

Reducing Recidivism in Massachusetts with a Comprehensive Reentry Strategy

JONATHAN JONES AND BENJAMIN FORMAN*

Approximately two-thirds of the defendants Massachusetts sends to state and county prisons each year have been incarcerated previously. Repeat offending at such elevated levels is a symptom of “tough on crime” era policies, which stripped the corrections system of its ability to “correct” problematic behavior. Too often, prisoners leave hardened and more prone to commit crime than when they entered. High-risk ex-offenders return to communities that lack structures and policies to successfully reincorporate them. Numerous efforts are underway to address this major public safety problem, many driven by the *Second Chance Act*, which Congress passed with bipartisan support in 2008. Grants enabled by the federal law have funded rigorously evaluated reentry programs to help corrections leaders develop effective new strategies to reduce recidivism.

Most of these projects have been designed according to risk-need-responsivity principles. While the term sounds esoteric, a working understanding of the so-called RNR approach is critical to any discussion of reentry policy today. With RNR in place, reentry services are targeted to those with the highest risk of reof-

fending; low-risk offenders are not served at the same intensity because it is an inefficient use of resources. These services may even increase their likelihood of reoffending by separating them from healthy relations in the community and increasing their exposure to high-risk individuals.

Instead of attending solely to basic needs like housing and transportation, reentry programs focus on criminogenic needs—the attitudes and behaviors most likely to lead to reoffending. And the approach responds to personal barriers to engaging in services. This includes tailoring programming to individual characteristics like mental illness and learning disabilities. Equally important, interventions respond to an individual’s motivation to change, which can be enhanced with appropriate incentives for positive behavior and swift and certain sanctions for negative behavior.¹

Individual reentry programs are increasingly designed according to these risk-need-responsibility principles. But generating recidivism reduction at a larger magnitude requires comprehensive change, from sentencing and incarceration to reentry and post-release supervision. Massachusetts has made considerable progress

moving away from tough on crime era practices to an approach that recognizes rehabilitation is critical to public safety. County sheriffs have developed a variety of reentry programs; the Department of Correction, Probation, and Parole have all implemented sophisticated risk/need assessment procedures; criminal record laws have been reformed to reduce barriers to employment; and several agencies have come together to spearhead the nation's first pay-for-success initiative to lower recidivism among justice-involved young adults. But more systemic changes to sentencing laws and practices have remained elusive. In many urban communities receiving large numbers of former inmates, infrastructure to reintegrate high-risk offenders is woefully underdeveloped. And Massachusetts still lacks a statewide reentry plan and the data to execute it.

Many of these issues have been iden-

tified previously by MassINC and others. While broad reform has been slow to follow, Massachusetts is now taking part in the Justice Reinvestment Initiative, with a stated focus on tackling the problem of repeat offending. This creates an opportunity to elevate evidence-based reentry practices and integrate them into a coordinated approach that makes recidivism reduction a central goal of the justice system from arrest through release and beyond.

This policy brief offers fodder for the state's Justice Reinvestment leaders as they contemplate the changes necessary to increase the system's focus on recidivism reduction and achieve results. The pages that follow describe the dimensions of repeat offending in Massachusetts, summarize the extensive literature on evidence-based reentry programs, and review recent experience in other states working

to improve reentry. The brief concludes with concrete solutions for the Commonwealth, which follow from this analysis.

I. The High Cost of Recidivism in Massachusetts

An understanding of the heavy toll of repeat offending in Massachusetts is crucial to developing the will to address it. Compared to many states, Massachusetts has been slow to adopt policies to lower the likelihood that individuals released from prison commit new crimes. To help generate support for such change and the resolve to implement recidivism-reduction strategies effectively, this opening section outlines the magnitude of the problem and fundamental areas of state criminal justice policy in which change to reduce recidivism has been difficult to achieve.

A. Two-thirds of all offenders sentenced to incarceration in Massachusetts have been incarcerated previously. The Massachusetts Sentencing Commission records the criminal histories of defendants. These figures provide a more complete view of the prevalence of repeat offenders in the Commonwealth's criminal justice system than do frequently cited three-year recidivism statistics. More than 9,500 offenders with prior incarcerations were sentenced to prison terms in FY 2013, the most recent year for which data are available. Former inmates made up 67 percent of all state Department of Correction (DOC) commitments and an identical share of commitments to county Houses of Correction (HOC).²

The Sentencing Commission's crim-

KEY FINDINGS

- In FY 2013, approximately two-thirds of defendants (more than 9,500 individuals) committed to state and county prisons in Massachusetts had been incarcerated previously. The cost—to the corrections system alone—of re-incarcerating these repeat offenders is approximately \$450 million.
- Violent offenders accounted for one-third of all repeat-offender commitments (approximately 3,000 new violent crimes). Another one-third of repeat offender commitments were for property offenses. Relative to first-timers, recidivists were slightly more likely to have a property crime as a governing offense.
- While states involved in Justice Reinvestment have struggled to fund reentry services to reduce repeat offending, a number have legislated significant changes to post-release supervision, a problem area Massachusetts continues to struggle to address.
- New data show that only one-fifth of all state and county inmates in Massachusetts are released to parole. More than 40 percent of the inmates released from state prisons are returned to the community with no supervision, and the supervision provided is misaligned with risk-need principles—a larger percentage of state inmates deemed high-risk to reoffend (40 percent) receive no supervision upon return to the community than those deemed low-risk (33 percent).

inal history data also provide a fuller picture of the offenses committed by recidivists. Most concerning is the high proportion of violent offenses. In FY 2013, violent crimes accounted for one-third of all repeat offender commitments (approximately 3,000 violent new crimes). Another one-third of repeat-offender commitments were for property offenses. Relative to first-timers, former inmates were slightly more likely to have a property crime as a governing offense (Figure 1).

In an effective criminal justice system, many low-risk offenders are diverted from incarceration. Research on desistance suggests serial offenders have a strong tendency to relapse even as they work to reform.³ Given these realities, repeat offenders may always represent a sizeable share of annual prison commitments. However given that more than two-thirds of incarcerations are of reoffenders—many of whom have had a number of previ-

ous stays—Massachusetts has ample opportunity to reduce crime by adopting evidence-based practices to reduce recidivism.

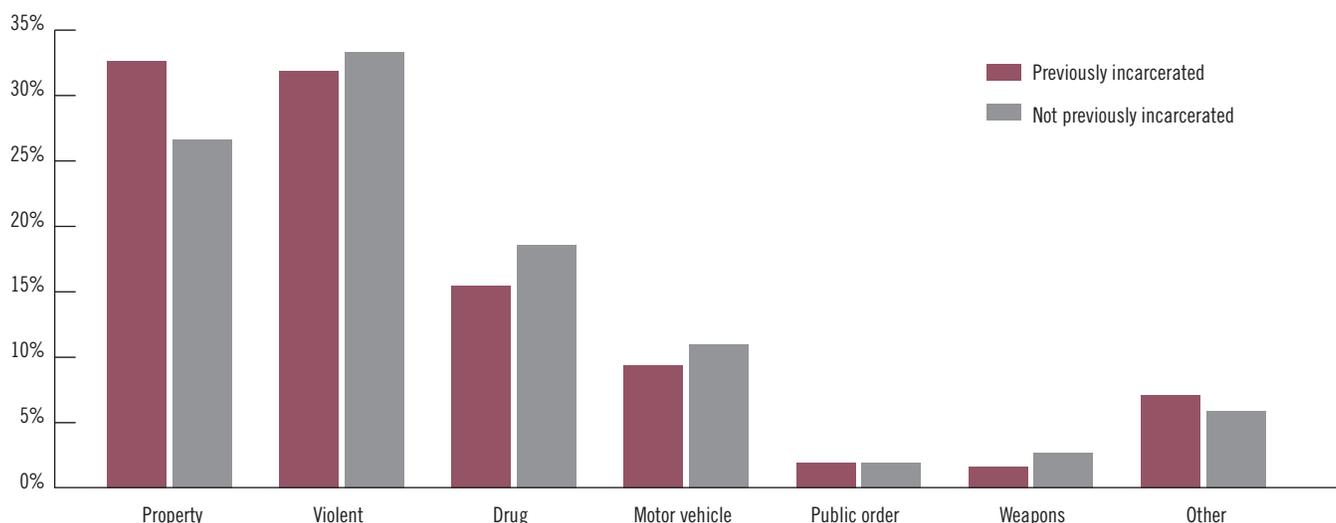
B. Massachusetts spends heavily to imprison repeat offenders. The high prevalence of repeat offending creates enormous costs. The corrections expense is the easiest to quantify. Massachusetts spends about \$50,000 per year to house each inmate, and, on average, inmates serve a term of roughly one year. Accordingly, the total cost of incarcerating the approximately 9,500 repeat offenders in FY 2013 is an estimated \$450 million.⁴

These figures do not include public safety and court costs or the economic toll that these crimes have for victims. Victimization costs are substantial and by some estimates exceed the costs of incarceration.⁵ It is also worth noting that costs to victims and others affected by repeat offending are not borne

equally. Those returning from prison are concentrated in a small number of communities. Often these neighborhoods lack resources and connections to economic opportunity. The large number of ex-offenders in these areas has a criminogenic effect, increasing the likelihood among residents of both first-time offending and reoffending. Many researchers believe that the crime-control benefits of incarceration have been significantly reduced by concentrating releases in a small number of communities.⁶

With such large costs to victims and communities, one could make an argument for longer prison terms to incapacitate the highest-risk offenders and prevent them from committing more crimes. A recent analysis of New Jersey’s repeat offender population found that such an approach would not be cost-effective given the extended length of stay required and the high cost of incarceration.⁷

Figure 1:
Governing offense by incarceration history, FY 2013



Source: MassINC’s analysis of data from Massachusetts State Sentencing Commission

While a similar analysis for Massachusetts's repeat offending population could help inform policymakers, the cost figures alone demonstrate that changes leading to even modest reductions in recidivism are likely to generate large public benefits. These estimates also suggest corrections leaders and policymakers must pay close attention to recidivism data and carefully analyze the subtle implications that changes in law and practice may have for the flow of ex-offenders returning to prison.

C. Over the past few years, recidivism rates have fallen significantly in Massachusetts; however, the proportion of repeat offenders entering state and county prisons has remained constant. There have been many recent moves to reduce recidivism in Massachusetts through increased use of evidence-based programming and

reentry service. Recidivism figures for prisoners returning to the community from state prisons show a marked pattern of decline between 2005, when 38.8 percent of offenders were re-incarcerated for a new offense within three years of release, and 2011, when just 30.2 percent of those released recidivated within that timeframe (Figure 2).

This pattern is especially interesting when contrasted with changes in other states. In a national recidivism study exploring differences between the 1999 release cohort and the 2004 release cohort in 33 states with available data, Massachusetts was one of only eight states that had an increase of over 10 percent.⁸

A more recent report comparing changes in recidivism between the 2007 and the 2010 release cohorts across eight states with falling rates shows reductions ranging from -19.3 percent to -5.8 percent. For this same period,

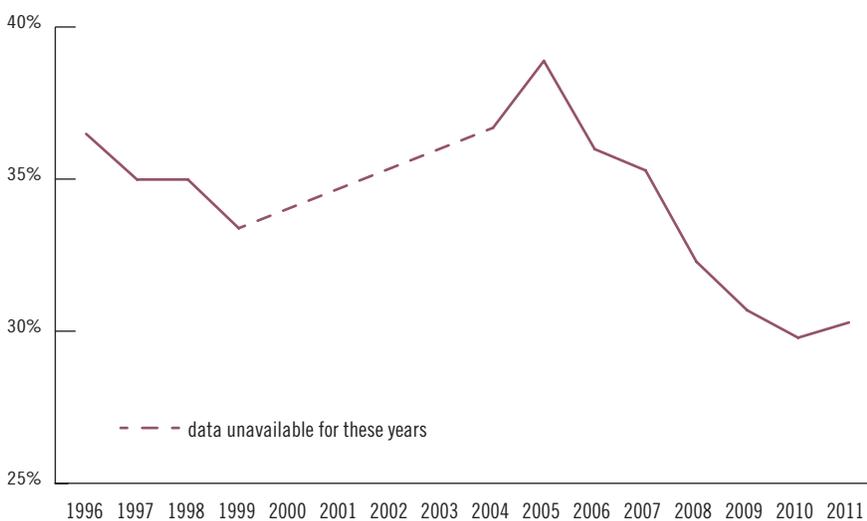
Massachusetts lands towards the top of this range with a 15.6 percent reduction, excluding technical violations.⁹

More rigorous research is needed to understand how Massachusetts improved relative to other states, but it appears likely that the more general decline in crime may have played a considerable role. Violent crime rates rose (+5 percent) during the three year period in which the 2007 release cohort was monitored. In contrast, violent crime rates fell sharply between 2010 and 2013 (-14 percent). This crime drop could be attributed to lower repeat offending, but sentencing data indicate that the decline in convictions of former inmates (27 percent) was nearly proportional to the drop in convictions of those without a prior incarceration (29 percent) over the 2007 to 2013 period. While other factors could explain why the drop in first-time offending is falling at the same pace (e.g., greater use of pre-arraignment diversion for first-time offenders) and more analysis is required, these data seem to suggest that efforts to reduce recidivism have not necessarily played an outsized role in the decline in crime and re-convictions.

Looking more closely at changes in recidivism within the three-year window provides further support for this conclusion. Successful reentry initiatives typically have the greatest impact within the first few months of release when offenders returning to the community receive the most intensive support. In Massachusetts, the largest and steadiest drop has actually come among those reoffending between 13 and 24 months post-release (Figure 3).

Figure 2:

Share of state prisoners re-incarcerated within three years of release, excluding technical violations



Source: Massachusetts Department of Correction

D. Massachusetts sentencing laws and practices do not promote recidivism reduction. Over the years, numerous studies have shown that sentencing laws and practices in Massachusetts do not lead to sentences structured to maximize the likelihood that offenders will return to the community successfully.¹⁰ How prison sentences are structured influences recidivism in four important respects: 1) the extent to which the prison sentence affords the potential for early release, incentivizing inmates to participate in programs that improve their prospects for a successful return to the community; 2) the extent to which high-risk offenders receive appropriate supervision upon returning to the community; 3) the extent to which inmates are able to transition down from high levels of security prior to their return to the community; and 4) the extent to which sentence length efficiently balances sanctioning criminal activity and providing rehabilitative programs, treatment, and community supervision.

1. Incentive to Reform

To ensure that prisoners have incentive to participate in programs and earn parole, the state sentencing commission has recommended a minimum sentence that is no more than two-thirds of the maximum. This standard is rarely achieved. The majority of Massachusetts prisoners serve sentences in which the difference between their minimum prison time (after which they could be released on parole) and their maximum prison time (after which they are released without parole) is very small. In FY

Figure 3:

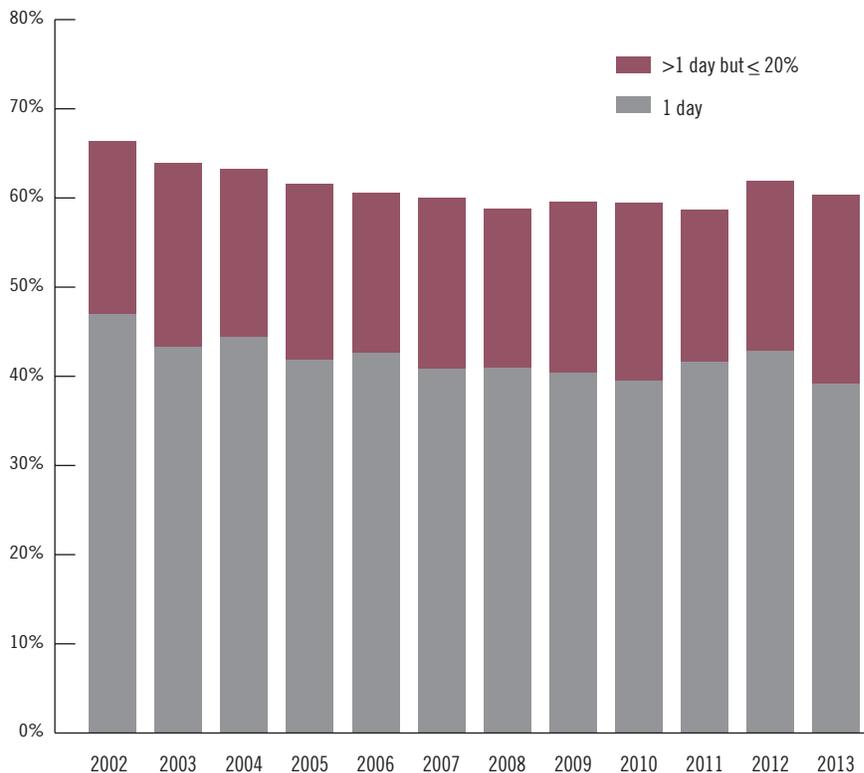
Share of state prisoners re-incarcerated by months since release



Source: Massachusetts Department of Correction

Figure 4:

Proportion of sentences with little difference between minimum and maximum



Source: Massachusetts State Sentencing Commission

2013, 60 percent of inmates sentenced to state prisons were serving sentences where the minimum was at least 80 percent of the maximum; for nearly 40 percent of all state prison inmates, the difference between the minimum and maximum was one day. These proportions have held steady for nearly a decade (Figure 4).

2. Post-Release Supervision

The large number of offenders returning to the community without supervision has been the subject of numerous reports. MassINC called attention to the problem in a 2002 study; a special commission convened by Governor Romney in 2004 called for legislation to increase the use of supervision; and a seminal 2009 Boston Foundation study reiterated the call to action.¹¹ Despite all of this attention to the problem, little has changed.

In 1980, 80 percent of those leaving state prisons did so on parole. By 2000, that number had fallen to 33 percent, and in 2014 it was just 27 percent. The proportion paroling has increased in each of the last three years after a big one-year drop to 18 percent in 2011, but it remains significantly lower than at any time prior to 2011 (Figure 5). While data are limited, there is no reason to believe that a higher percentage of offenders are receiving supervision when county inmates are included. According to the Parole Board, 2,406 inmates were released from state and county prisons to parole in 2013—less than 19 percent of the 12,980 offenders released from state and county facilities combined in that year.¹²

With fewer inmates paroling, judges are opting to include a term of probation to ensure that offenders receive at least some form of post-release

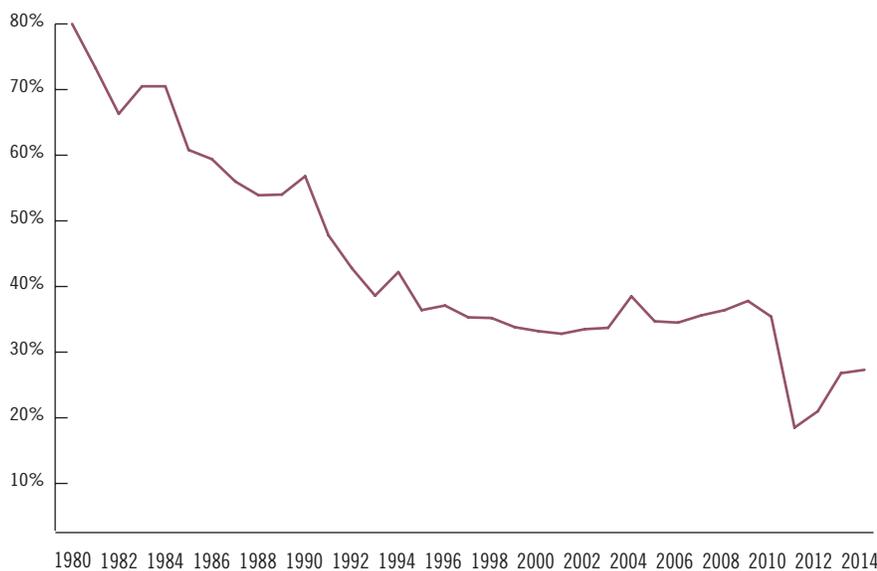
supervision. In fact, more inmates are released from state prisons on probation than on parole. This is problematic because probation is less flexible than parole. The sanctions available for violation of probation are much slower than the quick, graduated sanctions available for violation of parole. Parole can also take into account the programs undertaken by an inmate and their behavior while in prison, whereas probation is imposed at sentencing.

Even with the increased use of post-release probation, however, more than 1,000 people a year leave state prison to no supervision at all—40 percent of all those released, a rate that is double the national average. In 2012, a Pew report found that Massachusetts had the seventh highest rate of unsupervised releases from state prisons in the United States. Four of the states with higher rates (as well as at least four more with lower rates) have recently introduced policies requiring more offenders to be supervised upon release (see box on page 14).¹³

More supervision is not necessarily beneficial. Studies show effective supervision focuses on providing support to high-risk inmates.¹⁴ Validated risk assessment data from the Department of Correction show that this is not how resources are allocated in Massachusetts. A larger percentage of offenders deemed high-risk to reoffend (40 percent) receive no supervision upon return to the community than those deemed low-risk (33 percent). High-risk inmates are also significantly less likely than low-risk inmates to receive parole supervision (25 percent vs. 37 percent). Unsupervised high-risk inmates make

Figure 5:

Share of state prison releases subject to parole supervision



Source: Massachusetts Department of Correction

Table 1:

Share of 2014 releases from state prison by supervision type and assessed risk to recidivate

	ASSESSED RISK			TOTAL
	LOW	MODERATE	HIGH	
Releases	580	299	1,360	2,537
Parole only	25.0%	22.4%	15.8%	17.4%
Parole and probation	12.2%	17.1%	8.9%	10.0%
Probation only	29.8%	24.4%	35.7%	32.7%
No post-release supervision	32.9%	36.1%	39.6%	39.9%

Source: Data provided by the Massachusetts Department of Correction upon request
 Note: Total includes 298 offenders that did not receive assessments. These include female offenders with less than 90 days to serve, male offenders with less than 1 year to serve, inaccessible offenders with medical/mental health issues, and offenders who decline to participate in the assessment process.

up more than one-fifth of all releases from state prisons (Table 1).

The fact that the data show no increase in the percentage paroling or the number of inmates with parolable sentences is particularly disconcerting in light of recent sentencing-reform legislation. Chapter 192 of the Acts of 2012 sought to reduce mandatory minimums and increase earned good time to make more inmates eligible for parole and strengthen their incentive to earn early release. While it may take additional time for these changes to take hold, with retroactive parole eligibility for many offenses, it is disheartening that there has been no improvement to date.

3. Step Downs

Research has shown that, even controlling for inmate characteristics, those released from higher-security prisons are more likely to reoffend than those released from lower-security ones.¹⁵ MassINC reports in 2002 and 2013 pointed to the alarmingly high number of inmates released directly to the community from maximum-security facilities. Governor Romney’s 2004 special commission called attention

to limited pre-release options. While the use of minimum-security and pre-release facilities has increased since the early 2000s, the problem of inmates entering the community directly from high-security settings remains acute. In 2014, 11 percent of DOC releases came directly out of maximum-security prisons and a further 50 percent left

medium-security facilities.¹⁶

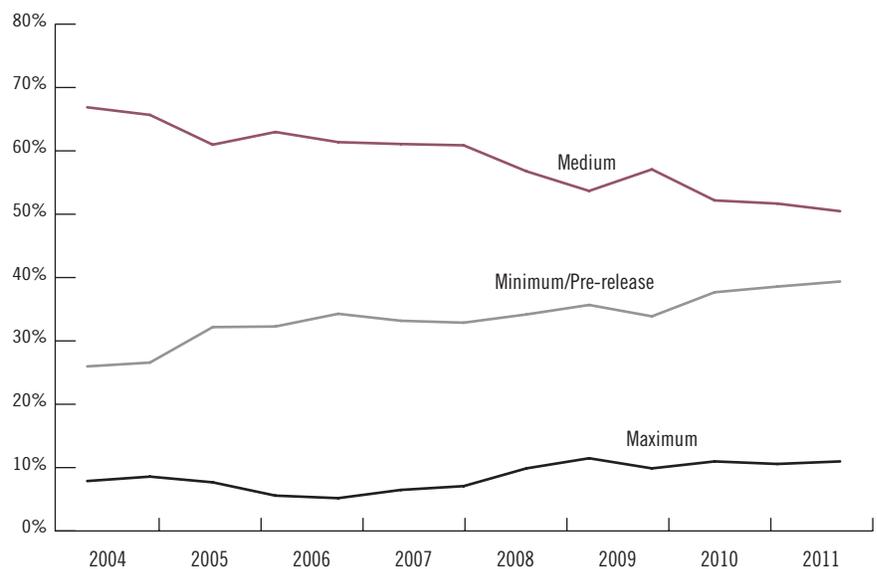
While release from maximum security settings continues to pose a public safety challenge, progress has been made on this problem. In 2013, the Department of Correction began transferring some inmates from DOC pre-release facilities to county Houses of Correction for a period before their release, in an attempt to reduce recidivism. In 2014, 174 inmates were stepped down in this manner.¹⁷

4. Sentence Length

Unlike the first three issues, the sentences that repeat offenders serve in Massachusetts compared to first-timers have not received significant attention. However, experts are increasingly calling for attention to this issue. While some believe repeat offenders merit longer sentences under the theory of “just deserts,” many legal scholars debate

Figure 6:

Share of state prison releases by security level of facility



Source: Massachusetts Department of Correction

Table 2:
Mean sentences for those convicted in 2013

LEVEL	OFFENSE	MEAN SENTENCE LENGTH (MONTHS)		ENHANCEMENT
		A	B-E	
3	A&B	1.5	3.6	144.1%
3	B&E	2.7	6.7	152.4%
3	Larceny more	1.6	4.1	156.2%
3	Restraining order violation	0.9	3.6	280.2%
2	Operate after suspension 2nd	0.6	1.6	170.8%
2	Shoplifting	0.1	0.6	890.5%
2	Possession class B	1.2	1.9	50.1%
2	Resisting arrest	0.7	1.6	118.6%
2	Larceny less	0.8	1.6	105.3%
2	Receiving stolen goods	1.9	3.5	83.5%
3	A&B dangerous weapon	1.2	2.2	90.3%
1	Trespassing	0.1	0.3	215.4%
2	Possession class A	1.1	1.8	60.8%
2	Operate to endanger	0.3	1.6	527.7%
6	Armed robbery (minimum)	27.5	51.5	87.2%
2	Property destruction	0.9	2.1	141.2%
3	Leaving scene property damage	0.5	2.2	306.5%
2	Firearm posses w/o permit	5.8	9.1	57.9%
1	Threatening	1.1	1.6	41.4%
2	Distribute Class D	1.3	2.7	105.0%

Source: MassINC analysis of Massachusetts *Survey of Sentencing Practices: FY 2013*

Note: Offenders in criminal history group A have one to five prior convictions for offenses in levels 1 or 2, or no prior convictions of any kind. Offenders in groups B-E have more than five prior convictions for offenses in levels 1 or 2, or one or more prior convictions for offenses in levels 3 to 9.

this rationale. Consensus is more widespread that sentence enhancements are merited by the higher recidivism risk of repeat offenders. But if this is the underlying logic, then states would be better served with a true validated risk assessment as opposed to criminal-history groups that have not been built to inform risk.¹⁸

Massachusetts invests considerable resources in enhancing prison sentences for recidivists. At least 28 mandatory-minimum statutes require stiffer penalties for repeat offenders, and sentencing

guidelines call upon judges to escalate sanctions based on a defendant's criminal history.¹⁹ As a result, repeat offenders receive longer prison sentences than first-time offenders who commit the same crime. For example, the average minimum sentence for those convicted of armed robbery in FY 2013 was 27.5 months for first-time offenders, but 51.5 months for repeat offenders—87 percent longer. Repeat offenders convicted of assault and battery received 3.6 months, 144 percent longer than the 1.5 month average for first-time offenders.

For the 20 common offenses sampled in Table 2, enhancements range from 41 percent to 890 percent, with an average of 189 percent. With the significant allocation of resources devoted to sentence enhancements in Massachusetts, far more analysis is merited to ensure that they produce the greatest achievable reductions in recidivism.

II. Evidence-Based Reentry Strategies

Reentry is one of the most carefully studied components of criminal justice reform efforts focused on recidivism reduction. Over the past decade, a variety of reentry interventions have been tested using randomized controlled trials, reentry-related policy changes have been evaluated with quasi-experimental designs, and numerous meta-analyses have been performed to draw conclusions from the body of research on reentry as a whole. While as yet there is no common definition for a comprehensive reentry strategy, the components summarized below emerge most powerfully from a review of the literature.

Post-Release Supervision

Carving out a parole period from the end of an offender's prison term, so that they spend slightly less time in prison, saves money: it is cheaper to supervise an offender in the community than to keep them in prison. It also improves public safety by reducing recidivism. However, the evidence is clear that parole supervision that only includes monitoring and surveillance has no effect on recidivism. To be effective, parole officers need tools to tailor supervision to risk-need-respon-

sivity principles.²⁰ As states have moved to adopt evidence-based parole practices that enable this form of supervision, studies are consistently finding that parole leads to cost-effective reductions in recidivism. This is particularly compelling because the latest research employs rigorous designs to control for the likelihood that those who earn parole may simply be better suited to transition effectively to the community.²¹ Parole supervision can be particularly effective for offenders struggling with mental illness.²²

Transitional Housing

Finding a suitable place to live is the first challenge inmates returning to the

community face. Evidence links housing instability to recidivism. Stable housing is key to successful participation in treatment, finding employment, and meeting conditions of release. Research shows that offenders who reside with family are less likely to commit new crimes than those who live with a girlfriend or in a shelter.²³ Studies also show that offenders who settle in disadvantaged neighborhoods and areas with high concentrations of ex-offenders are more likely to commit new crimes.²⁴

Transitional placement in halfway houses is the most common solution to overcome the residential challenges offenders face returning to the commu-

nity. While evidence on halfway houses is mixed, the research does suggest that these facilities can reduce recidivism when they meet certain standards. For instance, studies of Ohio’s halfway house program found that they reduced recidivism, but that staff training, evidence-based program design, and fidelity of implementation were important for efficacy. Consistent with RNR principles, the studies also found evidence that halfway houses were most effective for those with a medium- or high-risk of reoffending, and may be ineffective or even counterproductive for low-risk participants.²⁵ A 2014 study of New Jersey’s halfway house program corroborates these findings.²⁶

COLLATERAL SANCTIONS AND CRIMINAL RECORDS IN MASSACHUSETTS

A review of the American Bar Association’s National Inventory of Collateral Consequences of Conviction shows Massachusetts has very few broad provisions that limit access to the workforce. However, a few stand out: a violent crime can keep ex-offenders out of driving jobs for 10 years. Residents with any felony offense are permanently excluded from the state’s gaming industry, a provision that could significantly negate the job creation benefits of a new casino in Springfield. Those with offense histories are also prevented from ever working in law enforcement in Massachusetts.

Massachusetts has made a concerted effort to reduce the impact of criminal records. Since November 2010, employers have been prohibited from asking candidates about their criminal history on an initial job application. Starting in May of 2012, CORI reports no longer include felony convictions over 10 years old or misdemeanors that occurred more than five years ago. Sealed charges or charges that are dismissed, resulted in no findings, or a not-guilty decision are also excluded from CORI reports. To encourage employers to use the state’s CORI system, as opposed to the often inaccurate information provided by private vendors, the legislation limited the liability of employers who base their hiring on a state CORI report.

SANCTION	TRIGGERING OFFENSES	DURATION	CITATION
Ineligible for employment as transportation network driver	Crimes of violence, sexual abuse, driving under the influence of drugs or alcohol, hit and run, attempting to evade the police, driving with a suspended or revoked license, felony robbery, or felony fraud	10 years	540 CMR 2.05
Ineligible for employment as key gaming employee	Any felony; other crime involving embezzlement, theft, fraud or perjury	Permanent	205 CMR 134.10
Ineligible for employment as police officer	Any felony	Permanent	GL ch. 41, § 96A
Ineligible for employment by state police	Any felony; controlled substances offense; misdemeanor with incarceration	Permanent	GL ch. 22C, § 14
Ineligible to serve as manager of assisted living residence	Any felony	Permanent	651 CMR 12.06
Ineligible for public housing	Certain criminal activity	Permanent	760 CMR 5.08

Source: American Bar Association

Employment Services

Research shows that getting a “good job” reduces the likelihood of reoffending, while those who enter low-wage, intermittent work are just as likely to commit new crimes as are unemployed ex-offenders.²⁷ With low levels of education and vocational training, an interrupted employment history, and a criminal record, most inmates returning to the community have great dif-

iculty finding rewarding work.

Many reentry programs offer subsidized transitional employment and training. But studies suggest this approach has limited value because transitional employment programs have difficulty preparing and connecting ex-offenders to long-term unsubsidized employment. Researchers also speculate that these programs often focus on teaching work skills at the expense of changing

patterns of criminal thinking that lead ex-offenders to commit new crimes.²⁸ Employment-focused reentry programs that help address criminogenic risks and needs have been shown to reduce reoffending. These programs incorporate cognitive-behavioral approaches and motivational-interviewing techniques.²⁹

Researchers have also homed in on the barrier to finding good jobs ex-offenders face as a result of their criminal records, particularly those who have multiple past convictions.³⁰ Criminal records have a particularly strong and disparate effect for black and Latino job applicants.³¹ In response, the US Equal Employment Opportunity Commission has challenged companies that use criminal records in a discriminatory manner. But, for many occupations, the collateral consequence of criminal records is enshrined in law. Nationally, more than one-quarter of all jobs require a state license. Licensing regulations often bar applicants with criminal records from entering these professions even when the nature of their conviction has no relation to the job.³²

HOW MUCH CAN REENTRY PROGRAMS REDUCE RECIDIVISM?

The Council for State Governments says, “Studies show that implementing evidence-based programs and practices can reduce reoffense rates by 10 to 20 percent.”⁴³ This is based on a 2009 meta-analysis of 545 studies conducted since 1970.⁴⁴ Of the 264 studies analyzed that look at programs for adult offenders (as opposed to young offender and prevention programs), the mean effect is a 5 percent reduction in crime, ranging from a 21 percent reduction for Washington State’s “Dangerously Mentally Ill Offender Program” to an average 5 percent increase found in 11 studies of jail diversion for offenders with mental illness.

The Pew Center on the States is more optimistic, stating “Research indicates that strong implementation of evidence-based practices (EBP) and programs can reduce recidivism rates by 50 percent,” citing a meta-analysis published in 1990 of 80 studies conducted between the 1950s and 1989.⁴⁵ For the 54 interventions categorized by the authors as “appropriate treatment,” the mean effect was a 53 percent reduction in recidivism.

However, it is important to bear in mind that many highly effective programs are only applicable to a relatively small subset of offenders. Numerous studies have shown that the most effective programs tend to be those that tailor service to the criminogenic profiles of high-risk offenders. For example, only around 1 percent of those released from prison in Washington State are deemed eligible for the Dangerously Mentally Ill Offender Program, so a 20 percent reduction in recidivism among that group only reduces the overall recidivism rate for the release cohort by 0.2 percent.

This is not to say that broad-based approaches cannot generate very significant large-scale reductions. The evidence from Michigan’s Prisoner Reentry Initiative and Minnesota’s Comprehensive Offender Reentry Plan (see p. 12) indicates that reentry planning that begins at the start of an offender’s prison sentence, is tailored to the individual, comprehensively addresses their recidivism risk factors, and includes smooth transition of service provision from prison to community upon release, can reduce recidivism rates by more than 20 percent.

The crucial finding from the research is the large range between the most effective programs and ineffective ones. As the authors of the 2009 meta-analysis note: “the overall lesson from our evidence-based review is that public policy makers need to be smart investors: some programs work, some programs do not, and careful analysis is needed to inform policy decisions.”

Substance Abuse and Mental Health Treatment

For many inmates, drug and alcohol addiction is the most significant barrier to successful reentry. Numerous studies have examined the efficacy of reentry programs focused on delivering substance abuse services. Mixed results indicate the difficulty in serving this population. Parolees with substance abuse histories randomly assigned to combined case management and counseling services were significantly less likely to be re-arrested or re-convicted than parolees receiving traditional

supervision.³³ However, a controlled trial of a more intensive reentry program that provided treatment (including cognitive-behavioral therapy and motivational-interviewing), drug testing, transitional housing, and case management produced no significant reductions in recidivism 12-months post-release.³⁴

Several studies examining medication-assisted treatment for offenders returning to the community suggest this approach can produce cost-effective results. A randomized controlled trial found those receiving methadone (with only emergency counselling services) had 40 percent fewer arrests over two years.³⁵ Controlled trials have also demonstrated that buprenorphine can significantly lower rates of opioid relapse following release from jail.

However, research has yet to establish a link between buprenorphine and lower rates of re-arrest compared to methadone or other post-release services.³⁶

Reentry programs with a focus on offenders with mental health conditions have consistently produced very large reductions in recidivism. Relative to a control group, Washington State inmates with mental illness randomly assigned to intensive community treatment were half as likely to be re-arrested for a new felony offense after two years.³⁷ Similarly, teams of social workers and probation officers in San Diego providing intensive case management, medication support services, individual counseling, crisis intervention, vocational services, and supervision also halved the percentage of participants convicted of a new offense during their first year out of prison relative to a control group.³⁸

Targeting inmates with co-occurring mental health and substance abuse conditions may be a particularly effective strategy. Offenders in Colorado randomly assigned to treatment in prison and a therapeutic community supervised by parole post-release were reincarcerated at less than half the rate as those receiving typical services.³⁹ This is more support for the RNR principle. Providing both substance abuse and mental health services fully addresses the offender's criminogenic needs. Serving one need without meeting the other will not reduce offending as effectively.

Mutiservice Reentry

The Boston Reentry Initiative targets inmates ages 18 to 32 with a history of violent crime. These offenders receive transition plans, intensive case management services, and faith-based mentoring. The effort reduced the percentage re-arrested within 3 years by about 10 percent (78 percent of the treatment group versus 88 percent of the comparison group). However, a recent attempt to provide this kind of intensive support to violent offenders at a large scale did not achieve significant reductions in recidivism. The multistate evaluation of the federal Serious and Violent Offender Reentry

Initiative included individual reentry plans, transition teams, direct access to community resources, and graduated levels of supervision and sanctions. While participants receiving this combination of services did have lower re-arrest rates, the differences were not statistically significant.⁴⁰

One difference that may be particularly effective for the Boston approach is faith-based mentoring. Research shows that peer-to-peer mentoring can lead to significant reductions in recidivism. The Ready4Work initiative included a voluntary mentoring component in its reentry services. Volunteer mentors were screened and trained before they started and monitored and supported during their work. They were expected to have at least four hours of face-to-face contact with their mentee a month and to commit to the program for at least one year. Ready4Work participants assigned a mentor were 35 percent less likely to return to prison for a new offense within a year of release than were those without a mentor. They also tended to stay in the Ready4Work program longer, find work more quickly, and be more likely to retain a job.⁴¹ Another example is the Mentoring4Success program in Kansas. Trained volunteers mentor offenders 6 to 12 months

CONDITIONS OF CONFINEMENT & RECIDIVISM RISK

The experience an individual has while incarcerated has a strong bearing on their trajectory post-release. A long body of research shows that participation in prison education and quality treatment programs while incarcerated reduces the likelihood of future offending. Not surprisingly, the general environment of the facility also has an impact. This comes through most clearly in studies looking at security levels and solitary confinement. These issues will be the subject of a forthcoming MassINC policy brief.

before release and continue to do so after release. According to the program's director, the 12-month recidivism rate for participants is 9 percent, less than half the 21 percent rate for non-participants.⁴²

III. State Reentry Efforts

A scan of reentry efforts around the US reveals a varied landscape. A handful of states have worked to develop comprehensive statewide reentry models with some success. Several states involved in Justice Reinvestment have also addressed aspects of reentry, although not to the degree to which they have prioritized treatment, diversion, and community supervision to reduce prison populations.⁴⁶ To generate resources for reentry, many corrections leaders are turning to pay-for-success contracts. The review of these initiatives below reveals a clear opportunity for Massachusetts to incorporate lessons learned elsewhere and take the lead by building a comprehensive reentry initiative that generates significant improvements in public safety.

A. Comprehensive Reentry Models

The Minnesota Comprehensive Offender Reentry Plan

In 2008, the Minnesota Department of Corrections launched the Comprehensive Offender Reentry Plan (MCORP) with \$2.24 million in state funding. Under the approach, planning for reentry begins immediately on admission to prison. Caseworkers and corrections officers work together to provide continuity of planning and support for offenders while they are incarcerated and after release.

With additional funding, Minnesota reduced parole caseload sizes and increased community-based employment contracts.

A 2013 study of the pilot using randomized experimental design found very significant impacts. MCORP improved employment rates, decreased homelessness, broadened offenders' systems of social support, and increased the extent to which offenders participated in community programming. The likelihood

of re-arrest, re-conviction, and return to prison for a new offense declined by nearly one-quarter over a roughly three year timeframe. Cost-benefit analysis shows the program returned nearly \$10 for each dollar spent.⁴⁷

The Michigan Prisoner Reentry Initiative

Michigan introduced its Prisoner Reentry Initiative in 2003.⁴⁸ Soon after an offender enters prison, a Transition Accountability Plan is developed collaboratively by the individual, prison staff, the parole board, community organizations, and service providers. The inmate's needs are assessed across multiple domains, including interpersonal skills, basic literacy, mental and physical health, and substance dependency. While in prison, offenders follow individualized plans including cognitive-behavioral therapy, life- and

vocational-skills training, and work programs. Program managers periodically assess inmates' progress and modify their plans as necessary. Prior to release, inmates are transferred for reentry programming at the correctional facility nearest to the community to which they will be paroled. At this stage, they focus on housing arrangements, healthcare needs, and job search. Prisoners are then released on parole, with supervision resources

The focus is on continuity of support from prison to community, with prisoners matched to appropriate services.

concentrated on the period immediately after release and with strategies tailored to the needs of the offender, victim, and community.

According to the Michigan Department of Corrections internal analysis, controlling for time-at-risk and history of prior parole violation, returns to prison decreased 38 percent between the launch of the initiative in 2005 and December 2011.⁴⁹ Despite this success, the state has had difficulty maintaining resources for the initiative. Funding for reentry services in Michigan has been almost halved from roughly \$20 million in 2008, when the initiative was rolled out statewide, to \$11 million in FY 2016.⁵⁰

The Maryland Reentry Partnership Initiative

Maryland launched the Reentry Partnership Initiative (REP) in 1999 to

support the successful reintegration of prisoners returning to the city of Baltimore. Eligible inmates attend an orientation session where they receive an overview of services provided through the initiative. Participation is voluntary. The focus is on continuity of support from prison to community, with prisoners matched to appropriate services, which are delivered by community organizations. REP ensures continuous case management through information-sharing between the Division of Correction, the Division of Parole and Probation, and community-based service providers.

A 2007 Urban Institute analysis found that participants were 7 percent less likely to commit new crimes. The authors estimated that every dollar spent on the program yielded roughly one dollar of direct savings to the criminal justice system. Including wider benefits to society, the program yielded an estimated three dollar return.⁵¹

In 2011, a task force on prisoner reentry called for building upon REP with a comprehensive and evidence-based statewide reentry initiative, including risk and needs assessments at sentencing, continuing through incarceration and community supervision; individualized reentry plans based on those assessments, encompassing education, treatment, family, medical and work programs; transition through county facilities in the months before release; and rigorous data collection and performance-outcome measurements to monitor the effectiveness of programs.⁵²

Maryland's Justice Reinvestment Coordinating Council, created by legislation last June, noted in a recent

report that investments in reentry have gone unfunded.⁵³ Among a comprehensive set of recommendations, the council called for expanding programming for individuals leaving prison and reentering the community, creating and funding Transition Coordinator positions to provide quality transition planning and support for high-risk offenders, and providing funds to support local pre-release centers.

B. Funding Reentry Initiatives

Working with the Council of State Governments and Pew, several states have made reentry a central component of their Justice Reinvestment strategy. Often these states project savings through lower recidivism to direct investments in reentry. However, this approach has proven to be difficult. While it is still a relatively uncertain tool, pay-for-success contracts are assuming a prominent position in funding reentry initiatives. Their rise is fueled in part by the readily quantifiable savings associated with both reduced recidivism and sophisticated risk/needs assessments directed at inmates returning to society. As a result, reentry is well-suited to this novel mechanism for financing public services.

JUSTICE REINVESTMENT

Arkansas

In 2011, Arkansas passed the *Public Safety Improvement Act*. The legislation changed sentencing for some drug and property crimes, required risk/needs assessments of probationers, and established new sanctions for violating conditions of supervision. To fund the changes, the law raised supervision fees for offenders on parole and

probation by up to \$35 per month. While problematic from a recidivism-reduction stand point, the increased revenue did go into a newly established Best Practices Fund. By statute, these dollars are designated to establish and maintain programs and services that are proven to reduce recidivism.⁵⁴ The new fees raised \$2.4 million for the fund in FY 2014, which was supplemented by an additional \$3 million general appropriation.⁵⁵

As part of its Justice Reinvestment reentry strategy, Arkansas also made a \$1.9 million direct appropriation in FY 2013 for cognitive-behavioral programming, electronic monitoring, transitional housing, substance abuse and mental health treatment.⁵⁶

Hawaii

In 2012, Hawaii passed a package of measures that included: reducing the probation period for certain low- and medium-risk probationers from an average of five years to a maximum of four; requiring the use of a validated risk assessment in parole hearings; allowing the release of low-risk prisoners on parole at the end of their minimum sentence; authorizing courts to impose a sentence of probation rather than imprisonment for a second drug possession offense; and limiting prison terms for first-time parole violators who have not been charged with a new crime to six months.⁵⁷

Hawaii projected an estimated \$9.2 million in savings in the first year and allocated \$3.4 million to expand community treatment programs, hire extra corrections and victims' services staff, and establish a research and planning office in the Department

of Public Safety.⁵⁸ With competing priorities in the state budget, Hawaii has had difficulty further increasing access to treatment and other reentry supports.⁵⁹

South Dakota

South Dakota's 2013 *Public Safety Improvement Act* contained a package of criminal justice reforms expected

to save \$207 million over 10 years. The state reinvested \$8 million in the first year, establishing a fund to pilot a transitional housing program for prisoners released on parole, as well as for training parole officers on the implementation of evidence-based practices to reduce recidivism. The new law also enabled probationers and parolees to earn discharge from supervision if they

follow their conditions, allowing a better focus of supervision resources on those most likely to reoffend.⁶⁰

PAY-FOR-SUCCESS FINANCING

California

California's recent history of investment in reentry is unique. In 2013, the state adopted a plan to dramatically reduce its prison population in response to a federal court order. The legislation included the creation of a large Recidivism Reduction Fund. In 2014, the California General Assembly established a Social Innovation Financing Fund. The California Board of State and Community Corrections recently issued a request for proposal (RFP) and announced the appropriation of \$5 million to support pay-for-success grants through the Recidivism Reduction Fund.⁶¹

Massachusetts

Massachusetts established the nation's largest pay-for-success recidivism-reduction effort in 2014: a \$27 million program delivered by Roca, Inc. to reduce offending and increase employment for men ages 17 to 24 exiting the juvenile justice system. Upfront funding comes from \$18 million in private financing, including \$9 million from the Goldman Sachs Social Impact Fund. Over six years, the state will pay up to \$27 million if the effort meets reductions in incarceration and increases in employment, with up to \$23 million in potential net taxpayer savings.⁶²

New York

In 2013, New York State launched a \$13.5 million pay-for-success project to reduce recidivism by boosting employ-

JUSTICE REINVESTMENT AND EFFECTIVE SUPERVISION

Pew's 2014 report "Max Out" found that only six states had a higher percentage of offenders returning to the community without supervision than Massachusetts (Florida, Maine, North Carolina, Ohio, Oklahoma, and South Carolina). But for 2011 legislation, Kentucky would have also fallen in the lowest tier of low-performing states. Like Kentucky, at the time of the report's publication, most of these low performing states were already taking action to address the problem.

North Carolina. As part of its Justice Reinvestment Act of 2011, North Carolina required everyone incarcerated for a felony to receive 9 to 12 months of post-release supervision, carved out from the end of their sentence. As a result, the proportion of offenders released without supervision fell from 86 percent in 2010 to 38 percent in 2015.⁶⁵

Ohio. Comprehensive Justice Reinvestment legislation (HB 86) passed in 2011 included several provisions to increase the use of effective supervision. The proportion of releases without supervision fell by a third, from 55 percent in 2010 to 37 percent in 2014.⁶⁶

Oklahoma. Comprehensive Justice Reinvestment legislation (HB 3052) signed into law in 2012 required all those sentenced to state prison to also be sentenced to post-release supervision of between nine months and one year. The proportion of releases subject to parole has doubled, from 6 percent in FY 2012 to 12 percent in FY 2014. However, the proportion unsupervised has not declined as dramatically as in other states (52 percent in FY 2012 vs. 50 percent in FY 2014).⁶⁷

South Carolina. South Carolina's 2010 *Omnibus Crime Reduction and Sentencing Reform Act* required that all nonviolent offenders who have served at least two years of their prison sentence be released to supervision 180 days before the end of their sentences. The proportion of releases with no supervision fell from 52 percent in FY 2012 to 43 percent in FY 2015.⁶⁸

Kentucky. Kentucky's 2011 Public Safety and Offender Accountability Act requires every offender to be subject to a period of supervision after release. For lower-risk offenders, a six-month supervision period is carved out from the end of their prison terms. For higher-risk offenders, a one-year period of post-release supervision is added to the end of their existing prison sentences. According to the Kentucky Department of Corrections, the introduction of mandatory supervision saved approximately \$29 million in the first 27 months after implementation.⁶⁹

ment rates for ex-offenders. The private financing will allow 2,000 offenders to participate in the Center for Employment Opportunities' transitional work program upon release from prison. Repayments to the investors will be based on both increased employment and reduced recidivism, up to a maximum payment of \$23 million.⁶³

Oklahoma

In 2014, Oklahoma passed legislation allowing the state to enter into pay-for-success contracts for diversion and reentry programs as a component of its Justice Reinvestment Initiative. The first RFP for this initiative was issued last August.⁶⁴

IV. A Reentry Plan for Reducing Recidivism in Massachusetts

Massachusetts is on the path toward a statewide reentry plan that can reduce high levels of recidivism and increase public safety. Over the past decade, county sheriffs and the Department of Correction have implemented many innovative reentry programs, and the

and help corrections leaders expand and sustain evidence-based reentry practices. Below we outline four opportunities that merit consideration as leaders craft a comprehensive Justice Reinvestment strategy for Massachusetts:

1. Modify state sentencing statutes to reduce recidivism. Tough on crime era truth-in-sentencing laws that contributed to the narrowing distance between minimum and maximum prison terms were well intended. Victims and the public deserve to know that offenders will complete at least their minimum sentence. There is also evidence that offenders are less likely to recidivate when they have served the length of time they anticipated.⁷⁰ However, it is equally important that sentencing structures provide the offender with a strong incentive to participate in rehabilitative programming and earn parole. Inmates with sentences that incentivize parole have fewer disciplinary infractions, complete more rehabilitative programs, and commit new crimes at lower rates once released.⁷¹

should consider a variety of changes:

- **Eliminate post-incarceration probation.** This would end the inefficient practice of duplicated parole and probation supervision and create an incentive for judges to set a minimum sentence at two-thirds of the maximum. It would also ensure that post-release supervision is assigned according to dynamic risk/needs assessment with full knowledge of the offender's actions while incarcerated.
- **Eliminate or reduce mandatory minimums for which sentence spreads are frequently one-and-a-day.** To the extent that one and a day sentences occur disproportionately for certain offenses, this pattern clearly indicates that in many cases judges see the minimum sentence length as too long. These mandatories should draw particular scrutiny for reform.
- **Increase earned good time and apply reductions to a presumptive parole date.** In order to keep inmates from serving less than their minimum sentence while increasing the incentive to earn parole, the state should use a presumptive parole date. This would incentivize good behavior and program participation, ensure that a parole window exists for all inmates, and maintain the objectives of truth in sentencing. Such an approach is similar to Justice Reinvestment legislation in New Hampshire, which mandates presumptive parole nine months before most inmates reach their maximum term of sentence. Pennsylvania's Justice Reinvestment legislation gives offenders sentenced to a recidivism-reduction program presumptive parole eligibility at their minimum date if they adhere to the

The Commonwealth is well-positioned to introduce policy changes that will reinforce these efforts.

legislature has passed several common-sense reforms. With the Council of State Governments providing analysis and technical assistance, the Commonwealth is well-positioned to introduce policy changes that will reinforce these efforts

While sentence structure is not the only reason that fewer than one-fifth of Massachusetts offenders are released on parole, it is a significant and addressable component of the problem. Justice Reinvestment leaders

conditions of the program. To ensure that this presumptive parole approach does not cast a net-widening effect with technical violations fueling prison population growth, it is critical that those released to parole receive supervision appropriate to their risk-level. Additionally, people should have the flexibility to release offenders from supervision as appropriate.

Massachusetts's Justice Reinvestment leaders should also carefully consider the use of sentence enhancements. While judges must factor in several goals at sentencing, incorporating statistically validated risk and needs data can help them structure sentences to reduce recidivism and increase public safety. The use of risk and needs data at sentencing has been controversial, in part because of the challenges associated with demonstrating the efficacy of the approach. But the use of risk data has withstood legal challenges, and the practice was endorsed by a 2009 working group convened by the National Center for State Courts. The American Law Institute will incorporate the use of risk data at sentencing into the Model Penal Code this year.⁷² While the benefits are likely to be modest, as the practice becomes more common the barriers to implementation will be lower. Massachusetts can follow the example of other states (e.g., the Pennsylvania Sentencing Commission has spent the last five years identifying and addressing implementation issues after 2010 legislation required the use of risk and needs data in sentencing) and build off of increasing sophistication with the use of risk/need data in the Commonwealth. (Once the Probation Department has built the

systems to introduce the use of risk data in pretrial decision-making in Massachusetts courtrooms, much of the infrastructure to utilize risk data to inform sentencing decisions will be in place.)

2. Create reentry roundtables for inmates returning to urban centers.

County inmates are known to communities and often return through structured reentry programs. In contrast, high-risk state inmates are often released into a community without the knowledge of local law enforcement officials or a web of community partners to support their successful return. Given that former inmates tend to cluster in a handful of urban communities, and our understanding of the impact these concentrations of ex-offenders have on public safety, it is critical to have a coordinated process in place for high-risk releases to these urban centers.

The Overcoming the Odds program, piloted in Boston with funding from a federal *Second Chance Act* grant, provides a model. Prior to release, the Department of Correction brings inmates to reentry roundtables where they meet with a panel of community partners, including law enforcement (the Boston Police Department, the District Attorney's office, and the US Attorney's office) and community service providers. Offenders are informed that they will be closely surveilled upon their return, but if they are returning with plans to live lawfully, a wealth of services will be made available to facilitate their successful reintegration.

After Boston, the largest number of state inmates return to Springfield,

followed by Worcester, Lawrence, Brockton, and Lynn. A similar process should be in place for offenders released to these cities.

3. Continue to lower barriers to employment.

The Federal Reserve Bank of Boston's New England Public Policy Center is studying the impact of the state's 2009 CORI reforms. While those changes are among the most progressive in the nation, if this analysis reveals limited impact on work status, certificate of rehabilitation may offer another practical option for lowering employment barriers.

At least eight states (AZ, CA, IL, NC, NV, NJ, NY, and OH) provide certificates of rehabilitation to signal to employers that an offender has reformed, thereby reducing barriers to employment. While there is little empirical research to demonstrate that this approach is effective, research does consistently confirm that offering this type of incentive can provide positive reinforcement and help offenders persist in programs designed to change criminal patterns of thinking and increase employment skills.⁷³ Because these certificates can be offered at relatively low cost, it may be worthwhile to adopt them for this incentive effect alone. However, to increase their impact, Massachusetts should also consider using certificates to lower the waiting period before sealing criminal records. Legislation could also make the certificate a threshold upon which private employers are prevented from discriminating on the basis of a criminal record, when the nature of the offense is unrelated to the demands of the position sought.

4. Develop data and structures to implement and sustain effective reentry services. The National Reentry Resource Center’s checklist on reducing statewide recidivism for legislative and executive policymakers outlines three key steps:

1. Make recidivism reduction a state priority and a key measure of successful corrections and reentry policy.
2. Develop a plan to implement policies and practices that research has shown to reduce recidivism.
3. Track progress and ensure accountability for results.

Massachusetts must make substantial progress on each of these items. Given the fragmented nature of the state’s criminal justice system, it is critical to have a shared strategy and data to track implementation. This is particularly so with reentry, as all of the research indicates that carefully monitoring data is essential to ensuring that difficult-to-implement services are in fact producing benefits.

With its dedicated analysts, the state’s standing Special Commission to Study the Criminal Justice System offers one option for taking the lead on monitoring a focused reentry and recidivism-reduction effort. This

leadership is clearly needed. The legislature has included language in every budget since FY 2012 mandating the reporting of admissions, releases, and recidivism data on a quarterly basis using standardized definitions for all state and county prisons in Massachusetts. Nearly five years later, these reports still have not been produced. Given the difficulty, there is real reason to be concerned that other critical information, such as program participation, risk/need assessment scores, and supervision will be difficult to obtain.

In addition to data capacity at the state level, it is important to boost capacity at the programmatic level. Organizations like Roca capture and process an enormous amount of data to track progress and continuously improve. Replicating this kind of capacity in other organizations providing community-based services is critical.

Recidivism reduction through a coordinated statewide reentry approach will require a long-term commitment to results. Without a strong mechanism for monitoring progress, well-intentioned efforts are unlikely to produce the kinds of increases in public safety that research indicates are possible.

5. Reinvest in reentry and recidivism reduction. Building capacity to provide community-based reentry services will require sustained investment. Without stable revenue to fund these services, paroling inmates to the community safely and successfully is difficult. Currently, most reentry programming is provided in prisons pre-release. Efforts to expand services in the community require the plan and data described above to prioritize spending and demonstrate results. Freeing up corrections resources for community-based reentry service will also require a general reduction in length of stay. The Massachusetts Sentencing Commission’s revised guidelines can play a pivotal role identifying opportunities to increase public safety by reducing prison terms and reinvesting in recidivism reduction. A piece of analysis critical to the development of new data-driven guidelines is the extent to which the sentence enhancements in the current guidelines represent an inefficient use of resources. At the same time as financial analysis is undertaken to reinvest in reentry, consideration should be given to the reduction or elimination of supervision fees and other costs imposed on offenders that make it more difficult for them to reintegrate.

Endnotes

- * Jonathan Jones is a Graduate Fellow at MassINC. He graduated from the University of Oxford with a BA in Philosophy, Politics, and Economics and has previously worked as a researcher for *The Spectator* and as a Parliamentary Aid in the UK.
- 1 For a summary of the application of these principles, see Devon Polaschek. “An Appraisal of the Risk–Need–Responsivity (RNR) Model of Offender Rehabilitation and its Application in Correctional Treatment.” *Legal and Criminological Psychology* 17.1 (2012).
 - 2 MassINC estimated repeat offenders using estimated incarceration rates and the distribution of offenders into criminal history groups. The full methodology for these estimates and the associated cost estimates is available online at www.massinc.org.
 - 3 Daniel Nagin and others. “Life Course Trajectories of Different Types of Offenders.” *Criminology* 33.1 (1995).
 - 4 Massachusetts Department of Correction. “Frequently Asked Questions about the DOC.” MassINC analysis of “Survey of Sentencing Practices: FY 2013.” (Boston, MA: Executive Office of the Trial Court, 2014).
 - 5 Mark Cohen and others. “Willingness-to-Pay for Crime Control Programs.” *Criminology* 42 (2004).
 - 6 Todd Clear and others. “Coercive Mobility and Crime: A Preliminary Examination of Concentrated Incarceration and Social Disorganization.” *Justice Quarterly* 20.1 (2003); Todd Clear. “The Effects of High Imprisonment Rates on Communities.”

- Crime and Justice* 37.1 (2008); Kevin Drakulich and others. "Instability, Informal Control, and Criminogenic Situations: Community Effects of Returning Prisoners." *Crime, Law and Social Change* 57.5 (2012).
- 7 Michael Ostermann and Joel Caplan. "How Much Do the Crimes Committed by Released Inmates Cost?" *Crime & Delinquency* (2013).
 - 8 "State of Recidivism: The Revolving Doors of America's Prisons." (Washington, DC: Pew Center on the States, 2011).
 - 9 Recidivism rates for state prison releases, excluding technical violations, fell from 35 percent in 2007 to 30 percent in 2010 in Massachusetts. It also important to note these figures for the other states include technical violations. By this measure, Massachusetts's recidivism rate declined by only 7.2 percent. See Gina Papagiorgakis. "Three Year Recidivism Rates: 2010 Release Cohort." (Concord, MA: Massachusetts Department of Correction, 2014); and Ashley Montgomery and Hollie Matthews. "Three Year Recidivism Rates: 2007 Release Cohort." (Concord, MA: Massachusetts Department of Correction, 2012).
 - 10 Anne Morrison Piehl. "From Cell to Street: A Plan to Supervise Inmates After Release." (Boston, MA: MassINC, 2002); Len Engel. "Priorities and Public Safety: Reentry and the Rising Costs of our Corrections System." (Boston, MA: The Boston Foundation, 2009. Benjamin Forman and John Larivee. "Crime, Cost, and Consequences: Is it Time to Get Smart on Crime?" (Boston, MA: MassINC, 2013).
 - 11 Piehl (2002). "Governor's Commission on Criminal Justice Innovation: Final Report." (Boston, MA: Governor's Commission on Criminal Justice Innovation, 2004); Engel (2009); Forman and Larivee (2013).
 - 12 Shawna Andersen. "2013 Annual Statistical Report." (Natick, MA: Massachusetts Parole Board, 2014).
 - 13 "Max Out: The Rise in Prison Inmates Released Without Supervision." (Washington, DC: The Pew Charitable Trusts, 2014).
 - 14 Christopher Lowenkamp and others. "The Risk Principle in Action: What Have We Learned from 13,676 Offenders and 97 correctional programs?" *Crime & Delinquency* 52.1 (2006).
 - 15 Gerald Gaes and Scott Camp. "Unintended Consequences: Experiment Evidence for the Criminogenic Effect of Prison Security Level Placement on Post-Release Recidivism." *Journal of Experimental Criminology* 5(2) (2009).
 - 16 Nicholas Cannata and others. "Prison Population Trends 2014" (Milford, MA: Massachusetts Department of Correction, 2015).
 - 17 Even though all step-down participants come from DOC pre-release facilities, some are not released from pre-release county facilities. In 2013, 15 (25 percent) came out of minimum-security county prisons and another 8 (14 percent) came out of medium-security ones. Rhiana Kohl and Gina Papagiorgakis, "One Year Recidivism Rates: 2013 Step-Down Release Cohort." (Milford, MA: Massachusetts Department of Correction, 2015).
 - 18 Julian Roberts and Orhun Yalincak. "Revisiting Prior Record Enhancement Provisions in State Sentencing Guidelines." *Federal Sentencing Reporter* 26.3 (2014).
 - 19 See "Massachusetts Sentencing Guidelines, Attachment E." <http://www.mass.gov/courts/court-info/trial-court/sent-commission/sentencing-guide-criminal-history-category-gen.html> (accessed December 23, 2015).
 - 20 Amy L. Solomon and others. "Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes." (Washington, DC: Urban Institute, 2008).
 - 21 Gennaro Francis Vito and others. "The Effectiveness of Parole Supervision Use of Propensity Score Matching to Analyze Reincarceration Rates in Kentucky." *Criminal Justice Policy Review* (2015); Bonita Veysey and others. "The Effectiveness of Enhanced Parole Supervision and Community Services: New Jersey's Serious and Violent Offender Reentry Initiative." *The Prison Journal* (2014); Michael Ostermann. "Recidivism and the Propensity to Forgo Parole Release." *Justice Quarterly* 29.4 (2012).
 - 22 Michael Ostermann and Jason Matejkowski. "Exploring the Intersection of Mental Health and Release Status with Recidivism." *Justice Quarterly* 31.4 (2014).
 - 23 Benjamin Steiner and others. "Examining the Effects of Residential Situations and Residential Mobility on Offender Recidivism." *Crime & Delinquency* 61.3 (2015).
 - 24 Valerie Clark. "The Effect of Community Context and Post-Release Housing Placements on Recidivism: Evidence from Minnesota." (St. Paul, MN: Minnesota Department of Corrections, 2015).
 - 25 Christopher Lowenkamp and Edward Latessa. "Increasing the Effectiveness of Correctional Programming through the Risk Principle: Identifying Offenders for Residential Placement." *Criminology & Public Policy* 4.2 (2005).
 - 26 Zachary Hamilton and Christopher Campbell. "Uncommonly Observed: The Impact of New Jersey's Halfway House System." *Criminal Justice and Behavior* 41(11) (2014).
 - 27 Sarah Lageson and Christopher Uggen. "How Work Affects Crime—and Crime Affects Work—Over the Life Course." *Handbook of Life-course Criminology* (New York, NY: Springer, 2013); Kevin Schnepel. "Good Jobs and Recidivism." *University of Sydney Working Paper No. 2014-10* (2014).
 - 28 Erin Valentine and Cindy Redcross. "Transitional Jobs after Release from Prison: Effects on Employment and Recidivism." *IZA Journal of Labor Policy* 4.1 (2015).
 - 29 Le'Ann Duran and others. "Integrated Reentry and Employment Strategies." (New York, NY: Council of State Governments, 2013).
 - 30 Stewart D'Alessio and others. "Last Hired, First Fired: The Effect of the Unemployment Rate on the Probability of Repeat Offending." *American Journal of Criminal Justice* 39.1 (2014).
 - 31 Devah Pager. "The Mark of a Criminal Record." *American Journal of Sociology* 108.5 (2003).
 - 32 "The Consideration of Criminal Records in Occupational Licensing." (New York, NY: Council of State Governments, 2015).
 - 33 Thomas Hanlon and others. "The Relative Effects of Three Approaches to the Parole Supervision of Narcotic Addicts and Cocaine Abusers." *The Prison Journal* 79.2 (1999).
 - 34 Eric Grommon and others. "A Randomized Trial of a Multimodal Community-Based Prisoner Reentry Program Emphasizing Substance Abuse Treatment." *Journal of Offender Rehabilitation* 52.4 (2013).
 - 35 Robert Schwartz and others. "Interim Methadone Treatment: Impact on Arrests." *Drug and Alcohol Dependence* 103.3 (2009).
 - 36 Joshua Lee and others. "Opioid Treatment at Release from Jail Using Extended Release Naltrexone." *Addiction* 110.6 (2015). Elizabeth Harris and others. "Criminal Charges Prior to and After Initiation of Office-Based Buprenorphine Treatment." *Substance Abuse Treatment and Prevention Policy* 7 (2012); Stephen Magura and others. "Buprenorphine and Methadone Maintenance in Jail and Post-Release: A Randomized Clinical Trial." *Drug and Alcohol Dependence* 99.1 (2009).
 - 37 Gregory Theurer and David Lovell. "Recidivism of Offenders with Mental Illness Released from Prison to an Intensive Community Treatment Program." *Journal of Offender Rehabilitation* 47.4 (2008).

- 38 Cynthia Burke and Sandy Keaton. "San Diego County's Connections Program: Board of Corrections Final Report." (San Diego, CA: San Diego Association of Governments, 2004).
- 39 Stanley Sacks. "Randomized Trial of a Reentry Modified Therapeutic Community for Offenders with Co-Occurring Disorders." *Journal of Substance Abuse Treatment* 42.3 (2012).
- 40 Pamela Lattimore and Christy Visser. "The Multisite Evaluation of SVORI: Summary and Synthesis." (Research Triangle Park, NC: RTI International, 2009).
- 41 Shawn Bauldry and others. "Mentoring Formerly Incarcerated Adults: Insights from the Ready4Work Reentry Initiative." (Philadelphia, PA: Public/Private Ventures, 2009).
- 42 Brooke Lenington. "Kansas Prisons Need Mentors for Inmates." *KSNT.com* (September 30, 2015).
- 43 Council of State Governments Justice Center. "Reducing Recidivism: States Deliver Results." (New York, NY: Council of State Governments Justice Center, 2014).
- 44 Elizabeth Drake and others. "Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State." *Victims & Offenders* 4(2) (2009).
- 45 Pew Center on the States. "State of Recidivism: The Revolving Door of America's Prisons" (Washington, DC: The Pew Charitable Trusts, 2011); Don Andrews and others. "Does Correctional Treatment Work: A Clinically Relevant and Psychologically Informed Meta-analysis." *Criminology* 28(3) (1990).
- 46 For an excellent review of these initiatives, see Nancy LaVigne and others. "Justice Reinvestment Initiative: State Assessment Report." (Washington, DC: Urban Institute, 2014).
- 47 Grant Duwe, "Evaluating the Minnesota Comprehensive Offender Reentry Plan (MCORP): Results from a Randomized Experiment." *Justice Quarterly* 29(3) (2012); Grant Duwe. "An Evaluation of the Minnesota Comprehensive Offender Reentry Plan (MCORP) Pilot Project: Final Report." (St Paul, MN: Minnesota Department of Corrections, 2013).
- 48 "Prisoner Reentry: The Michigan Prisoner Reentry Model." (Lansing, MI: Michigan Department of Corrections, 2012).
- 49 "Michigan Prisoner Reentry: A Success Story." (Lansing, MI: Michigan Department of Corrections, undated).
- 50 "Executive Budget: Fiscal Year 2008" (Lansing, MI: State of Michigan, Office of the Governor, 2007); "Overall Cuts to 2016 Corrections Budget Impacts Some Community-Based Programs." (Lansing, MI: Michigan League for Public Policy, 2015).
- 51 John Roman and others. "Impact and Cost-Benefit Analysis of the Maryland Reentry Partnership Initiative." (Washington, DC: Urban Institute, 2007).
- 52 Gary C. Maynard, "Task Force on Prisoner Reentry: Final Report." (Towson, MD: Department of Public Safety and Correctional Services, 2011).
- 53 "Justice Reinvestment Coordinating Council: Final Report." (Baltimore, MD: Governor's Office of Crime Control and Prevention, 2015).
- 54 Arkansas Act 570 (2011).
- 55 Sheila Sharp. "Annual Report: Fiscal Year 2014." (Little Rock, AR: Arkansas Community Correction); Arkansas Act 1380 (2013).
- 56 Sheila Sharp. "Annual Report: Fiscal Year 2013." (Little Rock, AR: Arkansas Community Correction).
- 57 Hawaii HB 2515 (2012) and Hawaii SB 2776 (2012).
- 58 LaVigne and others (2014).
- 59 Rui Kaneya. "What's Happening to Hawaii's Push for Criminal Justice Reform?" *Honolulu Civil Beat* (August 17, 2015).
- 60 "South Dakota's 2013 Criminal Justice Initiative." (Philadelphia, PA: The Pew Charitable Trusts, 2013).
- 61 "Pay For Success Program Launches." (Sacramento, CA: Board of State and Community Corrections, 2015).
- 62 "Massachusetts Launches Landmark Initiative to Reduce Recidivism Among At-Risk Youth" (Boston, MA: Massachusetts Executive Department, 2014); "Case Study: Preparing for a Pay for Success Opportunity." (Boston, MA: Third Sector Capital Partners, 2013).
- 63 "Investing in What Works: 'Pay for Success' in New York State: Increasing Employment and Improving Public Safety: Detailed Project Summary." (Albany, NY: New York State Division of the Budget, 2014).
- 64 State of Oklahoma Office of Enterprise and Management Services, Solicitation 0900000190.
- 65 Automated System Query (North Carolina Department of Public Safety, Office of Research and Planning).
- 66 Ohio Department of Rehabilitation and Correction. "Monthly Fact Sheets."
- 67 "Annual Report 2014." (Oklahoma City, OK: Oklahoma Department of Corrections, 2015).
- 68 "Releases from SCDC Base Population: Fiscal Years 2011 - 2015." (Columbia, SC: South Carolina Department of Corrections, 2015).
- 69 "Mandatory Reentry Supervision: Evaluating the Kentucky Experience.0" (Philadelphia, PA: The Pew Charitable Trusts, 2014).
- 70 Yan Zhang and others. "Indeterminate and Determinate Sentencing Models: A State-Specific Analysis of Their Effects on Recidivism." *Crime and Delinquency* (2009).
- 71 Ilyana Kuziemko. "How Should Inmates be Released from Prison?" *The Quarterly Journal of Economics* 128.1 (2013).
- 72 Pamela Casey and others. "Using Offender Risk and Needs Assessment Information at Sentencing." (Williamsburg, VA: National Center of State Courts, 2011).
- 73 Shawn Bushway and Robert Apel. "A Signaling Perspective on Employment Based Reentry Programming." *Criminology & Public Policy* 11.1 (2012).

ABOUT MASSINC

MassINC is an independent think tank. We use nonpartisan research, civic journalism, and public forums to stimulate debate and shape public policy. Our mission is to promote a public agenda for the middle class and to help all citizens achieve the American Dream.

ABOUT THE MASSACHUSETTS CRIMINAL JUSTICE REFORM COALITION

Established in 2013, the Massachusetts Criminal Justice Reform Coalition is a diverse group of prosecutors and corrections practitioners, defense lawyers, community organizers, and businessmen and women who find common ground in the need for corrections reform in Massachusetts. The coalition sponsors research, convenes civic leaders, and promotes public dialogue to move the Commonwealth toward data-driven criminal justice policymaking and practice.

ACKNOWLEDGMENTS

MassINC would like to express gratitude to the Hyams Foundation for providing the grant funding that enabled this research. We also acknowledge the Shaw Foundation, the Public Welfare Foundation, the Boston Foundation, and individual donors for generously supporting the Massachusetts Criminal Justice Reform Coalition.

This paper is one in a series of policy briefs examining Justice Reinvestment in Massachusetts. Each paper explores critical issues in our criminal justice system and opportunities to improve public safety through evidence-based change in policy and practice.

**Massachusetts Criminal
Justice Reform Coalition**

MassINC
RESEARCH. JOURNALISM. CIVIC LIFE.

11 Beacon Street, Suite 500
Boston, MA 02108

www.massinc.org