

# **From Incarceration to Community**

## **A Roadmap to Improving Prisoner Reentry and System Accountability in Massachusetts**

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# Executive Summary

## Introduction

With the tremendous growth in incarceration in Massachusetts, inmates are returning to communities in record numbers. More than 20,000 prison and jail inmates are released to Massachusetts' towns and cities each year. Nearly everyone who goes to prison returns to community living at some point. Policymakers have become increasingly concerned with how the corrections system should manage the reentry process to best protect the public and how communities can absorb and reintegrate returning prisoners.

The entire reentry process must be strengthened in order to protect the public more effectively. Although more offenders are being incarcerated for longer periods of time, fewer offenders are receiving the benefit of institutional programs that can reduce the likelihood that they will commit new crimes after release. In addition, fewer offenders receive supervision, services, or interventions once they return to community living; this reduction in supervision is due to changes in Massachusetts' sentencing laws and practices that eliminated or reduced eligibility for parole. In 2002, 72 percent of state prisoners released from high and medium security prison settings were released directly to the community with no parole supervision.

Given the large number of prisoners released without adequate supervision and services to support their successful reintegration, it is no surprise that they re-offend at high rates. In Massachusetts, 41 percent of inmates released from prison in 1997 were re-incarcerated within three years of release. The societal costs associated with high rates of re-offending are enormous, including an increase in crime victims and the financial burden on citizens who must pay for the criminal justice system's response to those new crimes. The

Massachusetts Taxpayers Foundation estimates that in 2004, the state will spend more on prisons and jails than on public higher education.

Within the Commonwealth, there is growing recognition that the laws and practices must be changed to improve the effectiveness and efficiency of the reentry system. The Crime and Justice Institute seeks to contribute to this growing momentum and build on analyses that precede it by offering a roadmap for implementing many of the reforms now being considered. This report addresses areas of policy that have a significant effect on reentry, from sentencing through post-release follow-up, with particular focus on the roles of the state prison system, houses of corrections, and parole. It outlines a proven and comprehensive model for prisoner reentry in Massachusetts, drawing from the national research literature of evidence-based practices and interviews with experts, officials, practitioners, and community-based service providers.

## Sentencing

The reentry process begins with sentencing, which dictates the consequences for the commission and conviction of a crime, including who goes to prison and the terms of release. Sentencing laws and practices drive the prison population and led to the dramatic growth in this population over the past ten years.

Changes in the 1993 sentencing laws have resulted in a lack of post-release supervision for inmates who pose the greatest threat to society, while those with the least need for supervision receive more supervision and services. Almost half of the

offenders sentenced to state prison are precluded from parole consideration due to their sentence. Mandatory minimum sentencing statutes for drug offenders and the practice of sentencing a minimum and a maximum sentence one day apart prevent many offenders from participating in prison pre-release programs and being released on parole.

Limiting the number of parolees does not limit the numbers released; it only serves to limit the planned and supervised transition from prison to community. In the last decade, there has been a three-fold increase in the percentage of male state prison inmates released directly from maximum security prison settings with no supervision or support.

## Recommendations:

- The state should adopt sentencing guidelines that: support parole; eliminate mandatory minimum sentences for drug crimes by incorporating them into sentencing guidelines; and support intermediate sanctions for low-level, nonviolent offenders who can safely be managed in the community. Prison beds should be reserved for those who pose a higher threat to public safety.
- The Parole Board should be granted the legal authority to require supervision of all offenders after incarceration; however, the Board should rely on an objective risk assessment to prioritize and order supervision for those most likely to re-offend. Low risk offenders should be put on inactive status.
- Prisons and houses of correction should have some form of discretionary release that is more broadly available to serve as an incentive for inmates' good behavior and program participation while incarcerated.

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## Assessment and Targeting

It is the job of the corrections system to protect the public by reducing the risk that offenders pose to the community. Risk assessment tools can help classify offenders according to their relative likelihood of committing new offenses. Some risk factors, such as criminal history, are static and unchangeable. Others, such as substance abuse, lack of educational achievement, and antisocial attitudes, are dynamic and can be changed or mitigated through effective intervention programs.

In terms of cost-effectiveness, research indicates that high and medium risk offenders benefit most

from correctional interventions; therefore, supervision and treatment resources should focus on this group to achieve the greatest reduction in recidivism.

The Commonwealth does not use systematic assessment of risk to determine levels of supervision, sanctioning, or correctional programs. Although some programs exist that target risk factors (e.g., employment skills and addiction treatment), in general, correctional interventions are not systematically focused or designed to intervene on the criminal risk factors of higher risk offenders.

## Recommendations:

- All offenders returning to the community should be objectively assessed for risk to re-offend using a valid and reliable instrument. Ideally, all partners in the transition process (e.g., state prison system, houses of correction, parole, and probation) should use a common instrument to predict the probability of future criminal behavior.
- Following an assessment of offenders' level of risk, a valid and reliable offender needs assessment should be administered to high and medium risk offenders to develop intervention plans.
- Offender incarceration case plans, reentry plans, and parole and probation case plans should address the criminal risk factors found in the assessment.

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## Correctional Services

**Program design.** The most effective programs use a risk assessment to identify higher risk offenders; they also target interventions toward offenders' dynamic criminal risk factors that can be changed through intervention. Effective programs adjust their approach to accommodate characteristics of individuals that influence their responsiveness to interventions. Some of these characteristics are: cognitive ability; learning styles; stage of motivation for change; gender; ethnicity; developmental stage; beliefs; and personal temperament.

Research shows that the very best programs reduce recidivism by 32 percent. Unfortunately, only about 10 percent of programs reviewed in national studies attained the highest levels of effectiveness. Massachusetts has no systematic processes or procedures in place to ensure that correctional programs are designed using the existing research on effective programs.

**Alcohol and Drug Treatment.** To have a meaningful and measurable impact on recidivism, it is essential to deliver offender-based alcohol and drug treatment programs throughout the corrections system. The Massachusetts Department of Correction reports that 86.5 percent of state inmates committed in 1999 would have benefited from alcohol and drug treatment; however, only 33 percent of the state prison population participated in treatment while incarcerated. Treatment capacity in the community—already inadequate—has been further eroded with reductions in state funding. Because drug and alcohol use is so closely linked to recidivism, treatment for addiction must be available in the corrections system and the community to meet the goal of reducing crimes committed after release from prison.

## Recommendations:

- Programs delivered to offenders in correctional institutions and in the community should be designed according to the scientific evidence regarding effectiveness in reducing recidivism.
- The corrections system should institute a protocol to certify that correctional programs are delivered in a way consistent with the research.
- Gender-responsive strategies and approaches to managing female offenders should be developed.
- All correctional programs that aim to reduce criminal behavior and recidivism should target criminal risk factors, not other problems that offenders might have.
- The availability and capacity of prison and community programs, including drug and alcohol treatment, should be sufficient and appropriate to intervene with the criminal risk factors of higher risk offenders.

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## Reentry Planning

Massachusetts operates 18 state prisons, including 4 pre-release programs in which minimum custody inmates preparing for release can begin working in the community. The Department of Correction (DOC) assesses all inmates at intake to create individual plans based on risk factors. The DOC also encourages all inmates to attend transition planning workshops prior to release; however, participation in reentry planning is not mandatory. Approximately 60 percent of offenders complete a release plan. The current custody classification

system poses a significant barrier to reentry preparation because it over-classifies inmates at the higher security levels, making them ineligible for many programs and all reentry facilities.

Inmates with sentences of less than two-and-a-half years typically serve their time at the sheriff-operated houses of correction. Several sheriffs' offices and police departments have some type of reintegration program in place for at least some groups of offenders.

## Recommendations:

- A reentry plan should be mandatory and universal for every inmate released from incarceration. It should be a collaborative, multi-disciplinary plan that addresses preparation for release, terms and conditions of release, and post-release supervision and services (e.g., housing, employment, and substance abuse and mental health treatment).
- Pre-release/work-release facilities should be expanded, and the number of inmates eligible for this form of transition should be increased. The custody classification system of the Department of Correction should be changed to shift resources from unnecessarily high levels of security to reentry programming and half-way out/pre-release settings.

## Post-Release Supervision and Follow-Up

Currently, the majority of inmates in Massachusetts receive no supervision in the community following their prison sentence. Moreover, the parole system does not use risk assessment to prioritize or target supervision and interventions. In 2002, one-third of sentenced prisoners released

from state prisons were supervised by the Parole Board. For maximum security inmates in state prisons, 83 percent were released without parole supervision in 2002, posing a serious public safety threat.

### Recommendations:

- The level of risk to the community, based on an objective assessment instrument, should determine the intensity and length of supervision and correctional programs. Although all offenders should be legally eligible for post-release supervision, offenders with low risk of re-offense should not receive supervision or should be considered for early case closure.
- An inmate who received treatment while in custody should receive coordinated aftercare in the community to maintain changes and protect the programming investment.
- Correctional agencies should take a balanced approach to supervision. An effective approach requires a balance of: supervision; correctional programs and support services; and positive and negative consequences applied based on offender behavior.
- As Massachusetts expands parole supervision, state leaders should look for ways of enhancing supervision quality according to evidence-based practices.

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## Responding to Violations

Offenders under parole supervision must be held accountable for their actions through a system of graduated, community-based sanctions for violating the conditions of supervision. Massachusetts lacks intermediate sanction tools and guidelines for offenders. When no intermediate sanction tools are available, the parole officer must either ignore technical violations or return the parolee back to prison for the remainder of his or her sentence. This means, for example, that an incident of drug

use or a failure to report could result in 18 months in prison. The use of expensive prison bed days would not be necessary if other meaningful responses were available. Proportionality of response and consistency from officer to officer throughout the state can be accomplished through the establishment of sanction and revocation guidelines that take into account the severity of the violation and the criminal history and risk of the offender.

## Recommendations:

- Massachusetts needs to increase the availability of graduated, community-based sanctions as a response to non-criminal violations of the conditions of supervision. Use of pre-release work settings should be expanded as an intermediate sanction tool.
- The state should develop revocation/sanction guidelines that: support the use of graduated, community-based responses to violations; provide swift and certain responses to violations; and provide a decision-making structure for statewide consistency in responses to violations.

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## Information Sharing

All stages of the reentry process—supervision and monitoring, case management, service delivery and continuity of care, and response to violations—require the sharing of information among multiple public and private agencies. Information sharing helps agencies better manage and track offenders, intervene in social and legal problems, and carry out their public safety mission.

Massachusetts does not currently have an integrated data system for tracking and communicating about offenders; however, the Department of Correction is in the planning stages of creating a system that would include both state and county level data.

## Recommendation:

- Massachusetts should support efforts to develop an integrated data system. In the absence of an integrated data system, each agency involved in offender reentry should prioritize the sharing of data in whatever form is most expedient.

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## Community Integration

Offenders typically leave prison with little or no money and face many barriers to community reintegration, including how they will meet their basic needs. Access to a well organized web of services and pro-social community connections greatly enhances an offender's ability to successfully reintegrate in the community. It is critical that offenders with substance abuse issues and serious mental and medical problems have access

to treatment in the community. Other essential needs include:

**Housing.** Homelessness and housing instability increase the risk of recidivism. In Massachusetts, lack of housing is one of the most serious barriers for inmates transitioning from prison. Affordable housing is scarce, and offenders have few financial resources to pay rent at any price. They also face

potential discrimination from landlords due to their criminal records, as well as some restrictions from public housing and federally-assisted housing programs. It is estimated that 20-25 percent of state prison inmates who complete their sentence are homeless at release.

**Employment.** Studies have shown that having a job with adequate pay is associated with lower rates of re-offending. Job training and employment assistance for offenders is important to address numerous barriers to employment, including: lack of education and job skills; time out of the labor force due to incarceration; and discrimination based on having a criminal record. Through the Criminal Offender Record Information law,

employers have access to varying levels of criminal history information; however, Massachusetts does not have standards prohibiting employment discrimination against ex-offenders as a group by public or private employers or occupational licensing agencies.

**Community Support.** Informal social controls such as family, peer, and community influences have a more direct effect on offender behavior than formal social controls. Within the Commonwealth, the community's role in successful reentry has not been considered in a systematic way by those responsible for the transition from prison to community living.

## Recommendations:

- Through public and private collaborations, Massachusetts should create a “web” of services and pro-social community connections around offenders released from incarceration.
- Massachusetts should facilitate community involvement in helping offenders reintegrate, including such supports as offenders’ families and faith-based institutions.
- Transitional and affordable housing opportunities for returning offenders should be expanded to support offenders’ successful transition to community living.
- Massachusetts should develop comprehensive job programs for offenders that address vocational skills, motivation and attitude, and employment assistance. Job programs must be delivered as part of an integrated approach to dealing with other criminal risk factors (e.g., substance abuse or impulsivity).
- The state should remove legal and structural barriers to employment that are not necessary for public safety purposes and change Massachusetts’ law to explicitly protect ex-offenders from discrimination based solely on having a criminal record.

## Performance Measurement and System Accountability

Carrying out these reforms requires a shift in public resources from incarceration to community supervision and correctional programming. It is important that the benefits of this change in investment be measured over time. Ongoing performance monitoring is essential to system improvement and ensuring effective use of public resources.

In Massachusetts, the National Governor's Association Prison Reentry State Policy Academy has been established to provide leadership for system reform in the reentry process and in using evidence-based practices.

### Recommendations:

- The Governor's Office should expand the National Governor's Association (NGA) Massachusetts Leadership Team to include other stakeholders beyond state agencies; this group should be charged with defining state-level performance goals, including a specific goal for reduction in recidivism.
- The NGA Leadership Team should identify and monitor performance measures to gauge progress in achieving goals and report data to all stakeholders (i.e., policymakers, practitioners, and citizens).
- Individual agencies should develop program/agency-level performance measures that support the statewide goals and performance measures.

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## Leadership and Collaboration

Change requires the participation of many unrelated governmental and private agencies, including law enforcement, the judiciary, corrections, parole, community corrections, human services, and the community at large. The reentry process is com-

plex, and many public and private agencies have responsibility for parts of it, yet no single agency has responsibility for all of it. The only way to successfully accomplish system change of this magnitude is to establish collaborative partnerships.

### Recommendations:

- The Governor's Office and Executive Office of Public Safety need to provide strong leadership to facilitate the necessary collaborative partnerships.
- The Governor should charge an expanded National Governor's Association Leadership Team to take the lead in establishing the collaboration needed to reform the prison reentry system. The Team should also be responsible for planning, developing, implementing, and overseeing the operation of a reformed transition process.

## Organizational Change

None of the changes and reforms can occur without a conscious and planned approach to organizational change. Shifting the way an agency does business will require dynamic leadership and rethinking of agency mission and values. It will

also require the development of new knowledge, skills, and abilities for staff, adjustment and enhancement of an infrastructure to support the changes, and transformation of the organizational culture.

### Recommendation:

- Leaders of public and private agencies affected by the planned improvements in prison transition should develop a strategy to address specific changes in the organization's practices or role.

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## Conclusion

The Crime and Justice Institute strives to promote correctional practices and interventions that are more effective and cost effective than current practices. Fortunately, there is a large body of research on correctional interventions that provides the knowledge base necessary to design and deliver a corrections system that reduces recidivism; this knowledge base allows policymakers and practitioners to invest in what works and shift resources away from practices that are not likely to affect crime. There are also national models that Massachusetts can emulate. Research has found that:

- properly designed, evidence-based correctional interventions reduce re-offending by as much as one-third;
- increasing the incarceration rate for drug offenders is not as effective or cost-efficient in reducing crime as providing drug treatment;
- for every dollar invested in alcohol and drug treatment, seven dollars are saved in societal and medical costs. Taxpayers save \$10,000 for

each person receiving treatment through reductions in crime, victimization, health care, and welfare dependency; and

- community-based sanctions are more cost effective than incarceration for non-criminal parole violations.

The Commonwealth can and should achieve better results in reducing re-offending. Preventing new crimes saves money currently invested in prisons, law enforcement, prosecution, defense, and the court system. It also saves the costs of victimization, including property loss, medical care, suffering, and loss of life. Using the recommendations from this report, Massachusetts can build an improved reentry process that provides greater protection to the public, higher levels of accountability for offenders, and greater value for the public's investment. A more effective system can only be realized, however, through strong and sustained leadership that builds collaborative partnerships with all the stakeholders.