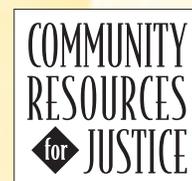


# Priorities and Public Safety II:

Adopting Effective Probation Practices

Prepared by  
**The Crime and Justice Institute**  
A Division of Community Resources for Justice  
For  
**The Boston Foundation**



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# Understanding Boston

## Priorities and Public Safety II: Adopting Effective Probation Practices

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This report came about in response to circumstances created after the earlier report, published in December 2009 titled *Priorities and Public Safety: Reentry and the Rising Costs of our Corrections System*. That report triggered an examination initially focused on the significant budget growth in the Probation Department and then on allegations of mismanagement and legislative interference of Probation. As this process unfolded, the Boston Foundation was determined to focus the project on the important goal of describing a probation system and community supervision process that improved public safety and is cost effective. While the state was talking about patronage, the Boston Foundation sought to illuminate the vital public safety role that Probation should play in an effective criminal justice system. The authors are grateful for the Boston Foundation's dedication to the crime, punishment and rehabilitation issues that impact large numbers of the Commonwealth's population on a daily basis.

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## Introduction

Over the past six months, the Massachusetts criminal justice system has come under scrutiny due to the budget growth in its corrections agencies. This growth combined with the state's budget crisis has compelled a closer examination of the oversight, decision-making and outcomes of one particular agency: the Probation Department. Originally identified in the Boston Foundation/Crime and Justice Institute at Community Resources for Justice report in December 2009, *Priorities and Public Safety*, the Probation Department's budget was found to have increased 163%, adjusted for inflation, between 1998 and 2008. Recent reports have highlighted the Probation Department's hiring practices, lack of oversight and reluctance to share important public safety data. This scrutiny has led to calls for significant change in the structure, management and oversight of the Department.

While much of the public discussion of the Probation Department has focused on allegations of patronage, wasted resources and legislative interference, little attention has been paid to the important role probation plays in ensuring public safety. Effective probation practices are designed to stabilize an offender and discourage future criminal behavior. Because probation is usually imposed as an alternative to prison or jail, effective probation practices also reduce costs of corrections by shutting the revolving door of low-level offenders in and out of prison and jail.

Some parts of Massachusetts's system have made progress in implementing proven practices that reduce the threat to public safety posed by the offender population. The Department of Corrections, Parole Board and county sheriffs have made progress despite experiencing fiscal deficits and other stresses. However, there is little evidence that the Massachusetts Probation Department is improving public safety through sound supervision practices or is a willing partner with other agencies in this effort. Supervision practices and caseload sizes lead to increased staffing levels without a corresponding increase in successful outcomes. The lack of a "best practices" strategy and adequate information sharing from Probation requires not just a response to the more public concerns of patronage and waste but a commitment to better public safety outcomes.

If nothing changes in our approach to crime, punishment, and offender rehabilitation, the prison and jail populations in Massachusetts are expected to increase by more than 5,000 inmates in the next 10 years, requiring construction of new prisons and jails at a cost of more than \$550 million dollars and an annual increase to the corrections budget of \$45 million. The Commonwealth cannot tolerate agencies that disregard their role as a partner in protecting the public and ignore the evidence and best practices that improve public safety and protect state resources.

As this report was being prepared, a Boston Globe Spotlight series reported on long-term and ongoing problems in the Probation Department. In the wake of those reports, the Commissioner of Probation was suspended and an acting administrator has been appointed. The change in the leadership of the Probation Department ushered in a change in the agency's willingness to share information and partner on behalf of public safety. At the same, an investigation was ordered by the Supreme Judicial Court to fully understand the scope of the alleged abuses and the questionable relationship between members of the legislature, judicial officials and the leadership of the Probation Department. While this investigation is ongoing, numerous questions have been raised about the role probation plays in the criminal justice system and whether the Massachusetts probation system can be overhauled to become an effective criminal justice partner.

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This report examines the current structure of corrections in Massachusetts, focusing on the vital role probation plays in protecting the public, and how other states carry out probation responsibilities. The report also incorporates the research showing the necessary elements of an effective and efficient probation system and what Massachusetts leaders should focus on as they work to restore the Probation Department as an effective and collaborative partner in the criminal justice system.

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# Structure of the Massachusetts Corrections System<sup>1</sup>

Massachusetts has a fragmented corrections system with four distinct agencies: 14 County Sheriffs Departments, the state Department of Corrections, the Board of Parole, and the Probation Department. They are organized under three separate areas of government.

- Fourteen counties in Massachusetts maintain a sheriffs department to operate their county's house of corrections and jail. The sheriffs, collectively, incarcerate approximately 12,300 people in pre-trial detention and those sentenced to terms ranging from a few days up to 30-months.<sup>2</sup>
- The Department of Correction (DOC) and the Parole Board are located within the executive branch. The DOC currently houses 11,264 inmates in 18 institutions ranging from pre-release centers to maximum-security prisons.<sup>3</sup> Appointed by the governor, the seven-member Parole Board is responsible for all parole release and revocation decisions and, on any given day, the supervision and management of more than 3,300 people paroled to the community.<sup>4</sup>
- The Department of Probation is located in the judicial branch and overseen by the Administrative Office of the Trial Court. Similar to Parole, the Probation Department is responsible for supervising offenders in the community who have been ordered by the court to a period of probation in lieu of incarceration or have a period of probation following incarceration. The authors were unable to determine how many offenders are actually being supervised by Probation.

## Problems in the Corrections System

The diffused governance structure of these corrections agencies inhibits collaboration, creates unnecessary redundancy and restricts uniform data collection and information sharing. Even the DOC and the Parole Board, both located under the executive branch, have difficulty sharing information because they use different systems to collect data. The sheriffs, elected locally and operating independently of each other, do not have a similar system for collecting and analyzing information, lack uniform definitions of recidivism and common measures of corrections success, and some sheriffs may not track recidivism data at all. Finally, as we have seen in recent reports and media articles, the Probation Department has, historically, shown little interest in partnering with other criminal justice agencies, in collecting data and information and in sharing what they collect.

The budget crisis has come at a time when the DOC, Parole and many sheriffs have begun to make progress in re-shaping agencies and focusing their resources on efforts that enhance public safety. Some of these agencies have made significant strides in implementing evidence-based practices, those proven to reduce recidivism, and have begun to show lower recidivism rates.<sup>5</sup> Leaders of these agencies have focused on changing offender behavior in order to reduce the risk of re-offense

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<sup>1</sup> See Appendix A for a flow chart of the state's criminal justice system.

<sup>2</sup> Massachusetts Sheriffs' Association. *Monthly Count Sheet* (Apr 2010).

<sup>3</sup> Massachusetts Department of Correction. *Weekly Count Sheet* (14 Jun 2010).

<sup>4</sup> Massachusetts Parole Board. *2009 Annual Statistical Report* (2009).

<sup>5</sup> For a more comprehensive description of the progress being made in some of these agencies see *Priorities and Public Safety* located online at [www.tbf.org](http://www.tbf.org) or [www.cjinstitute.org](http://www.cjinstitute.org).

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rather than simply warehousing offenders and releasing them after the sentence is served. Because of the massive fixed costs<sup>6</sup> in the corrections system, corrections officials have few budget reduction options other than eliminating the critical programs and services that change offender behavior and, in turn, improve public safety.

If nothing changes and recidivism rates remain unaddressed, the prison population and corresponding corrections costs are expected to increase significantly. The Fiscal Year 2010 budget directed over \$900 million to the Department of Corrections and the county sheriffs budgets.<sup>7</sup> **By 2020, prison and jail populations are expected to grow by over 5000 inmates, exacerbating current overcrowding problems. This will require new prison construction at a cost of \$550 million and an additional \$45 million in annual operating costs.**<sup>8</sup>

With the indicators showing a rising prison population and corresponding costs, the budget crisis should force the state to consider other options to improve public safety and ensure that expensive jail and prison beds are prioritized for those who present a serious public safety threat. As shown in other states, Massachusetts can improve public safety and reduce corrections costs with better collaboration, the use of proven practices that reduce risk and using resources more efficiently. Sentencing reforms, especially eliminating mandatory minimum drug sentences, prioritizing recidivism reduction, and targeting higher risk offenders to improve public safety must accompany practice changes in order to reduce crime and victimization, and reduce costs.<sup>9</sup>

However, given the recent focus on the Probation Department and the apparent need to overhaul this agency, the most logical step in the Commonwealth's immediate effort to improve public safety is to develop a collaborative and evidence-based probation and community supervision system.

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<sup>6</sup> See The Governor's Commission on Corrections Reform report, *Strengthening Public Safety, Increasing Accountability and Instituting Fiscal Responsibility in the Department of Correction*, June, 2004, for a more comprehensive discussion of the costs of corrections.

<sup>7</sup> House 4129, *An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissioners, Institutions and Certain Activities of the Commonwealth, For Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements*. The Commonwealth of Massachusetts (June 2009).

<sup>8</sup> Massachusetts Executive Office for Administration and Finance, *A System Plan for Massachusetts Corrections*. Commonwealth of Massachusetts, Division of Capital Asset Management. (Dec 2009).

<sup>9</sup> For a more comprehensive discussion of these opportunities see *Priorities and Public Safety* located online at [www.tbf.org](http://www.tbf.org) or [www.cjinstitute.org](http://www.cjinstitute.org).

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## Best Practices vs. Current Massachusetts Practices

Research over the past ten years presents clear advice on the vital components of an effective offender management system. The research has led to state-specific models that are being replicated across the country. Unfortunately, Massachusetts probation has not embraced the progress being made in evidence-based community supervision and this has adversely affected both public safety and corrections costs in the Commonwealth.

### 1. Assessing offender risks and needs

- **Best Practice:** Research shows that a sound assessment can identify the risk an offender poses to re-offend and the factors or needs that, if addressed, will reduce the likelihood of re-offense. A validated risk and needs assessment is the foundation for managing offenders, both in the community and while incarcerated, to improve public safety and reduce victimization.
- **Massachusetts Practice:** The Probation Department does not use an effective assessment tool<sup>10</sup> and therefore does not accurately assess a probationer's risk to reoffend. As a result, probation officers generally do not know whether the person being supervised is likely to commit a new crime or why. This results in poorly managed offenders, both low-risk and higher risk, with inappropriate resource allocation and inconsistent management practices.

### 2. Targeting higher risk offenders

- **Best Practice:** Research shows that resources directed toward those offenders at higher risk to reoffend result in greater public safety. Conversely, resources directed toward lower-risk offenders produce little positive effect and may actually increase recidivism for those individuals. Higher-risk offenders have a greater need for programs, treatment and skill-building, and resources must be allocated accordingly in order to positively impact public safety. Low-risk offenders are usually more stable and already have positive connections to housing, employment and pro-social relationships allowing for minimal supervision.
- **Massachusetts Practice:** Because the Probation Department does not use an appropriate assessment tool most offenders are treated similarly whether they are low-risk or high-risk. While a majority of probationers (81%<sup>11</sup>) are placed on high-risk supervision there is little indication that services are targeted based on the needs and supervision levels of the probationer. This signifies a poor understanding of the supervision needs of most offenders.

### 3. Implementing programs proven to reduce risk

- **Best Practice:** As a result of rigorous evaluation, there is a widely recognized body of knowledge identifying which programs are most effective at reducing the risk an offender poses to the public. Programs that address an offender's criminal thinking, substance abuse,

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<sup>10</sup> Email from Ellen Slaney, Office of the Commissioner of Probation, dated June 16, 2010, responding to questions sent by the authors to Probation in January 2010 reports that the risk assessment tool used by Probation is 22 years old.

While considered state-of-the-art at the time, the research on assessment tools since then has resulted in the development of far more sophisticated assessment tools. Those advanced tools are being used by probation and parole agencies across the country.

<sup>11</sup> Ibid.

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anti-social relationships and lack of marketable skills have the greatest impact on moving an offender away from criminal behavior. That research also tells us that higher risk offenders require 40 to 70 percent of their time to be structured with appropriate services during the first three to nine months of post-release supervision.<sup>12</sup>

- **Massachusetts Practice:** There is no evidence that the Probation Department systemically prepares offenders to remain safely in the community.<sup>13</sup> The annual report from the Office of Community Corrections<sup>14</sup> indicates that the available programs stress the monitoring of offenders yet fail to address the offender's criminal characteristics in a systematic way. There is no indication that cognitive therapy, family-based programming and pro-social skill and relationship development programs are available to offenders on a schedule consistent with nationally accepted best practices.

#### 4. Measuring outcomes

- **Best Practice:** In an evidence-based system, the ability to measure the outcomes of practices is crucial. It is equally important to measure offender and staff performance. Agencies must routinely assess offender change in cognitive and skill development and evaluate offender recidivism if services are to remain effective. Agencies must also measure staff performance in order to assure alignment with program design and service delivery principles, and increase the likelihood of positive outcomes.
- **Massachusetts Practice:** Information published by the Probation Department does not indicate that any data is collected relative to supervision or program outcomes, tracking offenders after discharge to determine success or failure, staff performance related to offender outcomes or the effectiveness of the programs.<sup>15</sup> The annual report of the Office of Community Corrections includes some program measurements but does not include program effectiveness, program content, participation criteria or outcome data.

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<sup>12</sup> Gendreau, P and Goggin, C, *Principles of effective correctional programming with offenders*, Center for Criminal Justice Studies and Department of Psychology, University of New Brunswick, 1995.

<sup>13</sup> Earlier requests to the Commissioner of Probation for information on the programs offered by Probation went unanswered.

<sup>14</sup> The Community Corrections Centers' programs consist of electronic monitoring, frequent drug testing and eight hours of community service per a week. Some offenders receive job placement services, General Education Support and substance abuse treatment although information on whether these programs are evidence-based or on their outcomes has not been made available.

<sup>15</sup> In the 6/16/10 email from Probation responding to various questions, the Department included data related to recidivism. Additional information is needed before the authors can analyze it.

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# Fiscal Implications of an Evidence-Based Probation System

Implementing evidence-based practices not only improves public safety by reducing recidivism, it reduces the cost of corrections by increasing the number of offenders who successfully adjust to a crime-free lifestyle. **States that have adopted evidence-based approaches for probation and parole functions have experienced significant declines in prison population allowing them to close prisons and redirect resources.**

## Supervision practices

The Probation Department reports that more than 80% of probationers are placed on high-risk supervision. When compared to states that use appropriate assessments to make supervision decisions, this figure is extraordinarily high. In Maine, for example, just 12% of the probation population is placed on high-risk supervision.<sup>16</sup> Connecticut, like Maine, uses a validated risk assessment tool and just 15% of Connecticut's probationers are on high supervision.<sup>17</sup> High-risk supervision is costly, requiring significant resources to monitor and manage the population. With an appropriate risk assessment process in place and consistent supervision practices being employed, many offenders can be safely placed on lower-risk supervision at a far lower cost.

## Programs, treatment and supervision practices that reduce recidivism

Effective programs and treatment that reduce an offender's risk of returning to crime not only improve public safety, they reduce corrections costs as well as the costs of new crime on communities and victims. Programs and services operated by the Probation Department do not appear to meet standards of effective practice. The 163% increase in the probation budget along with the large number of probationers who fail while on probation - there were more than 50,000 surrenders in FY08<sup>18</sup> - does not indicate that probation practices are cost effective. Recognizing the tremendous financial costs of probation violations, probation departments across the country, have implemented programs that address a broad spectrum of criminal characteristics related to improved public safety, and these are having a measurable effect on the number of probationers returning to incarceration. Kansas reduced probation violations by nearly 30% and averted \$80 million in corrections costs over the following 5 years.<sup>19</sup>

## Collaboration with other criminal justice agencies

The Massachusetts Parole Board has created a model for community-based, collaborative supervision practices with its Regional Reentry Centers. These Centers partner with community-based service providers for mental health, substance abuse and cognitive programs, education and skill development and job preparation. Parole is collaborating with the Department of Corrections and many sheriffs to use the Centers to maximize outcomes and resources. The Probation Department, through the Office of Community Corrections,

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<sup>16</sup> Rubin R and Dodge J, *Probation in Maine: Setting the Baseline*. Project Technical Report for the National Institute of Corrections, July 2009.

<sup>17</sup> State of Connecticut, Judicial Branch, Court Support Services Division. *Adult Probation Daily Population*, June 23, 2009.

<sup>18</sup> Office of the Commissioner of Probation, *General Statistics, Fiscal Years 2007 & 2008*. Obtained from website [www.mass.gov/courts/probation/2008-2009generalstats.pdf](http://www.mass.gov/courts/probation/2008-2009generalstats.pdf), June 2010.

<sup>19</sup> Pew Center on the States, *One in 31: The Long Reach of American Corrections*. Pew Charitable Trusts, March 2009.

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offers limited services to probationers and serves only a small proportion of the probation population. Probation – and the system as a whole – would greatly benefit from collaborative relationships with other agencies that provide services to ex-offenders.

#### Caseload sizes

The ratio of offenders-to-probation officer is an area of significant fiscal opportunity. While there are a number of variables that go into the science of caseload sizes, very few of them appear to be present in Massachusetts probation. Based on the data available, caseload sizes of probation officers appear to be well below national levels. Across Massachusetts' superior and district courts, the average probation officer supervises approximately 40 individuals on a risk-needs or active caseload.<sup>20</sup>

To put this in perspective, the American Probation and Parole Association (APPA) recommends a ratio of approximately 50-to-1 for moderate to high risk offenders and 200-to-1 for low risk offenders.<sup>21</sup> In a survey of its members, the APPA found the average caseload for a community supervision officer to be 106 offenders.<sup>22</sup>

Thus, most Massachusetts probation officers are supervising far fewer offenders than probation officers in other states, and yet recidivism rates in Massachusetts are not lower as a result of the smaller caseloads. This problem is related to the lack of a sound risk assessment, which makes it nearly impossible to accurately establish appropriate risk levels and, in turn, effective supervision plans and caseload sizes and the lack of evidence-based programs. If a validated assessment were used by Probation, it is likely that caseloads would be increased, yielding more effective and efficient use of probation officers.

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<sup>20</sup> Data allowing the evaluation of caseload sizes was received from various sources including Probation Department documents.

<sup>21</sup> American Probation and Parole Association, *Caseload Standards for Probation and Parole*. (September 2006)

<sup>22</sup> American Probation and Parole Association, *Probation and Parole's Growing Caseloads and Workload Allocation: Strategies for Managerial Decision Making*. (May 2007)

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# Best Practices Incorporating Probation into Community Corrections Systems

The increased scrutiny placed on the Probation Department over the past six months has led to two interrelated questions: What improvements in probation should occur, and under which branch of government should probation services be placed to best achieve these improvements? To address these questions, we have examined three states looking for universal best practices which could be achieved under any system. Our exemplar community corrections systems are Connecticut's innovative judicial system, Michigan's promising consolidated executive system, and Pennsylvania's unique hybrid system.

While most states place probation within a statewide executive agency (as in Michigan), probation is also found in the judiciary (as in Connecticut) and occasionally in hybrid systems, such as Pennsylvania.<sup>23</sup> In looking at these states, we will consider where optimal results may be achieved, with regard for effective management of services and for efficient use of resources.

## A Nonconsolidated Judicial System of Probation—Connecticut

Community supervision in Connecticut is compartmentalized with the judicial branch running probation through its Court Support Services Division (CSSD) and the executive running parole supervision through the Department of Correction (DOC).

CSSD's operation and management of probation indicates that separate community supervision agencies do not preclude the delivery of effective services. This has been achieved through a culture of innovation and collaboration. The leadership of CSSD has implemented a systemic risk and needs assessment process and developed program models and a network of providers to address the myriad needs of offenders in the community. CSSD's program targeting transition services has a re-incarceration rate of 17% percent compared to 41% for a similar group who did not participate in the program. In the program designed to reduce technical violations among probationers, only 24% of the participants were re-incarcerated compared to a similar group who did not participate in the program with 41% re-incarcerated.<sup>24</sup>

As impressive as these results are, CSSD's commitment to evaluation and to enhancing public safety stands out. CSSD created a data collection and ongoing evaluation process that involves all of its partners.<sup>25</sup> This outcome-driven process ensures that the Division, its internal units and contracted service providers are collectively working to improve practices and outcomes. Recognizing the shortcomings of a nonconsolidated corrections system, CSSD launched the Judicial Electronic Bridge which creates a single database of presentence investigations and probation information available to all corrections partners.<sup>26</sup> Recently the DOC indicated its commitment to match CSSD's information sharing by making all its risk and needs assessment data available to

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<sup>23</sup> American Probation and Parole Association, *Adult Probation in the United States: A White Paper*, prepared for the Probation Services Task Force of the California Administrative Office of the Courts (September 2000).

<sup>24</sup> Connecticut Court Support Services Division, *Sanctions Update, Spring 2008* (2008).

<sup>25</sup> This process is evidenced by numerous inter-agency collaborative reports whose preparation was managed or overseen by the Connecticut Office of Policy and Management (OPM).

<sup>26</sup> Connecticut Office of Policy and Management, *Progress Report: Implementation of 2008 Criminal Justice Reforms* (January 2010).

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parole and probation officials for transitioning offenders.<sup>27</sup> The legislature has also contributed to this collaborative effort by requiring the creation of a comprehensive, statewide information technology system scheduled to be implemented in 2011.<sup>28</sup>

## **A Consolidated Executive System of Probation—Michigan**

In Michigan all supervisory aspects of corrections are overseen by the governor-appointed Director of the Department of Corrections. While the Governor appoints the Parole and Commutation Board, which is responsible for parole hearings and decisions, the Board is overseen by the director who supervises parolees and probationers. The DOC manages all aspects of prison and community supervision, while local courts are responsible for determining a probationer's legal status.

Having so many aspects of corrections within a single executive department could be a double-edged sword, but Michigan has used its consolidated organization effectively and efficiently. Officers can be assigned probationers, parolees, or some combination thereof, which provides a larger base of officers to choose from when assigning offenders with specific needs and is essential for efficiencies in rural areas. Centralized training for parole and probation is conducted by the DOC and includes interviewing skills, parole and probation processes, supervision, and information about the department's cutting edge Michigan Prisoner Reentry Initiative (MPRI).

Consolidated executive oversight of parole and probation supervision has made the DOC an effective hub for the MPRI which seeks to bring *all* offenders transitioning from prison to the community within the same statewide effort to improve public safety. Michigan has been careful not to exclude local communities and local government from the process. In each of its 18 regional-based sites, local MPRI steering committees develop a jurisdiction-specific offender reentry plan which coordinates their local communities' nonprofit and state-provided services for former offenders and uses the plan to identify gaps in services that state funding can help fill under the MPRI.<sup>29</sup>

As a system-wide effort driven by evidence-based practices, the MPRI concentrates the state's resources on the highest-risk, highest-need offenders. Using a uniform risk and needs assessment instrument in the community and in prison the state can share records and track offender outcomes. The assessment enables the placement of offenders in the most appropriate supervision structure with programs and services geared toward reducing the offender's risk to re-offend.<sup>30</sup> Results from MPRI so far suggest that the process is working: a 32% reduction in prison returns as of April 2010 and a prison population that is now about 45,000, down 6,500 prisoners from March 2007.<sup>31</sup>

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<sup>27</sup> Connecticut Department of Correction, *State of Connecticut Criminal Justice Risk Assessment Strategy* (January 2009).

<sup>28</sup> Connecticut Office of Policy and Management, *Progress Report: Implementation of 2008 Criminal Justice Reforms* (January 2010).

<sup>29</sup> Michigan Department of Corrections, *Report to the Legislature pursuant to Public Act 245 of 2008* (2009).

<sup>30</sup> Alexander E, *Michigan Breaks the Political Logjam: A New Model for Reducing Prison Populations*. National Prison Project of the ACLU, (Nov 2009).

<sup>31</sup> Michigan Department of Corrections Newsletter, *FYI*, (April 2010).

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## A Hybrid Approach—Pennsylvania

In Pennsylvania, the governor appoints a nine-member Board of Probation and Parole (PBPP) to make most parole decisions and to oversee the Office of Probation and Parole Services (OPPS). OPPS promulgates statewide standards for supervision and supervises most parolees. County courts, meanwhile, hire their own separate staff of officers and are charged with both sentencing and supervising offenders who either are eligible for probation or have served a sentence of less than two years and are eligible for parole (about 25% of parolees). OPPS then connects with these local governments by offering grants-in-aid to county court systems and assists in training their local officers. Local courts can also request assistance from OPPS in administering presentence investigations or in supervising offenders.

This structure allows local government a degree of autonomy to make decisions about meeting their own specific needs, while allowing the state to offer assistance (training, funding, and standards) when needed and manage offenders whose terms of incarceration are longer and who have significant reentry needs. At the state level, offenders are uniformly assessed upon release to parole and then reassessed at least once every six months<sup>32</sup> although only 72% of Pennsylvania's county probation and parole systems use a risk assessment tool.<sup>33</sup>

The decentralization of some authority to local courts has not prevented Pennsylvania from achieving noteworthy reforms through top-down initiatives, like those of Connecticut and Michigan. In 2004, the Governor convened a Reentry Task Force to identify needs among agencies with a role in reentry. This led to the creation of the Bureau of Offender Reentry, which has taken on reforms to the assessment process, targeted higher risk offenders and implemented statewide performance measures.<sup>34</sup> Results indicate that these efforts have been successful: in FY 08/09 Pennsylvania had an average of 60 fewer state-sentenced technical violators per month than it did in FY 05/06: and overall, the one-year recidivism rate for state parolees dropped from 28% in 2003 to 21% by FY08/09.<sup>35</sup>

## Lessons from These States

### *Effective Management*

Scholars agree that using data on an ongoing basis is an essential component of achieving real reform in case management.<sup>36</sup> The capacity for evaluation, in turn, rests on agencies' willingness and ability to measure and openly report their own successes and failures.

Given that community supervision often entails the combined efforts of DOC, probation and parole, routine inter-agency sharing of information and expertise also improves case management by

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<sup>32</sup> Pennsylvania Board of Probation and Parole, *Toward Safer Communities* (Mar 2010).

<sup>33</sup> Pennsylvania Board of Probation and Parole, *County Adult Probation and Parole Annual Statistical Report 2008* (2008).

<sup>34</sup> Tate S and McVey C, *Rising to the Challenge of Applying Evidence-Based Practices Across the Spectrum of a State Parole System*, Topics in Community Corrections (2007).

<sup>35</sup> Pennsylvania Board of Probation and Parole, *Toward Safer Communities* (Mar 2010).

<sup>36</sup> C.f. Taxman F, *Supervision: Exploring the dimensions of effectiveness*, Federal Probation 66 (2002): 14-27.

Joplin L et al., *Using an integrated model to implement evidence-based practices in corrections*. International Community Corrections Association and American Correctional Association (2004).

Burke P, *TPC Reentry handbook: Implementing the NIC transition from prison to the community model*, National Institute of Corrections (2008).

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helping policymakers target broad reforms. Connecticut has sought out institutionalized methods of inter-agency communication, such as the Judicial Electronic Bridge, to unite its otherwise-divided efforts; Michigan has relied on the information sharing benefits of a centralized agency to set up advanced advisory networks; Pennsylvania has provided lifelines of state expertise to otherwise-isolated county systems.

More generally, each of these community supervision systems has thrived on a willingness and ability to enact sweeping reforms based on research and knowledge. In Connecticut, the reforms have come from a single agency and spread laterally, while Michigan's and Pennsylvania's structures have occasioned top-down, system-wide initiatives.

#### *Managing caseloads, training and information sharing*

Knowledge of offenders' risks and needs allows states like Connecticut, Michigan and Pennsylvania to gain efficiency in a hugely important area: personnel management. The American Probation and Parole Association has explored the topic of caseload size, finding that states can achieve optimal staffing ratios if they supervise offenders according to modern, validated assessment tools and actually *use* the assessment results when assigning caseloads and developing case plans.<sup>37</sup>

Personnel management has further benefited in these states from attention to standardized training—whether personnel are hired and then trained by statewide agencies (Connecticut and Michigan) or hired locally and trained by statewide agencies (Pennsylvania). Training in risk assessment and case management is necessary to using a risk assessment tool effectively.<sup>38</sup> In addition to assuring coverage of essential topics like risk assessment, a move away from ad hoc localized training to standard statewide training is far more efficient, e.g. a single class of 20 new probation officers versus five local classes of four probation officers.

Finally, inter-agency information sharing, aside from improving case management, improves efficiency by eliminating recordkeeping redundancies and allowing for accountability for outcomes and effective use of resources.

#### *Efficient Use of Resources*

After looking at each of the three states, it is clear that all three models have realized efficiencies: reductions in training and data redundancies through statewide standards, and efficient personnel management from appropriate assessment and classification of offenders. Interestingly, Michigan's use of personnel between probation and parole—which arises from Michigan's consolidated probation/parole services—raises the possibility of further efficiency. Even if probation and parole typically serve different populations and have different personnel needs, in the cases where overlap exists, matching a combined pool of offenders with a joint community supervision workforce offers flexibility and optimizes specialized skills.

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<sup>37</sup> American Probation and Parole Association, *Caseload Standards for Probation and Parole* (September 2006).

<sup>38</sup> Bonta J et al., *Exploring the black box of community supervision*, *Journal of Offender Rehabilitation* 47 (2008): 248-270.

Flores A et al., *Predicting outcome with the Level of Service Inventory-Revised: The importance of implementation integrity*. *Journal of Criminal Justice*, 34 (2006), 523-529.

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## Recommendations

As Massachusetts looks to reform community supervision, it can draw on the experiences of other states in aiming to meet the recommendations of current evidence-based research. Our look at other states and at the research has shown that, while no one particular governmental structure is necessary for proper case management, Massachusetts needs to determine - in the context of whatever structure it ultimately chooses - how it will:

1. **Establish meaningful system-wide goals and standards aimed at reducing recidivism,**
2. **Evaluate services and programs to measure contribution to public safety and recidivism reduction,**
3. **Share information across corrections agencies in a systematic manner,**
4. **Establish a culture conducive to constant improvement and learning,**
5. **Make data-driven decisions, and**
6. **Utilize proven risk assessment strategies.**

While these goals can theoretically be achieved under a variety of structural arrangements, policymakers need to consider these goals in relation to the appropriate level of autonomy to grant to each branch of government given the current political culture in Massachusetts.

With respect to the efficient use of state resources, personnel issues are as salient in Massachusetts as elsewhere. Undoubtedly, Massachusetts needs to examine how it assigns officers to caseloads. With a relatively simple change to Massachusetts's risk assessment and case management policies and procedures, huge strides would be made towards pulling personnel expenses into line with what the system actually needs.

To fully implement a shift in risk and case management, training in evidence-based practices has to follow. Furthermore, delivery from a single unified training body has appeal from the standpoint of efficiency. Massachusetts can consider further melding of probation's and parole's resources in areas where common needs exist, for example, by sharing supervision officers who are specially trained in substance abuse issues and establishing community-based centers similar to the Parole Board's regional reentry centers thereby bringing many service providers under one roof.

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## Conclusion

Over the past few months, Massachusetts has seen its Probation Department, a vital component of the criminal justice system, challenged by allegations of mismanagement and political interference. Yet the extensive and compelling media coverage has not focused on the important public safety role that the Probation Department plays. The public knows much about the questionable hiring practices but knows very little Probation's role in improving public safety and lack of quantifiable success in managing ex-offenders in the community.

In short, the Probation Department has not been an effective and efficient criminal justice agency. By most accounts, it has not been a willing partner with other criminal justice and it has not used evidence-based practices to manage offenders or reduce recidivism. Probation has shown little interest in collecting basic data, evaluating its practices or sharing information explaining its practices and offender outcomes. What little data is shared indicates significant failure.<sup>39</sup> The Probation Department's data on surrenders indicates that more than 50,000 probationers fail annually. Thus, it does not appear to have been successful in its central mission of effectively managing the supervision of offenders toward a stable and lawful lifestyle. The recent temporary change in leadership appears to have led to a more transparent department as more information on probation practices and outcomes is being made available.

With systemic reforms to the Probation Department under professional, independent and experienced leadership, Massachusetts has an opportunity to make major strides in reducing recidivism and improving public safety.

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<sup>39</sup> See the Probation website <http://www.mass.gov/courts/probation/2008-2009generalstats.pdf> for information on surrenders.

# Appendix A: Massachusetts Criminal Justice System

