Justice Reinvestment in Hawaii

Overview

There is consensus among policymakers in Hawaii that the state needs to reduce its dependence on out-of-state prisons, where, as of 2011, approximately one-third of the state's adult prison population is housed. At the same time, state leaders are determined to reduce violent crime, which, like the state prison population, has increased significantly over the last decade.

Governor Neil Abercrombie, Chief Justice Mark Recktenwald, Senate President Shan Tsutsui, House Speaker Calvin Say and Department of Public Safety Director Jodie Maesaka-Hirata seek to employ a data-driven justice reinvestment strategy to bring out-of-state prisoners back to Hawaii, reduce spending on corrections, and reinvest savings generated in strategies that would reverse recent crime trends.

To this end, they sought assistance from the Bureau of Justice Assistance, a division of the U.S. Department of Justice, and the Pew Center on the States. The state leaders agreed to establish a bipartisan, inter-branch Justice Reinvestment Working Group comprising leading state and local officials which would receive intensive technical assistance from the Council of State Governments Justice Center, in partnership with the Pew Center on the States. The CSG Justice Center will assist the working group in analyzing data and developing a comprehensive set of policy options.

June 2011

Property crime has declined, but violent crime has increased.

- Hawaii's violent crime rate was relatively low in 2009, at 275 reported incidents per 100,000 residents, which ranks it thirty-fifth among the states. This crime rate, however, is up from what it was in 2000. Hawaii was one of only twelve states to experience an increase in violent crime rates during this period.

- Violent crime increases were driven by a significant rise in the reported rape rate, up five percent from 2000, and aggravated assaults, up 37 percent from 2000. Murder and robbery rates dropped by 38 percent and 14 percent, respectively.

- During the same period, the number of arrests for reported rape offenses relative to the number of offenses fell by 30 percent. In 2009, the Honolulu Police Department estimated the department has a backlog of somewhere between 143 and 203 sexual assault kits left unexamined.

- Between 2000 and 2009, the property crime rate dropped 26 percent in Hawaii, from 4,955 to 3,661 reported crimes per 100,000 residents. Despite this decline, Hawaii's property crime rate remains above the national average; it is the twelfth highest in the nation.
The Council of State Governments Justice Center

• National nonprofit, nonpartisan membership association of state government officials

• Engages members of all three branches of state government

• Justice Center provides practical, nonpartisan advice informed by the best available evidence
Justice reinvestment goals

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.
Massachusetts is the 24th state to use the justice reinvestment approach with CSG Justice Center assistance.
States have reinvested in different public safety strategies

<table>
<thead>
<tr>
<th>STATE</th>
<th>FINDING</th>
<th>REINVESTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia</td>
<td>Substance use needs contributing to probation and parole violations</td>
<td>Reinvest $2.5 million in substance use treatment focused on higher-risk probationers and parolees with higher needs</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Victims lack confidence that restitution orders will be managed effectively</td>
<td>Increase, by statute, prison-based restitution collections, reinvest in 15 victim service positions, and track collections using a database</td>
</tr>
<tr>
<td>Ohio</td>
<td>Despite substantial community correction program investment, probation failures account for close to one-third of prison admissions</td>
<td>Reinvest $10 million in funding for improving probation, including performance-incentive grants</td>
</tr>
</tbody>
</table>
State leaders requested assistance to build on past efforts and continue to improve criminal justice outcomes

Support from 3 branches of government to seek criminal justice system improvements through a data-driven approach

Massachusetts is committed to enhancing public safety and improving our approach to criminal justice by engaging in this data-driven process. We believe that Justice Reinvestment technical assistance will help us achieve our goals, and we would welcome and appreciate your support.

Sincerely,

Charles Baker
Governor

Ralph Gants
Chief Justice, Supreme Judicial Court

Stan Rosenberg
Senate President

Robert DeLeo
Speaker of the House
Justice reinvestment focuses on improving core correctional elements and involves intensive stakeholder engagement.

The Justice Reinvestment Process

**PHASE I**
- Working group formation / presentations
- Data analysis
- Stakeholder engagement
- Sentencing policy analysis
- Policy development
- Modeling of policy impact

**PHASE II**
- Implementation oversight structure & planning
- Translating projections into metrics
- Training strategies
- Communication plan
- Subaward plan development and tracking
- State monitoring of key metrics

**Improvement of Core Correctional Elements:**
**RISK ASSESSMENT, PROGRAMS, SUPERVISION**
- System-wide assessment & analysis
- On-site observation of current practice
- Charting of current vs. ideal practice
- Rollout of options for improvement connected to policy framework

- Administrative policy review & redesign
- Retraining, revalidation, QA processes
- Troubleshooting the change process
- Supporting leaders and oversight of the process

**Focus on Subject Matter Areas**
- Prosecutor engagement
- Victim advocates & service providers
- Parole board members

- Law enforcement
- Sentencing policies & case law
- Behavioral health state officials and providers
Justice Reinvestment and Results First are separate complementary projects

<table>
<thead>
<tr>
<th>POLICY AREA</th>
<th>JUSTICE REINVESTMENT (Council of State Governments)</th>
<th>Commonalities</th>
<th>Results First (The Pew Charitable Trusts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOAL</td>
<td>Adult criminal justice policy</td>
<td>Data-driven CJ system improvements</td>
<td>Multiple policy areas: criminal/ juvenile justice, education, etc.</td>
</tr>
<tr>
<td>FOCUS</td>
<td>Develop, implement data-driven policy framework</td>
<td>Improve public safety and reduce cost</td>
<td>Inform budget and policy process</td>
</tr>
<tr>
<td>COST SAVINGS</td>
<td>Drivers of crime, recidivism, and correctional populations</td>
<td>Cross-system collaboration</td>
<td>Evidence of programs’ effectiveness</td>
</tr>
<tr>
<td>DURATION</td>
<td>Reinvest cost savings in public safety strategies</td>
<td>Increased effectiveness of state spending</td>
<td>Reallocate to other budget priorities</td>
</tr>
<tr>
<td></td>
<td>Phase I (1 year), Phase II (2-3 years), ongoing monitoring</td>
<td>Sustainable impacts</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
Roles and responsibilities during the CSG Justice Center-Massachusetts Criminal Justice Review

**Steering Committee**
- Endorses project scope of work
- Provides strategic direction in the development of policy options
- Approves policy package
- Identifies state leaders’ priorities for reinvestment
- Provides as dedicated staff to the state
- Analyzes data and engages stakeholders
- Delivers presentations

**CSG Justice Center**
- Develop and implement a data-driven policy framework

**Working Group**
- Create momentum for adoption of justice reinvestment policy
- Provides technical expertise on system dynamics and structures
- Assesses areas for policy development
- Interprets data and assesses full system trends

**Develop and implement a data-driven policy framework**
CSG Justice Center and state/local agencies and offices are entering into data-sharing agreements

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sentencing</td>
<td>Massachusetts Trial Courts</td>
<td>Received, analyzing</td>
</tr>
<tr>
<td>Prison</td>
<td>Massachusetts Department of Correction</td>
<td>Received, analyzing</td>
</tr>
<tr>
<td>Probation supervision</td>
<td>Massachusetts Office of the Commissioner of Probation</td>
<td>Received, analyzing</td>
</tr>
<tr>
<td>Parole supervision</td>
<td>Massachusetts Parole Board</td>
<td>Received, analyzing</td>
</tr>
<tr>
<td>Parole decision-making</td>
<td>Massachusetts Parole Board</td>
<td>Delivery pending</td>
</tr>
<tr>
<td>HOC and Jail</td>
<td>Counties / Massachusetts Parole Board (HOC)</td>
<td>Received, analyzing – Middlesex County; Additional scoping underway</td>
</tr>
<tr>
<td>Behavioral Health Data</td>
<td>Department of Mental Health</td>
<td>Scoping underway</td>
</tr>
</tbody>
</table>

**Roadblocks that sometimes arise**
- Agencies unaccustomed to sharing data with outside groups
- Data is insufficient for analysis
- Shortage of “data staff”
- Delays in delivery due to “data cleaning”
Today’s analyses are largely based on published reports, and future presentations will include case-level analysis

- This presentation aims to capture a snapshot of system trends in Massachusetts leading up to the justice reinvestment project.

- While all future presentations will include original data analysis performed by the Justice Center, this presentation relies on publicly available system data.

- All data sources are listed in slide footnotes.
Presentation Overview

Incarceration

Recidivism

Supervision
**Definition of terms for this presentation**

**County Jail** – Operated by county sheriffs, these facilities house people who are awaiting trial or arraignment, or are being held for an alleged probation supervision violation.* Both of these populations are held in custody until they are released on their own recognizance, are able to post bail, or until their cases are disposed.

**Total Jail Population** – Single day count of individuals housed in a county jail, regardless of case status or county of jurisdiction.

**House of Correction (HOC)** – Operated by county sheriffs, these facilities house people who have been sentenced to a period of confinement for a misdemeanor or felony offense by either a district or superior court. A sentence to HOC must be no more than 30 months. These facilities primarily house individuals serving a county sentence, but may also include those serving a state or federal sentence.

**Department of Correction (DOC)** – Operated by the state, these facilities primarily house people who have been sentenced to a period of confinement for a felony offense by the superior court. A sentence to DOC must be at least one year. These facilities may also house individuals awaiting trial or a hearing for an alleged supervision violation. In addition, the DOC also oversees facilities providing interventions for people who are civilly committed as mentally ill, substance abusing, or Sexually Dangerous Persons.

**Department of Correction Sentenced Population** – Single day count of individuals who have been criminally sentenced to a term of confinement and are housed in a Department of Correction facility. This primarily includes individuals serving a state sentence, but may also include those serving a county or federal sentence.

**Incarcerated Population** – Single day count of individuals housed in county jails, HOCs, and DOC for a criminal matter.

*Parole violators are returned to the HOC/DOC facility to which they were originally sentenced.
Front-end criminal justice system pressures are declining, particularly since 2008

For crime, arrests, and criminal case filings, 2014 was the latest year of data available. For convictions, 2013 was the latest year available.

Source: FBI, Crime in the US; Massachusetts Office of the Trial Courts; Massachusetts Annual Survey of Sentencing Practices.
The incarcerated population is divided approximately in half between state and county facilities.

- Serving a sentence in a House of Correction (county facility) - 27%
- Serving a sentence in a Department of Correction (state facility) - 46%
- Awaiting trial or awaiting probation violation hearing in a county jail or DOC facility - 27%

*DOC population includes only criminal sentences and includes a small number of people sentenced to a HOC who are serving time in DOC.*

A sharp drop in the HOC population drove a reduction in the total number of people incarcerated.

The total jail population inched downward, but there is considerable variation in trends across the jails.

The number of people held in a county jail can be particularly volatile and can be affected by factors apart from crime and arrests, such as:

- Changes in the county’s resident population
- Contracting out jail beds or holding detained individuals from neighboring counties
- Court-mandated population caps

Jails with a decreasing population still may be operating at or over capacity and experiencing budget and capacity pressure.

*Total jail population, including detainees held from other counties. 2009 was the earliest available date for a breakdown by county. Dukes County not included due to small population.

Source: Massachusetts Department of Correction, Weekly Count Sheets, January 2009 and January 2015.
After a substantial state prison population increase, numbers returned approximately to 2006 levels

Massachusetts DOC Criminally Sentenced Custody Population January 1, 2006–2015

Number of Court/Crime Lab Releases*

*As reported by the Department of Correction
**Data not available

Source: Massachusetts Department of Correction Prison Population Trends, 2014.

545 people released from DOC between 2012 and 2014 due to court or crime lab releases
Arrests and convictions for drug offenses fell by half

Arrests
Percent change 2008-2014

-47%

Convictions
Percent change 2008-2013*

-49%

*2014 data not currently available

Source: FBI, Crime in the US; Massachusetts Office of the Trial Courts; Massachusetts Annual Survey of Sentencing Practices.
The number of people in state prison for drug offenses dropped 44%, while other offense categories remained stable or increased.

*Other offenses include obstruction, habitual offender, prostitution, and certain weapons possessions.*

The demographic composition of the state prison population is relatively static

<table>
<thead>
<tr>
<th>Demographics</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 29</td>
<td>26%</td>
<td>26%</td>
<td>24%</td>
<td>24%</td>
<td>23%</td>
</tr>
<tr>
<td>30-39</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>40-49</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>24%</td>
<td>24%</td>
</tr>
<tr>
<td>Over 50</td>
<td>19%</td>
<td>19%</td>
<td>21%</td>
<td>22%</td>
<td>23%</td>
</tr>
<tr>
<td>Race</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>41%</td>
<td>41%</td>
<td>42%</td>
<td>43%</td>
<td>43%</td>
</tr>
<tr>
<td>Black</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>28%</td>
<td>28%</td>
<td>27%</td>
<td>26%</td>
<td>26%</td>
</tr>
<tr>
<td>Other</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>94%</td>
<td>95%</td>
<td>95%</td>
<td>95%</td>
<td>95%</td>
</tr>
<tr>
<td>Female</td>
<td>6%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
</tr>
</tbody>
</table>

There are differences between the demographic composition of the resident and state prison populations.

**Demographic Composition of Resident and State Prison Populations, 2014**

<table>
<thead>
<tr>
<th>Race</th>
<th>Resident Population</th>
<th>State Prison Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>75%</td>
<td>43%</td>
</tr>
<tr>
<td>Black</td>
<td>6%</td>
<td>28%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>10%</td>
<td>26%</td>
</tr>
<tr>
<td>Other</td>
<td>9%</td>
<td>3%</td>
</tr>
</tbody>
</table>

*Demographic information is currently only publicly available for the DOC criminally sentenced population representing approximately 11% of the total number of individuals in the criminal justice system.

**Race/ethnicity is self-reported by inmate at time of admission. Other categories include Asian, Native American, Pacific Islander, and Other. Resident population includes data reported by the U.S. Census. Hispanic includes any race while all other categories include that race alone.

State leaders are interested in learning more about the behavioral health needs of justice system-involved individuals.

Initial questions to approach a behavioral health systems analysis:

- **How common are behavioral health issues at different points in the system?**
  - LE call for service
  - Diversion programs
  - Courts
  - Supervision
  - Jail, HOC, prison

- **What types of behavioral health needs exist in criminal justice populations?**
  - Serious mental illness
  - Alcohol use
  - Drug use
  - Co-occurring disorders

- **What interventions exist to respond to these needs and who do they serve?**
  - Treatment access
  - Health care coverage
  - Tailored interventions
  - Appropriate levels of care
  - Relapse prevention

---

Initial questions to approach a behavioral health systems analysis:

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  - Co-occurring disorders

- **What interventions exist to respond to these needs and who do they serve?**
  - Treatment access
  - Health care coverage
  - Tailored interventions
  - Appropriate levels of care
  - Relapse prevention
Information on the sizable diversion populations will also be pursued in case-level analysis.

- **LAW ENFORCEMENT ASSISTED DIVERSION**
- **DA DIVERSION PROGRAMS**
- **PROBATION** *(Pretrial probation, pretrial conditions of release)*
- **SPECIALTY COURTS** *(Drug Court, Mental Health Court, Veterans Court, Homeless Court)*
- **CWOFs** *(continue without a finding)*
- **YOUTHFUL DIVERSION PROGRAM**

*This is not a comprehensive list of pre-disposition, post-disposition, or other diversion or deferred adjudication programs in Massachusetts.*
## Key questions in initial incarceration analysis

<table>
<thead>
<tr>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>What are the <strong>demographic</strong> and <strong>criminogenic characteristics</strong> of individuals incarcerated in Massachusetts?</td>
</tr>
<tr>
<td>What types of admissions are driving <strong>incarceration rates</strong>—supervision violations, the commission of new crimes, or recidivism?</td>
</tr>
<tr>
<td>What <strong>diversion options</strong> or <strong>pretrial services</strong> are available to individuals with behavioral health needs? Are those strategies impacting incarceration rates?</td>
</tr>
<tr>
<td>How has <strong>length of stay</strong> changed over time? How is length of sentences impacting incarceration rates?</td>
</tr>
<tr>
<td>How are <strong>post-conviction release decisions</strong> and <strong>reentry plans</strong>, including addressing <strong>behavioral health needs</strong> in the community, impacting incarceration rates in the state?</td>
</tr>
<tr>
<td>Are there systemic factors affecting <strong>classification decisions</strong> and contributing to delays that impede <strong>reentry transition planning</strong>?</td>
</tr>
</tbody>
</table>
Policies and data to explore in initial incarceration analysis

**POLICIES TO EXPLORE**

- Availability of diversion options
- Bail and pretrial release decision-making
- Utilization and eligibility requirements of pretrial supervision
- Sentencing options and alternatives to incarceration
- Prison/HOC release process
- Access and availability to behavioral health

**DATA TO ANALYZE**

- Jail bookings and initial release decisions
- Pretrial detention and supervision populations
- Police, prosecutor, and court diversions and corresponding outcomes
- Jail and HOC population trends and characteristics
- Sentencing practices
- Prison admissions, releases, and population characteristics
Presentation Overview

Incarceration

Recidivism

Supervision
Recidivism can add significant pressure to correctional systems
Measuring recidivism at multiple points in the system and over different timeframes provides valuable information to guide interventions.

Who is recidivating?
- Pretrial populations
  - Probationers
  - Parolees
  - Former HOC inmates
  - Former DOC inmates

How?
- Rearrest
- Technical violation of supervision
- Revocation of supervision
- Reconviction
- Reincarceration

When?
- One year
- Two years
- Three years
In Massachusetts, few recidivism measures are routinely calculated and reported.

<table>
<thead>
<tr>
<th>Population</th>
<th>Rearrest/arrainment</th>
<th>Supervision Violation</th>
<th>Reincarcerated</th>
<th>Reconviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pretrial</td>
<td>Information not reported</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probation</td>
<td>Tracked internally</td>
<td></td>
<td>Information not reported</td>
<td></td>
</tr>
<tr>
<td>Houses of Correction</td>
<td>Some individual counties tracking and reporting, but no regular statewide tracking or reporting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Correction</td>
<td>Information not reported</td>
<td>Reported annually in a published report</td>
<td></td>
<td>Previously reported, not as of 2008</td>
</tr>
<tr>
<td>Parole</td>
<td>Rearrest only reported if it results in a return to incarceration</td>
<td>Reported annually in a published report</td>
<td></td>
<td>Reconviction only reported if it results in a return to incarceration</td>
</tr>
</tbody>
</table>

*Does not include MA’s recent involvement in the Results First Initiative, which produced reconviction rates for HOC, DOC, probation, and parole populations.
State prison recidivism rates have hovered around 40% in the last decade with a recent decline.

Massachusetts DOC Three-Year Recidivism Rate (Reincarceration), 2004–2011

State prison recidivism represents a small portion of individuals involved with the criminal justice system.

- 90,000 people with some form of correctional control
- DOC population represents 11% of individuals involved with the criminal justice system
- In 2011, 806 people returned to incarceration

Each year represents a cohort of individuals tracked for the following three years. Recidivists are defined as those criminally sentenced and released to the street from a DOC facility and reincarcerated for a new sentence or violation or parole or probation to a Massachusetts state or county facility or to a federal facility within three years of his/her release.

Risk assessment tools use key factors to predict the likelihood of recidivism

Domains typically included in risk assessments

- Criminal history
- Criminal attitudes and behavioral patterns
- Education and employment
- Family and relationship problems
- Substance use
- Peer associations

In 2013, the Parole Board adopted a risk/needs assessment instrument, the LS/CMI, for parole hearings and the supervision population.

### Key questions in initial recidivism analysis

1. **What measures of recidivism** should be defined and promulgated in Massachusetts?

2. **Who is recidivating?** How has recidivism changed over time?

3. How are **behavioral health challenges** impacting recidivism, and what programs are currently making an impact on recidivism rates?

4. How are **risk and needs assessments** being used throughout the system to drive evidence-based intervention strategies to achieve recidivism reduction goals?

5. How are **reentry plans and programs** impacting recidivism rates?
Policies and data to explore in initial recidivism analysis

POLICIES TO EXPLORE

• Definition of recidivism
• Performance measurement in tracking outcomes
• Incentive-based programming
• Recidivism reduction goals
• Use of risk assessment at key decision points
• Application of risk and needs information

DATA TO ANALYZE

• Impact of recidivism on prison, HOC, and jail admissions
• Recidivism rates across the system (prison/HOC releases, probationers, pretrial defendants)
• Outcomes for reentry populations by supervision status
• Proportion of probationers and HOC population admitted to prison
Presentation Overview

Incarceration

Recidivism

Supervision
Over 70,000 people are on probation or parole, supervised across multiple phases in the system.
Community supervision serves over 3/4 of the total criminal justice population

2014 End-of-Year Criminal Justice Population

DISTRIBUTION OF ALL SUPERVISED INDIVIDUALS

<table>
<thead>
<tr>
<th>Category</th>
<th>Population</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parole Board</td>
<td>1,949</td>
<td>3%</td>
</tr>
<tr>
<td>Risk-Need Probation (Includes Community Corrections)</td>
<td>18,513</td>
<td>26%</td>
</tr>
<tr>
<td>OUI</td>
<td>11,832</td>
<td>17%</td>
</tr>
<tr>
<td>Administrative</td>
<td>26,912</td>
<td>39%</td>
</tr>
<tr>
<td>Pretrial Supervision (Includes pretrial probation and conditions of release)</td>
<td>10,365</td>
<td>15%</td>
</tr>
<tr>
<td>Sheriff’s Departments</td>
<td>10,415</td>
<td>12%</td>
</tr>
<tr>
<td>Department of Corrections (Criminally Sentenced and pretrial)</td>
<td>9,910</td>
<td>11%</td>
</tr>
</tbody>
</table>


Probation has consistently been relied upon for post-release supervision, significantly more so in recent years.

Individuals sentenced to DOC may receive a period of post-release probation through a sentencing structure called a “from & after.” To be eligible for a from & after sentence, an individual must be convicted of two or more charges.*

*Individuals sentenced to HOC can also be sentenced to a period of probation after release through a from & after sentence as described above or a “split” sentence, which allows a mix of incarceration and post-release probation to be sentenced on one conviction. Only DOC information is included in this graphic.

**2013 is the most recent year for which sentencing data is publicly available.

Two out of five people released from state prison return to the community without probation or parole supervision

Massachusetts DOC Criminally Sentenced Releases to the Street, 2014

N = 2,535

- No Supervision: 40%
- Probation: 33%
- Parole: 17%
- Both: 10%

A national report found that, in 2012, only six states had higher rates of people released from prison without supervision than MA.

Since then, four of those states (SC, NC, OH, and OK) have enacted policies to increase rates of release to post-release supervision.

Releases from incarceration offer an opportunity to support successful reentry

<table>
<thead>
<tr>
<th>Initial questions to approach a recidivism-focused reentry analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EFFECTIVE SUPERVISION</strong></td>
</tr>
<tr>
<td>Do supervision officers receive training in evidence-based practices?</td>
</tr>
<tr>
<td>Do supervision officers focus time and quality of interactions on higher-risk populations?</td>
</tr>
<tr>
<td><strong>BEHAVIORAL HEALTH TREATMENT</strong></td>
</tr>
<tr>
<td>Are there linkages to care to meet the behavioral health care needs of the higher-risk populations?</td>
</tr>
<tr>
<td>Do treatment providers receive training in working with people with criminogenic needs?</td>
</tr>
<tr>
<td><strong>BEHAVIOR CHANGE</strong></td>
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<tr>
<td>Are systems in place to respond to supervision violations in a swift, certain, and proportional manner?</td>
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<tr>
<td>Are the most intensive responses prioritized for more serious violations and highest-risk populations?</td>
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<tr>
<td><strong>RISK, NEED, RESPONSIVITY PRINCIPLES</strong></td>
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<tr>
<td>What is the risk and need profile of the reentry population?</td>
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<tr>
<td>Are high-quality programs available to address criminogenic needs?</td>
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<tr>
<td>Are programs responsive to the learning and interaction styles of participants?</td>
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</tbody>
</table>

More than 2,000 people are released from state prisons to the street each year

In 2014, N = 2,535
<table>
<thead>
<tr>
<th>Key questions in initial supervision analysis</th>
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<tbody>
<tr>
<td><strong>Who is on community supervision</strong> in Massachusetts?</td>
</tr>
<tr>
<td>How is risk and needs assessment information used in determining <strong>diversion and step down opportunities</strong> as well as <strong>supervision supports and services</strong> in the community? Is this risk and needs information impacting outcomes?</td>
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<tr>
<td>Are community-based programs effectively <strong>addressing criminal thinking</strong>?</td>
</tr>
<tr>
<td>Do probationers and parolees have <strong>timely access to substance use and mental health treatment</strong> that is tailored to criminogenic need? How are these programs impacting incarceration and recidivism?</td>
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<tr>
<td>How does the system <strong>respond to supervision violations</strong>? Do different approaches have different impacts on recidivism?</td>
</tr>
<tr>
<td>What is the impact of <strong>fines and fee collection</strong> on the quality and scope of supervision, on the rate of violation, and on the risk of recidivism?</td>
</tr>
</tbody>
</table>
Policies and data to explore in initial recidivism analysis

**POLICIES TO EXPLORE**

- Community-based reentry programs and services that address criminal thinking
- Substance abuse and mental health treatment, tailored to criminogenic needs, available in community
- System responses to supervision violations

**DATA TO ANALYZE**

- Caseload distribution across risk level
- Parole violations and revocations
- Outcomes for reentry populations by supervision status
- Probation programming and violation sanctioning practices
- Enrollment in community treatment and aftercare
Key initial findings

**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.
Justice reinvestment will explore opportunities for generating increased public safety with less spending.

- Focusing Use of Incarceration
- Measuring and Reducing Recidivism
- Ensuring Effective Supervision Practices

Reduced Crime and Increased Public Safety

State and Local Dollars Saved
Resources Reinvested
Justice reinvestment timeline

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

Data Analysis
- Initial Analysis
- Detailed Data Analysis
- Impact Analysis

Policymaker and Stakeholder Engagement
- Stakeholder Engagement and Policymaker Briefings
- Policy Option Development
- Ongoing engagement
Community supervision is likely to be the focus of the next working group meeting.

To prepare for the next meeting, CSG Justice Center staff will circulate a survey to collect information on ideas and recommendations for data analysis, stakeholder input, policy review, and more.
Thank You

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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.