

CSG Justice Center—Massachusetts Criminal Justice Review

Working Group Meeting 2

Key statutory frameworks, sentencing policies, and practices that impact incarceration and community supervision in Massachusetts

April 12, 2016

The Council of State Governments Justice Center

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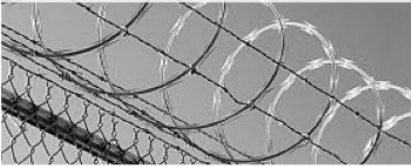
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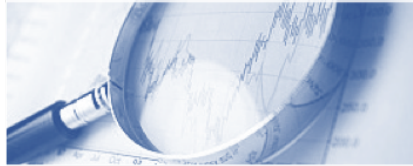
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The Council of State Governments Justice Center

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**

State leaders are demonstrating bipartisan support for Massachusetts's justice reinvestment approach

Massachusetts Criminal Justice Review—Working Group First Meeting, January 12, 2016



Senate President Rosenberg

“Through collaboration between the working group and CSG, we will identify policies for Massachusetts to make smart reforms to reduce recidivism rates, lower costs, and invest in reentry programs.”

House Speaker DeLeo

“By using a data-driven analysis, with the input of the appointees, we will ensure that our policies help reduce recidivism and incarceration rates, are cost-effective, and are structured in a way that best serves the citizens of the commonwealth.”

Chief Justice Gants

“I welcome the opportunity to . . . pursue our common goal of enhancing public safety by reducing the rate of recidivism and the rate of incarceration.”

Governor Baker

“This group of distinguished individuals with backgrounds in criminal justice and law enforcement will serve the commonwealth well in our endeavor with the Council of State Governments to further reform and improve the judicial process and reduce recidivism and incarceration rates.”

Source: “State Leaders Request Independent Review of Criminal Justice System,” www.stanrosenberg.com/Independent-Review-Criminal-Justice-System, and “State Leaders Announce Working Group for Review of Criminal Justice System” www.mass.gov/governor/press-office/press-releases/fy2016/leaders-announce-criminal-justice-system-working-group.html

The first working group meeting identified a three-part scope of work for the project



Incarceration

Massachusetts's incarcerated populations are divided in half between county and state facilities

HOC populations have driven overall decline in incarceration

Trends in jail populations differ across counties



Recidivism

Few recidivism measures are routinely calculated and reported in MA

Recidivism for prison releases has remained at around 40%

Use of risk and needs assessments are fundamental to effective recidivism-reduction strategies



Supervision

Community supervision serves approximately 3/4 of the criminal justice population in MA

Probation has consistently been relied upon for post-release supervision from incarceration

Two out of five prison releases are released to no supervision

Glossary of terms used in this presentation

Disposition—Post-arraignment court appearance with the outcome of a guilty or not guilty finding, or Continuance Without a Finding (CWOFF)

Conviction—A type of disposition resulting in a guilty finding either through a plea deal, trial, or the revocation of a CWOFF disposition

Sentence—The outcome of a conviction; options include a fine, probation, or sentence to House of Correction (HOC) or Department of Correction (state prison)

Probation Sentence—Includes straight and suspended probation sentences; does not include CWOFFs

Sentencing Event—Unit of sentencing data analysis, representing the event at which a charge, or group of charges, reaches conviction; the outcome of a sentencing event is defined using the following hierarchy: life sentence, state prison sentence, HOC sentence, HOC/split sentence, probation sentence, and fine

Governing Offense—The single charge associated with a sentencing event; if there are multiple charges, the governing offense is categorized by the most serious charge based on a prioritized scale

District Court—Jurisdiction over misdemeanor and felony cases with sentencing options to HOC up to 30 months, probation, fine, or other pre-conviction dispositions; includes Boston Municipal Court

Superior Court—Jurisdiction over misdemeanor and felony cases with all sentencing options available

Definitions of offense categories used in this analysis are drawn from the Sentencing Commission's annual Survey of Sentencing Practices

- Motor Vehicle**
- Operating with suspended license (OSL)
 - Operating under the influence (OUI)
 - OSL after OUI
 - Leaving the scene
 - Insurance violation
 - Reckless/negligent driving
 - MV homicide

- Person**
- Assault & Battery (A&B)
 - Robbery/armed
 - Homicide
 - Manslaughter
 - A&B deadly weapon
 - Intimidation
 - Kidnapping
 - Stalking
 - Threats

- Property**
- Larceny
 - Larceny from a person
 - Shoplifting
 - Receiving Stolen Goods
 - Burglary/armed
 - Breaking & entering
 - Vandalism/destruction of property
 - Forgery/fraud

- Other**
- Disorderly conduct
 - Trespassing
 - Resisting arrest
 - Escape
 - Prostitution
 - Indecent exposure
 - Sex offender registration violation
 - Attempt to commit crime, accessory, or conspiracy
 - Disturbing the peace
 - Minor in possession of alcohol
 - Procuring alcohol for a minor
 - Open container
 - True name violation
 - False alarm
 - Cruelty to animals

- Drug**
- Possession
 - Distribution (includes possession with intent to distribute)
 - Drug paraphernalia
 - Forged prescription
 - Trafficking
 - Controlled substance at school

- Weapons**
- Firearm possession without a permit
 - Carrying dangerous weapon
 - Bartley-Fox mandatory sentence

- Violent sex offense**
- Indecent assault & battery
 - Rape
 - Statutory rape
 - Possession child pornography

Source: Massachusetts Office of the Trial Courts, *Massachusetts Annual Survey of Sentencing Practices*

Presentation Overview



System Overview

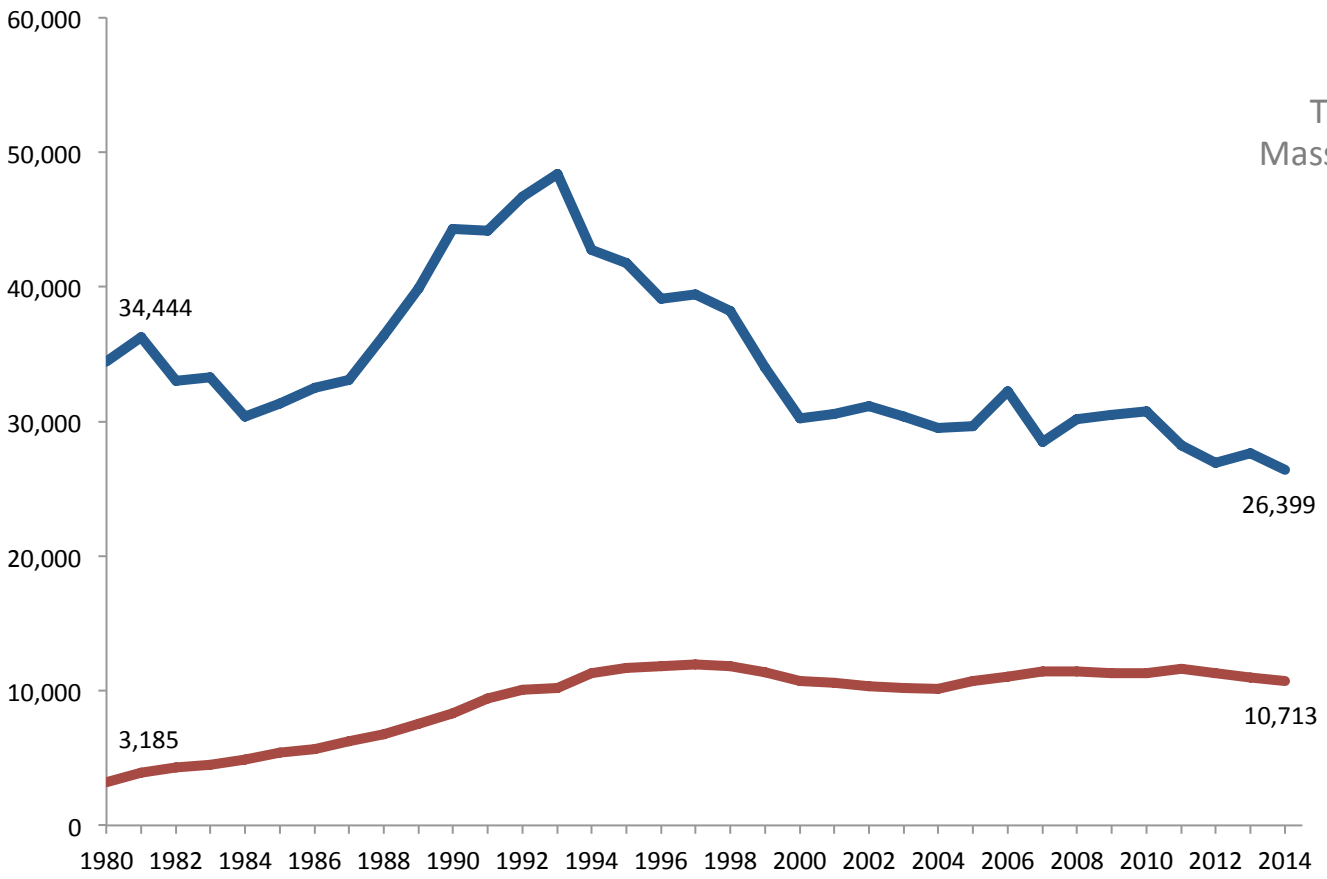
Executive Summary

Key Statutes, Policies, and Practices

Summary of Findings and Next Steps

Between 1980 and 2014, although violent crime fell 26 percent, the DOC population spiked 236 percent

State Prison Jurisdictional Population and FBI UCR Reported Violent Crimes, 1980–2014



The resident population in Massachusetts increased 14% between 1980 and 2010.

-26%

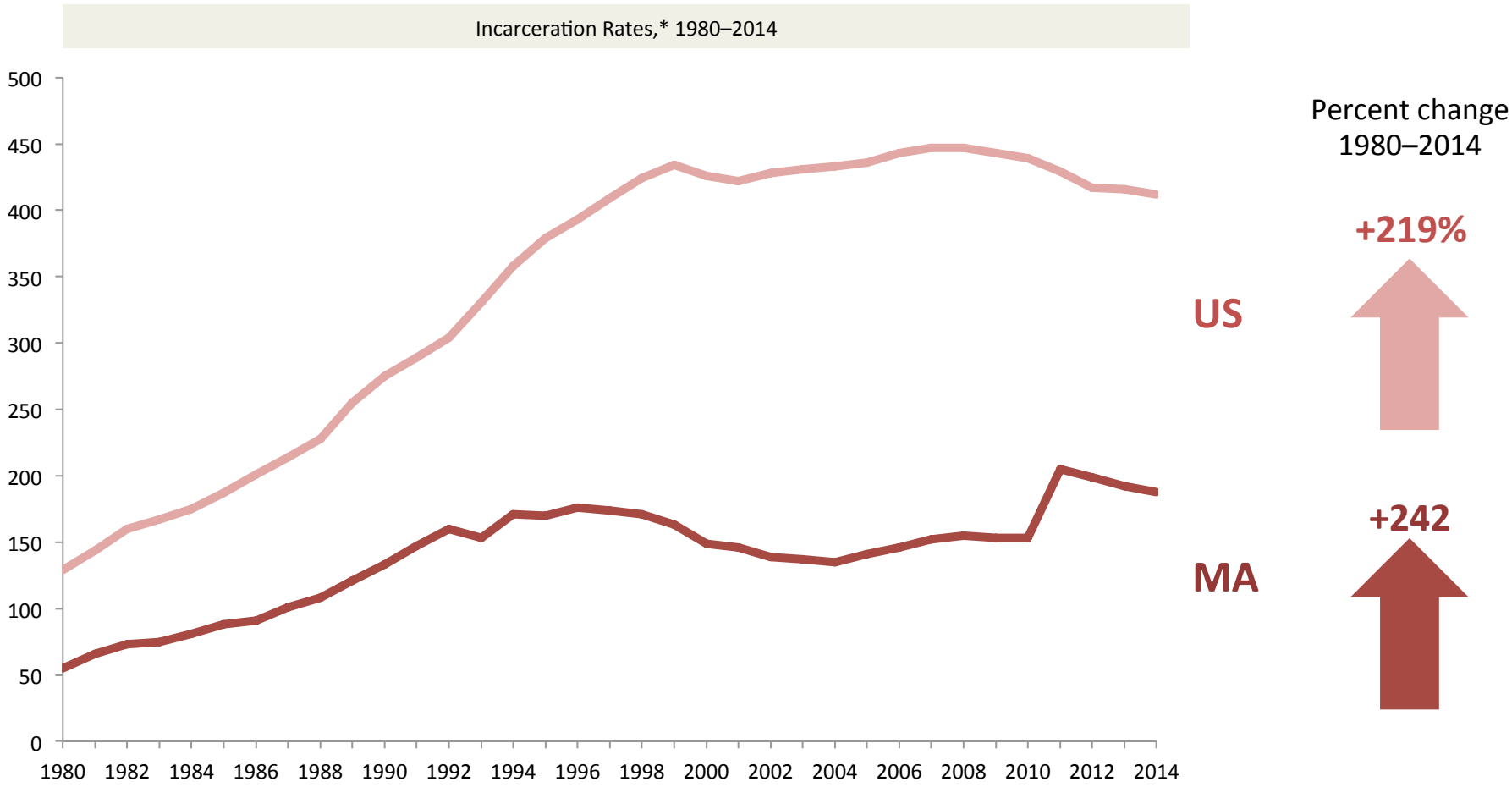
Violent Crimes

+236%

DOC pop.

Sources: Bureau of Justice Statistics. Count of Total Jurisdiction Population. Generated using the Corrections Statistical Analysis Tool at www.bjs.gov. State prison Jurisdictional population includes criminal jurisdictional cases, including people awaiting trial. This does not include the HOC population.

Although Massachusetts's incarceration rate is below the national rate, it has increased at a faster rate



*Incarceration rate reported by BJS includes felony populations sentenced to state prison or HOCs with a sentence greater than 1 year.

Sources: Bureau of Justice Statistics. *Imprisonment Rate of Sentenced Prisoners Under the Jurisdiction of State of Federal Correctional Authorities per 100,000 residents, December 31, 1978-2014*). Generated using the Corrections Statistical Analysis Tool at www.bjs.gov.

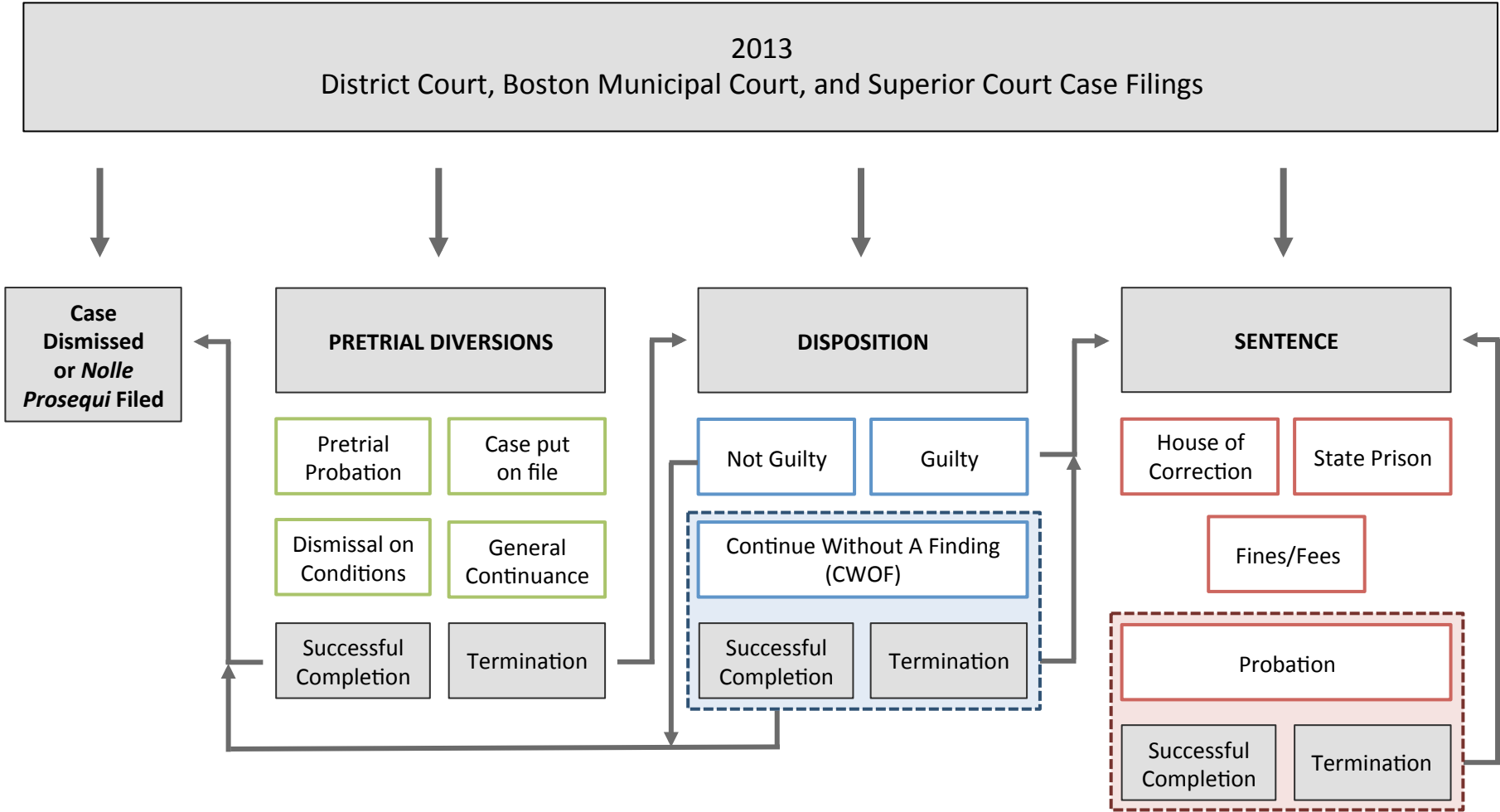
Each year the state spends over one billion dollars on incarceration in state- or county-operated facilities



Approximately half of the incarcerated population is serving time in state prison, the other half in HOC and jails.

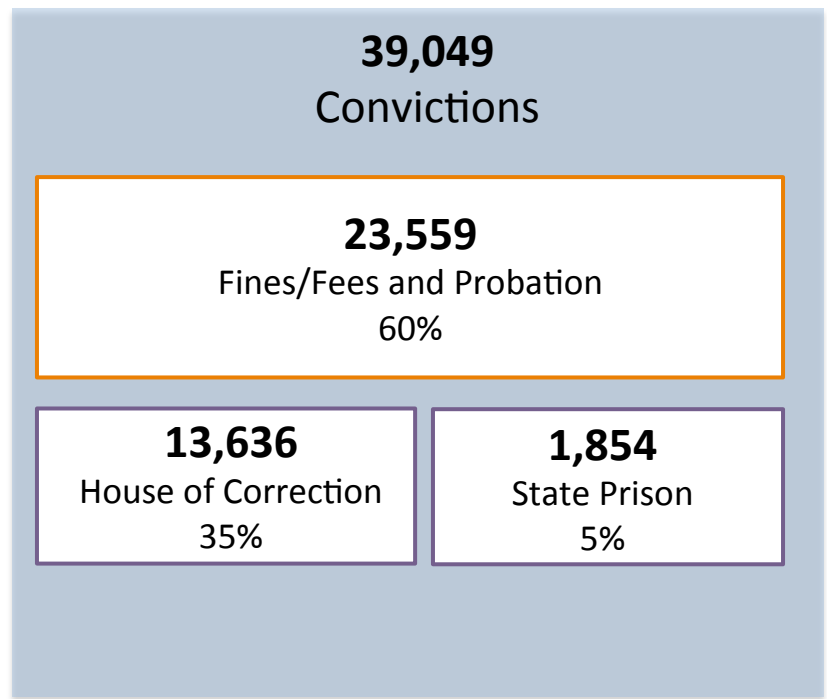
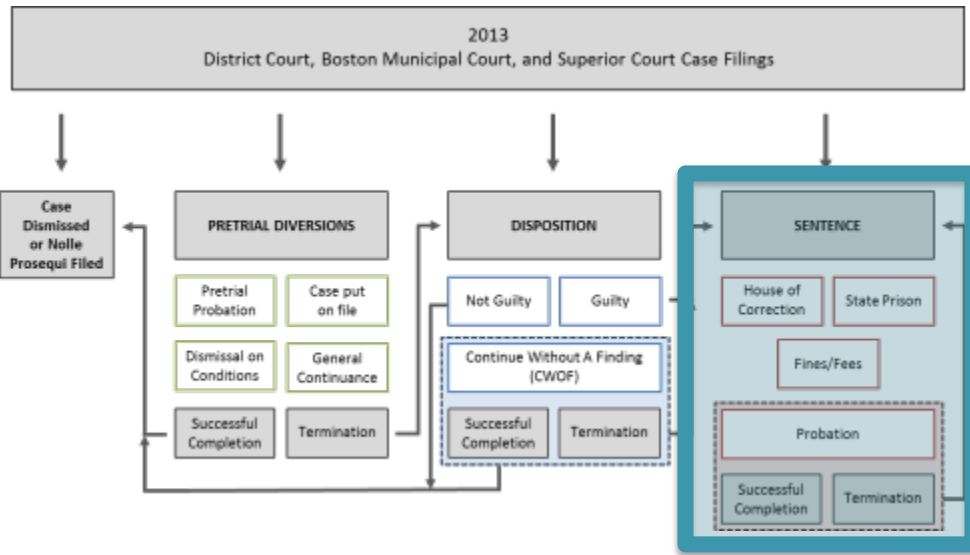
\$1.1 BILLION
TOTAL SPENDING ON INCARCERATION

Many opportunities exist to resolve a case before sentencing



Source: Massachusetts Executive Office of the Trial Court, FY2014 Annual Report.

In 2013, 39,049 criminal dockets concluded in conviction and sentencing

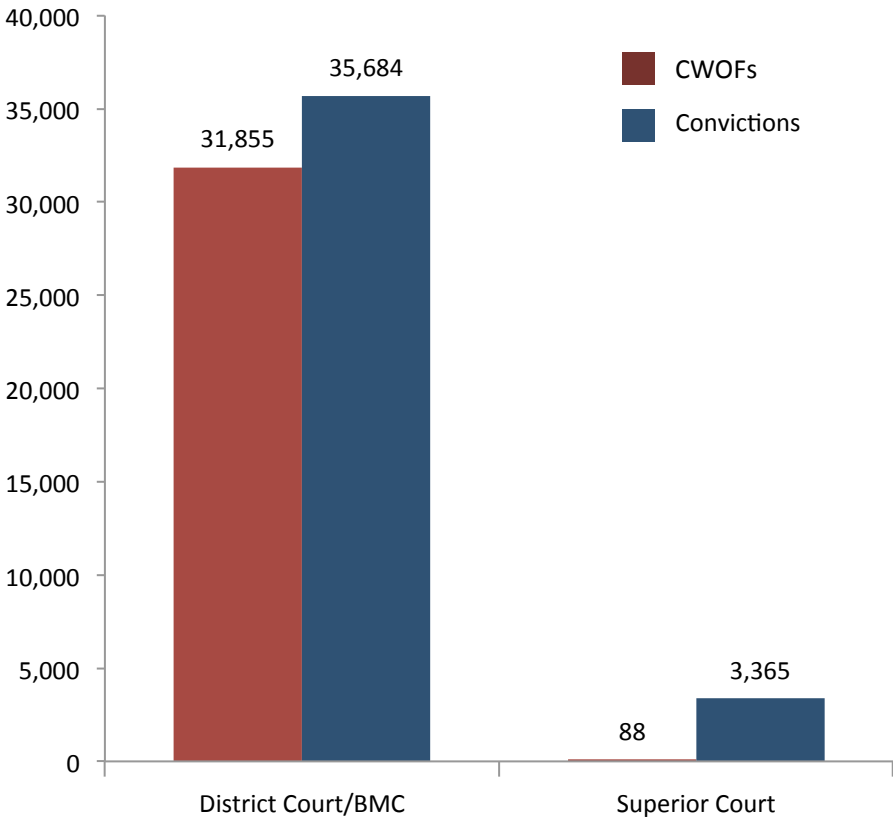


In 2013, there were 221,715 total case filings in the District Court, Boston Municipal Court, and Superior Court. A single case, or group of cases, may be associated with a single conviction.

Source: Massachusetts Executive Office of the Trial Court, FY2014 Annual Report.

There are nearly as many CWOFF dispositions as criminal convictions in Massachusetts

2013 Convictions and 2014 CWOFFs by Court*



A majority of CWOFFs are from District Court or the Boston Municipal Court

RATIO OF CWOFFs TO CONVICTIONS:

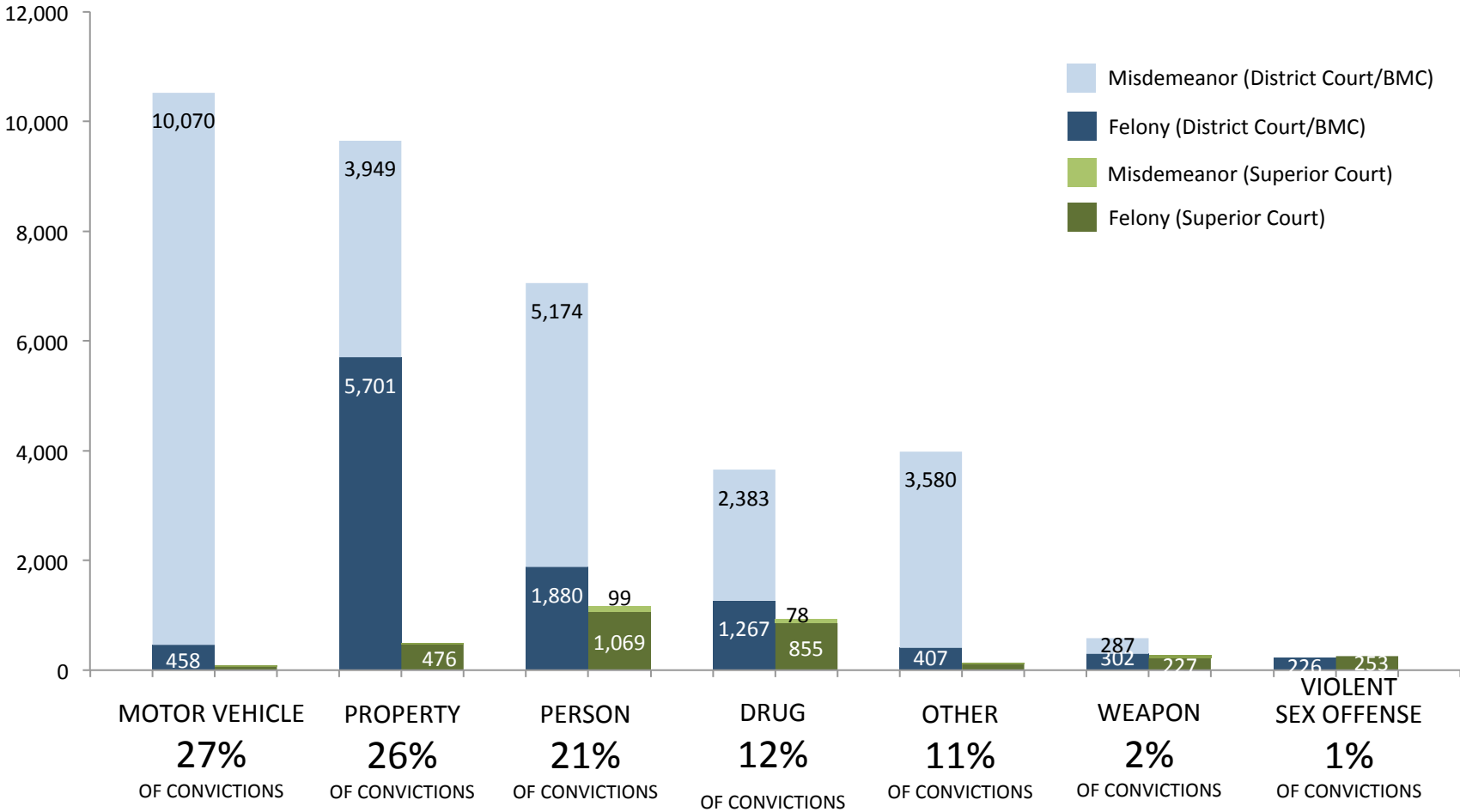
**1 TO 38
SUPERIOR COURT**

**1 TO 1.12
DISTRICT COURT/
BOSTON MUNICIPAL COURT**

*2014 is the only year for which CWOFF information is available. 2013 is the latest year of conviction data available to the CSG Justice Center. Source: CSG Justice Center analysis of 2013 and 2014 CARI sentencing data.

Superior Court sentences are primarily for persons and drug offenses while District Court/BMC sentences are primarily for motor vehicle and property offenses

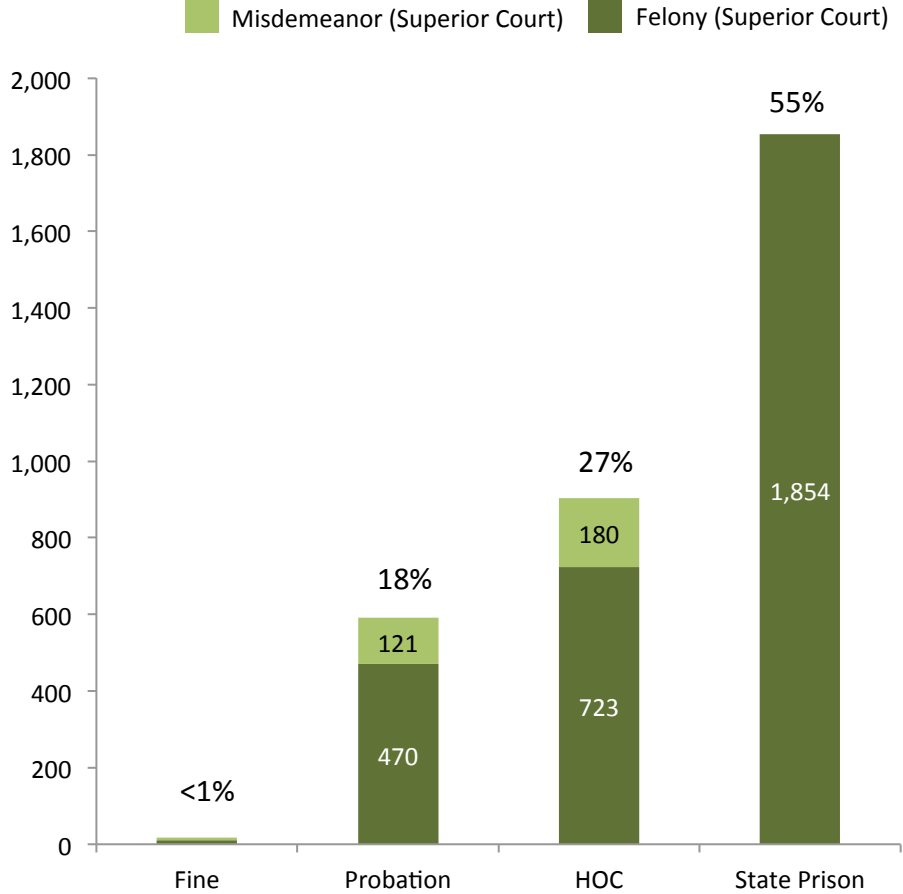
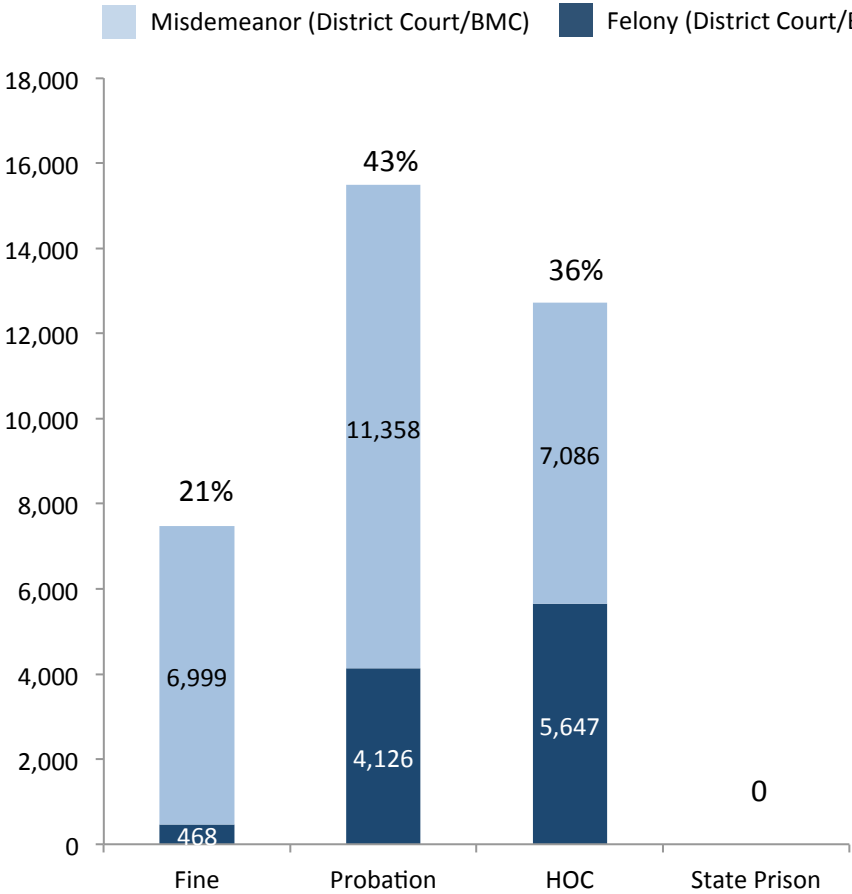
2013 Convictions for Governing Offense by Offense Type and Level*
N = 39,049



*91 percent of convictions were from District Court/BMC, and 9 percent were from Superior Court. Charges at sentencing are included.
Source: CSG Justice Center analysis of 2013 CARI sentencing data.

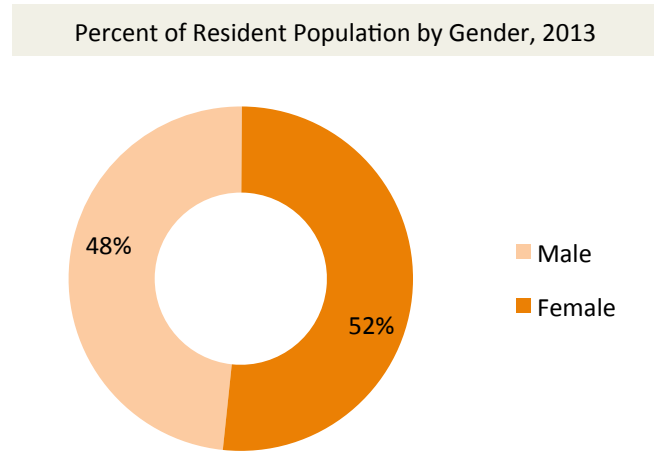
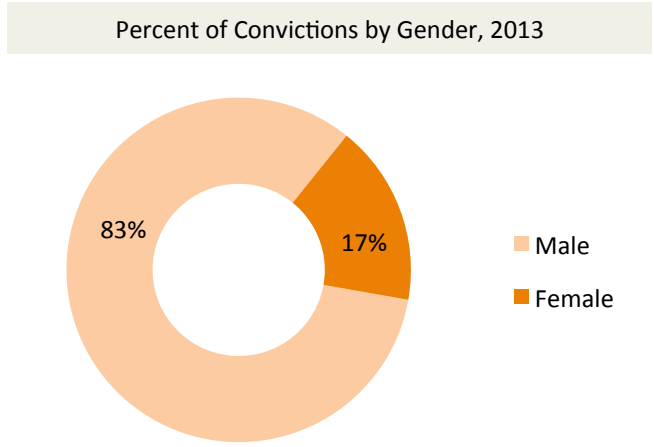
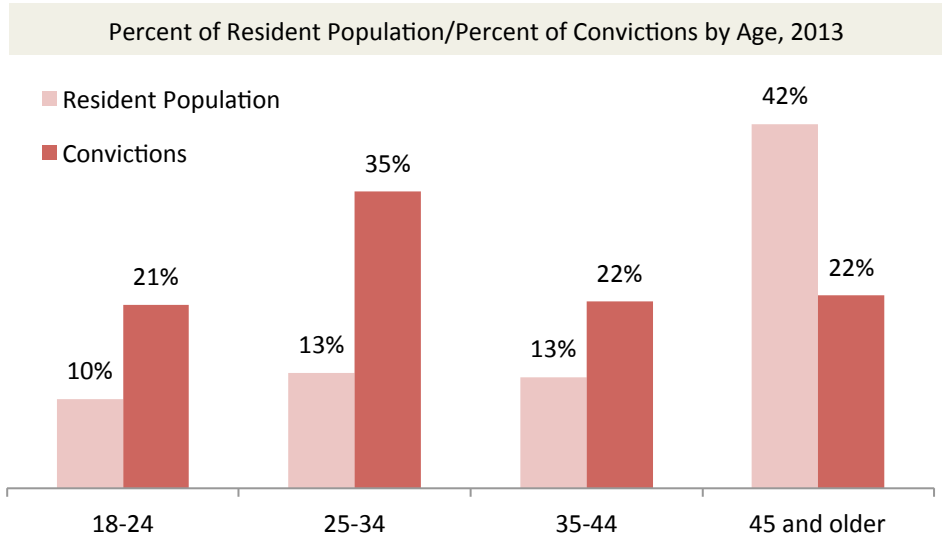
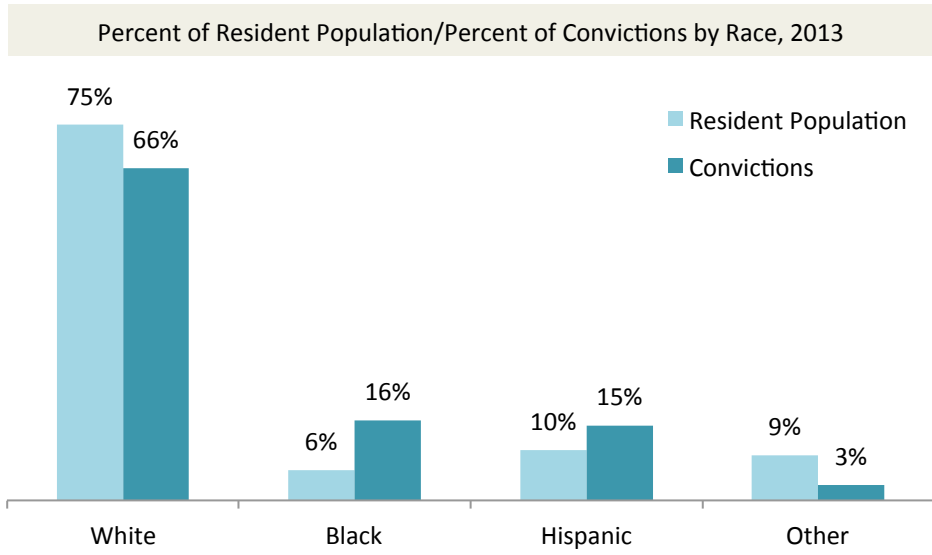
36% of District Court/BMC sentences and 82% of Superior Court sentences are to incarceration

2013 Sentences to State Prison, HOC, Probation, and Fines by Offense Type
N=39,049



Source: CSG Justice Center analysis of 2013 CARI sentencing data. This slide includes sentences for convictions in District Court, Boston Municipal Court, and Superior Court. These figures do not include CWOFs.

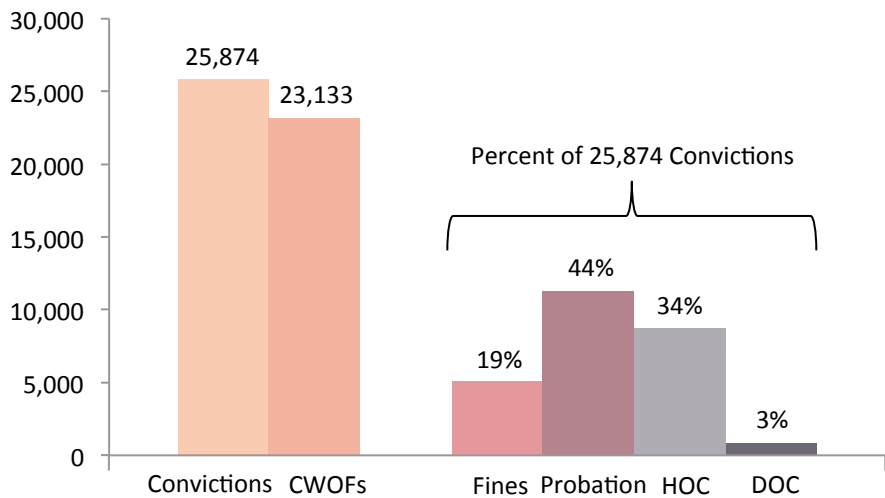
Demographic composition of the convicted population compared to resident population in the state



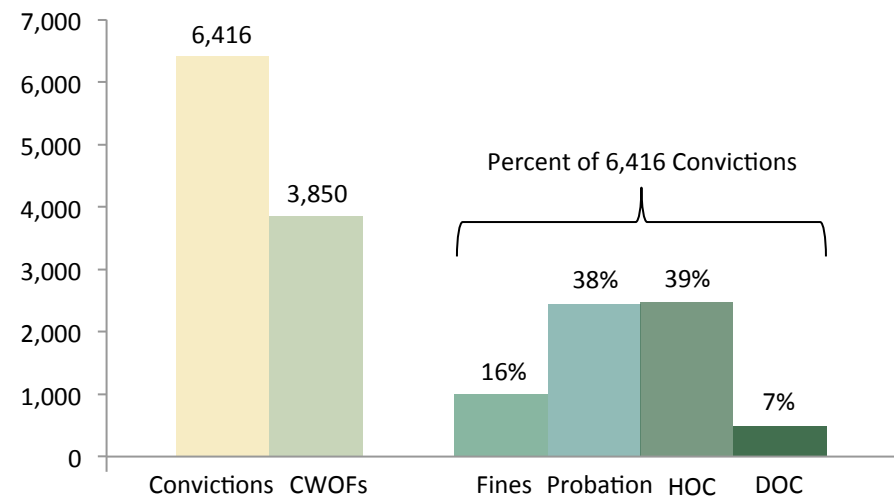
Source: CSG Justice Center analysis of 2013 CARI sentencing data; U.S. Census 2010-2014 American Community Survey 5-Year Estimates.

Convictions, CWOFFs, and sentences by race

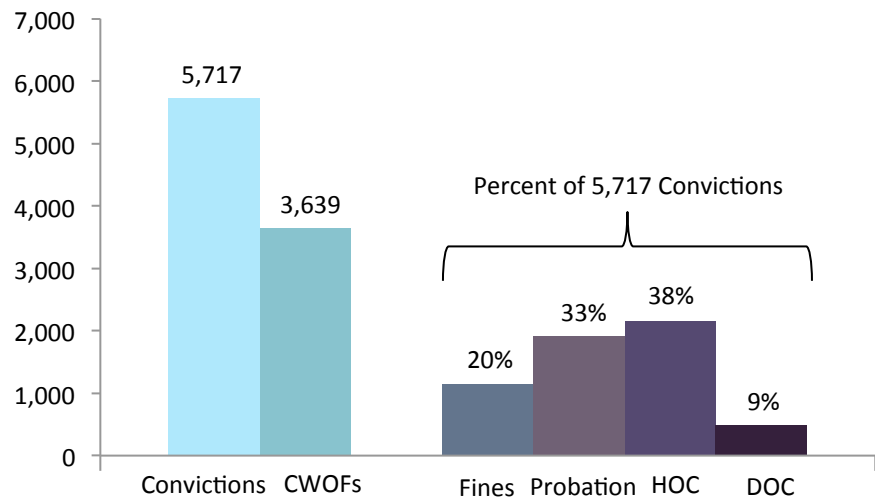
Dispositions and Sentences for White Individuals



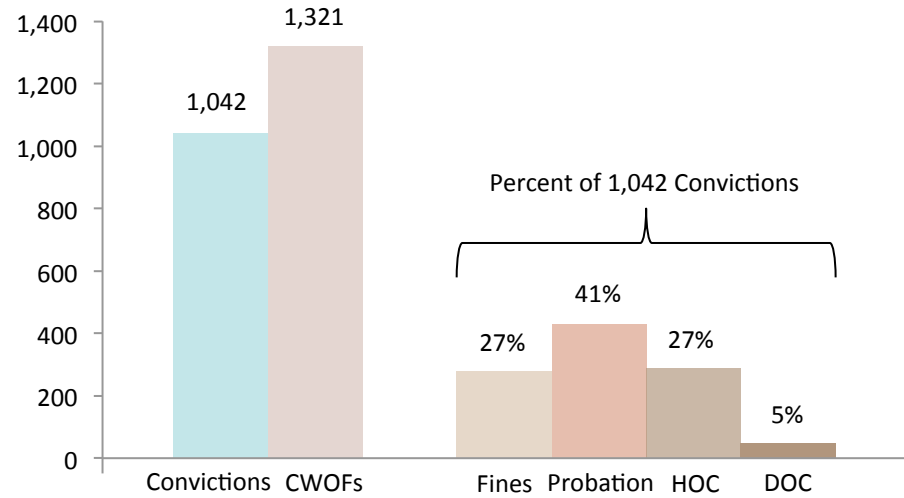
Dispositions and Sentences for Black Individuals



Dispositions and Sentences for Hispanic Individuals



Dispositions and Sentences for Other Individuals



Source: CSG Justice Center analysis of 2013 CARI sentencing data.

A number of statutes, policies, and practices shape the distribution of incarceration and community supervision sentences in Massachusetts

FACTORS SHAPING INCARCERATION AND SUPERVISION:
CWOFs
Sentencing Statutes
Sentencing Guidelines
DOC & HOC Structure
Post-Release Supervision Structure

DATA ANALYZED TO EXPLORE THESE TOPICS:
2013 Sentencing data (CARI)
2014 CWOF disposition data (CARI)
2016 Judicial survey conducted by CSG
Criminal history data (ICORI)

Some analysis is not included in this presentation*

ANALYSIS NOT COVERED IN THIS PRESENTATION	WHEN ANALYSIS WILL BE COVERED
Pretrial processes (pretrial release, length of stay, bail, etc.)	May–June
DOC/HOC populations	May–June
Parole decision making	May–June
Recidivism/outcomes	May–June
Post-release supervision	June–July
Probation	June–July

*Delays in receiving data limited some of the analysis CSG Justice Center could complete for this interim report

Presentation Overview

System Overview



Executive Summary

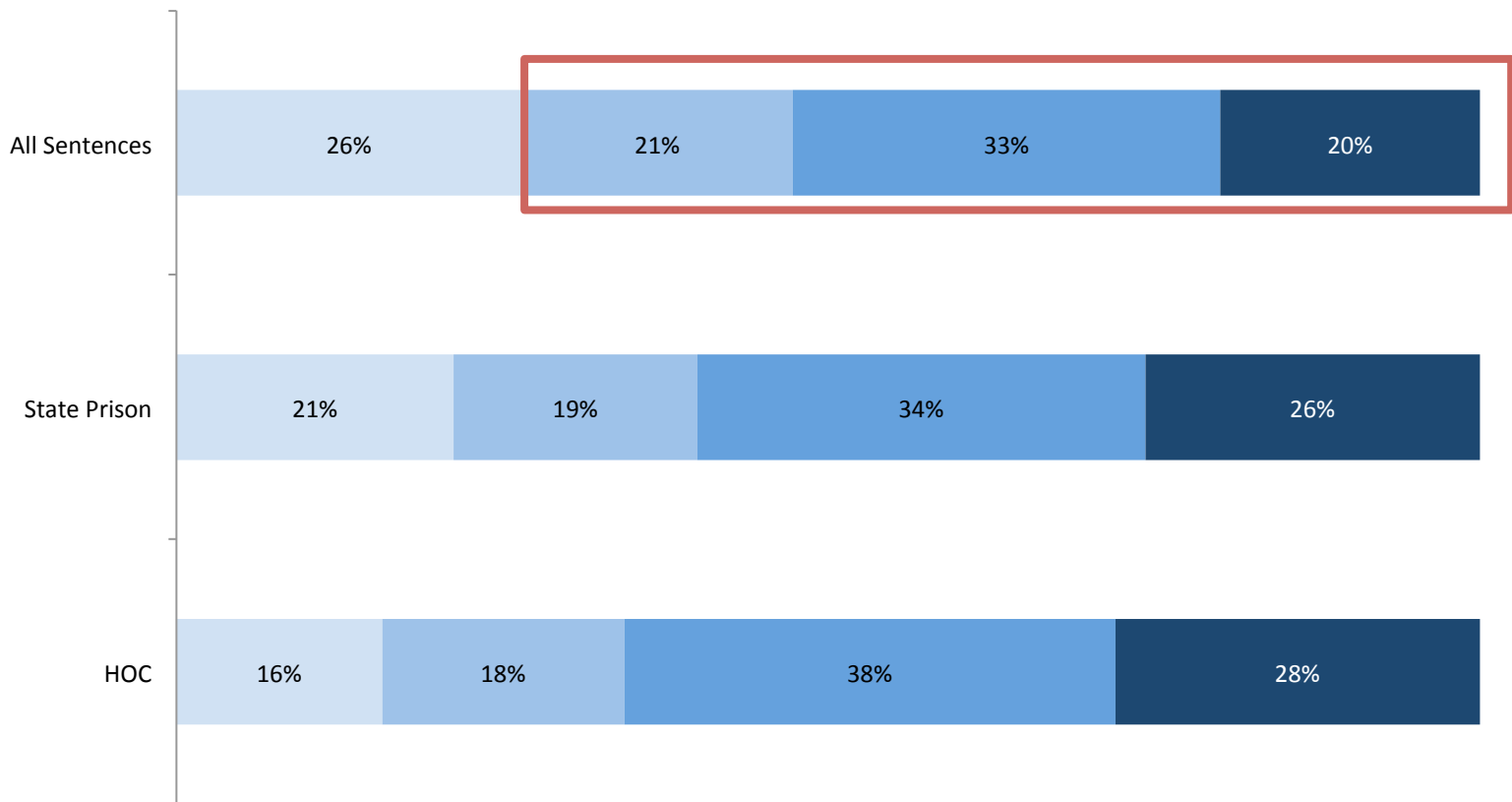
Key Statutes, Policies, and Practices

Summary of Findings and Next Steps

KEY FINDING: People with previous justice system involvement are responsible for three-quarters of new convictions

Number of Prior Offenses by Sentence Type, 2013

0 priors 1 to 2 priors 3 to 10 priors 11 or more priors

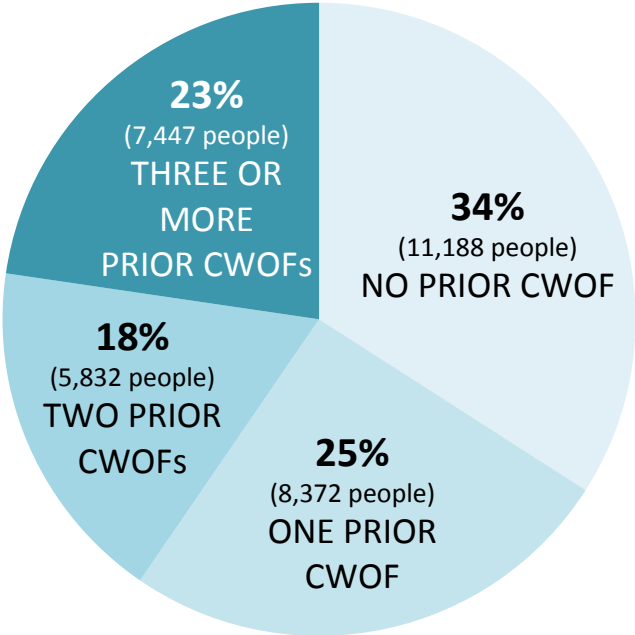


74%
had prior convictions

Source: CSG Justice Center analysis of 2013 CARI sentencing data.

Recidivism drives most new conviction activity

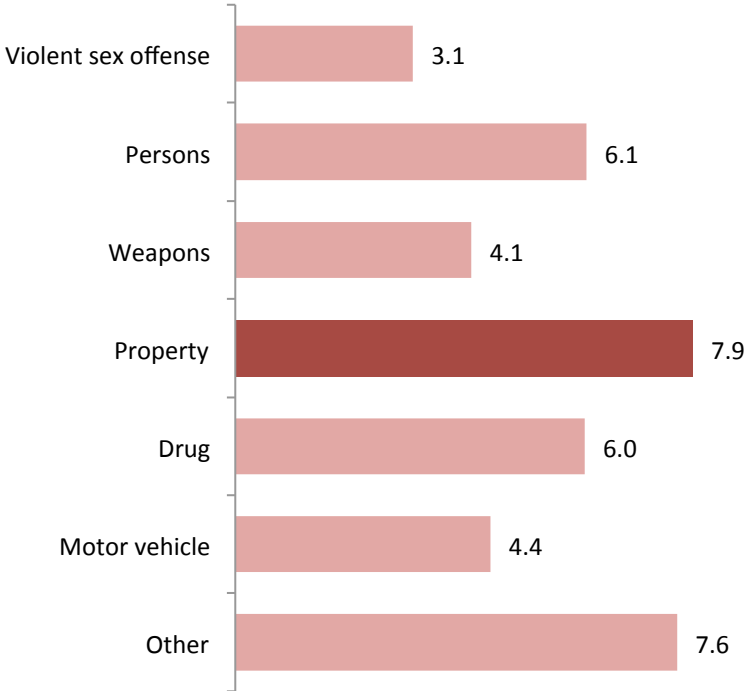
Percent of Individuals Convicted in 2013 Ever Receiving a CWOFF*
N = 32,839



66 percent of individuals convicted in 2013 had a history of at least one CWOFF. **11 percent** of convictions were the result of a revocation of a CWOFF.

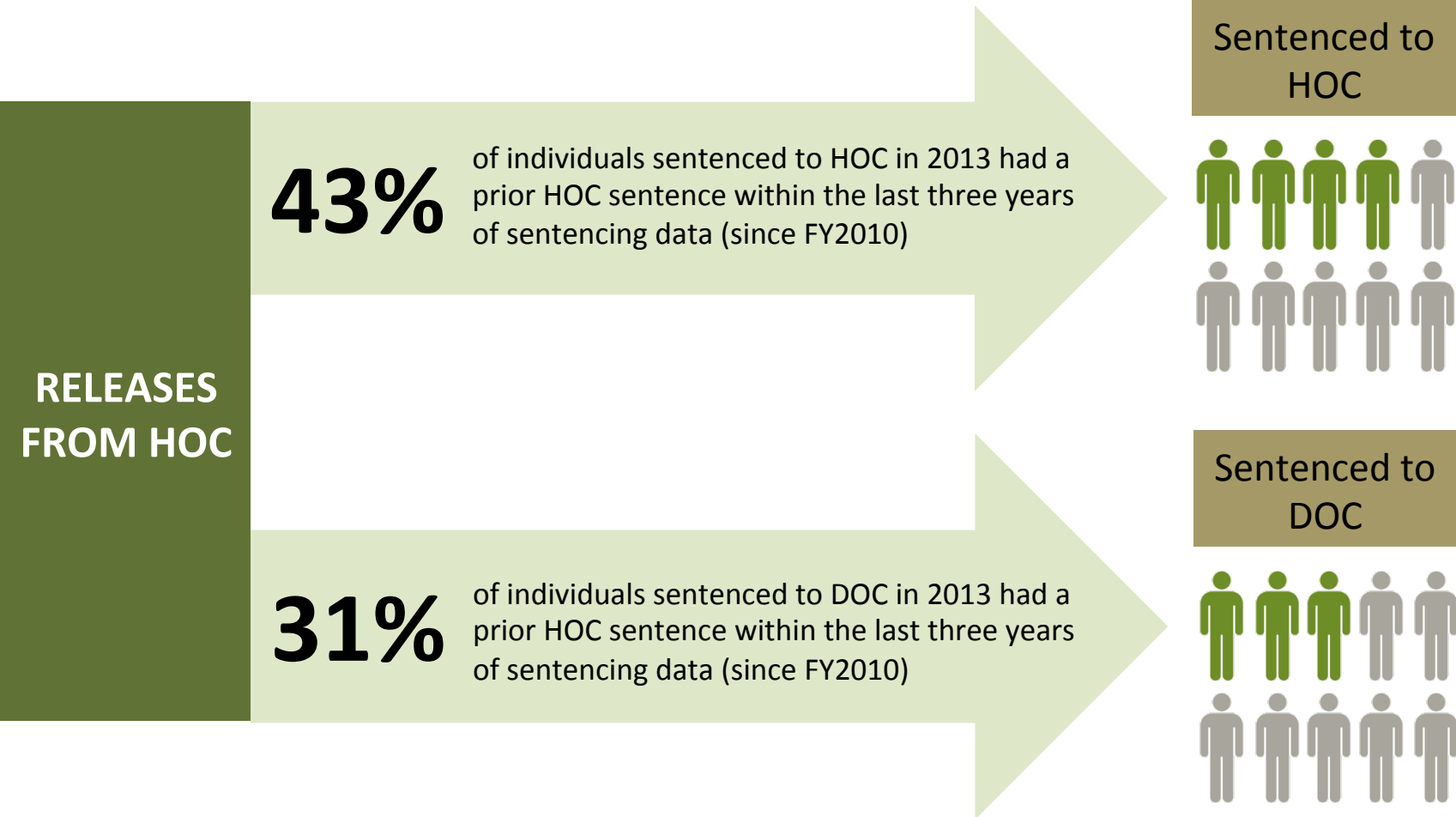
People convicted for property offenses had the highest number of previous convictions

Average Number of Previous Convictions by Offense Type



*Individuals' latest disposition date in 2013 was selected. Data not available for 0.7% of convictions. Juvenile criminal history was excluded from the analysis. Source: CSG Justice Center analysis of 2013 CARI and iCORI data. Criminal histories are calculated using the number of incidents and includes adult criminal history only.

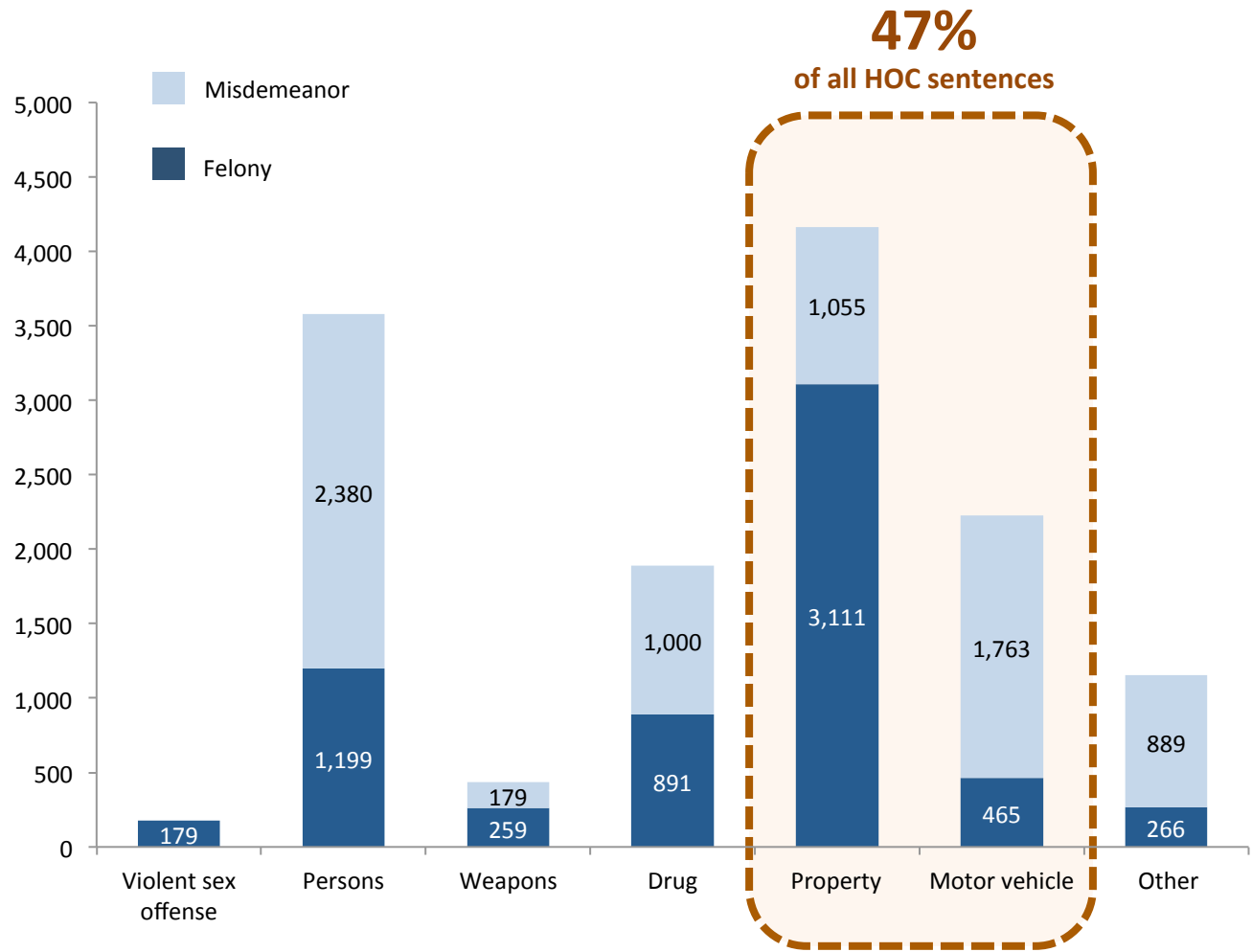
A revolving door exists with HOC sentences and state prison



Source: CSG Justice Center analysis of 2013 CARI sentencing data.

KEY FINDING: Motor vehicle and property offenses generate a large volume of short sentences to HOC

2013 Sentences to HOC by Offense Type and Level
N = 13,636



6,394

people received a sentence to HOC for a motor vehicle or property offense in 2013

Average sentence length:

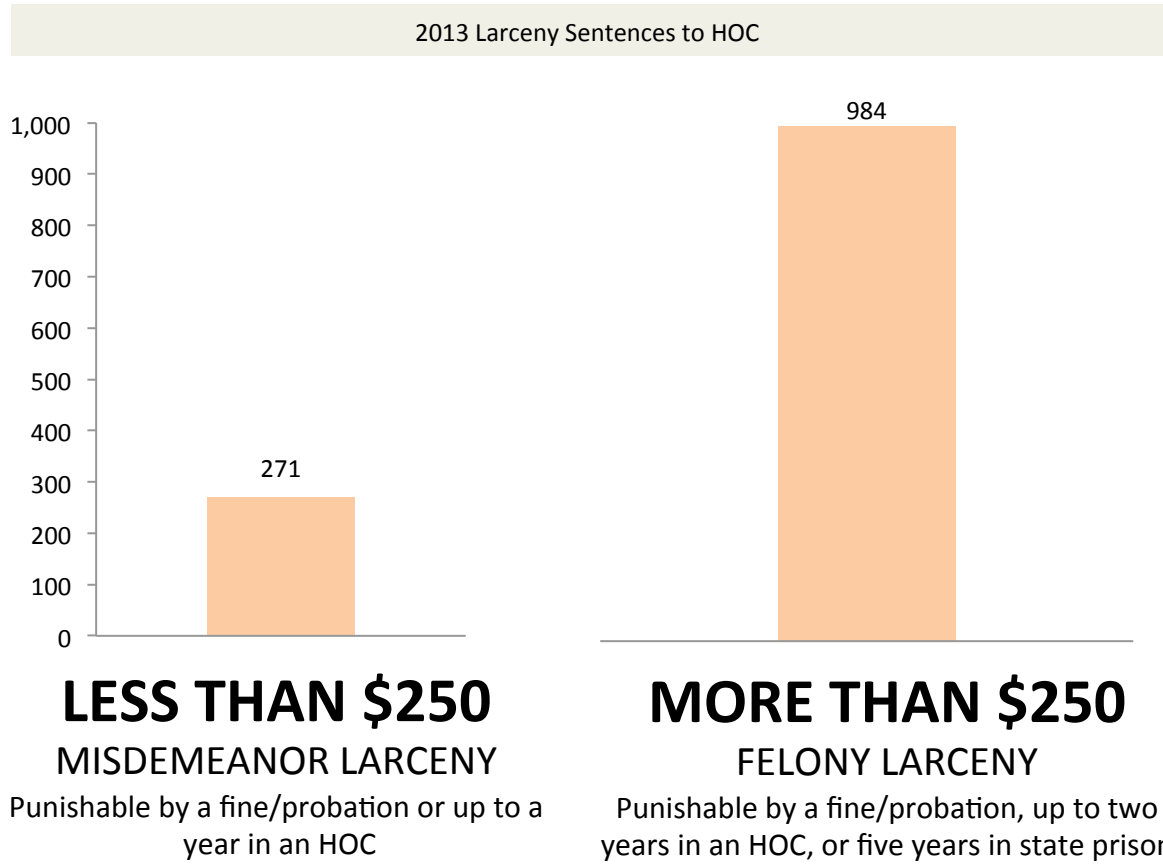
Property 7.3 months
MV 4.4 months

All offenses listed in this chart are the "governing offense." Individuals may have had additional charges on their court docket, but the offense shown here was deemed to be the most serious in the sentencing event.

Source: CSG Justice Center analysis of 2013 CARI sentencing data.

More than 1,200 people were sentenced to HOC for larceny offenses, at a cost of up to \$13 million

The statutory definition of larceny only staircases two levels of theft:
LESS THAN \$250 and MORE THAN \$250



Number of sentences to HOC for felony larceny:
984

Estimated LOs based on maximum sentence length:
105 days

Cost to incarcerate a one-year cohort of felony larceny offenders in HOC:
\$11.5M

Number of sentences to HOC for misdemeanor larceny:
271

Estimated LOs based on maximum sentence length:
55 days

Cost to incarcerate a one-year cohort of misdemeanor larceny offenders in HOC: **\$1.7M**

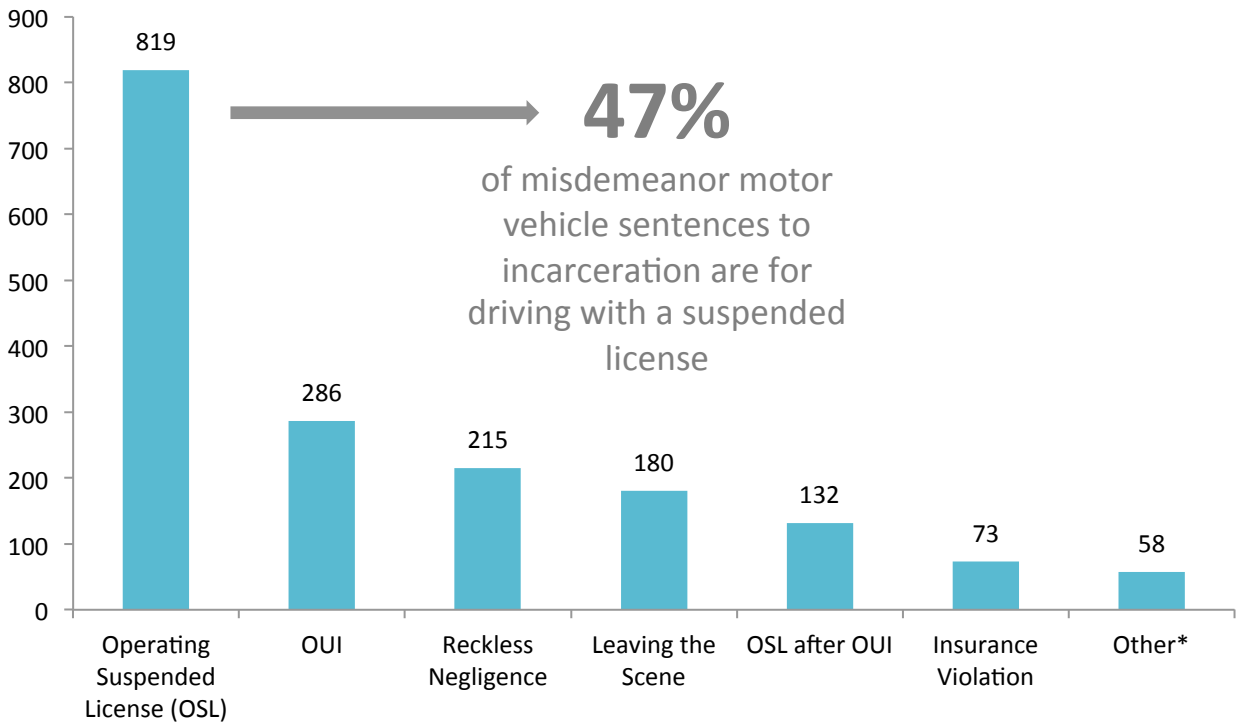
Total Potential Cost: \$13.2M

The above figures are cost estimates. A more thorough fiscal impact analysis will be conducted later in the project to estimate costs and potential savings of specific practices and policies, and may differ from what is shown here.

Source: CSG Justice Center analysis of 2013 CARI sentencing data. Massachusetts Sheriffs Association FY2013 and FY2014 cost per inmate. The calculation represents an average cost across county facilities. Some of the cost per inmate information includes both county jail and HOC costs.

Nearly half of HOC sentences for misdemeanor motor vehicle offenses were for Operating with a Suspended License

Misdemeanor Motor Vehicle Sentences to HOCs 2013
N=1,763



47%
of misdemeanor motor vehicle sentences to incarceration are for driving with a suspended license

Individuals in Massachusetts may have their driver's license suspended or revoked for a number of reasons:

- Operating under the influence
- Reckless driving
- Conviction of certain drug offenses
- Delinquency in paying child support
- Existence of an outstanding warrant
- Violation of serious vehicle law
- Habitual offender conviction

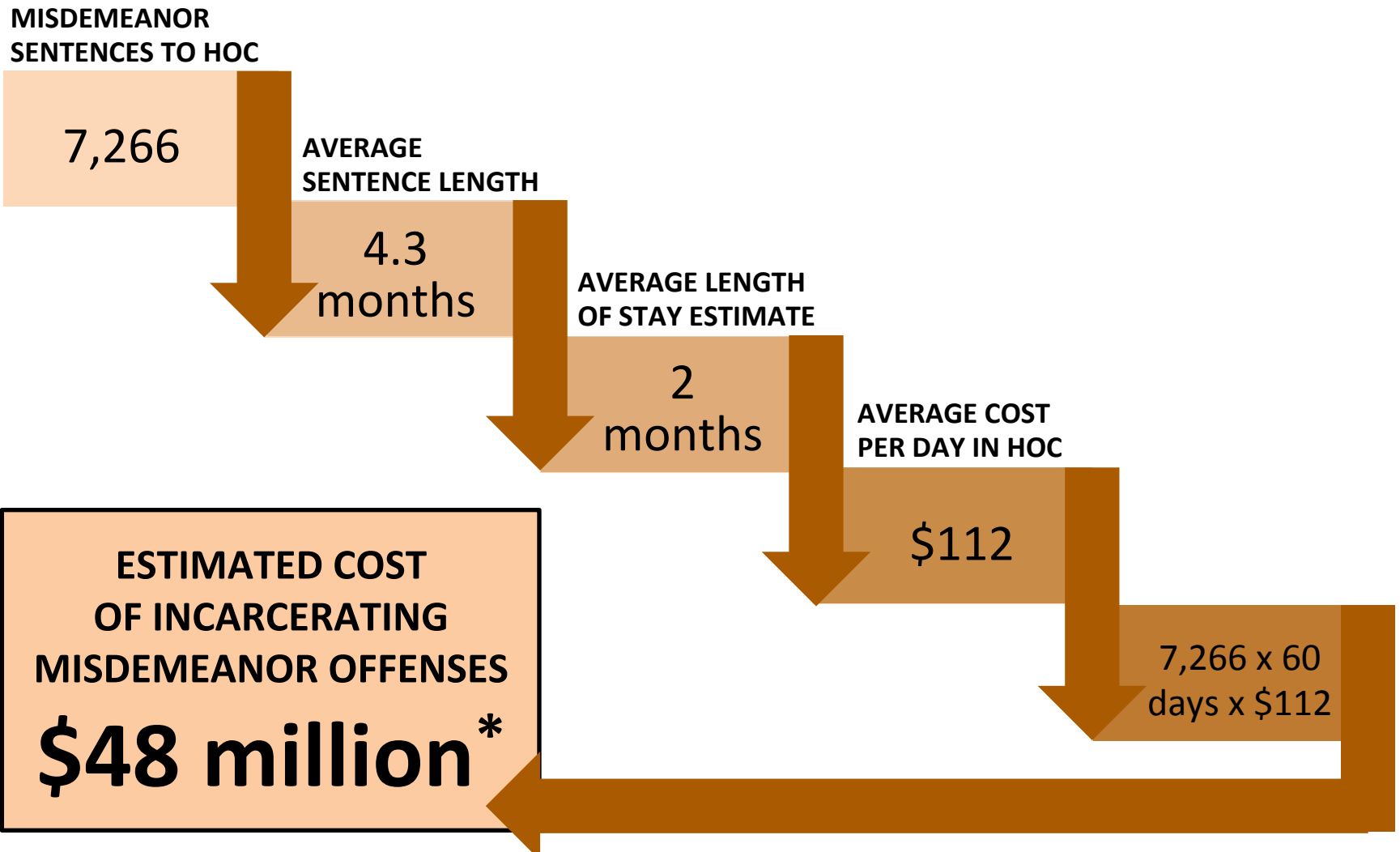
Massachusetts could be spending as much as **\$8 million** a year incarcerating misdemeanor motor vehicle offenders

The above figure is a cost estimate. A more thorough fiscal impact analysis will be conducted later in the project to estimate costs and potential savings of specific practices and policies, and may differ from what is shown here.

Average Sentence Length	1.5 MONTHS	2.6 MONTHS	4.3 MONTHS	5.1 MONTHS	3.6 MONTHS	0.8 MONTHS	3.5 MONTHS
Average Number of Prior Conv	9.3 PRIORS	3.5 PRIORS	6.1 PRIORS	7.3 PRIORS	7.5 PRIORS	5.6 PRIORS	7.8 PRIORS

Source: CSG Center analysis of 2013 CARI sentencing data as well as Massachusetts Sheriffs Association FY2013 and FY2014 cost per Inmate information. The calculation represents an average cost across county facilities. Some of the cost per inmate information includes both county jail and HOC costs. *Other includes Habitual Traffic Offender and MV Homicide.

Misdemeanor sentences to HOC cost the state an estimated \$48 million a year



**The above figure is a cost estimate. A more thorough fiscal impact analysis will be conducted later in the project to estimate costs and potential savings of specific practices and policies, and may differ from what is shown here.*

Source: CSG Justice Center analysis of 2013 CARI sentencing data; Massachusetts Sheriffs Association FY2013 and FY2014 cost per inmate. The calculation represents an average cost across county facilities. Some of the cost per inmate information includes both county jail and HOC costs.

KEY FINDING: Sentencing practices impact whether people sentenced to incarceration receive post-release supervision

Sentencing policy and practice that sets limitations on **PAROLE**

MIN/MAX RATIO

- Reducing the range between the min and max results in a shorter window of parole eligibility.
- “And a day” sentences are a common practice of setting the max within one day of the min.

MANDATORY MINIMUMS

- Restrictions on participation in pre-release programs prior to minimum term.

HOC PAROLE

- HOC sentences shorter than 60 days are not parole eligible.

Sentencing policy and practice that allow opportunities for **PROBATION**

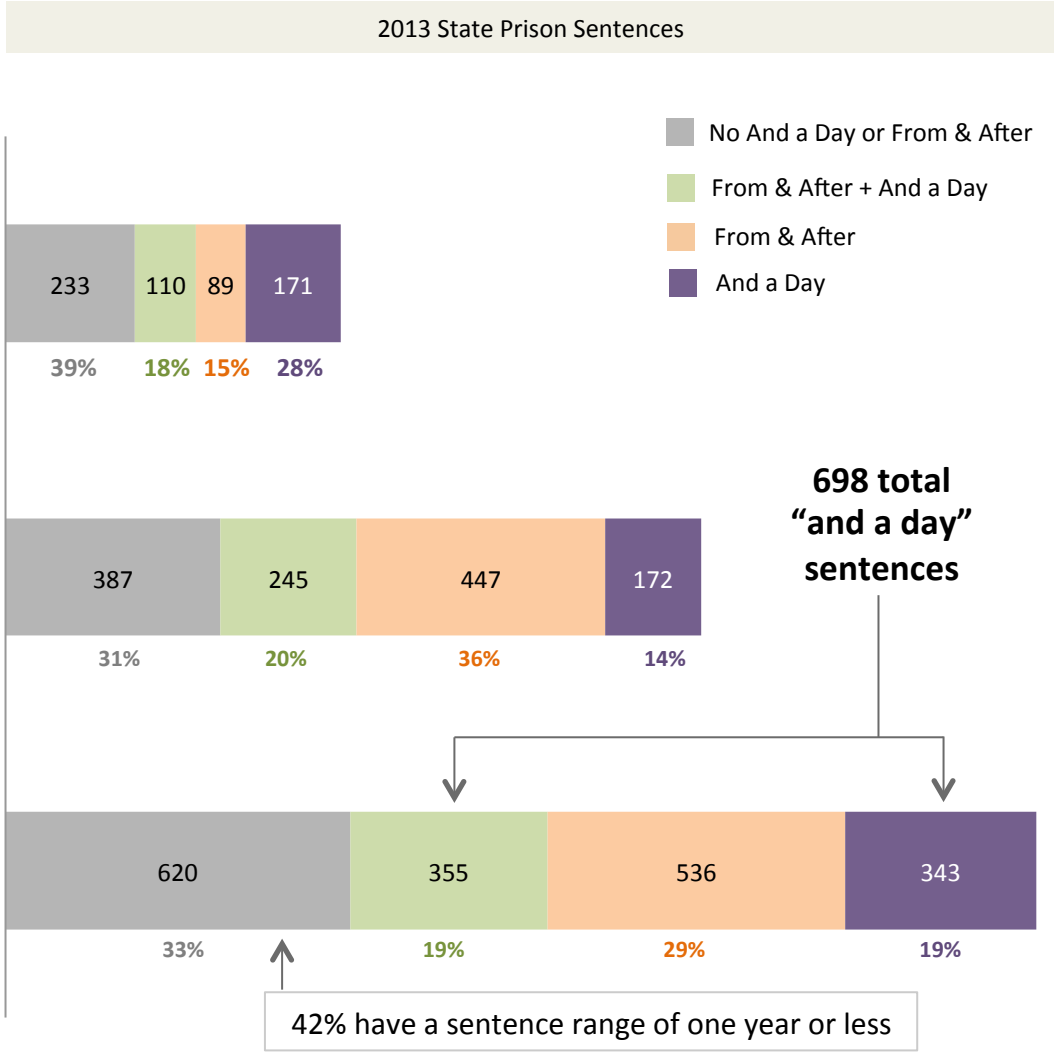
FROM & AFTER PROBATION

- A sentence to probation following a sentence to incarceration.
- Must have multiple charges at sentencing.
- Allowable for both HOC and DOC sentences.

SPLIT SENTENCES

- A suspended sentence of probation following a sentence to HOC.
- Applicable on a single charge.
- Allowable for HOC, but not for DOC sentences.

Nearly 20% of state prison sentences restrict parole and have no guaranteed post-release probation



20 to 50 percent of state prison sentences will be reviewed by the parole board to determine eligibility and release to post-release supervision.

And a Day
A sentence with the minimum and maximum sentence one day apart

From & After
A sentence of post-release probation

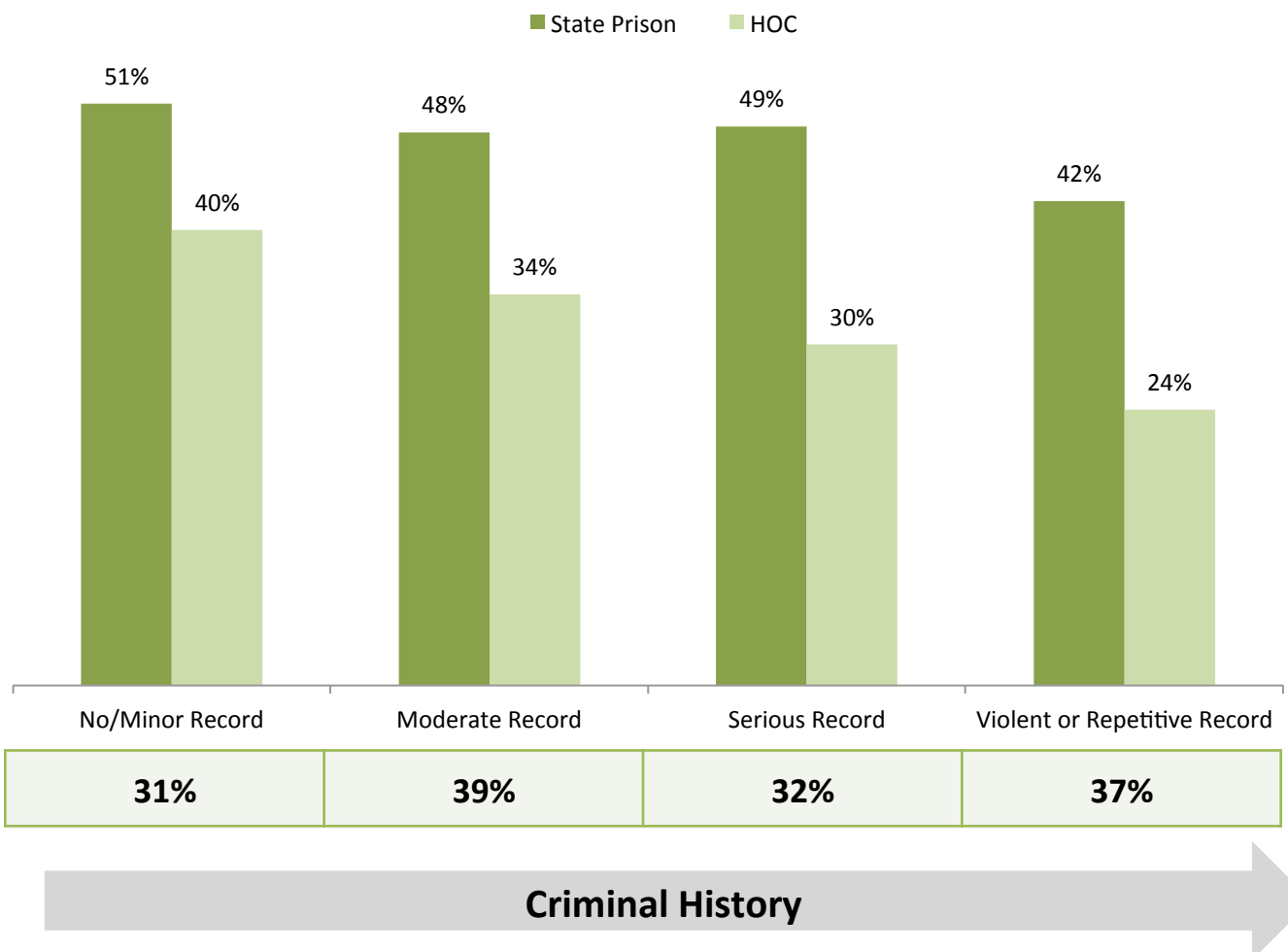
From & After + And a Day
A sentence of post-release probation as well as min and max one day apart

No And a Day or From & After
No sentence of post-release probation and the period between min and max longer than one day

Source: CSG Justice Center analysis of 2013 CARI sentencing data.

The likelihood of receiving a post-release probation sentence decreased as criminal history score increased

Percent of Sentences to Incarceration with Post-Release Probation by Criminal History Score, 2013



How are decisions about post-release supervision made?

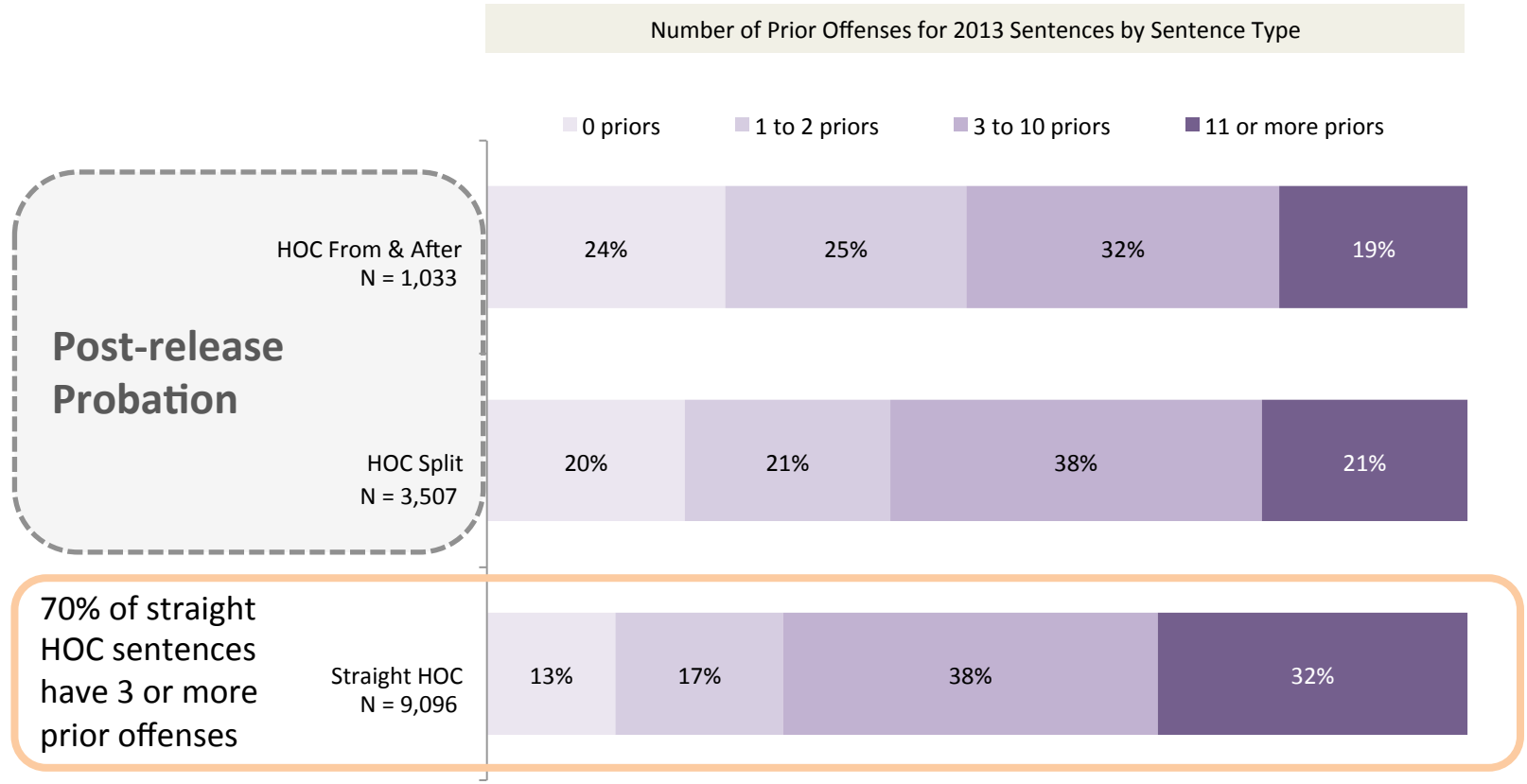
Are the individuals most likely to benefit from post-release supervision the ones receiving it?

State prison sentences with an “and a day” sentence out of those with no post-release probation.

31%	39%	32%	37%
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Source: CSG Justice Center analysis of 2013 CARI sentencing data.

People with more than three prior offenses were more likely to receive straight HOC sentences with no post-release probation*



60% of straight HOC sentences will be eligible for parole due to sentence length and therefore may be reviewed by the parole board to determine release to post-release supervision.

*Straight HOC sentences over 60 days are parole eligible if the individual does not waive their parole hearing
Source: CSG Justice Center analysis of 2013 CARI sentencing data.

SUMMARY: People with previous justice system involvement are responsible for three-quarters of new convictions

Recidivism drives most new conviction activity: **74 percent** of people sentenced had a prior conviction and **66 percent** had a history of at least one Continuance Without a Finding (CWOFF).

More than **40 percent** of people sentenced to an HOC had a prior HOC sentence within the previous three years.

People convicted of **property offenses** had the highest number of prior offenses.

SUMMARY: Motor vehicle and property offenses account for a large volume of short sentences to HOC

Nearly half of all sentences to HOC (6,394 convictions) were for motor vehicle and property offenses.

54 percent of motor vehicle and property HOC convictions (3,464 convictions) were for **6 months or less**. People received an average sentence of 7.3 months for property and 4.4 months for motor vehicle offenses.

39 percent of all misdemeanor sentences to HOC were for motor vehicle and property offenses, including 271 convictions for **Larceny** under \$250. 819 motor vehicle sentences to HOC were for **Operating with a Suspended License**.

The state spent up to **\$15 million*** on incarceration for misdemeanor motor vehicle and property offenses.

**The above figure is a cost estimate. A more thorough fiscal impact analysis will be conducted later in the project to estimate costs and potential savings of specific practices and policies, and may differ from what is shown here.*

SUMMARY: Sentencing practices impact whether people sentenced to incarceration receive post-release supervision

Nearly half of sentences to state prison included a sentence of post-release probation.

19 percent of state prison sentences prevent any post-release supervision, solely based on the sentence; drug sentences were most likely to restrict post-release supervision.

The likelihood of receiving a post-release probation sentence decreased as **criminal history** score increased.

Two-thirds of HOC sentences were straight sentences that did not include post-release probation, and **40 percent** of people who received straight sentences will not be eligible for parole due to sentence length.

Key policy considerations



Recidivism accounts for three out of every four new sentences.

What steps can be taken to reduce rates of recidivism across the board, particularly for people released from HOC?



Massachusetts spends tens of millions of dollars incarcerating people convicted of misdemeanor offenses such as motor vehicle and property crimes.

Are there less costly approaches to holding these people accountable for their offenses that could also produce better public safety outcomes?



Sentencing policies and practices result in inconsistent use of post-release supervision and access to community supports.

Are there ways to better target resources to people who are most likely to reoffend and reduce investments in people who present a low risk?

Presentation Overview

System Overview

Executive Summary

**Detailed Discussion of
Key Statutes, Policies, and Practices**

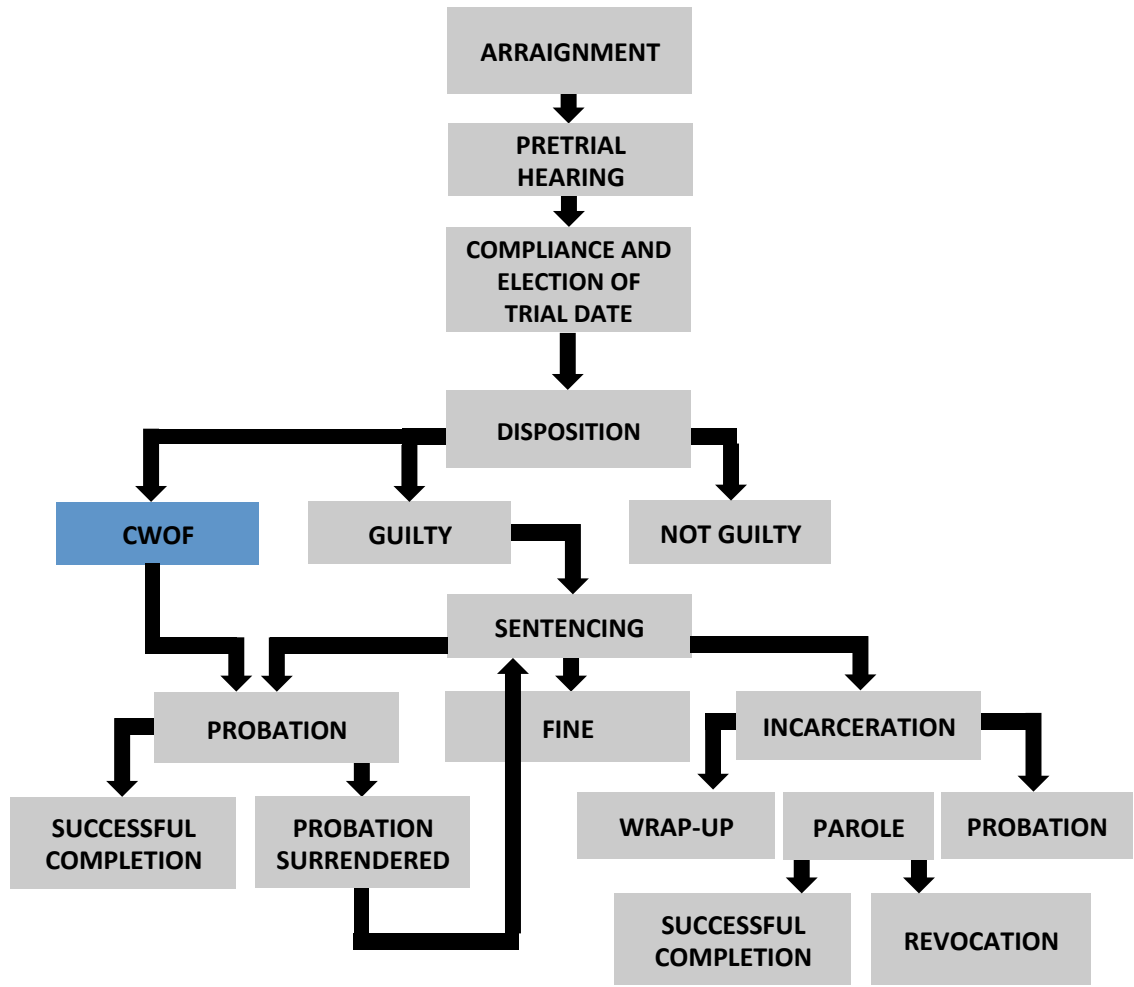
Summary of Findings and Next Steps

- CWOFs**
- KEY SENTENCING STATUTES**
- SENTENCING GUIDELINES**
- DOC & HOC STRUCTURE**
- POST-RELEASE SUPERVISION**

This list is presented in order of an individual's progression through the criminal justice system and does not reflect order of priority or impact.

Continuance Without a Finding (CWOFF) is a broadly defined and applied disposition in Massachusetts courts

- A CWOFF is a disposition in which all parties agree that there is sufficient evidence to support a guilty finding.
- Rather than disposing of the case as a conviction, the court “continues without a finding” for a designated period of time.
- During this time, the defendant is placed on probation. If the individual satisfies the terms of his or her CWOFF, the case will be dismissed by the court without a conviction.
- Should the individual fail to meet the terms of the CWOFF, the court will dispose the case as a conviction and proceed to sentencing.



Source: Massachusetts General Laws Chapter 278, Section 18

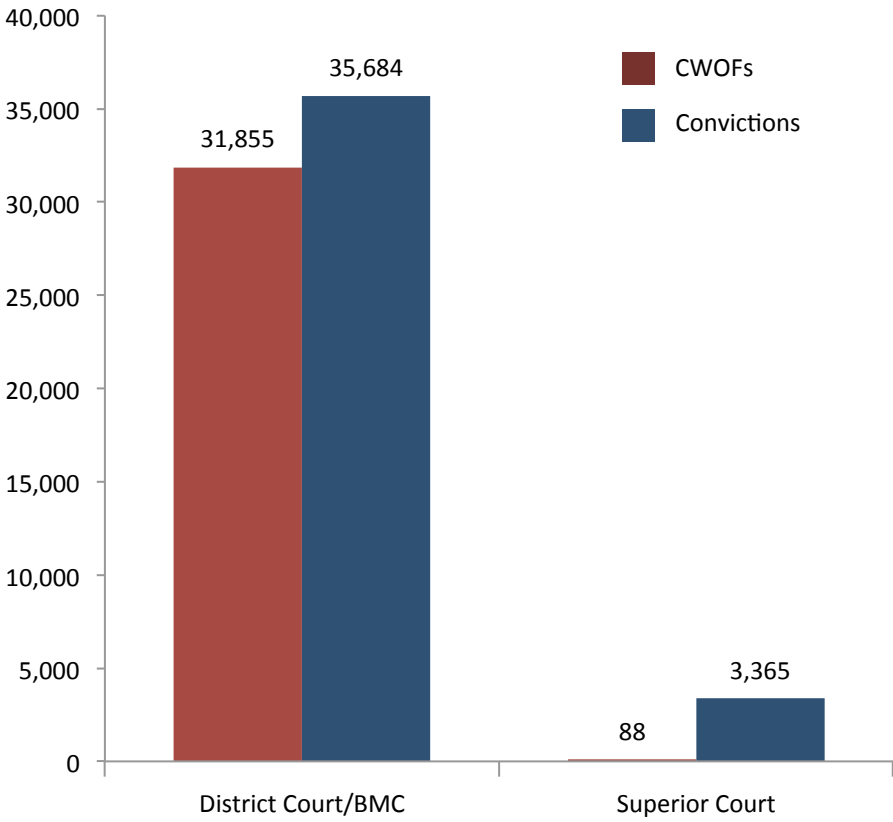
There are few restrictions on offenses that can qualify for a CWOFF

Chapter 278, Section 18 imparts broad authority to the court to use CWOFFs:

- ✓ Use of CWOFFs is not limited to first-time offenders
- ✓ CWOFFs can be used for both misdemeanor and felony offenses so long as statute does not prohibit use of CWOFF or probation
- ✓ CWOFFs can be used concurrently with a conviction for other charges
- ✓ Individuals may receive more than one CWOFF
- ✓ CWOFFs may be used in both District Court and the Boston Municipal Court. *Commonwealth v. Powell* (2009) allows for the use of CWOFFs in Superior Court, though CWOFF dispositions remain rare.

There are nearly as many CWOFF dispositions as criminal convictions in Massachusetts

2013 Convictions and 2014 CWOFFs by Court*



A majority of CWOFFs are from District Court or the Boston Municipal Court

RATIO OF CWOFFs TO CONVICTIONS:

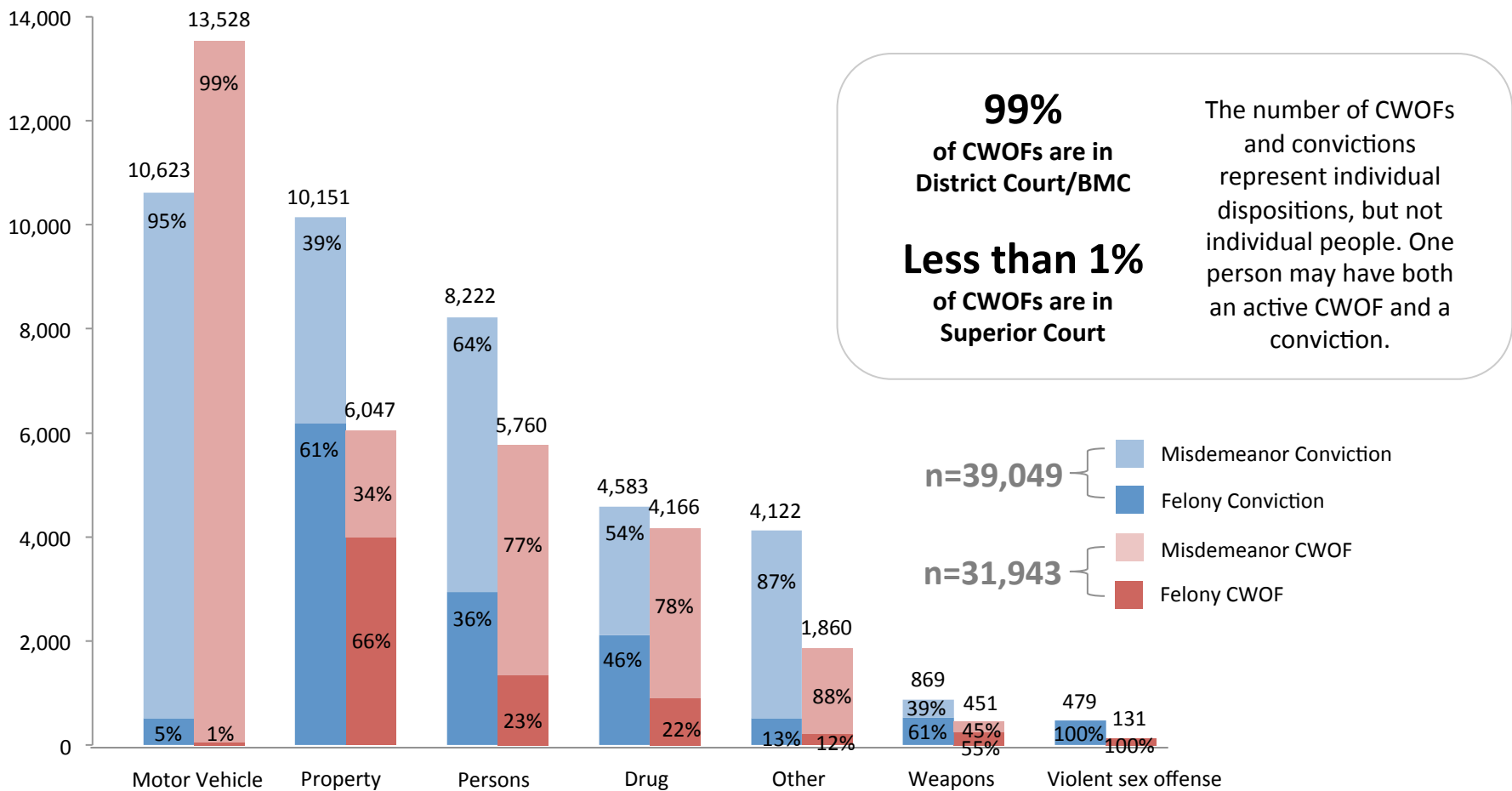
**1 TO 38
SUPERIOR COURT**

**1 TO 1.12
DISTRICT COURT/
BOSTON MUNICIPAL COURT**

*2014 is the only year for which a snapshot of CWOFF information is available. 2013 is the latest year of conviction data available to the CSG Justice Center.
Source: CSG Justice Center analysis of 2013 and 2014 CARI sentencing data.

CWOFs are used in all offense categories, though the proportion of CWOFs to convictions varies

2013 Convictions and 2014 CWOFs by Offense*



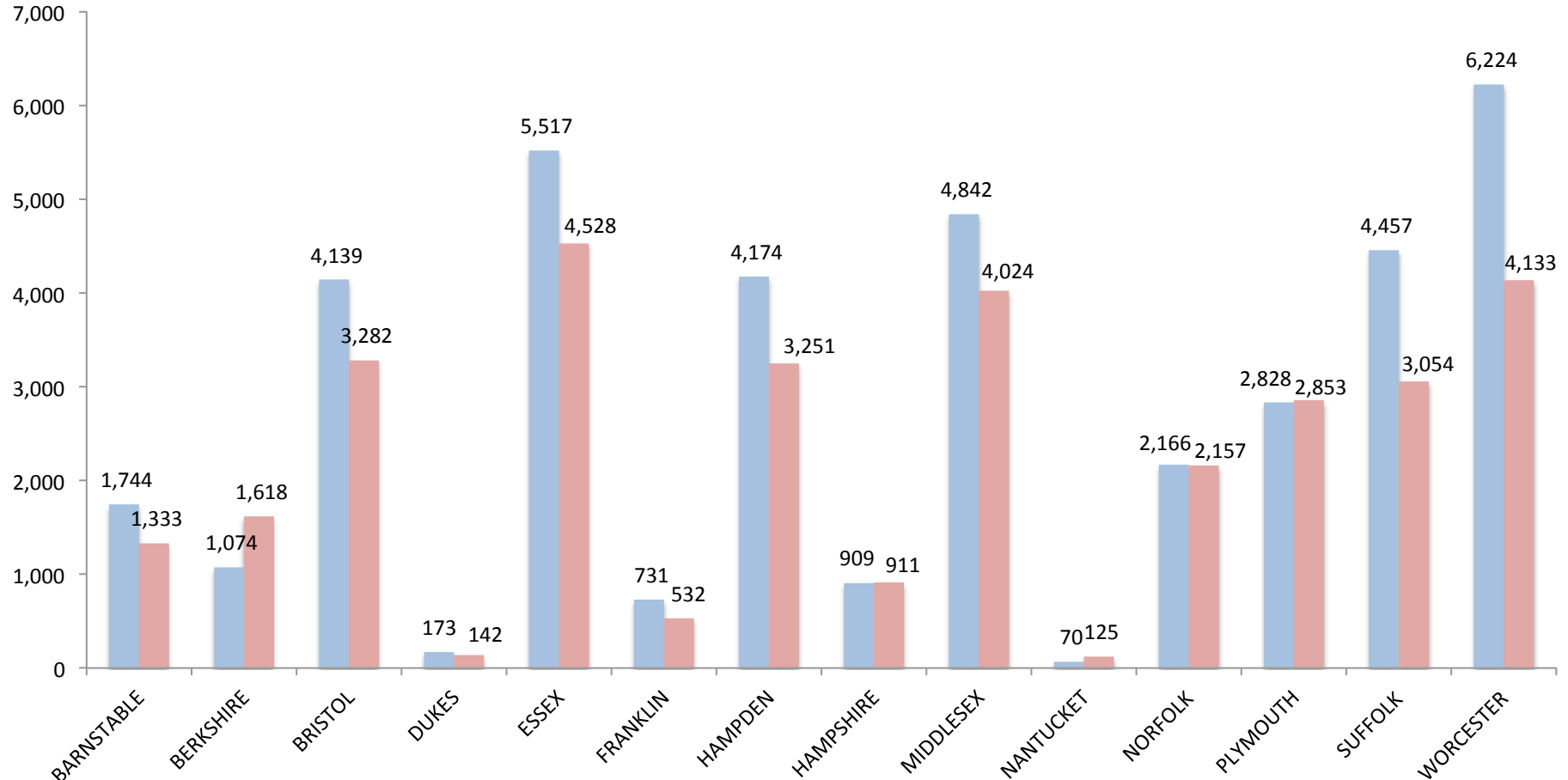
*2014 is the only year for which CWOF information is available. 2013 is the latest year of conviction data available to the CSG Justice Center. Source: CSG Justice Center analysis of 2013 and 2014 CARI sentencing data.

The numbers of convictions and CWOs vary across counties

2013 Convictions and 2014 CWOs by County*

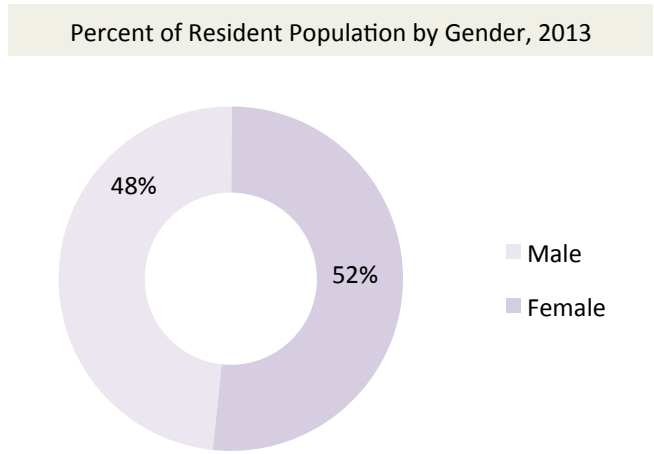
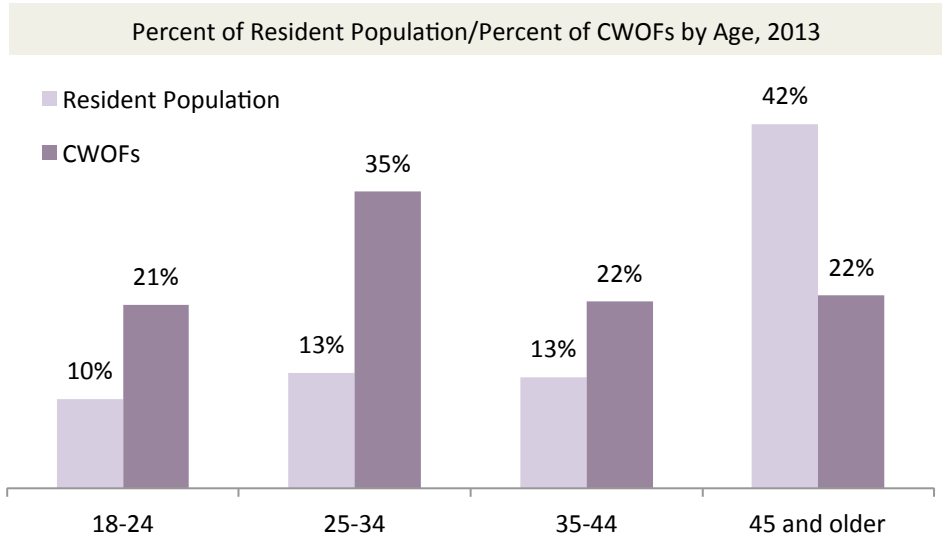
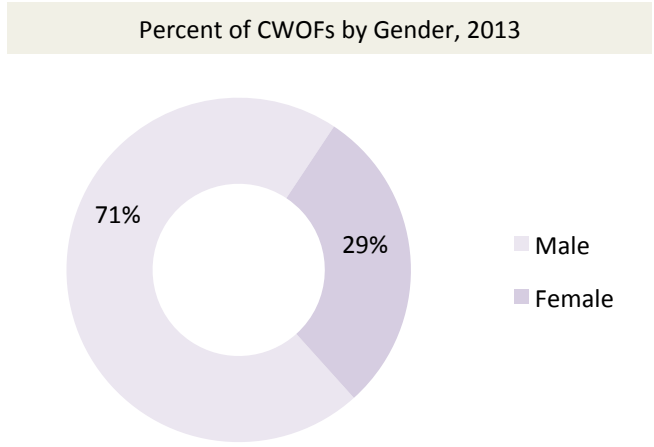
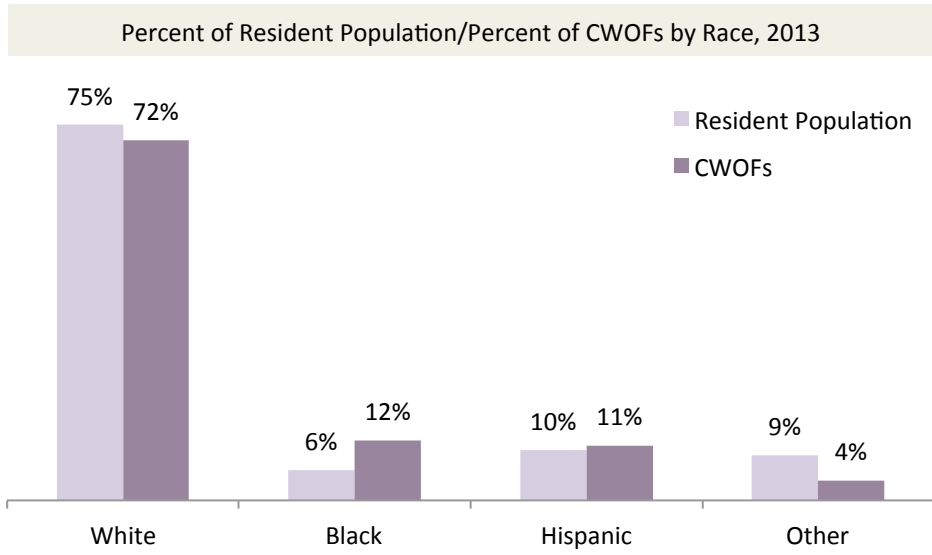
There are a variety of reasons for differences in the numbers and proportions of CWOs and convictions, including variances in local crime rates and seriousness of offenses.

Convictions CWOs



*2014 is the only year for which a snapshot of CWO information is available. The CSG Justice Center has not yet received 2014 sentencing data.
 Source: CSG Justice Center analysis of 2013 and 2014 CARI sentencing data.

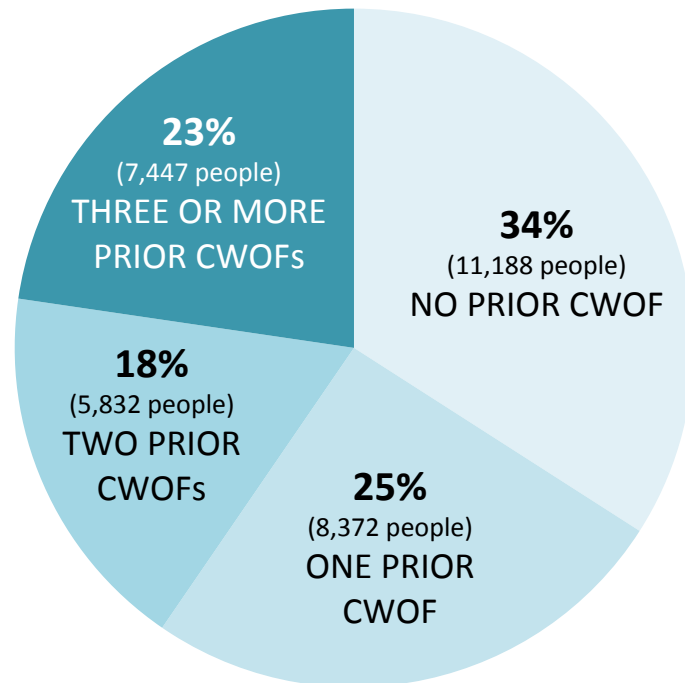
Demographic composition of CWOs compared to resident population in the state



Source: CSG Justice Center analysis of 2014 CARI court data; U.S. Census 2010–2014 American Community Survey 5-Year Estimates.

Two-thirds of people convicted in 2013 had a history of at least one prior CWOF as an adult

Percent of People Convicted in 2013 Ever Receiving a CWOF*
N = 32,839

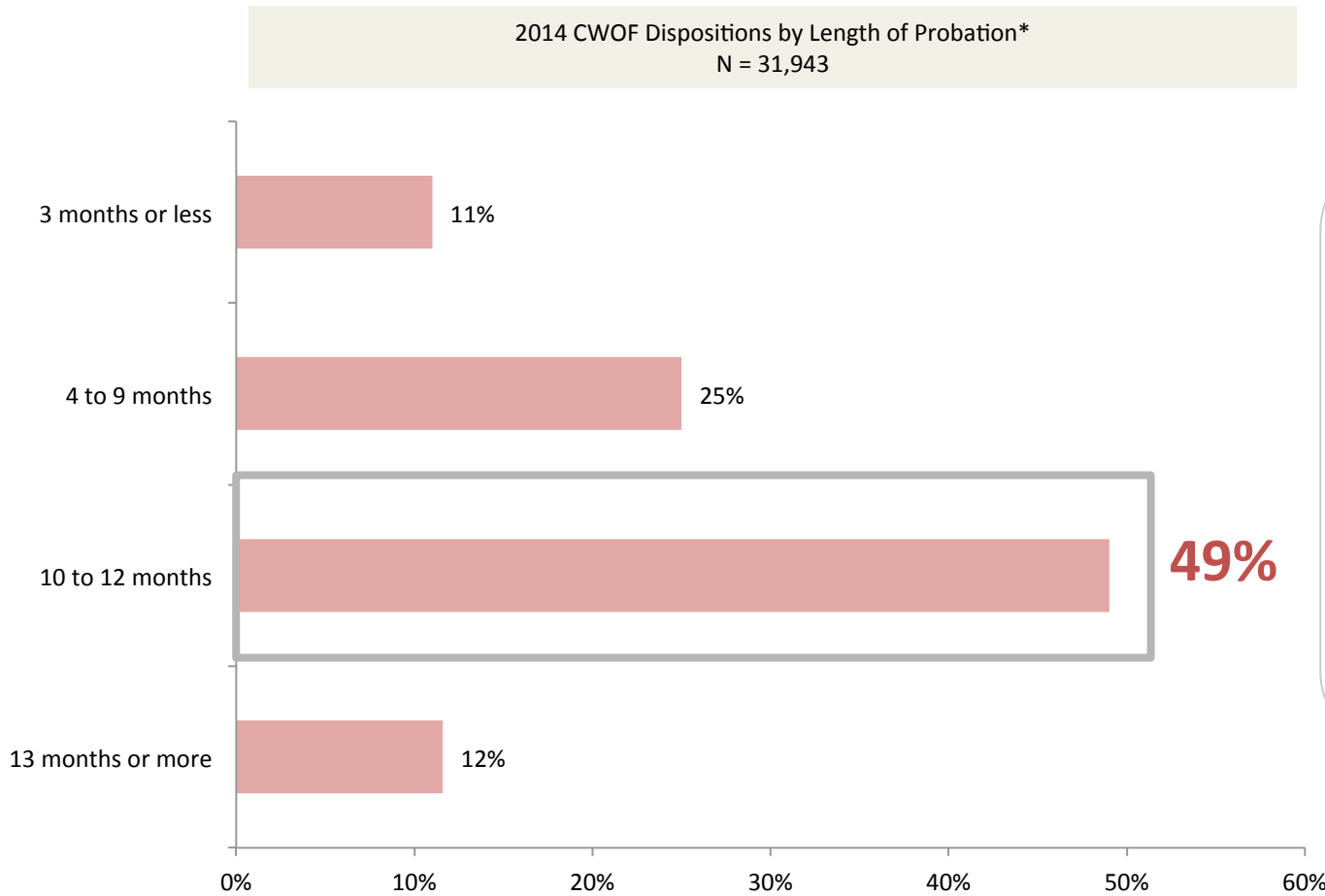


66 percent of people convicted in 2013 had a history of at least one CWOF.

In 2013 **11 percent** of convictions were the result of a revocation of a CWOF.

*Individuals' latest disposition date in 2013 was selected. Data not available for 0.7% of convictions. Juvenile criminal history was excluded from the analysis.
Source: CSG Justice Center analysis of 2013 CARI and CORI data.

Nearly half of CWOFs have a period of supervised probation of 10 to 12 months



People with CWOFs have a shorter term of supervised probation than convicted individuals sentenced to straight probation.

The average probation sentence is 17–20 months.

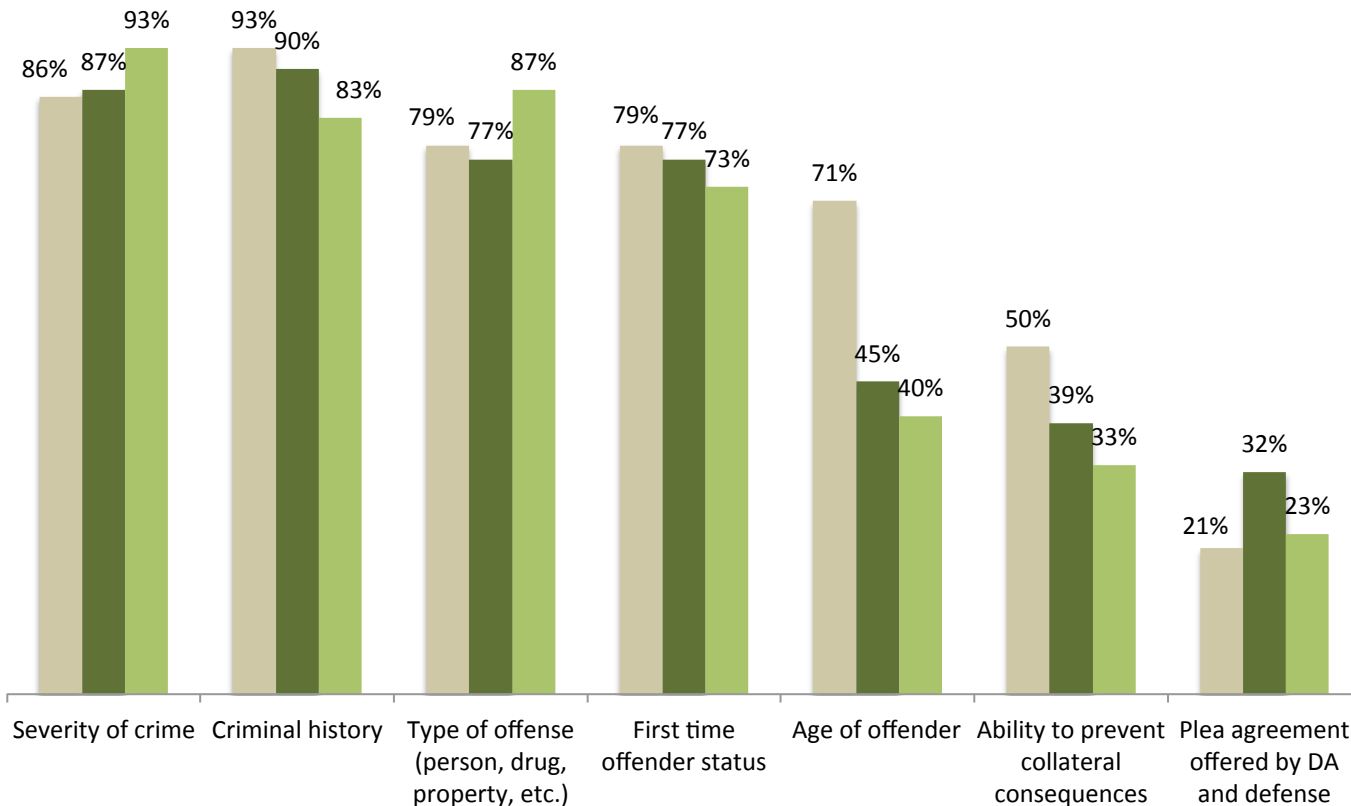
*3% of cases did not have length of supervision available

Source: CSG Justice Center analysis of 2014 CARI sentencing data and probation caseload data; MA Office of the Commissioner of Probation.

Judges identified severity of offense and criminal history as key considerations in decisions to use a CWOFF over conviction

Percent of Judges Reporting Factors as Very Important to Making Decisions on CWOFFs

■ Boston Municipal Court ■ District Court ■ Superior Court



Judges identified additional factors as being influential in their decision making:

Input and consensus among victims in the case

Likelihood of a defendant to reoffend

The court in which they are presiding: CWOFFs are rare in Superior Court

*CSG Justice Center electronic survey of Massachusetts judges, March 2016. 14 Boston Municipal Court judges, 31 District Court judges and 30 Superior Court judges participated in the survey.

CWOFs are broadly used, but little is known about their impact on the criminal justice system or people who receive them

KEY SYSTEM FACTS ABOUT CWOFs

There is significant flexibility in the use of CWOFs. District Court and BMC most heavily rely on this disposition option.

CWOFs are used as a strong incentive to successfully complete probation.

CWOFs prevent collateral consequences for many recipients by preventing a permanent criminal record (though the federal government views CWOFs as a conviction in professional licensing and immigration circumstances).

It is likely that people who receive CWOFs will have multiple interactions with the criminal justice system.

UNKNOWNs FOR CWOF DISPOSITIONS

What are the key differences between people who receive a CWOF and those that are convicted and receive a sentence to straight probation?

Do recidivism outcomes differ for people with CWOFs versus people with straight probation sentences?

How do the rates of successful completion of probation differ for people with CWOFs versus people with straight probation sentences?

What do CWOFs cost the criminal justice system? How does that compare to other dispositions/sentences?

Additional analysis on CWOFs



How many CWOFs are there each year?



What kind of offenses/offenders receive CWOFs?



How often do people who receive CWOFs recidivate? Is their recidivism rate better or worse than people who proceed to convictions and receive either probation or incarceration sentences?



What do CWOFs cost or save the system?



How do CWOFs impact public safety?



If CWOFs as currently used lack effectiveness, how could they be potentially restructured to better fit into an effective continuum of responses?

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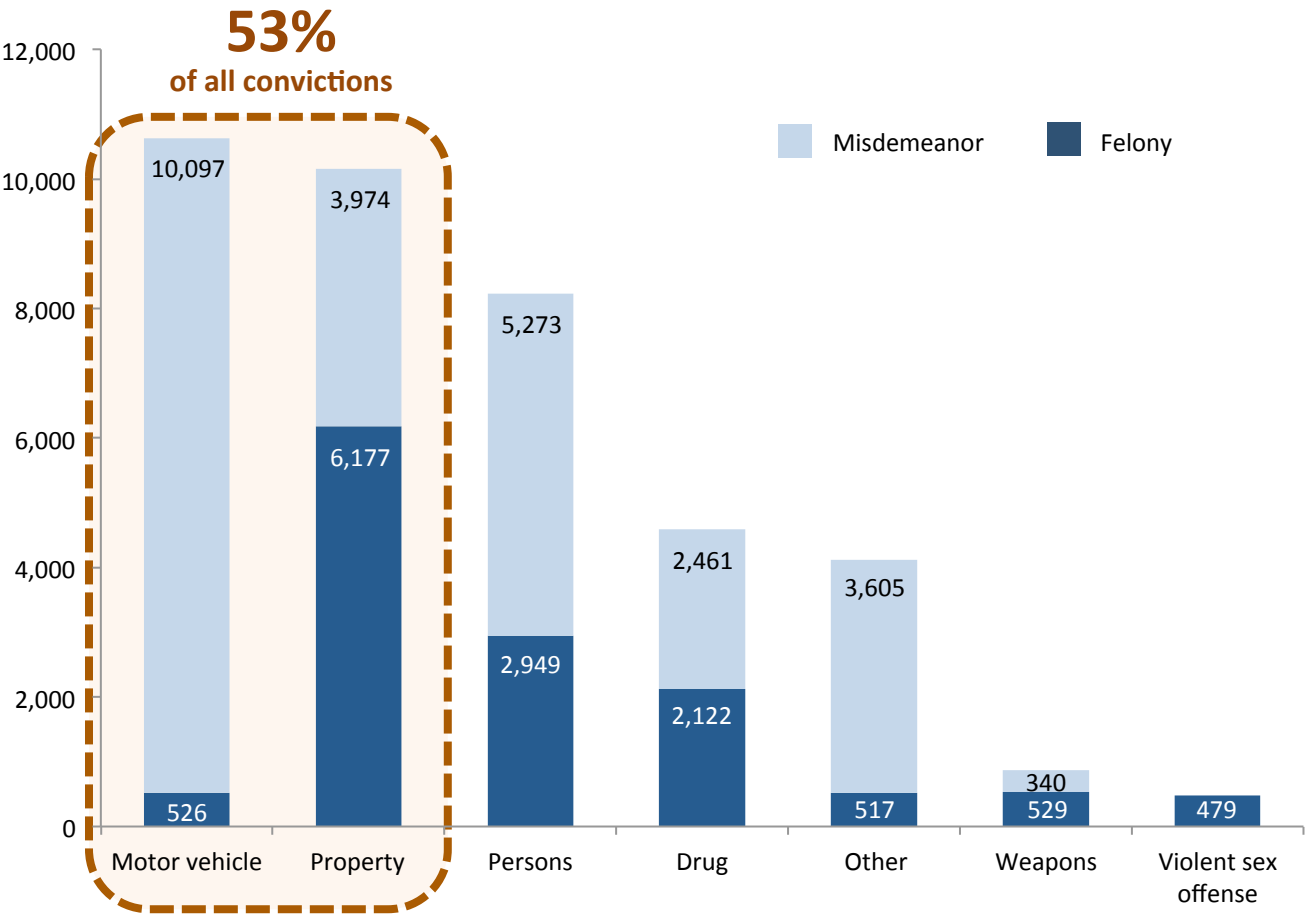
Summary of Findings and Next Steps

- CWOFs
- KEY SENTENCING STATUTES**
- SENTENCING GUIDELINES
- DOC & HOC STRUCTURE
- POST-RELEASE SUPERVISION

This list is presented in order of an individual's progression through the criminal justice system and does not reflect order of priority or impact.

Over half of convictions were for property or motor vehicle offenses

2013 Convictions by Offense Type and Level
N = 39,049



6,643

individuals received a sentence to incarceration for a motor vehicle or property offense in 2013

All offenses listed in this chart are the "governing offense." People may have had additional charges on their court docket, but the offense shown here was deemed to be the most serious in the sentencing event.

Source: CSG Justice Center analysis of 2013 CARI sentencing data.

The state spent up to \$15 million on incarceration for misdemeanor motor vehicle and property offenses



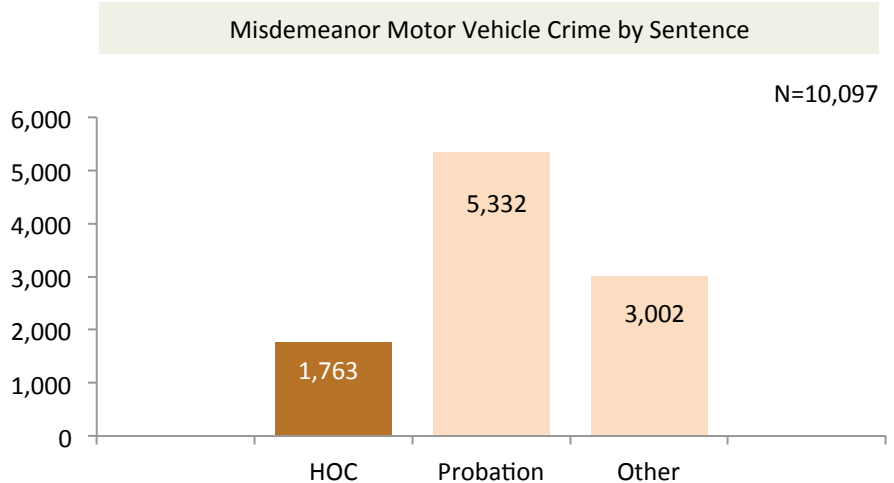
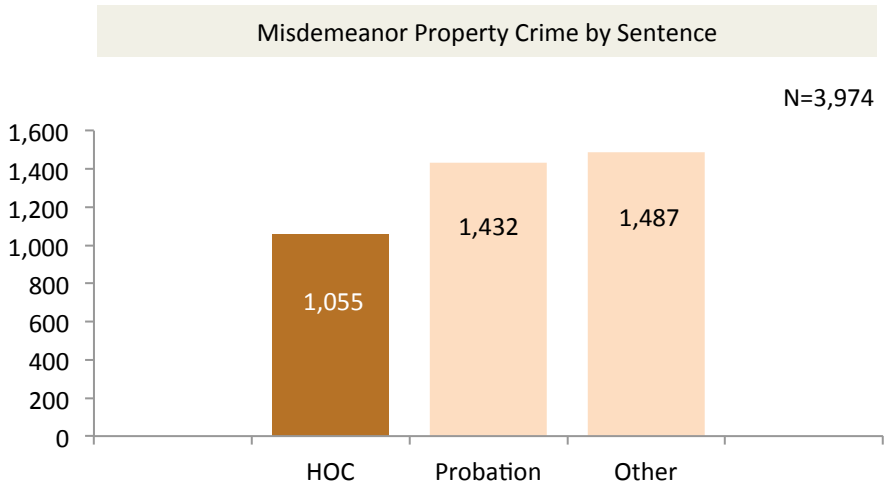
Property Crime Statutes



Criminal Motor Vehicle Statutes

Larceny statutes have many categories, but little definition around severity. Most larceny convictions can be sentenced to incarceration.

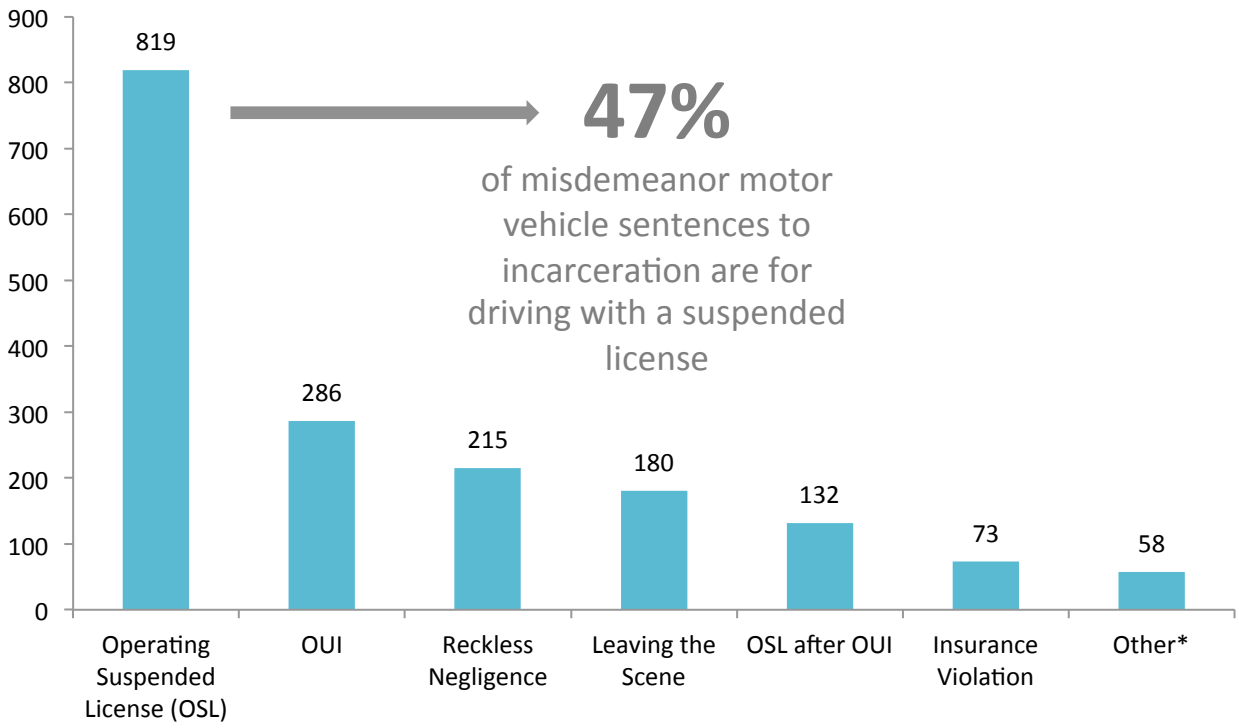
There are dozens of criminal motor vehicle offenses in Massachusetts, a majority of which can be sentenced to incarceration.



Source: General Laws Chapter 266, Sections 30-60. District Court Department of the Trial Court & Registry of Motor Vehicles. *Table of Citable Motor Vehicle Offenses effective October 23, 2013* based on General Laws Chapter 90, Sections 1-4. CSG Justice Center analysis of 2013 CARI sentencing data; Massachusetts Sheriffs Association FY2013 and FY2014 cost per Inmate.

Nearly half of HOC sentences for misdemeanor motor vehicle offenses were for Operating with a Suspended License

Misdemeanor Motor Vehicle Sentences to HOCs 2013
N=1,763



People in Massachusetts may have their driver's license suspended or revoked for a number of reasons:

- Operating under the influence
- Reckless driving
- Conviction of certain drug offenses
- Delinquency in paying child support
- Existence of an outstanding warrant
- Violation of serious vehicle law
- Habitual offender conviction

Massachusetts could be spending as much as **\$8 million** a year incarcerating misdemeanor motor vehicle offenders

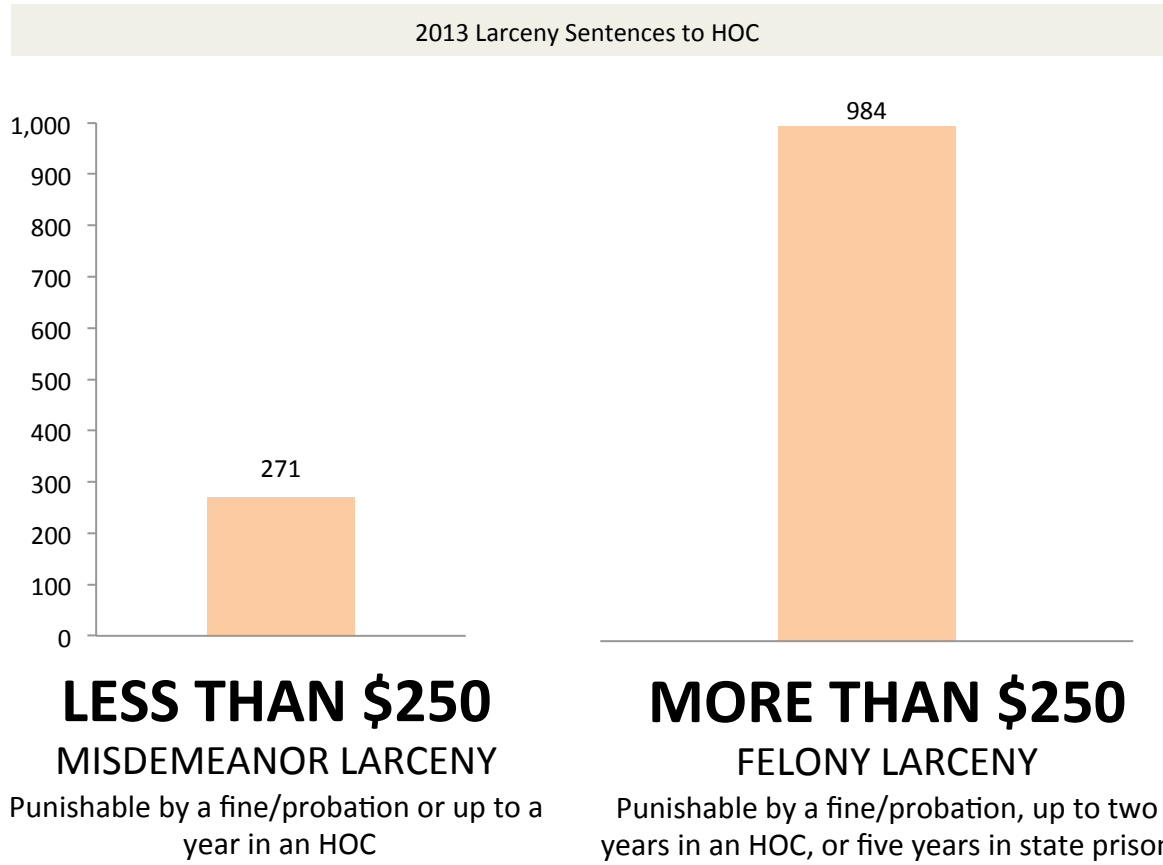
The above figure is a cost estimate. A more thorough fiscal impact analysis will be conducted later in the project to estimate costs and potential savings of specific practices and policies, and may differ from what is shown here.

Average Sentence Length	1.5 MONTHS	2.6 MONTHS	4.3 MONTHS	5.1 MONTHS	3.6 MONTHS	0.8 MONTHS	3.5 MONTHS
Average Number of Prior Conv	9.3 PRIORS	3.5 PRIORS	6.1 PRIORS	7.3 PRIORS	7.5 PRIORS	5.6 PRIORS	7.8 PRIORS

Source: CSG Center analysis of 2013 CARI sentencing data as well as Massachusetts Sheriffs Association FY2013 and FY2014 cost per Inmate information. The calculation represents an average cost across county facilities. Some of the cost per inmate information includes both county jail and HOC costs. *Other includes Habitual Traffic Offender and MV Homicide.

More than 1,200 people were sentenced to HOC for larceny offenses, at a cost of up to \$13 million

The statutory definition of larceny only staircases two levels of theft:
LESS THAN \$250 and MORE THAN \$250



Number of sentences to HOC for felony larceny:
984

Estimated LOs based on maximum sentence length:
105 days

Cost to incarcerate a one-year cohort of felony larceny offenders in HOC:
\$11.5M

Number of sentences to HOC for misdemeanor larceny:
271

Estimated LOs based on maximum sentence length:
55 days

Cost to incarcerate a one-year cohort of misdemeanor larceny offenders in HOC:
\$1.7M

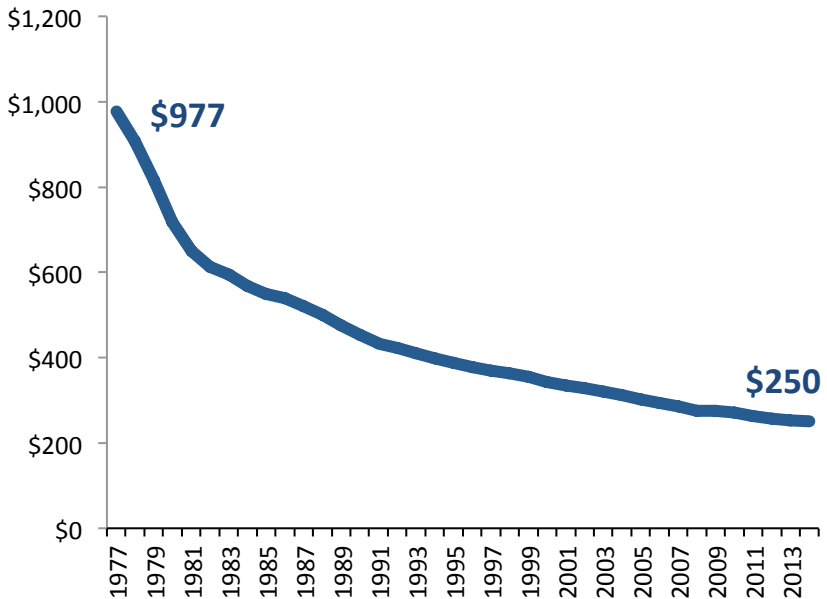
Total Potential Cost: \$13.2M

The above figures are cost estimates. A more thorough fiscal impact analysis will be conducted later in the project to estimate costs and potential savings of specific practices and policies, and may differ from what is shown here.

Source: CSG Justice Center analysis of 2013 CARI sentencing data. Massachusetts Sheriffs Association FY2013 and FY2014 cost per inmate. The calculation represents an average cost across county facilities. Some of the cost per inmate information includes both county jail and HOC costs.

The felony larceny threshold has not been adjusted to keep up with inflation

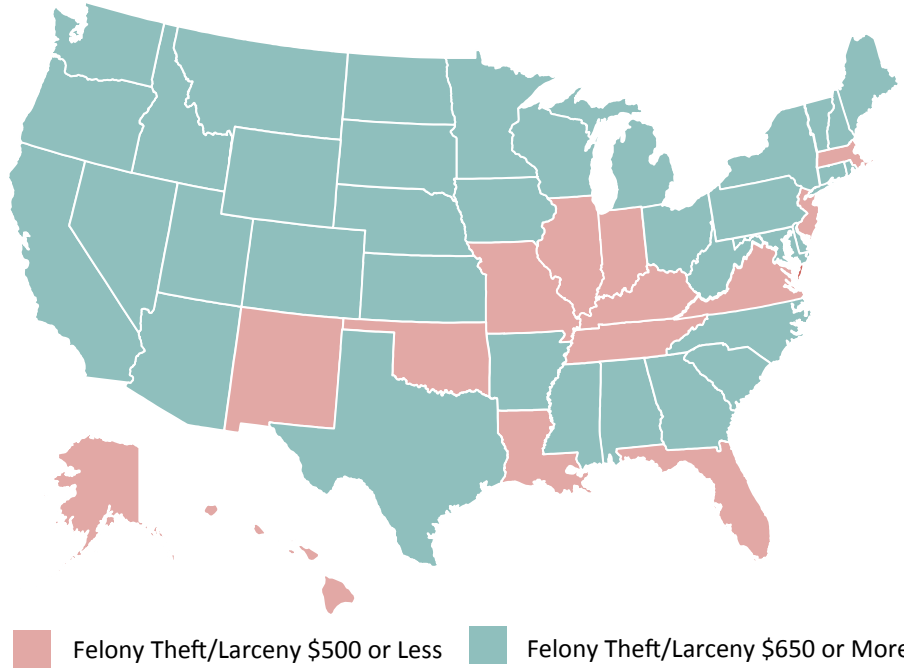
Value of Massachusetts's Historical Felony Larceny Threshold in 2014 Dollars, 1977-2014



\$977 IN 2014 DOLLARS IS EQUIVALENT TO **\$250** IN 1977 DOLLARS

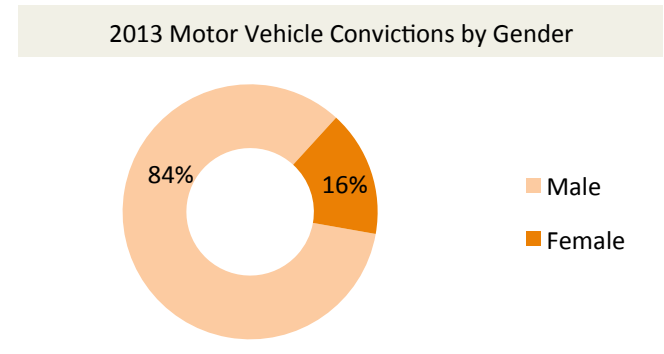
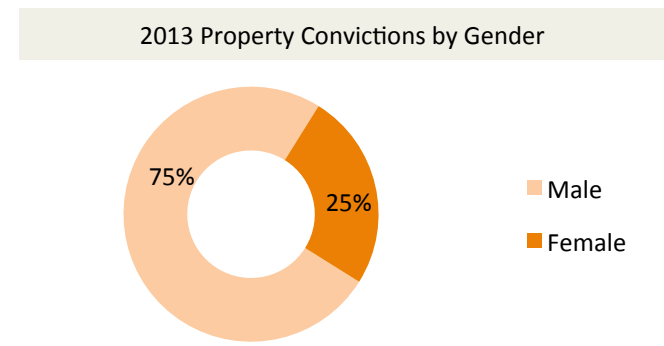
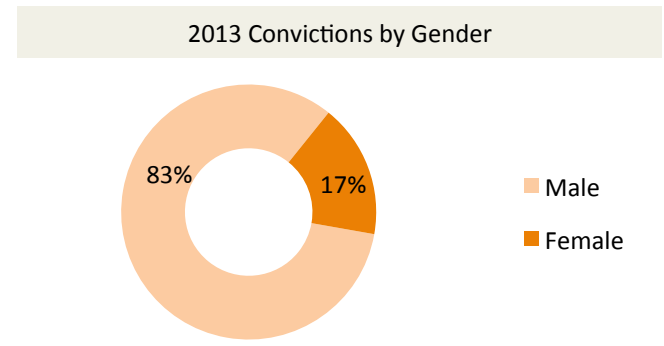
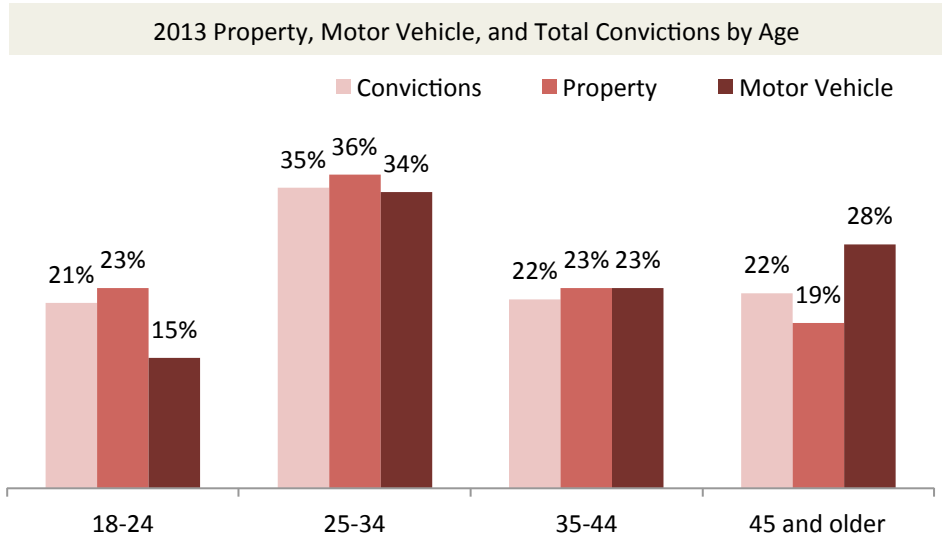
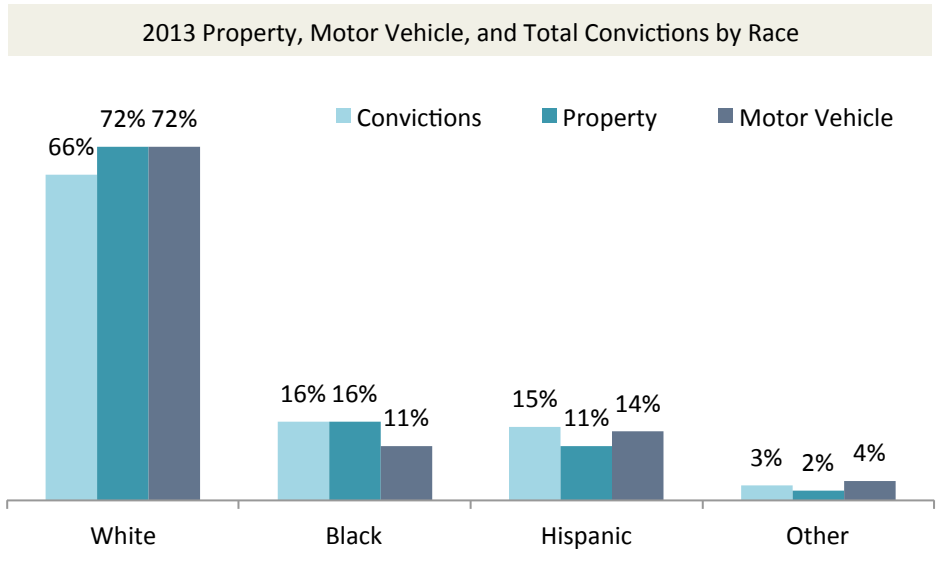
Massachusetts is one of 14 states with a felony larceny threshold of \$500 or less

Felony Theft/Larceny* Thresholds by State 2015



Changes in felony larceny* thresholds have not resulted in higher property crime or theft rates. Other states refer to larceny as theft. Source: Massachusetts General Laws Chapter 266, Section 30. CSG Justice Center legal analysis of states' felony larceny thresholds.

Demographic composition of motor vehicle and property convictions compared to total convictions



Source: CSG Justice Center analysis of 2013 CARI sentencing data ; U.S. Census 2010-2014 American Community Survey 5-Year Estimates.

Additional analysis on key sentencing statutes

- ✓ What are the most commonly used criminal statutes?
- ✓ How do Massachusetts's property offense thresholds compare nationally?
- ✓ What are the costs for incarcerating people convicted of low-level property offenses?
- What are the statutory requirements for imposing restitution as part of sentencing and how do these compare to other states?
- What opportunities exist pretrial?
- What is the impact of mandatory sentences?
- What is the relationship between property offenses and substance use disorders?

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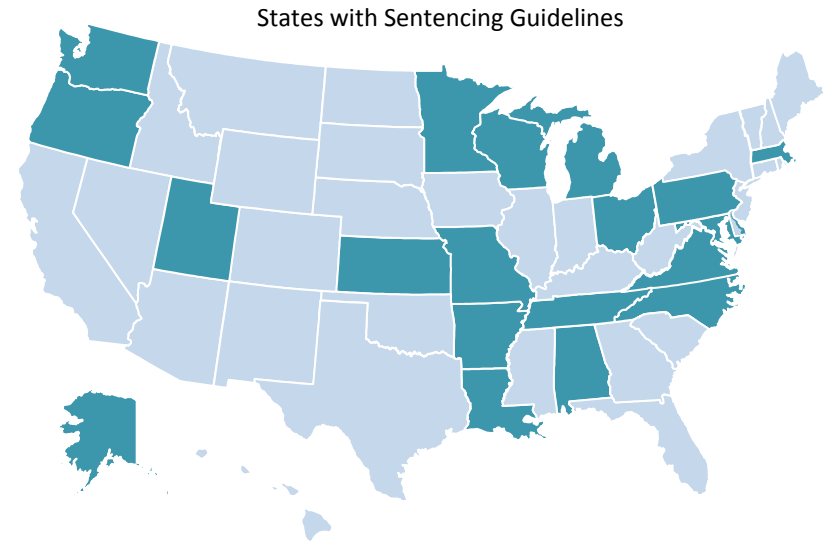
- CWOFs
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This list is presented in order of an individual's progression through the criminal justice system and does not reflect order of priority or impact.

Massachusetts is one of 21 states with some form of sentencing guidelines

Development of the sentencing guidelines in MA reflected several key considerations

- Ensuring adequate discretion while providing adequate guidance
- Promoting fairness and reducing disparity



In 1991 the Massachusetts Task Force on Justice found that *“sentencing in Massachusetts is haphazard, confusing, and archaic, with a hodgepodge of options. As a result, there is a substantial disproportionality in sentences given for various offenses and a lack of uniformity among sentences imposed for the same offense.”*

The guidelines include a grid that sorts cases into zones based on offense severity and criminal history

SENTENCING GUIDELINES GRID

Severity Levels 1 and 2 are almost primarily misdemeanors—drug, public order, motor vehicle, property

Severity Levels 3 and 4 are mixture of felony/misdemeanor and mostly drug/property but also some low-level assault

Severity Levels 5 and higher are mostly violent felonies or high-level drug trafficking

A - No/Minor Record

B - Moderate Record

C - Serious Record

D - Violent or Repetitive Record

E - Serious Violent Record

Level	Illustrative Offense	Sentence Range				
		A	B	C	D	E
9	Murder	Life	Life	Life	Life	Life
8	Manslaughter (Voluntary) Rape of Child with Force Aggravated Rape Armed Burglary	96 - 144 Mos.	108 - 162 Mos.	120 - 180 Mos.	144 - 216 Mos.	204 - 306 Mos.
7	Armed Robbery (Gun) Rape Mayhem	60 - 90 Mos.	68 - 102 Mos.	84 - 126 Mos.	108 - 162 Mos.	160 - 240 Mos.
6	Manslaughter (Involuntary) Armed Robbery (No gun) A&B DW (Significant Injury)	40 - 60 Mos.	45 - 67 Mos.	50 - 75 Mos.	60 - 90 Mos.	80 - 120 Mos.
5	Unarmed Robbery Stalking in Violation of Order Unarmed Burglary Larceny (\$50,000 and over)	12 - 36 Mos. IS-IV IS-III IS-II	24 - 36 Mos. IS-IV IS-III IS-II	36 - 54 Mos.	48 - 72 Mos.	60 - 90 Mos.
4	Larceny From a Person A&B DW (Moderate Injury) B&E (Dwelling) Larceny (\$10,000 to \$50,000)	0 - 24 Mos. IS-IV IS-III IS-II	3 - 30 Mos. IS-IV IS-III IS-II	6 - 30 Mos. IS-IV IS-III IS-II	20 - 30 Mos.	24 - 36 Mos.
3	A&B DW (No or minor injury) B&E (Not dwelling) Larceny (\$250 to \$10,000)	0 - 12 Mos. IS-IV IS-III IS-II IS-I	0 - 15 Mos. IS-IV IS-III IS-II IS-I	0 - 18 Mos. IS-IV IS-III IS-II IS-I	0 - 24 Mos. IS-IV IS-III IS-II IS-I	6 - 24 Mos. IS-IV IS-III IS-II IS-I
2	Assault Larceny Under \$250	IS-III IS-II IS-I	0 - 6 Mos. IS-III IS-II IS-I	0 - 6 Mos. IS-III IS-II IS-I	0 - 9 Mos. IS-IV IS-III IS-II IS-I	0 - 12 Mos. IS-IV IS-III IS-II IS-I
1	Operating Aft Suspended Lic Disorderly Conduct Vandalism	IS-II IS-I	IS-III IS-II IS-I	IS-III IS-II IS-I	0 - 3 Mos. IS-IV IS-III IS-II IS-I	0 - 6 Mos. IS-IV IS-III IS-II IS-I
Criminal History Scale		A No/Minor Record	B Moderate Record	C Serious Record	D Violent or Repetitive	E Serious Violent

Incarceration Zone
Presumptive sentence of incarceration (state prison or HOC)

Discretionary Zone
Presumptive sentence of incarceration (state prison or HOC) or intermediate sanctions (probation/fine)

INTERMEDIATE SANCTIONS ZONE
Presumptive sentence of intermediate sanctions (probation/fine)

12% of sentences in 2013 were not assigned to the sentencing grid (OUI, Mandatory firearms, Non-jailable offenses)

Criminal History

Source: CSG Justice Center analysis of 2013 CARI sentencing data; Massachusetts Sentencing Commission, 1998 *Sentencing Guide: Massachusetts Sentencing Guidelines*.

The grid is a consistent tool used by Superior Court judges, but the guidelines are not applicable to District Court cases

CONSULTING THE SENTENCING GUIDELINES IN SENTENCING DECISIONS



“Rarely” or “Never”

98%

District Court/BMC Judges

“Always” or “Often”

93%

Superior Court Judges

71%

of judges reported they receive sufficient information to feel confident in making sentencing decisions

91%

rarely or never order a pre-sentence investigation

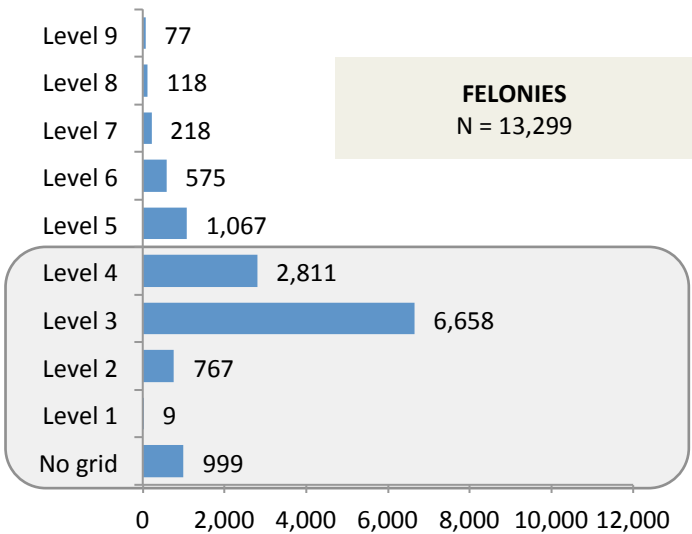
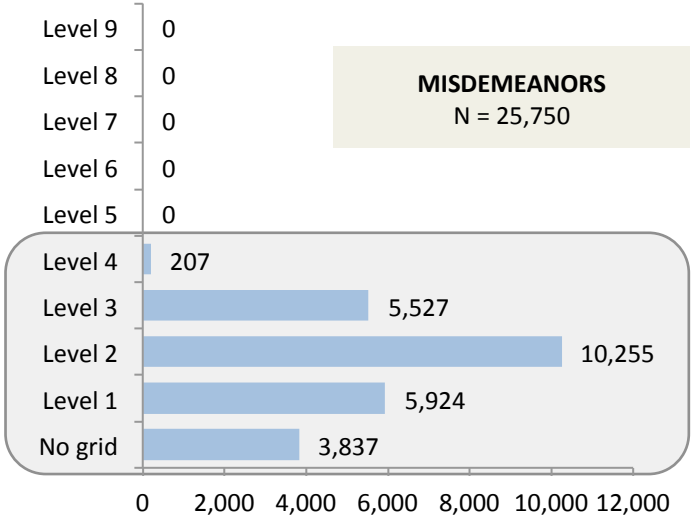
Strongest factors in deciding on incarceration and incarceration length include:

- Offense type and severity
- Criminal history
- Statutory requirement
- Professional judgment

*District Court responses include Boston Municipal judges. CSG Justice Center electronic survey of Massachusetts judges, March 2016. 45 Boston Municipal and District Court judges and 30 superior court judges participated in the survey.

A majority of offenses, especially those processed in District Court, fall into offense levels 1 through 4 and are in the discretionary zone

Of sentences that are assigned to the grid, **86%** are sentenced within the proposed guidelines ranges, **58%** were in the “discretionary zone”



Criminal History Offense Severity	Criminal History				
	No/Minor Record (A)	Moderate Record (B)	Serious Record (C)	Violent or Repetitive (D)	Serious Violent (E)
9	Mandatory Life	Mandatory Life	Mandatory Life	Mandatory Life	Mandatory Life
8	State Prison	State Prison	State Prison	State Prison	State Prison
7	State Prison	State Prison	State Prison	State Prison	State Prison
6	State Prison	State Prison	State Prison	State Prison	State Prison
5	Prison/HOC Probation	Prison/HOC Probation	State Prison	State Prison	State Prison
4	Prison/HOC Probation	Prison/HOC Probation	Prison/HOC Probation	State Prison HOC	State Prison HOC
3	HOC Probation Fine	Prison/HOC Probation Fine	Prison/HOC Probation Fine	Prison/HOC Probation	Prison/HOC Probation
2	Probation Fine	HOC Probation Fine	HOC Probation Fine	HOC Probation Fine	HOC Probation Fine
1	Probation Fine	Probation Fine	Probation Fine	HOC Probation Fine	HOC Probation Fine
Not assigned	OUI, mandatory gun, and non-jailable offenses				

“No grid” includes OUI, mandatory gun, and non-jailable offenses.

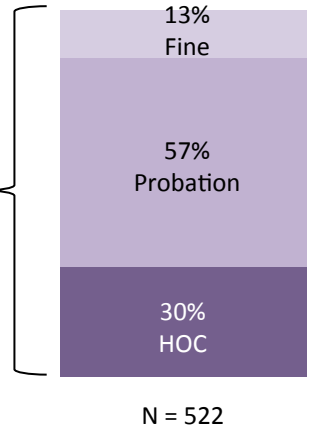
Source: CSG Justice Center analysis of 2013 CARI sentencing data; Massachusetts Sentencing Commission, 1998 Sentencing Guide: Massachusetts Sentencing Guidelines.

Sentencing outcomes can vary for individuals with the same offense and similar criminal history

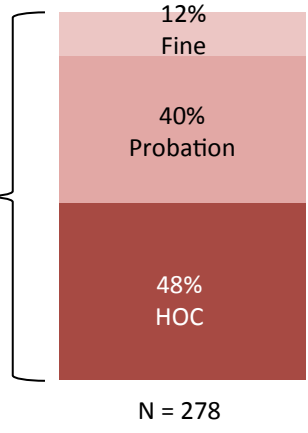
	No/Minor Record	Moderate Record	Serious Record	Violent or Repetitive
Level 9				
Level 8				
Level 7				
Level 6				
Level 5				
Level 4				
Level 3				
Level 2				
Level 1				

2013 Sentences

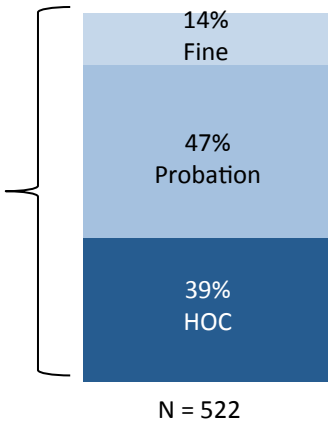
EXAMPLE OFFENSE 1:
Larceny Less Than \$250
Criminal History: Minor—Moderate
Offense Severity Level: 2



EXAMPLE OFFENSE 2:
Operating License Suspended (Subsequent)
Criminal History: Minor—Moderate
Offense Severity Level: 2



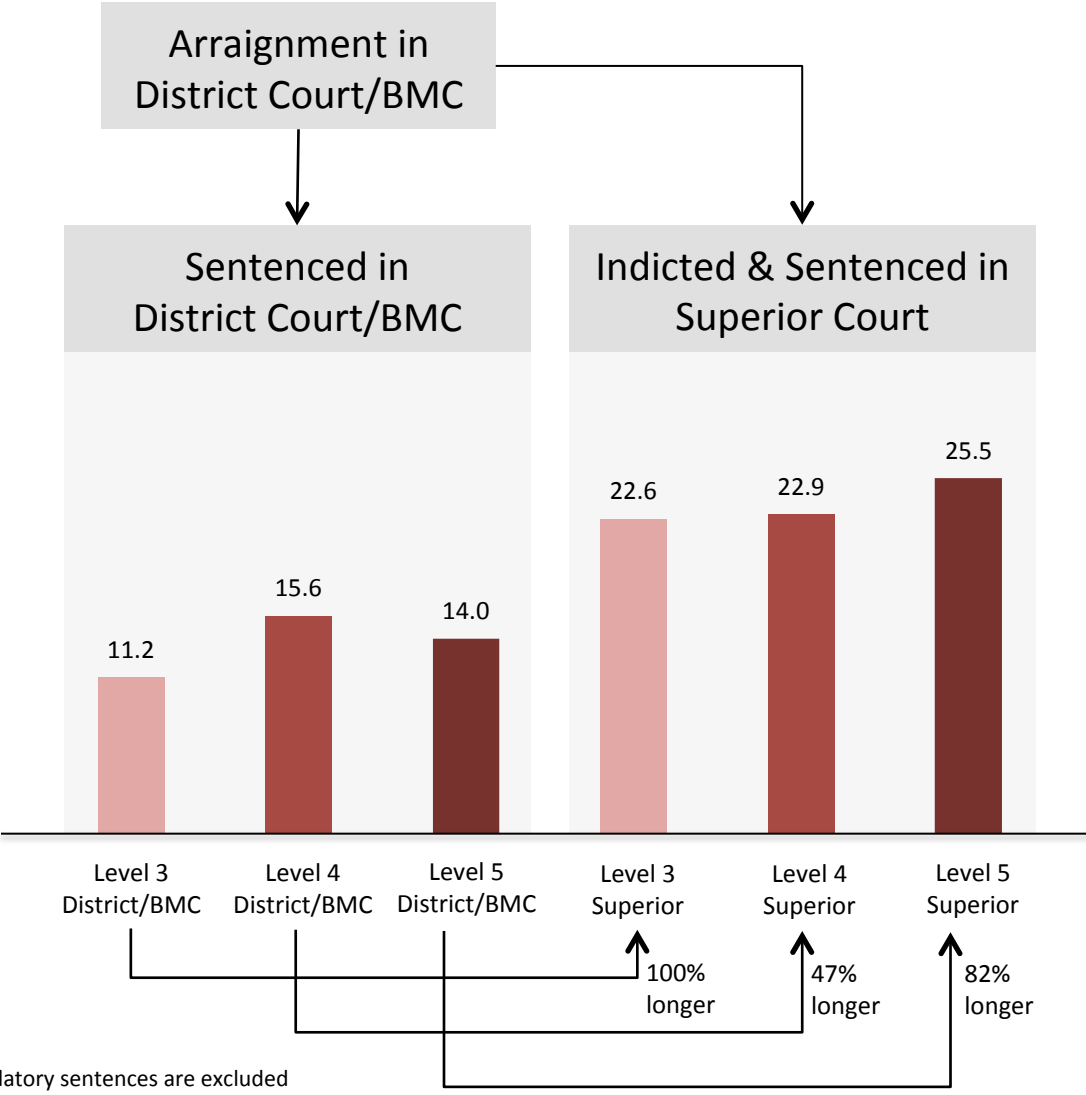
EXAMPLE OFFENSE 3:
Drug Possession Class B
Criminal History: Minor—Moderate
Offense Severity Level: 2



The offenses included in this analysis represent the charge at sentencing and may, in some cases, be different from the original charge.

CSG Justice Center analysis of 2013 CARI sentencing data.

Superior Court sentences are consistently longer than District Court sentences for similar offenses



Cases that move through Superior Court receive longer sentences

The decision to indict and bring a case to Superior Court is informed by various factors that may not be fully captured by offense severity level. Furthermore, offense severity level is somewhat broad in the varying degrees of offense severity within a given level.

*Mandatory sentences are excluded
CSG Justice Center analysis of 2013 CARI sentencing data.

Additional analysis on sentencing guidelines

- ✓ How do judges use the sentencing guidelines and other information in making sentencing decisions?
- ✓ How many cases apply to the sentencing grid and where do they typically fall?
- ✓ What are the sentencing outcomes for the same offense with similar criminal history?
- Should processes be improved to create more consistency and standardization in sentencing?
- What are relative costs and recidivism outcomes for similar individuals receiving different types of sentences?

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DOC and county facilities* manage similarly sized populations and receive similar levels of state funding

- Corrections system funding was consolidated in 2010 via appropriations bills Senate, No. 2121 and House, No. 4181
- As a result of the consolidation, all 14 independently elected sheriffs in the state receive all funding through the state general appropriations act
- The financial shift was meant to create more financial stability for sheriffs and reduce total costs

There are 17 prison facilities and 14 jail/HOC facilities in Massachusetts

	State Prison	County Jail / HOC
Year-End Population (2013)	10,099 (11% of system)	11,125 (12% of system)
FY14 Budget	\$583 m (45% of system)	\$553 m (42% of system)

*County facilities include both jails and HOCs.

A number of offenses can be sentenced to either HOC or state prison

DISTRICT COURT/BMC

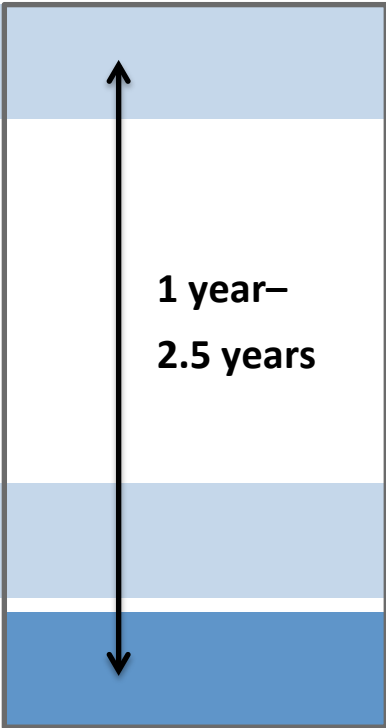
District Court judges have the option to sentence to HOC up to 30 months

House of Correction
1 day–2.5 years

SUPERIOR COURT

Superior Court judges have the option to sentence to HOC for up to 30 months or to state prison for up to any length allowed by statute

House of Correction
1 day–2.5 years

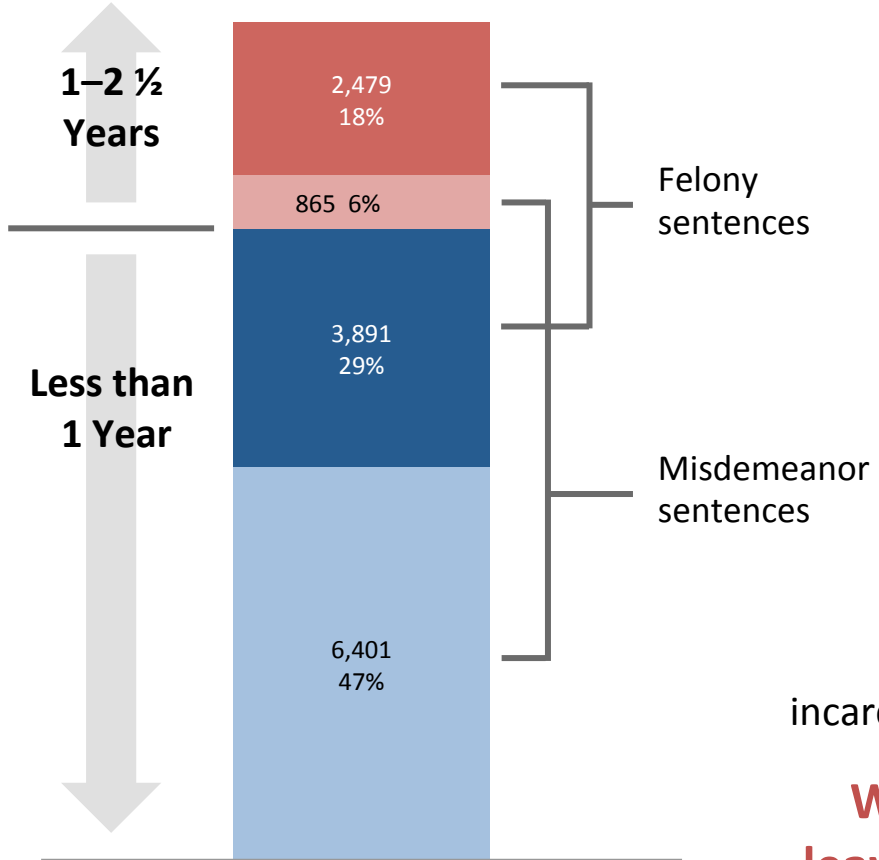


There are more than 480 offenses defined in statute that can result in a sentence to either HOC or state prison

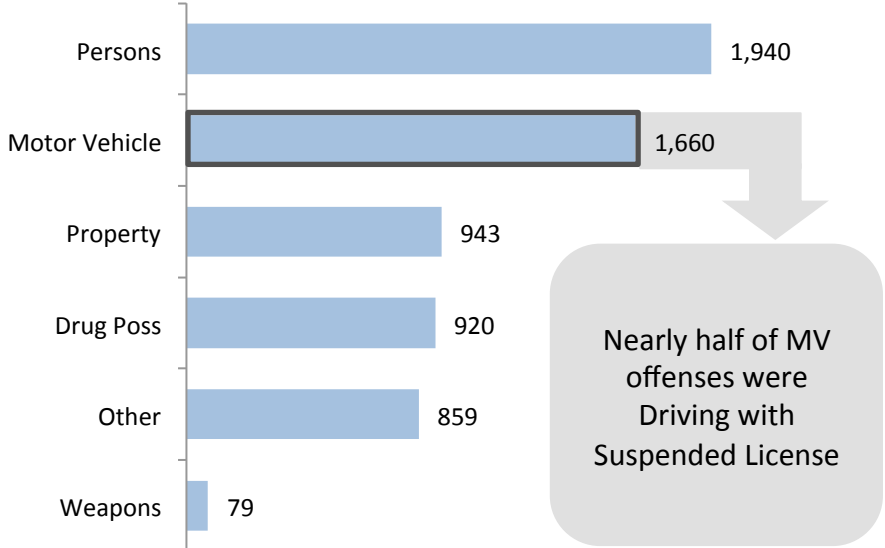
Source: Massachusetts General Laws Chapter 126, Sections 4, 8 and 23 and Chapter 279 Section 24.

Three-quarters of sentences to HOC are for less than one year

Sentences to HOC by Offense, 2013
N = 13,636



Misdemeanor Sentences Less than 1 Year, 2013
N = 6,401



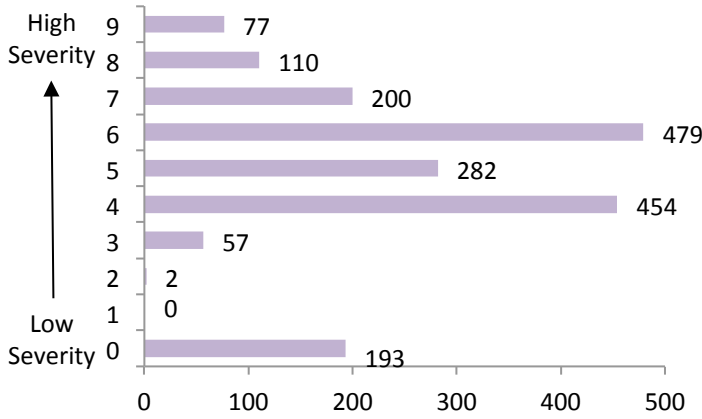
The state spends up to **\$48 million*** each year incarcerating misdemeanor offenders for short sentences

What are the recidivism rates for those leaving HOC after serving a short sentence?

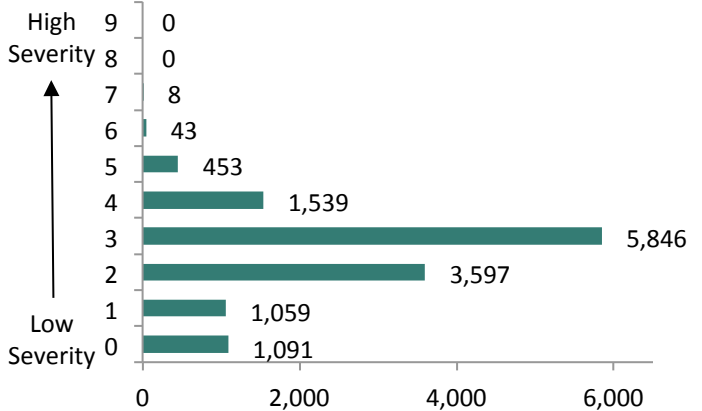
*The above figure is a cost estimate. A more thorough fiscal impact analysis will be conducted later in the project to estimate costs and potential savings of specific practices and policies, and may differ from what is shown here.
Source: CSG Justice Center analysis of 2013 CARI sentencing data; Massachusetts Sheriffs Association FY2013 and FY2014 cost per Inmate. The calculation represents an average cost across county facilities. Some of the cost per inmate information includes both county jail and HOC costs.

State prison and HOC sentences are similarly distributed across offenses, but state prison sentences are for more severe crimes than HOC sentences

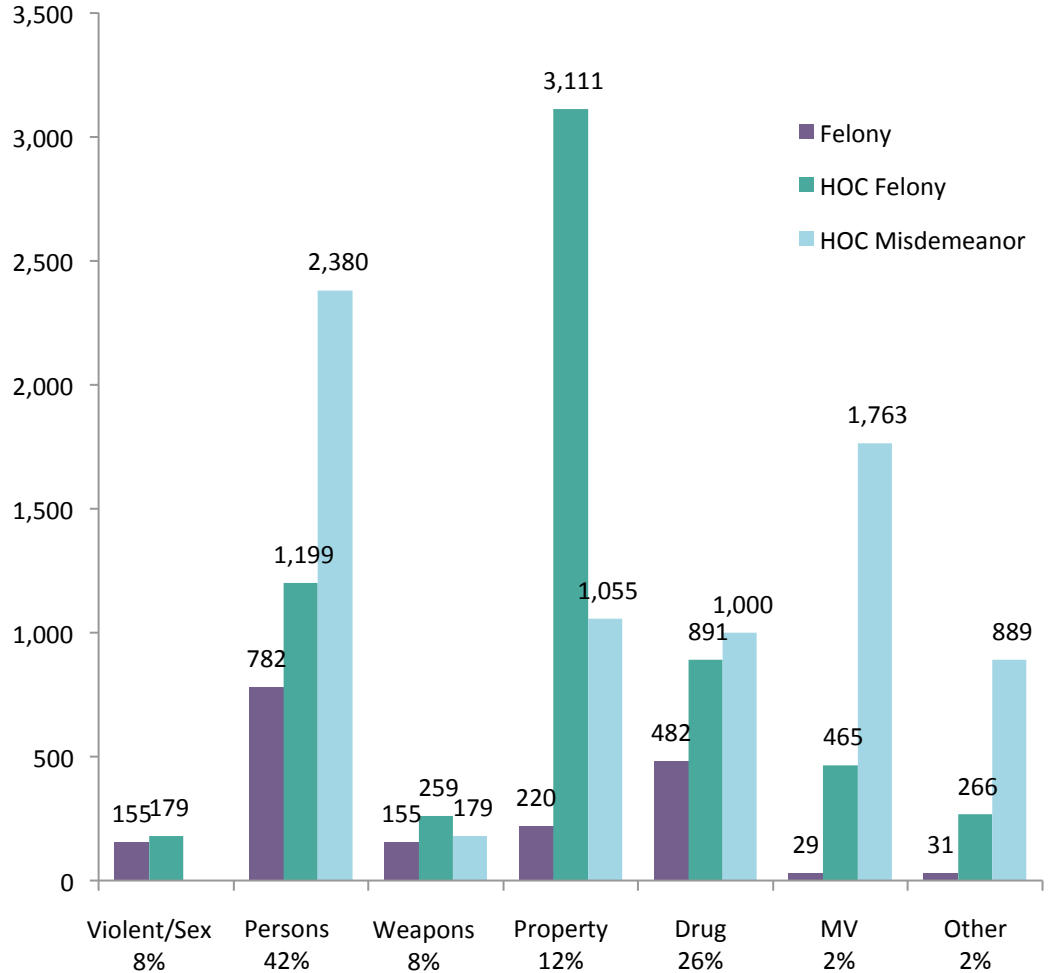
Sentences to State Prison by Offense Severity Level, 2013



Sentences to HOC by Offense Severity Level, 2013



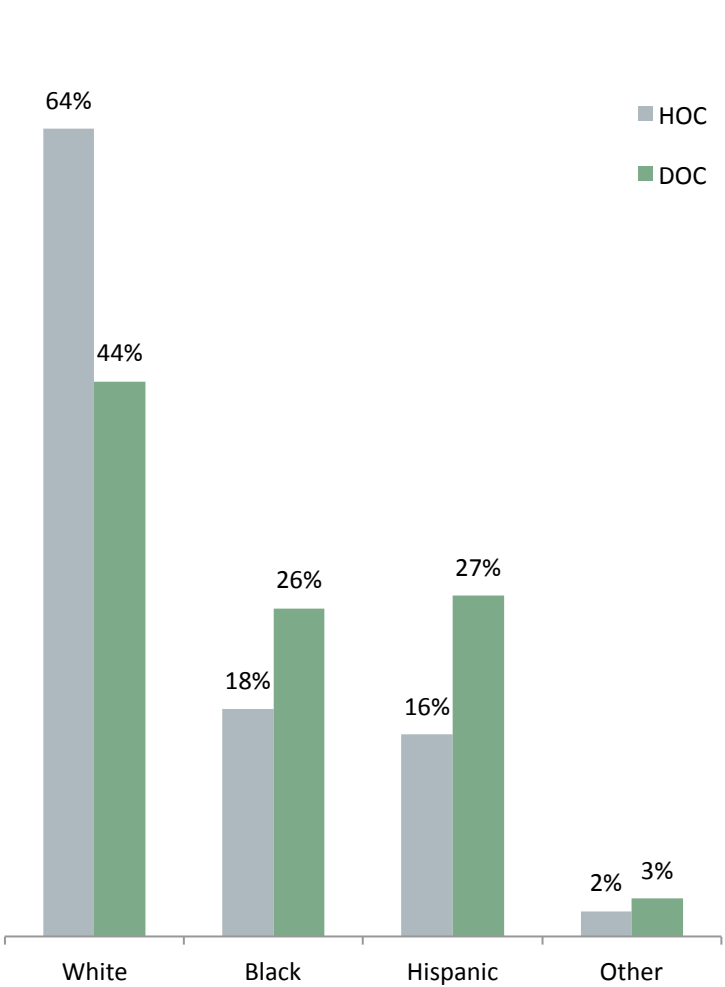
Sentences to HOC and State Prison by Offense, 2013



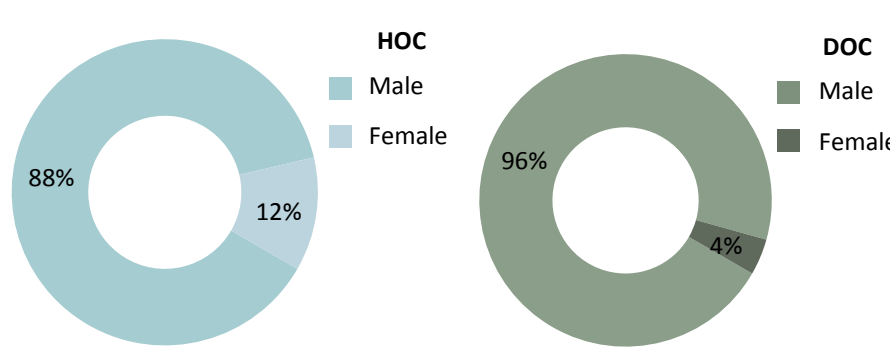
CSG Justice Center analysis of 2013 CARI sentencing data.

Demographic composition of sentences to HOC and state prison

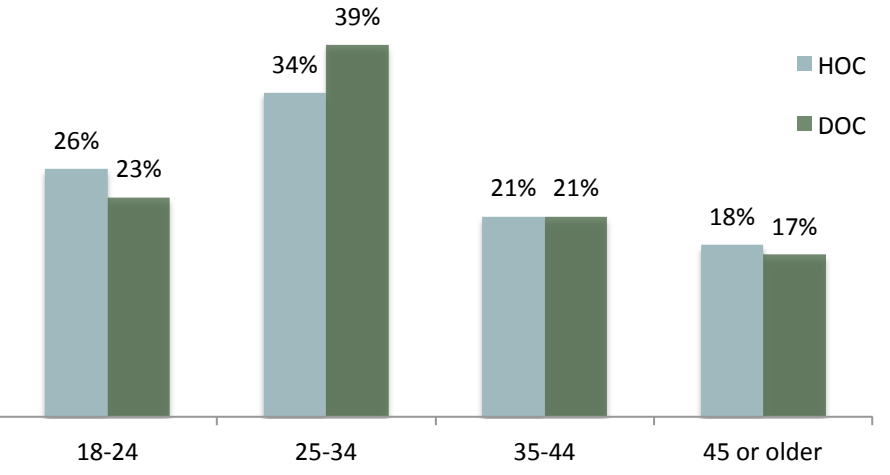
2013 Sentences to HOC and State Prison by Race



2013 Sentences to HOC and State Prison by Gender

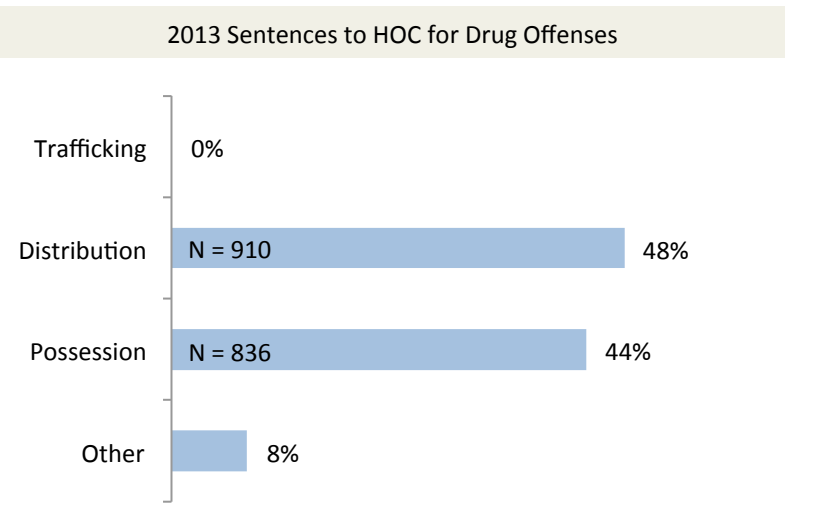
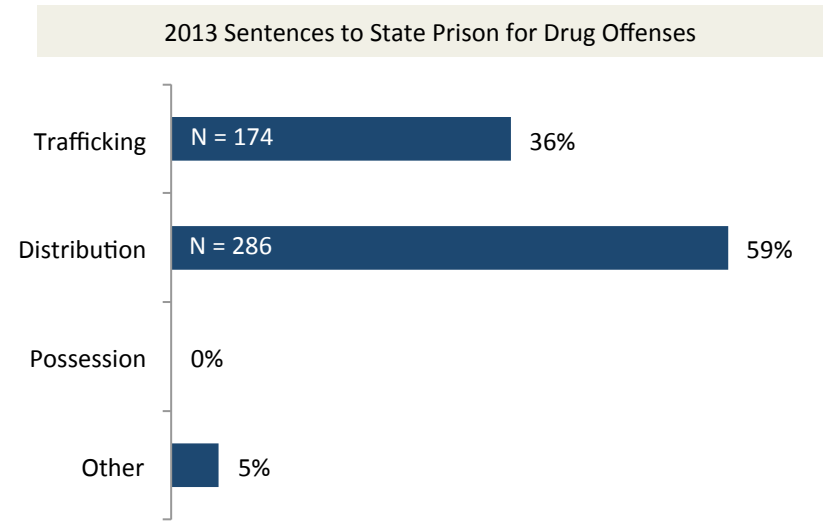
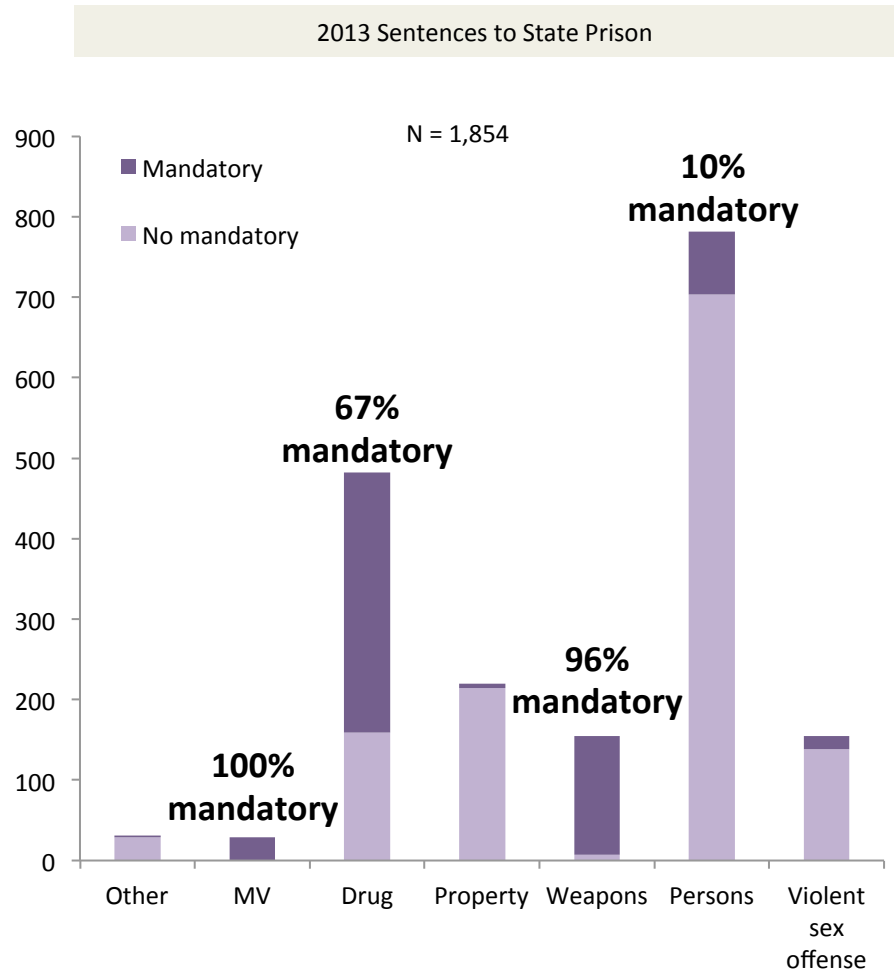


2013 Sentences to HOC and State Prison by Age



Source: CSG Justice Center analysis of 2014 CARI sentencing data.

One-third of sentences to state prison require mandatory incarceration for a motor vehicle, drug, weapons, or person offense

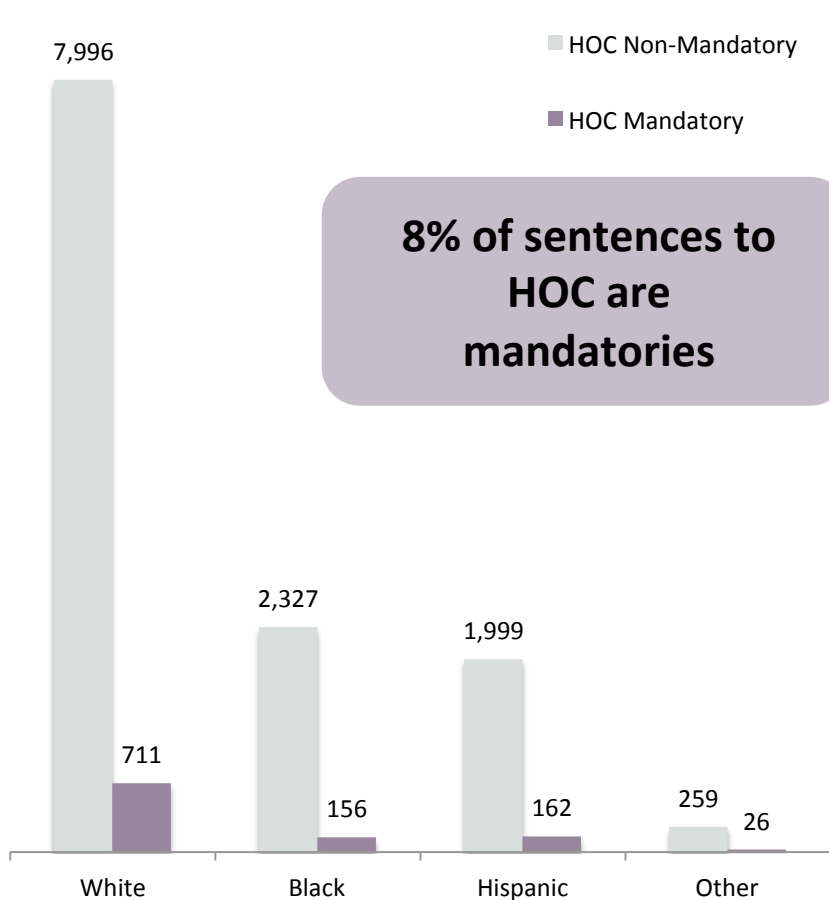


*Mandatory persons offenses sentenced to prison were life sentences

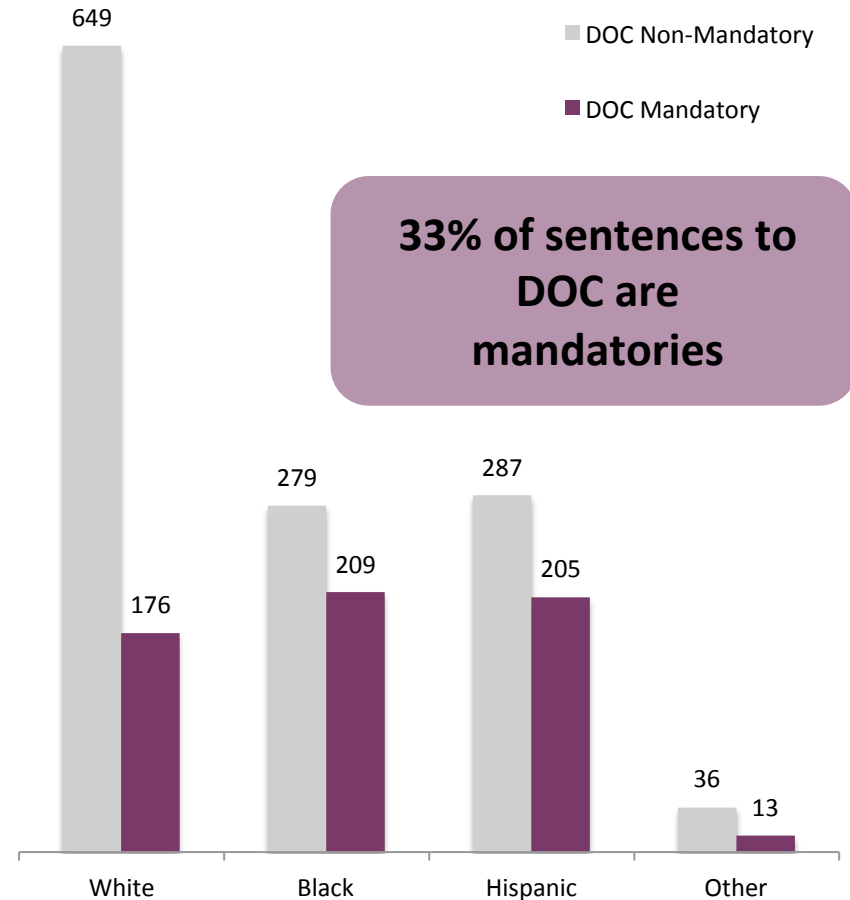
CSG Justice Center analysis of 2013 CARI sentencing data.

Mandatory sentences to HOC and DOC by race

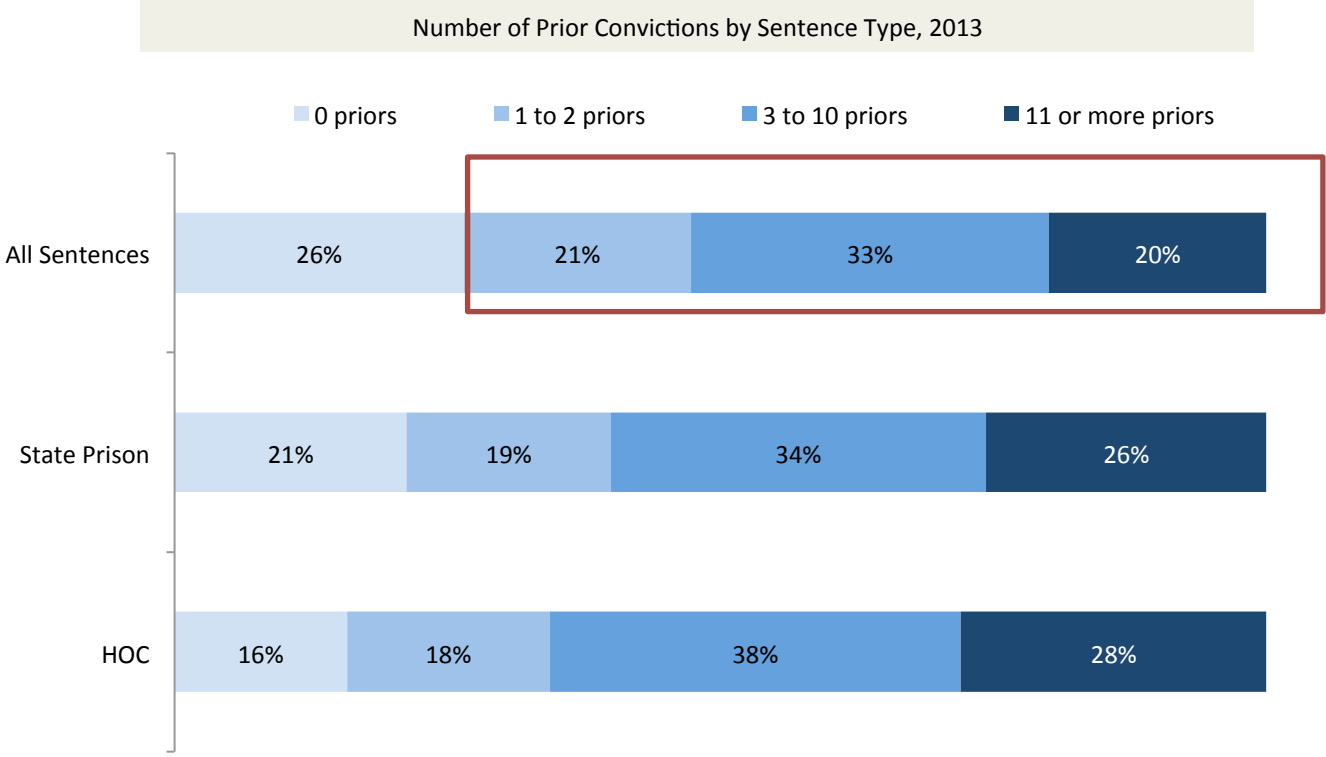
2013 Non-Mandatory and Mandatory Sentences to HOC by Race
 Non-Mandatory N = 12,581, Mandatory N = 1,055



2013 Non-Mandatory and Mandatory Sentences to DOC by Race
 Non-Mandatory N = 1,251, Mandatory N = 603



Nearly three-quarters of all sentences were imposed on people with at least some criminal history

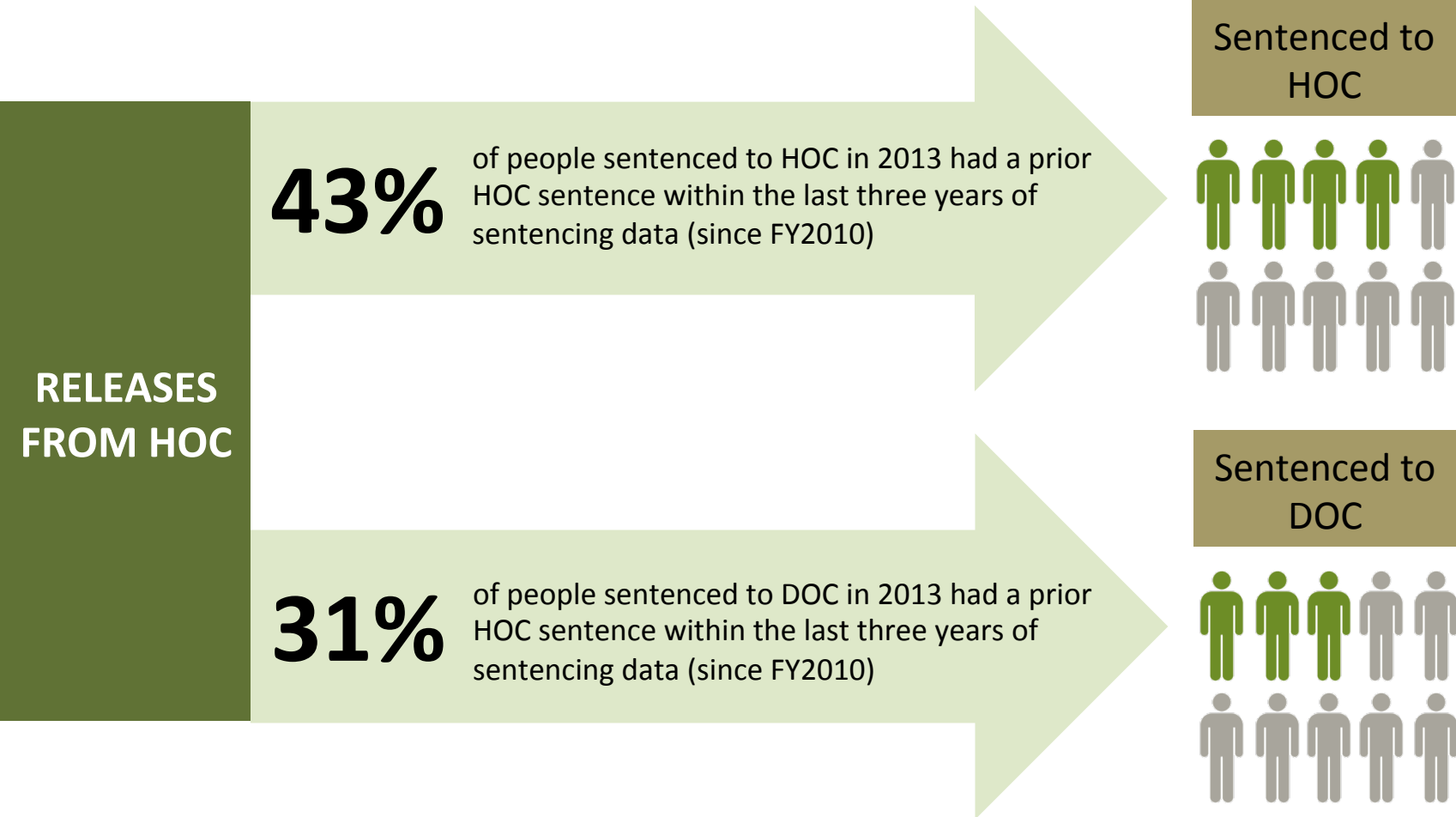


What is the cost of these returns to incarceration?

What impact could recidivism reduction strategies have on HOC and state prison populations?

Source: CSG Justice Center analysis of 2013 CARI and iCORI data. Criminal histories are calculated using the number of incidents and includes adult criminal history only.

A revolving door exists with HOC sentences and DOC



Source: CSG Justice Center analysis of 2013 CARI sentencing data.

Additional analysis on HOCs and state prison

- ✓ What types of offenses are driving HOC and state prison sentences?
- ✓ What is the offense severity and criminal history for people sentenced to HOC and state prison?
- ✓ What is the length of sentences to HOC?
- Who is in HOC and state prison for a supervision violation versus a new crime?
- What is the risk and needs assessment information for this population and how is it used in determining treatment and programming?
- What are the proportion of people within HOC and state prison that are parole eligible and how does good time impact their sentence?

Presentation Overview

System Overview

Executive Summary

Detailed Discussion of Key Statutes, Policies, and Practices

Summary of Findings and Next Steps

- CWOFs
- KEY SENTENCING STATUTES
- SENTENCING GUIDELINES
- DOC & HOC STRUCTURE
- POST-RELEASE SUPERVISION

This list is presented in order of an individual's progression through the criminal justice system and does not reflect order of priority or impact.

Sentencing options result in restricting and requiring post-release supervision

Sentencing policy and practice that sets limitations on **PAROLE**

MIN/MAX RATIO

- Reducing the range between the min and max results in a shorter window of parole eligibility.
- “And a day” sentences are a common practice of setting the max within one day of the min.

MANDATORY MINIMUMS

- Restrictions on participation in pre-release programs prior to minimum term.

HOC PAROLE

- HOC sentences shorter than 60 days are not parole eligible.

Sentencing policy and practice that allow opportunities for **PROBATION**

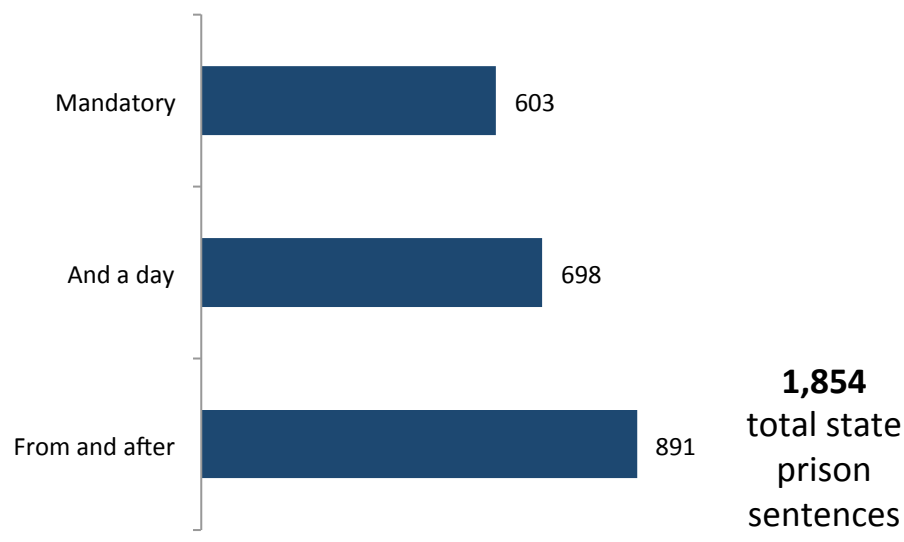
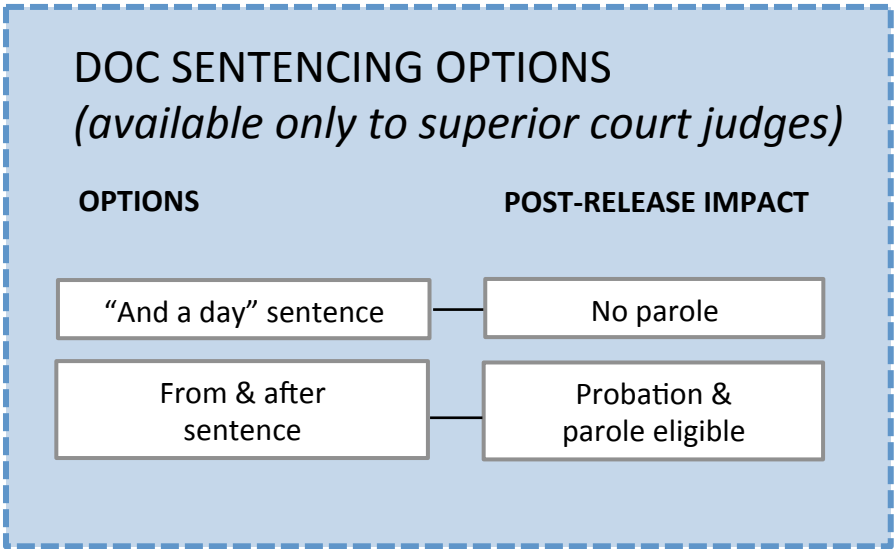
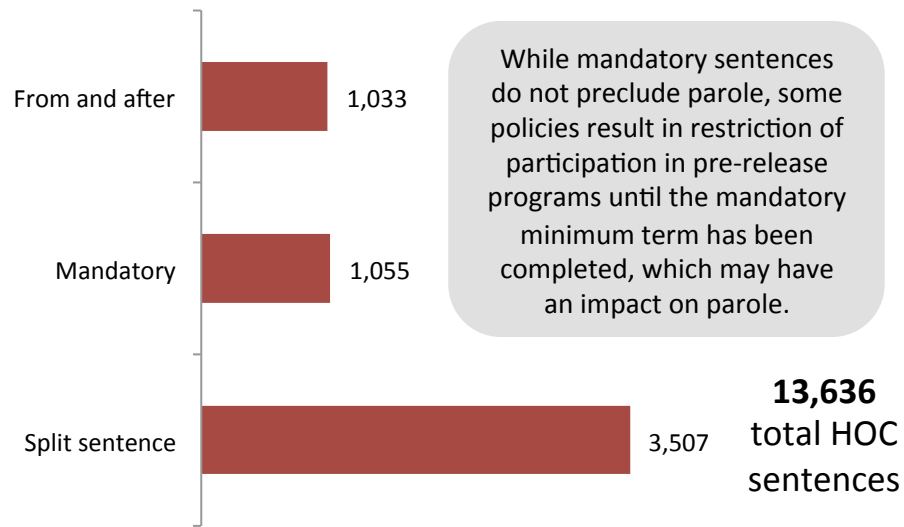
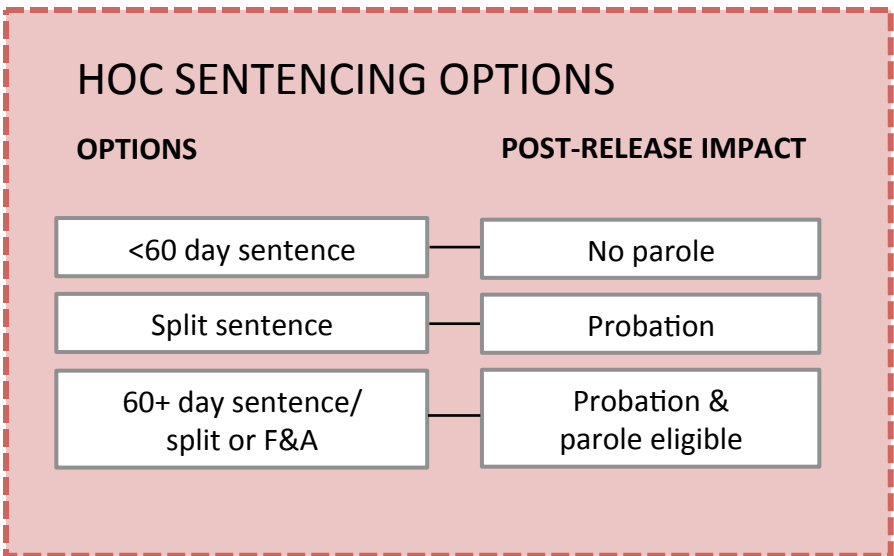
FROM & AFTER PROBATION

- A sentence to probation following a sentence to incarceration.
- Must have multiple charges at sentencing.
- Allowable for both HOC and state prison sentences.

SPLIT SENTENCES

- A suspended sentence of probation following a sentence to HOC.
- Applicable on a single charge.
- Allowable for HOC, but not for state prison sentences.

The flexibility of sentencing options has an impact on the consistency of post-release supervision options



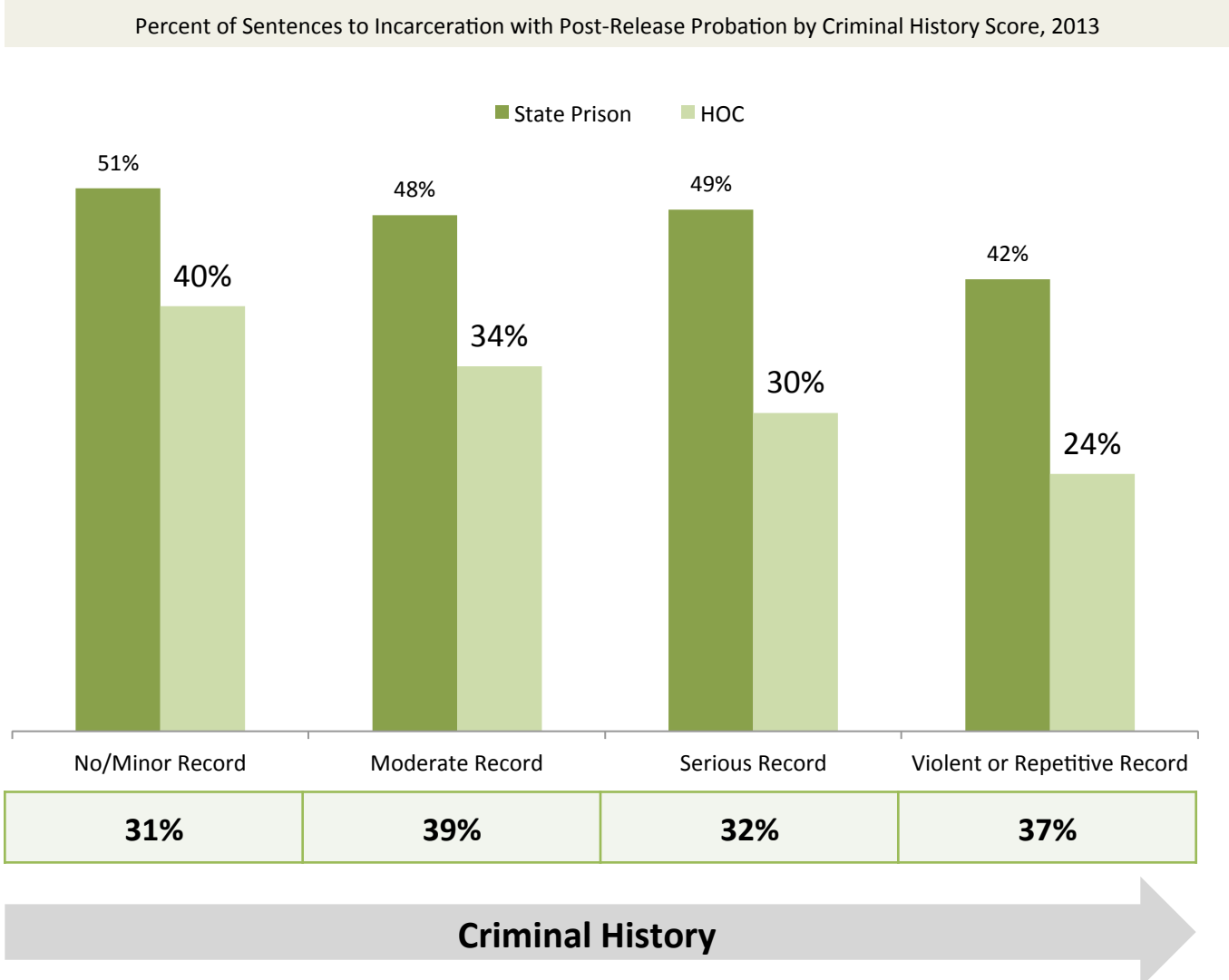
Source: CSG Justice Center analysis of CARI sentencing data.

As criminal history score increases, the likelihood of receiving a post-release probation sentence decreases

How are decisions about post-release supervision made?

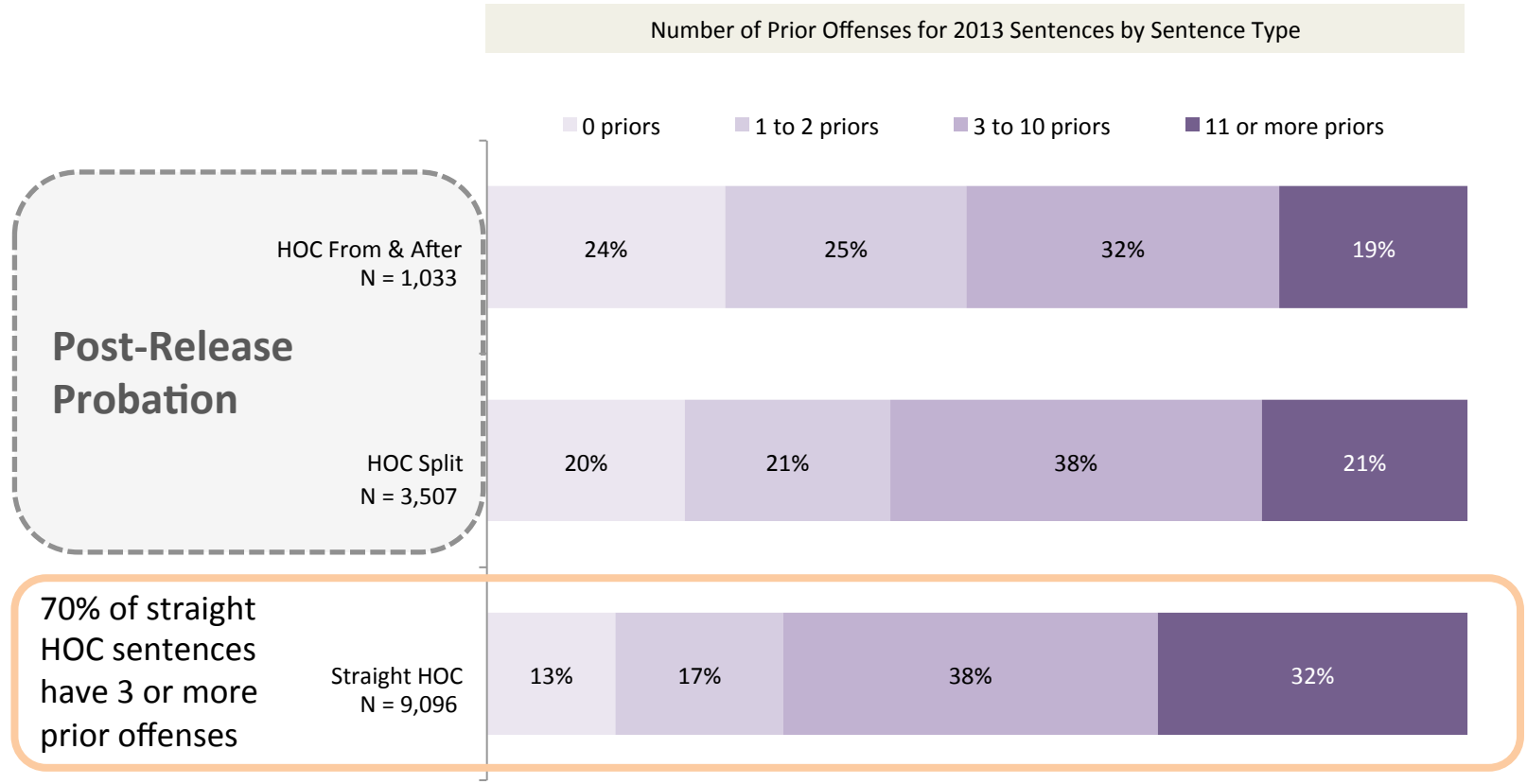
Are the individuals most likely to benefit from post-release supervision the ones receiving it?

State prison sentences with an “and a day” sentence out of those with no post-release probation.



Source: CSG Justice Center analysis of 2013 CARI sentencing data.

People with more than three prior offenses were more likely to receive straight HOC sentences with no post-release probation*

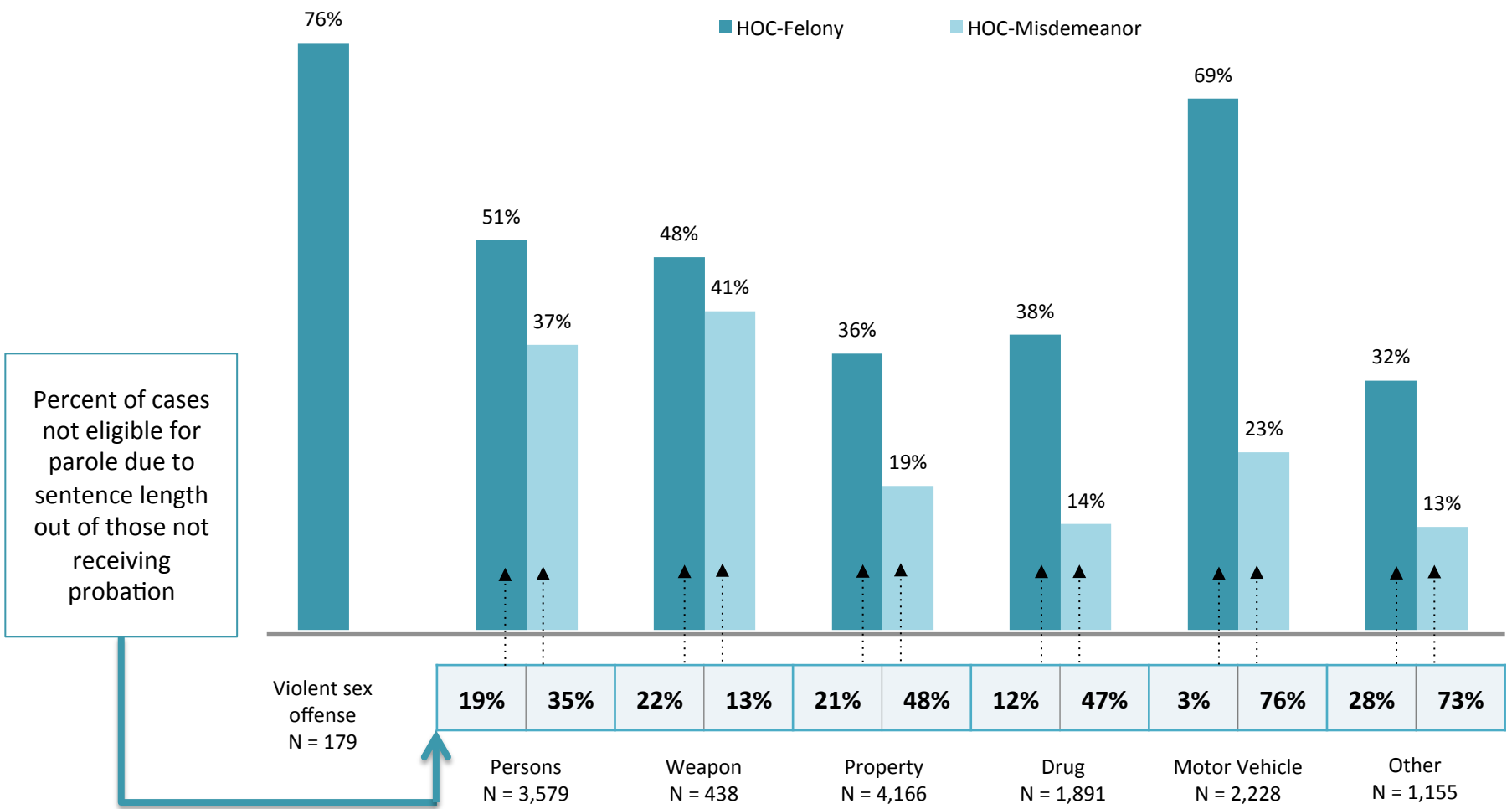


60% of straight HOC sentences will be eligible for parole due to sentence length and therefore may be reviewed by the parole board to determine release to post-release supervision.

*Straight HOC sentences over 60 days are parole eligible if the individual does not waive their parole hearing
Source: CSG Justice Center analysis of 2013 CARI sentencing data.

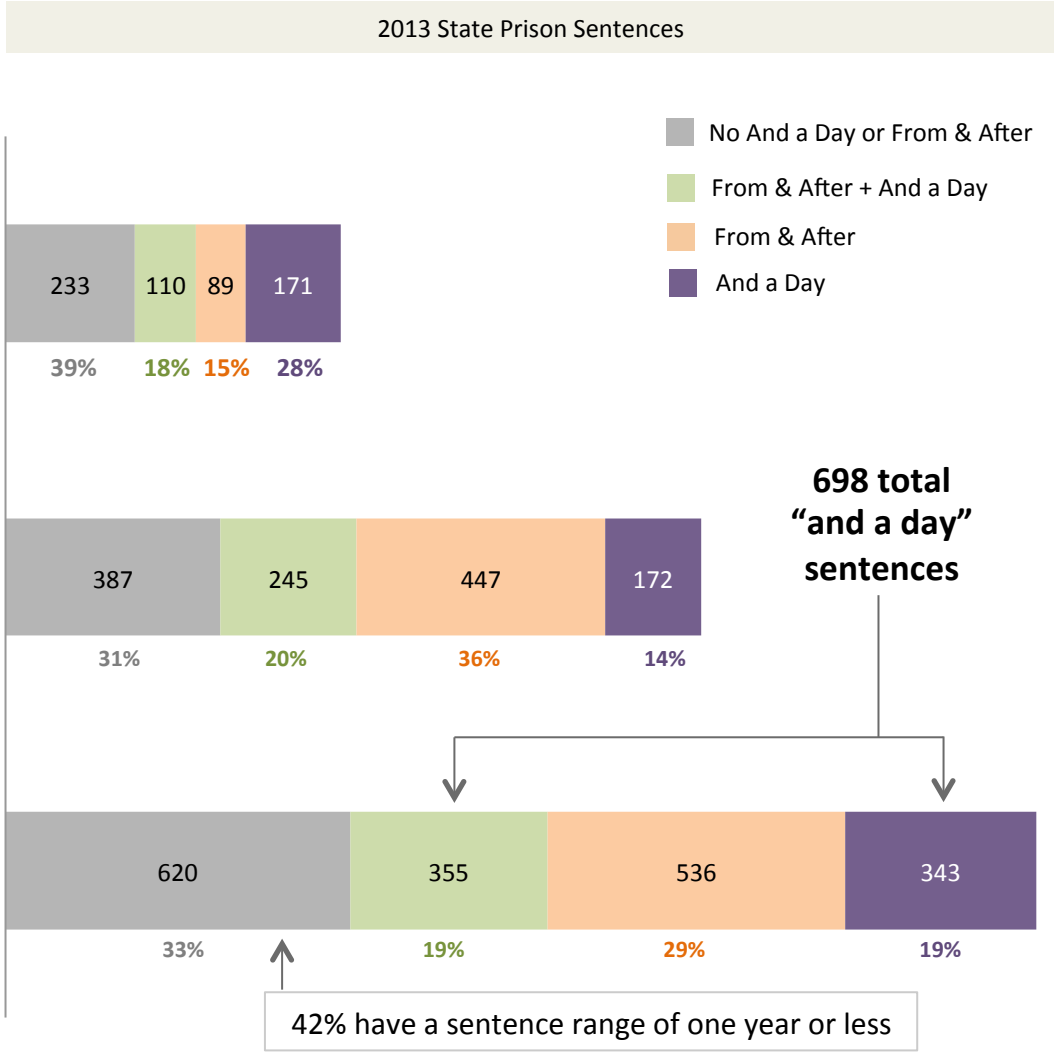
Drug and property offenses were the least likely to receive a sentence of post-release probation

Percent of Sentences with Post-release Probation by Offense Type, 2013



Source: CSG Justice Center analysis of 2013 CARI sentencing data.

Nearly 20% of state prison sentences restrict parole and have no guaranteed post-release probation



20 to 50 percent of state prison sentences will be reviewed by the parole board to determine eligibility and release to post-release supervision.

And a Day
A sentence with the minimum and maximum sentence one day apart

From & After
A sentence of post-release probation

From & After + And a Day
A sentence of post-release probation as well as min and max one day apart

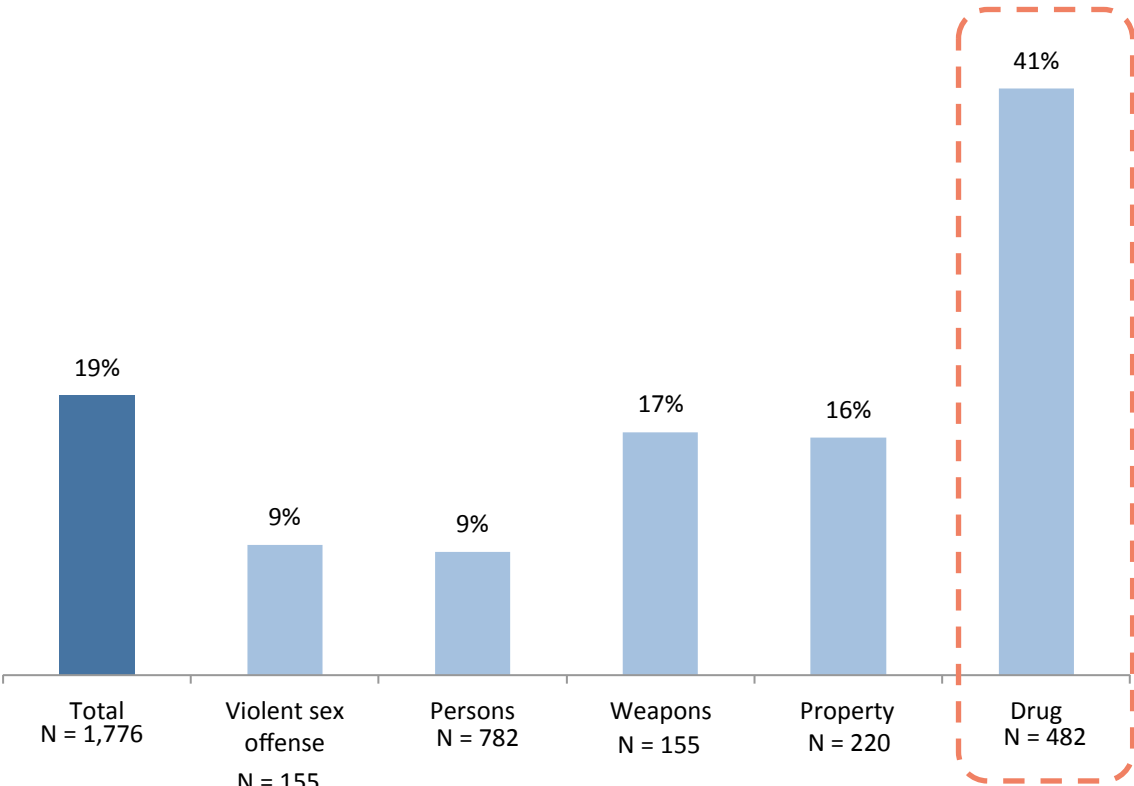
No And a Day or From & After
No sentence of post-release probation and the period between min and max longer than one day

Source: CSG Justice Center analysis of 2013 CARI sentencing data.

Drug offenses were the most likely to have an “And a Day” sentence without post-release probation

State Prison “And a Day” Sentences as a Percent of Total, 2013

Life Sentences are Excluded



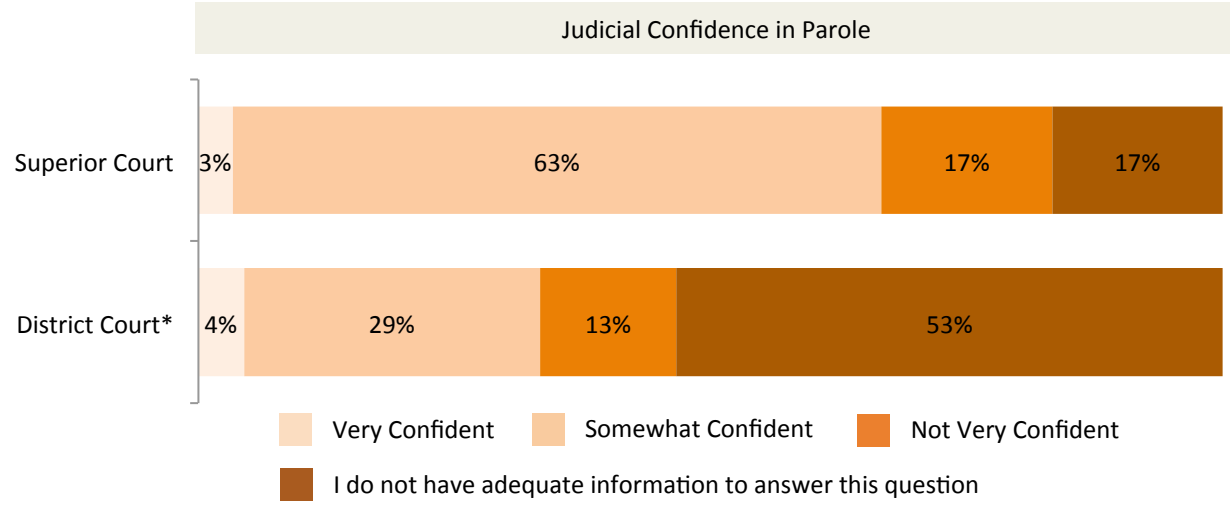
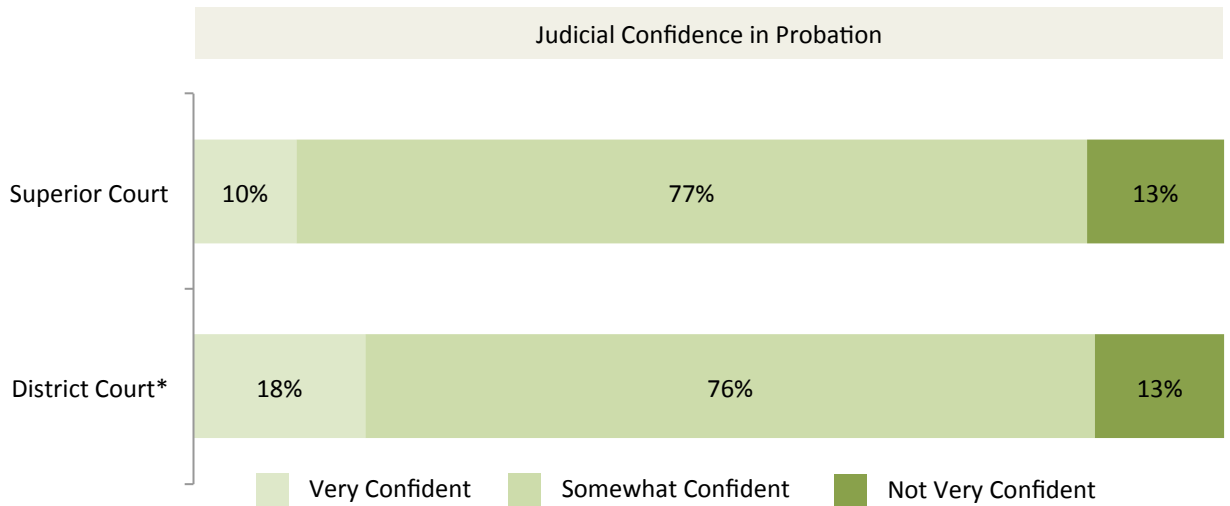
Of the 195 drug sentences with an “and a day” sentence without post-release probation, more than two-thirds were mandatory sentences.

Source: CSG Justice Center analysis of 2013 CARI sentencing data.

Confidence in probation is evenly distributed between District and Superior Court, but varied for parole

How confident are you that probation is effective in protecting community safety?

How confident are you that parole is effective in protecting community safety?



*District Court responses include Boston Municipal judges. CSG Justice Center electronic survey of Massachusetts judges, March 2016. 45 Boston Municipal and District Court judges and 30 superior court judges participated in the survey.

Additional analysis on post-release supervision

- ✓ Who is likely to receive post-release supervision?
- ✓ What kind of offenses/offenders often do not receive post-release supervision?
- Who is being released without post-release supervision at both HOC and state prison facilities?
- What other obstacles to release on parole exist beyond sentencing?
- How does sentencing impact HOC and state prison classification and access to programming, treatment, and reentry planning?
- What are the recidivism rates for people who do receive post-release supervision? For those who do not?

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Key Statutes, Policies, and Practices

Summary of Findings and Next Steps



KEY FINDING: People with previous justice system involvement are responsible for three-quarters of new convictions

Recidivism drives most new conviction activity: **74 percent** of people sentenced had a prior conviction and **66 percent** had a history of at least one Continuance Without a Finding (CWOFF).

More than **40 percent** of people sentenced to an HOC had a prior HOC sentence within the previous three years.

People convicted of **property offenses** had the highest number of prior offenses.

KEY FINDING: Motor vehicle and property offenses account for a large volume of short sentences to HOC

Nearly half of all sentences to HOC (6,394 convictions) were for motor vehicle and property offenses.

54 percent of motor vehicle and property HOC convictions (3,464 convictions) were for **6 months or less**. People received an average sentence of 7.3 months for property and 4.4 months for motor vehicle offenses.

39 percent of all misdemeanor sentences to HOC were for motor vehicle and property offenses, including 271 convictions for **Larceny** under \$250. 819 motor vehicle sentences to HOC were for **Operating with a Suspended License**.

The state spent up to **\$15 million*** on incarceration for misdemeanor motor vehicle and property offenses.

**The above figure is a cost estimate. A more thorough fiscal impact analysis will be conducted later in the project to estimate costs and potential savings of specific practices and policies, and may differ from what is shown here.*

KEY FINDING: Sentencing practices impact whether people sentenced to incarceration receive post-release supervision

Nearly half of sentences to state prison included a sentence of post-release probation.

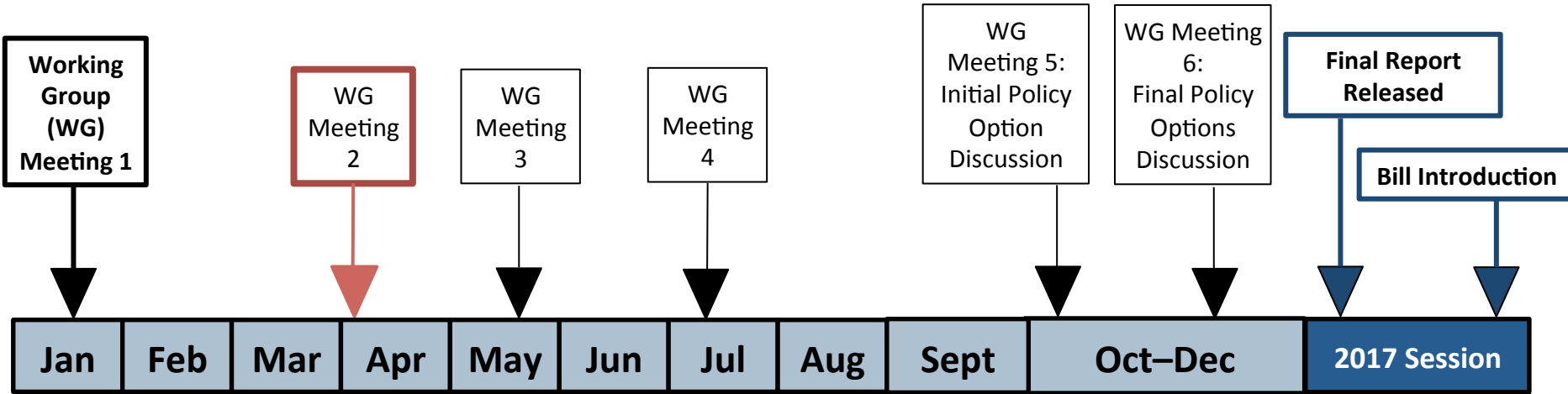
19 percent of state prison sentences prevent any post-release supervision, solely based on the sentence; drug sentences were most likely to restrict post-release supervision.

The likelihood of receiving a post-release probation sentence decreased as **criminal history** score increased.

Two-thirds of HOC sentences were straight sentences that did not include post-release probation, and **40 percent** of people who received straight sentences will not be eligible for parole due to sentence length.

Justice reinvestment timeline

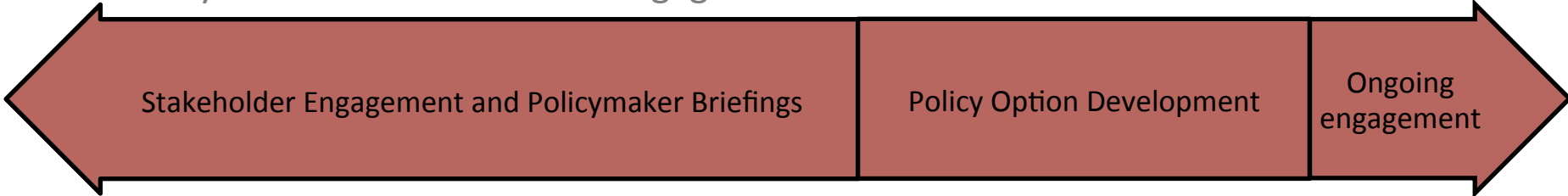
Steering committee to meet 1–2 weeks in advance of each working group meeting



Data Analysis



Policymaker and Stakeholder Engagement



Thank You

Cassandra Warney, Policy Analyst

cwarney@csg.org



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