



PHILLIP KASSEL
EXECUTIVE DIRECTOR

MENTAL HEALTH LEGAL ADVISORS COMMITTEE

an independent agency under the Massachusetts Judiciary

100 Hancock Street • Suite 1002 • Quincy • Massachusetts • 02171
Main 617.338.2345 • Fax 617.338.2347 • www.mhlac.org

The Honorable Senator William Brownsberger
The Honorable Representative Daniel Hunt
Massachusetts State House
24 Beacon Street
Boston, MA 02133
William.Brownsberger@masenate.gov; Daniel.Hunt@mahouse.gov

January 21, 2026

Dear Senator Brownsberger and Representative Hunt:

Thank you for serving as Co-Chairs of the Special Commission on Correctional Consolidation and Collaboration. Your work reimagining our present system of corrections is incredibly important. On behalf of the Mental Health Legal Advisors Committee,¹ I write to elaborate on my December 12, 2025 and January 12, 2026 testimony on the issue of DOC classification.

DOC Overclassifies People to Medium Security

DOC significantly overclassifies people to medium security and under classifies them to minimum security.² Available data supports my position. Over the past 5 years, the percentage of incarcerated people classed to medium security in DOC has averaged 75.6%, while the national average is 42.4%.³ Meanwhile, the percentage classed to minimum has averaged 11.2%, while the national average is 36.5% (see note 3).

There is no justification for this disparity. Senator Brownsberger and others suggested it may be attributed to the fact that Massachusetts incarcerates more dangerous people than the national average. They point out that, since Massachusetts has the lowest rate of incarceration in the nation, convicted persons who will likely classify to minimum don't enter the system at all.

¹ A state agency under the judiciary, MHLAC provides legal and policy advocacy for people with mental health challenges throughout the Commonwealth, with a particular focus on clients in institutional settings.

² The work of DOC's own Research Division confirms that this is a longstanding tendency. In a 1989 report overseen by DOC's then-Deputy Director of Research, Michael Forcier, the authors "concluded that the DOC classification system results in overclassification of nearly half of all offenders". See [*Testing the Implementation of a Point-Based Classification System: A Comparison of DOC Initial Classifications with the NIC Model Systems Approach*](#) (Forcier, M.W., White, M.) (MA DOC March 1989). While the means employed to circumvent the system have changed over time, security level determinations remain governed by subjective judgments rather than factors researchers have deemed predictive of how imprisoned persons will behave in custody.

³ See [*Objective Prison Classification: A Guide For Correctional Agencies*](#) (2d Ed.) (National Institute of Corrections, U.S. DOJ) (Sept. 2021) at 15 (meta-analysis of validation studies conducted 2004-2020).

While this argument could explain some of the disparity, it is unlikely to account for such significant deviation from national averages.⁴ And the low rate of incarceration here can't explain the fact that DOC's own researchers blame widespread placement in higher-than-necessary security on circumventions of the DOC's Objective Point Base System (OPBS). These judgments are based on an analysis of those who are imprisoned, not those who avoid being locked up.

Specifically, as set forth in the reports presented on January 12, DOC's OPBS *appears* to operate as intended but only when non-discretionary overrides ("restrictions") are excluded from the analysis.⁵ When the "override-informed" cohort of incarcerated persons is included, the predictive accuracy of the tool plummets to such an extent that there is "no appreciable difference" in the conduct of imprisoned people who are placed in minimum versus medium security settings.⁶ This override-informed cohort consists of "more than 3000 males" – representing 43% of DOC's male population during the time period covered by the UMass Chan OPBS Male Report.⁷

It is an elemental function of prison administrators to place those in their custody in appropriate security settings. The OPBS is designed to achieve this by supplying objective criterion promoting accuracy in predicting future institutional misconduct. However, as currently implemented, DOC's OPBS fails in this regard for close to half the DOC population.

Why It Matters: Overclassification is Harmful, Disruptive, and Cost-Ineffective

An objective classification system is considered integral to safe and efficient prison management and to effective rehabilitation.⁸ When classification systems fail, institutions become disordered while those in

⁴ In absolute terms, many other states incarcerate relatively low numbers of people, including Vermont, Hawaii, New Hampshire, Maine, Alaska, Wyoming, and Montana. There's no indication these states depart from the national classification averages to the degree Massachusetts does.

⁵ See *Building Equity in the MA Department of Correction Male Objective Point Base Classification System* (Issue 1, July 2025) (Dept. of Psychiatry & Beh. Sciences Law & Psychiatry Prog., UMass Chan Med. School) ("UMass Chan OPBS Male Report") at 2, Fig. 1. These reports appear to be summaries of more granular research conducted by the UMass Chan Medical School researchers. It would be helpful if DOC could provide the Commission with any additional reports or other work product generated from these efforts.

⁶ *Id.* at 3, Fig. 2. The same holds true for women in DOC custody; however, because women comprise less than 4% of DOC's total population, the citations herein are mostly to the UMass Chan OPBS Male Report and DOC's male population.

⁷ Meanwhile, at present, 3000 inmates represents 51% of DOC's total male population. See [MA DOC Daily Custody, COVID-19 Facility Cell Housing Report](#) (Jan. 14, 2026).

⁸ "It should be emphasized that a well-designed and managed classification . . . process is a cornerstone of an effective prison system, fundamental to ensuring the protection of human rights, the ability to individualize case and sentence planning and the efficient use of limited correctional resources." United Nations Office on Drugs & Crime (UNDOC), [Handbook on the Classification of Prisoners](#) (Vienna, 2020) at 4.

custody are subject to mismanagement and mistreatment, negatively impacting their ability to successfully reenter society.

In particular, *overclassification* incurs avoidable costs⁹ and exposes those affected to excessive trauma. In DOC's own words, "the confinement of a low custody incarcerated individual in a high security setting can be dangerous for those individuals, as it may subject them to threats and physical attacks by more aggressive/hostile incarcerated individuals and it is more costly than necessary."¹⁰ Given the critical importance of a valid and reliable objective classification system, there's no question that DOC's problem of overclassification to higher security must be remediated.

How Do We Fix the Problem?

As DOC's own research reveals, the primary driver of the current problem of over-classification to medium security is the use of non-discretionary overrides (restrictions).¹¹ In particular, the two most frequently applied minimum custody restrictions are Code C (possible civil commitment) and Code D (pending immigration status or detainee).¹²

However, according to the National Institute of Corrections (NIC), "many factors used for classification have little if any predictive capability but exert a strong influence on the custody designation process."¹³ The NIC goes on to highlight six primary "common *nonpredictive* factors," which include detainees.¹⁴ Meanwhile, "possible civil commitment" is simply absent from the list containing what the NIC describes as "the most predictive factors".¹⁵

When you consider additional data, this incongruence is even more pronounced concerning the "possible civil commitment" restriction (Code C). According to the researchers who testified on January 12, Code C

⁹ According to the most recent available data (FY2023), the annual per capita cost to house someone in a medium facility averages \$149,162, while the equivalent minimum facility cost (NECC, Pondville, Boston Pre-Release) is \$128,810. See [MA DOC Per Capita Cost Report Fiscal Year 2024](#) (March 2025). Moving just half the "override-informed" cohort to a minimum facility would thus generate annual savings of over \$30.5 million.

¹⁰ See [MA DOC Male Objective Point Base Classification Manual](#) (May 19, 2025) at 4; [MA DOC Female Objective Point Base Classification Manual](#) (May 19, 2025) at 4.

¹¹ See UMass Chan OPBS Male Report at 2-3, Fig. 2-4.

¹² The list of current restrictions and discretionary overrides can be found at pp. 20 and 22 of the [MA DOC Male Objective Point Base Classification Manual](#) (May 19, 2025). The same minimum custody restrictions – including Codes C and D – apply to the female population. See [MA DOC Female Objective Point Base Classification Manual](#) (May 19, 2025) at 21, 23.

¹³ See [Objective Prison Classification: A Guide For Correctional Agencies](#) (2d Ed.) (National Institute of Corrections, U.S. DOJ) (Sept. 2021) at 52-53.

¹⁴ The other nonpredictive factors cited by the NIC are: severity and number of current or prior convictions; sentence length; history of escape; time left to serve; and alcohol and drug use. *Ibid.*

¹⁵ *Ibid.*

affected approximately 18% of the “override-informed” cohort they studied – or 540 prisoners. And yet, as per DOC figures recently obtained through a public records request, the number of individuals who were civilly committed following a criminal sentence was 11 in 2022; 10 in 2023; and 13 in 2024.¹⁶ This is an astonishingly low amount compared to the number of people negatively impacted by the Code C restriction.

The DOC should stop using any non-discretionary overrides that research does not deem predictive, including its two most popular restrictions (Codes C and D). The use of such factors results in an indefensible level of systemwide over-classification. If the OPBS is properly employed it will result in more persons confined to lower security, which will have the concomitant benefits of improving system management and saving money. Not only is this the appropriate “research driven” response, but it is the right outcome for those in custody as well.

Should you have any further questions or concerns, please feel free to contact me.

Sincerely,

M. Claire Masinton

M. Claire Masinton
Staff Attorney
cmasinton@mhlac.org

¹⁶ The public records request in question was submitted by Mary Valerio on January 15, 2026; DOC provided responsive data that same day.