

From Incarceration to Community

A Roadmap to Improving Prisoner Reentry and System Accountability in Massachusetts

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The Gardiner Howland Shaw Foundation

Dear Colleague,

While there have been successes in reducing crime in Massachusetts over the past 10 years, the cost of corrections has also significantly increased. Additionally, there has been a growing number of previously incarcerated people returning to their communities without the resources to succeed in their transition home. As a result, many of them will likely go back to their criminal lifestyles, putting our communities at greater risk. If we are going to sustain the gains we have made in reducing crime in Massachusetts, we must act now. We need to come together for the good of the citizens of the Commonwealth to reform the system and work with communities to assure their safety. System reform will help people who are incarcerated and those released from prison/jail become law-abiding members of the community.

There have been many good studies that have found successful techniques for reducing recidivism, and there is consensus on many of the significant issues. Thus, we know how to reduce re-offending. We offer this report in the hope that it can guide policy development and provide useful information in the implementation of evidence-based practices. This report addresses policy areas related to reentry (from sentencing through post-release follow-up), with a specific focus on the state prison system, houses of correction, and parole. It outlines a system focused on higher risk offenders that reduces their risk to re-offend and re-victimize, and addresses the collaboration, organizational change, and performance monitoring necessary to implement systemic changes. Some important issues such as women offenders and offenders who are mentally ill or developmentally disabled are not covered in this report but must be the focus of future policy studies.

Development of collaborative partnerships in our most vulnerable communities is an essential element to a good reentry policy, and an important strategy for improving the safety in our communities. Collaborative partnerships among police, probation, parole, human service agencies, businesses, community members, and victims can create social controls and provide guardianship for both communities and victims. This approach will help contribute to a system of reintegration that promotes positive behavior change in offenders living in those communities and provide opportunities for them to contribute to the well being of society. There are examples of this type of collaborative work being done in communities in Boston, Lowell, and others which can be used as models for future partnerships.

Accountability is critical to any successful correctional system. To determine that we are implementing effective strategies, we must routinely evaluate our progress and measure our success in reducing risk, reducing victimization, and increasing safety. Strong leadership and broad collaborative support from all key stakeholders is needed to maintain focus and sustain system change efforts. It is only with this support that the Commonwealth will be able to improve community safety and provide increased public value.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elyse Clawson', with a long horizontal line extending to the right.

Elyse Clawson
Executive Director
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Acknowledgments

The Crime and Justice Institute gratefully acknowledges the contributions of the following individuals who participated in interviews for this report. Their perspectives and expertise were vital to this project.

Patrick Bradley
Undersecretary
Executive Office of Public Safety

Christine Cole
Deputy Chief of Staff
Executive Office of Public Safety

Frank Carney
Executive Director
Massachusetts Sentencing Commission

Thomas Coury
Executive Director
Gardiner Howland Shaw Foundation

Frank Cousins
Essex County Sheriff

Edward Davis
Superintendent
Lowell Police Department

Kathleen Dennehy
Commissioner
Massachusetts Department of Correction

Francisca D. Fajana
Attorney at Law
Massachusetts Law Reform Institute, Inc.

Bob Heard
Program Administrator
STRIVE at Pine Street Inn

John Larivee
Chief Executive Officer
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Stephan LoBuglio
Deputy Superintendent
Suffolk County House of Correction

Joe Moore
Director of Reentry
Catholic Charities South

Maureen Walsh
Chairperson
Massachusetts Parole Board

The Crime and Justice Institute is indebted to Dale Parent and Liz Barnett of Abt Associates who have, in partnership with the National Institute of Corrections, developed a national model for improving transition. This model, the Transition from Prison to Community Initiative, provided guidance throughout this report. In addition, Mr. Parent and Ms. Barnett provided invaluable advice and review for this project.

Special thanks for the contributions and support of Crime and Justice Institute staff, including: Lore Joplin and Ilene Klein for review and editorial suggestions; Kate Florio for production assistance; and Elspeth Slayter for her support.

The Crime and Justice Institute would like to acknowledge Brad Bogue, Bill Woodward, Nancy Campbell, Billy Wasson, and Mark Carey for their work in promoting the application of evidence-based practices to corrections work and for the guidance their work continues to provide to the Institute. Additionally, we would like to thank Dot Faust from the National Institute of Corrections.

We appreciate the assistance of the Department of Correction and other agencies in providing data for this report.

The Crime and Justice Institute is grateful to Tom Coury and the Gardiner Howland Shaw Foundation for their support of this project and for their continued interest and investment in improving the public safety systems in the Commonwealth of 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.

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.

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.

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.

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.

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.

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.

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.

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.

1. Prison to Community Reentry in Massachusetts: The Challenge of System Reform

As a result of tremendous growth in incarceration in Massachusetts and throughout the nation over the past 20 years, inmates are returning to communities in record numbers. Nationwide, nearly everyone who goes to prison (97 percent) returns to community living at some point (Beck, 2000). More than 20,000 prison and jail inmates are released to Massachusetts' communities each year. The vast majority of these offenders come from county houses of correction—nearly 90 percent in 1998 (Piehl, 2002). Practitioners, policymakers, and researchers 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 dramatic increase in the prison population has been driven by increased rates of incarceration and longer sentences, both at the national level and in Massachusetts (Blumstein and Beck, 1999). While 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. Existing programs have not expanded with the prison population, and budget reductions further decreased available programming.

When offenders reach the end of an incarceration sentence, there is little continuity or

coordination between institutional and community-based interventions and supervision. Changes in Massachusetts' sentencing laws and practices have eliminated or reduced eligibility for parole; thus, there are a growing number of offenders who receive no supervision, services, or interventions once they return to community living. Approximately two-thirds of offenders released from all state prisons in 2002, and half of those released from county houses of correction in 1999, received no parole supervision after their release to the community—although some may have been supervised by virtue of a probation sentence (Mass. DOC, 2003 and Mass. Parole Board, 1999). Nearly three-quarters of offenders released from high and medium security prison settings in 2002 were released directly to the community with no parole supervision (Mass. DOC, 2003).

Given the large number of prisoners released and lack of adequate supervision and services to support successful community integration, it should be no surprise that offenders who have served time in prison re-offend at fairly high rates. In Massachusetts, 41 percent of inmates released from prison in 1997 were re-incarcerated within three years of release (Hoover, 2003). The societal cost associated with high rates of re-offending is enormous. The result is an increase in crime victims and a financial burden on citizens who must pay for the criminal justice system's response to those new crimes. Cost increases often

mean that limited public dollars are taken away from other valuable government functions. The Massachusetts Taxpayers Foundation estimates that in 2004, the first time in decades, Massachusetts will spend more on prisons and jails than on public higher education.

Inmates who will be returning to the community are a group that should be considered a priority if any corrections system is to reduce further victimization of the public. From a cost-efficiency standpoint, if this high-risk group is managed successfully and returns to prison are reduced, this will result in a minimum savings of \$43,000 per year per person in future prison costs alone (Governor's Commission on Criminal Justice Innovation, 2004). Reduced recidivism and corresponding reductions in victimization also result in savings in court costs, prosecution costs, property loss or damage, and the treatment and health care costs of crime victims.

Current reentry practices in Massachusetts are not likely to reduce recidivism, and may actually increase recidivism; thus, they do not contribute to the public's safety. There is growing recognition that the laws and practices must be changed to improve the efficiency and effectiveness of the reentry system. The state has seen several recent comprehensive reentry policy studies: *Returning Inmates: Closing the Public Safety Gap* published by Community Resources for Justice; *From Cell to Street* published by MassINC; and most recently the *Governor's Commission on Criminal Justice Innovation Final Report*. There has also been an emerging focus on reentry planning within the Executive Office of Public Safety and innova-

tive approaches developed by local jurisdictions and houses of correction.

Problems related to prison reentry processes have generated national attention as well. In response to the growing number of prison releases, poor transition processes, and resulting threat to public safety, a number of national initiatives have been launched to improve the transition from prison to community. Examples include the National Institute of Corrections' Transition from Prison to Community Initiative, the Council of State Governments' Reentry Policy Council, the National Governor's Association's Prison Reentry State Policy Academy, the Department of Justice's Serious and Violent Offender Reentry Initiative, and the Urban Institute's Reentry Roundtable. Massachusetts is participating in both the National Governor's Association's Prison Reentry State Policy Academy and the Department of Justice's Serious and Violent Offender Reentry Initiative.

This is a unique time. By virtue of the comprehensive policy reviews recently completed, policymakers in Massachusetts are more aware of issues related to reentry laws and practices. There is an emerging consensus about many of the specific policies that would improve the system. Policymakers can draw on a wealth of knowledge from research on effective corrections practices and national reentry models. Perhaps most important, there is leadership and political support at the highest levels of Massachusetts' government.

The Crime and Justice Institute hopes to contribute to this growing momentum and build on the analyses that precede it by

offering a roadmap for implementing many of the reforms now being considered. This report outlines a proven and comprehensive model for prisoner reentry in the Commonwealth. It also addresses the collaboration, organizational change, and performance monitoring necessary to successfully implement the systemic changes essential to accomplish this reform. The reports draw from the national research literature of evidence-based practices and interviews with experts, officials, practitioners, and community-based service providers. It addresses areas of policy that have a significant effect on reentry, from sentencing through post-release follow-up. Although the central focus is on the transition from incarceration to the community and the roles of the state prison system, houses of corrections (for sentenced offend-

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ers), and parole, the principles outlined in this report also apply to probation.

The corrections system can and should achieve better results in reducing the re-offending that creates new crime victims and enormous costs to society. Properly designed, evidence-based correctional interventions reduce re-offending by one-third (Lipsey, 2003). More effective correctional interventions represent not only better public safety, but more responsible stewardship of limited public resources. Correctional resources should be prioritized so that they have the greatest impact on crime and criminality.

Fortunately, there is much evidence—based in solid research—that can act as a guide to designing the most effective *and* cost-effective prison reentry process.

2. A Map for Reforming the Transition Continuum

It is the job of the corrections system to protect the public by reducing the *risk* that offenders pose to the community. In the short term, incarceration and community monitoring are intended to prevent the victimization of the public by those already convicted of crimes. In the long term, future crimes and victimization are prevented through the application of *effective* correctional interventions that reduce the *risk factors* or characteristics of offenders associated with criminal behavior. As the risk factors are addressed, the risk that a particular offender will engage in criminal behavior is reduced—even after he leaves supervision.

This approach assumes that we are able to predict with some confidence who is most likely to re-offend (i.e., assessment of risk). It also assumes that we know the characteristics associated with criminal behavior (i.e., risk factors) and ways to effectively intervene to affect those risk factors (i.e., application or design of intervention). Fortunately, we know a great deal about each of these areas. To date, thousands of studies on the outcomes of correctional interventions have been reviewed and provide corrections

professionals with guidance as to how to achieve the greatest reductions in recidivism. This body of knowledge has been called “evidence-based practices” (Andrews, 1994; McGuire, 1995). The appendix provides a brief and accessible summary of the key principles of these evidence-based practices, along with definitions of terms.

In addition to a well-established body of research that allows corrections systems to improve effectiveness and reduce recidivism, there are national models that address the quality of prison reentry practices. The National Institute of Corrections, in collaboration with Abt Associates, has developed a model for prison reentry as part of the Transition from Prison to Community Initiative (TPCI). This model serves as a helpful guide to incorporating research-based and proven approaches throughout the reentry process. Elements of this model include: assessment and classification; transition and accountability planning; community supervision and services; responses to adjustment and achievements on supervision; and discharge from supervision and community services.

2.1 Applying Principles of Evidence-Based Practices

Assess Risk to Re-Offend and Target Higher-Risk Offenders

Research has found that certain risk factors are predictive of criminal behavior. Some factors, such as criminal history, are static and unchangeable. Others, such as substance abuse, antisocial attitudes, and antisocial associates are dynamic and changeable; these are commonly referred to as criminogenic needs. A validated assessment tool can identify these static and dynamic risk factors and allow classification of offenders according to their relative risk of committing new crimes.

Application of evidence-based practices requires correctional systems to focus most supervision and treatment resources on the offenders predicted to be at high risk of committing a new crime. From a public safety perspective, this approach makes sense. When we know which offenders are most likely to engage in crimes, we can focus our closest monitoring on those offenders. This higher risk group should be prioritized for all interventions.

In terms of cost-effectiveness, research indicates that high and medium risk offenders benefit most from correctional interventions; in other words, the greatest reduction

in recidivism and risk to the public is achieved by intervening with this group.¹ In fact, supervision and treatment resources that focus on lower risk offenders tend to produce little if any positive effect with regard to recidivism. (Intervening with low risk offenders can increase criminal behavior, especially when they are forced to associate with higher risk and more criminal individuals.) Finally, risk assessment allows corrections agencies to focus limited public resources where they can achieve the greatest positive impact on public safety—with those medium and high risk offenders.

The Commonwealth does not use systematic assessment of risk in determining levels of supervision, sanctioning, or correctional programs. A risk and needs assessment is conducted at admission to the state prison system, and many houses of correction also assess risk and needs using various methods. The parole system does not use risk assessment in prioritizing or targeting supervision or intervention. Ideally, risk and need would be assessed using a valid and reliable assessment tool at admission to incarceration to target in-custody programs, and again at the time of release, to determine levels of supervision and community interventions most likely to reduce risk of re-offense.

¹ Note that there is a very small percentage of the *highest* risk offenders who are unlikely to benefit from treatment interventions and should have close surveillance.

Recommendations:

- All offenders returning to the community should be objectively assessed for *risk to re-offend* using a valid and reliable risk assessment instrument. Results should be used to determine services and level of supervision.
- The level of risk to the community should determine the intensity and length of supervision and correctional programs. Offenders with a low risk of re-offense should receive no supervision or should be considered for early case closure.
- Ideally, all partners in the transition process should use a common instrument to predict the probability of future criminal behavior. The Department of Correction, sheriffs, Parole Board, and Probation Department should review existing risk tools and work toward agreement on using a single instrument.

Assess and Target Criminal Risk Factors (Criminogenic Needs)

Many criminal risk factors can be changed or mitigated through effective intervention programs. Addressing these dynamic risk factors reduces the risk of future criminal behavior, with clear benefits to the public. The first step in applying this principle is to accurately identify these risk factors, also called criminogenic needs, through a valid and reliable needs assessment process. The next step is to provide programs that target and reduce those particular risk factors. Examples of offender characteristics that are most closely associated with criminal behavior are:

- Antisocial attitudes and thinking;
- Antisocial peer groups;
- Alcohol and drug problems;
- Anger/hostility;
- Impulsivity and lack of self-control;
- Poor social skills;

- Lack of educational achievement; and
- Lack of vocational or financial achievement (Andrews, Bonta, and Hoge, 1990; Andrews, 1994; Andrews and Bonta, 1994).

The Department of Correction's policy is to use its risk and needs assessment tool to target correctional programs and interventions while in prison, subject to resource availability and security classification. Most correctional agencies in the state do not use risk and needs assessments for subsequent decision-making in reentry planning, parole supervision, or referrals to treatment. In general, available correctional interventions are not *systematically* focused or designed to intervene on the criminal risk factors, although there are some in place that do (e.g., programs for developing employment skills, cognitive and interpersonal skills, conflict resolution skills, and addiction treatment programs).

Recommendations:

- **Following assessment of offenders' level of risk, a valid and reliable offender *needs* assessment should be used systemwide for high and medium risk offenders.**
- **Lower risk offenders who will not be prioritized for correctional interventions do not require needs assessment if they will not be actively supervised or referred for services.** Therefore it is important that a risk assessment be applied first to determine which offenders should receive a more thorough assessment of needs. Needs assessment is important only in so much as an active intervention to reduce criminal risk is desired and available.
- **Offender incarceration case plans, reentry plans, and parole and probation case plans should address the criminal risk factors found in the assessment.**
- **All correctional programs that aim to reduce criminal behavior and recidivism should target criminal risk factors, not other problems that offenders might have.** Existing programs should be redesigned as necessary to target criminal risk factors. Resources invested in other types of interventions should be redirected.

Match the Learning Styles and Abilities of Offenders (Responsivity)

To effectively change offenders' dynamic risk factors, supervision and treatment interventions must be designed in ways that can reach and affect this group. The most influential strategies are cognitive behavioral, which focus on changing thinking and behavioral skills, are action-oriented, and reinforce appropriate offender behavior. These techniques are based on social learning theory approaches, including modeling the new behavior, step-by-step and directed practice of new skills, positive and negative feedback, and recognition of progress

(Andrews et al., 1990; Andrews, 1994; Andrews and Bonta, 1994).

There are also characteristics of individuals that influence their responsiveness to interventions. Such factors include cognitive ability, learning styles, stage of motivation for change, gender, ethnicity, developmental stage, beliefs, and personal temperament. Working effectively requires adjusting the approach to accommodate these individual factors.

Gender is one of the most important characteristics of individual offenders affecting how they respond to correctional interventions. Women offenders differ from male offenders in the ways they become involved in criminal

behavior and in how relationships with others shape their lives. A gender-responsive corrections system acknowledges and targets the combined effects of substance abuse, trauma, mental illness, and economic marginality on women and their criminal behavior. In addition, a gender-responsive inter-

vention considers women's relationships, especially those with their children, and their roles in the community (Bloom, Owen, and Covington, 2003). Procedures, programs, and services should be designed with these factors in mind.²

Recommendations:

- Correctional interventions should be focused on the thinking or behavior of offenders and designed consistent with the concepts of social learning theory.
- Gender-responsive strategies and approaches to managing female offenders should be developed.

Design Effective Corrections Treatment Programs

The most effective programs are designed using the principles of risk, dynamic criminal risk factors (criminogenic needs), and responsivity. They use risk assessment to identify higher risk offenders, and they target interventions toward dynamic criminal risk factors that can be changed through intervention. By mitigating these risk factors, the risk of re-offending is reduced. At least 80 percent of the program's services and interventions should target criminal risk factors, and more intensive services should be provided to higher need offenders (Gendreau and Andrews, 1994). Examples of targets for change are:

- Recognizing and changing antisocial thoughts;
- Increasing self-control, self-management, and problem solving skills;
- Developing anger management skills;
- Developing social skills such as assertiveness, conflict resolution, empathy;
- Encouraging pro-social peer associations while reducing those that are anti-social;
- Treating addictions;
- Providing basic education;
- Improving employability; and
- Planning for relapse prevention (Andrews et al., 1990; Andrews, 1994; Andrews and Bonta, 1994).

² For more information about designing correctional responses effective for women, see *Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*, by Barbara Bloom, Barbara Owen, and Stephanie Covington, National Institute of Corrections, 2003.

The most effective programs deliver interventions that are responsive to offender characteristics and match the learning styles and abilities of offenders. Some examples of characteristics of these programs include:

- Using written treatment manuals and curricula;
- Incorporating positive reinforcers/rewards as well as effective punishers (4 to 1 ratio);
- Teaching offenders to:
 - Monitor and anticipate problem behavior,
 - Plan and rehearse alternatives to problem behavior, and
 - Practice alternatives to problem behaviors in increasingly difficult situations;
- Basing program completion criteria on the acquisition of prosocial skills;
- Referring clients to other services and agencies that help address their needs;
- Training family members to assist offenders;
- Having substance abuse programs last between 3 and 12 months in duration (not including aftercare);
- Providing aftercare;

- Having college-educated, experienced, well-trained, and well-supervised staff;
- Providing individualized treatment based on individual client differences (Gendreau and Andrews, 1994).

In addition, ex-offenders themselves have a valuable role to play as peer mentors, working in conjunction with staff. Offenders can more easily identify with someone who has been through similar experiences, and ex-offenders who have successfully reintegrated into society provide effective role models.

Finally, the most effective programs evaluate their outcomes; this is the foundation of evidence-based practice. Programs need to assess offender change in cognitive and skill development and evaluate offender recidivism if services are to remain effective. There are valid and tested tools available that measure change in the dynamic criminal risk factors and are quite predictive of future recidivism. These tools allow corrections and treatment practitioners to determine if the interventions they are planning and delivering are having the desired effect on criminal risk factors, and ultimately on recidivism (Gendreau and Andrews, 1994).

Recommendation:

- **Correctional agencies and systems within the Commonwealth should, by clearly stated policy and practice, implement programs that are designed according to the scientific evidence available regarding effectiveness in reducing recidivism.** There is value in providing structured time for inmates while they are incarcerated. Prisons and houses of correction are safer when inmates are engaged in productive activity. However when programs—distinct from other types of structured activities—are being delivered, they should be based on evidence-based principles.

2.2 Applying a National Model to Reentry

The reentry process encompasses more than just moving from prison back to the community. It begins with sentencing and includes how convicted offenders spend their time during confinement, how they are released from prison, and how they are supervised during their adjustment to life in community. This process is deeply flawed in most states according to the work of Abt Associates and the National Institute of Corrections, which developed the Transition From Prison to Community Initiative (TPCI) national model. The entire reentry process must be strengthened in order to protect the public more effectively.

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, particularly in Massachusetts, have a significant effect on prison to community reentry. Sentencing laws drive the prison population and led to the dramatic growth in that population over the past ten years. Almost half of the offenders sentenced to state prison are precluded from parole consideration due to their sentence, where the minimum and the maximum sentence are one day apart (Massachusetts Sentencing Commission, 2003). Since parole cannot be granted until the minimum sentence is served, an inmate with this type of sentence is not eligible for

parole until one day before he or she must be released with no supervision. Nearly one-third of all court commitments to state prison in 2002 were for drug offenses; most of these had mandatory minimum sentences. (Sampson, 2004).³ These mandatory minimum sentencing statutes for drug offenders and the practice of sentencing a minimum and a maximum sentence one day apart prevent those affected from participating in prison pre-release programs and being released on parole.

As a result of the Truth in Sentencing reform of 1993, parole eligibility at one-third or two-thirds of the minimum sentence and statutory good time were eliminated. The proposed companion legislation that would have created sentencing guidelines was not enacted; consequently, incentives for good behavior in prison have largely been eliminated, and most offenders are released without parole supervision. While rates of parole eligibility have declined, so have rates of parole approval for eligible inmates. In 1990, the Parole Board approved 70 percent of parole candidates; this dropped to 38 percent by 1999 (Mass. Parole Board, 1999). 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. Even more disturbing, during the same time period there has been a three-fold increase in the percentage of male state prison inmates released directly from maximum security settings with no supervi-

³ Thirty-three percent of male commitments to DOC were for drug offenses, with mandatory offenses accounting for 64 percent of these commitments. Twenty-seven percent of female commitments to the DOC were for drug offenses, of which 10 percent were mandatory offenses. However, unlike the males, most of the females (92 percent) were serving house of correction (county) sentences.

sion or support (Hoover, 2000). Inmates who pose the greatest threat to society are denied parole, while those with the least need for supervision receive supervision and services. Community safety is jeopardized when inmates, especially those most likely to recidivate, are released without the supervision and support of parole.

The judiciary has reacted to this lack of supervised release by imposing “from and after” sentences, whereby a probation term is ordered to follow a prison term. This problem would be better addressed through sentencing reform than through the existing patchwork of sentences and supervising agencies. Of those incarcerated at either the state or county level, approximately 40

percent had a post-release probation sentence (Mass. Sentencing Commission, 2001).

Thus, both probation agencies and parole agencies are providing some form of post-prison supervision; sometimes offenders are supervised by both agencies at the same time, and sometimes they are supervised by neither agency. Centralizing post-incarceration supervision in the Parole Board and its agents will reduce fragmentation and improve the Commonwealth’s approach to the reentry process. It will facilitate a statewide and strategic approach to supervision and the development of community-based sanctions and resources. It will also clearly distinguish the important role of probation as a sentencing alternative to prison.

Recommendations:

- **The state should adopt sentencing guidelines that: support parole; eliminate mandatory minimums for drug crimes by incorporating them into the sentencing guidelines; and support intermediate sanctions for those 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.
- **Returning inmates who are most likely to re-offend should be supervised by the Parole Board after release.** The 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.** Parole serves this function, as would a provision for earned “good time” with post-release supervision.

Incarceration and Reentry Planning

Massachusetts operates 18 state prisons housing 9,223 criminally sentenced inmates (Mass DOC, January 1, 2003). Four of these facilities operate as pre-release programs in which minimum custody inmates preparing to transition to the community can begin working prior to release.⁴ The Department of Correction (DOC) releases about 3,300 inmates per year (3,239 in 2002).

According to the national model, Transition from Prison to Community Initiative, transition planning begins at the front door of the prison or house of correction rather than near release. If the period of incarceration is to have an effect beyond punishment, then some thought must be given to reducing offenders' propensity to commit crimes against the public after release. A transition accountability plan should be developed at admission to prison, with the goal of decreasing recidivism and increasing an inmate's prospects for successful self-sufficiency. The first step in creating a meaningful plan is the assessment of dynamic risk factors (criminogenic needs), such as chemical dependencies, lack of education, poor job skills, and antisocial thinking. The transition accountability plan includes a prescribed series of programs and interventions designed to mitigate those risk factors. The plan also specifies behavioral expectations and consequences for meeting or failing to meet those expecta-

tions. As offenders make progress, the plan is revised throughout incarceration, at release, and on into community supervision (Parent and Barnett, 2002).

In the last six to twelve months of incarceration, the focus on successful community living should increase. This is the time to deliver programs focused on community living skills and addiction treatment. Ideally, many inmates would be placed in "half-way out" programs so that they move gradually into community living, beginning with very close oversight and control. The existing pre-release programs provide an ideal setting for a graduated return to community living. These programs have demonstrated positive results in lowering recidivism rates and should be expanded (Piehl, 2002; Boston Bar Association, 2002).

The phase of the transitional accountability plan focused on release planning, often called the reentry plan, centers on a projected release date. It is important to establish a projected date as a benchmark for solid preparation. The reentry plan describes the preparation for release, terms and conditions of that release, and post-release supervision and services. It covers the period for the six months before and after release, addressing critical reentry issues in detail such as housing, employment, conditions of release, and access to programs and services. It defines actions and responsibilities of corrections, other supervisory agencies, human service agencies, and the offender. The reentry plan

⁴ Following passage of the Corrections Reform Act, Chapter 777 of the Acts of 1972, the Department of Correction established an extensive system of pre-release centers to provide pre-release programming and furloughs as a way to prepare inmates to transition to the community; however, this system was largely dismantled with changes in policy direction in the late 1980's.

is a logical next step based on the transition accountability plan and serves as the roadmap for continuity in the delivery of treatment and services and sharing of information. The plan should reflect a multi-disciplinary and collaborative approach to case planning, including prison/house of correction staff, parole staff, Parole Board, program staff, law enforcement, and family and community members as appropriate. Leadership for the plan and responsibility for engaging others rests with prison and house of correction staff initially, and then transfers to parole staff at release (Parent and Barnett, 2002).

The Massachusetts Department of Correction uses a two-part release preparation program for inmates that consists of the risk reduction plan and transition planning workshops. All inmates are assessed at intake in order to create their own unique plan based on an assessment of risk factors. This plan is similar in concept to the accountability plan recommended by the TPCI and is used to determine appropriate in-prison program referrals aimed at reducing recidivism. Programs offered, depending on the institution, are literacy, employment skills, cognitive and interpersonal skills, cognitive restructuring, relapse-prevention skills, sex offender treatment, parenting education, conflict resolution skills, violence reduction, and a comprehensive residential program treating the co-occurring problems of criminality and addiction. The prison system also relies on a number of volunteer-facilitated self-help programs.

The DOC encourages all inmates within one year of release to attend transition planning

workshops (five 2-1/2 hour sessions). These workshops teach inmates life skills and help them develop transition plans detailing expectations regarding employment, housing, treatment programs, and medical needs. Staff members assist with referrals and case management services. Reentry plans are developed by reentry case workers or by inmates who voluntarily participate in the transition planning workshops. These plans are not mandatory — approximately 80 percent of inmates participate in the transition planning workshops and 60 percent complete a release plan with the DOC reentry unit case managers.

One of the significant barriers to adequate preparation for community living is custody classification. The custody classification system in the state prison system appears to over-classify inmates at the higher security levels, making them ineligible for many programs and all reentry facilities. For example, Massachusetts classifies 8 percent of inmates at the minimum level compared to the national average of 16 percent (Kurkjian, 2004; Stephens and Karberg, 2003). The Department of Correction is currently reviewing those practices, with assistance from the National Institute of Corrections.

The Crime and Justice Institute supports changes in classification as a way to reduce barriers to effective reentry preparation, as recommended by the Governor's Commission on Criminal Justice Innovation. A change in the mix of higher and lower security settings also offers an opportunity to shift resources from unnecessarily high levels of security to increases in reentry programming and half-way out/ pre-release settings.

Typically inmates with sentences of less than two-and-a-half years serve their time at the sheriff-operated houses of correction.⁵ Several sheriffs' offices and police departments have some type of reintegration program in place for at least some groups of offenders. Examples of well-developed local programs involving multi-agency partnerships can be found in Suffolk, Essex and Hampden Counties, and the City of Lowell.

- In Suffolk County, the Boston Reentry Initiative (BRI) has been designed to enhance public safety by identifying and providing services and monitoring inmates who pose a significant risk of violence upon release from jail. Services and monitoring commence the moment offenders enter the Suffolk County House of Correction, last throughout their incarceration, and follow them to the neighborhoods to which they return. The Boston Reentry Initiative builds on interagency and community partnerships with the Boston Police Department, Suffolk County Sheriff's Department, other law enforcement agencies, social service providers, and faith-based organizations.
- Essex County has developed an innovative and cost-effective program for female offenders that has significantly reduced recidivism and improved reintegration. The program, Women in Transition, provides a wide range of treatment and

educational programs inside the facility and transitions women from structured to more independent living, where they work in the community. The Sheriff's Department also has reentry case managers at each facility who develop individualized treatment plans for each inmate.

- The Hampden County Correctional Center has developed a release planning program that includes group sessions on the topic of release planning and the development of an individual release plan for each participant. The release plans list services that inmates will need when they are released: addiction treatment programs; health or mental health care; and employment or education services. In addition, staff actively make referrals to community-based services and offer offenders an aftercare support group and individual mentors.
- The City of Lowell has strong community police agencies, which have a history of collaborating with the Department of Correction to improve the success of prisoner reentry. Police officers meet with inmates prior to their release, and they have a case meeting with partner agencies on each released offender, focusing on his or her future plans.

Additional examples are described in *From Cell to Street* and in *Returning Inmates: Closing the Public Safety Gap*.

⁵ However, several counties send their female inmates to be housed at the state Department of Correction. In fact, most of the female population of the DOC are there for county House of Correction sentences. In 2002, 92 percent of DOC female court commitments were incarcerated for house of correction sentences and 8 percent were there for state prison sentences. (See Sampson [2004]. *2002 Court Commitments to the Massachusetts Department of Correction*).

Recommendations:

- **The availability and capacity of prison and jail programming should be sufficient and appropriate to intervene with the criminal risk factors of those inmates most likely to re-offend.**
- **A reentry plan should be mandatory and universal for every inmate released from incarceration.** Massachusetts' case law has established that prison programs must be voluntary. The reentry plan is not a program, but a procedure added to other existing procedures that govern release from custody. This plan will describe how the inmate will be prepared for release, the terms and conditions of that release, and post-release supervision and services. The reentry case worker within the facility should be assigned to take the lead in carrying out this responsibility, but should work across agencies and divisions as necessary to create a comprehensive and collaborative plan.
- **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 DOC should be changed to shift resources from unnecessarily high levels of security to increases in reentry programming and half-way out/pre-release settings.**
- **New partnerships should be developed between the Department of Correction and houses of correction for returning state offenders.** If a house of correction near the inmate's residence serves as a releasing facility from the state prison system, it can increase the capacity of the local parole agency to collaborate with institution staff, thus improving the release planning process. It also facilitates reach-in efforts by community services and supports, providing a tighter link between the offender and the community to which he or she is returning. In addition, a house of correction may be better able to offer pre-release work programs to eligible inmates. There is a pilot of this type of arrangement operating at the Hampden County House of Correction. *CJI concurs with this recommendation made by the Governor's Commission on Criminal Justice Innovation.*
- **Comprehensive reentry partnerships developed by houses of correction should be identified and replicated statewide.** *CJI concurs with this recommendation made by the Governor's Commission on Criminal Justice Innovation.*

Correctional Programs

According to a recent monograph by Mark Lipsey for the International Community Corrections Association (2003), the most effective programs have one or more of the following characteristics. They:

- focus on training and skill building, such as skills related to interpersonal behavior, thinking and behavior, or academic and employment skills;
- focus on interpersonal behavior such as improving interpersonal skills, conflict resolution skills, and/or assertiveness skills, and increasing empathy;
- address deviant thinking patterns that are characteristic of many offenders (self-justification, poor decision-making, misinterpretation of social cues, deficient moral reasoning, and attitudes and expectations that support substance abuse);
- employ techniques of behavior modification—rewards and punishments are used to shape behavior (e.g., contingency management, contracting, and token economies). Research shows that behavioral approaches are the most effective in reducing recidivism;
- target multiple problems; and

- deliver well implemented and relatively intensive treatment.

Lipsey reports that the very best programs reduce recidivism by 32 percent.⁶ Unfortunately, only about 10 percent of programs reviewed in the national research attain the highest levels of effectiveness. Massachusetts has no systematic processes or procedures in place that ensure that correctional programs are designed using the existing research on effective programs.

Practitioners in Massachusetts working with offenders transitioning from incarceration are very concerned with the lack of programs in correctional facilities and in the community to assist with successful transition. They have identified the need for and importance of increased capacity in addictions and mental health treatment,⁷ education, and programs that develop marketable job skills.

Alcohol and Drug Treatment

The link between drug use and crime has been well established. M.R. Chaiken, writing for the National Institute of Justice on prison programs, states:

Entrenched in a lifestyle that includes drugs and crime, many of these offenders when

⁶ The Crime and Justice Institute recognizes that some very antisocial and high-risk offenders do not benefit from correctional programs. For these individuals, close monitoring and surveillance may be the most effective intervention to reduce criminal offending.

⁷ Prison and jail inmates have relatively high rates of serious mental health problems compared with the general population. Untreated mental illness is a significant predictor of recidivism (Steadman, 1998). For a comprehensive set of policy recommendations for offenders with mental health problems, see the Council of State Governments' Criminal Justice Mental Health Consensus Project report (<http://consensusproject.org/>).

released are very active criminals. . . . Parole doesn't necessarily deter them, as research suggests that the highest rate, more dangerous drug-involved offenders have a history of escaping supervision. Clearly, releasing these types of drug involved offenders. . . without changing their behavior is offensive to the public interest (Chaiken, 1989; Tunis, Austin, Morris, Hardyman, Bolyard, 1997).

Eighty percent of prison inmates have a history of substance abuse (Mumola, 1999), and a majority of prison and jail inmates report using drugs or alcohol at the time of their offense (Wilson, 2000). To have a meaningful and measurable impact on recidivism, it is essential to deliver alcohol and drug treatment programs designed for offenders throughout the corrections system. A study of the Key-Crest program in Delaware revealed that offenders who did not receive alcohol and drug treatment in prison or the community had a 70 percent re-arrest rate. Treatment in the community following prison resulted in a 50 percent reduction in recidivism, and treatment that began in prison and continued into the community resulted in a 64 percent reduction in recidivism (Inciardi, Martin, Butzin, Hooper, and Harrison, 1997). Results of the National

Treatment Improvement Evaluation Study, which included a review of correctional treatment, found that the percentage of offenders who reported any criminal activity declined 60 percent after treatment, and the average number of crimes per year dropped by 74 percent post-treatment (Koenig, Denmead, Nguyen, Harrison, and Harwood, 1999).

The Massachusetts Department of Correction reports that 86.5 percent of state inmates committed in 1999 would benefit 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. Consequently, many offenders who should be treated do not have access to treatment. Because drug and alcohol use is so closely linked to recidivism, treatment for addiction must be available within the corrections system to meet the goal of reducing crimes committed after release from prison. Treatment must also be available in the community, both for those treated in prison and for those who did not receive treatment while incarcerated.

Recommendations:

- **Programs delivered to offenders in correctional institutions and in the community should be designed on evidence-based principles.**
- **The corrections system needs to institute a method to certify that correctional programs are being delivered in a way consistent with the research.** Don Andrews and Paul Gendreau (Correctional Program Assessment Inventory), the International Community Corrections Association, and the United Kingdom have all developed tools for assessing correctional programs for consistency with evidence-based practices.

Recommendations (cont.):

- Alcohol and drug treatment programs designed for offenders must be available in correctional institutions and in the community, with sufficient capacity to reach higher risk offenders.

Post-release supervision and follow-up

Supervision following a prison term should be available to every high and medium risk offender and should be applied at the level needed to control the risk of re-offending.⁸ A risk assessment tool should be used to assign supervision levels, with high risk offenders receiving closer supervision than medium risk offenders. Access to services and resources should be prioritized in the same way, using risk management strategies. Parolees with a low risk of re-offending should be placed on an unsupervised status or discharged early from supervision.

Ideally, the first supervision plan is the reentry plan developed collaboratively between prison/house of correction staff and field staff prior to release. This plan should include the conditions of release, housing and employment plans, and program needs based on criminal risk factors identified in prison. Some of the best examples of coordination of care can be found in the “reach-in” model in which community service providers

begin working with inmates prior to release and continue with them in the community. In cases where the offender participated in a treatment program in prison, the transition plan should include coordination with continuing care in the community. For example, if the inmate requires mental health treatment or health care, community care providers should be identified, and diagnosis and treatment needs should be communicated to those providers.

Protecting the investment of any type of in-prison programming requires some form of follow-through in the community (Martin, Butzin, Saum, and Inciardi, 1999). For example, if the inmate received residential treatment for an addiction in prison, an outpatient program should be planned to continue to support and build on the progress made inside the institution. In addition, community programs should be designed using the same evidence-based approach described for prison programs.

Research continues to reinforce the need to apply a balanced approach to managing

⁸ Some predatory sex offenders, as determined by an objective tool, may require lifetime supervision. A small minority may require civil commitment.

offenders effectively in the community. Supervision and community sanctions alone, such as electronic monitoring or day reporting, have not been shown to reduce crime (Burke, 2001; Sherman, 1997). However, when paired with effective correctional interventions, the overall management approach makes a difference to the public's wellbeing. The balance of supervision, sanctions, and services appears to be the key to success in reducing

The typical practice of supervising an offender in the community has remained fairly static for a long time, with slight variations in the degree to which monitoring and punishment or rehabilitation are emphasized. In the last few years, however, a number of supervising agencies have been looking to the effectiveness research and "reinventing" community supervision. Washington State has instituted a dynamic case planning process using ongoing assessment and re-assessment, along with the use of behavioral contracts and a wide range of prescribed incentives and sanctions that encourage prosocial development. In Maryland, the Division of Parole and Probation adopted a proactive community supervision model that incorporates research-driven practices of problem-solving and offender management. Rather than responding reactively to compliance or non-compliance, proactive supervision is aimed at addressing the offender's behavioral problems before the need for formal sanctions arises. The

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approach includes assessing needs and developing an individualized, specific case plan. It also defines and requires quality in the officer-offender contacts, including both positive and negative consequences for offender behavior. Behavioral contracts, along with administrative and court-ordered sanctions and incentives, are a part of the approach (Sachwald, 2000). The structured approach to defining a quality contact

standard is particularly innovative. The standard includes communicating interest and respect, ongoing assessment and changes to case plan as appropriate, noticing and reinforcing positive behavior, reviewing progress on goals, making treatment and service referrals, reviewing rules and consequences as necessary, and applying sanctions immediately for non-compliance.

Currently, the majority of inmates in Massachusetts receive no supervision in the community following their prison sentence. In 2002, only one-third of sentenced prisoners released from state prisons were supervised by the Parole Board (Mass DOC, 2003), representing a steep decline over the last 20 years.⁹ At the same time, a greater percentage of inmates classified and incarcerated at the higher custody levels are being released directly to the community. For maximum security inmates in state prisons, 83 percent were released without parole supervision in 2002, posing a serious public safety threat (Mass. DOC, 2003).

⁹ Statewide data are not available for house of correction releases. Analysis of a sample of releases from the Suffolk County House of Correction in January of 2001 indicated that 52 percent were released that month with no supervision (Piehl, 2002).

As discussed in the Sentencing section, some of the offenders who are not released to parole supervision are supervised after release in the probation system, under the jurisdiction of the judicial branch, and some are supervised by both probation and parole.

Recommendations:

- **The intensity and length of supervision following incarceration should be applied at the level needed to control the risk of re-offending, based on the results of the risk assessment.** Supervision as well as correctional services, should focus on offenders with a high or medium risk of re-offending; limited supervision resources should not be used to supervise low risk offenders.
- **An offender's first supervision plan should be the reentry plan developed collaboratively by prison/house of correction staff and field staff prior to release.** Although all offenders should have a reentry plan prior to release, if a reentry plan is not completed in the institution, then the parole officer should develop a comprehensive plan when he or she becomes responsible for the transitioning offender.
- **An inmate who received treatment while in custody should receive coordinated aftercare in the community to maintain changes and protect the programming investment.** This level of continuity of care requires a referral prior to release, and the transfer of information such as diagnostic information, a discharge summary, and a continuing care treatment plan.
- **Correctional agencies should take a balanced approach to supervision.** Supervision alone will not reduce the criminal behavior of offenders on 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 embarks on a path to expand parole supervision, state leaders should look for ways of enhancing supervision quality according to evidence-based practices.**

Responding to Non-Compliance

When no intermediate sanction tools are available, the parole officer faces the choice of either ignoring technical violations or returning the parolee back to prison for the remainder of his or her sentence. The system response is either not enough or too much. This means, for example, that an incident of drug use or failure to appear could result in 18 months in prison. This use of expensive prison bed days would not be necessary if other meaningful responses were available. If reducing recidivism is the ultimate goal, addiction treatment needs to be available for those suffering from drug or alcohol abuse. Even offenders who are doing well in treatment occasionally experience a relapse. The best long-term outcome would be for that person to successfully recover from the addiction problem, which is supported by remaining in treatment. A punishment delivered in the community provides a response to a violation, while at the same time reinforcing attendance at the treatment program.

Intermediate community-based sanctions such as house arrest, electronic monitoring, community service, increased reporting, and work release settings are important tools in responding to technical violations. They offer a measured response to inappropriate behavior and are generally more cost effective than prison. Research into the effect of sanctions indicates that recidivism and non-compliance are no worse and are often better after a community sanction when compared

to incarceration (Clear, Harris, and Baird, 1992; Gendreau and Goggin, 1996; Oregon Department of Correction, 2003).

Revocation/sanction policies can provide graduated responses to violations that are proportional to the risk and seriousness of the non-compliant behavior. To be most effective in changing behavior, parole officers should have the authority and the resources to respond to each violation as quickly as possible. In other words, the response should be swift and certain. Proportionality of response and consistency from officer to officer throughout the state can be accomplished through the establishment of sanctions guidelines. Sanctions guidelines function in a similar way to sentencing guidelines; the severity of the violation and the criminal history and risk of the offender are placed on a grid that guides the officer in imposing the sanction. Additionally, the officer should also be careful not to create further risk factors through the sanctioning process—he or she should avoid imposing sanctions that disrupt existing prosocial supports such as employment or housing.

Massachusetts has community corrections centers (CCCs) that can provide intermediate sanctions. Under the Office of the Commissioner of Probation,¹⁰ the CCCs are community-based intensive supervision sites that deliver bundled sanctions and services to probationers and parolees through multi-level sanctions. Services and sanctions include treatment, education, community service, drug testing, and electronic monitoring.

¹⁰ Within the Office of Community Corrections, which is under the judicial branch of government.

Although practices vary by local jurisdiction, the use of CCCs for intermediate sanctions for parole appears to be limited. Parole needs the kinds of services that CCCs provide, but the state's current administrative structure and practice can make it difficult for parolees and other returning prisoners to fully utilize the CCCs' services. For example, CCCs offer fixed packages of mandated sanctions and services, but do not have the flexibility to allow supervising agents to target individual offenders' needs with specific interventions. Additionally, the CCC program structure can make it difficult to accommodate offenders' employment schedules. Certain legal restrictions for probationers also prevent the centers from serving a broader offender population. Offenders who have inflicted serious bodily harm (including murder), sex offenders, and those who used a firearm to commit a crime cannot be referred to a community correc-

tions center. If these offenders are already living in the community, it makes little sense to prevent access to the services and sanctions delivered in the community.

Expanding the availability of pre-release work settings as a "half-way out" between prison and community has already been recommended as a way to improve the reentry process. This type of setting could also be used as an intermediate sanction. In this sense, the work center becomes a "half-way back" setting between community and prison. A sanction in a work release setting provides a high level of accountability, yet still allows an offender to keep his or her job. It can also be imposed at less cost than a revocation to prison or a house of correction. Suffolk County Sheriff's Office and the Parole Board are operating a pilot program using this model.

Recommendations:

- **Massachusetts should increase the availability of community-based sanctions as a response to non-criminal violations of the conditions of supervision.** Community-based sanctions are a meaningful response to inappropriate behavior and are generally more cost effective than prison.
- **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.**
- **Use of pre-release work settings should be expanded as an intermediate sanction tool.** A work release facility provides a high level of accountability while still being less expensive than prison. This setting is more supportive of the eventual return to community living as it allows the inmate to continue to work and/or find employment before returning to the community.

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.

An integrated data system should provide real time information about offenders (i.e., crime, conditions of supervision, incidents of misconduct, criminal risk factors, recommended and completed programs, and ongoing management plans). This information enhances the ability of correctional and law enforcement agencies in managing offenders knowledgeably and safely.

Confidential information cannot be widely shared; however, it must be shared appropriately. Confidential information is often required for the continuity of medical, psychiatric, or addictions treatment. Pro-

cesses that work and meet the legal standards for sharing confidential information between prison treatment providers and community treatment providers must be used by the correctional system in the transition process.

While public safety concerns are the primary reason to move toward an integrated data system, the data collected can also be used to monitor system performance and provide feedback for system improvements. The availability of offender management information can assist policymakers in making data-driven decisions by helping them: understand the system and how it works more accurately; objectively study proposed changes; and quantify system needs. A centralized research function or unit would be the most efficient use of this type of specialized expertise.

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 such a system that would include both state and county level data.

Recommendations:

- **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. An improved reentry process cannot occur without it. *CJI concurs with this recommendation made by the Governor’s Commission on Criminal Justice Innovation.***

Community Integration

The primary goal of prison reentry programs is to successfully reintegrate an offender back into the community as a prosocial and contributing member of that community. Offenders typically leave prison with little or no money and face many barriers to reintegration, including how they will meet their basic needs. Reintegration requires supports, such as housing and jobs, as well as continuity of care for offenders with substance abuse issues and serious mental and medical problems. It also requires monitoring and supervision to intervene early in developing problems.

Crime occurs in the community, and the interventions and supports necessary to reduce it may or may not exist in disproportionately affected communities. Offenders return in higher numbers to particular communities or neighborhoods that typically are distressed areas with high rates of poverty and crime. Focusing resources and coordinating interventions and services in these geographic areas is especially important to reduce the likelihood of new criminal behavior among those released from incarceration.

In several Massachusetts' communities, law enforcement and corrections professionals work closely together to set clear expectations with returning offenders, watch them more closely, and intervene as necessary. In the area of community supports, Massachusetts needs broad-based collaboration be-

tween governmental agencies and community-based providers to create the complex web of services that cannot be provided by a single agency. Access to a well-organized web of services and pro-social community connections greatly enhances an offender's ability to succeed.

Housing

Lack of housing is one of the most serious reentry issues for inmates transitioning from prison. The period immediately following release, when a returning prisoner may be most tempted to fall back into old habits, is a critical time. In many areas, there is a great shortage of affordable housing. Compounding this lack of availability, most offenders leaving prison do not have the financial resources to rent housing at any price. They may be screened out by potential landlords because of their criminal record and lack of references. In addition, federal laws restrict many ex-prisoners from public housing and federally-assisted housing programs. In Massachusetts, state law allows housing providers to access complete criminal history information on convictions and cases pending, with no time limit. Public housing authorities can legally exercise their discretion to exclude tenants with criminal histories.¹¹

The Georgia Parole Board found that there was a 25 percent *increase* in the likelihood of re-arrest each time a parolee changes address (Meredith, 2001). Homelessness increases

¹¹ Applicants who are denied housing due to their criminal record can request the opportunity to provide evidence of rehabilitation or mitigating circumstances. (See Winsor [2003]. *The CORI Reader*. Massachusetts Law Reform Institute.)

the risk of recidivism for a number of reasons. Lack of stable housing makes it difficult to find employment. With no permanent address, potential employers often have problems contacting reentering offenders. Lack of housing also makes it more difficult to show up for job interviews well-groomed and wearing clean clothes. Living in shelters, cheap motels, or on the street can be “criminogenic.”¹² In other words, these settings may trigger a return to drug use or crime because these environments are rich with drug users and/or criminal behavior.

The Massachusetts Department of Correction has a policy of not releasing any inmate to homelessness or a homeless shelter; however, since most inmates are completing their sentences in prison rather than being released to parole, the state has no choice but to release them irrespective of this policy. It is estimated that 20-25 percent of prison inmates who wrap up their sentence are homeless at release (Community Resources for Justice, 2001). Addressing this problem for transitioning offenders will require something beyond the existing policy. There are some programs in place that focus on the issue of housing, such as the Honor Court in Hampden County; however, transitional housing resources have been seriously reduced from past levels. Practitioners agree that the resources currently available are not sufficient.

While it is clear that access to transitional housing, and affordable housing in general, will support the successful transition from

prison to community living, the primary responsibility for developing housing resources in communities is not always easy to determine. Is this the responsibility of the Department of Correction, the Parole Board, housing agencies, or community-based organizations? A review of current models for addressing this problem can be found in *Preventing Homelessness Among People Leaving Prison* by Nino Rodriguez and Brenner Brown and in *No Place Like Home: Housing and the Ex-prisoner* by Katherine Bradley and others, Community Resources for Justice.

Employment

There is a relationship between employment and crime. Studies have shown that having a job with adequate pay is associated with lower rates of re-offending (Byrne and Kelly, 1989). The Georgia Parole Board found that each day of employment predicted a one percent drop in the likelihood of arrest. That translates into a 30 percent *decrease* in the likelihood of arrest for only one month of employment (Meredith, 2001).

Job training and employment assistance for offenders is important because many offenders lack education and job skills, and being out of the labor force due to incarceration decreases their employability. Research suggests that job programs for offenders that address vocational skills as well as motivation and attitude are more successful at improving employment than those that focus only on vocational skills (Travis, Solomon, and Waul,

¹² Shelter use is associated with an increased risk of return to prison (Metraux and Culhane, 2004).

2001). Also, programs that include job placement assistance and follow-up support are promising. This follow-up support may be especially important to an employer willing to employ an ex-inmate, because he or she could depend on a third party to avert and intervene with problems the ex-inmate may bring to the work site (Travis et al., 2001).

Unfortunately, having a criminal record poses significant barriers to ex-offenders' access to employment. Ex-offenders in Massachusetts routinely face employment discrimination based solely on having a criminal record, regardless of whether the former offense would affect their job performance or the safety of others. (See the box, "Legal and Structural Barriers to Employment of Ex-Offenders.")

Recommendations:

- **Massachusetts should build a “web” of services and pro-social community connections around an offender following release from incarceration to enhance his/her chances of successful reintegration.** Services and resources should be concentrated in neighborhoods with higher numbers of returning offenders.
- **Transitional and affordable housing opportunities for offenders should be expanded to support the successful transition from prison to community living.**
- **Massachusetts should develop comprehensive job programs for offenders that address not only vocational skills, but also motivation and attitude. In addition, job programs must be delivered as part of an integrated approach to dealing with other criminal risk factors.** For example, an offender who is addicted to drugs, acts out in a hostile or impulsive way, or continues to have criminal thinking is not likely to be successful in a job. A successful approach will target each of these criminal risk factors.
- **The state should review and remove all legal and structural barriers to employment that are not necessary for public safety purposes. In particular, Massachusetts law should be changed to explicitly protect ex-offenders from discrimination based solely on having a criminal record when the offense does not relate to the job or pose a public safety threat.**

Legal and Structural Barriers to Employment of Ex-Offenders

The CORI (Criminal Offender Record Information) law, administered by the Criminal History Systems Board (CHSB), makes available to the public information on convictions and custody status of offenders while in prison, on parole, or on probation (with some exceptions for lesser offenses), and for limited periods after their discharge from prison or supervision (Heigham, 2000). Additionally, the CHSB makes CORI available without any time limitations to employers and housing providers that can show that their interest in having CORI data outweigh the privacy interests of persons who have CORI.¹³

Through CORI, 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. Several states, including New York, have laws that explicitly protect ex-offenders from discrimination based solely on having a criminal record when the offense does not relate to the job or pose a public safety threat (Fishman, 2003). Wisconsin, in particular, has significant safeguards to enable ex-offenders to obtain gainful employment. That state's law, Wis. Stat. §111.335, bars discrimination against ex-offenders in the private and public sectors, but specifically requires that ex-offenders be excluded from jobs when their convicted crimes are "substantially related" to the circumstances of the position they seek. Massachusetts should examine its laws and consider enacting and enforcing meaningful anti-discrimination protections.

Although bias and stigma contribute to discrimination against ex-offenders, discrimination also arises from employers' lack of understanding of the

¹³ Communication with Francisca Fajana, Esq., Massachusetts Law Reform Institute, April 2004. For a thorough discussion of CORI laws and their implications for ex-offenders, see *The CORI Reader* by Ernest Winsor, Esq., Massachusetts Law Reform Institute, Dec. 1, 2003.

issues, leading them to make decisions out of fear rather than fact. First, employers often do not know how to interpret the CORI reports and often exclude from consideration anyone with any kind of criminal record. They may not understand the difference between a single minor offense, which may have multiple entries on the CORI report, from multiple serious offenses (See Winsor, 2003)¹⁴; or they may treat a dismissed case or not guilty finding the same as a conviction. The CORI reports provided to employers and the public need to be more clear and easy to understand. Second, employers have exaggerated fears of liability for potential problems with ex-offenders after they are hired; Massachusetts law affords some protection to employers from this type of liability if they perform due diligence in the hiring process. For example, in *Coughlin v. Titus & Bean Graphics, Inc.*, 54 Mass. App. Ct. 633, a court stated that “to hold that an employer can never hire a person with a criminal record or retain such a person at the risk of being held liable for his tortious assault flies in the face of the premise that society must make a reasonable effort to rehabilitate those who have gone astray.” Employers need to be educated about how to interpret the CORI reports and when they may be protected from liability.

Federal and state laws also bar offenders with certain types of convictions from particular occupations or may require mandatory background checks and proof of rehabilitation. In Massachusetts, regulation 101 CMR 15.0 which applies to health and human service agencies has the potential to exclude large numbers of offenders from employment in the human service world, even when the conviction may not relate to the position or pose a threat to public safety. The regulation mandates that all public or private agencies that receive any funding from the Executive Office of Health and Human Services perform a full CORI check on all job candidates. It further requires that individuals with broad classes of offenses be barred from employment for life unless they can overcome significant hurdles imposed by the regulation. For example, an individual is required to have an assessment of his or her risk of harm performed by a qualified mental

¹⁴ Conversations with human resources staff confirmed the challenges of interpreting the CORI reports.

health professional; this cost must be borne by the hiring agency. Overcoming the hurdles imposed by the law is overly burdensome and costly for agencies and may raise liability concerns. This leads agencies to needlessly exclude ex-offenders who are not a public safety risk and could make a positive contribution. Agencies need to be able to exercise more judgment to consider the position and potential candidates on a case-by-case basis.

Drug-related offenders face some additional legal barriers to employment and reintegration, including suspension of drivers' licenses for at least one year for many types of offenses—even when the offense does not relate to operation of a motor vehicle (Mass. Regs. Code tit. 540, § 20.03). This poses transportation barriers and precludes employment in occupations that require driving.¹⁵

Employment is the cornerstone of successful reintegration and self-sufficiency, and Massachusetts has too many barriers that prevent ex-offenders from achieving this goal. Policymakers need to eliminate the legal barriers to employment and identify policy and programmatic interventions that effectively promote offender reintegration into the labor market while protecting public safety. Some examples of interventions to address these legal and structural barriers include state provision of certificates of rehabilitation. Several states provide these certificates (e.g., Arizona, California, Nevada, and New York), which officially recognize that an offender has been rehabilitated, “with the effect of restoring certain rights and lifting bars on certain jobs, licenses, and benefits” (Fishman, 2003, p. 2). Some states also offer employer state tax credits in addition to the Federal tax credits that can be available to employers for hiring ex-offenders.¹⁶

¹⁵ In addition, with some exceptions, individuals who are incarcerated for drug felonies are not eligible for Temporary Assistance for Needy Families (TANF) for 12 months following release, preventing transitional cash assistance for those who cannot initially obtain employment and would otherwise qualify for TANF. For more information on legal barriers to reentry in Massachusetts and other states, see *After Prison: Roadblocks to Reentry. A Report on State Legal Barriers Facing People with Criminal Records*. Legal Action Center, 2004.

¹⁶ Additional practical resources relating to employment for ex-offenders include: *Strategies to Help Move Ex-Offenders from Welfare to Work* by Debbie Mukamal, Legal Action Center, prepared for the U.S. Department of Labor, June 2001; and *Getting Back to Work, Employment Programs for Ex-Offenders* by Maria L. Buck for Public/Private Ventures, fall 2000.

Community Participation and Support

A powerful tool in the successful transition of inmates to the community is the community itself. Informal social controls such as family, peer, and community influences have a more direct affect on offender behavior than formal social controls (Byrne, 1989). Natural supports, such as offenders' families and faith-based institutions, should be actively engaged in helping offenders reintegrate. Recent research indicates the efficacy of twelve-step programs, religious activities, and restorative justice initiatives that are geared towards improving bonds and ties to pro-social community members (Emrick, Tonigang, Montgomery, and Little, 1993; Bonta, Wallace-Capretta, Rooney, and McAnoy, 2002; O'Connor and Perryclear, 2003; Clear, 2002).

Jeremy Travis and others, in the publication *From Prison to Home*, summarize ways community members can contribute to a successful reentry. Suggestions include:

- Working with prisoners while they are still incarcerated to arrange for jobs, housing, treatment, and health care post release.
- Meeting prisoners upon release, helping navigate the first hours or days in the community.
- Creating or building on neighborhood-based networks of workforce development partners and local businesses that will target the preparation and employment of offenders.

Recommendation:

- **Massachusetts should facilitate community involvement in helping offenders reintegrate successfully. Community members can work with parole and law enforcement officers and provide support to offenders nearing release and following incarceration.**

- Engaging local community-based organizations that can help family members support ex-offender in overcoming substance abuse problems, stay employed, and meet the overall requirements of his or her supervision and reintegration plan.
- Involving local faith-based organizations to facilitate mentoring programs; local mentors can provide support for ex-offenders and their family members in their neighborhood.
- Providing ex-offenders opportunities to participate in community service and demonstrate that they can be assets rather than a neighborhood liability.
- Developing coalitions of resident leaders to oversee reentry efforts and provide accountability for community and offender obligations.

As part of the Reentry Partnership Initiative, Washington State has defined a role for a community “guardian” in their reentry process. Working with neighborhood-based police and corrections officers, guardians encourage family members, ministers, self-help groups, and other less formal providers of services and support to become involved with a transitioning offender. Successful reentry graduates may eventually become involved as peer role models or as guardians for newly released offenders (Young, Taxman, and Byrne).

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.

3. Managing for Results and System Accountability: State-Level Performance Measurement

The reforms recommended here and by the Governor's Commission on Criminal Justice Innovation have as their primary goal the protection of the public through the reduction of criminal recidivism of inmates following release from prison. Carrying out these reforms requires a shift in public resources from incarceration to community supervision and correctional programming. It is very important that the benefits of that change in investment be measured over time. Ongoing performance monitoring is essential to system improvement and ensuring effective use of resources. Practitioners need to measure outcomes to ensure that the reforms are having the desired consequences at the agency level. Looking beyond the agency to the entire criminal justice system, the public needs to be assured through objective means that they are indeed safer under new policies.

The state should convene a broad-based leadership team to focus on the transition from prison to community. The team should be tasked with developing systemwide agreement on what is to be accomplished at the state level; they must define and agree on the goals of prison reentry. Certainly one of those goals will include reductions in recidivism for those offenders who have served prison time, but there are also other expectations for a well-functioning reentry process. Some examples of other possible goals, based on the recommendations in this report, are:

- higher risk offenders receive the most intense community supervision;
- higher risk offenders are a priority for referral to correctional interventions both in prison and in the community;
- correctional interventions in the prison and in the community are based on the current research on effectiveness;
- reentry plans are completed for all inmates leaving prisons or houses of correction;
- parole officers combine surveillance and monitoring with interventions to improve offenders' functioning in the community, including referrals to alcohol and drug treatment, mental health treatment, employment services, housing, and other forms of community support; and
- community-based sanctions, rather than prison time, are used to respond to technical violations.

In Massachusetts, the National Governor's Association (NGA) Prison Reentry State Policy Academy has been established to provide leadership for system reform in the reentry process and in using evidence-based practices. It makes sense to use this group to form the statewide leadership team that will be charged with defining state-level performance goals. At present, however, membership is limited to state agencies. The group should be expanded to better represent the

complex range of agencies and entities that contribute to the success of prison to community transition. (For a more comprehensive discussion of the expanded role of the NGA, see Role of Collaboration, next section).

After agreeing on the desired goals for the reentry process, the Leadership Team must then determine how they will know that the reentry system reforms have been successful in reaching those goals. In other words, the group must transform the goals of the reentry process into measurable events, or performance measures, that will best gauge progress in achieving the goals. Performance measures should be based on accurate and reliable data. The data needed may be available within the current management information systems of the various agencies involved in reentry, or it may require new methods for data collection. Technical assistance from research professionals may be helpful at this stage.

Performance measures should include targets for improvement. Once the measures are defined and the data elements identified, it is important to develop a baseline for current system functioning and establish targets for improvement from that baseline. Targets should be ambitious but realistic. There should also be an expectation that performance measures be refined or changed over time. They should remain a dynamic tool incorporated into the ongoing strategic planning of the public safety system.

For a performance monitoring system to improve system performance and accountability, the performance measures must be regularly monitored and reported to all stakeholders (i.e., policymakers, practitioners, and citizens). Each part of the system should be able to review the performance of

every other part; each jurisdiction should be able to review the performance of every other jurisdiction. In this way, all parts of the system remain focused on results and accountable to one another. Even more useful, pockets of success can be identified and successful practices can be celebrated and disseminated.

In addition to documenting progress, system-level outcome measurement is also necessary to identify problem areas for additional analysis. A process should be developed by the Leadership Team to respond to performance that is not meeting the goals. This is the foundation of system accountability—identifying and solving problems in performance—guided by the overriding goal of system improvement. The Leadership Team should take the lead in developing this process and actively seek out the participation of stakeholder groups.

At the program or agency level, agency-specific performance measures should be developed that support the statewide goals and performance measures for the prisoner reentry process. This program or agency-level performance monitoring will mirror the process described for state-level outcomes, although the performance measures will differ, depending on the mission of the particular agency and the role it plays in the reentry process. Measurement makes an agency or program more accountable internally and externally to its partners and funders and provides information as to whether the agency is effective in achieving its own goals. Relating performance goals to the statewide strategies supports a more cohesive and systematic approach to reentry, even when there are many public and private agencies participating in the process (Oregon Progress Board, 2002 and 2004).

Recommendations:

- Massachusetts should develop systemwide agreement on what is to be accomplished at the state level as a result of improving the prison to community transition.
- The state should develop systemwide agreement on the definition and measure of recidivism.
- The Governor should charge the National Governor's Association (NGA) Massachusetts Leadership Team with defining state-level performance goals, including a specific goal for reduction in recidivism.
- The Leadership Team should transform the performance goals of the reentry process into measurable events, or performance measures, that will best gauge progress in achieving the goals.
- The Leadership Team should monitor and report data on performance measures to all stakeholders (i.e., policymakers, practitioners, and citizens). It should also develop a process to respond to performance that is not meeting goals or benchmarks.
- Individual agencies should develop program/agency-level performance measures that support the statewide goals and performance measures for the prisoner reentry process.

4. Leading System Change: The Role of 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 only way to successfully accomplish system change of this magnitude is through collaborative partnerships. Implementing reform will require the commitment, dedication, and persistence of many organizations working together.

Successful collaborations share a number of common elements. An essential element is commitment to a common vision. Other elements include: a shared sense of purpose; clarity of roles and responsibilities; healthy communication pathways; membership; respect and integrity; accountability; data-driven process; effective problem solving; resources; and environment. Most importantly, successful collaborations share mutual authority and accountability for success. (See Crime and Justice Institute [2004]. *Implementing Evidence-Based Principles in Community Corrections: Collaboration for Systemic Change in the Criminal Justice System.*)

Every collaboration needs some structure. Methods of developing structure such as charters, memorandums of understanding, and partnering agreements fulfill multiple purposes. They clarify authority and expectations, define the roles and functions of participants, clarify decision-making, and emphasize that no one agency is in charge.

Professionals from each center of expertise are empowered to do what they do best in the advancement of the collective goal. Partners can further formalize operational relationships through interagency agreements and contracts.

Improving transition and reentry in the Commonwealth is not possible without collaborative planning. The system is complex, and many public and private agencies have responsibility for parts of it, yet no agency has responsibility for all of it. The way to help make transition a priority for participating organizations is to involve them in a collaborative process. The National Institute of Corrections Transition from Prison to Community Initiative (TPCI) model suggests that a multi-agency transition partnership be created to take the lead in the reform of any reentry system. There will need to be policy-level partnerships, multi-agency and place-based working groups, and implementation committees. Groups at each level of planning and implementation analyze practices, identify problems, and plan and implement solutions.

Collaboration as described here is not likely to occur without strong leadership at the state level. It is encouraging that the Governor and the Secretary for the Executive Office of Public Safety have expressed their commitment to reentry system reform. That commitment will be important in chartering a statewide leadership group to work

collaboratively on improving the system of prison to community transition.

As stated earlier, the National Governor's Association (NGA) Massachusetts Leadership Team has already been established to provide leadership to system reform in the reentry process and in using evidence-based practices. It is recommended that additional stakeholders be appointed to this leadership group if it is to be successful in leading this reform effort. Members should include: the Department of Correction; the Parole Board; the judiciary; probation; state and local human service executives; the Office of Community Corrections; the sheriff's association; community corrections executives; members of the faith community; and community service providers. Bipartisan input from legislators should also be considered. The Leadership Team would be charged with guiding systemwide policy, implementing corresponding changes in their own organizations that support the system changes, and communicating with their own organizations about the relative impact of system changes.

Consistent with the Transition from Prison to Community Initiative model, the Leadership Team should be responsible for planning, developing, implementing, and overseeing the operation of a reformed transition process. The Team should: map the transition process; identify decision points and the policies governing decisions at each point; identify the individuals or organizations that control policies and decisions; and collect and analyze data on the flow of offenders through these decision points and costs of existing practices. Tasks of the Leadership Team should include:

- Identification of each stakeholder's common and specific interests;
- Articulation of a common vision for transition and reentry;
- Use of *Returning Inmates: Closing the Public Safety Gap, From Cell to Street*, and the *Governor's Commission on Criminal Justice Innovation Final Report* for a thorough review of existing policies and practices that need to be corrected, as well as specific recommendations for system improvement;
- Creation of an implementation plan for improvements and monitoring that plan;
- Establishment of regular and continuing communication among stakeholders;
- Removal or minimization of barriers to performing reentry transition activities;
- Review of agency budgets for alignment with the new policies and with evidence-based practices;
- Recommendation of elimination of funding for programs and practices that are not consistent with the plan for a reformed transition and reentry process;
- Recommendation of changes in funding to further support the reformed transition process;
- Search for opportunities for resource reinvestment to fund some of the changes—for example, using intermediate sanctions rather than prison beds for technical violators creates an opportunity to use resources more effectively;
- Clarification of the role of probation in the reentry process;

- Review of policies relating to: assessment and classification; institutional case planning; information sharing; continuum of services following release; parole release; violation hearings; termination of supervision; social services in the community; and housing and employment; and aligning those policies with evidence-based practices;
- Identification and dissemination of information regarding successful models of system reforms already operating within the Commonwealth and elsewhere in the country; and
- Establishment of implementation groups to work on the operational aspects of system reform, including the procedures and practices that will require change in the many agencies involved in the reentry process.

The Leadership Team will most likely encounter resistance to change in many of the agencies and stakeholders involved in the reentry process. To minimize resistance, the Team should identify and

invite all stakeholders to actively participate in the partnership. It will be important for the leader of each collaborating agency to formally and unambiguously endorse the goals of the partnership. The Leadership Team must anticipate resistance, identify sources of resistance between agencies and within agencies, and develop a plan to address them.

The Leadership Team is encouraged to begin its work by developing the vision and an implementation plan. There is no need for additional analysis of problems and barriers to effective and responsible prison reentry in the Commonwealth. Several recent comprehensive reports provide a thorough review of the current factors affecting the transition from prison to community. The analyses completed to date provide many recommendations, and while some require new legislation, many do not. Now a clear vision is needed for reentry in Massachusetts.

Recommendations:

- **The Governor, Lieutenant Governor, and Secretary of Public Safety will need to provide strong leadership to facilitate the collaborative partnerships described in this report.**
- **The Governor should charge the National Governor’s Association (NGA) Leadership Team, with membership expanded to include other stakeholders beyond state agencies, to take the lead in establishing the collaboration needed to reform the prison reentry system.** The Leadership Team is then responsible for planning, developing, implementing, and overseeing the operation of a reformed transition process.
- **The Leadership Team should anticipate resistance to system reform and develop a plan to address that resistance.**

5. Organizational Change

Developing a clear vision for the ideal prison reentry system is not a simple achievement. It is even more challenging to move each of the individual agencies involved in the prison reentry process, many of which are large and complicated organizations, through the changes necessary to create that ideal system. However, none of the changes and reforms can occur without a conscious and planned approach to organizational change.

Shifting the way an agency does business is no easy task. It 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. Leaders of public and private agencies affected by the planned improvements in prison transition are advised to develop a strategy to address specific changes in the organization's practices or role.

A successful organizational change effort begins with honoring the good work being done in the present, identifying individual and agency competencies, and offering a vision for building on those competencies. Without these steps, staff can often feel devalued and may not be interested in participating in changes that appear to be discrediting them and their work.

Next, staff need to understand why they are being asked to change something that they do, undertake new activities, or work in ways they have not worked before. Staff need to

understand why improvements to the reentry process are needed. They need to understand the changes in state policy, especially regarding the desired vision for the ideal reentry system. They need to understand the contributions other agencies are making toward improving reentry, as well as the contributions their own agency is making. They need to become familiar with recent research findings relevant to improving reentry. If new skills are required, then skill-oriented and ongoing training programs should be planned and delivered. New skills are best learned if they are taught and practiced over time, with ongoing coaching and corrective feedback, rather than being offered in a one-time training experience.

What gets measured gets done. Measuring system change using current, valid information is key to achieving true organizational change. Monitoring and feeding back information forms the basis for continuous improvement. Each new process or expectation requires the development of measurement methods. Data are then collected, and the results are mirrored back to managers and staff, allowing them to focus on success and make adjustments when goals are not being met. In short, measurement forms the basis for fine-tuning operations, finding problems, and revising agency practices.

Nevertheless, one should be cautious in determining the types of data to collect. Data collection should be practical and efficient and should not require a disruption of mission-critical work or an unreasonable amount of time.

Many new initiatives and system improvement efforts fail because the change does not become institutionalized. After the initial attention and training, agencies often shift their focus to the next crisis or initiative. Creating an ongoing quality assurance process ensures that the agency continues to assess the integrity of its activities and their consistency with the goals and strategies of organizational change. Once the agency objectives are clarified and the desired practices defined, a process should be instituted to regularly review whether or not those practices are occurring and the quality of those practices. For example, if there is an expectation that case plans will address criminal risk factors, then there should be a process to periodically review case plans to see if they are addressing those factors and making appropriate treatment referrals. The process might also include a component that provides feedback on the quality of the case plan as well. This type of quality review commonly includes peer review, supervisor review, or both.

Performance appraisals for staff should be a tool in the agency's quality assurance process. The performance appraisal process should address staff attitudes, knowledge, and skills related to agency outcomes. Staff should be provided with timely, relevant, and accurate feedback regarding their performance. Staff whose performance is not uniformly monitored, measured, and subsequently reinforced work less cohesively, work more frequently at cross-purposes, and provide less support to the agency mission.

Finally, successful organizational change must include continued and clear focus upon the desired changes. When the agency mission appears to be shifting or is not well-defined, it is detrimental to efficient processes, morale, and outcomes. An organization has a limit to the human energy it has available to take on and manage new challenges. Agency leaders must take care not to exceed that capacity.

Recommendations:

- **Agency leaders should recognize good work in the present and build on it.**
- **Agencies need to provide staff training focusing on the reason for the change, as well as new knowledge, skills, and abilities necessary for any changes in agency role or practice.**
- **Agencies must provide a feedback loop to track the progress of implementation.**
- **Agencies should create an ongoing quality assurance process.**
- **Agency leaders should limit new projects to those that focus on the desired organizational change.**

(See Crime and Justice Institute. [2004]. *Implementing Evidence-Based Principles in Community Corrections: Leading Organizational Change and Development.*)

6. Drawing Conclusions

An ideal and comprehensive model for prisoner reentry in the Commonwealth will provide greater protection to the public, higher levels of accountability for offenders, and greater value for the public's investment.

Each new crime prevented as a result of the effective practices of a reformed reentry system means at least one less crime victim. Each improved correctional practice or intervention that prevents new crime represents a better investment of public resources. By preventing one crime, and one offender from returning to prison at a cost of \$43,000 per year in prison, resources are made available to supervise more than ten offenders returning to the community from prison, at a cost of \$4,000 per year (Governor's Commission on Criminal Justice Innovation, 2004). In addition to savings in the corrections system, reducing recidivism saves dollars currently invested in 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.

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 to shift resources away from practices that are not likely to affect crime. Correctional interventions designed to be consistent with evidence-based principles can reduce recidivism by one-third or more

(Lipsey, 2003). When public resources are shifted from ineffective to effective programs, this creates opportunities for reinvestment. For example, New York Governor George Pataki announced plans in January 2004 to close three prisons and reduce staffing in six others as a result of successful programming for nonviolent offenders. These programs allow nonviolent offenders to reduce their sentences through rehabilitative activities (e.g., education, vocational classes, and addictions treatment) and to be supervised in the community at less cost. The Washington State Policy Institute for Public Policy found that increasing the incarceration rate for drug offenders was not as effective or cost-efficient in terms of reducing crime as providing drug treatment within the corrections system (WSIPP, 2003).

The Crime and Justice Institute advocates for the use of research to promote correctional practices and interventions that are more effective than current practices and yield improved results for the dollars invested. For example, in a study published by the U.S. Department of Health and Human Services, taxpayers save about \$10,000 for each person receiving alcohol and drug treatment. Savings were achieved through reductions in crime, victimization, health care, and welfare dependency, with the major benefit in the reduction of crime. For every dollar invested in treatment, seven dollars were saved in societal and medical costs (Gerstein, Johnson, and Larison, 1997). Another example is found in the numerous studies that support the cost-effectiveness of com-

munity-based sanctions when compared to incarceration. Community-based sanctions result in the same or lower recidivism rates and are less expensive than incarceration (Clear et al., 1992; Gendreau and Goggin, 1996; Oregon Department of Correction, 2003).

A comprehensive model for prisoner reentry should embody the following principles:

- To make the most effective use of limited correctional resources, the risk that an offender poses to the public must be identified through objective risk assessment so that the higher risk offenders receive the closest supervision and are a priority for referral to correctional interventions both in prison and in the community.
- Supervision following release from prison should be legally mandated for all inmates leaving prison, but should be prioritized for those most likely to re-offend. Those of low risk to re-offend should not be actively supervised.
- Correctional interventions in prison and in the community must be of high quality and based on the current research on effectiveness in order to actually have the desired effect on recidivism. Treatment must address criminal risk factors and should be available and accessible to the higher risk offenders.
- Release plans should be completed for every inmate leaving prison and should include: clear expectations for behavior under supervision (i.e., conditions of supervision); positive and negative consequences for behavior; plans for housing and work; and recommended correctional interventions, taking into account the importance of continuity of care from prison to community programs. Ideally, the release plan is a multi-disciplinary product and process that includes prison staff, the Parole Board and parole officer, community and prison treatment providers, the inmate, the inmate's family, other community members, and local law enforcement as appropriate (Parent and Barnett, 2002).
- Parole officers should combine surveillance and monitoring with interventions to improve community functioning, such as referrals to alcohol and drug treatment, mental health treatment, employment services, housing, and other forms of community support. In this way, parole officers control the short-term risk to the community through supervision and the long-term risk through lasting behavior change.
- Offender accountability and responsibility are a priority for the system. Offenders must be held accountable for violations of supervision conditions through a system of graduated, community-based sanctions. Cost-effectiveness concerns require corrections systems to use community-based sanctions rather than expensive prison beds in response to technical violations.
- Crime is a complex and multi-dimensional problem. One person, one agency, one branch of government cannot be as effective in managing offender risk as a community-centered approach to parole supervision. The best approach requires collaboration between parole, local law

enforcement, community service agencies, offenders' families, neighborhood associations, and the faith community as they all play a role in monitoring offenders and assisting them to change.

Implementing reform will require the commitment, dedication, and persistence of many working together. Strong and continued leadership from the Governor's Office and the Executive Office of Public Safety is needed to facilitate collaboration between the many unrelated governmental and private agencies that contribute to the success of prisoner reentry. In addition, it is

important that the effects of the reform effort be defined and measured over time. Corrections officials and practitioners need to measure outcomes to ensure that the reforms have the desired consequences at the agency level, while the public needs to be assured through objective means that they are indeed safer under this policy and that their tax dollars are being used effectively. Finally, none of the changes and reforms now being considered can occur without a conscious and planned approach to organizational change within each of the individual agencies involved in creating the ideal prison reentry process.

Summary of Recommendations

Changes in Correctional Policy or Practice

Assessment and Supervision:

- All offenders returning to the community should be objectively assessed for risk to re-offend using a valid and reliable instrument (p. 6).
- All partners in the transition process should use a common instrument to predict the probability of future criminal behavior (p. 6).
- Following the risk assessment, a valid and reliable *needs* assessment should be administered to high and medium risk offenders to develop intervention plans. Lower risk offenders who will not be prioritized for correctional interventions do not require needs assessment if they will not be actively supervised or referred for services (p. 7).
- Offender incarceration case plans, reentry plans, and parole and probation case plans should address the criminal risk factors found in the needs assessment (p. 7).
- The level of risk to the community 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 (p. 20).
- Correctional agencies should take a balanced approach to supervise offenders effectively. This requires a balance of supervision, correctional programs, and positive and negative consequences based on offender behavior (p. 20).
- As Massachusetts embarks on a path to expand parole supervision, state leaders should look for ways of enhancing supervision quality based on evidence-based practices (p. 20).

Correctional Services:

- All correctional programs that aim to reduce criminal behavior and recidivism should target criminal risk factors, not other problems that offenders might have. Existing programs should be redesigned as necessary to target criminal risk factors (p. 7).
- Correctional interventions should be focused on the thinking or behavior of offenders and designed consistent with the concepts of social learning theory (p. 8).
- Gender-responsive strategies and approaches to managing female offenders should be developed (p. 8).

- Correctional agencies and systems within the Commonwealth should, by clearly stated policy and practice, implement programs that are designed according to the scientific evidence available regarding effectiveness in reducing recidivism (p. 9).
- The corrections system needs to institute a method to certify that correctional programs are being delivered in a way consistent with the research (p. 17).
- An inmate who received treatment while in custody requires coordinated aftercare in the community to maintain the changes made and protect the investment that programming represents (p. 20).

Reentry Planning:

- A reentry plan should be mandatory and universal for every inmate released from incarceration (p. 15).
- An offender's first supervision plan should be the reentry plan developed collaboratively by prison/house of correction staff and parole field staff prior to the offender's release (p. 20).
- 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. An improved reentry process cannot occur without it (p. 23).
- New partnerships between the Department of Correction and houses of correction should be developed, allowing houses of corrections to be used as releasing facilities for state prisoners (p. 15).
- Comprehensive reentry partnerships developed by houses of correction should be identified and replicated statewide (p. 15).

Response to Violations:

- Massachusetts 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 the criminal justice response to violations (p. 22).

Investment or Re-investment of Resources

- Resources invested in interventions not proven to be effective should be redirected (p. 7).
- The availability and capacity of prison programming should be sufficient and appropriate to intervene with the criminal risk factors of those inmates most likely to re-offend (p. 15).

- Alcohol and drug treatment designed for offenders must be available in correctional institutions and in the community, with sufficient capacity to reach higher risk offenders (p. 18).
- Massachusetts should increase the availability of graduated, community-based sanctions as a response to non-criminal violations of the conditions of supervision. It should also expand the use of work release settings so that they can be used as an intermediate sanction (p. 22).
- Massachusetts should also expand the capacity and use of work release and pre-release settings for inmates nearing release; more inmates should be eligible for this form of transition. The custody classification system of the DOC should be changed to shift resources from unnecessarily high levels of security to increases in reentry programming and half-way out/pre-release settings (p. 15).
- Massachusetts should support efforts to develop an integrated data system (p. 23).

Legal Change

- The state should adopt sentencing guidelines that: support parole; eliminate mandatory minimums for drug crimes by incorporating them into the sentencing guidelines; and support intermediate sanctions for those 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 (p. 11).
- Returning inmates who are most likely to re-offend should be supervised by the Parole Board after release. The Board should be granted 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 (p. 11).
- 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. Parole serves this function, as would a provision for earned "good time" with post-release supervision (p. 11).
- Massachusetts should review and remove all legal and structural barriers to employment that are not necessary for public safety purposes. In particular, Massachusetts law should be changed to explicitly protect ex-offenders from discrimination based solely on having a criminal record when the offense does not relate to the job or pose a public safety threat (p. 26).

Community Integration

- A “web” of services and pro-social community connections should be built around an offender following release from incarceration to enhance his/her chances of successful reintegration (p. 26).
- Transitional housing, and affordable housing in general, should be expanded to support the successful transition from prison to community living (p. 26).
- Massachusetts should develop comprehensive job programs for offenders that address not only vocational skills, but also motivation and attitude. Job programs should be delivered as part of an integrated approach to dealing with other criminal risk factors (p. 26).
- Massachusetts should facilitate community involvement in helping offenders reintegrate successfully. Community members can work with parole and law enforcement officers and provide support to offenders nearing release and following incarceration (p. 30).

Leadership at the State Level

- Massachusetts should develop systemwide agreement on what is to be accomplished at the state level as a result of improving the transition from incarceration to the community (p. 33).
- The state should develop systemwide agreement on the definition and measure of recidivism (p. 33).
- The Governor should charge the National Governor’s Association (NGA) Massachusetts Leadership Team with defining state-level performance goals, including a specific goal for reduction in recidivism (p. 33).
- The Leadership Team should transform the performance goals of the reentry process into measurable events, or performance measures that will best gauge progress in achieving the goals (p. 33).
- The Leadership Team should monitor and report data on performance measures to all stakeholders, i.e., policymakers, practitioners, and citizens. And it should develop a process to respond to performance that is not meeting goals or benchmarks (p. 33).

- Individual agencies should develop program/agency-level performance measures for the prisoner reentry process that support the statewide goals (p. 33).
- The Governor, Lieutenant Governor, and the Secretary of Public Safety will need to provide strong leadership to facilitate the collaborative partnerships described in this report (p. 36).
- The Governor should charge the National Governor's Association (NGA) Leadership Team, with membership expanded to include other stakeholders beyond state agencies, to take the lead in establishing the collaboration needed to reform the prison reentry system (p. 36).
- The Leadership Team should anticipate resistance to system reform and develop a plan to address that resistance (p. 36).

Leadership at the Agency Level

- Leaders of public and private agencies affected by the planned improvements in prison transition should develop a strategy to address specific changes in their organization's practices or role (p. 38).
- Agency leaders should recognize good work in the present and build on it (p. 38).
- Agencies need to provide staff training focusing on the reason for the change, as well as new knowledge, skills, and abilities necessary for any changes in agency role or practice (p. 38).
- Agencies should provide a feedback loop to track the progress of implementation and create an ongoing quality assurance process (p. 38).
- Agency leaders should limit new projects to those that focus on the desired organizational change (p. 38).

References

- Andrews, D. A., J. Bonta, and R. D. Hoge. (1990). Classification for Effective Rehabilitation: Rediscovering Psychology. *Criminal Justice and Behavior*. 17:19-52.
- Andrews, D. A. (1994). *An Overview of Treatment Effectiveness: Research and Clinical Principles*. Paper prepared for National Institute of Corrections, U.S. Department of Justice.
- Andrews, D. A. and J. Bonta. (1994). *The Psychology of Criminal Conduct*. Anderson Publishing Company: Cincinnati, Ohio.
- Andrews, D. A. (1999). "Assessing Program Elements for Risk Reduction: The Correctional Program Assessment Inventory." In P. Harris, ed., *Research to Results: Effective Community Corrections*. Washington, D.C.: International Community Corrections Association.
- Bloom, B., B. Owen, and S. Covington. (2003). *Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*. Washington, D.C.: National Institute of Corrections, U.S. Department of Justice.
- Blumstein, A., A. J. Beck. (1999). "Population Growth in U.S. Prisons, 1980-1996." In: M. Tonry and J. Petersilia, eds, *Prisons*. Chicago: University of Chicago Press.
- Bonta, J., S. Wallace-Capretta, J. Rooney, and K. McAnoy. (2002). An Outcome Evaluation of a Restorative Justice Alternative to Incarceration. *Contemporary Justice Review*. 5(4):319-338.
- Boston Bar Association. (2002). *Report of the Boston Bar Association Task Force on Parole and Community Re-integration: Parole Practices in Massachusetts and Their Effect on Community Reintegration*. Boston, Massachusetts.
- Boone, H., B. Fulton, A. Crowe and G. Markley. (1995). *Results Driven Management: Implementing Performance Based Measures in Community Corrections*. Lexington, Kentucky: American Probation and Parole Association.
- Bradley, K. H., M. Oliver, N. Richardson, and E. Slayer. (2001). *No Place Like Home: Housing and the Ex-prisoner*. Boston, Massachusetts: Community Resources for Justice.
- Burke, P. (2001). "Probation and Parole Violations: An Overview of Critical Issues." In: M. Carter, ed., *Responding to Parole and Probation Violations: A Handbook to Guide Local Policy Development*. Silver Spring, Maryland: Center for Effective Public Policy. National Institute of Corrections, U.S. Department of Justice.
- Byrne, J. M. and L. Kelly. (1989). *Restructuring Probation as an Intermediate Sanction: An Evaluation of the Massachusetts Intensive Probation Supervision Program*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- Byrne, J. M. (1989). Re-Integrating the Concept of 'Community' Into Community-Based Corrections. *Crime and Delinquency*. 35 (3):471-499.

Chaiken, M. R. (1989). *In-Prison Programs for Drug-Involved Offenders*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice.

Clear, T., P. Harris, and S. C. Baird. (1992). Probationer Violations and Officer Response. *Journal of Criminal Justice*. 20:1-12.

Clear, T. R. (2002). Prisoners, Prisons, and Religion: Religion and Adjustment to Prison. *Religion, the Community, and the Rehabilitation of Criminal Offenders*. Vol. 35 (3/4), pp 129-161.

Community Resources for Justice. (2001). *Returning Inmates: Closing the Public Safety Gap*. Boston, Massachusetts: Community Resources for Justice.

Crime and Justice Institute. (2004). *Implementing Evidence-Based Principles in Community Corrections: Leading Organizational Change and Development*. Boston, Massachusetts: Community Resources for Justice.

Crime and Justice Institute. (2004). *Implementing Evidence-Based Principles in Community Corrections: Collaboration for Systemic Change in the Criminal Justice System*. Boston, Massachusetts: Community Resources for Justice.

Crime and Justice Institute. (2004). *Implementing Evidence-Based Principles in Community Corrections: The Principles of Effective Intervention*. Boston, Massachusetts: Community Resources for Justice.

Emrick, C. D., J. S. Tonigang, H. Montgomery, and L. Little. (1993). "Alcoholics Anonymous: What is currently known?" In: B. S. McCrady and W. R. Miller, eds., *Alcoholics Anonymous: Opportunities and Alternatives*. New Brunswick, New Jersey: Alcohol Research Documentation Institute, Rutgers Center of Alcohol Studies.

Fishman, N. (2003). *Briefing Paper: Legal Barriers to Prisoner Reentry in New Jersey*. New Jersey Institute for Social Justice. Retrieved April 5, 2004, from http://www.njisj.org/reports/barriers_report.pdf.

Gendreau, P. and D. Andrews. (1994). *The Correctional Program Assessment Inventory*. 4th edition. Saint John, New Brunswick: University of New Brunswick.

Gendreau, P. and C. Goggin. (1996). Principles of Effective Correctional Programming. *Forum on Corrections Research*. 8(3):38-40.

Gerstein, D. R., R. A. Johnson, C. L. Larison, H. J. Harwood, and D. Fountain. (1997, January). *Alcohol and Other Drug Treatment for Parents and Welfare Recipients: Outcomes, Costs, and Benefits*. Washington, D.C.: U.S. Department of Health and Human Services.

Governor's Commission on Criminal Justice Innovation. (2004). Final Report. Massachusetts.

Heigham, J. C. CORI: The Criminal Offender Record Information Law. Massachusetts Bar Association. Posted on May 22, 2000. Retrieved April 5, 2004, from http://www.massbar.org/article.php?c_id=393&vt=3.

Hoover, H. M. (2000, September). *A Statistical Description of Releases from Institutions and the Jurisdiction of the Massachusetts Department of Correction During 1999*. Massachusetts Department of Correction. <http://www.state.ma.us/doc/Research/Relann.htm>

Hoover, H. M. (2003, July). *Recidivism of 1997 Released Department of Correction Inmates*. Massachusetts Department of Correction. <http://www.state.ma.us/doc/pdfs/REC97.PDF>

Inciardi, J. A., S. S. Martin, C. A. Butzin, R. M. Hooper, and L. D. Harrison. (1997). An Effective Model of Prison-Based Treatment for Drug-Involved Offenders. *Journal of Drug Issues*. 27(2):261-278.

Koenig, L., G. Denmead, R. Nguyen, M. Harrison, and H. Harwood. (1999). *The Costs and Benefits of Substance Abuse Treatment: Findings from the National Treatment Improvement Evaluation Study (NTIES)*. Prepared for the Center for Substance Abuse Treatment. Fairfax, Virginia: Caliber Associates.

Lipsey, M. W. (2003). *Effective Correctional Treatment Enhances Public Safety*. International Correctional Association, Monograph Series Project, Publication #3.

Martin, S. S., C. A. Butzin, C. A. Saum, and J. A. Inciardi. (1999). Three-Year Outcomes of Therapeutic Community Treatment for Drug-Involved Offenders in Delaware: From Prison to Work Release to After-care. *The Prison Journal*. 79:294-320.

Maryland Division of Parole and Probation. (2003). *"Nuts and Bolts" of PCS: Proactive Community Supervision*. College Park, Maryland: University of Maryland, Bureau of Governmental Research.

Massachusetts Department of Correction. (2003, December). *Releases from the Massachusetts Department of Correction During 2002*. (All data are preliminary and subject to change.)

Massachusetts Parole Board. (1999). *Ten Year Trends*. Statistical Reports 1900-1999.

Massachusetts Sentencing Commission. (2001, November). *Survey of Sentencing Practices, FY 2000*.

Massachusetts Sentencing Commission. (2003, May). *Survey of Sentencing Practices, FY 2002*.

McGuire, J. (Editor). (1995). *What Works: Reducing Re-Offending: Guidelines from Research and Practice*. Wiley Series on Offender Rehabilitation. Hoboken, New Jersey: John Wiley and Sons.

Metraux, S. and D. P. Culhane. (2004). Homeless Shelter Use and Reincarceration Following Prison Release: Assessing the Risk. *Criminology & Public Policy*. 3(2): 201-222.

Meredith, T. (2001). *Automated Parole Risk Assessments*. Applied Research Services, Inc. Research Triangle Park, North Carolina: Research Triangle Institute.

Mumola, C. J. (1999). *Substance Abuse and Treatment, State and Federal Prisoners, 1997*. Bureau of Justice Statistics, Special Report. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, NCJ 12871.

O'Connor, T. and M. Perryclear. (2002). *Prison Religion in Action and Its Influence on Offender Rehabilitation*.

Oregon Department of Correction. (2002). *The Effectiveness of Community-Based Sanctions in Reducing Recidivism*.

Oregon Progress Board. (2002). *Performance Measure Guidelines*.

Oregon Progress Board. (2004). *Improving Government Outcomes: The Role of Evidence-Based Practices*. <http://www.econ.state.or.us/opb/>

Parent, D. and L. Barnett. (2002). *Transition from Prison to Community Initiative*. Abt Associates Inc.. Washington, D.C.: National Institute of Corrections, U.S. Department of Justice.

Petersilia, J. (2002). *Reforming Probation and Parole in the 21st Century*. Lanham, Maryland: American Correctional Association. ISBN Number 15699144.

- Piehl, A. M. (2002, January). *From Cell to Street: A Plan to Supervise Inmates After Release*. Boston, Massachusetts: Massachusetts Institute for a New Commonwealth.
- Rodriguez, N. and B. Brown. (2003). *Preventing Homelessness Among People Leaving Prison*. New York: Vera Institute of Justice.
- Sachwald, J. (2000). *Proactive Community Supervision: A Plan for Making Maryland Communities Safer*. Maryland Department of Public Safety and Correctional Services.
- Sampson, L. L. (2004, February). *2002 Court Commitments to the Massachusetts Department of Correction*. Massachusetts Department of Correction. <http://www.state.ma.us/doc/pdfs/COMMIT021.pdf>
- Sherman, L. W. (1997). "Thinking About Crime Prevention." In: Sherman, Gottfredson, MacKenzie, Eck, Reuter, and Bushway, eds., *Preventing Crime: What Works, What Doesn't, What's Promising*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- Steadman, H. J., E. Mulvey, J. Monahan, P. Robbins, P. Appelbaum, T. Grisso, L. Roth, and E. Silver. (1998). Violence by People Discharged from Acute Psychiatric Inpatient Facilities and by Others in the Same Neighborhoods. *Archives of General Psychiatry*, V55: 393-401.
- Stephens, J. and J. Karberg. (2003). *Census of State and Federal Correctional Facilities, 2000*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.
- Taxman, F., D. Young, J. M. Byrne, A. Holsinger, and D. Anspach. (2002). *From Prison Safety to Public Safety: Innovations in Offender Reentry: Final Report*. College Park, Maryland: Bureau of Governmental Research.
- Tonry, M. (1997). *Intermediate Sanctions in Sentencing Guidelines*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice. NCJ 165043.
- Travis, J., A. L. Solomon, and M. Waul. (2001, June). *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry*. Washington, D.C.: Urban Institute.
- Tunis, S., J. Austin, M. Morris, P. Hardyman, and M. Bolyard. (1997). *Evaluation of Drug Treatment in Local Corrections*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- United States Department of Justice, Office of Justice Programs, Reentry web site, <http://www.ojp.usdoj.gov/reentry/learn.html>.
- Washington State Institute for Public Policy. (2003). *The Criminal Justice System in Washington State: Incarceration Rates, Taxpayer Costs, Crime Rates, and Prison Economics*.
- Wilson, D. J. (2000). *Drug Use, Testing, and Treatment in Jails*. Bureau of Justice Statistics, Special Report. Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice. NJC 179999.
- Winsor, E. (2003, December 1). *The CORI Reader*. Boston, Massachusetts: Massachusetts Law Reform Institute.
- Young, D., F. Taxman, and J. Byrne. *Engaging the Community in Offender Reentry in Reentry Partnership Initiative: Moving from Prison Safety to Public Safety*, a collection of papers. College Park, Maryland: Bureau of Governmental Research, University of Maryland.

Appendix

Summary of Evidence-Based Principles

Eight Evidence-Based Principles for Effective Interventions

1. Assess Actuarial Risk/Need. Sound assessment that identifies dynamic and static risk factors is the cornerstone of effective supervision. If risks and needs are not properly identified and prioritized, appropriate interventions and services cannot be delivered.

2. Enhance Intrinsic Motivation. Using motivational interviewing techniques, as opposed to direct persuasion or nondirective counseling, can help build intrinsic motivation in offenders. This is instrumental in initiating and maintaining behavior change.

3. Target Interventions. This principle incorporates five related subordinate principles—the principles of risk, criminogenic need, responsivity, dosage, and treatment. In general, the principle states that supervision and treatment should target higher-risk offenders, focus on needs related to criminal behavior, be responsive to the offender's unique issues, be delivered in the correct dosage, and be specified in the court's sentence.

4. Skill Train with Directed Practice. Cognitive behavioral treatment methods have been shown to be effective at changing behavior and reducing recidivism. Examining thinking processes, role playing, and positive reinforcement are key components of this type of treatment.

5. Increase Positive Reinforcement. When learning new skills and behaviors, people respond better to positive rather than negative reinforcement. Research suggests a ratio of four positive reinforcements for each negative. It is also important to note that even when applied sporadically, positive reinforcements can be effective, unlike negative reinforcements.

6. Engage Ongoing Support in Natural Communities. Realigning offenders with prosocial support systems in their communities is critical for sustained behavior change. Attitudes and behaviors are strongly reinforced in one's daily living environment. Without prosocial reinforcement in this setting, the chance of long-term positive effects are diminished.

7. Measure Relevant Processes. Measuring outcomes is crucial; it is what evidence-based practices are based on. Offender as well as staff performance must be measured.

8. Provide Measurement Feedback. Providing feedback increases accountability and has been associated with enhanced motivation for change.

Principles of Risk, Need, Responsivity, Dosage, and Treatment

Risk

The duration, level, and intensity of services must coincide with the level of risk posed by the offender. Research has shown that the positive effects of treatment are greatest with moderate to high-risk offenders and that providing services to low-risk offenders is ineffective, and in fact, in some cases can increase recidivism rates.

Need

Interventions must target the dynamic risk factors associated with future criminal behavior. Also known as criminogenic needs, these are the risk factors that can be changed. Properly addressing them will reduce recidivism.

Responsivity

Supervision and treatment must address the dynamic risk factors and must be matched with the offender's learning ability and styles, culture, gender, maturity level, and degree of motivation to change.

Dosage

Higher risk offenders require a great deal of structure, particularly during the initial phase of supervision. It is recommended that 40 to 70 percent of an offender's free time in the community be occupied for the first 3 to 9 months with appropriate services, e.g., treatment, employment services, education, etc.

Treatment

Appropriate treatment should be integrated into the requirements of the sentence.

Dynamic and Static Risk Factors and Non-Criminogenic Needs

Dynamic Risk Factors/Criminogenic Needs: Properly addressing these will reduce criminal behavior.

Examples:

- Antisocial attitudes, values, and beliefs
- Pro-criminal associates and isolation from prosocial associates
- Dysfunctional family relations
- Weak social and problem-solving skills
- Current substance abuse issues
- Temperament and behavioral characteristics (e.g., egocentrism, impulsivity, aggression)
- Educational and vocational deficiencies

Static Risk Factors: Factors that cannot be changed but are predictors of criminal behavior.

Examples:

- Number and severity of prior convictions
- History of childhood abuse and neglect
- History of substance abuse
- History of education, employment, family, and social failures

Non-Criminogenic Needs: Factors that are not associated with criminal behavior.

Examples:

- Anxiety
- Low self-esteem
- Creative abilities
- Medical needs
- Physical conditioning

What Works vs. What Doesn't Work

What Works

Examples of recidivism reduction strategies supported by research:¹

- Structured social learning where new skills and behavior are modeled
- Cognitive behavioral interventions that target criminogenic needs such as:
 - Interpersonal communication skills training
 - Moral Reconciliation Therapy
 - Thinking for a Change Program
 - Behavior modification programs
 - Anger management programs that have appropriate cognitive behavioral interventions and therapeutic integrity
- Using a balanced and integrated approach to sanctions and interventions
- Family-based approaches that train family on appropriate techniques

What Doesn't Work

Examples of strategies shown to be ineffective in reducing recidivism:²

- Intensive supervision without treatment
- Punishment alone
- Prison alone
- Military models of discipline and fitness
- Physical challenge programs
- Confrontational programs such as Scared Straight
- Drug education programs
- Programs that target low-risk offenders
- Drug testing alone
- Shaming offenders
- Fostering self-esteem
- Insight-oriented psychotherapy
- Nondirective, client-centered counseling
- Non-action oriented group counseling

¹ With extremely high-risk offenders who have extensive criminal backgrounds and who are deeply enmeshed in antisocial subcultures, oftentimes public safety concerns must take priority over risk reduction strategies.

² While these strategies may be appropriate for fulfilling other goals of criminal justice, they have not been shown to be effective in reducing recidivism.