

**A REPORT ON THE OFFICE OF COMMUNITY CORRECTIONS IN
FY 2016**

MANDATED BY THE 2015 GAA

FOR LINE-ITEM 0339-1003

TO THE

HOUSE COMMITTEE ON WAYS AND MEANS

&

SENATE COMMITTEE ON WAYS AND MEANS



**MASSACHUSETTS TRIAL COURT
OFFICE OF COMMUNITY CORRECTIONS**

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INTRODUCTION

The Office of Community Corrections (OCC) submits this report in compliance with the provisions of the Acts of 2015, c. 46, s. 2, Line Item 0339-1003.

The OCC is a government organization within the Massachusetts Trial Court, Office of the Commissioner of Probation. Pursuant to G. L., c. 211F, the OCC is charged with the development and implementation of intermediate sanctions. Intermediate sanctions are correctional interventions that are more intensive than traditional community-based criminal justice supervision but are not incarceration.

The OCC pursues this mission through the operation of a statewide network of 18 Community Corrections Centers (CCC) that facilitate enhanced supervision for probation, parole, sheriff's departments, the Department of Youth Services and the Department of Correction through integrated services and sanctions/surveillance. Services are determined by clinical assessment of the participant and include substance abuse treatment, job development, educational services and life skills training. Sanctions include drug and alcohol testing, community service and electronic monitoring.

HISTORY

Prison Overcrowding

In 1980 5,441 people were committed to county houses of correction in Massachusetts. By the end of the decade the number of county commitments increased more than 150% to 13,721. At the state prisons the number of people committed increased by more than 200% from 1,234 in 1980 to 3,794 in 1990. In 1997 county commitments peaked at 19,842.

Boston Bar Association (BBA)/ Crime and Justice Foundation Report

In 1990, faced with a crisis affecting the criminal justice system the Boston Bar Association and the Crime and Justice Foundation convened a task force to study the prison overcrowding problem and make policy recommendations toward its resolution.

Recommendations

While the BBA task force made no inquiry into the underlying cause of increased prison commitments it characterized the problem as being a result of increasing incarceration rates, longer sentences and jailing of substance abusers. The task force resolved that it would not be possible to "build our way out" of the problem. Among the recommendations it made were:

1. Establish a sentencing commission to revise sentencing law, develop sentencing guidelines and serve as principal author for future sentencing amendments
2. Establish intermediate sanctions using the latest programmatic technologies

In recommending intermediate sanctions the task force referred to the lack of options between probation and incarceration as a serious gap in the criminal justice system. The task force found that "there are many offenders for whom a sanction greater than probation is appropriate and others for whom prison is not appropriate." The task force recommended intermediate sanctions that incorporate "supervision—through urinalysis, daily schedules and a regular reporting

structure; accountability—through curfews and community service; and treatment—through substance abuse counseling, employment and training.”

Truth in sentencing

As a result of the public debate over criminal justice policy, the Massachusetts Legislature passed a series of reforms commonly referred to as “Truth in Sentencing” laws. Among these laws were statutes that established the Massachusetts Sentencing Commission and the Office of Community Corrections (OCC). The Massachusetts Sentencing Commission was charged with promoting truth in sentencing, proposing modifications of law for sentencing, and proposing sentencing guidelines that incorporate intermediate sanctions. The Office of Community Corrections was charged with development and implementation of intermediate sanctions.

Mission Statement

The mission of the Office of Community Corrections is the establishment of intermediate sanctions which offer a continuum of sanctions and services for probation, parole, sheriffs and the Department of Correction. This interagency and community collaboration supports public safety.

Consistency with Massachusetts Sentencing Commission

Pursuant to G. L. c. 211F, § 2(c) the executive director of the Office of Community Corrections shall work in consultation with the [sentencing] commission...to ensure consistency between sentencing guidelines and community corrections.

Intermediate Sanction Levels

The Office of Community Corrections adopted Intermediate Sanction Levels from the Massachusetts Sentencing Commission’s *Report to the General Court, April 10, 1996*, “The commission... adopted the notion of a continuum of four levels of intermediate sanctions, based on the constraints on personal liberty associated with the sanction...” Community corrections centers are designed to facilitate the intensive supervision of offenders, delivering integrated services and sanctions which correspond to intermediate sanction levels three and four.

Sentencing to community corrections center

Pursuant to G. L. c. 211F, § 3 (a) “Any court exercising jurisdiction is authorized to sentence any eligible offender to a community corrections program...” and that sentence is imposed, “...as a condition of probation...”

Referral to community corrections center for reentry

Pursuant to G. L. c. 211F, §4 (c) “...the resources of community corrections programs shall be utilized by the parole board for the purpose of parole supervision.”

MANDATED REPORTING ITEMS

(a) the performance standards used to assess the success of community corrections centers;

CCCs are operated via Interdepartmental Service Agreement (ISA) with county sheriff's department or contract with community-based service providers. Requests for Response/Proposal are issued for agreements required to operate CCCs in the area of Program Management, Treatment Management, Program Monitoring, and Drug Testing. Upon the execution of appropriate agreements, the OCC evaluates the success of the CCC in consideration of:

- 1.) Contractor's fidelity to the agreement;
- 2.) Performance measures of intermediate sanction participants (attendance, drug test results, etc.);
- 3.) Outcomes of intermediate sanction participants.

Please note, within government the CCCs represent cross-agency and cross-branch collaboration. Due to the collaborative nature of the CCC model, wherein multiple agencies access resources for enhanced supervision pursuant to their own supervision regime, the relative "success" of the CCC cannot be determined merely by an evaluation of participant performance and outcome data. These data are influenced not only by the correctional interventions taken at the CCC, but by the underlying philosophy, consistency, and competence of criminal justice supervision decisions made independent from the CCC. Further, some outcomes which may be perceived as not indicative of success, such as a participant discharged for noncompliance, could actually be consistent with success of the CCC in that the enhanced supervision model of the CCC permitted probation/parole/sheriff to remove the participant from the community based on a technical violation of the terms of community supervision rather than the commission of a new offense. Therefore, it is insufficient to rely on participant performance and outcomes alone as a metric for success of the CCC.

Therefore, it has consistently been the policy of the OCC to evaluate CCCs not merely by reference to participant performance and outcomes, but to maintain a weekly physical presence at CCCs via the OCC Regional Program Manager (RPM). RPMs conduct weekly CCC visits in which they attend mandated clinical and multidisciplinary team meetings, conduct periodic work group meetings with stakeholders, review case files and interact with CCC staff, probation and parole officers, sheriff's departments, prosecution and defense bar and most importantly program participants. Through this management structure the OCC plays an active role in monitoring contract compliance and promotes criminal justice collaboration.

(b) a description of how each community corrections center rates based on performance and utilization data;

The following data are derived from weekly and monthly utilization reports submitted to the OCC by CCC managers pursuant to agreements for Program Management. The data represent the current FY 2016 (July 2015 through January 2016). Weekly utilization reports include case

level data regarding all intermediate sanction participants. Data categories include name, admission date, DOB, unique identifier (typically Probation Central File number), sex, criminal justice supervision authority (typically court, sheriff's department, or parole office of origin), hours of programming assigned, hours of programming attended, hours of community service assigned, hours of community service attended, positive and negative drug/alcohol test results, discharge date, reason for discharge, reading level (based on TABE assessment), and job status.

As stated above, rating CCC performance based on participant performance data is complicated by many factors including the predominant type of criminal justice supervision under which participants at the CCC are subject. For example, CCC's in which a high proportion of participants are under the supervision of the county sheriff generally see higher rates of compliance relative to programming/community service attendance and drug testing. This is at least partly due to the rigorous surveillance to which these participants are subject if, as in many cases, the house of correction is their present residence. This may also be attributable to the decreased due process rights inmates are afforded as compared with probationers. On the other hand CCCs in which the vast majority of participants are probationers will tend to see lower compliance rates due to the more deliberative process in which probation supervision is conducted which rightfully affords a significantly higher degree of due process. Practically speaking, inmates at the CCC for pre-release may be immediately removed from the CCC, at will, upon the first incidence of suspected noncompliance, whereas probationers cannot be immediately removed but for a warrant issued by a judge based on probable cause.

1. Participant Performance Data

Site	Programming Attendance Rate	Community Service Attendance Rate	Drug Test Negative Rate
Barnstable-CCC	67.5%	54.6%	79.6%
Boston-CCC	61.1%	55.4%	85.8%
Brockton-CCC	70.0%	65.7%	87.8%
Dartmouth-CCC	69.6%	60.1%	81.0%
Fitchburg-CCC	56.3%	50.8%	84.9%
Lawrence-CCC	67.0%	66.0%	80.1%
Lowell-CCC	78.5%	75.3%	64.6%
Lynn-CCC	80.6%	76.6%	67.3%
Northampton-CCC	95.6%	70.2%	94.6%
Pittsfield-CCC	90.6%	86.8%	89.9%
Plymouth-CCC	73.1%	71.7%	92.1%
Quincy-CCC	82.0%	74.5%	82.7%
Salisbury-CCC	77.4%	73.8%	83.3%
Springfield-CCC	66.5%	60.5%	82.1%
Taunton-CCC	81.1%	80.7%	89.2%
West Tisbury-CCC	57.5%	42.7%	61.8%
Worcester-CCC	69.0%	63.0%	78.0%
Worcester-JRC	72.7%	78.7%	81.4%
TOTAL	71.6%	66.9%	81.7%

Site	HiSET (complete achievement)	Aftercare Placements	Job Placements
Barnstable-CCC	0	19	27
Boston-CCC	6	12	28
Brockton-CCC	2	13	33
Dartmouth-CCC	0	9	35
Fitchburg-CCC	1	23	17
Lawrence-CCC	4	31	46
Lowell-CCC	1	42	19
Lynn-CCC	1	37	34
Northampton-CCC	2	41	34
Pittsfield-CCC	0	35	28
Plymouth-CCC	2	24	37
Quincy-CCC	1	17	7
Salisbury-CCC	11	36	64
Springfield-CCC	3	36	15
Taunton-CCC	1	12	30
West Tisbury-CCC	0	5	2
Worcester-CCC	6	27	20
Worcester-JRC	0	5	0
Total	41	417	472

2. Utilization Data

Listed alphabetically:

Site	FY16 average participants per week
Barnstable CCC	30.6
Boston CCC	51.3
Brockton CCC	34.0
Dartmouth CCC	52.9
Fitchburg CCC	65.3
Lawrence CCC	71.7
Lowell CCC	46.0
Lynn CCC	59.0
Northampton CCC	33.1
Pittsfield CCC	33.7
Plymouth CCC	48.9
Quincy CCC	41.4
Salisbury CCC	54.2
Springfield CCC	38.3
Taunton CCC	23.8
West Tisbury CCC	8.7
Worcester CCC	44.2
Worcester JRC	10.6
Total /Avg.	41.6

Listed by rank order:

Site	FY16 average participants per week
Lawrence CCC	71.7
Fitchburg CCC	65.3
Lynn CCC	59.0
Salisbury CCC	54.2
Dartmouth CCC	52.9
Boston CCC	51.3
Plymouth CCC	48.9
Lowell CCC	46.0
Worcester CCC	44.2
Quincy CCC	41.4
Springfield CCC	38.3
Brockton CCC	34.0
Pittsfield CCC	33.7
Northampton CCC	33.1
Barnstable CCC	30.6
Taunton CCC	23.8
Worcester JRC	10.6
West Tisbury CCC	8.7
Total /Avg.	41.6

3. Rating Table

The composite rating is the average of the ranks in the various categories. The rankings were assigned by the standard competition 1-2-2-4 ranking system.

Site	Programing Attendance Rank	Community Service Attendance Rank	Drug Test Negative Rank	HISET Completion Rank	Aftercare Placement Rank	Job Placement Rank	Utilization Rank	Composite Rating
Barnstable-CCC	13	16	14	14	11	11	15	13.4
Boston-CCC	16	15	6	2	14	9	6	9.7
Brockton-CCC	10	11	5	6	13	7	12	9.1
Dartmouth-CCC	11	14	12	14	16	4	5	10.9
Fitchburg-CCC	18	17	7	9	10	14	2	11.0
Lawrence-CCC	14	10	13	4	7	2	1	7.3
Lowell-CCC	6	5	17	9	1	13	8	8.4
Lynn-CCC	5	4	16	9	3	5	3	6.4
Northampton-CCC	1	9	1	6	2	5	14	5.4
Pittsfield-CCC	2	1	3	14	6	9	13	6.9
Plymouth-CCC	8	8	2	6	9	3	7	6.1
Quincy-CCC	3	6	9	9	12	16	10	9.3
Salisbury-CCC	7	7	8	1	4	1	4	4.6
Springfield-CCC	15	13	10	5	4	15	11	10.4
Taunton-CCC	4	2	4	9	14	8	16	8.1
West Tisbury-CCC	17	18	18	14	17	17	18	17.0
Worcester-CCC	12	12	15	2	8	12	9	10.0
Worcester-JRC	9	3	11	n/a	17	18	17	12.5

Composite rating by rank order.

Site	Composite Rating
Salisbury-CCC	4.6
Northampton-CCC	5.4
Plymouth-CCC	6.1
Lynn-CCC	6.4
Pittsfield-CCC	6.9
Lawrence-CCC	7.3
Taunton-CCC	8.1
Lowell-CCC	8.4
Brockton-CCC	9.1
Quincy-CCC	9.3
Boston-CCC	9.7
Worcester-CCC	10.0
Springfield-CCC	10.4
Dartmouth-CCC	10.9
Fitchburg-CCC	11.0
Worcester-JRC	12.5
Barnstable-CCC	13.4
West Tisbury-CCC	17.0

(c) the amount of each contract awarded to community corrections centers on a per client-day basis:

In the tables below the amount listed for the cost contracted for each community corrections center is composed of the amount contracted for program management, program monitoring, drug testing, and building leases. At sites, such as those leased by the Trial Court directly, there were additional physical plant costs such as utilities, waste removal, etc.. Some sites that are located in public buildings or Trial Court owned facilities may have had no lease costs.

While program management contracts were made with a given agency for the purpose of providing services for one community corrections center, other contracts, such as those for program monitoring or drug testing, may have been made for multiple sites in order to achieve cost savings. In those instances a portion of the cost of the contract was attributed to each community corrections center for which services were provided under the contract. The values listed are for amounts budgeted for FY15. In the event that a vendor does not bill for the entirety of the amount contracted the money reverts to the general fund for distribution in the next fiscal year.

The cost per participant, per day was calculated as follows:

1. The total cost was divided by fifty-two (52) to determine a cost per week
2. The cost per week was divided by the average number of participants per week to determine and average cost per participant, per week
3. The average cost per participant, per week was divided by seven (7) days per week to determine a cost per day.

Site	FY15 projected cost	FY16 average participants per week	Cost per participant, per day
Barnstable CCC	\$ 684,367.00	30.6	\$ 71.65
Boston CCC	\$ 1,419,206.00	51.3	\$ 88.74
Brockton CCC	\$ 815,573.00	34.0	\$ 76.81
Dartmouth CCC	\$ 901,966.00	52.9	\$ 54.61
Fitchburg CCC	\$ 547,339.00	65.3	\$ 26.87
Lawrence CCC	\$ 768,124.00	71.7	\$ 34.32
Lowell CCC	\$ 582,071.00	46.0	\$ 40.59
Lynn CCC	\$ 642,642.00	59.0	\$ 34.89
Northampton CCC	\$ 635,364.00	33.1	\$ 61.59
Pittsfield CCC	\$ 797,687.00	33.7	\$ 75.77
Plymouth CCC	\$ 697,742.00	48.9	\$ 45.76
Quincy CCC	\$ 791,930.00	41.4	\$ 61.33
Salisbury CCC	\$ 489,664.00	54.2	\$ 28.94
Springfield CCC	\$ 872,151.00	38.3	\$ 73.00
Taunton CCC	\$ 620,564.00	23.8	\$ 83.45
West Tisbury CCC	\$ 294,769.00	8.7	\$ 108.59
Worcester CCC	\$ 814,619.00	44.2	\$ 59.12
Worcester JRC	\$ 646,934.00	10.6	\$ 196.23
TOTAL/AVERAGE	\$ 13,022,712.00	41.5	\$ 67.90

(d) standards for terminating contracts with underperforming community corrections centers;

Pursuant to G.L. ch. 211F § 4 the Executive Director reserves the right to place any CCC under the administrative control of the OCC due to noncompliance with OCC program standards, or in the interest of public safety.

The OCC shall move to terminate contracts with CCC vendors subject to the legal counsel of the Office of the Commissioner of Probation and the Executive Office of the Trial Court when:

1. The failure of a contractor to perform represents an immediate threat to the public safety;
2. The performance of a contractor deviates from the agreement so substantially as to defeat the purpose of the contract;
3. The contractor fails to make a good-faith effort to resolve an allegation of contract noncompliance after repeated attempts to do so by the OCC;
4. A funding appropriation is not renewed;
5. A funding appropriation to the OCC is reduced thereby rendering the contracted services inconsistent with the priority to implement intermediate sanctions in a manner that has the greatest impact on promoting the public safety;
6. Exigent circumstances render some portion of the contractor's performance impossible due to loss.

In the event that the OCC alleges an incident of noncompliance due to the quality of performance, the OCC shall exhaust all reasonable measures to resolve contractor noncompliance before seeking to terminate the agreement.

(e) a plan for increasing the use of community corrections centers by the courts, the department of correction and the sheriffs.

In FY 2016 the OCC has continued to engage stakeholders in discussions about how to increase utilization of community corrections centers. While engaging in these discussions the OCC has maintained as a core value for the implementation of intermediate sanctions correctional interventions that are consistent with Evidence-Based Practice (EBP).

With EBP as a core value, the OCC has continued to pursue a strategy of targeting those offenders that are categorized by a validated assessment as HIGH or VERY HIGH risk for recidivism with criminogenic needs in multiple domains such as, pro-criminal attitude, criminal companions, and/or antisocial pattern, for intermediate sanctions at the CCC. The research indicates that treatment oriented intermediate sanctions are effective in reducing recidivism amongst high-risk offenders but that the same interventions are actually harmful to moderate and low-risk offenders. Further there are ample data to indicate that there are scores of offenders in our criminal justice system that have, in fact, been assessed to be at high-risk but are subject only to traditional supervision techniques. While the OCC will continue to engage criminal justice stakeholders on the issue of enhanced supervision at the CCC for high-risk offenders the decision to refer to the CCC ultimately resides either with the court, DOC, or sheriff on whether to access intermediate sanctions at the CCC.

In FY 16 the OCC has undertaken the following with a view towards increasing utilization:

1. Hired a new Director for the Office of Community Corrections
2. Conducted open houses for judges, probation and parole officers, and community-based service providers.
3. In collaboration with Y.O.U. Inc, relocated the Worcester Juvenile Resource Center.
4. In collaboration with the Old Colony Y.M.C.A relocated the Taunton Community Corrections Center
5. Proposed legislation to amend G. L. c. 211F in order to make services available pre-trial.
6. Continued to engage in outreach with extant and emerging specialty courts so that intermediate sanctions can be incorporated into phases of specialty court supervision.
7. Entered into a collaborative partnership with the Addiction Technology Transfer Center at Brown University to further develop the CCCs' EBP proficiency.
8. Collaborated with the Massachusetts Office of Workforce Development to provide a 3 day training for CCC job developers and probation officers to receive certification as Offender Employment Specialists.
9. Funded transportation services from Northern and Southern Berkshire county to the Berkshire CCC
10. In collaboration with the Department of Public Health, initiated two Intimate Partner Abuse Education groups at the Berkshire CCC
11. Discarded intermediate sanctions levels for parole and sheriff's pre-release cases to align with EBP of assessment driven programming
12. Conducted program audits of all CCCs
13. Assisted several courts with drug testing for individuals on standard probation
14. Continued the pilot project of releasing offenders in custody of the Suffolk County Sheriff's Office under post-release supervision to the Suffolk CCC to engage in first post-release contact with Probation Officers in Charge
15. In conjunction with the Addiction Technology Transfer Center, conducted Promoting Awareness of Motivational Incentives trainings at each CCC for all center staff
16. Worked with ATTC to provide Criminal Justice M.A.T.R.S. treatment planning training to all clinical staff at CCCs
17. Collaborated with the Hampden County Sheriff's Office to receive an Executive Office of Public Safety grant to target opioid addiction
18. Distributed quarterly newsletter.

CONCLUSION

As of this date, February 18, 2016, the OCC reports that all contractors are in compliance with their agreements relative to Program Management, Treatment Management, Program Monitoring, and Drug and Alcohol Testing for CCCs.

APPENDIX

1. FY16 Admissions

Site	Total
Barnstable-CCC	47
Boston-CCC	123
Brockton-CCC	64
Dartmouth-CCC	110
Fitchburg-CCC	110
Lawrence-CCC	163
Lowell-CCC	95
Lynn-CCC	105
Northampton-CCC	84
Pittsfield-CCC	82
Plymouth-CCC	66
Quincy-CC C	9
Quincy-CCC	74
Salisbury-CCC	151
Springfield-CCC	89
Taunton-CCC	41
West Tisbury-CCC	18
Worcester-CCC	95
Worcester-JRC	17
Total	1543

2. FY16 Discharges by CCC and Reason

Site	Warrant Issued	Violation of Probation Pending	Higher Custody	Sentence Expired	Deceased	Residential Treatment	Medical/Mental Health	Tranferred CCC/Jurisdiction	Positive Transition	Removed at Request of Supervising Agent	Total
Barnstable-CCC	23	3	9	0	0	4	1	0	18	2	60
Boston-CCC	53	1	13	6	1	2	0	1	22	15	114
Brockton-CCC	22	0	18	7	0	3	1	4	13	1	69
Dartmouth-CCC	36	15	9	5	0	1	0	1	9	2	78
Fitchburg-CCC	24	0	18	5	0	1	1	1	22	4	76
Lawrence-CCC	48	5	18	17	0	11	3	1	33	22	158
Lowell-CCC	24	1	22	2	0	10	1	2	46	9	117
Lynn-CCC	9	0	20	14	0	2	2	1	41	54	143
Northampton-CCC	10	1	18	11	0	5	0	0	41	4	90
Pittsfield-CCC	2	0	26	10	0	3	0	0	36	8	85
Plymouth-CCC	7	0	29	1	0	12	3	2	28	1	83
Quincy-CCC	18	0	15	3	0	12	1	0	32	6	87
Salisbury-CCC	17	10	18	47	0	8	1	0	51	12	164
Springfield-CCC	27	1	19	3	0	0	1	0	34	11	96
Taunton-CCC	9	0	21	2	0	2	0	1	27	0	62
West Tisbury-CCC	0	0	4	3	0	0	0	0	8	1	16
Worcester-CCC	22	3	27	15	0	2	0	3	26	3	101
Worcester-JRC	1	0	10	0	0	1	0	0	5	11	28
TOTAL	352	40	314	151	1	79	15	17	492	166	1627

