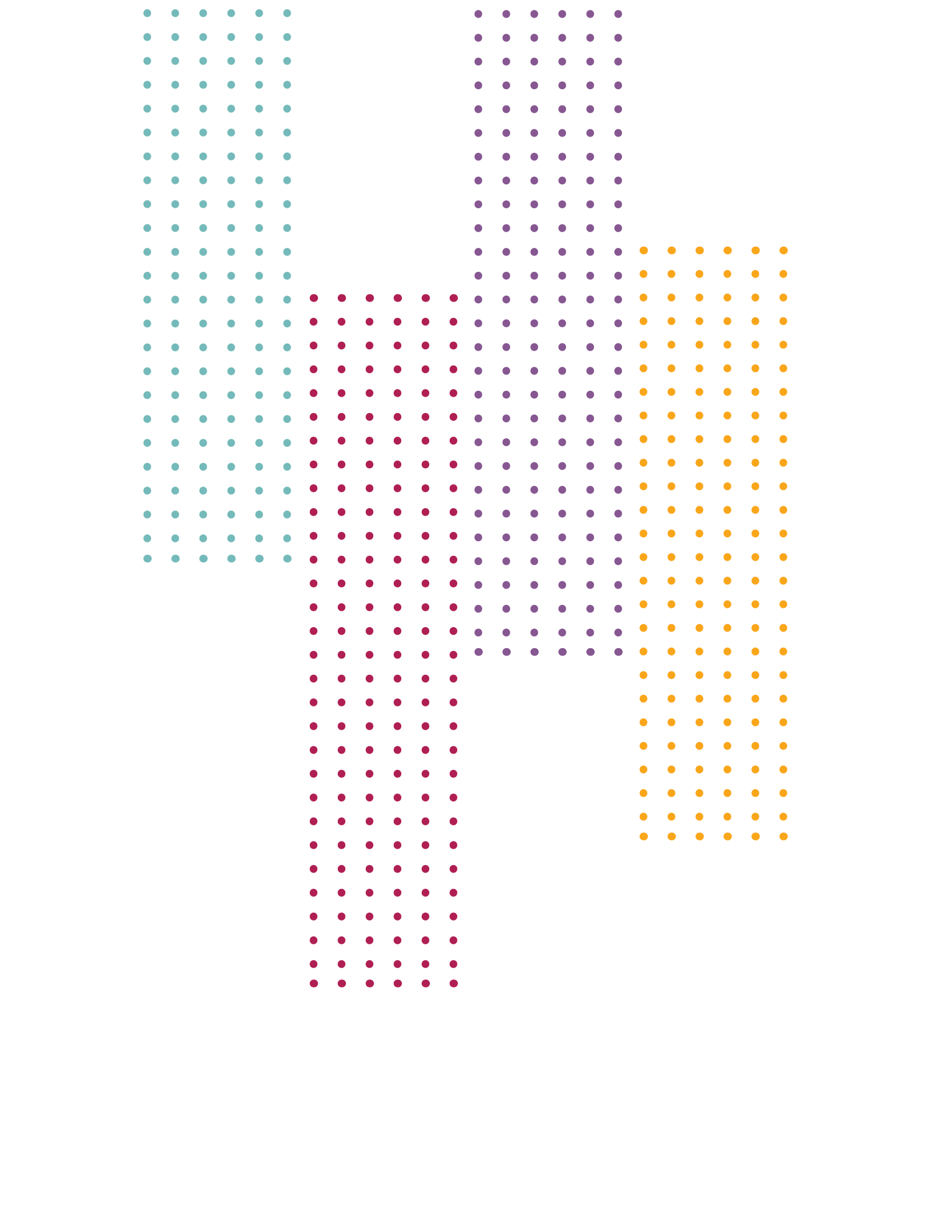
Criminal Justice Reform in Massachusetts

A FIVE-YEAR PROGRESS ASSESSMENT

JANUARY 2024

MassINC BOSTON INDICATORS



By Ben Forman and Elise Rapoza, MassINC;
and Peter Ciurczak and Luc Schuster, Boston Indicators

Edited by Sandy Kendall, The Boston Foundation

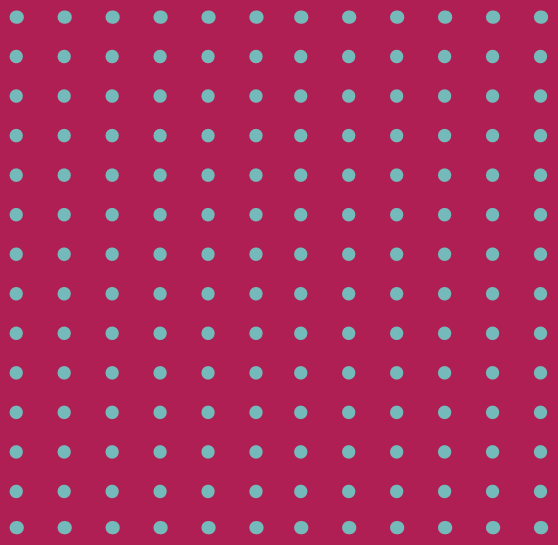
About Boston Indicators

Boston Indicators is the research center at the Boston Foundation, which works to advance a thriving Greater Boston for all residents across all neighborhoods. We do this by analyzing key indicators of well-being and by researching promising ideas for making our city more prosperous, equitable and just. To ensure that our work informs active efforts to improve our city, we work in deep partnership with community groups, civic leaders and Boston's civic data community to produce special reports and host public convenings.

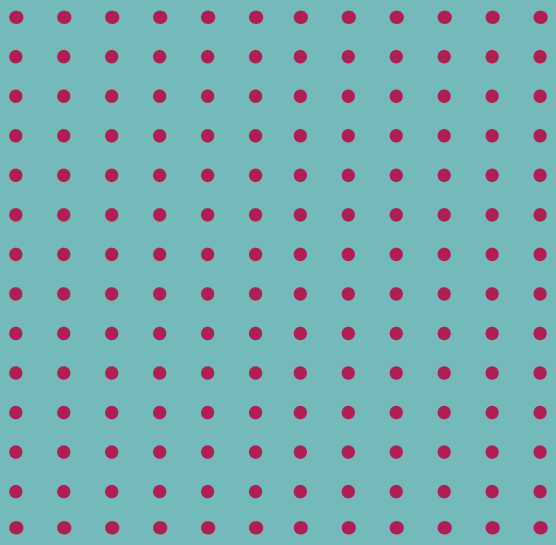
About the Massachusetts Institute for a New Commonwealth - MassINC:

Founded in 1996, MassINC's mission is to make Massachusetts a place of civic vitality and inclusive economic opportunity by providing residents with the non-partisan research, reporting, analysis, and civic engagement necessary to understand policy choices, inform decision making, and hold the government accountable.

Table of Contents



Introduction and Executive Summary



Five years have elapsed since Massachusetts passed landmark criminal justice reform legislation that sought to reduce repeat offending, move those with mental illness and substance use disorder from prisons and jails to treatment, and close stark racial disparities in incarceration. COVID-19 marred the post-reform period in a manner that the drafters could never have envisioned. Disentangling the impact of criminal justice reform from the pandemic disruption requires far better data than is currently available. However, we can unpack basic trends and contrast changes in Massachusetts with other states to gain a high-level understanding of what reform accomplished, and that's what we attempt in this report.

Our research provides suggestive evidence that the Commonwealth is on the right course. Massachusetts has cut its incarceration rate by almost half over the past decade, with particularly steep declines since 2018. As incarceration fell, the legislature increased investment in crime prevention, treatment, and reentry support. This recipe seems to be working. Now, the state's incarceration rate is not only the lowest in the country, but another order of magnitude below the US average. Crime has declined in Massachusetts relative to the nation, and our cities have mostly avoided the sharp spikes in both property and violent crime that have severely challenged others in recent years.

Changes in criminal justice practices that occurred over the 2010s—culminating in the 2018 reform legislation—appear to have put us on a course toward safer and more resilient communities. A 2016 MassINC-Boston Indicators report mapping the heavy cost of high incarceration rates on neighborhoods throughout the city of Boston exposed the need for a dramatically different approach.[1] Documenting the transition to new models is critical given the public safety implications, and the broader ramifications for individual well-being, community economic development, and racial justice.

Capturing and recognizing the change that has occurred is also vital for the field. From police departments to the courts and correctional agencies, the achievements of Massachusetts belong not just to legislators, but also workers on the front lines who have provided leadership and personal sacrifice to implement the many changes during the incredibly challenging pandemic. Public perception of crime and criminal justice issues has long been susceptible to false narratives. With many social issues generating fear in society, we need conscientious efforts to make as much reliable information on criminal justice reform available to the public as possible. Undercutting vital workers and leaders in law enforcement, the courts, and corrections with false narratives would seriously undermine progress.

Taking stock of criminal justice reform is also critical because much work remains to remedy large racial disparities, build community capacity to offer robust alternatives to incarceration, counter gun violence, and repair the economic harms of mass incarceration. With the state facing increasing fiscal pressures, meeting these needs will likely be more difficult in the coming years.

The report is organized into the following four sections:

PART 1:
A Primer on Massachusetts Criminal Justice Reform Since 2010 details the various Massachusetts efforts at criminal justice reform that began in 2010. While Massachusetts was slow to participate in the federal government's formal Justice Reinvestment Initiative (JRI), state leaders took some independent steps to move away from "tough-on-crime" approaches beginning with legislation passed under Governor Deval Patrick in 2010. In 2015, the state began participating in the more formal JRI process, culminating with the passage of a pair of major reform laws in 2018.

Key features of these 2018 reform laws include:

- Decriminalization of minor offenses;
- Expanded diversion provisions for juveniles and adults with behavioral health challenges;
- Reforms to pretrial detention;
- Sentence-length reductions for drug crimes (coupled with some sentence-length increases for drug and other crimes);
- More stringent restrictive housing (solitary confinement) regulations;
- Provisions for medical release;
- Increased good time for program completion; and
- Improved data collection and transparency requirements.

PART 2:
Evaluating Crime and Criminal Justice Trends
Post-Reform analyzes trends in crime, arrests, arraignments, convictions, and incarceration both before and after the passage of the Criminal Justice Reform Act (CJRA) in April of 2018.

Key findings from this section include:

- Over the past 10 years, Massachusetts reduced incarceration at more than twice the US average rate, with outsized gains occurring since 2018.
- Incarceration rates in Massachusetts fell faster than the national average for all races post-reform, but the rate of decline was sharper for White residents.
- With the notable exception of 2022, Massachusetts saw both property and violent crime fall steadily after 2018 relative to the nation.
- Convictions and sentences for drug-related offenses have decreased substantially since the passage of the CJRA. The number of convictions under mandatory minimum drug statutes has fallen by nearly half. Pre-reform, the state was sentencing defendants to over 6,100 person-years of incarceration annually. This fell to around 4,300 person-years in the post-reform period. However, this finding should be interpreted with caution as cases remain backlogged due to the pandemic disruption.
- Commitments to houses of correction are falling faster than those to state prisons; reductions in the sentenced population exceed declines in the state's pretrial population.
- Reductions in the number of emerging adults incarcerated have far outpaced declines in the overall adult correctional population, and the female correctional population is generally falling at a faster rate than the male population.
- The share of Department of Correction (DOC) inmates returning to the community with supervised release has risen dramatically. However, the DOC continues to release large numbers of inmates directly from maximum-security to the community.

PART 3:
Evaluating Investment Trends in Treatment, Rehabilitation and Community Economic Development
Post-2018 examines correctional expenditure and reinvestment trends to evaluate the degree to which Massachusetts has reallocated (or increased) resources for crime prevention and treatment.

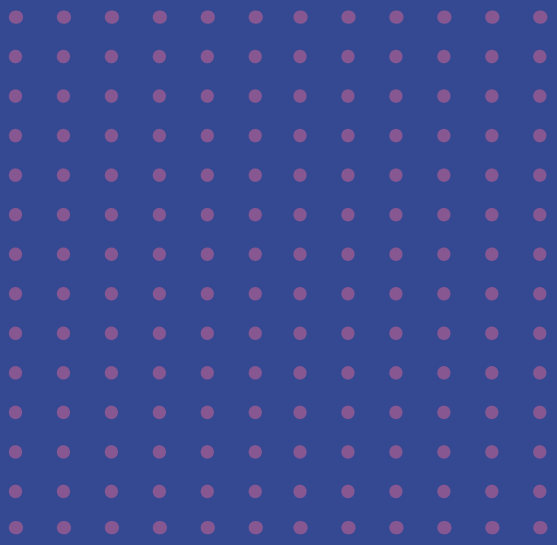
Key findings from this section include:

- Between FY 2019 and FY 2023, inflation-adjusted spending at the DOC and sheriff's departments fell by about 3 percent. We cannot say that this moderate spending reduction meets the expectations of the CJRA, as there was no formal plan on the reinvestment side. But this reduction does represent considerable moderation in correctional spending, especially at a time when the entire state budget grew by nearly 20 percent, after accounting for inflation. Due to declining populations, average costs per inmate did rise significantly for sheriff's departments and for the Department of Corrections.
- The legislature has made notable investments in correctional operations to increase access to treatment and reduce recidivism since reform. They include $20 million annually for medication-assisted treatment for substance use disorder at county correctional facilities, a one-time $20 million appropriation to shift to a no-cost phone call policy at both DOC facilities and county Houses of Correction (HOC), and $33 million annually for reentry services.
- Less positive is the fact that the total number of state-operated or contracted inpatient continuing care beds has remained flat over the last decade at around 660 adult beds and 30 youth beds, albeit with a recent increase late in 2023.
- Massachusetts has increased spending on crime prevention and community economic development in high incarceration rate communities by almost $50 million per year since 2018.

PART 4:
Doubling Down on Early Success based on what we've learned about what has happened since 2010, we offer five recommendations that could lead to an even more effective, fair, and equitable criminal justice system in Massachusetts.

These five recommendations are:

1. Fully implement the data and transparency provisions of the 2018 reform law with a deeper commitment to evaluation and unearthing the root causes of racial disparities.
2. Increase continuing care and community-based treatment capacity.
3. Maintain investments in residential reentry and address unmet housing needs for emerging adults.
4. Build sustainable capacity for community reinvestment and restorative justice.
5. Prepare a correctional facilities master plan that confronts lingering issues that have major implications for criminal justice reform and public safety in the Commonwealth.



PART 1:

A Primer on Massachusetts Criminal Justice Reform Since 2010

Interpreting changes in the state's criminal justice system since 2018 requires both a thorough understanding of the 2018 reform laws and the events leading up to their passage. While this paper cannot catalog all the consequential developments that unfolded over the past decade, a brief review of major moments will help orient readers who are new to the topic and refresh those with more expertise.

The Evolution of the Criminal Justice Reform Movement in the United States

In response to the dramatic rise in incarceration that occurred over the 1980s and 1990s, states around the country started looking for ways to reduce incarceration in the early 2000s. Some came to this work motivated to address increasingly stark racial disparities. But it is fair to say that others approached it reluctantly. Overcrowded and dangerous prison conditions were leading to repeated lawsuits, and the cost of building and operating a growing number of facilities was becoming extremely onerous. But there was also increasing consensus among academics and policy experts that mass incarceration was becoming a public safety problem.

While prison expansion during the previous decades had helped bring down crime (specifically property crime), the overuse of incarceration as a means of controlling crime was destabilizing to urban communities.[2] Noting that taxpayers were spending over $1 million per year incarcerating residents from a single block in New York City, reform advocates called for "justice reinvestment" through decarceration and alternative investments in health services, job training, and economic development.[3]

Using this term, the US Department of Justice and Pew Charitable Trusts launched a formal Justice Reinvestment Initiative (JRI) in 2007. Participating states assembled a bipartisan leadership group to review their criminal justice system and craft reform legislation. By 2010, a dozen states had gone through this process and enacted reform legislation.[4]

The Road to Criminal Justice Reform in Massachusetts

While Massachusetts was slow to participate in the federal JRI process, the Commonwealth began taking its own tentative steps to move away from "tough-on-crime" policies. The opening move came in 2010, when Governor Deval Patrick signed compromise legislation reducing some sentence length rules for the first time in 30 years. The package made county inmates serving mandatory minimum sentences for drug crimes eligible for parole after completing half their term. The law also included "ban the box" provisions making it illegal to ask about criminal history on an initial application for employment. And, for those who do not reoffend, it reduced the time span before convictions could be sealed—from 15 to 10 years for a felony and 10 to 5 years for a misdemeanor. At the same time, it made criminal records easier to access electronically.[5]

With the passage of Melissa's Law in 2012, the legislature fashioned another set of compromises. The law included a tough-on-crime "three strikes" provision, requiring life without parole for offenders who commit a third serious violent crime. However, the law also increased earned good time and reduced mandatory minimums for certain drug offenses. But notably, there was no consensus on whether the Melissa's Law provisions would increase or decrease the state's prison population over time. Passage of a major piece of legislation without a rigorous assessment was at odds with reform laws in JRI states, which typically required an impact analysis before significant alterations to corrections policy could be adopted.

While lawmakers paused on additional reform legislation, considerable change was taking shape in criminal justice agencies. Leveraging grants from the state Department of Mental Health, police departments across the Commonwealth were creating crisis intervention teams and co-response models to divert those with substance use and mental health disorders from the criminal justice system. After a major scandal led to the removal of the commissioner of probation, the Massachusetts Probation Service's leadership was replaced with reform-oriented managers. The culture of probation steadily changed from enforcement to providing case management and treatment

services, an evolution also driven by the trial court. While Massachusetts had been operating drug courts since the 1990s, judges continued to refine their practices, drawing on a growing drug treatment evidence-base and the increasing acceptance of medication-assisted treatment, including methadone, Suboxone, and Vivitrol.[6]

Progressive lobbying also began to have an impact. Sheriffs were under mounting pressure from constituents to provide more programming and treatment. In 2016, the ACLU launched the "What a Difference a DA Makes" campaign to elect progressive prosecutors across the state.

Advocates were particularly aggressive in forcing change in the juvenile and young adult space, where tough-on-crime was at its most destructive. Massachusetts was an early leader in adopting forward-thinking approaches to juvenile delinquency. Through the Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI), the state reduced the number of youth awaiting trial in detention by more than 60 percent between 2004 and 2013. Instead of keeping those committed to its custody in prison-like facilities, the Department of Youth Services created smaller therapeutic communities and structured care around positive youth development models.

Led by organizations like ROCA and UTEC, there were also considerable efforts to invest in prevention models for "proven-risk" youth through the Safe and Successful Youth Initiative. Created in 2011, the program funded street worker outreach, counseling, educational services, and transitional employment to youth ages 18 to 24 who have committed crimes with a gun or a knife, or who have been victimized by violent crime and may be likely to retaliate.

With more and more states undertaking the formal JRI process, Massachusetts finally succumbed to the pressure from advocates (and internally from Chief Justice Ralph Gants) to participate in 2015. However, Governor Charlie Baker limited the state's engagement to a narrow focus on recidivism. Concerned by this limited scope, progressive legislators did not wait for the JRI process to unfold. They filed numerous reform bills, including justice reinvestment legislation with a mechanism to direct savings from declining prison populations to community investment.

The Size, Scope, and Significance of the 2018 Reform Laws

When Governor Baker signed reform legislation in April 2018, he actually approved two major packages at once: the 16-page *Act Implementing the Joint Recommendations of the Massachusetts Criminal Justice Review* (CJR), which was the product of the JRI process, and the 89-page *Act Relative to Criminal Justice Reform* (CJRA), a more expansive bill containing many of the reforms sought by progressive legislators, along with compromises necessary to obtain them.

With the dual CJRA and CJR bills, Massachusetts decriminalized low-level offenses and diverted those committing these crimes from the criminal legal system; overhauled pretrial detention to prevent defendants from spending unnecessary time in prison or jail; reformed drug sentencing to direct resources toward offenders engaged in trafficking opiates; provided for medical release; introduced new regulations for restrictive housing; made changes to reentry and other practices to reduce recidivism; and greatly enhanced data collection and transparency. It also created several commissions to examine unresolved issues and monitor implementation.

Some changes were more meaningful than others, and the state has yet to feel the full impact of several that have not been completely implemented and/or will require additional time to take hold, but there is no question that together they sought to bring about systemic change. Below we summarize the most notable provisions.

DECRIMINALIZATION AND DIVERSION

Advances in criminology have led to an increasing understanding that incarceration can have criminogenic effects. In other words, those who spend time in prisons and jails are more likely to enter a cycle of repeat offending.[7] The CJRA sought to prevent this from occurring by decriminalizing some juvenile public order offenses, reducing penalties for low-level drug offenses, and providing more opportunities for diversion to treatment and other rehabilitative programs.

In addition, the CJRA increased the age of juvenile court jurisdiction so that children under age 12 could no longer be arrested, prosecuted, and confined. For children between the ages of 12 and 18, it decriminalized both civil infractions and first offense misdemeanors. The law also created a formal pre-arraignment diversion process.

Adults also received the ability to seek pre-arraignment diversion for minor offenses. Prior to reform, a large number of adult incarcerations involved motor vehicle infractions. The law sought to prevent these commitments by no longer suspending driver's licenses upon failure to appear for court hearings or for non-payment of child support, when the warning notice is undeliverable due to a bad address.

PRETRIAL DETENTION

Housing, feeding, and providing security for detainees awaiting trial is expensive, and there are also large "collateral consequences." Defendants held in jail for even a few days often lose their jobs, their housing, and sometimes even their children. While incarcerated and awaiting trial, few detainees receive treatment services that they may urgently need to address underlying behavioral health conditions. Pretrial detention makes it more likely that defendants will enter a guilty plea, which contributes to racial disparities in convictions, since people of color have been held awaiting trial in jail at higher rates historically.

In response to these issues, the CJRA required judges to consider financial capability when setting bail and provide written findings that the benefits of detention outweigh the harm when bail exceeds an individual's ability to pay. The practical effect of this change was somewhat limited because it essentially codified a 2017 Supreme Judicial Court ruling.[8]

Another provision in the law allowed judges to require defendants to regularly report to the Probation Service's community corrections facilities as a condition of pretrial release for those deemed high risk after a dangerousness hearing. This offered a more restrictive option than release on recognizance or electronic monitoring. Defendants could also voluntarily make use of one of the 18 community corrections centers (which have since been renamed Community Justice Support Centers) to access treatment and assistance. The Probation Service has implemented this by creating a new Deputy Commissioner of Pretrial Services among other new positions, and creating and training officers on new standards for pretrial supervision.

The law created a commission to monitor changes and suggest further improvements to the bail system. The commission's 2019 report concluded that significant improvements to data and reporting systems will be required to determine the effectiveness of these reforms, particularly their impact on racial disparities.[9]

SENTENCE LENGTH REDUCTIONS (AND SOME INCREASES)

The CJRA sought to reduce incarceration for drug offenses by providing judges with discretion when sentencing low-level offenders (beyond marijuana possession, which voters decriminalized through a 2008 ballot initiative). At the same time, the law maintained and introduced new mandatory-minimum sentences for opioid traffickers. More specifically, the law repealed or limited eight mandatory minimums estimated at the time to account for more than 1,000 person-years of incarceration annually (i.e., the minimum sentence length multiplied by the number of annual convictions) and preserved or enhanced opioid mandatory minimums equal to 300 to 400 person-years. These changes were expected to contribute to a reduction in racial disparities as Black and Latino defendants charged with offenses carrying a mandatory minimum have been substantially more likely to be incarcerated and receive longer sentences than White people facing charges carrying mandatory minimum incarceration sentences.[10]

The law also increased penalties for witness intimidation and operating under the influence offenses, and created a new offense of assault and battery on a police officer causing serious bodily injury.

REFORMS OF SOLITARY CONFINEMENT AND RESTRICTIVE HOUSING REGULATIONS

Decades of research show the lasting psychological harm caused by solitary confinement. Most states and the federal government have severely curtailed its use. The CJRA created more humane rules for restrictive housing, including requirements for out-of-cell activities. It also gave prisoners confined to restrictive housing the right to a process to regularly review their placement, and created an oversight board with the powers to access data, prison facilities, and prisoners to report on progress and conditions in restrictive housing.

PROVIDING FOR MEDICAL RELEASE

Prior to CJRA, Massachusetts was one of the few states that did not provide medical parole for aging prisoners who posed no public safety risk due to terminal illness or a debilitating health condition. Medical release can save taxpayers significant resources due to the high cost of providing medical care to these prisoners in correctional settings (i.e., numerous transports to hospitals with multiple correctional officers providing 24/7 security). The law created a process whereby debilitated prisoners, who can find appropriate care in the community, may petition the superintendent or sheriff for medical release. If the prisoner is granted medical release, they are supervised by the parole board, which may re-incarcerate them if they recover unexpectedly.

REENTRY AND RECIDIVISM REDUCTION

In the years leading up to CJRA, approximately two-thirds of the offenders that Massachusetts committed to state and county prisons had been incarcerated previously. The CJRA included changes to reduce high rates of recidivism. It gave those returning to the community a reprieve from probation fees for the first six months, and parole fees for the first year, and clarified the power of the courts to waive fees upon demonstration of financial hardship. Equally important, it made several changes to criminal records sealing processes. The waiting period before adults can petition the court to seal criminal records was further reduced (from 10 to 7 years for felonies and 5 to 3 years for misdemeanors). It required reporting changes to ensure that when state criminal records are sealed or expunged, national fingerprint records are also sealed or expunged.

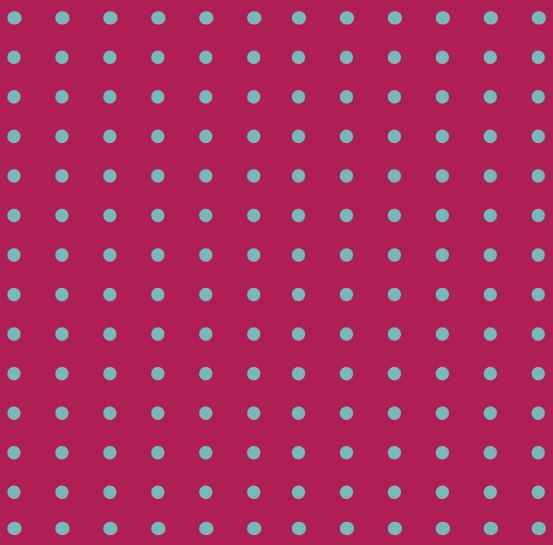
The CJR law sought to reduce recidivism by increasing participation in rehabilitative programming and the number of returning citizens receiving post-release supervision. By reducing the sentence length for good behavior and participating in programs, the law creates an incentive to attend programs and opens up the possibility of parole. The bill also reduced parole and probation terms for those who are performing well under supervision.

DATA COLLECTION AND TRANSPARENCY

The law included provisions requiring criminal justice agencies to create common data standards to collect information on race and ethnicity, convictions and offenses, risk assessment scores, program participation and completion, and time served. In addition, it calls for the creation of a cross-agency tracking system, employing a single common identifier to follow individuals through the system from arrest to release. Using this common identifier, agencies must integrate their records into longitudinal files and make these data available to researchers and the public after removing personally identifiable information. To guide the development of this data infrastructure, the law created a standing Justice Reinvestment Policy Oversight Board. The CJRA also created the Juvenile Justice Policy and Data (JJPAD) Board to evaluate the juvenile justice system policies and procedures and make recommendations to improve outcomes.[11]

PART 2:

Evaluating Crime and Criminal Justice Trends Post-Reform



By comparing pre- and post-reform patterns, in this section we do our best to assess the effectiveness of the legislature's sweeping 2018 reform laws. We start by examining trends in incarceration and crime in Massachusetts relative to the nation overall. Then we analyze each segment of the criminal justice system in Massachusetts. From arrest to release, breaking down changing patterns provides an indication of the policies and practices contributing to less incarceration and crime in the Commonwealth, and points out areas where potential remains to make further progress.

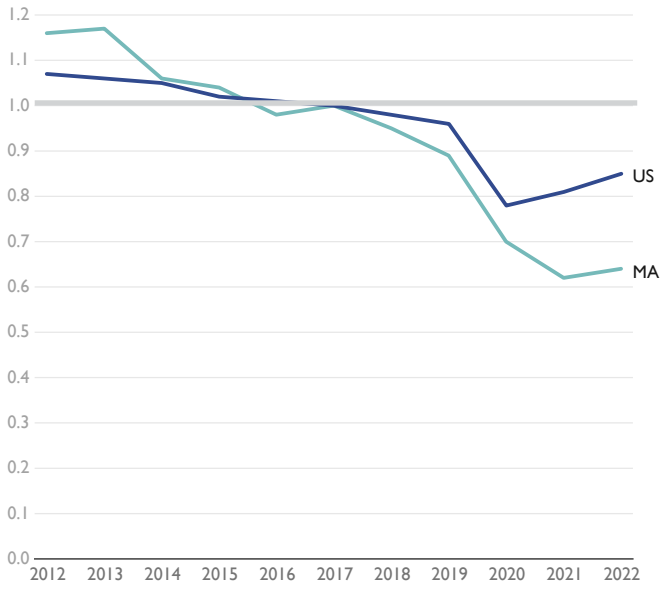
This analytical approach calls for an array of data, including figures on crime, arrests, charges, sentences, and admissions and releases from state and county correctional facilities. We encountered a variety of challenges when analyzing this data, chief among them that the centralized data reporting standards written into the CJRA itself have still not been fully implemented (more on this later). When those are implemented, analyses like these tracking detailed trends in our state's criminal justice system will be far easier. Further, because the data we could get came from disparate sources, quality information was not always available for the full post-reform timeframe through 2022 and into 2023. There are also challenges due to changes in data reporting during the study period. Throughout the text, we are careful to call attention to data limitations where they exist.[12]

Massachusetts Relative to the Nation

Our analysis of a wide range of data suggests strongly that Massachusetts now has less incarceration due to the state's criminal justice reform efforts over the past decade, particularly the passage of comprehensive reform legislation in 2018. Also, over the past decade, the Commonwealth's residents seem to have experienced less crime relative to the nation, especially in the post-reform period. It is difficult to know precisely what share of the reduced incarceration and crime is attributable to changes in public policy and practice. And it is premature to declare complete victory. But the following high-level trends are suggestive of progress due to the state's reform efforts.

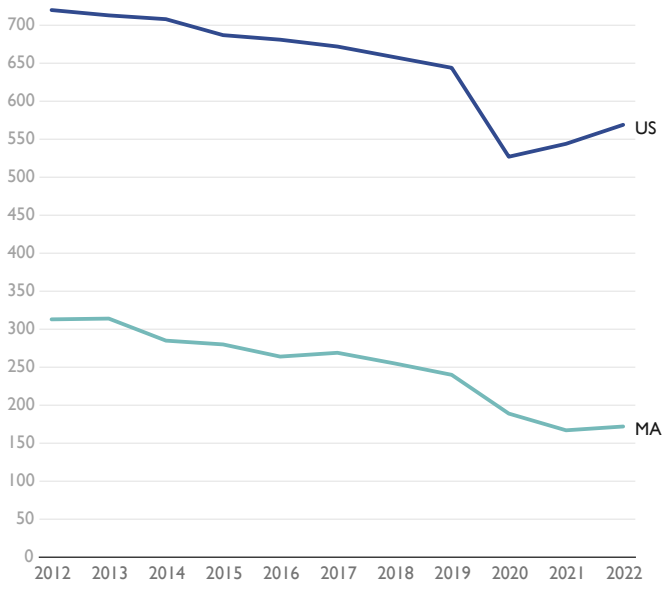
Figure 1: Incarceration rates in the United States versus Massachusetts

Indexed to 2017



Source: US Bureau of Justice Statistics and Massachusetts Executive Office of Public Safety and Security, Cross-Tracking System

Per 100,000 residents



Source: US Bureau of Justice Statistics and Massachusetts Executive Office of Public Safety and Security, Cross-Tracking System

Over the past 10 years, Massachusetts reduced incarceration at more than twice the US average rate, with outsized gains occurring since 2018. Observing the pre- and post-reform trends is important because incarceration in Massachusetts was falling prior to the 2018 legislation. This pre-reform drop was likely due to the generalized decline in crime throughout the country. However, Massachusetts did noticeably pull away from the US between 2012 and 2014. This was probably the result of some combination of the phase-in of the state's 2012 crime bill, as well as 35,000 cases spoiled during this period due to corruption at the state's Hinton Drug Lab. From 2014 to 2017, Massachusetts followed the national trend with modest reductions in incarceration each year. After the 2018 reforms, the Commonwealth departed from the national trend again with a steeper downward trajectory. In 2022, the Massachusetts incarceration rate was 45 percent below 2012 levels compared to a 21 percent drop for the US (**Figure 1**).

This change is especially noteworthy given that Massachusetts's incarceration rate was already less than half the national average in 2012. At 569 incarcerations per 100,000 residents, the US average is now more than three times the incarceration rate in Massachusetts (172 per 100,000).[13]

Incarceration rates in Massachusetts fell faster than the national average for major racial groups post-reform, but the rate of decline was sharper for White residents. As is the case nationwide, in Massachusetts, Black residents have consistently been incarcerated at the highest rates of all racial groups, standing at 721 people per 100,000 residents in 2022 (**Figure 2A**). Asian Americans have by far the lowest rate, at just 16 people per 100,000 residents.[14] Because Asian Americans and Native Americans make up very small shares of the state's prison system (just 1.8 percent combined), we focus most of this report's analyses by race on the three largest groups: White, Latino, and Black residents.

From 2017 to 2021, the White incarceration rate declined by 40 percent in Massachusetts, whereas the Latino incarceration rate fell by 32 percent, and the Black incarceration rate by 21 percent. So, while incarceration rates declined for all racial groups (and all groups declined faster in Massachusetts than the US average), racial disparities actually widened due to the fact that the White rate declined fastest (**Figure 2B**).

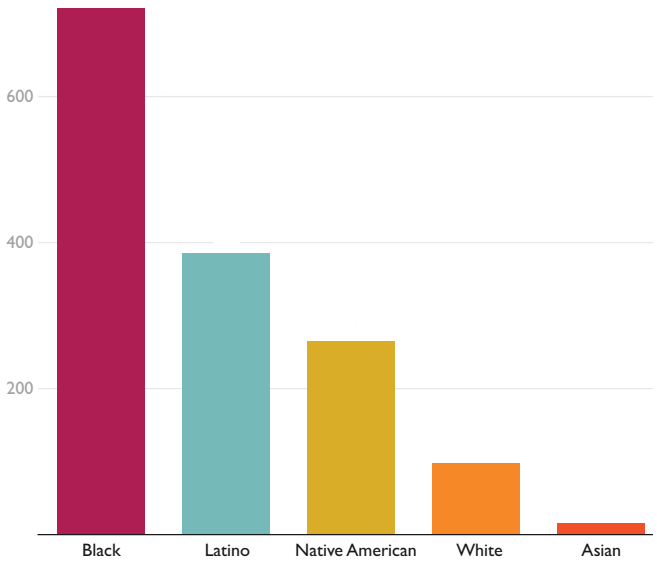
Reducing large racial disparities was a major goal for comprehensive criminal justice reform. While comparable data on incarceration by race and ethnicity by state are only available for 2017 to 2021, this short window still provides a view of relative changes during much of the post-reform period.[15] As of 2021, the White incarceration rate in the US was 3.3 times higher than it was in Massachusetts. In comparison, the US incarceration rate was 2.1 and 1.7 times higher than the Massachusetts incarceration rates for the Black and Latino populations, respectively.

With court operations returning to normal in the pandemic recovery, the state's White incarceration rate has continued to fall. The Black rate has held steady. The Latino incarceration rate, however, has risen noticeably. Closely monitoring these divergent trends is critical, as the persistence of large racial disparities continues to keep the Massachusetts incarceration rate per 100,000 residents elevated far higher than that of most other countries, including Germany (69), Italy (89), France (93), Canada (104), Spain (122), and England (130).[16]

With the notable exception of 2022, Massachusetts saw violent crime fall steadily after 2018 relative to the nation. While violent offenses were not a focal point for the 2018 reforms, the laws could certainly impact these crimes indirectly through the reallocation of public safety resources and/or an offender's perceptions about the system's likely response to their behavior. From 2012 up until

Figure 2A: Incarceration rates in the United States versus Massachusetts by race/ethnicity

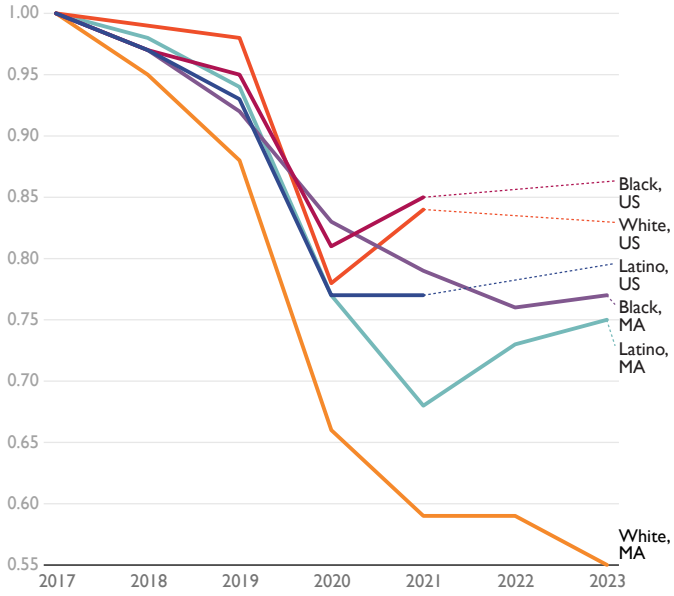
All Reported Races/Ethnicities in Massachusetts, per 100,000 residents, 2022



Source: US Bureau of Justice Statistics and Massachusetts Executive Office of Public Safety and Securit Cross-Tracking System

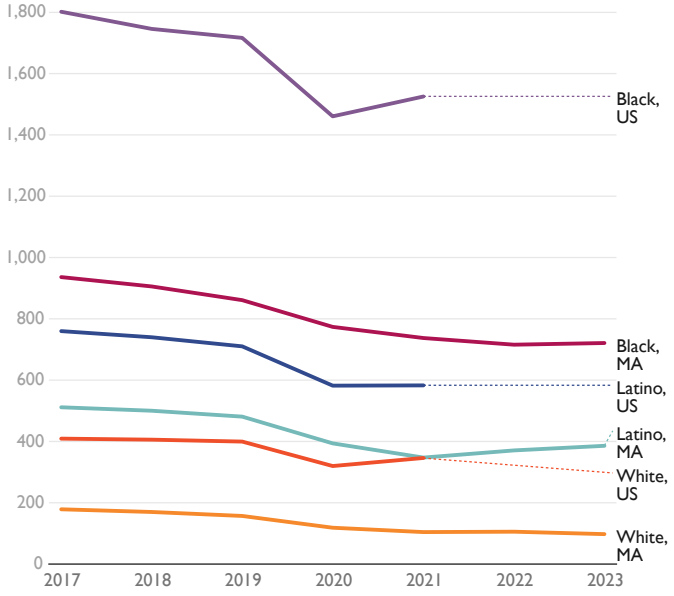
Figure 2B: Incarceration rates in the United States versus Massachusetts by race/ethnicity

Indexed to 2017



Source: US Bureau of Justice Statistics and Massachusetts Executive Office of Public Safety and Security, Cross-Tracking System

Per 100,000 residents



Source: US Bureau of Justice Statistics and Massachusetts Executive Office of Public Safety and Security, Cross-Tracking System

the pandemic, the US had relatively stable rates of violent crime. In contrast, the violent crime rate in Massachusetts fell steadily year after year and continued to decline all the way through 2021 (**Figure 3, p. 14**). While there was a noticeable 7 percent uptick in 2022, the violent crime rate in Massachusetts is still 21 percent lower than in 2012, whereas the national rate is down by just 2 percent. In 2012, Massachusetts's violent crime rate was 5 percent higher than the national average; it now stands 15 percent lower.[17]

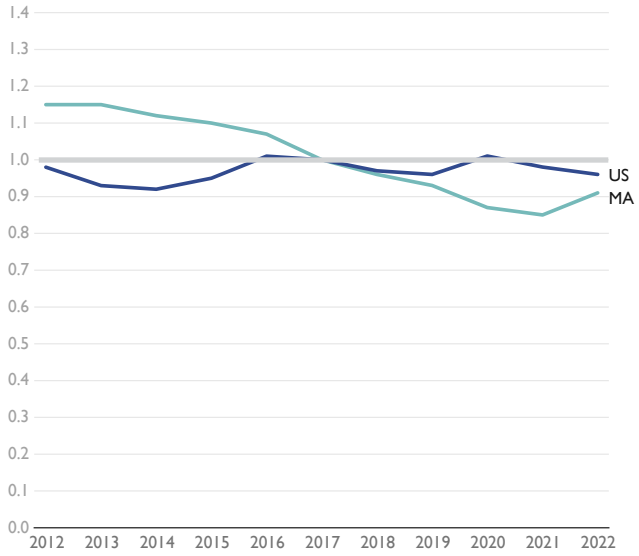
Looking at statewide crime rates can obscure more localized trends, which can be quite different (**Figure 4, p. 15**). The 10 largest cities in Massachusetts have all become safer since 2012. Reductions in violent crime were sharpest between 2012 and 2017. Except for Cambridge and Lowell, violent crime rates stabilized or declined further from 2018 to 2021. However, there was a sharp spike for several cities in 2022, with crime rising by an average of 12 percent across the state's 10 largest cities in a single year. This increase was not uniform—four cities saw declines—but rates rose by more than 20 percent in Cambridge, Lowell, Lynn, and Quincy. While violent crime is down by an average of 22 percent over the entire 10-year period for the largest cities, this recent uptick presents cause for concern.

Homicide is another important measure of violent crime both because of the particularly heavy cost it imparts and because it's a more objective measure that gets more reliably reported across all jurisdictions.[18] Between 2019 and 2020, the US experienced a 29 percent increase in the homicide rate, the largest annual uptick in modern history. And the national homicide rate rose again in 2021. In comparison, Massachusetts's homicide rate increased 17 percent between 2019 and 2020, but then returned to pre-pandemic levels in 2021 and 2022.[19] While more recent state-level data are not published yet, available data for 27 large US cities show that for most of 2023 homicide rates remained 34 percent above 2019 levels.[20] In contrast, homicides in Boston are generally lower through 2023 than in the years just before the pandemic, and well below the average for previous decades.

Taken together, the comparisons between the United States and Massachusetts suggest the state's comprehensive reform program and related reductions in incarceration are not driving increases in violent crime, and they may even be contributing to the long-term trend of steady reductions in violent crime by helping to insulate the Commonwealth from the effects of pandemic related crime increases, up until 2022.

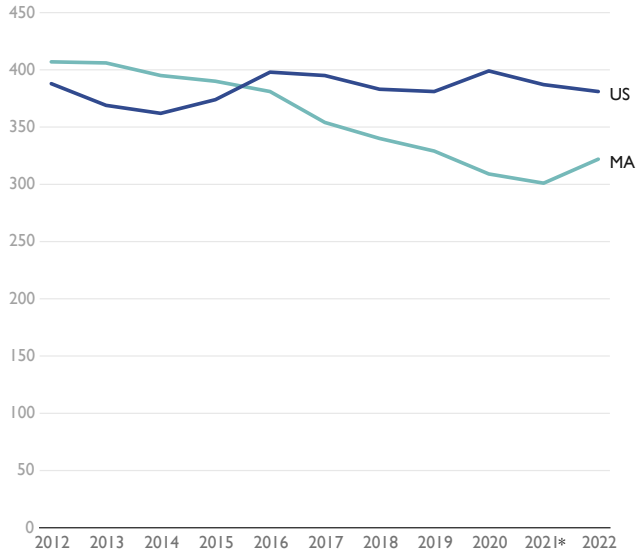
Figure 3: Violent crime rates in the United States versus Massachusetts

Indexed to 2017



* Note: National 2021 data has a significant margin of error due to data quality issues.
Source: FBI Crime Data Explorer

Per 100,000 residents



* Note: National 2021 data has a significant margin of error due to data quality issues.
Source: FBI Crime Data Explorer

The Commonwealth's progress on property crime relative to the US has been even more impressive. In contrast to violent crime, the 2018 laws did make changes that lessen the severity of the criminal justice response to low-level property crime. These reforms do not appear to have led to increased levels of property crime. Nationally, property crime fell by one-third over the past decade, but in Massachusetts, it fell by half, trending down at roughly the same steady pace through 2021 (**Figure 5, p. 16**). It's important to note, however, that both the nation and the Commonwealth experienced the same 7 percent bump in property crime between 2021 and 2022. Even so, while Massachusetts's property crime rate was 75 percent of the national average in 2012, it is now at just 55 percent of the national rate.

In recent years, cities throughout the country have seen a disturbing increase in motor vehicle thefts, including carjackings. However, Boston saw just a 12 percent increase in motor vehicle thefts between 2019 and 2022, compared to 59 percent increase across 30 cities with available data.[21] Boston has also seen a 12 percent increase in shoplifting since the onset of the pandemic. While New York and Los Angeles are struggling with much sharper spikes, the uptick in shoplifting in Boston is average for large cities.[22]

The Impact of CJ Reform in Massachusetts from Arrest to Release

The comparatively large declines in incarceration in Massachusetts merit further investigation to gain an understanding of whether lower crime is largely driving these decreases, or whether they also reflect alternative ways of responding to crime. The data suggest practices in the Massachusetts criminal legal system are changing in a manner that is contributing meaningfully to reduced incarceration in the Commonwealth.

ARRESTS

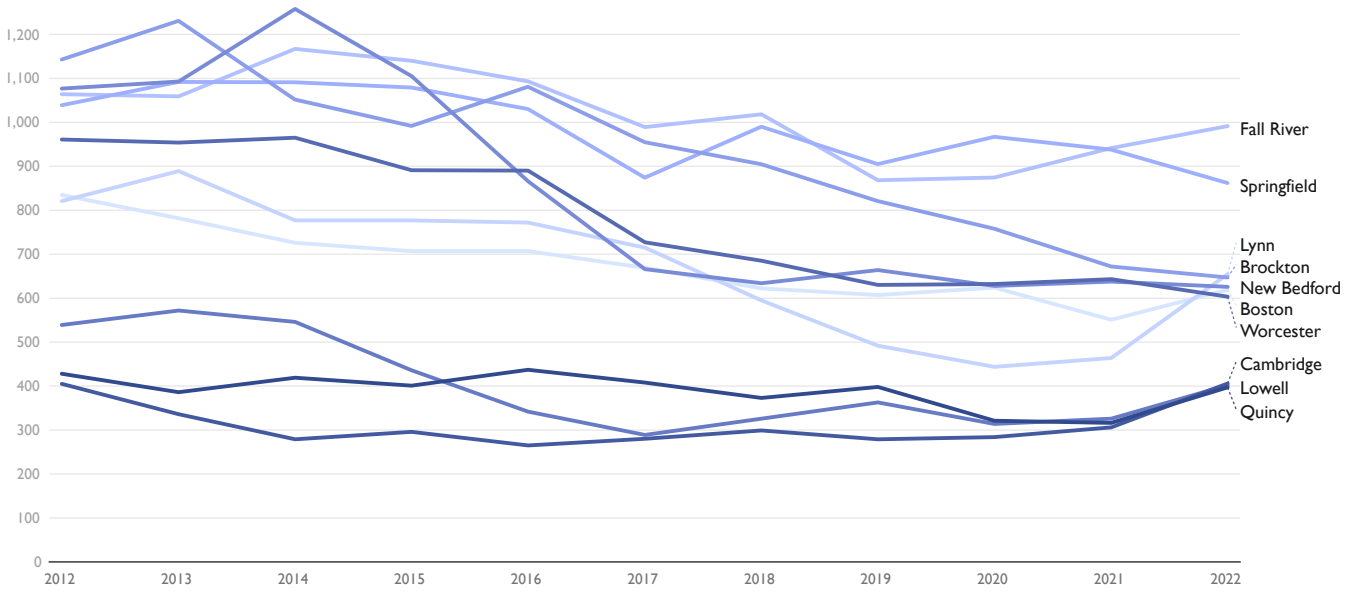
Post-reform, arrest rates in Massachusetts fell faster than crime. Between 2012 and 2017, crime rates in Massachusetts fell by 44 percent, but arrest rates declined at only about half this rate. Post-reform, the lines crossed and arrests began to decline faster than crime. Since 2017, arrests have fallen 31 percent compared to a 22 percent drop in crime (**Figure 6, p. 16**). From substantial data quality issues to officer responses to community concerns about overpolicing–or even simply police understaffing–a variety of factors could explain this pattern. However, lower arrest rates relative to crime levels is consistent with a key objective of the CJRA, which was to divert more individuals from the criminal justice system into treatment and other community supports.[23]

Looking at changes in arrest levels by specific offense can give us a sense of police-led diversion efforts, as diversion from the criminal justice system is more appropriate for some offenses than for others. In the five-year period between 2012 and 2017, arrests for drug crimes fell by just 16 percent. Between 2017 and 2022, they dropped by 47 percent. Similarly, arrests fell twice as fast for more minor (Level B) crimes in the post-reform years (**Figure 7, p. 17**).

Arrest rates fell more sharply for youth in the pre-reform period. Interestingly, arrests for youth under age 18 appear to fall more quickly in the pre-reform period. While the CJRA specfically sought to end arrests of juveniles under age 12, this was relatively rare and Massachusetts had made considerable effort to reduce the criminal justice system's contact with young people in the years leading up to the 2018 reforms. However, this pattern may also reflect the pademic's especially heavy toll on young people in the Commonwealth.

Arrest rates fell faster for all races post-reform, but the rate of decline was sharper for White residents. Arrests among the White population declined by 37 percent from 2017 to 2022, while they dropped by just 20 percent and 14 percent for Black and Latino residents of Massachusetts, respectively.

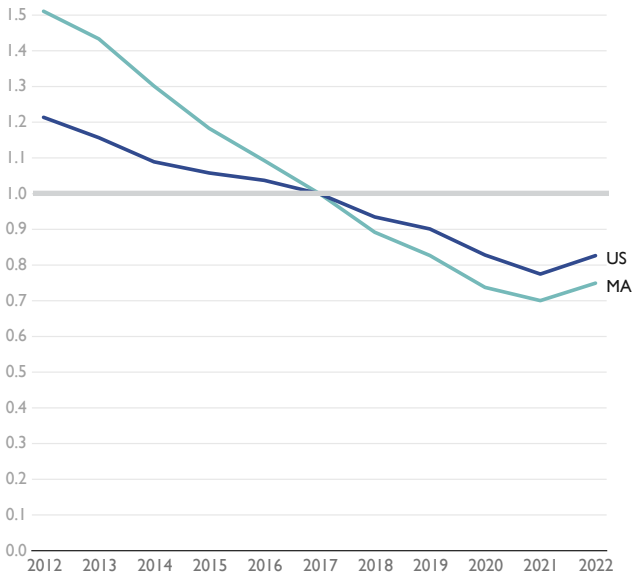
Figure 4: Violent crime rate per 100,000 residents, 10 largest cities in Massachusetts



Source: Kaplan, Jacob. Jacob Kaplan's Concatenated Files: Uniform Crime Reporting Program Data: Offenses Known and Clearances by Arrest (Return A), 1960-2021. Ann Arbor, MI: Inter-university Consortium for Political and Social Research

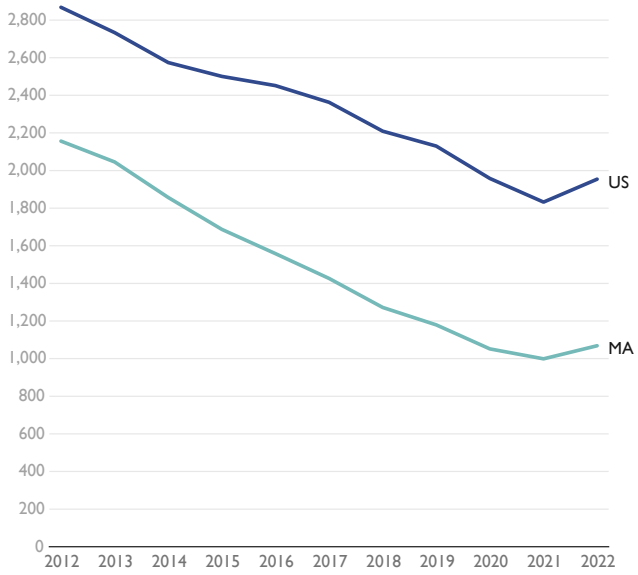
Figure 5: Property crime rates in the United States versus Massachusetts

Indexed to 2017



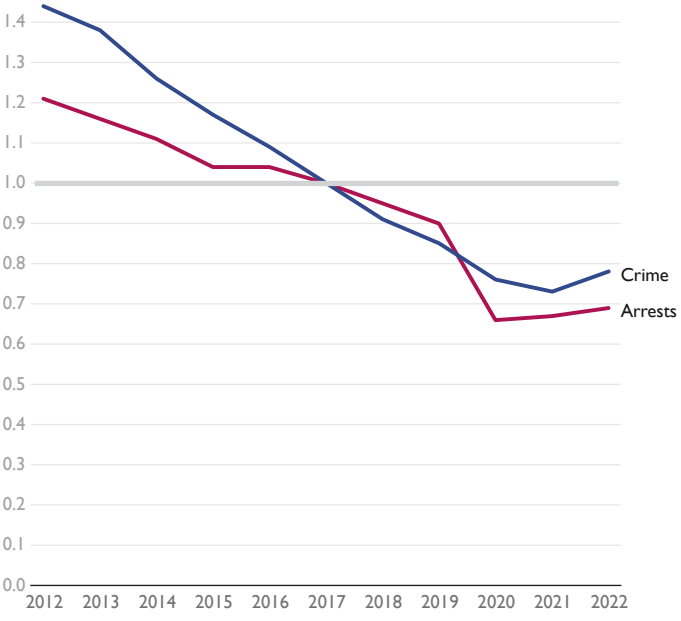
Source: FBI Crime Data Explorer

Per 100,000 residents



Source: FBI Crime Data Explorer

Figure 6: Arrest rates in Massachusetts relative to crime rates, indexed to 2017



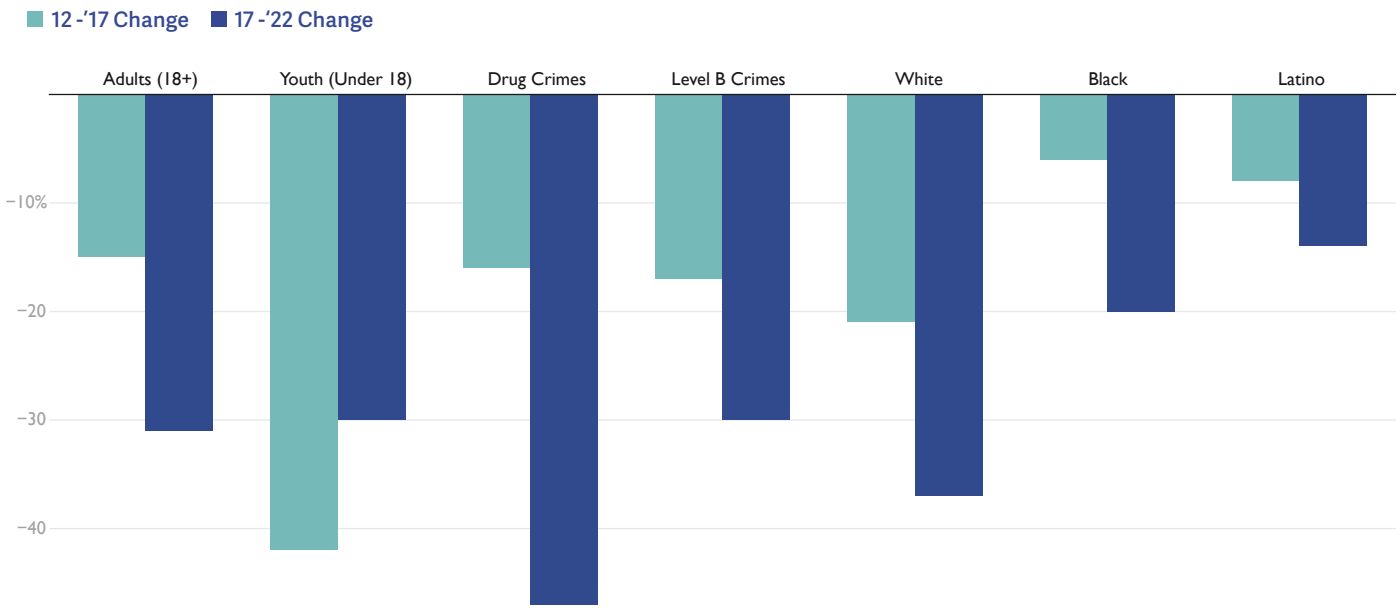
ARRAIGNMENTS AND CHARGES

Crime and arrest data capture events in real time. However, the courts were unable to operate at the onset of the pandemic and jury trials were put on hold during the various waves. While criminal case trends in the Massachusetts Trial Court appear to be in line with what we might expect from declining arrests and charges, we must interpret the pre- and post-reform patterns cautiously.[24] With this important caveat, we find the following patterns:

Since 2018, the number of defendants arraigned on at least one criminal charge has decreased at the same rate as crime. This pattern seems intuitive, but it contrasts with the pre-reform period, when crime fell twice as fast as the drop in criminal cases with at least one charge. One hypothesis to explain this difference is a large share of the arrests that are now being diverted may not have resulted in charges previously (**Figure 8**).

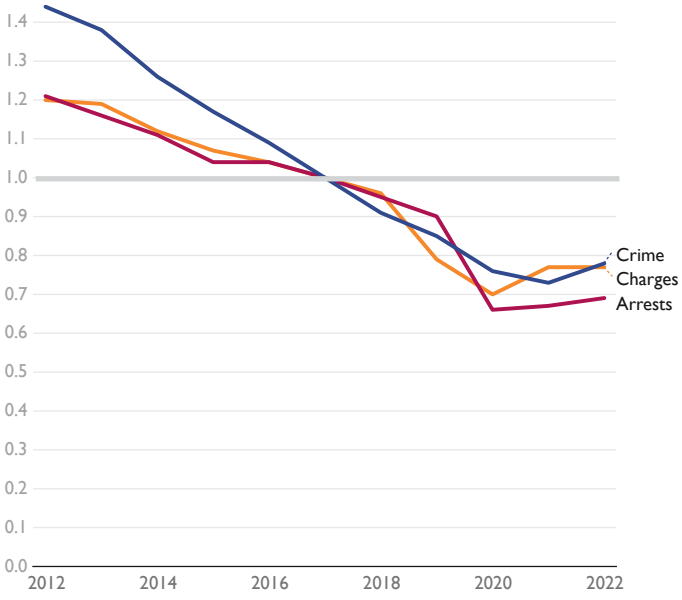
Going back to FY 2019, the Massachusetts Trial Court provides detailed data on each defendant with criminal charges in Boston Municipal and the district courts. This new dataset covers over 90 percent of all criminal cases in Massachusetts. While the first year we observe is post-reform, the data still

Figure 7: Percent change in arrests in the five years before and after 2018, all reporting jurisdictions



Source: Massachusetts State Police CrimeSOLV

Figure 8: Number of charges relative to crime and arrest rates, indexed to 2017



FBI Crime Data Explorer, Massachusetts State Police CrimeSOLV, and the Massachusetts Trial Court Department of Research and Planning

provide valuable insight into the changing composition of defendants by charge, race, and age.

With the disconcerting exception of weapons charges, the number of charges has dropped across all major categories. Drug charges fell by 40 percent, closely following the decline in drug arrests. Offenses for public order violations, such as prostitution and drug and alcohol consumption, dropped by one-third. Property crime, which includes both shoplifting and motor vehicle theft, declined by one-quarter (**Figure 9, p. 18**).

As with arrests, racial disparities in charges have grown wider, driven by disparate reductions in charges for motor vehicle offenses. The number of White defendants with criminal charges fell by 26 percent between FY 2019 and FY 2023, whereas the number of Black defendants declined by 13 percent and the number of Latino defendants was down just 1 percent. The racial disparities were relatively small for drug and public order offenses, but they were especially wide across motor vehicle offenses. The number of White defendants with a motor vehicle crime as a lead charge fell 26 percent, while the number of Black defendants arraigned on such charges dropped by only 9 percent and the number of Latino defendants rose 8 percent. Because motor vehicle offenses represent the largest category of charges, disparities in this charge account for nearly all the differential

decline in charges post-reform between White and Black residents, and half of the difference between White and Latino residents (**Figure 9**).

Emerging adults are seeing a slightly steeper drop in charges, especially in drug cases. Between FY 2019 and FY 2023, the number of criminal cases filed against emerging adults aged 18 to 24 fell at slightly steeper pace (20 percent) compared with those age 25 and over (17 percent). This was driven primarily by particularly steep reductions in drug charges (52 percent for emerging adults versus 27 percent for those age 25 and over) and public order offenses (40 percent for emerging adults versus 24 percent for those age 25 and over). The only category where emerging adults trailed older adults in the reduction of charges was motor vehicle offenses.

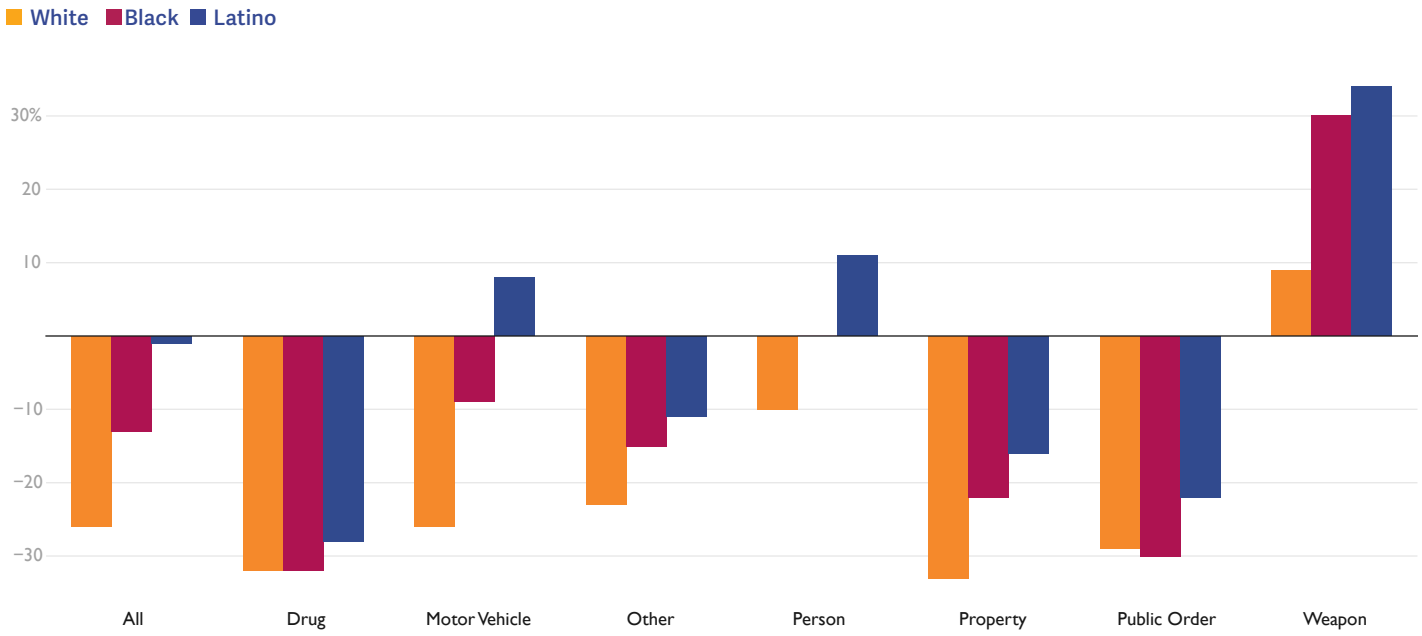
SENTENCING

Upon request, the court provided us with data on case dispositions including the sentence imposed by the judge for each drug case between FY 2017 through FY 2023. This limited data set provides an indication of how the CJRA changes to drug statutes have impacted incarceration in Massachusetts. To smooth the impact of the pandemic disruption on court proceedings, we compare case dispositions from July 2016 to April 2018 (pre-reform) to May 2018 to June 2023 (post-reform). This view produces the following observations:

Convictions and sentences to incarceration for drug-related offenses have decreased substantially since the passage of the CJRA. The number of convictions for drug offenses fell by 27 percent between the pre- and post-reform period. The number of sentences leading to incarceration at a state prison or house of correction decreased at an even faster rate (32 percent), a positive indication that efforts to respond to drug crimes with alternatives to incarceration are taking hold. Compared to the pre-reform period, there are approximately 3,500 fewer drug convictions and 1,700 fewer individuals sentenced to incarceration annually.

On the other hand, the reductions in the number of individuals sentenced to incarceration are somewhat lower than the drop in drug arrests. All else equal, we might expect sentencing dispositions to have fallen at an even faster pace than arrests given the backlog in court cases created by the pandemic disruption. If sentencing picks up once the pandemic disruption is fully removed from the data, the impact of reform on drug sentencing will appear more muted.

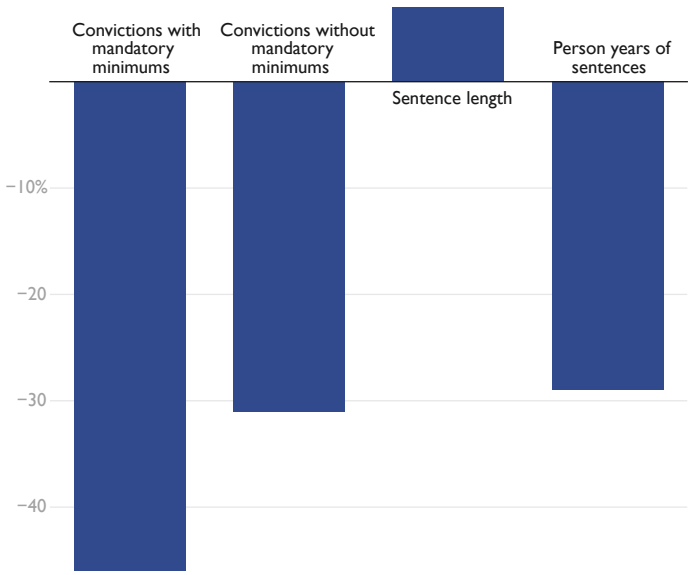
Figure 9: Percent change in charges by offense, Fiscal Year 2019 to Fiscal Year 2023



The number of convictions under mandatory minimum drug statutes has fallen by nearly half. In the post-reform period, there were approximately 273 defendants sentenced annually under mandatory minimums, down from more than 500 pre-reform. However, the number of opiate trafficking convictions rose 60 percent, from approximately 90 per year to 143. This pushed the average sentence length for drug convictions up to 16 months from 15 months pre-reform (**Figure 10**).

While the average sentence length for drug convictions is slightly longer, the number of person-years of incarceration meted out for drug offenses is significantly lower. The shift in correctional resources from a larger number of lower-level drug offenders toward a smaller number of those trafficking opiates means Massachusetts is using about 30 percent less incarceration to manage drug problems overall. Pre-reform, the state was sentencing defendants to over 6,100 person-years of incarceration annually. This fell to around 4,300 person-years in the post-reform period. Again, this finding should be interpreted with caution as the case backlog may have led to downward bias in these averages.

Figure 10: Percent change in convictions, sentence length, and person-years of incarceration between the pre- and post-reform periods



Source: Massachusetts Trial Court and MassINC calculations

Commitments to houses of correction are falling faster than those to state prisons. Judges in Massachusetts sentence individuals with severe offenses (generally a prison term of more than 30 months) to the Department of Correction (DOC). Those with less serious offenses may be sentenced to serve a term at a county House of Correction (HOC). The large number of defendants sentenced to relatively short stays at HOCs was a concern pre-reform.[25] Individuals with brief commitments feel the full brunt of work and family disruption and the mark of an incarcerative sentence, and yet they have little time to engage in potentially helpful rehabilitative services. While we still lack critical sentencing data required by the CJRA that would give us a more complete picture of how sentence lengths are changing, we can see that annual admissions to HOC facilities is down 46 percent since 2017 compared to 40 percent for state Department of Corrections (DOC) facilities (**Figure 11, p. 20**).

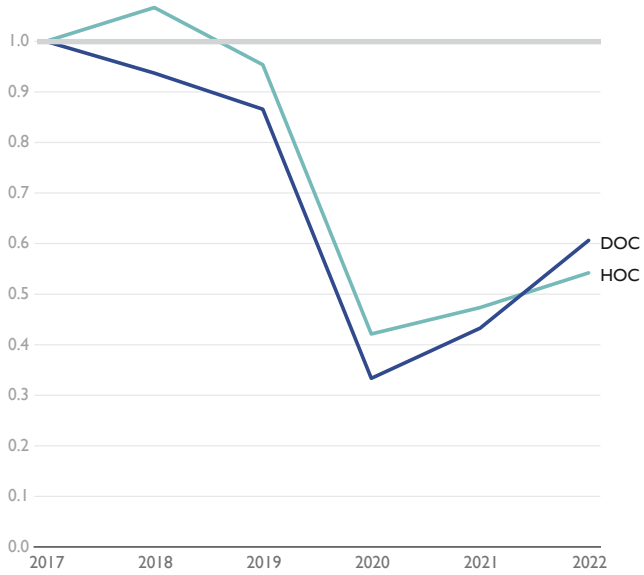
PRISON AND JAIL POPULATIONS

Reductions in the sentenced population exceed declines in the state's pretrial population. Since 2017, the county houses of correction have seen the sharpest population decline in percentage terms. The number of individuals in these facilities is down by 45 percent or almost 2,000 individuals. The DOC population fell by 35 percent or roughly 2,700 individuals (**Figure 11, p. 20)**. Likely reflecting the backlog processing cases, the pretrial population in county jails is only 20 percent lower, a reduction of roughly 1,000 defendants. Combined, this leaves almost 6,000 fewer individuals in the state prisons, jails, and county houses of correction today compared to 2017.

Growing racial disparities in county houses of correction and jails are difficult to explain. If backlogged cases explain the slow decline in the jail population, it is not evident in the White pretrial population, which fell by 41 percent. In comparison, the Black pretrial population is down just 3 percent and the Latino population is up by 37 percent. Racial disparities in the HOC sentenced population are also stark, with the number of White inmates falling by 52 percent compared to 40 percent for Black inmates and 3 percent growth in the Latino sentenced population. While racial and ethnic disparities appear to be growing at each stage of the criminal justice system, these disparities in county correctional facilities are so outsized that they may at least partially result from data quality issues (**Figure 12, p. 21**).

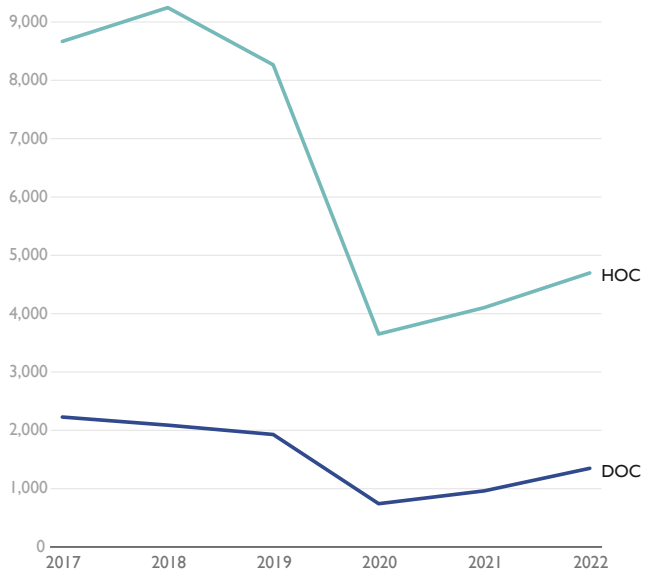
Figure 11: Admissions to Massachusetts state and county correctional facilities

Indexed to 2017



Source: Massachusetts Executive Office of Public Safety and Security, Cross-Tracking System

Total number of admissions



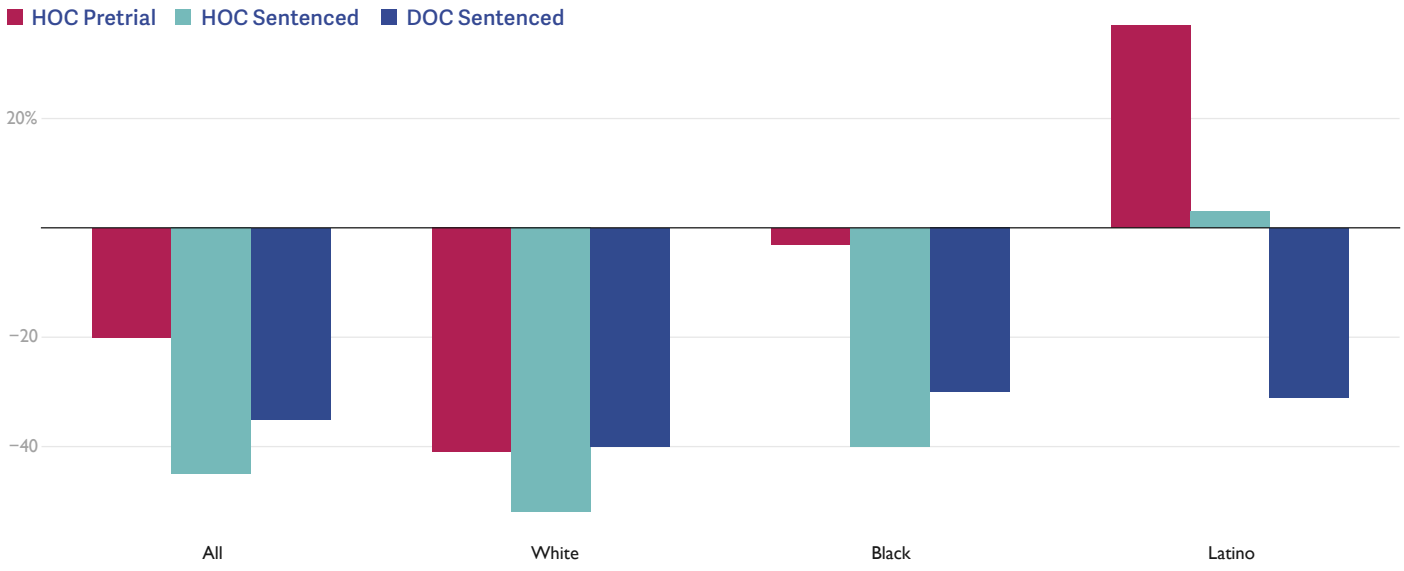
Source: Massachusetts Executive Office of Public Safety and Security, Cross-Tracking System

Reductions in the number of emerging adults incarcerated have far outpaced declines in the overall adult correctional population. At all levels of the state and county correctional system in Massachusetts, the emerging adult population is declining faster than older inmates (**Figure 13, p. 22**). The difference is especially pronounced in county jails, where the 18 to 24 population has fallen at double the rate of those aged 25 and over since 2017. In the DOC, the number of individuals ages 18 to 24 has fallen at an even faster pace (56 percent), and much quicker than inmates aged 25 and over (33 percent). Compared to 2017, Massachusetts now has more than 1,000 fewer emerging adults in state and county correctional facilities.

The female correctional population is generally falling at a faster rate than the male population. Since 2017, the female pretrial population has fallen by 30 percent compared to 20 percent for the male pretrial population. The female HOC sentenced population has trailed the male population slightly with a 42 percent decline. However, the 63 percent decline in the DOC's female population is nearly double the pace of decline for males (Figure 13). All told, Massachusetts has nearly 500 fewer incarcerated females today as compared to 2017.

The DOC population is rapidly aging. The introduction of medical parole does not appear to have led to a reduction in the population of older inmates at state prisons. In 2017, those who are age 60 and over composed 9 percent of the custody population; today they make up 16 percent, or 833 individuals. Between FY 18 and FY 22, there were 582 petitions total for medical parole and 63 granted, for a parole rate of 11 percent. Among those granted medical parole, there were strong racial disparities, with 13 percent of White petitioners receiving approval compared to just 7 percent of non-White applicants.[26]

Figure 12: Percent change in sentenced and pretrial population by race/ethnicity, January 2017 to January 2023



Source: Massachusetts Executive Office of Public Safety and Security, Cross-Tracking System

PAROLE AND PROBATION

Parole stands out as an area where racial disparities are not growing wider. In 2020, the Parole Board began reporting on decisions by race and ethnicity. These data showed no significant racial and ethnic disparities in parole grant rates. However, it is possible that racial disparities were prevalent in the past, as people of color make up an increasingly large share of parolees, growing from 37 percent in 2017 to 48 percent in 2022. Over this period, the non-White share of the state's incarcerated population shifted much more modestly, from 53 percent to 58 percent.

The share of DOC inmates returning to the community with supervised release has risen dramatically. Pre-reform, there were concerns that many high-risk inmates did not receive post-release supervision, while a large proportion of low-risk inmates were released with supervision that could unnecessarily complicate reentry and make it more likely that they would return to prison on a technical violation. While we lack the data on risk assessment scores required by the CJRA to understand how these patterns have changed, supervision has become more common among those released from DOC facilities.[27]

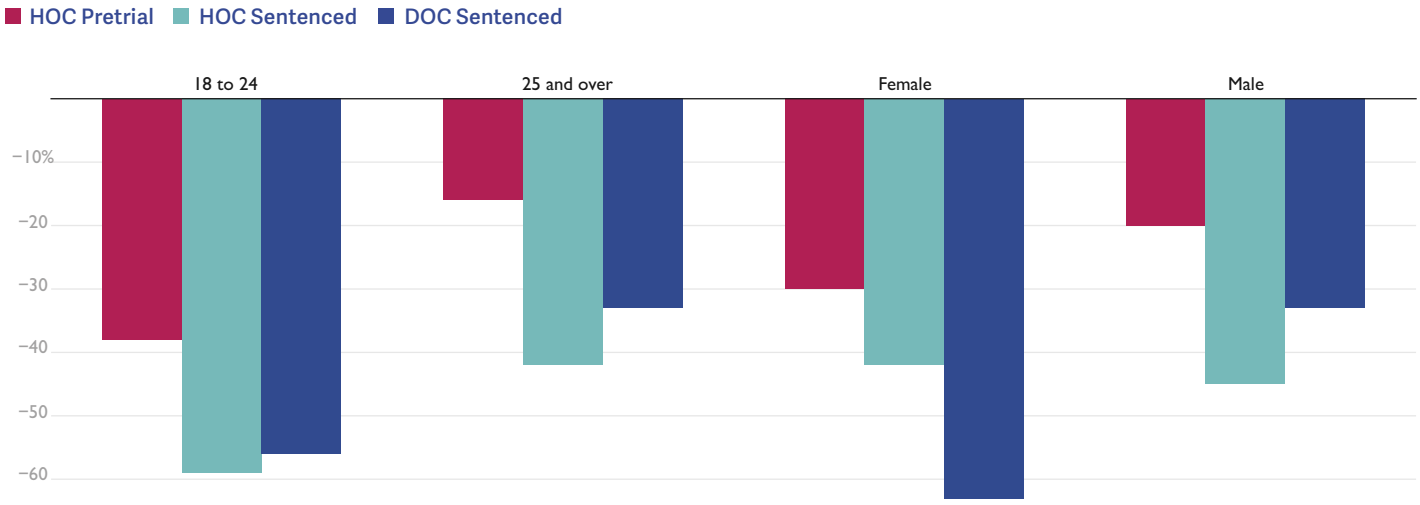
In 2017, 39 percent of those returning from the DOC had no supervision. And those with supervision were twice as likely to fall only under the jurisdiction of probation as opposed to parole, the agency designed and built exclusively to provide post-release supervision. By 2022, these patterns have changed dramatically. The share of DOC inmates released to parole has doubled from 17 percent in 2017 to 32 percent in 2022, while the share with probation-only supervision has fallen from 34 percent to 24 percent. Unfortunately, the share receiving overlapping supervision has also grown, from 10 percent to 24 percent. While probation and parole signed an MOU in 2019 to reduce redundancies in these circumstances, this practice still raises questions.

The increasing number of parole releases is likely a reflection of both higher parole grant rates and an increasing share of inmates eligible for parole at the DOC, driven at least partially by criminal justice reform. Between 2020 and 2022, the number of inmates eligible for parole hearings more than doubled. In 2017, just 52 percent of DOC hearings resulted in a positive vote. This increased to 63 percent in 2022.

DOC continues to release large numbers of inmates directly from maximum-security to the community. Releasing inmates directly to the community from maximum-security facilities is an unnecessarily risky practice. These total control environments, where inmates have little independence or social contact, are known to have debilitating effects and to increase violent recidivism.[28] While the 2018 reforms did not address this issue directly, the JRI process called attention to the problem and brought to light the elevated rates of violent recidivism among those released from maximum-security DOC facilities.

Since 2017, the share of inmates returning to the community from DOC's maximum-security Souza-Baronowski Correctional Center has risen from 14 percent to 18 percent of all releases. While the number of individuals coming home in this manner has fallen from 300 in 2017 to 249 in 2022, this is still an unacceptably large number. In 2022, just 6 percent of DOC releases exited through pre-release facilities, down from 13 percent in 2017. The declining utilization of pre-release raises fundamental questions about classification and how the DOC manages this valuable resource to reduce recidivism.[29]

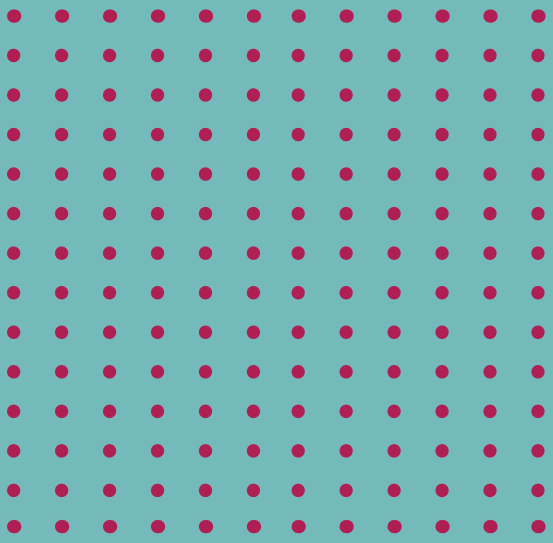
Figure 13: Percent change in the correctional population by sex and age (emerging adult vs. general adult population), January 2017 to January 2023



Source: Massachusetts Executive Office of Public Safety and Security, Cross-Tracking System

PART 3:

Evaluating Investment Trends in Treatment, Rehabilitation and Community Economic Development Post-2018



While the 2018 reform laws did not explicitly direct funding to investments in treatment, rehabilitation, and community economic development in high incarceration rate neighborhoods, there was a broad consensus among all parties involved that reforms to corrections would be paired with increased investments in other supports to better meet the true needs of those in the criminal justice system, and communities most heavily impacted by the failures of tough-on-crime era policies. So, in this section, we examine post-reform spending on corrections and reentry services, behavioral health treatment, and crime prevention and community economic development in high incarceration rate communities.

Corrections and Reentry Services

Between FY 2019 and FY 2023, inflation-adjusted spending at the DOC and sheriff's departments fell by about 3 percent (**Figure 14**). We cannot say that this moderate spending reduction fulfills provisions of the 2018 laws, as there was no formal plan on the reinvestment side. But this reduction does represent some moderation in correctional spending, especially at a time when the entire state budget grew by nearly 20 percent, after accounting for inflation. Nevertheless, simply moderating spending on prisons and jails may to some reform advocates still feel like it underdelivers on the true intent behind "justice reinvestment." After all, the term *reinvestment* does suggest a broader commitment to taking funding out of punitive approaches and shifting it into rehabilitative ones.

Outside of corrections, spending on services that are broadly connected with reducing incarceration did grow at a significantly faster pace; the mental health budget rose 26 percent and funding for the Bureau of Substance Abuse Services increased by 33 percent.

While the correctional population has fallen by nearly half, agencies argue that it is vital to maintain spending at current levels because the state's prisons and jails were historically overcrowded and under-resourced. Reductions in incarceration have allowed facilities to provide a safer environment with more space for rehabilitative programming and specialized treatment units. With the declining populations, average costs per inmate rose to $117,000 for the sheriff's departments and $139,000 for the DOC in FY 2023 (Figure 14).

Some have questioned whether these higher per inmate allocations are leading to better conditions and improved services, citing long waiting lists for access to rehabilitative programs and a 2019 investigation by the US Department of Justice, which found the constitutional rights of prisoners with serious mental illness were routinely violated in DOC facilities with inadequate treatment resources and poorly trained staff.[30] In the FY 2020 budget, the legislature established a commission to examine staffing and programming in both state and county correctional agencies. The review concluded that it was difficult to document greater use of resources for rehabilitative services, and data that tracked program participation and outcomes was lacking.[31]

While the legislature has not acted on the commission's major recommendation to centrally fund and administer rehabilitative programs, lawmakers did increase transparency and accountability by requiring the sheriff's departments and the DOC to report twice per year on each building operated by their agency, its current capacity, and the utilization level during the reporting period.[32] In particular, this reporting shows the increasing number of specialized units that agencies are offering to provide therapeutic communities for different populations, including veterans, emerging adults, and those with substance use disorder.

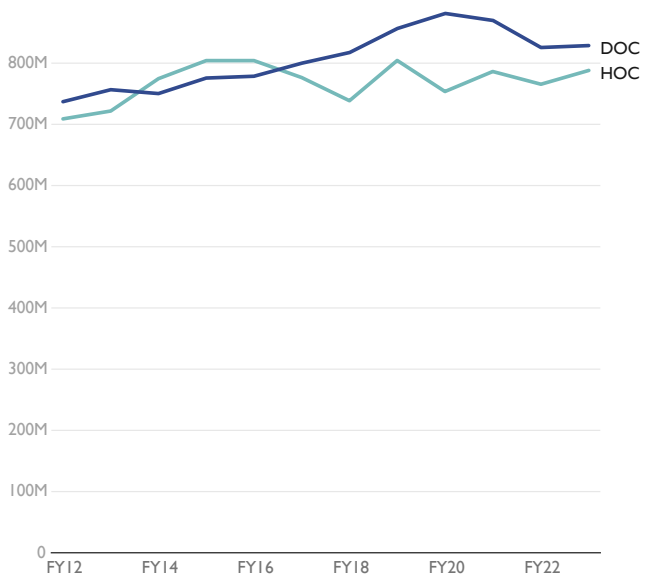
The legislature has also made notable investments in correctional operations post-reform. They include providing $20 million annually to enable all sheriff's departments to offer medication-assisted treatment for substance use disorder to inmates, and a one-time $20 million appropriation to shift toward a no-cost phone call policy for inmates at both the DOC and county correctional facilities. Building on the CJRA's attempts to reduce the burden of parole and probation fees, the legislature eliminated them entirely in the FY 2023 budget, at a cost of more than $8 million.

Totaling over $33 million annually, the largest and potentially most impactful investments that the legislature has made post-reform have been in the area of reentry services.

About half of these reentry dollars are supporting housing and residential reentry services. Pre-reform, Massachusetts stood

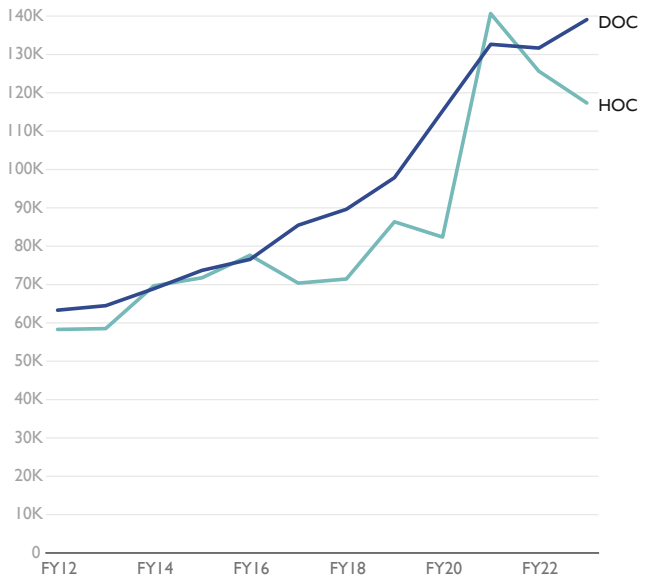
Figure 14: Total expenditures for correctional institutions and average cost per inmate, inflation-adjusted to 2023 dollars

Total Expenditures



Source: Massachusetts Budget & Policy Center

Average Cost Per Inmate



Source: Massachusetts Budget & Policy Center

out compared to other states for having very limited transitional housing options. This shortcoming was particularly problematic for returning citizens given our region's high housing costs. Operated by the Probation Service in collaboration with Parole, the DOC, and sheriffs, the new residential reentry line item supports transitional housing at five locations (the Western Mass. Reentry Center in Springfield, McGrath and Brooke House in Boston, There Is a Solution in New Bedford, and Rocky Hill Re-Entry Collaborative in Northampton).

These funds proved particularly vital during the pandemic, as the Probation Service worked to help those exiting correctional facilities find housing during a very difficult time. Partnering with the Mass Alliance for Sober Housing, the Probation Service contracts for beds that give returning citizens up to eight weeks of no-cost housing.[33] In 2022, Parole alone assisted 653 parolees (35 percent of releases) with access to housing either through sober homes or the transitional housing providers.[34] Building on this success, the legislature provided $3 million in FY 2024 for a new rental assistance pilot for people participating in reentry programs.

In addition to providing housing, the legislature has made numerous investments in reentry services post-reform. The DOC's line item for reentry services increased from $714,000 in FY 2019 to over $2 million post-reform (with the legislature providing $6 million in FY23, including a $3.6 million earmark to help the DOC establish two new after-incarceration support centers). Within the Probation Service's Community Justice Support Centers (CJSC) line item, the legislature earmarked $2 million for a new Ralph Gants Reentry Services Program. Accompanying a statutory change in 2019 that gave returning citizens the ability to voluntarily access services through the CJSCs for the first time, these funds allowed the centers to hire reentry services coordinators and public benefit coordinators to connect clients with treatment, education and job training, career counseling, clinical case management, and public benefits enrollment.

The legislature also provided the Executive Office of Labor and Workforce Development with a new line item to provide job training and subsidized employment to help returning citizens that has averaged $3.5 million annually for the last several years. Finally, the legislature gave the Executive Office of Public Safety funds for a new reentry grant program to serve emerging adults returning from state and county correctional facilities. Rising steadily over the past three fiscal years to $7 million in FY 2024, these grants support community-based organizations that provide both pre-release and post-release services, including transition planning, workforce readiness, counseling, and case management.

Behavioral Health Diversion, Treatment, and Recovery

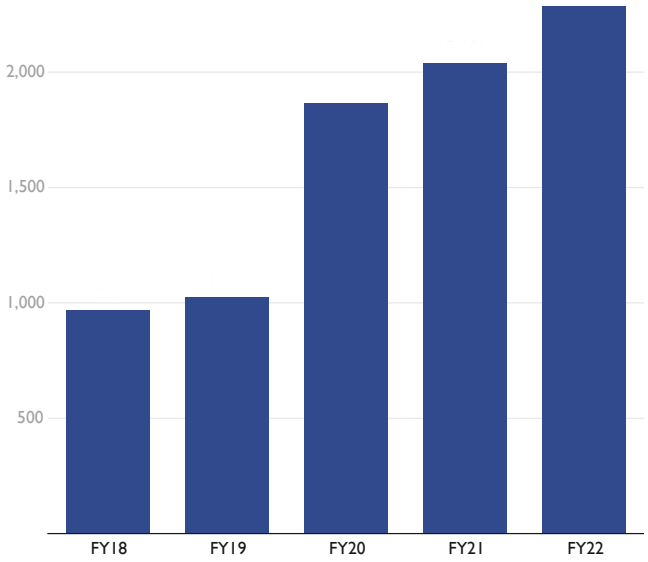
Directing community members in crisis away from the criminal justice system and to the supports they need was a major goal of criminal justice reform. With roughly a quarter of the state's incarcerated population in 2019 suffering from some form of serious mental illness.[35] It is difficult to total the investments that have been made in this area post-reform because some have come from reallocating existing treatment resources to the justice-involved and others involve the state Medicaid program. However, all indications suggest that the investments have been substantial.

The Sequential Intercept Model (SIM) is a useful way of conceptualizing how individuals with behavioral health challenges minimize contact with the justice system in favor of community-based treatment and support services.[36] We use this model as a guide to understand where the state has enhanced diversion and community-based services since 2018.

COMMUNITY SERVICES AND LAW ENFORCEMENT INTERCEPTS

Though Massachusetts invested in diversionary intercepts in the community and through local police departments for many years ahead of the CJRA, funding for the Jail and Arrest Diversion Grant (JADG) has quadrupled from around $2 million in FY 2018 to over $9 million in FY 2022 (at which point it was combined with another larger program).

Figure 15: Annual diversions reported by Jail and Arrest Diversion grant recipients



Source: Massachusetts Department of Mental Health Jail & Arrest Diversion Grant Program FY22 Annual Report

Sequential Intercept Model

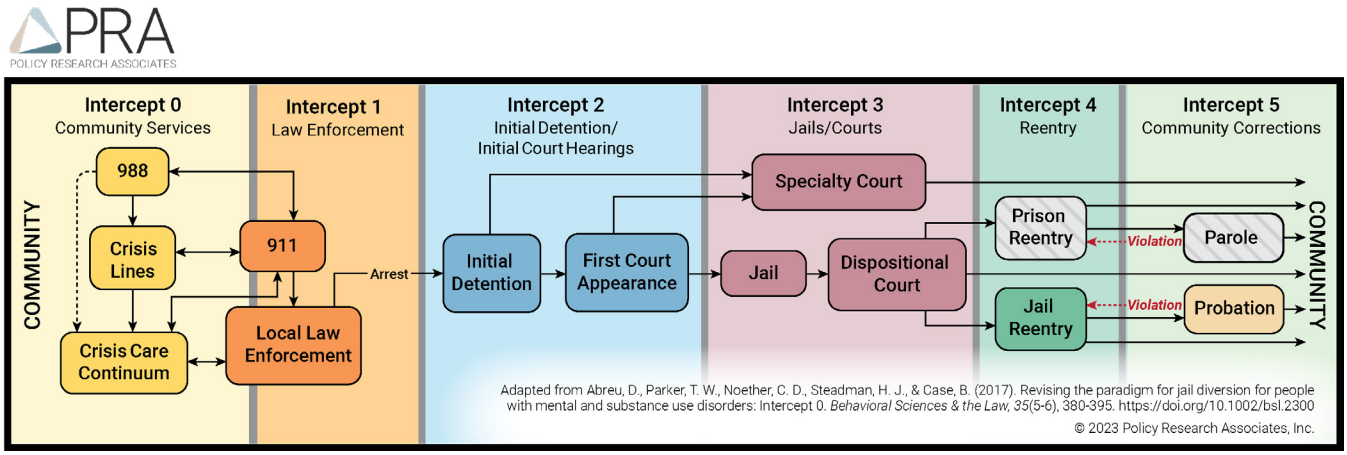
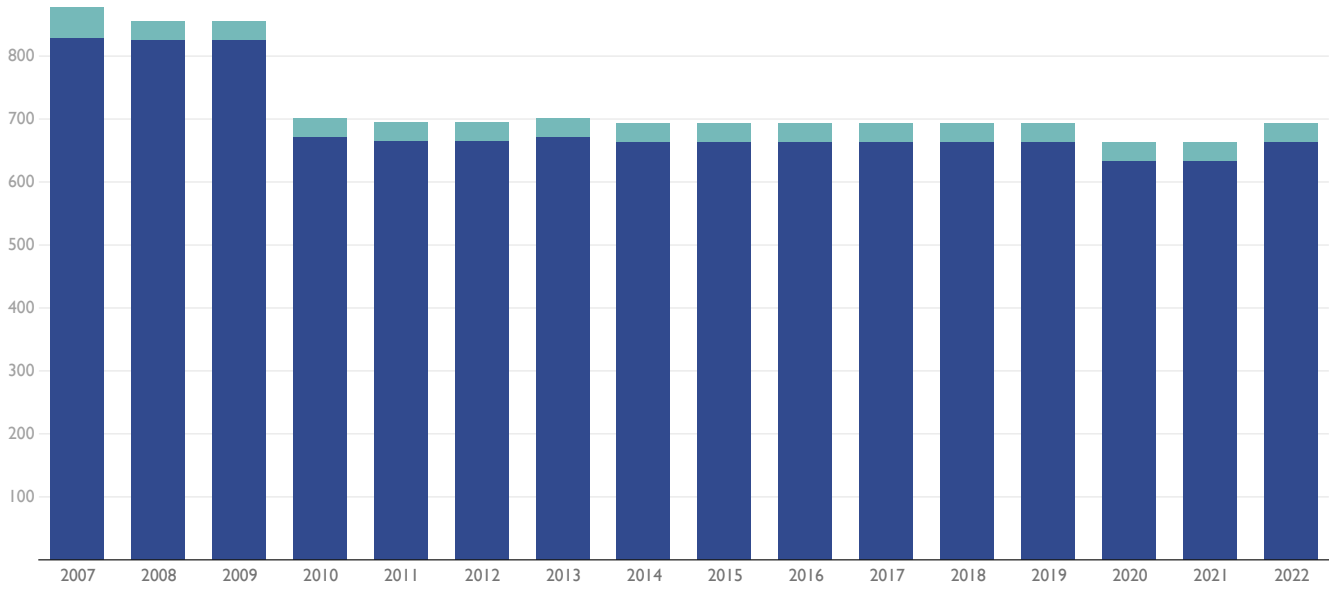


Figure 16: Number of beds in the Department of Mental Health Continuing Care System, youth and adults



Source: Department of Mental Health Section 114 Report

Administered by the Department of Mental Health (DMH), these funds support Crisis Intervention Teams (CIT), Co-Response programs, and other diversionary efforts. Police officers with CIT training work with individuals experiencing a mental health or substance abuse crisis to get them access to treatment. Co-Response programs add clinician support to police crisis response, and whenever possible help direct individuals experiencing acute behavioral health challenges to appropriate treatment options outside of the criminal justice system. By FY 2022, arrest diversions measured by programs receiving JADG funds had more than doubled to well over 2,000 annually (**Figure 15**). Despite this considerable growth, roll-out of these programs remains patchy statewide, with many municipalities still offering no co-response programs.[37]

INITIAL DETENTION, JAILS, AND COURTS

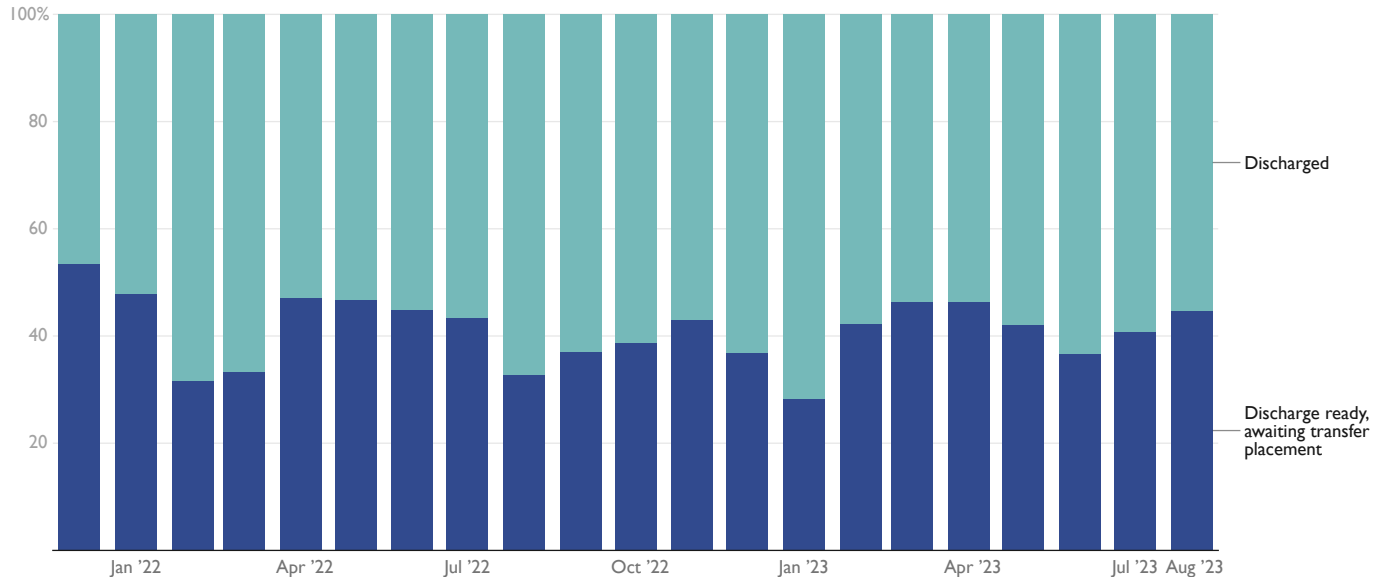
Those who do not find appropriate treatment at the first intercept may receive assistance in newly expanded behavioral health services offered by the CJSCs, as described previously. In FY 2022, more than 100 individuals per week accessed the centers for pretrial treatment.[38] Judges may also order evaluation and potentially inpatient treatment at a DMH operated or contracted hospital. In a recent report, DMH noted that criminal justice reform is leading judges to divert a growing number of individuals in this manner, with court admissions to mental health facilities in FY 2022 exceeding any previous year.[39]

The total number of state operated or contracted inpatient beds has remained flat over the last decade at around 660 adult beds and 30 youth beds (**Figure 16**), albeit with a recent increase late in 2023. Because the system must accommodate court referrals first, this is making it increasingly difficult to serve non-justice-involved patients with more complex needs. A long wait list is now inhibiting diversion from the justice system. Indeed, as of January 2023, more than half of those waiting for treatment had done so for over 100 days.[40] Most of those waiting (roughly 90 percent of admissions per month since at least December 2021) come from the criminal justice system.

Unfortunately, waitlists are not limited to entering continuing care DMH facilities; there are also waitlists to leave. Roughly 40 to 50 percent of patients are not able to be discharged due to a lack of capacity at their next level of appropriate care (**Figure 17, p. 28**). While individual needs vary, this often means waiting for some combination of program placement, whether in community,

Figure 17: Share of dischargeable patients in Department of Mental Health Continuing Care System discharged vs. not discharged due to lack of openings in next level of appropriate care.

Monthly data. December 2021 to August 2023.



Note: All patients would be discharged to the next level of appropriate care either according to their treatment plan or court order. This could include but is not limited to their community without additional care, Adult Community Clinical Services, DMH housing, or a house of correction.

Source: Department of Mental Health Section 114 Report.

housing in group homes, apartments with DMH rental assistance voucher, or elsewhere. Homes for voucher recipients are especially limited, thanks in part to the region's ongoing housing crisis. And the longer people ready for discharge remain in a DMH facility, the longer others wait to access these services.

In the end, bottlenecks at both ends of the state's behavioral health treatment pipelines confound efforts to divert justice-involved individuals away from the prison system. While DMH is aware of these issues and has been working recently to increase capacity for both inpatient treatment and beds in the community, these are slow, difficult, and costly problems to solve.

REENTRY AND COMMUNITY CORRECTIONS

Post-reform, the Behavioral Health Supports for Justice Involved Individuals (BH-JI) has been the most ambitious effort to improve outcomes and reduce recidivism for those who have serious mental illness with significant justice-involvement. The program builds on a recommendation developed by the JRI working group back in 2016. Funded by the Trial Court and managed jointly by Probation and MassHealth, the partnership includes behavioral health vendors, DOC, the county sheriff's departments, Parole, and the Office of Community Corrections. Together, these partners provide intensive services to people under parole or probation supervision and those reentering to their communities after incarceration who voluntarily agree to participate. Since 2019, more than 3,700 individuals have enrolled. BH-JI, available pre-release, can be paired post-release with a new program based on an expanded Community Support Program (an existing short-term, intensive treatment program) that newly targets the Justice Involved community. This program is known as the CSP-JI program. Post-release services provided are similar in nature to the BH-JI program, but are covered by MassHealth.

Crime Prevention and Community Economic Development

The original idea of justice reinvestment was to restructure public spending, reducing investment in incarceration and increasing spending on crime prevention and community economic development.[41] The federal Justice Reinvestment Initiative has received considerable criticism because most states have failed to cut correctional spending and repurpose the funds to the benefit of the communities most impacted by mass incarceration.[42] So far, Massachusetts has been an outlier, with spending on crime prevention and community economic development in high incarceration rate communities increasing by almost $50 million per year since the passage of criminal justice reform.

CRIME PREVENTION

Since Massachusetts passed criminal justice reform, funding for youth crime prevention has grown from around $12 million annually to over $40 million. This came from growing two existing programs and adding a third focused specifically on promoting public health approaches to gun violence.

Funding for the longstanding Shannon Community Safety Initiative (SCSI) has doubled since FY 2018 to nearly $13 million. Administered by the Executive Office of Public Safety, these funds allowed for the expansion of services to gang-involved youth during the pandemic. In 15 cities, more than 130 organizations are working to offer a range of services, including recreation and other positive youth development activities, street outreach, and youth employment opportunities. In the first half of 2023, the program served more than 12,000 young people.[43]

Like SCSI, funding for the Safe and Successful Youth Initiative (SSYI) has nearly doubled since FY 2018 to $13 million per year. SSYI provides more intensive services to a smaller subset of "proven risk" youth in 14 cities. These programs are overseen by the Executive Office of Health and Human Services (EOHHS). Commonwealth Corporation provides program, fiscal, and administrative management assistance to EOHHS and technical assistance to the 14 funded sites. Rigorous evidence suggests SSYI has had causal impact reducing youth violence in the cities where it operates.[44]

In the FY 2022 budget, the legislature created a new $21 million Gun Violence Prevention (GVP) Program at the Department of Public Health. GVP grantees provide outreach and engagement, needs assessment, mentoring and relationship building, educational support and workforce development, and behavioral health services and/or referrals. While the program primarily serves out-of-school youth and young adults ages 17 to 24, it differentiates itself from SCSI and SSYI by also offering comprehensive wraparound and support services to their families and victims of violence. In addition, this new line item funds technical assistance and training to community-based organizations delivering these services.[45]

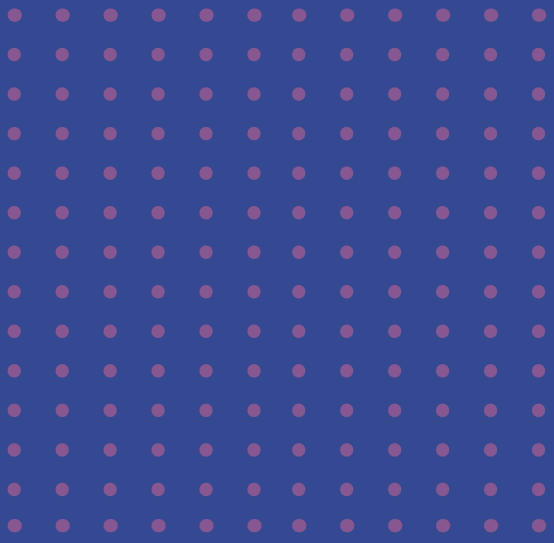
COMMUNITY ECONOMIC DEVELOPMENT

In FY 2021, the legislature responded to the calls for reinvestment in high incarceration rate communities by creating the Community Empowerment and Reinvestment Grant Program. The authorizing legislation directs these funds to a broad range of activities, including job training, job creation, and job placement for those who face high barriers to employment; transitional employment programs, social enterprise, pre-apprenticeship, or other training programs; school-based or community-based high school dropout prevention and re-engagement programs; cooperative and small business development programs and community-based workforce development programs; and programs focused on housing stabilization services, addiction treatment, and trauma-informed mental health care.

Since FY 2021, the legislature has directed over $57 million to the fund or just over $14 million per year on average. In 2022, the grant provided $21 million to 65 organizations across 17 cities, of which $12 million went to 35 organizations located in the city of Boston. In the second year, the program's reach increased, with $38 million awarded to 129 organizations across 21 cities. Boston-based organizations again received more than half of the funding. While established nonprofits are receiving the bulk of these funds, resources are beginning to make their way to more grassroots community groups.

PART 4:

Doubling Down on Early Success



The data presented throughout these pages suggest criminal justice reform is delivering for Massachusetts. However, the work is incomplete. Systems for serving those with behavioral health conditions outside of correctional facilities remain underdeveloped; racial disparities in incarceration are still stubbornly high; and many of our urban neighborhoods continue to struggle with higher levels of crime than surrounding areas. Our efforts and investments to combat these challenges appear to be making a very real difference. With fiscal pressures likely to be felt in the coming years, it is critical to document these returns and double down on success. Toward this end, we offer the following recommendations for next steps:

1. Fully implement the data and transparency provisions of the 2018 reform law with a deeper commitment to evaluation and unearthing the root causes of racial disparities.

Legislators included extensive data transparency and reporting requirements in the CJRA. Many states made data collection central to their reform, but the Massachusetts law's provisions arguably put the Commonwealth in a position to have the finest criminal justice data infrastructure in the United States.

Legislators wanted good data to monitor the impact of their dramatic overhaul of the system so that they could document success and flag any unintended consequences early. They also sought to address data quality issues raised by the Council of State Governments through its work as the lead JRI consultant to Massachusetts.[46] Perhaps most importantly, these data provisions were included to help identify the root causes of racial disparities throughout the system. (The urgent need for better data in this regard was highlighted again by Harvard Law School's 2020 review of racial disparities in the Massachusetts Trial Court).[47]

While the Executive Office of Public Safety and Security (EOPSS) has made considerable effort to implement the CJRA's data provisions, the information available to researchers and the public has not appreciably improved since 2018. A major obstacle has been ensuring that all individuals who come into contact with the criminal justice system are tracked seamlessly from agency to agency with a single common identifier, as required by the law. While completing this task is essential, it should not forestall meeting other requirements of the legislation that are more readily achievable, such as reporting on sentencing dispositions, risk assessment scores, and program participation and completion.

EOPSS and other criminal justice agencies should not stop at merely complying with the law. They must work to actively engage the state's large and uniquely talented research community to generate objective analysis examining the impact of various reform initiatives and their impacts on racial disparities.

For example, far too little is known about the impact changes in Criminal Offender Record Information (CORI), and how the response to opportunities for record sealing and expungement varies by race and ethnicity. Experience suggests differential racial impacts are likely to be large. Monitoring the implementation of the CORI changes is one way to help ensure that the system is mitigating the risk of reform inadvertently leading to wider racial disparities. If timely research shows that this is happening, Massachusetts could consider responding by following other states and using technology to automatically seal records for those who are eligible.

To realize the full promise of criminal justice reform, Massachusetts must work aggressively to ask and answer questions such as these.

2. Increase continuing care and community-based treatment capacity.

Available data suggest treatment capacity constrains the ability to divert individuals who would be better served in the community from the criminal justice system. Capacity limitations may also negatively affect the treatment outcomes of those who are diverted. The impact of insufficient treatment capacity is evident at Mass and Cass, and increasingly in downtowns throughout the state, where individuals suffering from addiction, mental illness, and homelessness congregate. Increasing capacity means overcoming financial challenges, as well as difficulty siting supportive housing developments due to community opposition, and trouble finding workers to staff these facilities.

3. Maintain investments in residential reentry and address unmet housing needs for emerging adults.

The transitional housing efforts led by the Mass. Probation Service have likely been a major contributor to success reducing statewide incarceration and crime since 2018. Sustaining these investments so that those exiting incarceration have housing while they connect with services and employment is vital to cutting recidivism and the substantial cost of reincarceration and further criminal justice involvement.

From a public safety standpoint, the state can have further success by developing a transitional housing model that works for emerging adults. This population struggles with homelessness at very high rates and safe and stable housing is especially vital for young adults with a history of gang involvement and significant trauma. Emerging adults who are underserved are also the most likely to reoffend violently. Drawing on Massachusetts leaders' vast knowledge of supportive housing and effective practices to serve justice-involved emerging adults, the state should be able to develop transitional housing that is well-suited to the needs of this vulnerable population.

4. Build sustainable capacity for community reinvestment and restorative justice.

Massachusetts has hewed closely to the original concept of justice reinvestment, especially with the resources devoted to the Community Empowerment Grant Program and the Restorative Justice Community Grant Program. However, it has yet to build capacity both at the state and community level that will be necessary for this approach to succeed long-term at reversing decades of harm. The Community Empowerment Grant Program is managed by the state's Executive Office of Economic Development, an entity with modest staff and major responsibilities. The Executive Office of Public Safety and Security manages the much smaller Restorative Justice Community Grant Program.

For grants to have maximal impact, the state should consider combining these two programs and administering them through an entity with a more aligned mission. One viable approach would be to follow the recent recommendation of the Restorative Justice Advisory Committee and create a state Office of Restorative Justice.[48] Working with community foundations and other financial intermediaries, the office could ensure that these dollars are invested appropriately in local grassroots organizations, taking time to conscientiously build community capacity, and nurturing the field through training, communities of practice, and research and evaluation.

This will ensure the Community Empowerment Grants' varied uses support efforts aligned with restorative justice practices, so that there are more opportunities to identify and address the harms to victims and their communities, and more successfully divert individuals from incarceration.

5. Prepare a correctional facilities master plan that confronts lingering issues that have major implications for criminal justice reform and public safety in the Commonwealth.

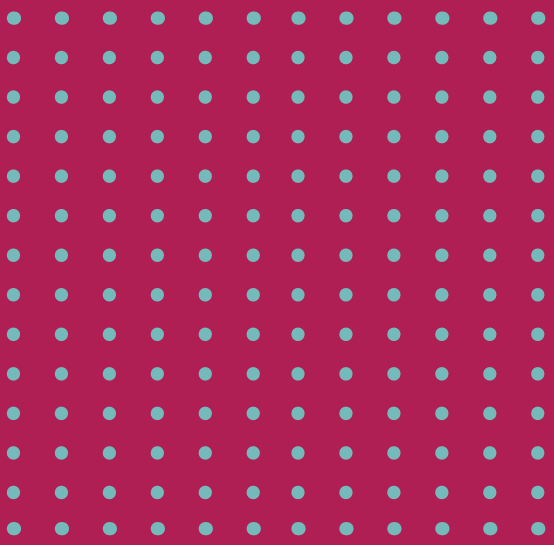
Massachusetts has not prepared a plan for correctional facilities since 2011.[49] The size and needs of the state's correctional population has changed dramatically since that time, and the facilities have aged considerably. A 2020 assessment by the Department of Capital Asset Management and Maintenance (DCAMM) found the state's aging portfolio of correctional facilities (36 campuses with a total of 484 buildings and more than 9 million gross square feet of space among them) will require at least $70 million per year in capital investment to maintain over the next 10 years. A facilities master plan process would provide a comprehensive look at the landscape and identify opportunities to close and consolidate facilities.

A master plan would also provide a forum for asking and answering difficult lingering questions. Chief among them should be the continued operation of Souza-Baranowski Correctional Center as a supermax correctional facility. Evidence throughout the US establishes that these facilities breed hopelessness and extreme behavior by design. To maintain control under these conditions, prisons often resort to the use of long-term isolation, which has severe consequences on both the physical and mental health of prisoners. This has clearly played out in Massachusetts with the steady stream of challenges Souza-Baranowski has brought to inmates, correctional officers, and the communities receiving those returning from this environment ill-prepared for successful reentry.

A second critical question is how to manage specialized units. The proliferation of these units represents a major step forward for rehabilitation. However, it also raises major cost and operational efficiency questions. A master plan process could provide a valuable lens for thinking about how the system best meets the needs of emerging adults, women, and other smaller populations that have not been well-served by the design and operation of existing facilities.

Reentry is the third fundamental question. DOC has struggled to move inmates to prerelease facilities closer to their home communities to prepare for reentry. Over the years, there have been efforts to transfer these inmates down to county sheriff's departments, but these have had limited success. The growing number of transitional housing placements may eliminate the need for prerelease. This issue merits closer inspection and an intentional strategy aligned with the state's post-reform approach.

Endnotes



1 Forman, Benjamin, and others. "The Geography of Incarceration: The Cost and Consequences of High Incarceration Rates in Vulnerable City Neighborhoods." (Boston, MA: Boston Indicators, 2016).

2 Eisen, Lauren-Brooke. "What Caused the Crime Decline?" (New York, NY: Brennan Center for Justice, New York University, 2015).

3 The term *justice reinvestmen*t was coined by Susan Tucker and Eric Cadora in a 2003 article. See: Tucker, Susan, and Eric Cadora. "Ideas for an Open Society: Justice Reinvestment." (New York, NY: Open Society Foundation).

4 See: *https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2018/05/bipartisan-support-for-justice-reinvestment-legislation*

5 Overall, the CORI provisions appeared to make it more difficult for those with criminal histories to find employment. See: Jackson, Osborne, and Bo Zhao. "The effect of changing employers' access to criminal histories on ex-offenders' labor market outcomes: evidence from the 2010–2012 Massachusetts CORI Reform." (2017).

6 Murthy, Vivek. "Surgeon General's Report on Alcohol, Drugs, and Health." (*Journal of the American Medical Association*. 317.2, 2017).

7 Cullen, Francis T., Cheryl Lero Jonson, and Daniel S. Nagin. "Prisons do not reduce recidivism: The high cost of ignoring science." *The Prison Journal* 91.3_suppl (2011); Vieraitis, Lynne M., Tomislav V. Kovandzic, and Thomas B. Marvell. "The criminogenic effects of imprisonment: Evidence from state panel data, 1974–2002." *Criminology & Public Policy* 6.3 (2007); Cid, José. "Is imprisonment criminogenic? A comparative study of recidivism rates between prison and suspended prison sanctions." *European Journal of Criminology* 6.6 (2009): 459–480.

8 JAHMAL BRANGAN vs. COMMONWEALTH.

9 See: *https://d279m997dpfwgl.cloudfront.net/wp/2020/01/0102_bail-reform-report.pdf*

10 Tsai Bishop, Elizabeth. "Racial Disparities in the Massachusetts Criminal System." (Cambridge, MA: Criminal Justice Policy Program, Harvard Law School, 2020).

11 "Early Impacts of An Act Relative to Criminal Justice Reform: A Report of the Massachusetts Juvenile Justice Policy and Data (JJPAD) Board." (Boston, MA: Massachusetts Office of the Child Advocate, 2019).

12 Law enforcement and correctional agencies generally report data in calendar years, while the Massachusetts Trial Court reports for the fiscal year beginning July 1. Throughout this report, data referenced are in calendar years unless noted otherwise.

13 This state-to-US average comparison may even slightly understate the impact of criminal justice reform in Massachusetts because it includes federal prisoners outside of the Commonwealth's jurisdiction. We use this measure because it captures all state and county jail inmates. Comparing only state prison inmates tends to understate incarceration in Massachusetts because we hold many more inmates in our county Houses of Correction relative to other states.

14 For this analysis, the methodology for calculating incarceration rates matches the approach taken by the Bureau of Justice Statistics to facilitate national comparisons. This differs from some state data sources in that all residents within a racial group are counted and not just those over 18 years of age.

15 See: *https://www.mass.gov/info-details/cross-tracking-system-state-county-correctional-populations*. The Black and White categories are individuals who identify as not Hispanic or Latino. While data are also available for American Indian/Alaska Native and Asian/Pacific Islander populations, we exclude these groups from our trend analysis because relatively small numbers make it even more difficult to draw inferences from trend data.

16 Widra, Emily, and Tiana Herring. "States of Incarceration: The Global Context 2021." (Northampton, MA: The Prison Policy Initiative, 2021).

17 Violent and property crimes are defined as such by the FBI and together are considered "Part I crimes or offenses." They include offenses such as murder or motor vehicle theft. These crimes are notoriously difficult to measure, and changes in data collection methods over time make capturing trends across time and different jurisdictions especially challenging. The measures that we rely on for this analysis come from data that the FBI gathers from local police departments unless noted otherwise. The National Incident-Based Reporting System (NIBRS) collects data on crimes from roughly 18,000 individual police departments across the United States. This is limiting as participation is often voluntary, and police departments only record reported crimes. Unreported crime may still have victims and consequences, but such offenses will not be included in these measures. Furthermore, information on crimes that do get reported varies in detail and reliability of reporting at the local level. Nationally, 2021 data were particularly bad as estimates relied on a small proportion of NIBRS reporting departments to generate national crime levels, resulting in estimates with significant margins of error. 2022 revisions to the methodology tightened up the estimates by including department reports that had not yet transitioned to NIBRS reporting, among other adjustments, and are thus more reliable.

18 Homicide is recorded by both law enforcement agencies and the Centers for Disease Control and Prevention (CDC). Here we use the law enforcement data for city level estimates and the CDC data for state level estimates. See: *https://bjs.ojp.gov/content/pub/pdf/ntmh.pdf.*

19 See: *https://www.cdc.gov/nchs/fastats/homicide.htm.*

20 Rosenfeld, Richard, and others. "Pandemic, Social Unrest, and Crime in US Cities: Year-End 2022 Update." (Washington, DC: Council on Criminal Justice, 2023).

21 Rosenfeld and others (2023).

22 Lopez, Ernesto, and others. "Shoplifting Trends: What You Need to Know." (Washington, DC: Council on Criminal Justice, 2023).

23 All police departments in Massachusetts started reporting arrest data to NIBRS during the study period, but the specific start date for each department varied. As a result, many police departments had to be removed from our dataset to enable consistent comparisons of arrests over time. The final sample included just 282 out of the 487 police departments in Massachusetts. Most notably, the final sample does not include the Boston Police Department.

24 FY 2023 was the first full year that the trial court operated without pandemic restrictions. In both FY 2022 and FY 2023, the courts processed more cases than they received. However, the court is still catching up on backlogged cases, which peaked in FY 2021.

25 The average length of stay pre-reform was less than seven months. See: CSG Justice Center—Massachusetts Criminal Justice Review, Working Group Meeting 3 Interim Report, July 12, 2016.

26 Authors' tabulations of annual medical parole report data, accessed at *https://www.mass.gov/lists/medical-parole-reports.*

27 Jones, Jonathan, and Benjamin Forman. "Reducing Recidivism in Massachusetts with a Comprehensive Reentry Strategy." (Boston, MA: MassINC, 2016).

28 Mears, Daniel P., and William D. Bales. "Supermax incarceration and recidivism." *Criminology* 47.4 (2009); Gaes, Gerald G., and Scott D. Camp. "Unintended consequences: Experimental evidence for the criminogenic effect of prison security level placement on post-release recidivism." *Journal of Experimental Criminology* 5 (2009); Haney, Craig. "Mental health issues in long-term solitary and 'supermax' confinement." *Crime & Delinquency* 49.1 (2003); Lovell, David, L. Clark Johnson, and Kevin C. Cain. "Recidivism of supermax prisoners in Washington State." *Crime & Delinquency* 53.4 (2007): 633-656.

29 See: *https://www.mass.gov/lists/prison-population-trends.*

30 "Investigation of the Massachusetts Department of Correction." (United States Department of Civil Rights Division, November 2020).

31 "Report of the Special Commission on Correctional Funding." January 31, 2022. *https://correctionalfunding.com/wp-content/uploads/2022/01/Final-Report-of-the-Special-Commission-on-Correctional-Spending-For-Filing.pdf*

32 See: *https://www.mass.gov/lists/occupational-capacity-reports.*

33 "Overview of Implementation of Chapter 69, Acts of 2018, An Act Relative to Criminal Justice Reform and of Justice Reinvestment Recommendations." (Executive Office of the Trial Court, August 2021).

34 Massachusetts Parole Board 2022 Annual Report. (Executive Office of Public Safety and Security and Massachusetts Parole Board, October 2023).

35 "Investigation of the Massachusetts Department of Correction."

36 See: *https://www.mass.gov/info-details/learn-about-the-massachusetts-community-justice-project#the-sequential-intercept-model-*

37 Hebble, Marisa, and Tess Jurgensen. "Massachusetts Community Justice Project: Cross-Systems Mapping Review." (Executive Office of the Trial Court, September 2020).

38 "Utilization of Community Justice Support Centers Statistical Report." (Boston, MA: Massachusetts Trial Court, March 2023).

39 "Strategies to Reduce Wait Times and Enhance Access to Behavioral Health Services." (Massachusetts Department of Mental Health, April 2023).

40 Flynn, Caitlin. "Psychiatric Patient Access to Continuing Care Services." (Massachusetts Health & Hospital Association, January 2023).

41 Tucker and Cadora (2003).

42 Sabol, William J., and Miranda L. Baumann. "Justice reinvestment: Vision and practice." *Annual Review of Criminology* 3 (2020).

43 Contreras, Renée, and others. "Shannon Community Safety Initiative: 2023 Statewide Research Partner Interim Report." (Northeastern University and University of Pennsylvania, 2023).

44 Campie, Patricia E., Mary Vriniotis, Nicholas Read, Trevor Fronius, and Anthony Petrosino. "A Comparative Study Using Propensity Score Matching to Predict Incarceration Likelihoods among SSYI and Non–SSYI Youth from 2011 to 2013." (Boston, MA.: Massachusetts Executive Office of Health and Human Services, 2014); Petrosino, Anthony, Herbert Turner, Thomas L. Hanson, Trevor Fronius, and Patricia E. Campie. "The Impact of the Safe and Successful Youth Initiative (SSYI) on City-Level Youth Crime Victimization Rates. An Interrupted Time Series Analysis with Comparison Groups." (Boston, MA.: Massachusetts Executive Office of Health and Human Services, 2014).

45 "Gun Violence Prevention Program: Legislative Report." (Boston, MA: Executive Office of Health and Human Services, August 2023).

46 "Justice Reinvestment in Massachusetts: Reducing Recidivism and Strengthening Public Safety." (Lexington, KY: Council of State Governments, November 2018).

47 Tsai Bishop, Elizabeth, and others. "Racial Disparities in the Massachusetts Criminal System." (Cambridge, MA: Harvard University, 2020).

48 See: *https://www.mass.gov/doc/restorative-justice-state-office-program-design/download.*

49 See: *https://www.mass.gov/doc/corrections-master-planpdf/download.*