



CSG JUSTICE CENTER–MASSACHUSETTS CRIMINAL JUSTICE REVIEW

Working Group Meeting 6 Interim Report on Race, December 21, 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.



OVERVIEW

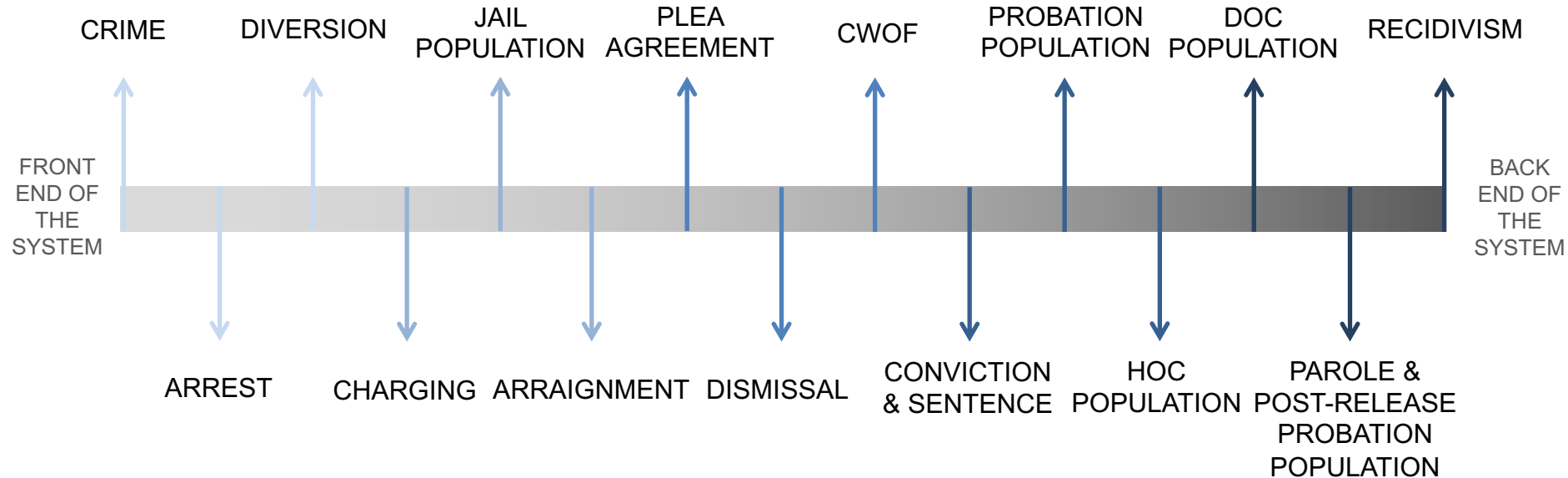
01

Data Considerations

02

Key Areas of Interest

Data points across a number of populations and pivot points in the criminal justice system are necessary to understand the impact of policies and practice



Data is often more complete at the back end of a criminal justice system than the front end. However, the volume at the front end is much larger, and small shifts in practice can have large impacts as the criminal justice funnel narrows.

However, not all Massachusetts data on race is collected or compiled in a format that can be analyzed

CATEGORY OF DATA	RACE DATA IS COLLECTED	DATA IN FORMAT THAT CAN BE ANALYZED	DATA RECEIVED BY CSG
Crime	✗	✗	✗
Arrest	—	—	✗
Diversion	—	✗	✗
Charging information	—	✗	✗
Jail population	—	—	—
Arraignment	✓	—	—
Plea agreement	—	✗	✗
Dismissal	✓	—	✗
CWOF	✓	—	—
Conviction & Sentence	✓	✓	✓
Probation population	—	—	—
HOC population	—	—	—
DOC population	✓	✓	✓
Parole population	✓	✓	✓
Recidivism	✓	✓	✓

✗ DATA NOT AVAILABLE

— DATA AVAILABLE IN LIMITED INSTANCES, TIME PERIODS, AND/OR JURISDICTIONS

✓ DATA AVAILABLE

Like most jurisdictions, Massachusetts must make improvements in data collection and reporting to expand the potential scope of future analysis on race

Data recommendations:

- Greater data collection and availability of data at the front end of the system
- System-wide standards on how race information is collected (e.g., self-reported) and defined (e.g., race vs. ethnicity)
- Unique personal identification number assigned at arrest for greater tracking ability across systems*

**Currently the court assigns a personal identification number at arraignment. The personal identification number is not always available or easily accessible in county data systems.*

The justice reinvestment analysis could develop descriptive analyses by race, but further analysis is needed to answer why overrepresentation exists

Analyses Included:

Overview of areas identified through the justice reinvestment process that warrant further analysis on the impact of policy and practice on race

Methodology:

This analysis provides descriptive information (proportions of populations and rates of certain outcomes) of the adult criminal justice system using data collected on race.

Analysis not included:

This analysis does not explain *why* there is overrepresentation of certain groups. To get to the *why*, a probability analysis is needed to fill in the gaps between the general population, rates of criminal offending, arrests, and beyond.



OVERVIEW

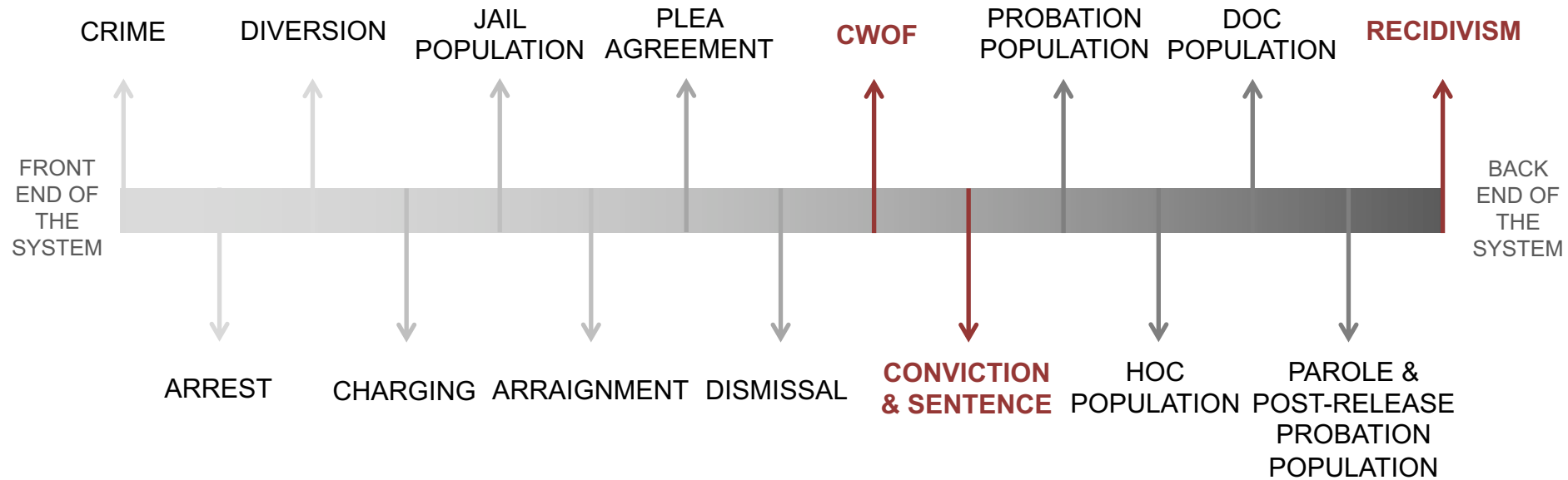
01

Data Considerations

02

Key Areas of Interest

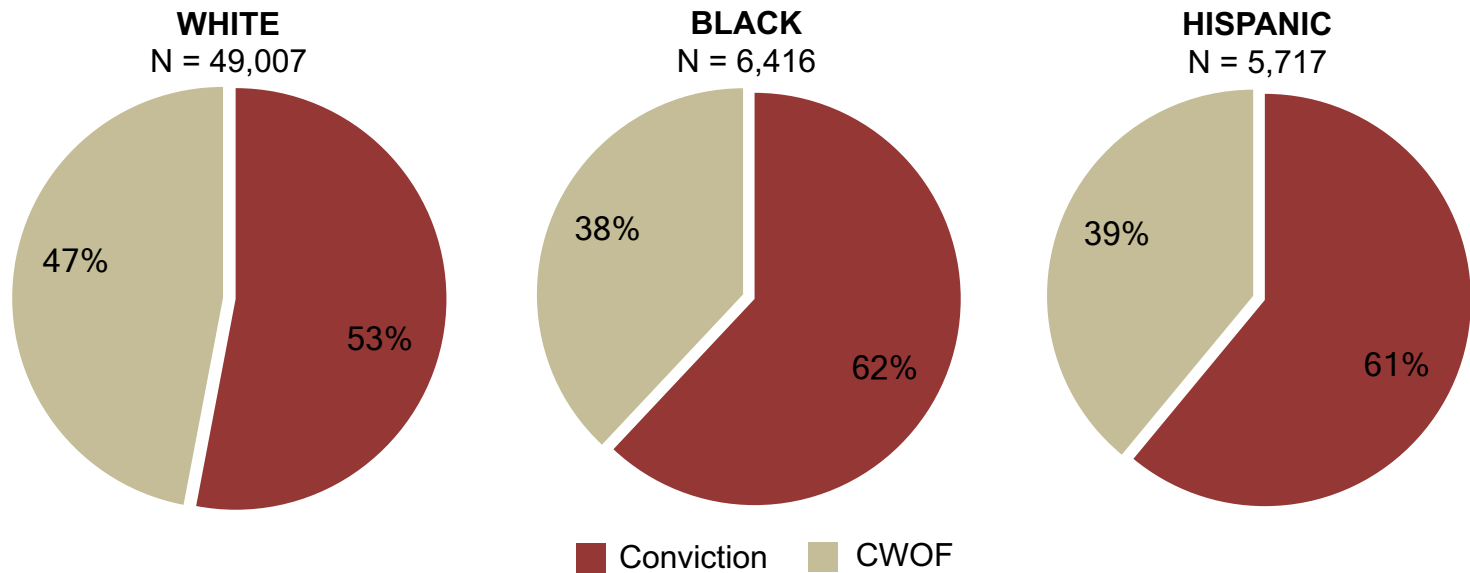
Through analysis of existing and available criminal justice data, three focal points emerged as areas for further inquiry around race



Analysis of CWOFF and conviction data shows that a larger portion of black and Hispanic people received convictions than white people

PERCENT OF CONVICTIONS AND CWOFFS OUT OF TOTAL NON-DISMISSAL DISPOSITIONS

N = 68,629



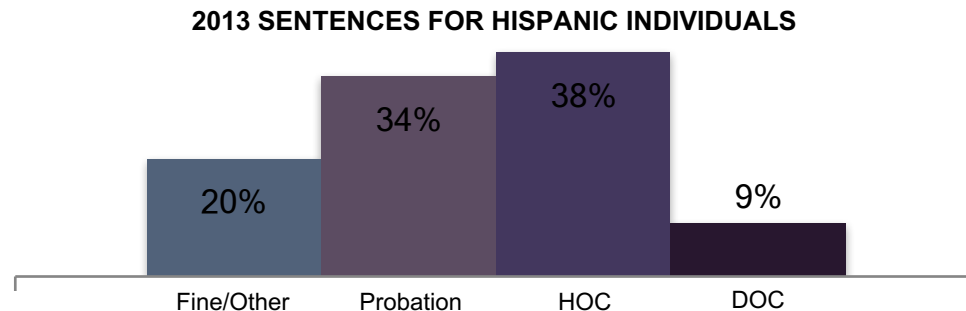
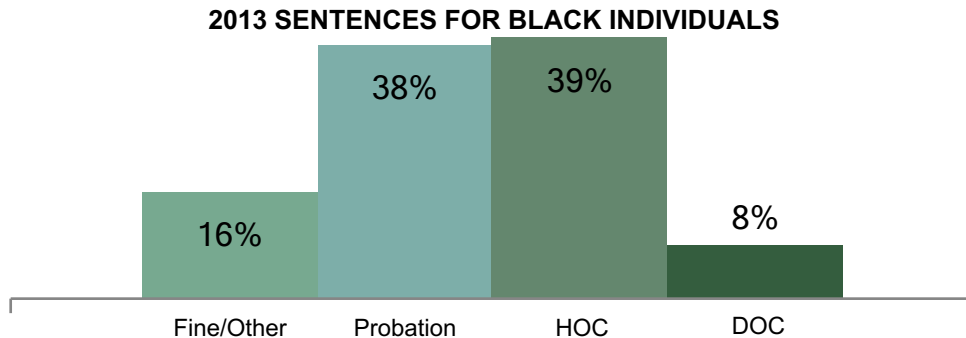
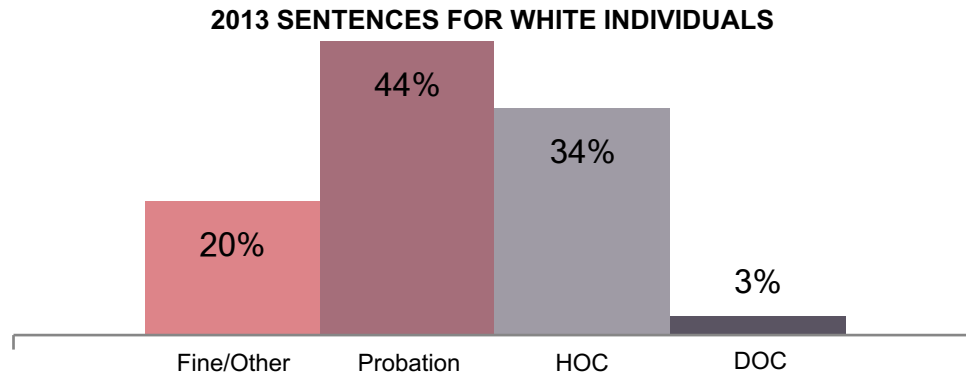
The cause of this disproportionality is unclear.

There may be differences in the type or severity of initial offense, extent of criminal history, statutory preferences or restrictions on use of CWOFFS, different rates of dismissals, or differences in decision-making processes that contribute to these outcomes.

The Justice Center received CWOFF information only for 2014 and sentencing information through 2013. This information allowed for review of some high-level analysis, but not analysis detailed enough to adequately identify disparity. CWOFFs and convictions include both felony and misdemeanor dispositions. Complete dismissal information was not available for analysis and is therefore excluded from these charts.

CSG Justice Center analyses of 2013 and 2014 CARI sentencing data.

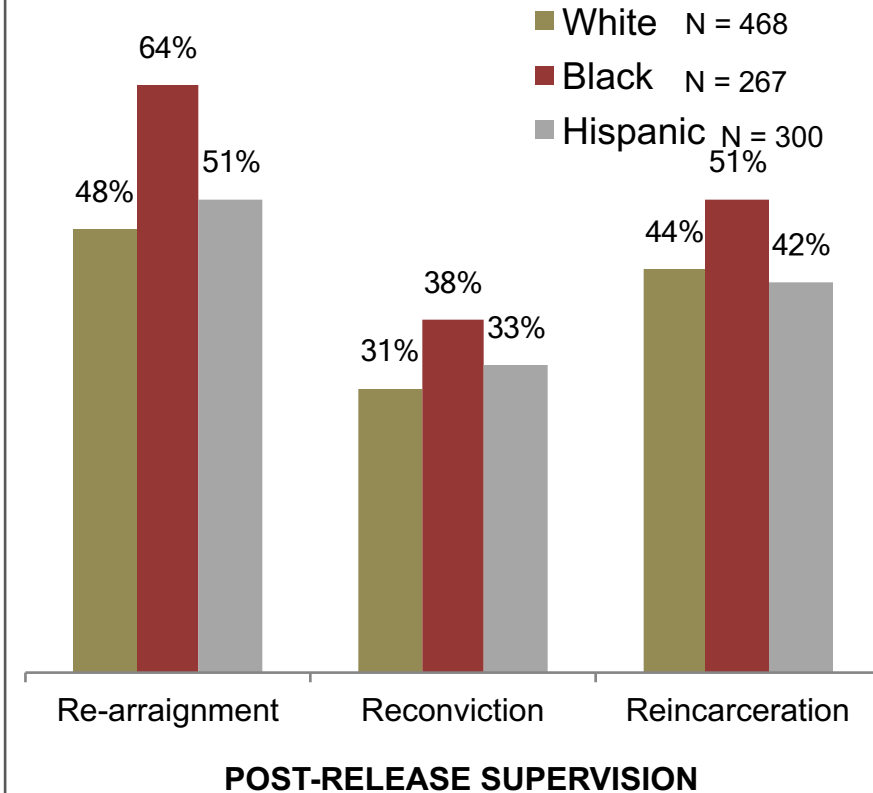
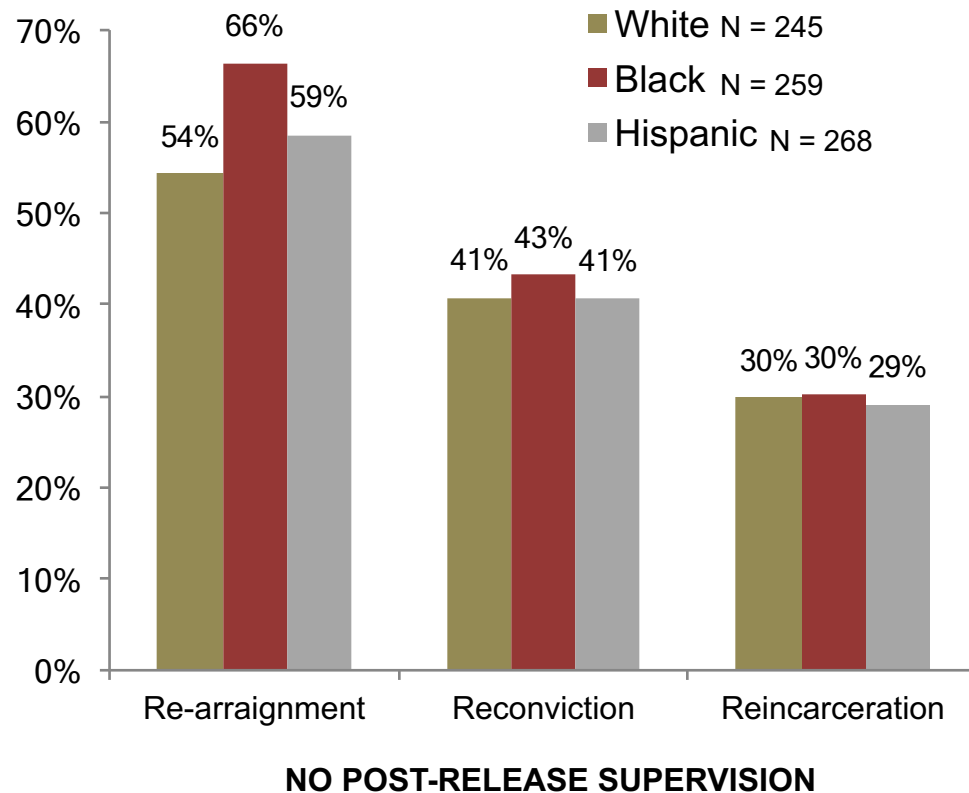
Analysis of sentencing data shows that a larger portion of black and Hispanic people were sentenced to incarceration than white people



Similar to the CWOFF analysis, the cause of disproportionality in sentencing is unclear.

Black people released from DOC returned to the criminal justice system at a higher rate than other groups, whether they were supervised or not

**THREE-YEAR RECIDIVISM, FY2011 DOC RELEASES
STATE PRISON ONLY**



On average, the black probation population had a higher rate of prior revocations for a technical violation

It is not possible to determine the drivers of this difference in technical revocations with existing data.

In order to ensure that practices do not contribute to disproportionality:

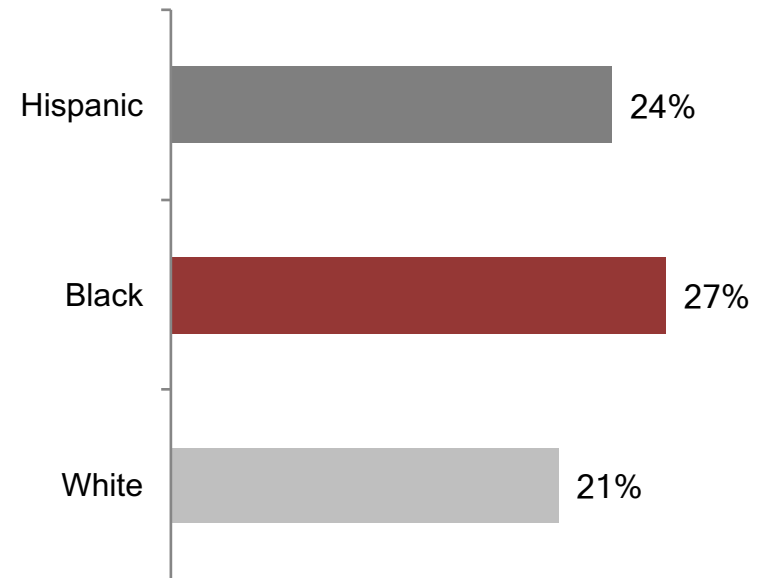
Risk assessment tools must be validated by race/gender

Screening for the health and criminogenic needs of people leaving incarceration must adequately identify needs across races

Approaches to supervision must be culturally responsive

PRIOR REVOCATIONS FOR TECHNICAL VIOLATION AS AN ADULT*

Active Population on Risk/Need Probation

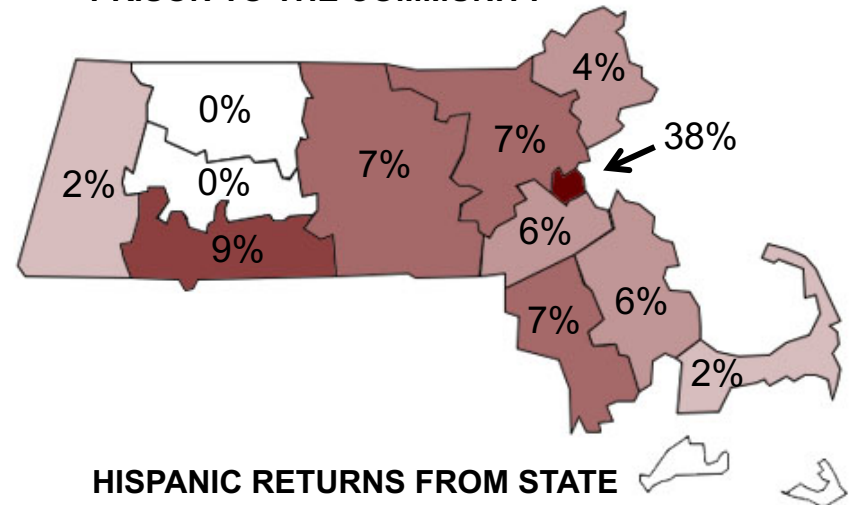


**As reported on ORAS questionnaire*

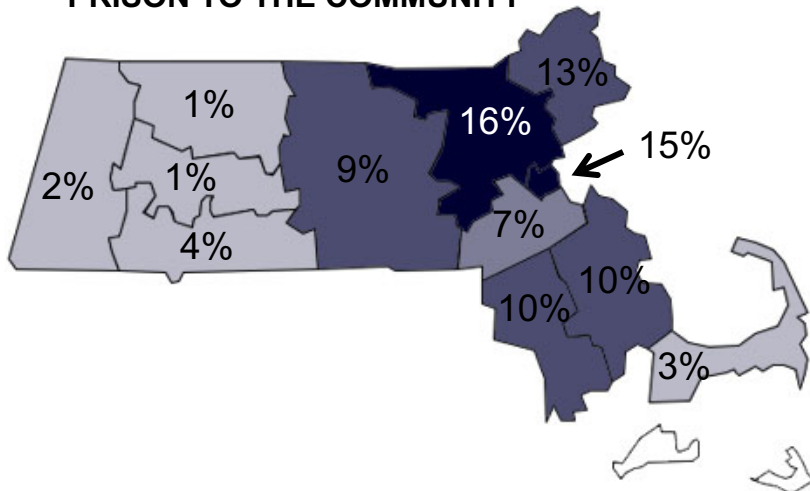
Support in the community post-release can also impact recidivism rates

Black and Hispanic populations returning to the community from DOC tend to return to different counties than the white population. In order to ensure equitable access to post-release services and supports, investments must be made in each of these communities to reduce recidivism.

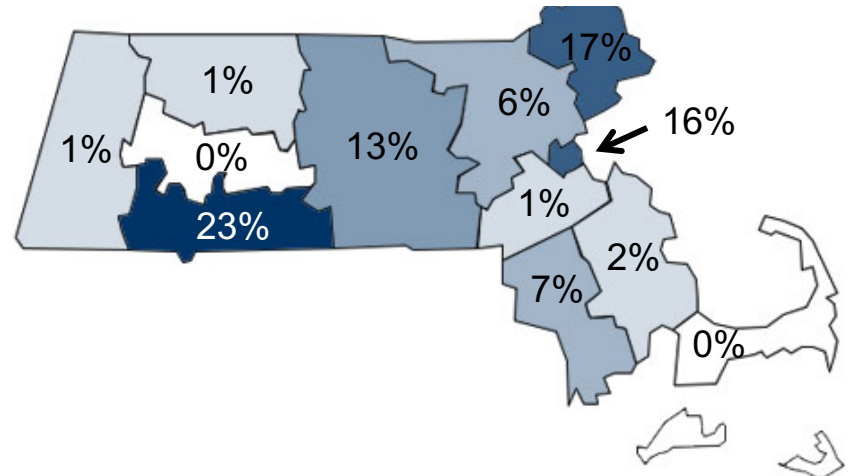
BLACK RETURNS FROM STATE PRISON TO THE COMMUNITY



WHITE RETURNS FROM STATE PRISON TO THE COMMUNITY



HISPANIC RETURNS FROM STATE PRISON TO THE COMMUNITY



Further study is needed to understand the causes of disproportionality in the Massachusetts criminal justice system



Harvard Law School's Criminal Justice Policy Program, in collaboration with the Massachusetts Judicial Court, agreed in October 2016 to embark on a racial disparity study on sentencing in the adult criminal justice system.

CSG Justice Center is working to provide Harvard Law School with an understanding of the state's existing data systems and the criminal justice landscape, as well as the areas of justice reinvestment descriptive analysis that can benefit from a probability analysis to help fill in gaps that exist.

Harvard will begin their study in early 2017.

This study provides a unique opportunity to better understand the impact of race on criminal justice system outcomes. However, a comprehensive, full-system assessment is necessary to yield conclusive results.

Thank You

Cassondra Warney, Policy Analyst
cwarney@csg.org

To receive monthly updates about all states engaged with justice reinvestment initiatives as well as other CSG Justice Center programs, sign up at:

csgjusticecenter.org/subscribe

This material was prepared for the State of Massachusetts. The presentation was developed by members of The Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of The Council of State Governments, or the funding agency supporting the work.



This project was supported by Grant No. 2013-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.