not want to be supervised in the community

**County commitments housed at DOC are excluded.*

**Includes new commitments and parole violator releases.*

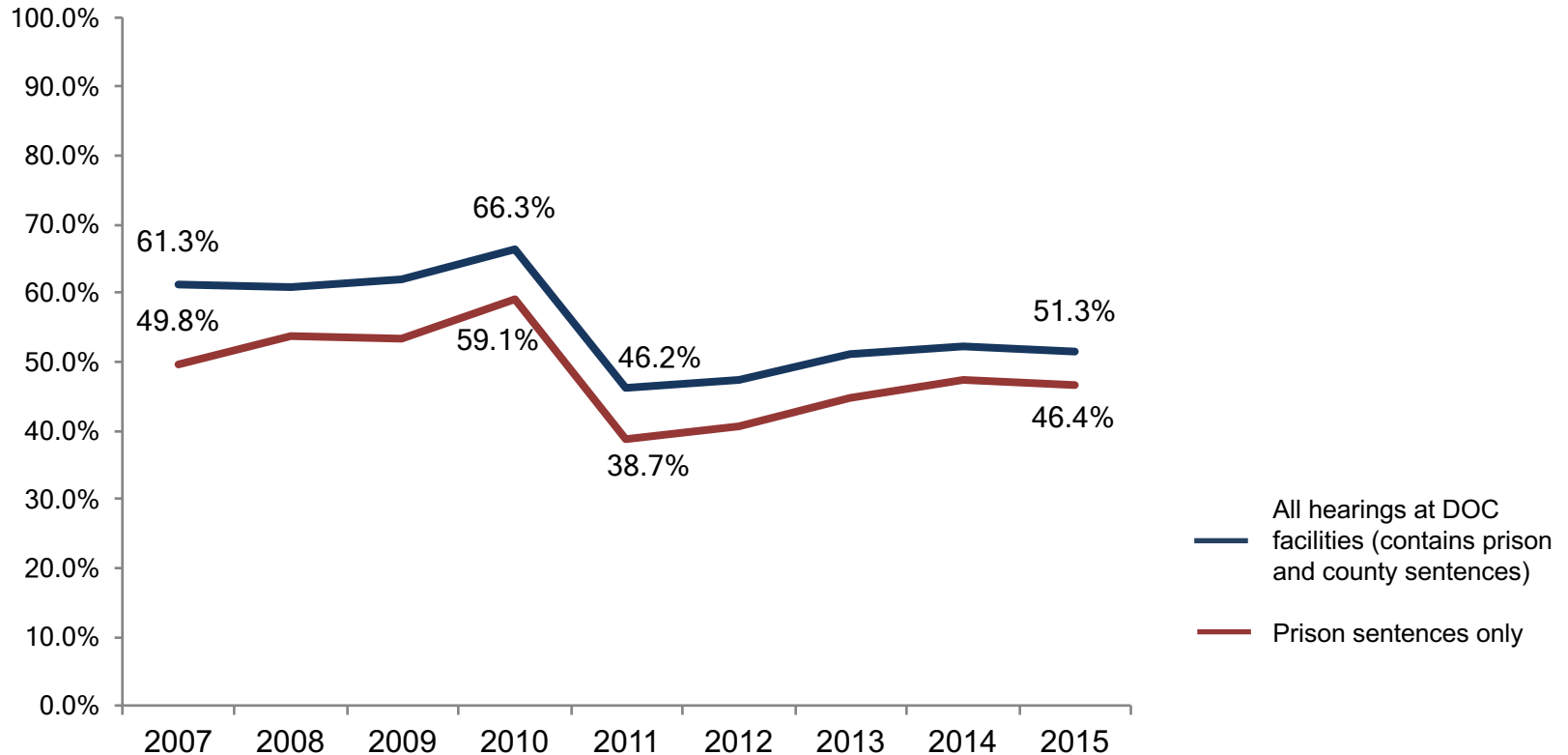
Both waivers and postponements are initiated by the parole-eligible person.

CSG Justice Center analysis of FY2015 DOC release data and Parole Hearing data.

CSG Justice Center meetings with DOC staff, parole board members and parole staff, defense attorneys, DOC inmates and people who were formerly incarcerated in DOC.

Of hearings that were held at DOC, 51% resulted in a positive parole vote

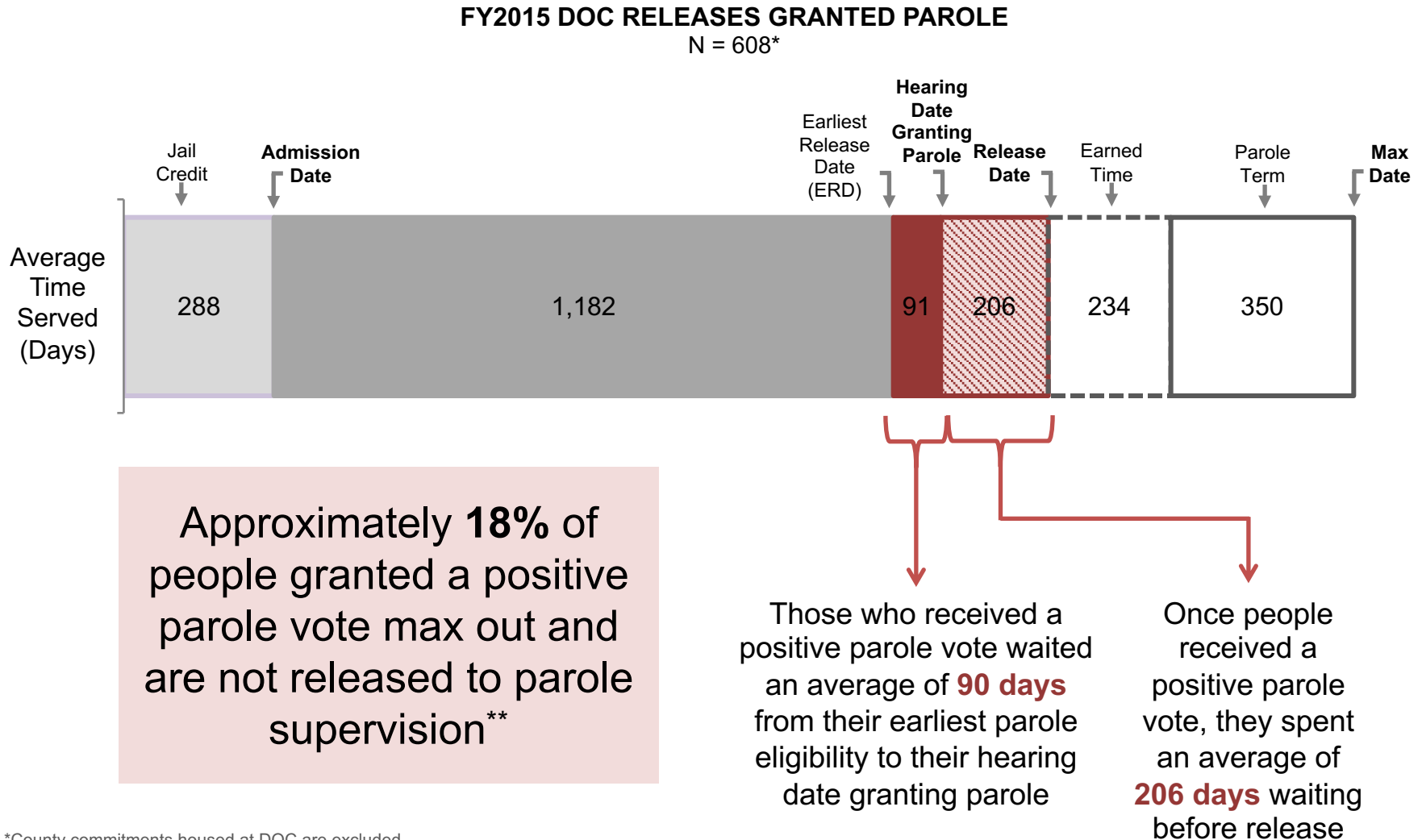
POSITIVE PAROLE VOTE RATES FOR RELEASE HEARINGS HELD AT DOC*
FY2007–FY2015



Between 2% and 5% of positive votes were rescinded in each of the years shown.

*Includes only hearings held with a positive or denied vote; excludes hearings that are waived or postponed.
CSG Justice Center analysis of FY2007-2015 Massachusetts Parole Hearing data.

People in DOC who receive a positive parole vote spend approximately 300 days incarcerated between their parole eligibility and release date



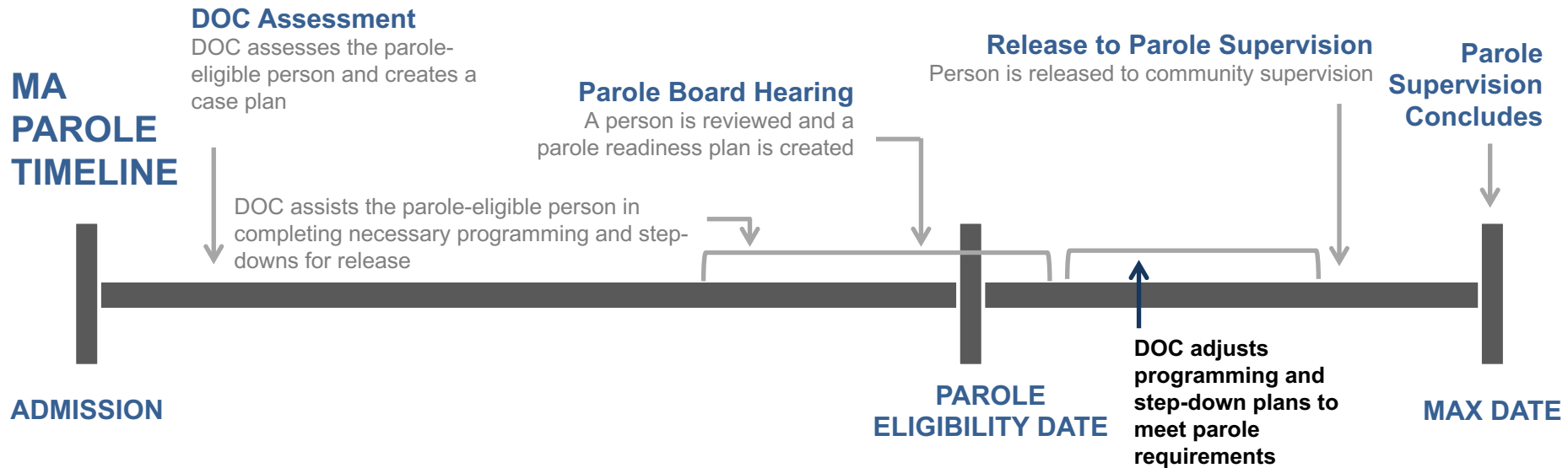
*County commitments housed at DOC are excluded.

*Includes new commitments only.

**This does not include parole decisions that were rescinded.

CSG Justice Center analysis of FY2015 DOC release data and Parole Hearing data.

There are several common reasons parole release is delayed



System features that contribute to delayed parole release:

- Separate case planning between DOC and the parole board
- Unavailability of programming required for release
- Limitations on when parole hearings can happen

Interviews and focus groups revealed additional challenges in gaining parole release

The parole board's programming requirements may differ from the DOC track the parole-eligible person has been on. Following a parole board hearing, DOC may have to **adjust the programming track** per the parole board's recommendations.

The parole board may **request a custody change** as a release condition (*e.g., step down from medium to minimum*). Capacity, classification restrictions, and the timing of release stipulations can limit DOC's ability to accommodate the stipulation.^{1,2}

A viable reentry plan is not ready. Commonly cited reasons include difficulty in finding housing or treatment placements.³

People who received a favorable parole vote **chose to waive or postpone** their parole hearing and serve the entirety of their sentence in DOC.

CSG Justice Center meetings with DOC staff, parole board members and parole staff, defense attorneys, DOC inmates and people who were formerly incarcerated in DOC

¹Capacity has historically been an issue but the DOC has reported this recently been addressed.

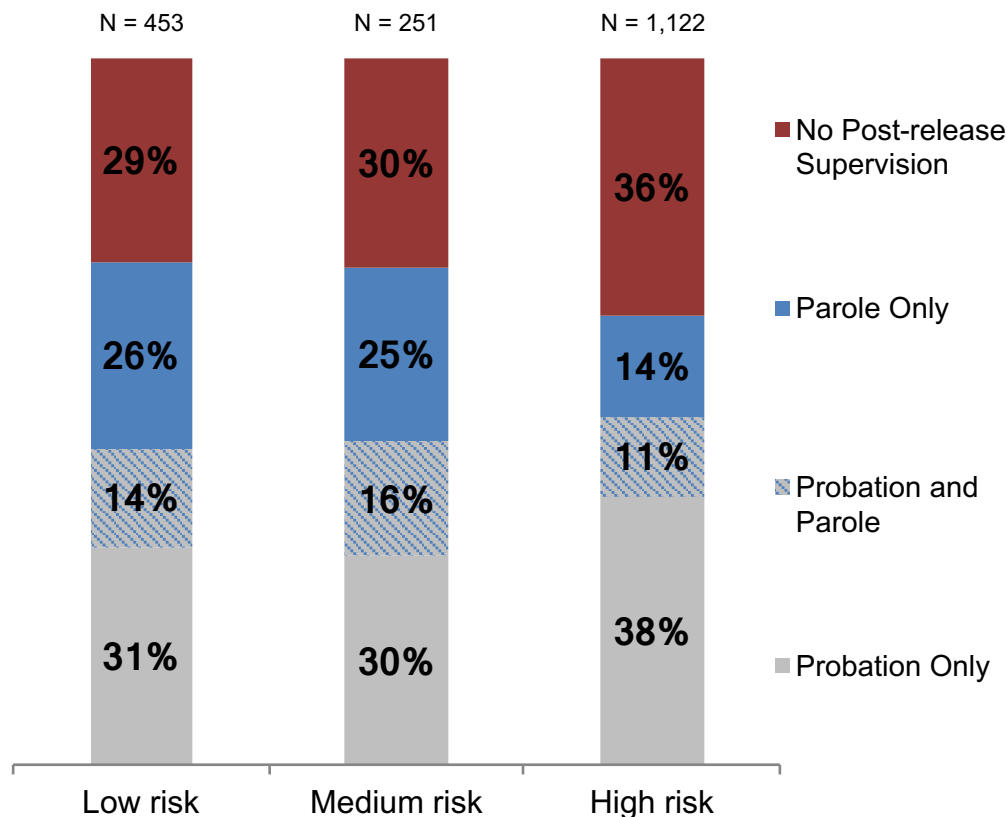
²Initial Classification Variables include: severity of current offense, severity of convictions within the last 4 years, history of escapes or attempts to escape, history of prior institutional violence within the last 7 years, age, education, & employment

³Housing difficulties range from waiting for a residential treatment bed to finding transitional housing for someone without a substance abuse problem.

People who pose a high risk of recidivism have the highest numbers and proportion of releases without supervision compared to other groups

FY2015 DOC RELEASES* TO THE COMMUNITY BY RISK** AND SUPERVISION STATUS

N = 1,826



Some of the state prison's highest-risk people leave with no post-release supervision.

The state's statutory definition of parole makes many high-risk people inappropriate candidates for parole release, but these people are also not sentenced to post-release probation.***

*County commitments housed at DOC are excluded. *Includes new commitments and parole violator releases.

**Includes risk at admission. Approximately 4% of releases did not have risk information available.

***Massachusetts General Laws Chapter 127, Section 130: No prisoner shall be granted a parole permit merely as a reward for good conduct. Permits shall be granted only if the board is of the opinion, that after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriated conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society.

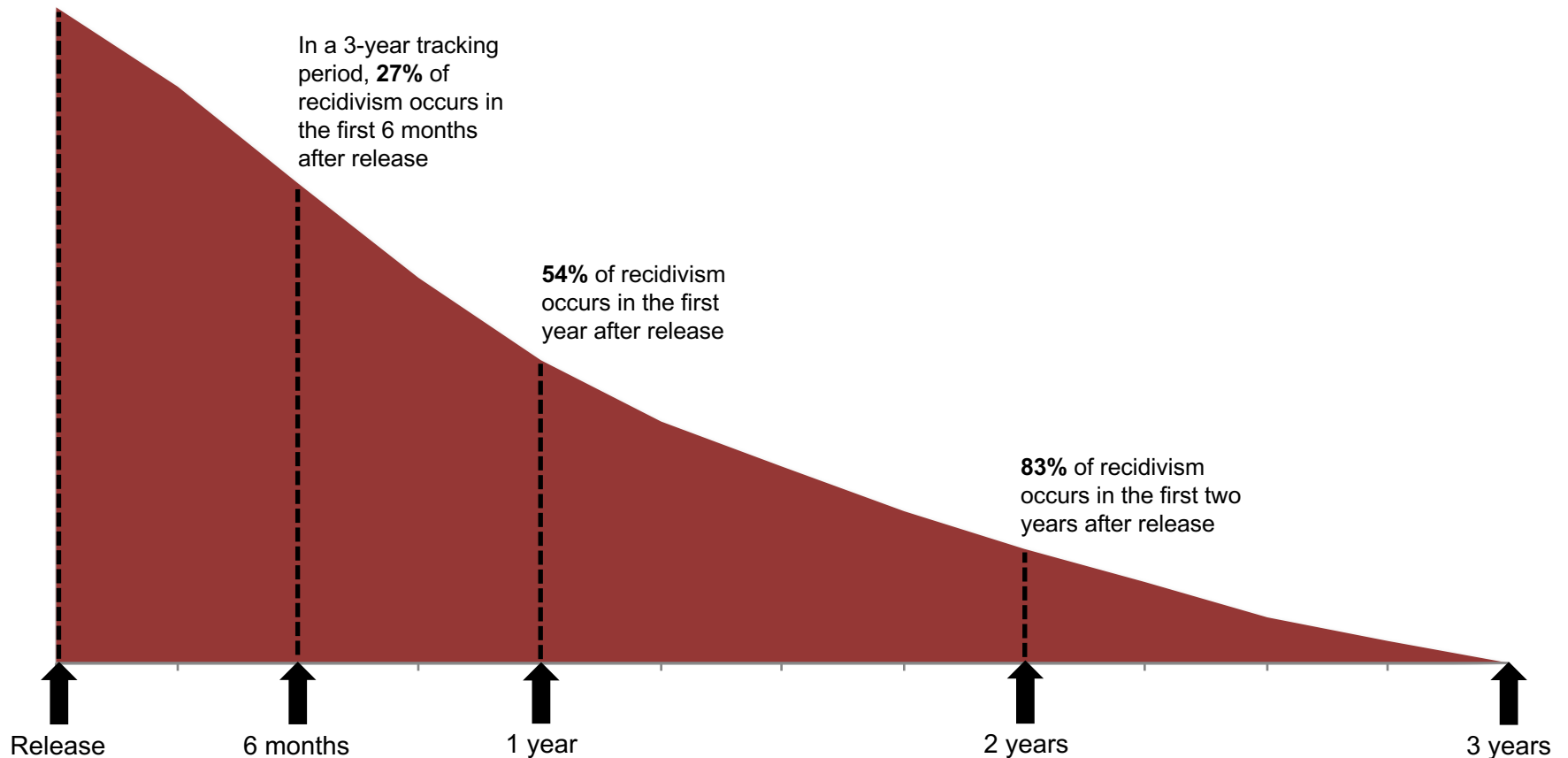
CSG Justice Center analysis of FY2015 DOC release data.

Most recidivism happens shortly after release from prison, making the first six months to a year a critical time in which to supervise people in the community

Time to Re-Arrest for DOC Recidivists

FY2011 Releases

DOC Release Recidivists N = 1,391



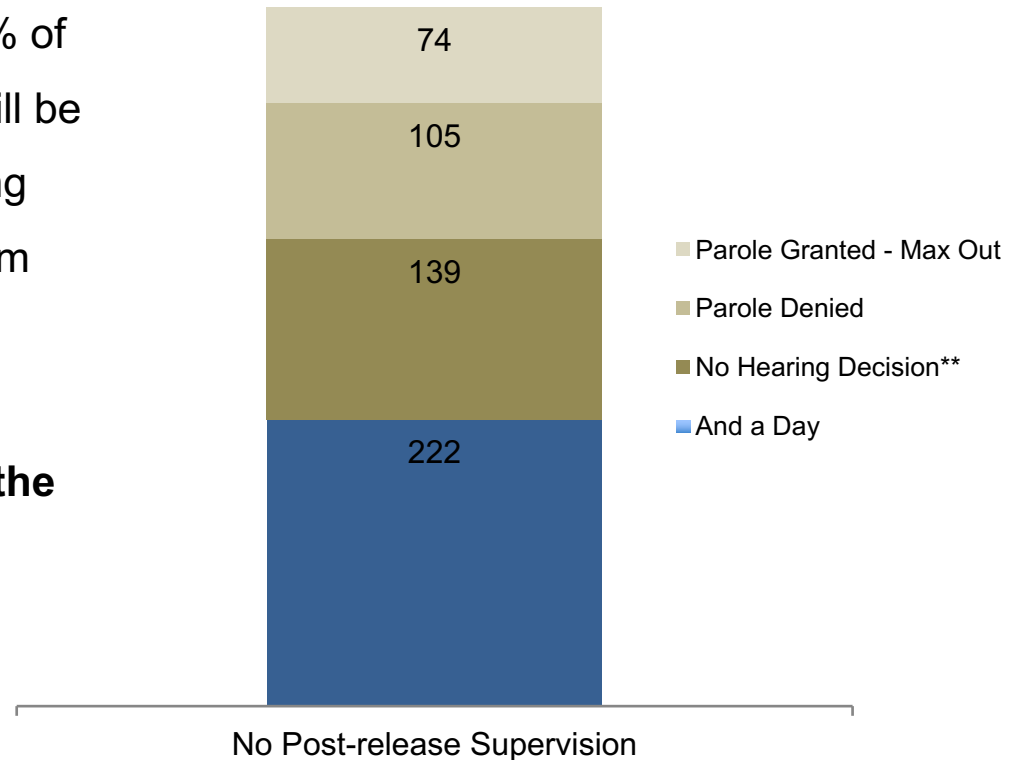
Changes to both sentencing structures and parole processes are necessary to address Massachusetts's max-out problem

It is not possible to ensure that 100% of people released from state prison will be supervised through either the existing sentencing structure or parole system alone.

Changes to both sentencing and the parole process would need to be made to address this challenge.

FY2015 DOC RELEASES WITHOUT SUPERVISION*

N = 540



*County commitments housed at DOC are excluded. Includes new court commitments only.

**Reasons for no hearing decision include waived or postponed hearing, action pending, put on next available list, split vote, and other reasons not seen. Both waivers and postponements are initiated by the parole-eligible person.

CSG Justice Center analysis of FY2015 DOC release data and Parole Hearing data.

KEY FINDINGS FROM DOC REENTRY ANALYSIS

- A sizable portion of people do not have access to recommended programming prior to their release from DOC.
- The drivers of release without supervision are a combination of sentencing and factors related to parole eligibility.
- People who pose the highest risk of recidivism have the lowest probability of post-release supervision.

Overview

01 Recap of Key Recidivism Measures in MA

02 What Works to Reduce Recidivism

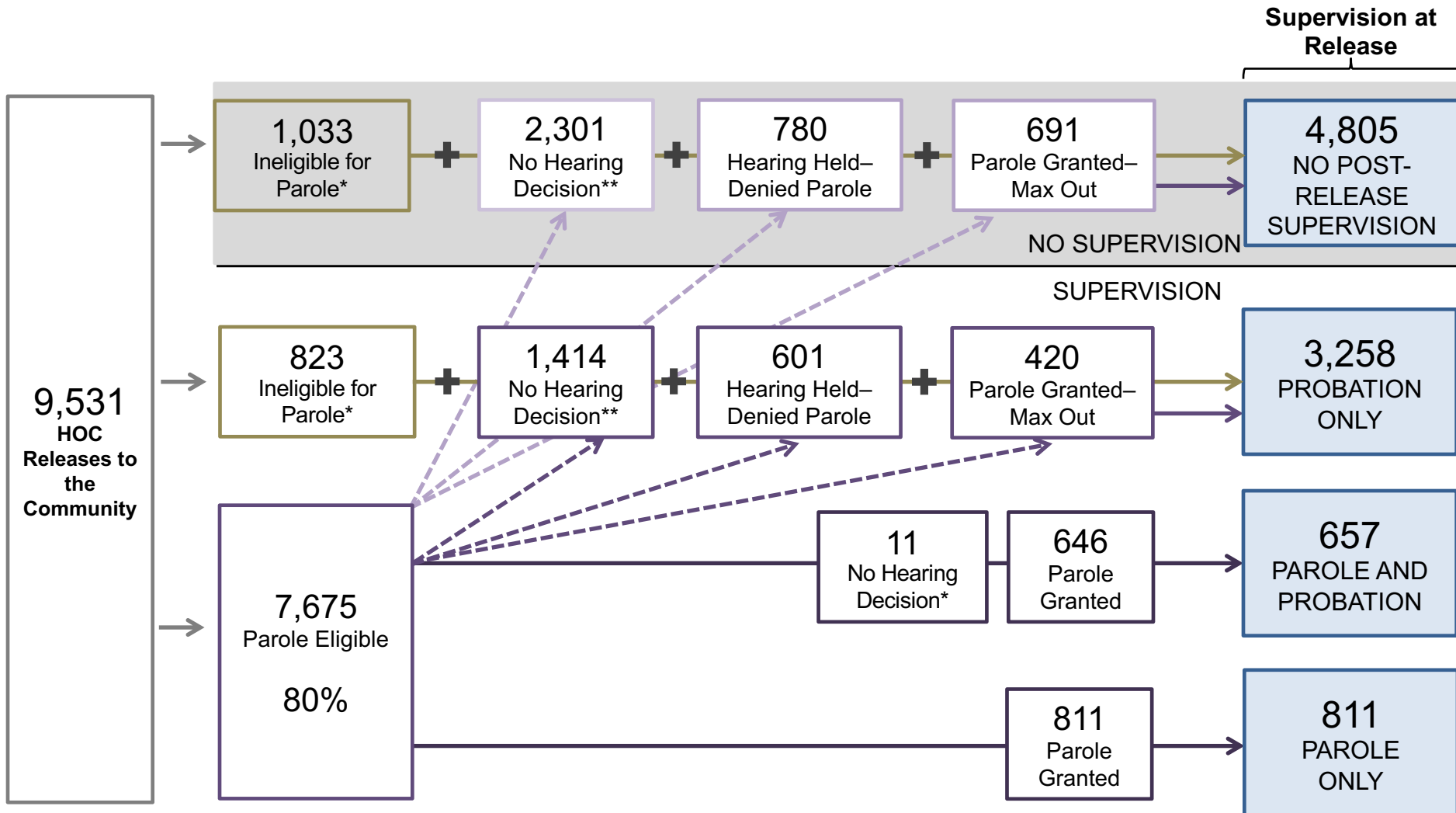
03 Recidivism Reduction for DOC Releases

04 Recidivism Reduction for HOC Releases

05 Next Steps



80 percent of HOC releases in Massachusetts are parole eligible, but only 19 percent of those people are released from HOCs to parole supervision



*Ineligible for parole includes sentences less than 60 days as well as certain mandatory minimum sentences. Split sentences and from and afters are included in all categories, but HOC SPIRIT parole data does not distinguish these sentence types.

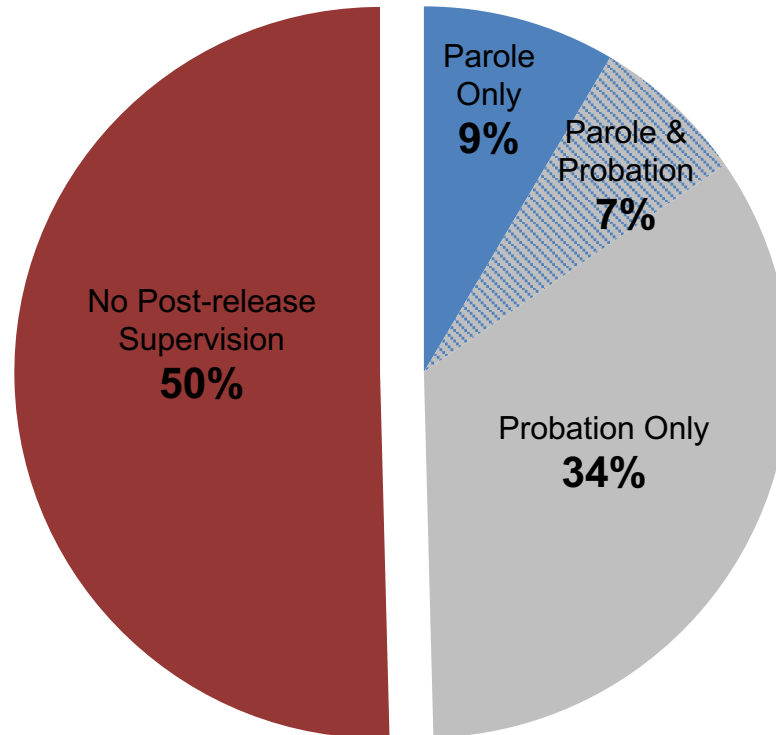
**Reasons for no hearing decision include waived or postponed hearing, action pending, put on next available list, split vote, and other reasons not seen. Both waivers and postponements are initiated by the parole-eligible person.

CSG Justice Center analysis of FY2015 Parole Board's SPIRIT HOC data and Parole Hearing data.

Ultimately, half of releases from HOCs do not have community supervision

**FY2015 HOC RELEASES TO THE COMMUNITY
BY SUPERVISION STATUS**

N = 9,531



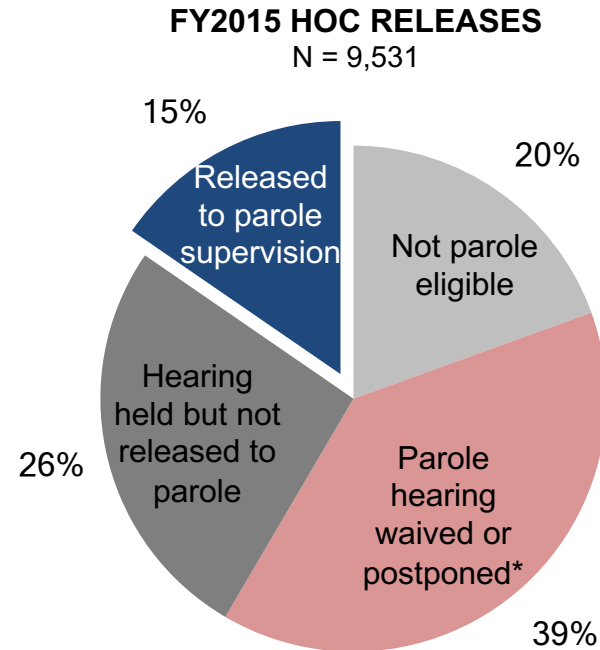
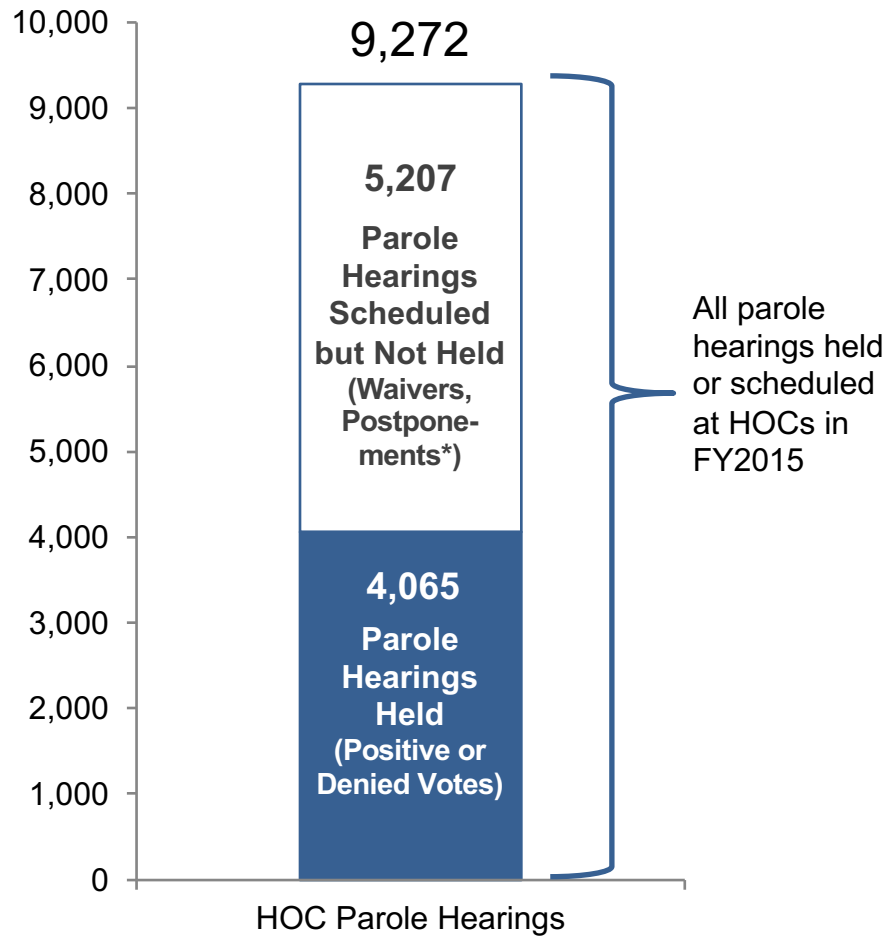
Not shown are people released to electronic monitoring (ELMO) under the Sheriff's authority. The number of people released to ELMO statewide is unknown, but county officials estimate it is relatively small in number.

CSG Justice Center analysis of FY2015 Parole Board's SPIRIT HOC data and Parole Hearings data.

There are few incentives for people in HOCs to pursue parole under the current sentencing structure

- Short sentences provide little incentive for people to pursue early release.
- People can earn time reductions on their sentence while incarcerated, but stop earning those reductions once released on parole.
- There are few motivations or opportunities to complete recidivism-reduction programming, delaying possible parole release.
- If someone is paroled, there is usually little time remaining on a sentence to be served in the community.

Current sentencing structures tax parole resources with thousands of parole hearings and thousands more that are scheduled, but never held



- Nearly half of the sentenced HOC population (46%) are parole eligible on any given day, yet only **15%** of HOC releases are on parole supervision
- Of people released from HOC, **39%** did not have a parole hearing due to waivers or postponements*

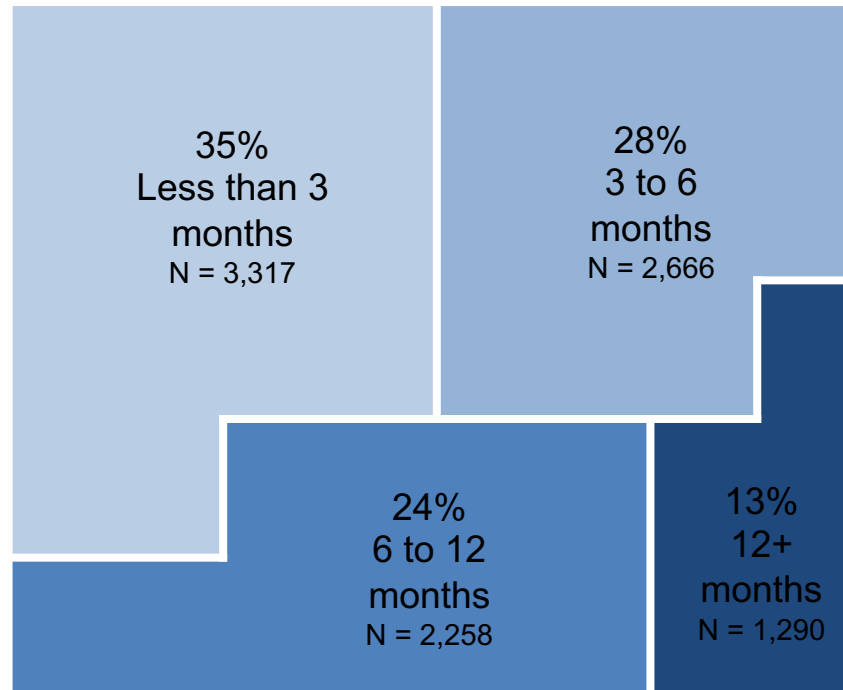
**Waivers and postponements also include action pending, PONAL, split vote, and other reasons not seen. Both waivers and postponements are initiated by the parole-eligible person.*

CSG Justice Center analysis of FY2015 Parole Board's SPIRIT HOC data and Parole Hearing data.

Sentences to HOC leave little opportunity to meaningfully engage people serving HOC sentences in recidivism-reduction programming

FY2015 HOC RELEASES TO THE COMMUNITY AVERAGE LENGTH OF STAY N = 9,531

People serving less than 3 months have little to no opportunity for programming intervention during incarceration. 54% are released to no supervision, and those released to parole have approximately 2.5 months to serve on parole.



People serving 3 to 6 months have some opportunity for programming intervention during incarceration. 48% are released to no supervision, and those released to parole have 4 months to serve on parole.

People serving 6 to 12 months have greater opportunity for programming intervention during incarceration. 49% are released to no supervision, and those released to parole have approximately 5.5 months to serve on parole.

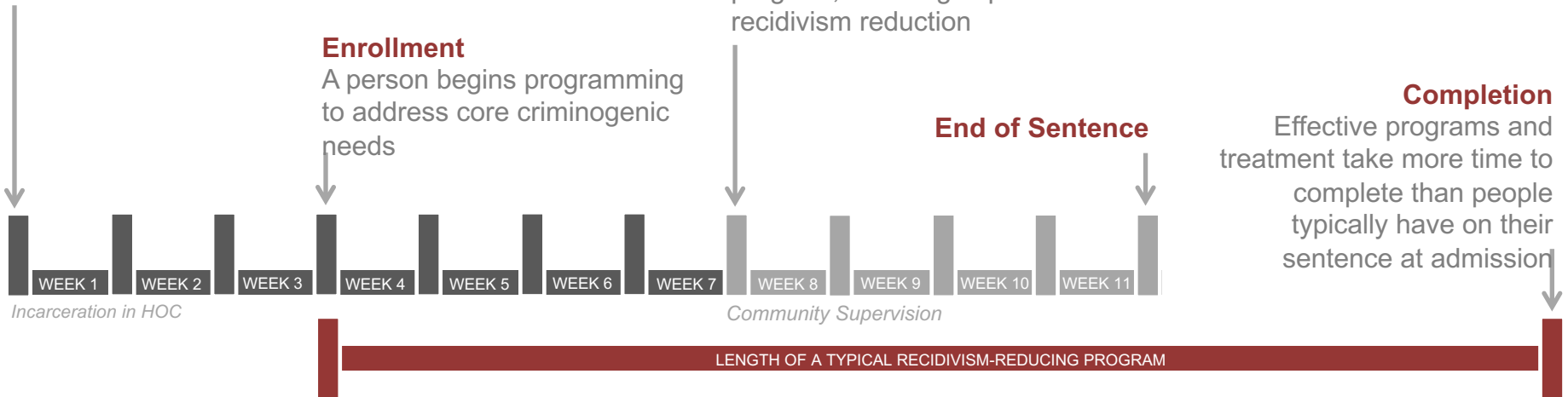
People serving 12 or more months have the greatest opportunity for programming intervention during incarceration. 48% are released to no supervision, and those released to parole have approximately 9 months to serve on parole.

People with short sentences may benefit most from brief programs that utilize cognitive-behavioral therapy (CBT) that prepare them for more targeted programs post release

TYPICAL SENTENCE COMPARED TO TYPICAL PROGRAM LENGTH

Admission

Most people do not enter programming immediately after admission—it often takes several weeks to complete assessments, orientation, and case planning



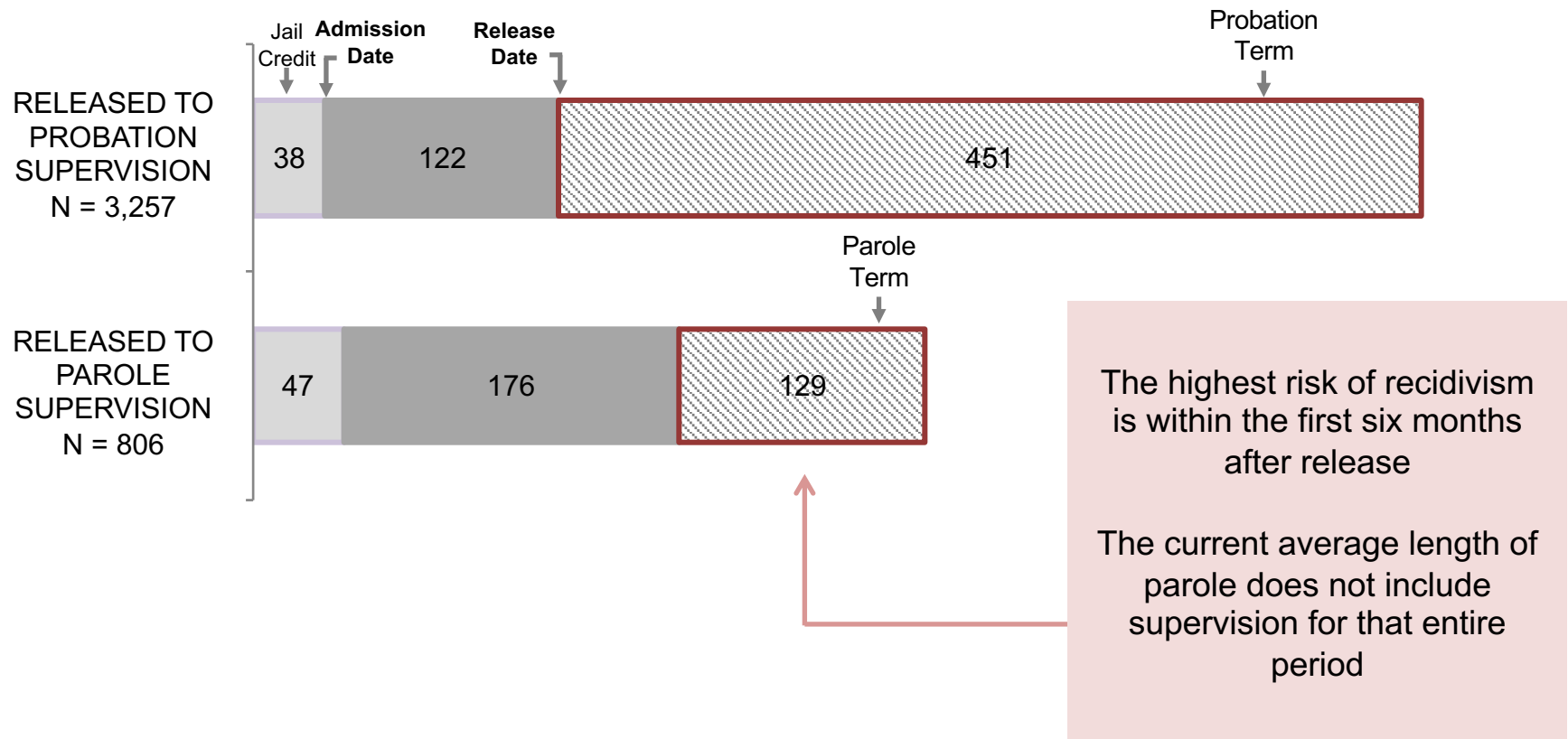
Research has shown that increasing sentence lengths in order to have better access to programming is an ineffective recidivism-reduction strategy.

Short, CBT-based curriculum can engage a general population and increase motivation for programming upon release.

Examples of typical recidivism-reduction programs include Thinking for a Change (T4C), which is offered in some HOCs and can range from 12 to 25 weeks, and the University of Cincinnati Cognitive Behavioral Interventions–Substance Abuse program that is 13 to 19 weeks long. High-risk people often require multiple programming tracks that might not be able to be taken concurrently.

Parole supervision following HOC sentences is too short to provide adequate public safety monitoring during the period of greatest risk of new criminal activity

FY2015 HOC RELEASES AVERAGE LENGTH OF STAY

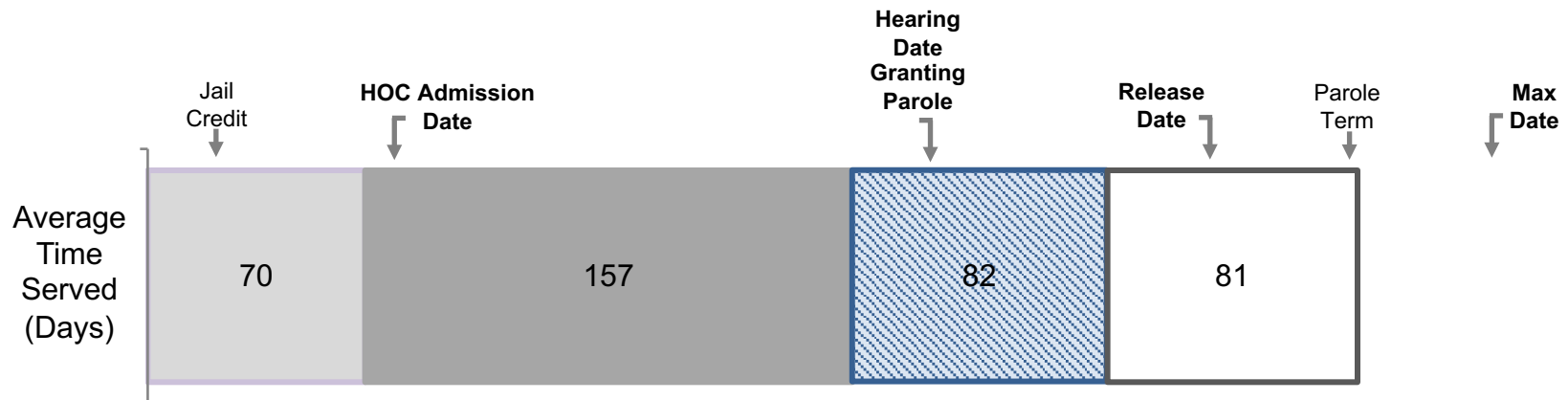


Release groups do not include dual supervision cases.
Probation/parole terms include the projected time on supervision, not the actual length of time served.
Probation terms are not strictly limited to split sentences and may include other cases.
CSG Justice Center analysis of FY2015 Parole Board's SPIRIT HOC and Parole Hearings data.

People granted parole from HOC spend approximately half of their possible parole time incarcerated

FY2015 HOC RELEASES GRANTED PAROLE

N = 2,563



Approximately **27%** of people granted a positive parole vote max out and are not released to parole supervision

Once a positive parole vote is received, people spend an average of **82 days** waiting before release

KEY FINDINGS FROM HOC REENTRY ANALYSIS

- A majority of HOC sentences are parole eligible, but few are released to parole supervision.
- There are few incentives for people serving HOC sentences to pursue parole under the current HOC sentencing structure.
- The combination of short incarceration stays and short periods of community supervision present challenges in delivering effective recidivism-reduction programming.

Overview

01 Recap of Key Recidivism Measures in MA

02 What Works to Reduce Recidivism

03 Recidivism Reduction for DOC Releases

04 Recidivism Reduction for HOC Releases

05 Next Steps



The next analysis will cover:

COMMUNITY SUPERVISION

- Evaluating probation and parole supervision
- Investigating accountability structures and the revocation process
- Assessing access to programming and treatment in the community

RACE AND DEMOGRAPHICS

- Descriptive analysis

Remaining justice reinvestment timeline

October	November	December	January
WORKING GROUP MEETING #4: HOC & DOC REENTRY PROCESSES	WORKING GROUP MEETING #5: COMMUNITY SUPERVISION, RACE	WORKING GROUP MEETING #6: POLICY FRAMEWORK & IMPACT PROJECTIONS	<i>2017 Session Begins</i> <div>FINAL REPORT RELEASED BILL INTRODUCED</div>

Thank You

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