Criminal Justice Reform in Massachusetts

A Five-Year Progress Assessment
Overview

- Primer on criminal justice reform
- Criminal justice trends post-2018
- Reinvestment trends post-reform
The Road to Criminal Justice Reform in Massachusetts

- **2010**
  - CORI reform law passes
  - "Ban the box" and first significant reductions to drug sentences in 30 years

- **2011**
  - Safe & Successful Youth Initiative launches

- **2012**
  - Melissa’s Law passes
  - "Three strikes" provisions
  - Good time increases and reductions to mandatory minimums for some drug offenses

- **2013**
  - MassINC Produces Crime, Cost, Consequences and spearheads MA Criminal Justice Reform Coalition

- **2014**
  - ROCA expands with Pay for Success social impact finance

- **2015**
  - Massachusetts leaders agree to conduct limited Justice Reinvestment Initiative review with support from Council of State Governments (CSG)

- **2016**
  - ACLU Begins "What a Difference a DA Makes" campaign

- **April 13, 2018**
  - Governor Baker signs criminal justice reform laws
Goals of the 2018 reform laws

• Reduce incarceration and recidivism

• Improve behavioral health

• Reduce racial disparities in the criminal legal system, and their impact on communities of color

• Underlying theory of change: “less incarceration = more public safety”
<table>
<thead>
<tr>
<th>Act Relative to Criminal Justice Reform</th>
<th>Act Implementing the Joint Recommendations of the Massachusetts Criminal Justice Review</th>
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<tbody>
<tr>
<td>• Decriminalization and diversion</td>
<td>• Good time and program completion credits</td>
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<td>• Pretrial detention</td>
<td>• Eligibility for limited good time reductions for some individuals serving mandatory minimums</td>
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<td>• Sentence length reductions and enhancements</td>
<td>• Compliance credits for those with post-release parole or probation supervision</td>
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<td>• Restrictive housing reforms</td>
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<td>• Solitary confinement</td>
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<td>• Reduced parole and probation fees</td>
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<td>• Criminal record sealing changes</td>
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<td>• Data collection and transparency</td>
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Research Questions

• Did the 2018 reforms lead to meaningful reductions in incarceration?

• Did the 2018 reforms reduce racial disparities in the criminal legal system?

• Has Massachusetts made meaningful investments in alternatives to incarceration?

• Is the less incarceration = more public safety formula working?

Method/Disclaimer

✓ Descriptive analysis only

✓ All findings are suggestive; we cannot make causal claims about the impact of policy changes
Evaluating Crime and Criminal Justice Trends Post-Reform
Incarceration rates in the United States versus Massachusetts

Per 100,000 residents

Indexed to 2017

Source: US Bureau of Justice Statistics and Massachusetts Executive Office of Public Safety and Security, Cross-Tracking System
Incarceration rates in the United States versus Massachusetts by race/ethnicity

Per 100,000 residents

Indexed to 2017

Source: US Bureau of Justice Statistics and Massachusetts Executive Office of Public Safety and Security, Cross-Tracking System
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
Property crime rates in the United States versus Massachusetts

Indexed to 2017

Source: FBI Crime Data Explorer
Percent change in arrests in the five years before and after 2018, all reporting jurisdictions

Source: Massachusetts State Police CrimeSOLV
Percent change in charges by offense, Fiscal Year 2019 to Fiscal Year 2023

Source: Massachusetts Trial Court Department of Research and Planning
Percent change in annualized averages of drug-related sentences pre vs post reform

from the period before reform (July 1, 2016 to April 13, 2018) to the period after reform (April 17, 2018 to June 30, 2023)

Source: Massachusetts Trial Court and MassINC calculations
Evaluating Investment Trends in Treatment, Rehabilitation and Community Economic Development Post-Reform
Corrections and Reentry Funding

• Post-reform, per-inmate funding increased significantly.

• It’s not clear where this funding is going.

• We have a better understanding of reentry and reinvestment funding, which has seen some of the greatest new investments
Reentry and reinvestment program funding.

- Safe and Successful Youth Initiative
- Community Empowerment and Reinvestment Grant Program
- Re-entry Programs
- Housing Assistance for Re-entry Transition
- Recidivism Reduction for Youth and Young Adults
- Community Based Re-entry Programs
- Workforce Development
- Gang Prevention Grant Program (Shannon Grants)

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MassINC

BOSTON INDICATORS
Reentry and reinvestment program funding.

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- Community Empowerment and Reinvestment Grant Program
- Gang Prevention Grant Program (Shannon Grants)
- Recidivism Reduction for Youth and Young Adults
- Housing Assistance for Re-entry Transition
- Community Based Re-entry Programs
- Workforce Development

Funding amounts and years:
- FY17: $20,000,000
- FY18: $40,000,000
- FY19: $60,000,000
- FY20: $80,000,000
- FY21: $100,000,000
- FY22: $...
- FY23 Current: $...
- FY24 GAA: $...
Reentry and reinvestment program funding.

- Workforce Development Community Based Reentry Programs
- Recidivism Reduction for Youth and Young Adults
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FY17: Fiscal Year 2017
FY18: Fiscal Year 2018
FY19: Fiscal Year 2019
FY20: Fiscal Year 2020
FY21: Fiscal Year 2021
FY22: Fiscal Year 2022
FY23 Current: Fiscal Year 2023 Current
FY24 GAA: Fiscal Year 2024 General Appropriations Act
Number of adult and youth continuing care beds. Massachusetts.

Source: Department of Mental Health Section 114 Report.
Doubling Down on Early Success
Doubling Down on Early Success

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. Increasing 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.
Thank You

Ben Forman
Elise Rapoza
Peter Ciurczak